

# 2006 Annual Report

Observatory for the Protection  
of Human Rights Defenders

## Steadfast in Protest

Foreword by Kofi Annan







## **Steadfast in Protest**



OBSERVATORY FOR THE PROTECTION  
OF HUMAN RIGHTS DEFENDERS

**FIDH / OMCT**

## **Steadfast in Protest**

ANNUAL REPORT 2006

*Foreword by*  
Kofi Annan

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## FOREWORD

*Since the adoption of the Universal Declaration of Human Rights in 1948, the United Nations has aimed to render effective these rights for all, be they civil, political, economic, social or cultural.*

*Although the 1950s and 1960s were characterised by an unprecedented normative effort, which led to the adoption of fundamental covenants, the years that followed were dedicated to implementing these treaties and to monitoring the respect of standards recognised by the international community.*

*In this context, human rights defenders have played an irreplaceable role in protecting victims and denouncing abuses. Their commitment has exposed them to the hostility of dictatorships and the most repressive governments, whose practices they called into question.*

*In 1998, on the occasion of the 50<sup>th</sup> anniversary of the Universal Declaration, the situation had degraded to the point where the United Nations General Assembly adopted a declaration recalling the legitimacy of the fight carried out by defenders, and requesting that all States of the world respect fundamental rights and the actions of those who defend them: the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.*

*This Declaration – which is essential to clearly lay down State obligations regarding this issue – was completed in 2000 with a mechanism of international protection in the form of a Special Representative of the Secretary General on Human Rights Defenders.*

*In the framework of my functions at the head of the United Nations, I have already had the opportunity to highlight the remarkable work carried out by the Special Representative, Ms. Hina Jilani, and to evoke her essential contribution on this issue. The reform that I led during the last*

*years of my mandate should, through the Human Rights Council, further reinforce the weight and influence of this mechanism.*

*However, the protection of victims is only possible thanks to the concerted action of an organised civil society. The international intergovernmental system, which establishes a framework and intervenes in cases of massive violations, would not be able to guarantee respect for human rights on a daily basis and in all circumstances. Indeed, it is close to the victims and in the shortest timeframe possible that action must be undertaken.*

*Yet, this action, which is not only legitimate but essential, is too often hindered or repressed – sometimes brutally – by those whose abuses it calls into question. The initiative taken in 1997 by two non-governmental organisations, the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), to create the Observatory for the Protection of Human Rights Defenders constituted a major step towards helping victims and their defenders. Year after year, their urgent interventions, field missions and the observations of trials against human rights defenders have greatly contributed to ensuring better protection for defenders.*

*The report that the Observatory releases each year while international bodies debate on the measures to adopt has contributed – thanks to its quality and rigour – to reinforce the role of defenders and, consequently, to improve the protection offered to victims.*

*Much remains to be done, as shown in the 2006 Report, which, unfortunately, continues to present grave violations aimed at criminalising and imposing abusive restrictions on the activities of human rights defenders.*

*I congratulate the Observatory and its two founding organisations for this remarkable work, and I invite all actors to conform to the rules adopted in 1948.*

Mr. Kofi Annan

Former Secretary General of the United Nations Organisation (1997 - 2006)

## INTRODUCTION

*"I am just one human  
being among many [...].  
I live in the present noting  
down what I see"*<sup>1</sup>.

Anna Politkovskaya

On October 7, 2006, Ms. Anna Politkovskaya, a journalist for *Novaya Gazetta* and an untiring human rights activist, was assassinated at her home in Moscow, in the *Russian Federation*. Her crime: revealing publicly and tirelessly the fate suffered by the most oppressed, in particular victims of the war in Chechnya and soldiers' mothers.

This murder shattered international public opinion, but 2006 was marked by other tragic assassinations of anonymous human rights defenders. On June 26, 2006 for instance, Mr. Wilfredo Cornea, head of a peasants' rights defence organisation in the *Philippines*, was murdered at his home in the Mulawin Hacienda by two unidentified individuals. On April 28, 2006, the body of Mr. Thabet Hussein Ali, leader of a health-sector trade union, was found riddled with bullets in Baghdad, in *Iraq*, after having been tortured. On September 13, 2006, Mr. Gregorio Izquierdo Meléndez, a leader of the Permanent Committee for the Defence of Human Rights in *Colombia*, was murdered in the Arauca region. In *Thailand*, Mr. Thares Sodsri, an environmental rights activist in the Rachaburi region, has been missing since December 1, 2006. It is feared that he has been murdered.

These dramatic situations represent only a tiny proportion of the cases registered by the Observatory for the Protection of Human Rights Defenders, which has documented the situation of 1,311 human rights defenders targeted by acts of repression in close to 90 countries in 2006<sup>2</sup>.

1. See *Putin's Russia*, The Harvill Press, 2004.

2. See statistics p. 625.

When defenders do not pay for their commitment with their own lives, their physical and psychological integrity, and freedom, are endangered. Death threats, torture and ill-treatment, arbitrary arrests and detentions, defamation campaigns are the daily experience of scores of men and women who defend human rights and fundamental freedoms.

### Who are those responsible?

States, who should be the first to protect defenders, are often those sponsoring repression against them. This is the case when acts of repression are perpetrated by members of intelligence services, the police or the army; when the lack of independence of the judiciary is such that it embodies a deliberate intention to punish all dissident voices; or when laws aimed at restricting defenders' freedom of action are enacted, in flagrant violation of international human rights law. This is also the case when, exploiting exacerbated nationalist sentiments, authorities libel human rights defenders as terrorists, extremists or enemies of the State, therefore discrediting them and giving a free hand to the perpetrators of violence against them. Lastly, States are responsible when they are guilty of criminal negligence, failing to do all that is in their power to protect defenders.

Non-State actors (armed opposition groups, paramilitary groups, death squads, ultra-nationalist groups, multinational corporations, land owners, etc.) are also behind reprisals, often very violent, against defenders who are considered as obstacles to their "projects" or ideologies. States often play an indirect role that is just as significant when they foster a climate of impunity or act as accomplices to these militia and paramilitary groups.

### The law, an instrument of arbitrary treatment

2006 saw the consolidation of a growing trend: using the legislative arsenal to repress freedoms of association, expression and peaceful assembly in States that consider independent civil society as a threat. This method, which is a formidable tool for blocking the activities of human rights defenders, seems to have become generalised, via the adoption of restrictive laws on associations, which impede the registration of organisations, limit their capacity to receive funds, facilitate official interference in internal organisational matters and criminalise

defenders (*Belarus, Cambodia, India, Nigeria, Peru, Russian Federation, Sudan, Uganda, Uzbekistan, Venezuela, Vietnam*).

Elsewhere, the adoption of anti-terrorist (*Bahrain, Jordan*) and anti-extremist legislations (*Philippines, Russian Federation, Sri Lanka*) that, among others, limit freedoms of expression and peaceful assembly, also hamper the defenders' activity. The same holds for recently enacted state-of-emergency laws (*Nepal, Philippines*). Such laws are already used by many States to restrict fundamental freedoms, in particular in North Africa and Middle East countries (*Algeria, Egypt, Syria*).

It must also be underlined that some States tolerate no expression whatsoever of dissent, including *Libya*, certain Arabian Gulf countries (*Oman, Saudi Arabia, United Arab Emirates*), *Burma, Laos, Turkmenistan, Equatorial Guinea* or *Eritrea*.

### Conflicts and political crises: defenders as collateral victims

Defenders operating in conflict or post-conflict situations continued to be at great risk, due not only to the overall insecurity affecting civilian populations but also and primarily due to accusations of partiality levelled against them by the parties to the conflict, whose exactions were denounced by defenders.

In the *Philippines*, the number of extra-judiciary executions of defenders who denounced violations committed by the government and the army rose dramatically. Likewise in *Sudan*, defenders who revealed massive human rights violations perpetrated in the Darfur region suffered reprisals. In *Colombia*, defenders continued to be caught between guerrilla forces, paramilitary groups and government authorities. In this context, they were the victims of severe violence and/or repeatedly accused and detained for "rebellion". In *Iraq*, defenders were the target of armed militia forces. In *Israel* and the *Occupied Palestinian Territories*, they continued to face extreme difficulties, particularly hampering their freedom of movement. In these and other countries (*Afghanistan, Sri Lanka*), the situation of humanitarian staff was particularly critical.

In post-conflict situations, defenders who called for appeasement of confrontation were also subjected to retaliatory measures. In this respect, increased arbitrary arrests and threats were observed in *Burundi*. In *Syria* as well, massive arrests were carried out in May after the signature

of the Damascus-Beirut/Beirut-Damascus Declaration by nearly 500 Syrian and Lebanese intellectuals and defenders, calling for normalisation of relations between Lebanon and Syria.

Finally, human rights defenders were subjected to serious acts of harassment in contexts of difficult political transition, where once again their impartiality was challenged. This was the case in the *Democratic Republic of Congo*, where defenders were accused of belonging to different political camps, and in *Bangladesh* during the pre-electoral period. Likewise in *Ethiopia*, defenders continued to suffer the consequences of the waves of repression that followed the contested legislative elections in 2005.

### The fight against impunity, a factor of increased vulnerability

Particularly exposed were defenders who investigated past crimes so that the perpetrators of the most serious violations be punished. As a matter of fact, the quest for truth and justice undeniably increases the vulnerability of human rights defenders.

This was the case for activists in *Algeria* who criticised the adoption of the Charter for Peace and National Reconciliation, which grants amnesty to the authors of human rights violations committed during the internal conflict that wracked the country after 1992. In *Argentina*, several defenders were threatened after they denounced the disappearance of Mr. Jorge Julio López, a key witness in the trial of Mr. Miguel Osvaldo Etchecolatz, former director general of the Investigations Department of Buenos Aires and prosecuted for crimes against humanity committed under the military dictatorship. In *China*, the Tiananmen Mothers remained subjected to repeated harassment. Defenders in *Uzbekistan* who tried to shed light on the May 2005 events in Andijan continued to be vigorously repressed. People who investigated crimes committed in Ituri, in order to collaborate with pending investigations before the International Criminal Court, were threatened in the *Democratic Republic of Congo*. Likewise, in the *Balkans*, activists who called for the arrest of war criminals so they can be judged by the International Criminal Tribunal for the former Yugoslavia (ICTY) were also subjected to reprisals.

Defending social, economic and cultural rights:  
a high-risk commitment

In a world characterised by an ever-widening inequality gap between North and South countries, by unbridled economic growth and its uncontrolled consequences in “emerging” countries such as India or China, and by the relegation of whole segments of the population in the process of reallocation of the profits derived from the exploitation of natural resources – phenomena that engender both violence and impoverishment – those who fight for economic, social and cultural rights were the first targets of repression.

Trade union rights were flouted, or non-existent, in many countries, especially in Asia (*China, South Korea*), the Middle East (*Saudi Arabia, United Arab Emirates*), and *Djibouti*. Trade union leaders, seen as obstacles that keep businesses, including multinational corporations, from operating “properly”, were the victims of violence, generally committed by private security companies, and often with the complicity of local and/or national authorities. Many were assassinated in *Colombia* and in the *Philippines*. Moreover, in *Iran*, several union leaders victims of the success of trade union movements that have been increasingly present and active were detained for long periods of time.

More generally, those who protested against precarious living conditions, linked in part to corruption and economic mismanagement, were the targets of severe repression (*Congo-Brazzaville, Democratic Republic of Congo, Niger, Zimbabwe*). Social protest movements in Latin America, which have grown to unprecedented proportions in past years, were subjected to a repression and use of force that have been more and more disproportionate, as illustrated by the tragic events in *Oaxaca, Mexico*.

In this context, defenders of the rights of indigenous peoples (*Colombia, Chile, Ecuador*), land rights (*Brazil*) and the right to protection of the environment (*India, Guatemala, Honduras, Thailand*) were particularly targeted. Many peasant leaders were killed in the *Philippines*, often in connection with conflicts over land reform.

Likewise, in Asia in particular, the lawyers and defenders of thousands of families who were the victims of forcible and violent expulsion as the results of urban renewal and industrial expansion projects were harassed, pursued and arbitrarily detained. This was the case in *Bangladesh, Cambodia, China, Thailand* and *Vietnam*.

Defenders of ethnic and sexual minority groups were particularly repressed. In the *Russian Federation*, defenders of minority rights and anti-fascist militants were more than ever subjected to violence, in an atmosphere of escalating xenophobia. In *Turkey*, the proponents of the Kurd and Armenian minorities were also the object of reprisals, as shown by the assassination of Mr. Hrant Dink, editor-in-chief of the Turkish-Armenian paper *Agos*, on January 19, 2007. Likewise, defenders of sexual minorities were subjected to violence, defamation and restrictions of their freedom of association on all continents. For instance, in Africa, some laws appear to have been adopted to prevent the creation of organisations for the defence of homosexuals (*Nigeria, Uganda*). In the Americas, defenders of the rights of gays, lesbians, bisexuals and transsexuals continued to face discrimination, when they were not confronted with escalating homophobia (*Argentina, Honduras, Jamaica, Salvador*).

#### Women defenders doubly targeted

Women who defend human rights were subjected to attacks on more than one front. As the main defenders of women's rights in countries where these rights are denied on cultural, social or religious grounds, these women defenders were on the frontline. This was the case in countries like *Afghanistan, Pakistan* and *Iran*. In *Iran*, for instance, several peaceful gatherings to protest against the discriminatory status accorded to women were violently dispersed. Women's rights groups were also targeted in Latin America. In *Colombia*, the women who dared to work for the reconstruction of the social fabric, without going through paramilitary groups who seek to control certain cities or regions and whose social rules are profoundly misogynous, were subjected to very serious reprisals. For instance, Ms. Yamile Agudelo Peñalosa, a member of the Women's Popular Organisation (OFP) in Barrancabermeja, was tortured and sexually abused, before being killed in March 2006. In *Peru* and *Nicaragua*, the organisations committed to fighting for abortion rights confronted serious difficulties. In *Guatemala*, the Ixqik Women's Association continued to face harassment and threats, in retaliation for its defence and legal support to the victims of gender violence. In Africa, OCODEFAD members in the *Central African Republic* received dire threats in reaction to their fight against impunity, in particular for sexual crimes in times of conflict.

## Regional and international protection

Awareness of the need to more effectively protect human rights defenders throughout the world seems to be shared today by a growing number of actors within regional and international organisations, as witnessed by the contributions made to this report by Mr. Kofi Annan for the United Nations, Ms. Salamata Sawadogo and Ms. Reine Alapini-Gansou for the African Commission on Human and Peoples' Rights (ACHPR), Mr. Santiago Canton for the Inter-American Commission on Human Rights (IACHR), Mr. Thomas Hammarberg for the Council of Europe, Mr. Abdou Diouf for the International Organisation of the Francophonie (OIF), Mr. Christian Strohal for the Organisation for Security and Co-operation in Europe (OSCE) and Mr. Michael Matthiessen for the European Union. We thank them warmly for their testimony. This trend is welcomed by the Observatory, of which a main activity is the mobilisation of the international community to create mechanisms to protect human rights defenders.

In particular, at the Annual Human Dimension Implementation Meeting of OSCE, in October 2006, the Office for Democratic Institutions and Human Rights (ODIHR) announced the creation of a special office dedicated to the protection of defenders, as of early 2007. A Supplementary Human Dimension Implementation Meeting that was held in March 2006 contributed to this initiative.

A similarly important step was taken in November 2006 at the Colloquy on Human Rights Defenders organised by the Council of Europe's Commissioner for Human Rights, in collaboration with the Directorate General of Human Rights. The Commissioner for Human Rights was "strongly encouraged to develop the role and the capacity of his Office in this respect so as to achieve an effective mechanism to protect human rights defenders in urgent cases". In addition, the Legal Affairs Commission of the Council of Europe's Parliamentary Assembly designated a Special Rapporteur on this issue, on the basis of a draft resolution submitted by the Observatory.

These significant new initiatives supplement existing protection mechanisms. Prominent among these is the Special Representative for Human Rights Defenders of the Secretary General of the United Nations, whose mandate was extended this year for a one-year period, in the framework of the reform of human rights protection mecha-

nisms at the United Nations. The 2006 report drawn up by Ms. Hina Jilani outlines, in extremely well documented details, the “outstanding events” regarding the situation of human rights defenders that were compiled during the six years of her mandate. This impressive document is representative of the highly rigorous and exemplary work carried out by the Special Representative over the six – soon to be seven – years of her term. One of the major challenges of 2007 will be the renewal of this mandate, which is of crucial importance for defenders throughout the world.

At the regional level, existing mechanisms such as the Special Unit for Human Rights Defenders at the IACHR, and the ACHPR Special Rapporteur on Human Rights Defenders in Africa continued their activity, in a particularly difficult context for the African Commission as its independence was strongly contested by the African Heads of State.

In the European Union (EU), 2006 was marked by a strong increase in the number of public statements expressed by the European Parliament and the EU Council on the situation of Human Rights Defenders in certain countries. 2006 also saw the evaluation of the implementation of the EU Guidelines on Human Rights Defenders, two years after their adoption in June 2004. In this respect, the Observatory emphasises the importance and essential nature of this instrument, but notes that it is still not sufficiently well known, either to defenders, EU field delegations or Member States’ missions.

Finally, the Observatory would like to highlight the extent to which the silence of democratic States, regardless of regions, contributes to giving credit to the repression against defenders. While the mobilisation of many States has increased, much remains to be done. Effective protection means a public commitment in favour of defenders, but also the implementation of concrete measures, including, in the last resort, assistance to help defenders leave certain countries and obtain temporary asylum. This commitment is still too often lacking.

As the Observatory celebrates ten years of existence, this report wishes to render a forceful homage to the women and men who fight for the respect of the rights of all humans.

Because they challenge the foundations of authoritarian regimes and certain economic interests in the name of international human rights law, because they fight to see the authors of the most serious

and unacceptable crimes punished, and because they combat all forms of discrimination, it is more than ever necessary to recall the essential role played by these highly courageous men and women.

It is incumbent upon all of us to support their action for the respect of human rights for all.

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## Methodology

The 2006 Annual Report of the Observatory for the Protection of Human Rights Defenders presents an analysis of the situation of human rights defenders in each region of the world. These analyses are followed by compilations of all the cases dealt with by the Observatory in 2006, and by updated information on cases from the 2005 Report.

In addition to reporting the repression affecting individuals or groups, this report also aims at analysing trends of the repression targeting defenders and the strategies implemented by a number of actors, first among them being States.

The cases studied reflect the alert, mobilisation and support activities conducted by the Observatory, on the basis of information received from member organisations and partners of FIDH and OMCT<sup>3</sup>. However, the list of cases (presented here as statistics in annex<sup>4</sup>) is not exhaustive, especially as in some States systematic repression is so widespread that any organised human rights activity is impossible.

In addition to alert and analysis activities, the Observatory pursued its effort to mobilise the international community to promote the creation of protection mechanisms<sup>5</sup>. The Observatory's action has been successful, as we have seen, in a certain number of cases, and this growing mobilisation of international bodies must be supported and encouraged. This is why the Observatory has wished to devote a significant part to the action of these mechanisms, and to gather testimony from representatives of their implementing bodies. Their crucial contributions follow hereafter.

3. See p. 631.

4. See p. 625.

5. See FIDH and OMCT websites for more information on these different mechanisms.



**THE AFRICAN COMMISSION ON HUMAN  
AND PEOPLES' RIGHTS  
AND HUMAN RIGHTS DEFENDERS**

The desire of civil society actors and of the African Commission on Human and Peoples' Rights (ACHPR) to better promote and protect the rights of human rights defenders has met with some normative success. The adoption of the United Nations Declaration on Human Rights Defenders in 1998, of the Grand Baie Maurice Declaration in 1999 and of the Kigali Declaration in 2003, is significant in that respect. The Grand Baie Maurice Declaration has the ambition to be the corollary of the United Nations Declaration: through its plan of action, the African States affirm the principles of universality, indivisibility and interdependence of human rights. The Kigali Declaration, which reaffirms the attachment of the States to the aims of the United Nations, stressing the importance of the respect for, the promotion and the protection of human rights, in accordance with the provisions of the African Charter on Human and Peoples' Rights (hereafter the African Charter), is also of great importance for human rights defenders.

Furthermore, in the same way as human rights bodies in other parts of the world, the ACHPR was born of the need to afford adequate protection to human rights. Under Article 45 of the African Charter, it has a protective mission that now gives it considerable visibility, with the presence of numerous NGOs and States at each of its sessions.

In connection with its protective mission, the Commission receives communications, and has by now dealt with hundreds of cases, in which it has handed down about 400 decisions. In that respect, the Commission welcomes the fact that, from now on, the long-awaited African Court on Human and Peoples' Rights will fill the need for a jurisdiction whose rulings will be binding.

The Commission has also set up special procedures for better protection of certain specific rights, basing itself on the legal foundations of the African Charter, which enable the Commission to have recourse to other methods and strategies for protecting human rights. During the past ten years, the Commission has adopted a number of resolutions, several of which set up special mechanisms, including the Special Rapporteur on human rights defenders in Africa. This mandate, which was instituted in June 2004 and renewed in December 2005, and to which the Observatory for the Protection of Human Rights Defenders made a significant contribution, is so far the only regional one in existence; it is complementary to that of Ms. Hina Jilani in the United Nations system.

The recurring issues that have captured our attention in the framework of this mandate are the following: the role of national commissions in the protection and the promotion of the rights of human rights defenders in Africa, the role of the media in the protection and the promotion of the rights of human rights defenders in Africa, the situation of human rights defenders in countries which are in conflict or in a post-conflict situation, the situation of women defenders in Africa, the information and training of human rights defenders to use their different means of actions.

The creation of this mandate responded to the scope of the prejudice inflicted on human rights defenders and the negation of the rights of such persons or groups of persons, who have chosen to participate in the development of our continent through a strong commitment in favour of fundamental freedoms. In many such struggles, the persons concerned lost their life, or at least their life plan.

We want to speak out boldly that each human rights defender who loses his or her life in such action is a loss for the whole of mankind.

There are still major challenges to be met: our aim must be to anchor democracy and good governance in a context where human rights are flouted and despised. Another challenge is to have the courage to fight against impunity in a conflict or post-conflict environment, which prevails in many States, such as Sudan, Uganda and Côte d'Ivoire.

To meet these challenges, the ACHPR is facing a number of difficulties, mainly of a material kind; the Commission, which is so far the only body established by treaty for implementing the rights guaranteed by the African Charter on Human and Peoples' Rights, is sorely lacking in logistic and human facilities, which is detrimental to the sustainable nature of its mission. This is a handicap for attaining our common aims, including the protection of human rights defenders. Paradoxically, it is also an additional reason for human rights actors to work in partnership, to gather their efforts whenever possible, in order not only to build on what has been achieved, but also to strengthen their action. To this extent, cooperation between the ACHPR and the Observatory is essential.

Ms. Salamata Sawadogo  
President of the African Commission on Human and Peoples' Rights

Ms. Reine Alapini-Gansou  
Special Rapporteur on Human Rights Defenders in Africa



## THE COUNCIL OF EUROPE AND HUMAN RIGHTS DEFENDERS

### Human rights defenders must be able to criticize

It still happens that governments hit back when their human rights record is questioned and not seldom they aim at the messengers instead of addressing the problems. In my work I have been surprised that leading politicians so often talk negatively – in private or even publicly – about human rights defenders in their own country.

Human rights NGOs, journalists and even ombudsmen have been accused of being unpatriotic after reporting human rights violations or having communicated with international organizations or media abroad. Factual errors, even minor ones, have sometimes been used to prove that such defenders are irresponsible or act in bad faith. This attitude only harms the ongoing effort to advance a serious dialogue on human rights.

The UN began discussions on the issue of government interference and attempts at silencing human rights activists some thirty years ago, and eventually adopted a declaration in support of human rights defenders in 1998.

At that moment, all basic civil and political rights were already part of the body of internationally accepted human rights standards. However, this declaration was instrumental in focusing the attention on the *implementation* of those rights. Indeed, this declaration was an important step in trying to give teeth to principle documents on human rights, but – despite that – unfortunately many grave problems persist.

Human rights defenders continue to be deprived of basic freedoms such as the freedom of movement, expression, assembly or association.

Some are threatened with criminal prosecution and made victims of unfair trials. Some are arrested and tortured, and others are even executed. Many voices have been silenced and continue to be silenced.

When the text of the UN declaration was adopted, UN Secretary General Kofi Annan memorably said that “When the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe”.

That is why solidarity with human rights defenders is particularly critical. In such efforts we can be inspired by the lives and achievements of human rights defenders who have set an example for all of us.

One of them is Andrei Sakharov, who was still alive when the declaration was agreed upon. Even when he was locked up in an apartment in Gorky, he continued to write appeals for prisoners of conscience in the Soviet Union and other countries. The spirit of his work and the values he represented are still felt today. The strength and devotion of people like him will keep us going ahead on this difficult road.

Mr. Thomas Hammarberg  
Human Rights Commissioner of the Council of Europe

**THE INTER-AMERICAN COMMISSION  
ON HUMAN RIGHTS  
AND HUMAN RIGHTS DEFENDERS**

Human rights were formally born in Latin America with the adoption of the American Declaration of the Rights and Duties of Man in May of 1948, a couple months before the adoption of the Universal Declaration of Human Rights. A few decades later, during the sixties, seventies and beginning of the eighties, the region was characterized by the struggle against the massive and systematic violations of human rights that took place under the military dictatorships in South America and in the civil wars of Central America.

The tireless work of human rights defenders during the dictatorships demonstrated their capacity to save thousands of lives, and since then their activities have been essential in the defence of rights. Throughout these decades, human rights defenders have persisted to denounce the human rights violations that they witness even during internal armed conflicts, in spite of the tremendous risks they face.

Partly as a result of the fight of human rights defenders the region, with the exception of Cuba, is now universally ruled by governments elected by the people. Nonetheless, their work as guardians of our rights continues to be essential. Human rights in Latin America are usually associated with the struggle against disappearances, torture and extra-judicial executions. Yet these common perceptions should not overshadow the status of human rights as the essence of democracy. Human rights stand for equal justice, and they represent the need to leave poverty and oppression in the past. The work of human rights defenders is crucial in the process of strengthening democracies, and thus any democratic society should not only protect but also encourage human rights activities. For this reason, the day-to-day problems that human rights defenders face have been a matter of particular interest

in the work of the Inter-American Commission on Human Rights (IACHR).

Since it was established, the Inter-American Commission on Human Rights has followed the work of, supported, and expressed its recognition for those who, with their work, have helped create the conditions for the development of human rights. In March of 2006, as required by the General Assembly of the Organization of American States (OAS), the Commission published a comprehensive study on the situation of human rights defenders in the Americas, identifying the patterns of violations of those who work in the defence of human rights in the region, and at the same time highlighting the special risk faced by some groups of defenders.

The Commission verified in its report that attacks, threats, and harassment, used as an instrument to thwart and hinder the work of human rights defenders, constitute a pattern that can be discerned in many countries of the region. Some of these violations are committed by illegal armed groups with the acquiescence or tolerance of the states in which they act. The violation of the home and other arbitrary or abusive entry to the offices of human rights organizations is another common way of diminishing the actions of human rights defenders. Furthermore, judicial actions, smear campaigns and official statements against defenders are constantly used to prevent or hamper their work.

This situation has especially affected trade union leaders, who are particularly exposed during periods leading up to changes in rights in their unions; campesino and community leaders, who stage or organize public demonstrations; indigenous leaders, who defend the rights of their peoples; and judicial officers, especially to the extent they bring cases on human rights violations. Women human rights defenders have also faced severe hardships when seeking to promote and protect women's rights, a situation exacerbated by their historical disadvantages. Acts directed at these groups send an intimidating message to society as a whole, discouraging victims of human rights violations from lodging complaints and dissuading other human rights defenders to maintain the search for justice.

Not only should violence targeting human rights defenders be eliminated, but the work of these defenders should be facilitated and promoted. The fundamental role played by human rights defenders in guaranteeing democracy and the rule of law needs to be recognized publicly and unequivocally by every State. This can only become true if States recognize the importance of the work carried out by human rights defenders as a matter of public policy, strengthening domestic mechanisms of justice and eradicating impunity over violations committed against them.

National, regional and international non-governmental and inter-governmental organizations need to join their efforts to call upon attention states to take urgent action to stop impunity of the acts of repression and violence against those who fight for the respect of human rights. The work of the Observatory for the Protection of Human Rights Defenders, created by the World Organisation Against Torture and the International Federation for Human Rights, constitutes an essential mechanism to ensure the effective development of the work of human rights defenders and this annual report on the occasion of the United Nations Human Rights Council represents an enormous contribution to the protection of their rights, and thus to the promotion of human rights in the hemisphere.

Mr. Santiago A. Canton  
Executive Secretary of the Inter-American Commission on Human Rights



**THE INTERNATIONAL ORGANISATION  
OF THE FRANCOPHONIE  
AND HUMAN RIGHTS DEFENDERS**

The Declaration of Bamako, adopted on November 3, 2000 by the Ministers and Heads of Delegation, of which the major importance as a normative instrument and a reference with regard to democracy, rights and freedoms, was confirmed by the Heads of State and Government of countries sharing the use of the French language at their 9<sup>th</sup> Summit in Beirut in October 2002, expresses the principles and commitments of Francophonie around four crucial themes:

The consolidation of the rule of law, the organisation of free, honest and transparent elections, a calmed political scene, and the interiorisation of the culture of democracy and respect for human rights. These goals are also highlighted as factors of peace and sustainable development in Article 1 of the new “Francophonie Charter”, resulting from the work of the Antananarivo Ministerial Conference in November 2005.

In this process, endorsed by the 11<sup>th</sup> Summit in Bucharest in September 2006, the protection of human rights defenders is of crucial importance, in view of the decisive role played by defenders in all mentioned areas.

This point was emphasised in the Programme of Action appended to the Declaration of Bamako, which specifies that the Francophonie aims at “consolidating the active role of NGOs in the area of democracy and human rights”, giving stronger support to “the initiatives and field projects developed [by them] for the promotion of the culture of human rights, democracy, good governance and peace”, and also to “the activities of networks grouping them together with national, regional and international NGOs” (chapter III-5). More

specifically, it was planned that it should give “support to human rights defenders, making use in particular of the specialised structures and instruments” (chapter IV, Item 3)<sup>1</sup>.

This priority was recently reaffirmed, both during the Bamako + 5 Symposium in November 2005, and in the Declaration adopted in Saint-Boniface (Canada), on May 14, 2006, in the framework of the Ministerial Conference on “the prevention of conflicts and human security”. In that context, States and Governments undertook “to promote the action of human rights defenders and to guarantee their protection” (Article 31).

The principle of the “responsibility to protect” endorsed by the Conference reinforces the mechanism designed to follow-up the commitments enshrined in the Bamako Declaration. Chapter V specifies that “in the case of a breakdown of democracy or serious human rights violations”, the Secretary General, in liaison with the various bodies of the Francophonie, is authorised, for the sake of prevention, to take specific measures both on the basis of information transmitted by the Francophone Observatory for practices of democracy, rights and freedoms, and on the basis of “communications” from the INGOs recognised by the international community, in particular by the Francophonie, who thereby perform a noteworthy function.

Nevertheless, despite this array of measures that has been progressively consolidated, and the development of a diversified Francophone mechanism for the promotion and protection of human rights, based in particular on the vitality and solidarity of institutional networks, but also on a renewed partnership with civil society and other international organisations concerned, such as the United Nations High Commissioner for Human Rights, it would appear that respect for these rights in the French-speaking area still suffers multiple shortcomings, in violation of the commitments ensured by both international and regional treaties and in the Declaration of Bamako.

1. Non-official translation.

The unduly large number of cases dealt with this year by the Observatory for the Protection of Human Rights Defenders bears witness to this: assassinations, death threats, acts of harassment, smear campaigns are the daily lot, including in Francophone member countries, of those who struggle for the rule of law, democracy, peace, or who fight impunity, simply because of their commitment. In 2006 alone, the Observatory carried out 66 urgent interventions relating to acts of repression inflicted on human rights defenders in 14 member countries, mainly on the African continent, and in two countries with Francophonie observer status.

This is why, aware of the major challenges to be met and desiring to mobilise in greater depth all the actors capable of contributing to a significant improvement of the situation of all human rights and freedoms, the International Organisation of the Francophonie is determined to continue to support the action of the Observatory.

First, insofar as it plays a vital role in alerting and protecting, in emergency situations, human rights defenders who are in danger, especially as recurring acts of reprisal against defenders can well constitute, or at least contribute to, a crisis or breakdown of democracy.

Also because such an action can be conducive to the establishment of a genuine policy of prevention and peaceful settlement of conflicts, in which defenders can usefully fulfil their role safely and freely.

Lastly, and I express this wish, because such protective action can help to anchor, in all minds and in law, the appreciation of the important role played by these activists, women and men, in the defence of universally recognised values.

Mr. Abdou Diouf

Secretary General of the International Organisation of the Francophonie



**THE ORGANISATION FOR SECURITY  
AND COOPERATION IN EUROPE  
AND HUMAN RIGHTS DEFENDERS**

Ever since the signing of the Helsinki Final Act in 1975, the 56 participating States of the Organization for Security and Co-operation in Europe (OSCE) have committed themselves to an impressive body of obligations on protecting human rights, ensuring the rule of law, and making pluralistic democracy the only form of government. The implementation of these promises, however, remains a daily challenge and is, all too often, lacking. The situation of human rights defenders is a key reality check in this regard. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has been actively supporting human rights defenders for many years. Within its mandate to assist participating States in implementing their OSCE commitments, the ODIHR has used its expertise to educate human rights workers, build the capacity of NGOs, set up institutions to protect human rights defenders, and encourage participating States to create a legal environment favourable to their work. We have also welcomed ever-increasing numbers of human rights defenders to the annual Human Dimension Implementation Meeting in Warsaw, which provides them with an open forum to highlight the very real dangers and challenges they face in their daily work.

A careful reading of the OSCE commitments shows that though the term "human rights defender" is not used as such, the commitments cover many important aspects of their work. Examples include the universal right to freely seek, receive and impart views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views, to study and discuss the observance of international human rights standards, and to develop and discuss means to enhance their implementation. OSCE States have also specifically committed themselves to guaranteeing freedom of association

with respect to groups that monitor human rights. They are to be allowed unhindered access to communication both within their countries and from abroad, and possess the right not only to co-operate with other groups and individuals, but also to solicit, receive and use voluntary financial contributions from both national and international sources.

It is unacceptable that these binding commitments are not always fully implemented and in some cases blatantly violated. In our recently published report *Common Responsibility*, presented to the OSCE Ministerial Council in December, the ODIHR noted that while the framework for civil society had improved in a number of States, the recent past has been marked by a visible trend of alienation between human rights defenders and state authorities. Human rights defenders are even at times portrayed by authorities as “enemies of the state” in an attempt to sway public opinion against their activities. We noted that in a number of OSCE States, human rights defenders continually work under unacceptable pressure from state authorities and face restrictions on the exercise of their freedoms of expression, association and assembly. There are still too many cases in which human rights defenders are subject to unnecessary bureaucratic burdens, arbitrary detentions, assaults, ill-treatment, or defamation campaigns.

In response to this trend and in order to co-ordinate our efforts office-wide, in 2006 the ODIHR set up a special focal point on human rights defenders and national human rights institutions. It will concentrate our capacity-building efforts through human rights education and training, promote the dissemination of the *ODIHR Guidelines on Freedom of Assembly* (to be published in the first half of 2007), and work with OSCE missions to monitor the situation of human rights defenders. The ODIHR is currently in the process of developing a tool-kit on freedom of association to provide practical assistance for the implementation of this right so vital to human rights defenders. The focal point will also monitor and follow up on the situation of human rights defenders within the ODIHR’s monitoring mandate, and co-operate closely with other international organisations active in the OSCE region. Furthermore, we will seek to create networks amongst human rights defenders as a means of enhancing both the

quality of their work and the documentation of violations of their rights.

With regard to national institutions, the ODIHR will assist the creation of independent national human rights institutions in conformity with the United Nations Paris Principles, and will work to further strengthen such institutions where they already exist. Such independent expert bodies can be effective tools for addressing the many challenges human rights defenders face at the national level, and the ODIHR will encourage them to take up individual cases as well as thematic issues.

I wish to congratulate the Observatory on its activities – we regularly use your valuable and credible information in our work to monitor the implementation of OSCE commitments. The efforts of the Observatory and other human rights NGOs will continue to assist us greatly in our work to ensure that human rights defenders can do their work in a constructive and tolerant atmosphere, free from fear and intimidation. The creation of such an environment, vital to the maintenance of security throughout the OSCE region, is the duty and responsibility of all OSCE participating States, to be realized both individually and collectively.

Mr. Christian Strohal

Director of the Office for Democratic Institutions and Human Rights  
of the Organisation for Security and Cooperation in Europe



## THE EUROPEAN UNION AND HUMAN RIGHTS DEFENDERS

The high importance the European Union attaches to the issue of human rights defenders is clearly laid out in the “EU Guidelines on Human Rights”, covering a set of five guidelines including death penalty, torture, human rights dialogues, children and armed conflict and human rights defenders<sup>1</sup>.

The “Guidelines on Human Rights Defenders”, adopted by EU Ministers in June 2004, state in their first sentence that “support for human rights defenders is already a long established element of the European Union’s human rights external relations policy”. The EU has actively promoted the operational part of the guidelines on human rights defenders including monitoring, reporting and assessment as well as active support by EU diplomatic missions for them. The EU also actively and continuously engages in promoting respect for human rights defenders in relations with third countries and in multilateral fora. Another important aspect in protecting defenders is the support for Special Procedures of the UN Human Rights Council (HRC), which will hopefully be confirmed by members of the HRC before the end of their mandates in June 2007. In this context the EU emphasized in the course of 2006 the importance of the mandate of the UN Special Representative of the Secretary General on the situation of human rights defenders, and the crucial role she played in implementing the UN Declaration on human rights defenders.

In 2006 the EU continued to carry out demarches and publish declarations for the protection of defenders in several countries, where their protection is not provided for as requested by international rules

1. See website of the Council of the EU <http://www.consilium.europa.eu/Human-Rights>.

and regulations on human rights (including Iran, Uzbekistan, Syria, China, Russia). The Personal Representative of the Secretary General and High Representative for Human Rights as well as other EU actors met with many human rights defenders during the whole year.

A first review of the implementation of the EU Guidelines on human rights defenders was approved by the Political and Security Committee and welcomed by the Council in its conclusions in June 2006. The summary analysis and recommendations of this review were based on contributions from Member States, the Commission, replies from EU Heads of Mission in 79 countries, and an exchange of views with international NGOs, including the Observatory for the Protection of Human Rights Defenders. The recommendations focus on the issues of awareness raising and training of EU actors, increasing external publicity of the Guidelines and EU efforts to implement them, strengthening coordination and sharing of information by EU Missions, and effective support and protection of human rights defenders. The document is publicly available<sup>2</sup>. In this review the Council also underlines the importance the EU attaches to continued access and active participation of human rights defenders and NGOs in the work of the HRC from the outset.

During 2006 a special campaign on Women Human Rights Defenders was launched in over 60 countries with five main objectives<sup>3</sup>. The EU engages to ensure that women are equally entitled to exercise the right to defend human rights, that the specific risks of women human rights defenders are addressed, and that awareness is raised for their specific protection needs. The EU also intends to develop and strengthen networks of women human rights defenders and give recognition, visibility and support to their contribution to building and strengthening a culture of human rights.

Even though the Council acknowledged in its conclusions on the review “the progress made towards the implementation of the

2. See website of the Council of the EU <http://register.consilium.europa.eu/pdf/en/06/st10/st10111.en06.pdf>.

3. For detailed information see the EU Annual Human Rights Report: <http://register.consilium.europa.eu/pdf/en/06/st13/st13522-re01.en06.pdf>.

Guidelines” it also “underlines the need to continue efforts to further increase the level of awareness amongst all relevant EU actors at the Brussels, capitals and mission level about the existence, purpose, content and operational application of the Guidelines”.

Mr. Michael Matthiessen<sup>4</sup>

Personal Representative for Human Rights of the Secretary General  
of the Council of the European Union /  
High Representative for the EU's Common and Foreign Security Policy,  
Mr. Javier Solana (January 2005 - January 2007)

4. His successor as Personal Representative for Human Rights has been Ms. Riina Kionka since January 29, 2007.



## TESTIMONIALS



*“The Observatory’s contribution to the struggle of defenders of economic, social and cultural rights in Djibouti has been of crucial importance. It has revealed to the world the grave and blatant human rights violations perpetrated by the government, and has brought the situation of defenders in this country to the eyes of international and regional institutions, and of the international press. In this sense, the Observatory has helped protecting the physical integrity of Djiboutian defenders, despite increasing repression”.*

**Hassan Cher Hared**, secretary for international relations of the Djiboutian Workers' Union (UDT), was forced into exile after having been arrested several times, detained and prosecuted for his commitment to labour rights.



*“A thousand thanks for your attention and interest. Your statements and the subsequent mobilisation of the international community have been very important, and have provoked a reaction from the authorities who subsequently contacted us and other organisations. Once again, thank you for all you have done for us here”.*

**Luis Jairo Ramírez H**, executive secretary of the Permanent Committee for Human Rights (CPDH) in the Arauca region of Colombia, has been harassed and particularly threatened for several years.



*“Thanks to the financial assistance of the Observatory, Ms. Mukhtabar Tojibaeva’s daughter was able to visit her mother, abusively detained in the psychiatric ward of Tashkent prison. After New Year, she was suddenly granted a visitor’s permit. Your action was certainly not unrelated to this. She is most grateful to you”.*

A friend of the family of **Mukhtabar Tojibaeva**, president of the “Ardent Hearts’ Club” organisation in Uzbekistan, who was sentenced to eight years’ imprisonment on March 6, 2006 and held in the psychiatric wing of Tashkent prison.



*“Thank you for your support. I greatly appreciate the efforts expended by the Observatory to ensure we were given a fair trial”.*

Former president of ZimRights, laureate of the Martin Ennals Award for Human Rights Defenders in 2006, **Arnold Tsunga** is systematically harassed and persecuted because of his fight for the rule of law in his country.



*“Defending human rights means consciously assuming the risk of exposing oneself to the power of those who violate these rights. Each year, the Observatory gives us a painful compilation of these risks that result in deaths, disappearances, persecutions, defamation campaigns and personal attacks against these men and women, defenders of human rights, throughout the world. Each case touches and affects us, but we continue to fight against injustice and impunity. We are not alone in this struggle: the encouragement, the force of condemnation, the solidarity reflected in the Observatory’s report comfort us in our commitment and make us feel that we are fully and wholly participating in this combat for a true and just cause”.*

**Vilma Nuñez de Escorcía**, president of the Nicaragua Centre for Human Rights (CENIDH), whose members were subjected to defamation this year, and in some cases to ill-treatment.



*“Immense thanks for your urgent action with regard to my situation and that of my son. I am happy that I have friends like you in the world. With my respects to all”.*

**Bakhtior Khamroev**, president of the Djizak section of the Human Rights Society in Uzbekistan (HRSU), was a victim of ill-treatment in August 2006. In September 2006, his son was sentenced to three years' imprisonment.



*“The Observatory’s support has proved very encouraging in my battle against the arbitrariness of the Israeli military and judicial systems. Its presence at my trial hearings, and its urgent actions regarding my situation, have helped me keeping up the fight, by showing me that I was not alone. History will prove that human rights organisations are on the side of humanism and justice”.*

**Jonathan Ben Artzi** was sentenced and imprisoned from April 2004 to 2006 for refusing to serve in the Israeli army. He was released at the end of his sentence.



*“On the rare occasions when my family and close friends could visit me in prison, they whispered that the Observatory had asked the Syrian government to do this or that, that it had had recourse to other organisations or mechanisms to take the steps necessary for my release, or that joint action had been undertaken to protect human rights defenders in Syria. Turning back to my cell, several feelings mingled inside of me: the most distinguished among them was that I no longer felt like a straw in a blowing wind. I thank all these organisations who have achieved the impossible to give me back my freedom”.*

**Ali Shahabi**, a writer and human rights defender in Syria, was arbitrarily detained for five months, including several weeks in solitary confinement. He was released on January 9, 2007 by virtue of a presidential pardon.



*“Thank you very much for the splendid job done by the Observatory during its mission to Saint-Petersburg. We have campaigned to attract the local government’s attention to the report and bring it to the public eye. Please render our thanks to the members of the Observatory, in particular the chargés de mission we met”.*

Reaction of **Boris Pustyntsev**, president of Citizens' Watch, in the Russian Federation, after the March 2006 publication of the report drawn up by the international fact-finding mission sent by the Observatory to investigate into attacks on human rights defenders in Saint-Petersburg.

AFRICA



## SITUATION OF HUMAN RIGHTS DEFENDERS<sup>1</sup>

Human rights defenders in Sub-Saharan Africa continued to carry out their activities in a highly hostile and dangerous environment in 2006.

Although some positive steps could be observed, notably in *Mauritania*, the situation was particularly worrying for defenders operating in the *Democratic Republic of Congo (DRC)* and *Zimbabwe*, while it significantly worsened in countries undergoing armed conflicts or fierce political repression such as *Burundi*, *Chad*, the *Central African Republic (CAR)*, *Ethiopia* and *Sudan*.

Authorities further carried out and diversified repressive strategies aimed at infringing or criminalising the activities of human rights defenders in 2006. New restrictive legislations hampering the exercise of the freedoms of association, expression and peaceful assembly were adopted during the course of the year (*Ethiopia*, *Nigeria*, *Sudan*, *Uganda*, *Zimbabwe*), while an increasing number of activists faced judicial proceedings as well as arbitrary arrests and detentions (*Angola*, *Burundi*, *Cameroon*, *Chad*, *Congo-Brazzaville*, *Djibouti*, *DRC*, *Eritrea*, *Ethiopia*, *Somalia*, *Sudan*, *Zimbabwe*). Numerous cases of direct violence were also reported, be they assaults, attacks, or cruel, inhuman and degrading treatment (*Burundi*, *Cameroon*, *DRC*, *Ethiopia*, *Zimbabwe*), while many African defenders were repeatedly threatened with death, harassed or slandered (*Burundi*, *CAR*, *DRC*, *Gambia*, *Liberia*, *Senegal*, *Zimbabwe*).

### **Human rights defenders in a conflict, post-conflict or political crisis situation**

2006 was marked by the escalation of armed conflicts, in particular in Eastern Africa, as well as by tensions arising from the holding of elections in several countries throughout the continent. In such

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

contexts, human rights defenders did not only suffer from the general insecurity faced by civilian populations, but were also alternately accused by the different political actors and/or parties to the conflicts of supporting the rebellion, political opposition or the ruling power, which considerably increased their isolation and vulnerability.

### Human rights defenders in armed conflicts

In *Sudan*, local and international organisations operating in the Darfur region, in the West of the country, were subjected to numerous acts of violence and were regularly attacked by the various parties to the conflict, whether government forces, “Arab” militias (*janjaweed*) or the different rebel factions. Although a peace agreement was finally signed in May 2006<sup>2</sup>, human rights defenders were faced with constant insecurity and were repeatedly targeted by the Sudanese government, which did not tolerate any public denunciation of the grave human rights violations perpetrated against Darfuri populations.

The authorities particularly attempted to stifle local NGOs, such as the Amel Centre for Treatment and Rehabilitation of Victims of Torture and the Sudan Social Development Organisation (SUDO). In 2006, members of these organisations were repeatedly arrested and arbitrarily detained, summoned by security services and subjected to judicial proceedings, mostly under charges of “offences against the State”, “breaches of constitutional order” or “disseminating false news”.

International NGOs were also severely controlled and repressed. In November 2006 for instance, the Norwegian Refugee Council (NRC), a relief agency coordinating the Kalma camp for internally displaced persons (IDP) in South Darfur, and which has had its activities suspended on five different occasions since 2004, received a letter from the Humanitarian Affairs Commission (HAC) ordering its expulsion from the South Darfur State. The HAC decision was likely responding

2. The Darfur Peace Agreement (DPA) was signed by the Government of Sudan and the majority faction of the Sudan Liberation Army (SLA, main rebel movement) on May 5, 2006 in Abuja (Nigeria). This Agreement was however rejected by other rebel splinter groups, and *janjaweed* militias did not take part in the negotiations.

to the NRC denunciation of the upsurge in rape cases in Kalma camp, information that the authorities had strongly denied.

This type of sanctions very often came in addition to repeated attacks against local and international humanitarian workers. Indeed, at least 14 members of international humanitarian NGOs were the victims of extra-judicial killings in 2006<sup>3</sup>. In June 2006 for example, Oxfam International had to suspend its activities in Saraf Omra, North Darfur State, following the abduction of one of its local staff members, Mr. Nouraldeen Abdalla Nourein, in May 2006. Mr. Abdalla Nourein was found dead on July 28, 2006<sup>4</sup>. Furthermore, the number of attacks - mainly led by militias and rebel groups - targeting the vehicles or compounds of humanitarian organisations dramatically increased, thus hampering these agencies in providing vital assistance to tens of thousands of civilians affected by the conflict. In December 2006 alone, over 400 humanitarian workers had to be evacuated from several camps in the region<sup>5</sup>.

The newly enforced Organisation of Humanitarian and Voluntary Work Act 2006 that was adopted in February 2006 also represents an additional obstacle for local and international NGOs operating in the Darfur region<sup>6</sup>.

Access to information about the ongoing conflict in Darfur further remained strictly limited. Although censorship was officially lifted in 2005<sup>7</sup>, Sudanese authorities engaged in new waves of censorship against independent newspapers in September 2006 and banned the publication of all articles calling for or simply regarding the adoption of a United Nations resolution allowing the deployment of a UN peacekeeping force in Darfur, which was firmly opposed by the government. Foreign journalists' activities were also increasingly controlled and suppressed in 2006, as the authorities regularly denied them visas or travel documents, the granting of which nevertheless offered no guarantee of gaining access to the region.

3. See Integrated Regional Information Networks (IRIN), UN Office for the Coordination of Humanitarian Affairs (OCHA).

4. See Sudan Organisation Against Torture (SOAT).

5. See IRIN.

6. See below.

7. The President of the Republic Mr. Omar El-Bashir announced the lifting of the state of emergency on July 11, 2005.

Finally, the conflict in the Eastern part of the country<sup>8</sup> also affected the activities of human rights defenders, such as Mr. Hussain Osman Mohamed Ismail, a member of the SOAT students' network, who was detained from March 10 to 18, 2006 by military intelligence services in Toker (Red Sea State), where he was conducting an enquiry into several cases of human rights violations committed in the town since 1997.

The extension of the Darfur conflict to neighbouring countries, in particular *Chad* and the *CAR* where rebel movements are believed to be backed by Sudan, further impeded human rights defenders' activities, which were considered as highly suspect by these two governments who accused any dissident voice of supporting the rebels.

In *Chad*, the first rebel attacks led by the United Front for Democratic Change (FUC) were launched in April 2006, shortly before the presidential elections were to be held<sup>9</sup>. In such a context, human rights defenders were equated with the rebels and political opposition and were on the frontline of repression. As such, Mr. Mingar Monodji, chair of the N'Djamena 7<sup>th</sup> District branch of the Chadian League for Human Rights (LTDH), was arrested on April 24, 2006, shortly after the rebel offensive of April 13-14, 2006 had been repelled. Mr. Monodji was detained incommunicado and subjected to cruel, inhuman and degrading treatment by military officers who reproached him for having been in contact with *Radio France Internationale (RFI)* and *Agence France Presse (AFP)* reporters and accused the LTDH of being "an organisation of traitors and mercenaries". Mr. Monodji was eventually released on April 27, 2006, after the soldiers threatened to kill all LTDH leaders and members "one by one after the May 3 [presidential] election, starting with [him]".

Chadian authorities further severely suppressed all voices reporting the human rights violations committed in the eastern part of the

8. The conflict in Eastern Sudan opposed the government to the Eastern Front, a rebel movement created in February 2005 and calling for an equitable sharing of power and natural resources in the region. Following a decade of tensions and simmering unrest, the conflict significantly escalated in 2005 and 2006 when the Front and the Justice and Equality Movement (JEM, a rebel group active in Darfur) united. A peace agreement could finally be reached between the government and the rebels on October 13, 2006 in Asmara (Eritrea).

9. The presidential election was held on May 3, 2006 and won by the outgoing President, Mr. Idriss Deby.

country. For instance, Mr. Evariste Ngaralbaye, a journalist with the independent weekly *Notre Temps*, was accused of “defamation” and “insult to the armed forces’ honour and morale” on October 27, 2006 after publishing an article denouncing the enlistment of child-soldiers in the Chadian regular army. Mr. Ngaralbaye was released on October 31, 2006.

In addition, the government adopted Decree No. 1014 on November 13, 2006 after fighting resumed in the eastern part of the country. This decree, which placed the capital and several other regions under a state of emergency and imposed prior censorship on privately-owned print media, also prohibits newspapers from “reporting on issues likely to jeopardise public order, national unity, territorial integrity or the respect for the institutions of the Republic”. The vague definition of these “issues” gives the authorities full discretion to penalise the publication of any material relating to human rights, and deprives defenders of an important media support and relay. The Decree was extended for another six months on November 23, 2006, after the rebels of the Union of Forces for Democracy and Development (UFDD)<sup>10</sup> announced their intention to resume their offensive against the Chadian regular army<sup>11</sup>.

In addition, humanitarian workers continued to be regularly targeted by reprisals and attacks. On November 15, 2006 for instance, a staff member of Doctors Without Borders (MSF) was killed in Koloy, in the southeast of the country, and another was injured during an attack led by men on horseback<sup>12</sup>.

In the *Central African Republic*, several rebel groups attempted to overthrow the regime of President Bozizé and launched military offensives in the north of the country in 2006, close to the Chadian and Sudanese borders. In particular, the Union of Democratic Forces for Unity (UFDR), a rebel group active since 2005, has considerably strengthened its operations since the beginning of 2006, and the fighting between government forces and the rebellion has significantly intensified

10. The UFDD was created on October 22, 2006 and brings together the three largest armed movements operating in Eastern Chad, namely: the United Front for Democratic Change (FUC), the Democratic Revolutionary Council (CDR) and the Union of Forces for Development (UFD).

11. See Reporters Without Borders (RSF).

12. See IRIN, November 20, 2006.

in the northeast of the country since June 2006. The high level of insecurity resulting from these violent confrontations prevented humanitarian NGOs from having access to the region, and human rights defenders who denounced the serious violations of international humanitarian law by all belligerents, in particular the army, were targeted by defamatory campaigns orchestrated at the highest State level. In particular, the President of the Republic, Mr. François Bozizé, described them as “protectors of criminals” on several occasions in 2006.

In addition, human rights activists defending the rights of victims of international crimes continued to be subjected to serious threats and intimidation during 2006. In August 2006 for instance, the home of Ms. Bernadette Sayo, president of the Organisation for Compassion and Development for Families in Distress (OCODEFAD), was burgled.

In *Somalia*, the fighting between the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT) and the Union of Islamic Courts (UIC), in May and June 2006, severely affected a civil society already marginalized by a decade of political mayhem. On May 29, 2006 for instance, Mr. Abdi Farah Mohamed, regional coordinator of the Peace and Human Rights Network (PHRN) in the Puntland regional state, was detained for two days after calling for the organisation of a civil society demonstration calling for peace when fighting resumed in Mogadishu.

Finally, the tensions between Somalia and *Ethiopia*, which considerably escalated in late December 2006, might further hinder the activities of human rights defenders operating in both countries.

#### Human rights defenders in post-conflict, political transition or crisis situations

Although the *Angolan* government and the various separatist movements active in the Cabinda Province finally reached a peace agreement<sup>13</sup>, tensions persisted between the authorities and the few factions that rejected the agreement. Against such a background,

13. The Memorandum of Understanding for Peace and Reconciliation in Cabinda was signed in Namibe (Angola) on August 1, 2006. However, it was rejected by the Front for the Liberation of the Enclave of Cabinda (FLEC).

defenders who denounced the human rights violations committed in the region were often equated to the separatists by the authorities who suspended the activities of the only human rights organisation operating in Cabinda, Mpalabanda, and detained its spokesperson, Mr. Raoul Danda, for several weeks in September and October 2006.

In *Burundi*, the tense political atmosphere prevailing in 2006 led to an upsurge in attacks against human rights defenders. In particular, organisations fighting against the impunity of the perpetrators of the 1993 crimes were again targeted, such as AC-Genocide Crimoso, an NGO based in Gitega. Messrs. Thacien Sibomana and Poppon Mudugu, both members of the association, were notably detained without charge for ten days in May 2006<sup>14</sup>. Furthermore, Mr. T rence Nahimana, president of the NGO Initiatives Society for a Common Vision (CIVIC), was detained from May 10 to December 27, 2006 after calling upon the authorities to rapidly reach an agreement in the negotiations with the National Liberation Forces (FLN)<sup>15</sup>.

In *C te d'Ivoire*, elections were again postponed in spite of the establishment of a transitional government on December 28, 2005. In a particularly deleterious and violent context, defenders were trapped by the extreme polarisation of the political life in the country and were faced with repeated death threats and harassment.

In the *DRC*, the difficulties arising from the end of the political transition and the electoral period<sup>16</sup> generated a new upsurge in insecurity for human rights defenders throughout the country. Indeed, impunity was one of the major issues raised during the electoral campaign as several candidates were suspected of grave human rights violations. The situation further worsened shortly before the run-off presidential ballot opposing the outgoing President, Mr. Joseph Kabila, to Mr. Jean-Pierre Bemba, a former warlord suspected of being

14. See OMCT, Iteka League, ACAT-Burundi and Association of Women Lawyers in Burundi (AFJB), *Human Rights Violations in Burundi, Alternative Report to the United Nations Committee Against Torture*, November 2006.

15. A rebel movement, which notably contests the Arusha Peace Agreement, signed in Tanzania between the Burundian government and 17 political parties in August 2000.

16. Although the end of the political transition was initially scheduled for June 30, 2006, it had to be postponed until July 30, 2006, when the first round of the presidential ballot as well as parliamentary elections were held. The run-off presidential election as well as the provincial poll was held on October 29, 2006.

responsible for war crimes committed in 2002 and 2003 in the eastern region of Ituri and the CAR. In such a context, defenders were trapped in a cross fire and alternately accused of supporting the opposition led by Mr. Bemba when denouncing the human rights violations perpetrated by the government, or of campaigning for Mr. Kabila's victory when raising the issue of Mr. Bemba's impunity. Defenders voicing their concern at the participation of suspected perpetrators of international crimes in the ballot were particularly targeted, as in the case of Mr. Hubert Tshiswaka, chair of the Lubumbashi-based NGO Action against Impunity and for Human Rights (ACIDH), who was subjected to repeated smear campaigns orchestrated by a pro-governmental political party, after ACIDH published a statement urging the population not to vote for suspected perpetrators of human rights abuses running for the March 2006 elections. Members of the Voice of the Voiceless (VSV), of the Committee of Human Rights Observers (CODHO), or the eastern-based Lotus Group also faced similar reprisals.

The electoral period also entailed serious infringements to the freedom of expression. For example, Mr. Bapuwa Mwamba, a journalist for the daily *Le Phare*, was assassinated by three armed men at his home in Kinshasa, on the night of July 7 to 8, 2006. On July 6, 2006, he had signed an article entitled: "Why is the transition jammed in the DRC", in which he had denounced the "increasing insecurity prevailing in the eastern part of the country", the "frequent human rights violations" and "political intolerance" of the authorities<sup>17</sup>.

Lastly, human rights defenders collaborating with the ongoing investigations led by the International Criminal Court (ICC) continued to be exposed to serious threats and smear campaigns. On November 22, 2006 for instance, during the hearing of confirmation of the charges pending against Mr. Thomas Lubanga Dyilo, former leader of the Union of Congolese Patriots (UPC) militia in Ituri, before the ICC in The Hague (Netherlands), the defence asserted that the NGO reports on which the ICC Prosecutor had based the charges were "often no more than a collection of rumour and speculation". In addition, the defence namely accused Justice Plus, a human rights organisation based in Bunia, Ituri, of conveying information to the

17. See Journalists in Danger (JED).

prosecution. Since then, the organisation's members have received numerous anonymous phone calls threatening them with death.

In the aftermath of the waves of repression against the protest movements contesting the results of the parliamentary elections of May 2005<sup>18</sup> in *Ethiopia*, human rights defenders continued to be particularly targeted in 2006. Several of them have been detained for over a year, such as Mr. Daniel Bekele, a lawyer and programme manager for ActionAid-Ethiopia, Mr. Kassahun Kebede, chairman of the Addis Ababa branch of the Ethiopian Teachers' Association (ETA), and Mr. Netsanet Demissie, a lawyer, founder and president of the Organisation for Social Justice in Ethiopia (OSJE). All three are accused of "outrage against the Constitution" in the framework of a trial for "treason" against 111 political opponents and journalists.

Several members of the Ethiopian Human Rights Council (EHRCO) were further forced into exile for fear of reprisals in late 2005 and early 2006 and several others remained subjected to judicial proceedings, as for instance Messrs. Tesfawe Bekele, Seifu Degu, and Chane Kebede, all three members of the EHRCO branch in Dessae, who were prosecuted under charges of "attempt to overthrow the legitimate government by force" as a result of their monitoring activities during the May 2005 elections.

### **Obstacles to freedom of association**

Several bills aimed at strengthening governmental control over independent civil society were again proposed or adopted in 2006. These texts, which provide for multiple legislative constraints on NGOs operations, illustrate the strategy implemented by several countries in Africa and internationally to drastically muzzle dissident voices.

In *Ethiopia*, the Minister for Justice issued a formal notice that added layers of complexity to the NGOs registration process on September 18, 2006. This ministerial notice does not have the status of a directive and could thus be elaborated without any supervision by other governmental or constitutional organ. In particular, it provides

18. Two protest movements contesting the results of the May 15, 2005 parliamentary elections and the victory of the ruling party were repressed in bloodshed by the authorities in June and November 2005. See Observatory Judicial Observation Missions Report, *Ethiopia: The Situation of Human Rights Defenders from Bad to Worse*, December 2006.

that NGOs are now required to present their project proposals to a Committee composed of representatives of eight different Ministries<sup>19</sup> and to sign operation agreements with the relevant government agencies in order to obtain or renew their license. To this end, an eight-member Committee chaired by the Minister for Justice was reportedly set up in September 2006. By late 2006 however, no further information could be obtained as to the exact composition of this Committee, its prerogatives or the criteria for denial of an operating licence. This notice further stipulates that all NGOs willing to obtain or renew their licence after September 18, 2006 shall abide by these new provisions; however, the Minister for Justice only publicly circulated this notice in mid-November 2006 and its dissemination appeared to remain relatively unknown.

In *Nigeria*, the “Bill for an Act to Make Provisions for the Prohibition of Relationship Between Persons of the Same Sex, Celebration of Marriage by Them, and for Other Matters Connected Therewith” was introduced before the Parliament by the Minister of Justice in January 2006. In particular, it prohibits the registration of all organisations concerned with the defence of the rights of sexual minorities and provides for extended prison sentences against all persons involved in the registration of such associations. By late 2006, this Bill was still being examined by the National Assembly.

In February 2006, the *Sudanese* Parliament adopted the “Organisation of Humanitarian and Voluntary Work Act 2006”, which imposes serious restrictions on freedom of association and an increased control over NGOs activities by Sudanese authorities, affecting both local and foreign humanitarian and human rights organisations. The vague definitions contained within this text are likely to be invoked arbitrarily in order to deny or cancel the registration certificate of certain organisations. The legislation also strengthens the administrative constraints for registering and the discretionary powers of the Minister for Humanitarian Affairs. In 2006, several independent NGOs denouncing the human rights violations committed throughout the country were sanctioned on the basis of this new law,

19. Namely, the Ministries of Justice, Foreign Affairs, Education, Health, Labour and Social Affairs, Youth and Sports, Women’s Affairs, and Disaster Prevention and Preparedness Agency. See abovementioned report.

such as the SUDO offices in El-Geneina and Zalingei, and the organisation for the defence of women's rights AWOON-Red Sea (Red Sea Province) which had its activities suspended for several weeks in March and April 2006.

This new legislation is likely to be further toughened according to statements delivered by Mr. Ahmad Mohamed Haroun, Minister for Humanitarian Affairs, during a press conference he convened in Khartoum on October 4, 2006. Mr. Haroun, who notably accused international NGOs of "supporting political activities", indicated that all UN agencies operating in the country shall be regulated by the Act and that "the situation called for the need to put [further] restrictions on voluntary work"<sup>20</sup>.

In *Uganda*, the "Non-Governmental Organisations Registration (Amendment) Act", adopted by the Parliament in April 2006, reportedly came into force in June 2006. This Act was designed to "step up surveillance and government supervision of NGO activities as a means of preventing abuses associated with the freedom of worship in Uganda"<sup>21</sup>, and was elaborated without prior consultation with civil society. In particular, it adds to the already existing administrative constraints of the registration process and provides for criminal sanctions against NGOs and/or their members in case of contravention. The NGO National Board tasked with issuing registration certificates and valid operation permits is exclusively made up of government representatives, who now benefit from wider administrative and discretionary powers allowing an increased interference with the internal affairs of NGOs. In addition, the arguments raised during the parliamentary debates that preceded the adoption of this Act clearly suggested that it could be particularly resorted to in order to deny registration to associations for the defence of sexual minorities' rights<sup>22</sup>.

20. See SOAT.

21. See Periodic Report to the African Commission on Human and Peoples' Rights presented by the Government of Uganda at the 39th ordinary session held in Banjul, the Gambia, from May 11 to 25, 2006.

22. During the parliamentary debates, Members of Parliament Messrs. John Kigyagi and Amama Mbabazi notably argued that the Act would preclude "NGOs wishing to promote activities that are detested in the society or against culture" from operating in the country. Mr. Kigyagi further added: "An NGO may come from Europe and wants to promote lesbianism. What do you do about it?" (See Foundation for Human Rights Initiative – FHRI).

Finally, it remained impossible for human rights defenders to carry out their activities freely in *Equatorial Guinea* or *Eritrea*, where the authorities continued to totally stifle civil society. Besides, *Rwandese* authorities maintained intense pressure on independent activists in order to curtail their ability to operate.

### **Infringements to the freedoms of expression and assembly**

Freedom of expression remained under constant attack throughout the continent in 2006. Indeed, if positive steps were taken in *Angola* where the authorities adopted and enforced a new press law in line with international standards<sup>23</sup>, other countries imposed further legislative or statutory restrictions on the exercise of the freedoms of expression and information.

In *Somalia* for instance, Sheikh Hassan Osman, head of the Union of Islamic Courts (UIC) judicial administration, and Sheikh Abdullahi Hussein Barre, deputy director of the UIC information and propaganda department, introduced a thirteen-rule charter regulating the freedom of the press in the UIC-controlled areas in October 2006. This charter prohibits the “[publication or dissemination of] information contrary to the Muslim religion, the public interest or the interest of the nation”, and establishes an Information bureau tasked with registering all media operating in areas controlled by the UIC, without specifying the criteria for the granting or denial of registration. Media are further required to obtain express authorisation before “[participating] in seminars or programmes supported by foreign organisations”. This provision might be used to deny accreditation to journalists wishing to participate in meetings or conferences relating to the human rights violations committed in the UIC-controlled regions. Lastly, Somali journalists are compelled “to reveal the identity of their sources” and media directors shall be held legally responsible for any contravention of these rules of conduct<sup>24</sup>.

In *Zimbabwe*, the Criminal Code (Codification and Reform) Act came into force on July 1, 2006. This law significantly strengthens the heavy sentences already provided for by the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy

23. See Human Rights Watch (HRW).

24. See RSF.

Act (AIPPA). This new legislation has been regularly invoked against human rights defenders since its signing into law and reinforces an already very repressive judicial arsenal. In particular, it significantly restricts freedoms of expression and peaceful assembly. Indeed, Article 31 strengthens Article 15 of POSA and provides that “any person who publishes or communicates a statement which is wholly or materially false, inciting or promoting public disorder or public violence or endangering public safety; or adversely affecting the defence or economic interests of Zimbabwe; or undermining public confidence in a law enforcement agency; or interfering with, disrupting or interrupting any essential service” shall be liable to a fine of up to 250,000 ZWD (800 euros) and/or a twenty-year jail term. Article 33 prohibits “abusive, indecent, obscene or false statements (...) that may engender feelings of hostility towards; or cause hatred, contempt or ridicule of the President of the Republic” and thus reinforces Article 15 of POSA and Article 65 of AIPPA. “Undermining the authority of or insulting the President” carries a punishment of a year in prison and/or a fine up to 10,000 ZWD. In addition, Article 36 stipulates that “any person who, acting in concert with one or more other persons, (...) disturbs the peace, security or order of the public or any section of the public; or invades the rights of other people; intending such disturbance or invasion or realising that there is a real risk or possibility that such disturbance or invasion may occur, shall be guilty of public violence and liable to a fine not exceeding 150,000 ZWD or imprisonment for a period not exceeding ten years or both”.

In a large number of countries, defenders also remained systematically subjected to smear campaigns and threats every time they published their reports or publicly denounced human rights violations.

In *Burundi* for instance, Mr. Aloys Kabura, a correspondent for the *Burundian Press Agency (ABP)* in the Kayanza province, was arrested in May 2006 after criticising the violent behaviour of police officers against journalists and human rights defenders. On September 18, 2006, the Ngozi Court sentenced Mr. Kabura to five months in prison on charges of “rebellion” and “defamatory statements”. He was released on October 30, 2006 after serving his term.

In *Cameroon*, Ms. Agnès Taile, a radio personality who presents the phone-in show “The word is yours” on privately-owned *Sweet FM* radio station, during which the audience repeatedly complained about police violence and corrupt practices, was brutally assaulted and hit by three hooded men on the night of November 6 to 7, 2006. For the previous three weeks, Ms. Taile had received numerous anonymous threats that she had denounced during her show a couple of days only before she was attacked<sup>25</sup>.

In *Congo-Brazzaville*, the Public Prosecutor of the Brazzaville Court of First Instance publicly accused the Congolese Observatory for Human Rights (OCDH) of “dishonesty” after the association published, in October 2006, a report denouncing the arbitrary detention of several military officers and civilians who were held in custody without a warrant or trial for several months.

In the *DRC*, the heads of Journalists in Danger (JED), Messrs. Donat Mbaya Tshimanga and Tshivis Tshivuadi, received numerous threatening phone calls and were forced into hiding for several weeks in February 2006. Shortly before, JED had published an article disclosing its preliminary conclusions about the murder of a journalist and his wife in November 2005.

In *Ethiopia*, the independent press has remained strictly muzzled since November 2005. Many journalists were forced to flee the country, such as Mr. Kifle Mulat, head of the Ethiopian Free Press Journalists’ Association (EFJA), who is being tried in his absence in the framework of the ongoing “treason” trial<sup>26</sup>. A dozen websites reporting about the conduct of the trial, such as *Cyberethiopia*, *Seminawork*, *Addis Ferenji* or *Ethiopian Review*, were further made inaccessible within Ethiopia. Lastly, the members of the commission established by the Parliament in December 2005 to investigate into the November 2005 violence were threatened and intimidated to dissuade them from publishing their findings. Three of them were forced into exile following intense pressure from the authorities.

In the *Gambia*, no investigation was opened into the assassination of Mr. Deyda Hydera, a journalist, on December 16, 2004<sup>27</sup>.

25. See RSF and Cameroon House for Human Rights (MDHC).

26. See above.

27. See Annual Report 2005.

In 2006, the National Intelligence Agency (NIA) further systematically targeted journalists exposing the recurrent violations of freedom of expression as well as the constant threats and harassment they were faced with to international organisations. On May 22, 2006 for instance, the police summoned the contributors to the US-based *Freedom Newspaper* website that frequently denounces attacks on freedom of expression in the Gambia, and requested that they report to the nearest police station within 24 hours or face judicial proceedings. On May 26, 2006, the pro-governmental *Daily Observer* newspaper published the police summons, and stated that “the security services [were] in possession of the full list of persons who continuously supplied [this website] with information, which it used to castigate and vilify the democratically elected government of His Excellency, President Dr. Alhaji Yahya Jammeh”. The *Daily Observer* also released the entire list of the persons summoned. Shortly after, over a dozen journalists were arbitrarily detained for several weeks<sup>28</sup>.

In *Nigeria*, Mr. Bukhari Bello, executive secretary of the National Human Rights Commission (NHRC), was removed from office on the order of the Minister for Justice in June 2006 after criticising the authorities for the harassment and intimidation of the media and journalists by national security agencies and the unconstitutionality of proposed amendments to the Constitution aimed at extending the presidential term of office.

Freedom of expression severely deteriorated in *Senegal* during the course of the year. Several defenders, such as Mr. Alioune Tine, secretary general of the NGO African Engagement for the Defence of Human Rights (RADDHO), and Ms. Dié Maty Fall, an independent journalist, were seriously threatened after they signed a civil society declaration entitled: “Civic resistance for the safeguard of the institutions of the Republic”. These threats were part of a broader context of increasing intimidation against journalists, in particular by high-ranking officials, which led to an upsurge in attacks and aggressions, as the authorities more generally implemented a strategy aimed at silencing any criticism ahead of the February 25, 2007 presidential election.

In *Zimbabwe*, the authorities multiplied their threats and accusations against organisations involved in the defence of the freedom of

28. See Article 19.

the press. In June 2006 for instance, Mr. Tichaona Jokonya, Minister of Information, called independent journalists “traitors”, adding that “the end of a felon is always death”. Similarly, on September 28, 2006, the Media and Information Commission (MIC) accused the Zimbabwean branch of the Media Institute of Southern Africa (MISA-Zimbabwe) of supporting a “regime change”. The following day, the pro-governmental daily *The Herald* published a statement by Mr. Tafataona Mahoso, MIC chair, who asserted that the Media Alliance of Zimbabwe (MAZ), comprised of the Zimbabwean Union of Journalists (ZUJ), the Media Monitoring Project of Zimbabwe (MMPZ) and MISA-Zimbabwe, was “convening clandestine meetings under the guise of meetings on the media law reform”. These three organisations were to hold a seminar on the restrictive media and information laws in force since 2002 the next day<sup>29</sup>.

Human rights defenders operating in Africa also faced numerous obstacles to their freedom of assembly.

For example in the *Gambia*, on the occasion of the 7<sup>th</sup> Summit of the African Union (AU) held in Banjul from June 25 to July 2, 2006, several civil society organisations organised a forum on freedom of expression in Africa. On June 19, 2006 however, The Association of Non-Governmental Organisations (TANGO) convening the event received a letter from the Coordinating Committee set up by the Gambian government to supervise the organisation of the Summit, banning the forum under the pretext that the issues it planned to address were not among those proposed for NGOs consultations provided for in the framework of the Summit. The forum could eventually be held in Saly-Portudal, Senegal, on June 29 and 30, 2006.

In *Niger*, a rally calling for peace in the world and organised by the Independent Thought and Orientation Committee for the Safeguard of Democratic Achievements (CROISADE) was banned by the Niamey III communal administration, which argued that “given the prevailing social tensions (...) nurtured by several civil society organisations, public authorities were unable to ensure and preserve public order and peace during this march”<sup>30</sup>.

29. See Media Monitoring Project of Zimbabwe (MMPZ).

30. See CROISADE.

In *Zimbabwe*, the Criminal Code (Codification and Reform) Act, which came into force in July 2006<sup>31</sup>, also provides for major restrictions of the freedom of peaceful assembly. Article 37 notably stipulates that any person “participating in a gathering with intent to promote public violence, breaches of the peace or bigotry, and distributing or displaying any writing, sign or other visible representation that is obscene, threatening, abusive or insulting” shall be sentenced to a 2,000 ZWD fine (6 euros) and/or a five-year imprisonment term.

### **Repression of the defenders of economic, social and cultural rights**

2006 was marked by an upsurge in repression against activists engaging in the defence of economic, social and cultural rights.

In several countries, human rights defenders denouncing corrupt practices, economic embezzlement, the mismanagement or exploitation of natural resources were frequently faced with severe reprisals by the authorities.

In *Burundi*, the director of the Observatory for the Fight Against Corruption and Economic Embezzlement (OLUCOME), Mr. Gabriel Rufyiri, was detained from August to December 2006. Other members of the association were repeatedly attacked during the course of the year. Some of them were still receiving threats by the end of 2006.

In *Congo-Brazzaville*, Mr. Christian Mounzéo, head of the NGO Engagement for Peace and Human Rights (RPDH), and Mr. Brice Makosso, permanent secretary of the Episcopal Justice and Peace Commission in Pointe-Noire, were both given a one-year suspended prison sentence on December 28, 2006, following their involvement in the “Publish What You Pay” campaign calling for the mandatory disclosure of books of account of oil, gas and mining companies.

In the *DRC*, defenders voicing their concern at the ongoing exploitation of natural resources in the country were systematically targeted and threatened. In April 2006 for instance, Mr. Jean-Claude Katende, director of the Katanga section of the African Association

31. See above.

for the Defence of Human Rights (ASADHO/Katanga), and Mr. Jean-Pierre Mutemba, secretary general of the New Labour Dynamics (NDS), were both threatened with death after criticising the poor management of natural resources by the Congolese authorities. Similarly, members of the Organisation for the Settling, Literacy and Promotion of Pygmies (OSAPY), based in Kisangani, were intimidated every time they publicly called for more transparency in the management of forest resources or for the respect for indigenous peoples' rights.

Union activities further remained under tight government surveillance and a number of unionists defending their right to organise collectively were attacked, arbitrarily arrested or detained in 2006.

In *Botswana*, Mr. Japhta Radibe, president of the Botswana Teachers' Union (BTU) and chair of the Southern Africa Teachers' Organisation (SATO), was officially informed in late October 2006 that he was targeted by a decision of early retirement because of his union activities. Following intense support from BTU members, Mr. Radibe was finally reinstated in his teaching post in November 2006<sup>32</sup>.

In *Cameroon*, members of student unions were again severely suppressed in 2006. Eight members of the Association for the Defence of Cameroonian Students' Rights (ADDEC), who had been briefly detained in December 2005 following student protests, were sentenced in June 2006 by the Yaoundé Court of First Instance to a seven-month prison sentence, suspended for five years. In addition, Messrs. Patipe Tiencheu and Cleytus Tse Tabanq, president and vice-president respectively of the National Front for the Liberation of Student Consciousness (FRONALICE), had their renewal of enrolment denied in all Cameroonian universities because of their union activities. They both went on hunger strike to protest against this situation in mid-December 2006, and were then subjected, along with several other FRONALICE members, to arbitrary arrest and detention, and cruel, inhuman and degrading treatment by armed groups allegedly operating on the order of the president of the Douala University. All students were subsequently released a few days later<sup>33</sup>.

32. See Education International (EI).

33. See ACAT-Littoral.

In *Djibouti*, the National Assembly approved the new Labour Code, endorsed by the Cabinet in November 2004, on January 28, 2006 (Law No. 133/AN/05/5eL). Its entry into force considerably strengthened the restrictions already in existence under the former Code adopted on December 15, 1952. Although the rights to organise collectively, to establish or join a labour organisation remain unchallenged, Article 215 of the new Code provides that unions shall obtain prior authorisation of the Ministries of Justice, Home Affairs and Employment in order to be legally registered. If requested by the relevant ministries, the Minister of Justice shall be entitled to disband any union through a mere administrative order.

In that context, Djiboutian trade unionists again endured arrests, judicial proceedings and unfair dismissals in 2006. Four prominent union leaders, Messrs. Mohamed Ahmed Mohamed, Djibril Ismael, Adan Mohamed Abdou and Hassan Cher Hared, were arrested and detained for several weeks in March and April 2006, and still faced charges of “sharing intelligence with a foreign power” and “outrage against the President of the Republic” by the end of 2006. Mr. Hassan Cher Hared, international relations secretary of the Djiboutian Workers’ Union (UDT) and secretary general of the Djiboutian Post Office Workers’ Union, was further forced into exile in late 2006 after being dismissed from his position at the Djiboutian Post Office and threatened with arrest.

In the *DRC*, the head of the Kinshasa-based trade union *Prosperité* was arbitrarily detained for four days in late January 2006, following a meeting where he had denounced the irregularities in the payment of salaries in the public sector<sup>34</sup>. In addition, Mr. Joseph Kibangula N’Koko, president of the Francophone League of Nurses (LIEF) in the DRC, was arbitrarily detained on three occasions in 2006 after LIEF presented its union demands to the authorities<sup>35</sup>.

In *Eritrea*, no information was made available in 2006 about the situation of Messrs. Tewelde Ghebremedhin, Minase Andezion and Habtom Weldemicael, three union leaders who were arrested in March 2005 and were still believed to be detained incommunicado as of the end of 2006<sup>36</sup>.

34. See United Nations Mission in the Democratic Republic of Congo (MONUC).

35. See League of Electors (LE).

36. See Annual Report 2005.

In *Ethiopia*, members of the Ethiopian Teachers' Association (ETA) continued to be permanently harassed, while its general assembly was violently disrupted on two separate occasions in 2006. Several ETA members were arrested in the course of the year, including Messrs. Wasihun Melese and Anteneh Getnet who were detained for ten days in September 2006, shortly after ETA brought a complaint before the International Labour Organisation (ILO) in order to denounce the repeated obstacles to the holding of its general assembly.

In *South Africa*, 25 trade unionists were arrested in Pangola, Mpumalanga Province, on April 12, 2006 following a peaceful demonstration organised in solidarity with Swazi workers and calling for democracy in Swaziland. Among those arrested were: Mr. Joe Nkosi, vice-president of the Congress of South African Trade Unions (COSATU), Mr. Cedric Gina, second vice-president of the National Union of Metalworkers of South Africa (NUMSA), the vice-president of the National Education Health and Allied Workers (NEHAWU), Mr. Michael Mahsabela, treasurer of NEHAWU, and Mr. Zet Luzipo, COSATU provincial secretary of COSATU in Kwazulu Natal. On August 22, 2006, the charges of "public violence" against the unionists were dropped<sup>37</sup>.

Lastly, several governments tried to downplay the extent of the ongoing economic crises in their respective countries and systematically repressed the economic and social demands of the populations, which were often considered as political opposition.

In *Guinea-Conakry*, Mr. Fodé Bangoura, Minister of State for Presidential Affairs, declared on June 12, 2006 that he would "crush trade unionists" after Guinean unions launched a general strike to protest against rising living costs. In addition, Mr. Bangoura reportedly threatened three prominent labour activists with death, namely: Mr. Louis Mbemba Soumah, general secretary of the Free Trade Union of Teachers and Researchers of Guinea (SLECG) and first deputy general secretary of the Guinean Workers' Union (USTG), Mr. Ibrahima Fofana, USTG secretary general, and Mr. Ahmadou Diallo,

37. See International Confederation of Free Trade Unions (ICFTU), Human Rights Institute of South Africa (HURISA) and COSATU.

first deputy secretary general of the National Confederation of Guinean Workers (CNTG). Mr. Ibrahima Fofana had previously been followed by unidentified individuals riding a motorbike since the demonstrations of May 1, 2006<sup>38</sup>.

In *Niger*, the Minister for Home Affairs Mr. Mounkaïla Mody informed the organisers of the Nigerian Social Forum (FSN) that he had decided to ban the event which was due to be held a few days later, in October 2006. The FSN was finally authorised by the government and took place in November 2006, but remained under close surveillance. On this occasion, Mr. Claude Quémard, a French national and secretary general of the French section of the Committee for the Abolition of the Third World Debt (CADTM), was expelled from the country by the authorities who reproached him for some of the statements he had made during the Forum.

Finally, *Zimbabwean* authorities fiercely repressed the different movements protesting against the deteriorating economic situation in the country and the rising living costs. In particular, several hundred members of Women of Zimbabwe Arise (WOZA) were arrested and subjected to judicial proceedings in 2006. In addition, several leaders of the Zimbabwe Congress of Trade Unions (ZCTU) were arrested and violently beaten by the police in September 2006 during peaceful demonstrations denouncing the declining standard of living and calling for a better access to antiretroviral medication for HIV/AIDS infected persons. On this occasion, hundreds of labour activists were detained, questioned, ill-treated and intimidated by the police in 16 cities throughout the country; most ZCTU offices were surrounded or sealed off. Likewise, fifteen students were arrested in Bulawayo on November 22, 2006 as a group of local NGOs held a peaceful demonstration to protest against inflation, collapsing health and education systems, food shortages, suffocation of democratic space and violations of women's rights<sup>39</sup>.

38. See ICFTU.

39. See IRIN, November 22, 2006.

## **Mobilisation for regional and international protection of human rights defenders**

United Nations (UN)

During the second session of the Human Rights Council, held in Geneva (Switzerland) from September 18 to October 6, 2006, Ms. Hina Jilani, Special Representative of the UN Secretary General on human rights defenders, presented her report on the situation of human rights defenders in *Nigeria*, which she had visited from May 3 to 12, 2005. Ms. Jilani welcomed “the development of Government initiatives in the field of human rights”. However, she expressed her concern “with regards to the framework regulating freedom of assembly, access to information and to a lesser extent freedom of association” and “over the situation of journalists working on corruption, good governance and the situation of trade unions and labour activists”. Lastly, she noted “the difficulties encountered by economic, social and environmental rights activists particularly in the Nigeria delta region and those encountered by women rights activists” and observed that the “high” level of impunity “greatly increases the vulnerability” of human rights defenders<sup>40</sup>. On this occasion, the representative of the Federal Republic of Nigeria stated that his government “had taken note of the conclusions and recommendations in [this] report, and would factor them into the overall policy on human rights defenders”.

The Office of the United Nations High Commissioner for Human Rights (UNOHCHR), in its third periodic report on the situation of human rights in *Sudan* issued in April 2006, urged the government to “refrain from harassing, arresting, detaining or physically abusing individuals who bring human rights abuses to the attention of the police, other government authorities, or the international community” and to hold accountable those perpetrating abuses against human rights defenders. The High Commissioner further called on the Sudanese government to undertake legal reform, in particular in relation to the Organisation of Voluntary and Humanitarian Work Act 2006. Likewise, in its fourth periodic report published in May-June 2006, the High Commissioner underlined that the “Humanitarian Aid Commission (HAC) also contributed to the atmosphere of repression in the country” and recalled that on June 25, 2006, the HAC had

40. See UN Document E/CN.4/2006/95/Add.2.

prohibited SUDO, a national NGO, from working in the areas of peace building and protection and had limited its mandate to health and nutrition issues.

During her visit to Sudan from April 30 to May 5, 2006, the High Commissioner for Human Rights, Ms. Louise Arbour, expressed her concern about the new NGO legislation, which “will further hamper the work of NGOs by imposing heavy bureaucratic requirements and additional costs and delays and will therefore restrict even more the already limited space available to civil society generally”<sup>41</sup>.

The UN Secretary General Mr. Kofi Annan addressed the Security Council about the situation in Darfur on September 11, 2006 and stressed that “humanitarian workers have continued to be targets of brutal violence, physical harassment and rhetorical vilification. Many of their vehicles have been stolen. Twelve aid workers have lost their lives in the last two months alone - more than in the previous two years”<sup>42</sup>.

During the 86<sup>th</sup> and 87<sup>th</sup> sessions of the Human Rights Committee (HRC) held from March 13 to 31 and from July 10 to 28, 2006, respectively, the Committee was “concerned that many human rights defenders [in the *Democratic Republic of Congo* and in the *Central African Republic*] cannot freely carry out their work because they are subjected to harassment or intimidation, prohibition of their demonstrations or even arrest or arbitrary detention by the security forces”. The Committee therefore urged the two State parties to “respect and protect the activities of human rights defenders” and to “ensure that any restrictions imposed on their activities are compatible with the provisions of Articles 21 and 22 of the International Covenant [on Civil and Political Rights]”<sup>43</sup>.

The UN Committee Against Torture (CAT), during its 37<sup>th</sup> session held from November 6 to 24, 2006, “took note with concern of the reprisals, serious acts of intimidation and threats to which human rights defenders are subjected [in *Burundi* and *Togo*], especially those who report acts of torture and ill-treatment”. The CAT called on the

41. See UN Press Release, May 5, 2006.

42. See UN Press Release, September 11, 2006.

43. See Concluding Observations of the HRC, UN Documents CCPR/C/COD/CO/3 and CCPR/C/CAF/CO/2.

two State parties to “adopt effective measures to ensure that all persons who report cases of torture or ill-treatment are protected against any acts of intimidation and the harmful effects that might result from such reports” and encouraged them to “strengthen its cooperation with civil society in campaigning for the eradication and prevention of torture”<sup>44</sup>.

### The African system of protection of human rights defenders

#### *African Commission on Human and Peoples’ Rights (ACHPR)*

During the 39<sup>th</sup> and 40<sup>th</sup> sessions of the ACHPR held in Banjul, the Gambia, from May 11 to 25 and from November 15 to 29, 2006, the Observatory introduced both a written and an oral statement under the item of the agenda dedicated to the situation of human rights defenders in Africa.

Ms. Reine Alapini-Gansou, ACHPR Special Rapporteur on human rights defenders, indicated in her report to the 40<sup>th</sup> session that she had addressed several communications to six different countries (*Burundi, Cameroon, CAR, Ethiopia, Senegal and Sudan*) denouncing cases of repression of human rights defenders in Sub-Saharan Africa.

On June 28, 2006, Ms. Reine Alapini-Gansou and Ms. Hina Jilani “[expressed] their profound concern at the removal of Mr. Bukhari Bello as executive secretary of the National Human Rights Commission of *Nigeria* on 19 June 2006”<sup>45</sup> and feared that Mr. Bello’s removal was occasioned by some of his public statements<sup>46</sup>.

In late 2006, the Special Rapporteur also sent communications to *Angola, Burundi, the DRC, Niger and Zimbabwe*.

An ACHPR delegation composed of Ms. Reine Alapini-Gansou and Commissioner Mumba Malila, Special Rapporteur on prisons and conditions of detention in Africa, further visited *Uganda* from July 24 to 31, 2006. As of the end of 2006, the mission report had not yet been made public.

In 2006, the Special Rapporteur on human rights defenders also submitted requests to visit *Sierra Leone, Liberia, Guinea-Conakry, Côte d’Ivoire, DRC, CAR, Rwanda and Cameroon*. Liberia and the

44. See Concluding Observations of the CAT, UN Documents CAT/C/BDI/CO/1 and CAT/C/TGO/CO/1.

45. See Compilation of cases below.

46. See UN Press Release, June 28, 2006.

CAR expressed their willingness to receive her while other requests were not responded to.

### *African Union (AU)*

African Heads of State and Government, gathered during the 6<sup>th</sup> Summit of the AU convened from January 16 to 24, 2006 in Khartoum (Sudan), adopted a decision authorising “the publication of the 19<sup>th</sup> Activity Report [adopted by the 38<sup>th</sup> session] of the ACHPR<sup>47</sup> and its annexes, except for those containing the Resolutions on *Eritrea, Ethiopia, Sudan, Uganda and Zimbabwe*”<sup>48</sup>.

These Resolutions strongly condemned the serious human rights violations as well as abuses against human rights defenders perpetrated in these countries. The same AU decision called upon the ACHPR to “ensure that in future, it enlists the responses of all States parties to its resolutions and decisions before submitting them to the Executive Council and/or the Assembly for consideration” and requested State parties “within three months of the notification by the ACHPR, to communicate their responses to resolutions and decisions to be submitted to the Executive Council and/or the Assembly”.

This decision, which entitles African Heads of State to give their prior approval before ACHPR resolutions and recommendations are adopted, gravely undermines its independence and evidences the political desire of African leaders to bring the institution, which has asserted and increased its competences since its establishment in 1986, into line.

During the 9<sup>th</sup> session of the AU Executive Council held in Banjul on June 28-29, 2006, the Council further endorsed the ACHPR activity report adopted by the 39<sup>th</sup> session of the Commission with the exception of its decision on *Zimbabwe*<sup>49</sup>, thus confirming the interference with the Commission’s activities and weakening its ability to rapidly address emergency situations and grave human rights violations.

47. The 38<sup>th</sup> ordinary session of the African Commission took place from November 21 to December 5, 2005 in Banjul (The Gambia).

48. See AU Document Assembly/AU/Dec.101(VI).

49. See Decision EX.CL/Dec. 310 (IX).

Finally, the Criteria for granting observer status and for a system of accreditation within the AU remained highly restrictive since they were ratified by the 5<sup>th</sup> ordinary session of the AU Assembly. These Criteria implicitly preclude international NGOs from obtaining observer status and significantly limit the appointment of independent local organisations<sup>50</sup>.

### *African Court on Human and Peoples' Rights*

The judges of the African Court on Human and Peoples' Rights were finally elected on the occasion of the 6<sup>th</sup> ordinary session of the AU Assembly of Head of State and Government convened in Khartoum (Sudan) on January 23 and 24, 2006.

The AU Permanent Representatives' Committee (PRC) and the Legal Experts from Member States further met at the AU Headquarters in Addis Ababa (Ethiopia) from May 15 to 19, 2006 in order to discuss the planned single legal instrument on the merger of the African Court on Human and Peoples' Rights and the AU Court of Justice. During its 9<sup>th</sup> ordinary session, in June 2006, the AU Executive Council adopted a resolution to refer this project "to a meeting for Ministers of Justice and Attorney Generals from Member States for finalisation and submission of a report to the next Ordinary Session of the Executive Council, in January 2007"<sup>51</sup>.

The judges of the African Court first met in Banjul (The Gambia) on July 3, 2006, on the occasion of the 7<sup>th</sup> AU Summit. Mr. Ben Kioko, Legal Counsel of the AU Commission, chaired this meeting.

### European Union (EU)

On September 22, 2006, the European Union expressed its "deep concern" about "the latest infringement of human rights and funda-

50. See Annual Report 2005: The Criteria apply to NGOs registered in AU Member States if the majority of the NGOs management is composed of African citizens and if the NGO is devoted to regional or continental activities, which automatically excludes international NGOs. It is further stipulated that "the basic resources of such NGOs shall substantially, at least two-thirds, be derived from contributions of its members". This provision contradicts the budgetary realities of African NGOs, which can only stay effective and independent if they receive third party funding from private foundations, the State or governmental institutions, and favours the participation of governmental non-governmental organisations (GONGOS).

51. See Decision EX.CL/Dec.283 (IX).

mental freedoms” in *Zimbabwe*. In particular, the EU denounced that “on September 13, the Zimbabwe Council of Trade Unions (ZCTU) organised a demonstration to express concerns about the situation workers face in Zimbabwe. The Government of Zimbabwe responded by arresting the President and the Secretary General of the ZCTU. In addition, the government undertook countrywide arrests of individuals who had planned to participate in these demonstrations. Considerable violence leading to serious injuries was used in many cases, including while the individuals were under arrest”. The European Union thus urged the government of Zimbabwe “to stop intimidation and assaults and to respect the human rights and fundamental freedoms of its citizens”<sup>52</sup>.

On November 16, 2006, the European Parliament adopted a Resolution on *Ethiopia*<sup>53</sup>, in which it denounced the “continuing arrests, harassment, arbitrary detention, humiliation and intimidation of (...) civil society activists” in the country and noted the arrest of Ms. Yalemzewd Bekele<sup>54</sup> in October 2006. The Parliament further condemned the arrest of ETA members Anteneh Getnet and Wassihun Melese, stressing that “these new arrests [seemed] to be a response to the ETA complaints about government interference in its activities and intimidation of its leaders”. The Parliament called on the Ethiopian authorities to “refrain from acts of intimidation and harassment against (...) ETA members carrying out their professional obligations”. In addition, the Parliament expressed its concerns at the “pressure on the members of the Commission of Inquiry” established with the task of investigating the June and November 2005 killings to “alter [its] findings” and urged the Ethiopia government “to publish unamended and in its entirety, and without any further delay, the final report of the Commission”. It also called for “the relevant courts to be supplied with the report” and “to take due account of it so that fair trials can be conducted”. Finally, the Parliament recalled that “111 opposition party leaders, journalists and human rights defenders, including Messrs. Netsanet Demissie and Daniel Bekele, are still in custody and

52. See Declaration by the Presidency on behalf of the European Union on the suppression of demonstrations in Zimbabwe, September 22, 2006, Press Release 375/2006.

53. See Resolution of the European Parliament P6\_TA-PROV(2006)0501.

54. See Compilation of cases below.

facing trial”, and called on the government to “immediately and unconditionally release all political prisoners, whether journalists, trade union activists, human rights defenders or ordinary citizens”, and to “fulfil its [international and regional] obligations with respect to human rights (...) including the right of peaceful assembly, freedom of opinion, and an independent judicial system”.

#### International Labour Organisation (ILO)

On June 7, 2006, the Observatory submitted a written statement denouncing the renewed legislative constraints on labour rights in *Djibouti* to the 95<sup>th</sup> session of the International Labour Conference (ILC), held in Geneva (Switzerland) from May 31 to June 16, 2006. Several of the Observatory’s concerns were included in the recommendations endorsed by the ILC and the International Labour Office (ILO), in particular those noting the “constant repression”, repeated arbitrary arrests and judicial harassment of union leaders by the authorities. In particular, the ILO Committee on Freedom of Association “[noted] with deep concern the new allegations of serious interference by the government in trade union activities and internal union affairs” and “[requested] the government to accept a direct contacts mission”.

The Credentials Committee also urged the Djiboutian authorities to “rapidly respond to the grave allegations (...) relating to the arrest and detention of union members and leaders” and recalled that the judicial observation mission mandated jointly by the Observatory and the International Confederation of Free Trade Unions (ICFTU) was denied access to the territory on April 1, 2006 and were thus prevented from attending the trial of four prominent labour leaders. The Committee ultimately requested that “the Government of Djibouti submit for the next session of the Conference (...) a detailed report substantiated with relevant documentation on the procedure utilised to nominate the Workers’ delegates and advisers” in order to ensure a proper active participation of the latter in the work of the Committee.

### Civil society

On April 28 and 29, 2006, the HIVOS Foundation and Zimbabwe Lawyers for Human Rights (ZLHR) organised a “Forum on Human Rights Defenders in the Southern African Development Community (SADC). Particular focus was placed on the issues of personal safety and minimising risk in carrying out human rights activities. The seminar provided training on international norms and standards as well as the submission of complaints to the various regional and international mechanisms.

On July 17 and 18, 2006, Peace Brigades International (PBI) convened a seminar entitled “Security and Protection of Human Rights Defenders in the Great Lakes Region” in Kinshasa (DRC), to foster the establishment of an enhanced dialogue between defenders operating in the region. In particular, this event aimed at addressing the security issues linked to the promotion and protection of all human rights, comparing experiences and strategies that actually strengthened their protection and of explaining the various regional and international protection mechanisms. Participants could jointly bring their recommendations and proposals to the governments of the region, other foreign States, intergovernmental organisations, as well as to local and international NGOs. Ms. Hina Jilani and Ms. Reine Alapini-Gansou attended this event.

Finally, the East and Horn of Africa Human Rights Defenders Project (EHAHRD) held a conference on freedom of expression and journalists’ rights from November 27 to 29, 2006, in Entebbe (Uganda), in which numerous defenders from Eastern Africa participated.



## HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

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ANGOLA

### **Dissolution of Mpalabanda and judicial proceedings against Messrs. Raul Manuel Danda and Agostinho Chicaia<sup>1</sup>**

Since the Civic Association of Cabinda - Mpalabanda (*Associação Cívica de Cabinda - Mpalabanda*) was created in 2003, its members have regularly been harassed and threatened, in particular following the publication of three separate reports documenting human rights violations in the Cabinda region in 2003, 2004 and 2005. During 2006, this harassment has been on the increase.

Indeed, on January 29, 2006, a peace march organised by Mpalabanda on the occasion of the 121<sup>st</sup> anniversary of the Simulambuco Treaty<sup>2</sup> was banned by the authorities. On the same day, the homes of the main leaders of the organisation were surrounded by anti-riot police forces.

On June 19, 2006, Mr. **Agostinho Chicaia**, Mpalabanda director, was summoned to appear before the Commercial Court of Cabinda where he was informed that the government had submitted a request to ban the association, accusing its members of inciting the population to “violence and hatred” and of “pursuing a political agenda rather than being involved in human rights activities”. Mpalabanda was given ten days to submit a responding affidavit, which was subsequently duly delivered.

On July 24, 2006, Mpalabanda was informed of a court decision dated July 20, 2006 ordering its ban. The organisation initiated an appeal against this verdict to the Supreme Court.

1. See Urgent Appeal AGO 001/1106/OBS 134.

2. The Simulambuco Treaty was ratified on February 1, 1885 between Portugal and the Province of Cabinda, which was granted a protectorate status and autonomy from the rest of Angola.

On September 14, 2006, pending appeal, the Governor of the Cabinda Province ordered the dissolution of the organisation, the freezing of its assets, and had its premises sealed off.

In addition, Messrs. Chicaia and **Raul Manuel Danda**, a journalist and spokesperson for Mpalabanda, were arbitrarily arrested by the provincial criminal investigation police upon their arrival at Cabinda airport on September 29, 2006. They were just returning from Luanda where Mr. Danda usually lives. Police officers searched Mr. Danda's belongings and seized various documents relating to the ongoing conflict in the Cabinda region written by Mr. Danda and other journalists. Some of these articles had been published by several national newspapers. The Provincial Criminal Investigation Directorate then alleged that Mr. Danda was in possession of documents calling for the secession of the Cabinda province and containing statements "injurious to the President of the Republic".

On the same day, the police forcibly dispersed about 30 persons demonstrating against Messrs. Danda and Chicaia's arrest by shooting bullets in the air.

Mr. Chicaia was reportedly released a few days later.

Mr. Danda was initially held without charge at the headquarters of the provincial criminal investigation police in the city of Cabinda. He appeared before the Attorney General on October 2, 2006, and was formally charged with "instigating, inciting and condoning crimes against State security" the next day, then immediately transferred to the Cabinda civil prison. According to the Law No. 22-C/92 on State Security, he faces a two-year prison sentence. Judicial proceedings were also reportedly initiated against Mr. Chicaia under the same charges.

Mr. Danda was released on bail on October 27, 2006. He was allowed to return to his home in Luanda pending criminal investigation, but was forbidden to leave the city without the express permission of the Prosecutor's office.

As of the end of 2006, no date had been set for the hearing in Messrs. Chicaia and Danda's case. Mpalabanda premises remained closed down pending the appeal against its ban.

Finally, Mpalabanda's members have faced numerous acts of harassment and obstacles to their freedom of peaceful assembly since the association was prohibited; some of them had to go into hiding, while others were forced to leave the Cabinda Province for fear for their physical integrity.

### Threats against CIRID members<sup>3</sup>

On August 8, 2006, Mr. **Déo Hakizimana**, founder and director of the Independent Centre for Research and Dialogue Initiatives (*Centre indépendant de recherches et d'initiatives pour le dialogue - CIRID*), received several anonymous death threats on the CIRID headquarters landline blaming him for “overstepping the limits by standing up for Tutsis”. Rumours aimed at discrediting the association also circulated, and CIRID was notably accused of having “joined forces with the putschists”.

These threats followed the publication of an OMCT urgent appeal on August 7, 2006. Based on CIRID information, OMCT had then expressed its concerns about allegations of ill-treatment and torture against Mr. Alphonse-Marie Kadege, former Vice-President of the Republic, during his arrest by Burundian secret services in late July 2006. OMCT had also denounced the arrest of Mr. Alain Mugabarabona, leader of the National Liberation Forces-Icanzo (*Forces nationales de libération - FNL-Icanzo*), and Mr. Déo Niyonzima, secretary general of the Peoples' Reconciliation Party (*Parti pour la réconciliation des peuples - PRP*). These three political opponents were accused of being involved in a plot to overthrow the government.

The CIRID secretariat continued to receive threatening phone calls until September 2006.

Besides, the complaint filed in February 2005 by Ms. **Francoise Niyonzima**, personal assistant to Mr. Hakizimana, was not examined during 2006. In February 2005, Ms. Niyonzima was physically assaulted and seriously wounded by a member of the armed forces of the Bujumbura Officers' Training College, while sitting in a café close to her home. She subsequently required significant medical treatment. The complaint she filed shortly after these events was transferred to the Bujumbura Public Prosecutor's office.

Lastly, Mr. Hakizimana's complaint for an arson attack on his home, on April 26, 2005, was not investigated in 2006. On that date, his residence was shot at from several directions while he was inside along with the main members of his organisation. His car was

3. See Annual Report 2005 and Open Letter to the Burundian authorities, September 4, 2006.

destroyed by a mortar whilst he received several pieces of shrapnel in the right thigh, from which he still suffers to this date. Ms. Françoise Niyonzima and Ms. Edith Ndimurwanko, CIRID accountant, also sustained serious injuries.

#### **Arbitrary arrest and release of Mr. T rence Nahimana<sup>4</sup>**

On May 10, 2006, Mr. T rence Nahimana, president of the NGO Initiatives Society for a Common Vision (*Cercles d'initiative pour une vision commune* - CIVIC), was arrested by officers of the National Intelligence Service (*Service national de renseignement* - SNR). On May 5, 2006, Mr. Nahimana had addressed an open letter to the President of the Republic and given a press conference to urge Burundian authorities to rapidly engage in negotiations and reach an agreement with the FNL.

Mr. Nahimana was transferred to the Mpimba central prison in Bujumbura on May 15, 2006 and charged with "threatening State security" (Articles 404 and 428 of the Criminal Code), an offence punishable by up to twenty years in prison.

The Court of Appeal confirmed the legality of Mr. Nahimana's arrest and detention on June 12, 2006.

The Bujumbura Court of First Instance held the preliminary hearing in his case on November 23, 2006 and decided to take the matter under advisement.

The charges against Mr. Nahimana were finally dropped and he was released on December 27, 2006.

#### **Arbitrary arrest and release of Mr. Aloys Kabura<sup>5</sup>**

Mr. Aloys Kabura, a correspondent for the *Burundian Press Agency* (*Agence burundaise de presse* - ABP) in the Kayanza Province (northwest of Bujumbura), was arrested on May 31, 2006 on suspicion of "libel" and "rebellion against the State authorities" after criticising the government.

On April 20, 2006, in a bar, Mr. Kabura had indeed publicly condemned the abuses committed by police forces in the country,

4. See Open Letter to the Burundian authorities, September 4, 2006.

5. *Idem*.

referring in particular to the behaviour of national intelligence officers who had violently assaulted twenty-eight journalists and two members of the Iteka League, Messrs. **Ernest Nkurunziza** and **Furahisha Nzisabira**, during a press conference held on April 17, 2006<sup>6</sup>. Following these denunciations, the executive director of intelligence services lodged a formal complaint with the Prosecutor of Kayanza.

Mr. Kabura was transferred to the Ngozi prison where he was initially detained for “[committing], in public, an act (...), gesture or remark that demonstrates or incites contempt towards established powers [and] agents of public authorities” (Article 273 of the Criminal Code), a charge carrying a two-month imprisonment sentence and/or a fine up to 5,000 Burundian francs (about 4 euros). However, the Criminal Procedure Code stipulates that pre-trial detention shall only apply to those suspected of crimes liable to over a year in prison.

On June 5, 2006, the Public Prosecutor for the Kayanza Province therefore issued a new arrest warrant that was antedated to the day on which the original warrant was established, listing additional offences, in particular “outrage” (Articles 273-1 and 276-1 of the Criminal Code) and “defamatory statements” (Article 178-1) to legitimise Mr. Kabura’s pre-trial detention.

On June 16, 2006, the Ngozi Court of Appeal dismissed the petition contesting his detention.

Mr. Kabura, who developed a severe condition with his legs while in detention, to the extent that he was barely able to walk, officially petitioned the director of the Ngozi prison to be granted access to a doctor and proper medical care.

On June 23, 2006, the Ngozi Court of Appeal confirmed the legality of his detention and dismissed his request to be released on bail on medical grounds, arguing that an official medical certificate was mandatory to legitimise such a procedure.

The Court took the matter under advisement on July 28, 2006.

Mr. Kabura was officially indicted and condemned to a five-month

6. On April 17, 2006, Mr. Mathias Basabose, a member of the National Council for the Defence of Democracy - Forces for the Defence of Democracy (*Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie* - CNDD-FDD, ruling party), convened a press conference at his home to explain his quarrel with the party’s leader on corruption, embezzlement and influence peddling allegations.

prison sentence for “rebellion” and “defamatory statements” by the Ngozi Court on September 18, 2006.

He was released on October 30, 2006 after serving his term.

### **Harassment against OLUCOME and its members<sup>7</sup>**

In 2006, Burundian authorities regularly targeted members of the Observatory for the Fight Against Corruption and Economic Embezzlement (*Observatoire de lutte contre la corruption et les malversations économiques* - OLUCOME), an organisation denouncing corrupt practices and irregular allocation of government contracts in the country.

#### **Attack against OLUCOME headquarters**

On May 29, 2006, over thirty individuals led by Mr. Salvatore Nkuriragenda, an intermediary for several Burundian businessmen suspected of corruption, attacked the headquarters of OLUCOME. The assailants confined the members present to the office and violently beat Mr. **André Misago**, the association’s accountant.

Mr. Nkuriragenda locked up the premises with two padlocks before convening a press conference during which he called for the cessation of the “disturbing” activities of OLUCOME. The association’s members confined in the headquarters managed to call the police who arrested Mr. Nkuriragenda as well as Mr. Dieudonné Nihorimbere, who also participated in the attack. However, both men were released without charge a few hours later.

The same day, OLUCOME filed a complaint in relation to the confinement of its members, and for the assault and battery against Mr. Misago. The organisation also asked the authorities for protection. However, none of these matters were examined.

In the following days, OLUCOME received several threatening letters from the Ministry of Home Affairs, accusing the association of working in place of the State General Inspectorate and of handling its files and information in a “biased” way, and precluding it from publishing the results of its investigations.

7. See Open Letter to the Burundian authorities, September 4, 2006, and Urgent Appeal BDI 001/1206/OBS 150.

### Obstacles to freedom of assembly

In early June 2006, OLUCOME members organised a sensitization campaign to increase public awareness of the fight against corruption, in Bujumbura. On this occasion, several members were arrested by a group of individuals led by Mr. Adrien Nihorimbere, a local figure close to the government, and were accused of disseminating false information and defamatory statements. They were all detained for several hours at the special department of the criminal investigation police.

All OLUCOME members were released without charge a few hours later, after the association had proven that it had duly informed the authorities of the campaign, which had been officially approved.

### Attempted interference with OLUCOME internal affairs

On June 12, 2006, OLUCOME members received a notarized deed informing them that a general assembly aimed at replacing the legitimate executive board of the association had been convened by a group of persons who were not affiliated with the organisation. The surrogate board, elected during this assembly and registered with a notary, was notably chaired by Mr. Clément Nkurunziza, a member of the ruling party and close to the government. Mr. Adrien Nihorimbere<sup>8</sup> was appointed treasurer.

After OLUCOME provided evidence that none of these persons were members of the organisation and that the election of this surrogate board did not comply with the organisation's internal rules of procedure, the notary had to cancel the deed certifying the assembly's minutes on June 14, 2006.

### Arbitrary detention and release of Mr. Gabriel Rufyiri

In early August 2006, Mr. **Gabriel Rufyiri**, OLUCOME president, was threatened by a high-ranking administrative official who claimed that he "would no longer stand" any public criticism by the association and that he would "resort to any possible means and even kill [him] if necessary".

On August 16, 2006, Mr. Rufyiri was arrested in Bujumbura and taken to the Mpimba central prison, on the basis of a complaint for

8. See above.

“libel” filed by Mr. Hilaire Ndayizamba, a prominent member of the ruling party and a businessman whom OLUCOME accused of embezzlement in the sale of palm oil to the national police, in June 2006.

On August 23, 2006, the Bujumbura Court held a preliminary hearing to rule on the legality of Mr. Rufyiri’s detention and decided to release him on bail. However, Mr. Rufyiri was maintained in detention following an appeal lodged by the Public Prosecutor.

On September 22, 2006, the Court of Appeal pressed additional charges against him, including “defamatory statements”, and upheld the legality of his detention on September 25, 2006.

Mr. Rufyiri was released on bail on December 12, 2006, but still faced charges by the end of 2006.

#### **Intimidation and threats against several OLUCOME members**

Since Mr. Rufyiri’s arrest, OLUCOME members, in particular its executive board, have received repeated phone calls threatening them and their families with death if they did not cease their activities.

On October 3, 2006 for instance, the OLUCOME secretary general was called in for questioning by the Public Prosecutor’s office. Following this summons, he and his family received several phone calls threatening him with death and forcing him into hiding.

As a result of these repeated threats, OLUCOME members were reluctant to come to the office for fear of arrest, thus severely hampering the organisation’s activities.

#### **Continued threats against members of the Iteka League<sup>9</sup>**

Since July 17, 2006, Messrs. **Innocent Nibizi**, **Joël Ntihinnyura** and **Jérôme Nyawenda**, all three members of the Iteka League in the Muyinga Province, have been regularly harassed after they conveyed information to the association’s headquarters regarding several bodies that were found in the Ruvubu river, some of which could be identified as civilians arrested and detained in the Mukoni military camp.

9. See Annual Report 2004.

On October 12, 2006, Mr. Nibizi was arrested by soldiers of the Mukenke military camp. He was accused of disseminating false information and of being a member of Palipehutu-FNL.

He was released a week later, after an officer of the Muyinga criminal investigation department, also an Iteka member, interceded on his behalf. Mr. Nibizi was nonetheless put on probation and had to report every two days to the Nkoyoyo military station. He was further summoned for questioning on November 11, 2006.

On October 12, 2006, soldiers of the Mukenke military camp surrounded Mr. Ntihinnyura's home to arrest him. He managed to escape and went into hiding for a couple of months. Following the intervention of Iteka with the Provincial Governorate, he came back to Muyinga in early December 2006. In spite of the Governorate's guarantee that he would no longer be harassed, the police attempted to arrest him on December 12, 2006. Mr. Ntihinnyura escaped and was again forced into hiding.

As of the end of 2006, he was still reportedly wanted by the police following a complaint for "libel" filed by Mr. Belchmans Batakanwa, a member of the ruling CNDD-FDD, and was thus unable to return to Muyinga for fear of arrest.

Lastly, Mr. Nyawenda was directly threatened by the administrator of the Muyinga commune who accused him of disseminating information to Iteka and the United Nations Operation in Burundi (UNOB) after new bodies were discovered in the Ruvubu river on November 23, 2006.

On December 6, 2006, soldiers of the Mukoni military camp came to his home to arrest him following a complaint lodged by another CNDD-FDD member, Mr. Jean Minani, who accused him of conveying erroneous information to Iteka. Mr. Nyawenda managed to hide and escape but remained wanted as of the end of 2006.

### **Judicial proceedings against Messrs. Alhadji Mamat and Alhadji Mey Ali<sup>10</sup>**

By the end of 2006, Mr. **Alhadji Mamat**, chief of the Sao district in Afadé (northeastern Cameroon), and Mr. **Alhadji Mey Ali**, director of the NGO Civil Society Organ (*Organe de la société civile - OS\_civile*), were still subjected to judicial proceedings pending before the Kousseri Court of First Instance. The hearing was postponed on numerous occasions in 2006, and no further date had been scheduled.

Messrs. Alhadji Mey Ali and Mamat were accused of “slandering denunciation and defamation” on August 11, 2005 after Mr. Mamat lodged a complaint against Sergeant Enama Pantaleon for “torture and complicity in torture” against the population of the Sao district in July 2005. At the same time, Mr. Mey Ali also filed a complaint in relation to the same facts with the head of the Gendarmerie of the Far-North province in Maroua.

In addition, on August 28, 2006, Mr. **Karim Abani**, head of the public relations department of *Os\_civile*, was insulted and threatened by Mr. Simon Nyah Hemou, Sergeant of the Ter gendarmerie squad of Kousseri, in front of the organisation’s premises and in the presence of Mr. Mey Ali. Shortly before this incident, Mr. Abani had asked the Major of the Kousseri brigade to examine the complaint filed by a victim which Sergeant Nyah Hemou had previously dismissed. Following Mr. Abani’s intervention, the Major had ordered his subordinate to open an investigation into this complaint.

Additionally, Messrs. Mey Ali and Karim Abani were summoned for questioning on November 16, 2006 after *Os\_civile* publicly reported that police officers had abducted and raped a 13-year-old girl on October 14, 2006.

Mr. Mey Ali was released without charge after several hours of questioning, whereas Mr. Abani was charged with “harbouring a criminal” and detained in police custody until November 24, 2006. This accusation was linked to his intervention with the police earlier that day, when officers came to search the land of a certain Mr. Alhadji Hissein, who was wanted for fraud. On this occasion, a crowd

10. See Annual Report 2005.

gathered in front of Mr. Hussein's house, located near the office of Os\_civile, leading Mr. Abani to enter the property and enquire about the situation. Although the police was already on the spot upon Mr. Abani's arrival, the authorities later accused him of facilitating Mr. Hussein's escape. A hearing was set for January 11, 2007 before the Kousseri Court.

All Os\_civile members were regularly followed by the police in 2006.

### **Continued harassment of SCNC members<sup>11</sup>**

#### **Forced disappearance of Mr. Daniel Fonkoua**

As of the end of 2006, no further information had been made available about the situation and possible place of detention of Mr. **Daniel Fonkoua**, former director of the Human Rights Defence Group (HRDG) and a member of the Southern Cameroon National Council (SCNC), an organisation denouncing the marginalisation of the Anglophone provinces in the north- and southwest of the country and defending the right to self-determination of these regions. SCNC has repeatedly been denied legal recognition by the authorities for the past few years.

On September 10, 2005, a group of armed police officers arrested Mr. Fonkoua at his home, in the context of a series of measures aimed at preventing SCNC from organising a peaceful demonstration scheduled for October 10, 2005 in commemoration of the autonomy of the Anglophone provinces<sup>12</sup>.

Mr. Fonkoua's relatives could not obtain any information about his situation in 2006 and were repeatedly harassed and watched by the police during the course of the year.

#### **Arbitrary arrests and judicial proceedings against several SCNC activists**

On April 27, 2006, 65 SCNC members, including the chairman of the Northwest Province branch, Mr. **Hitler Mbinglo**, his deputy, Mr.

11. *Idem.*

12. On October 1, 1961, Anglophone provinces were granted independence and joined a federal State along with the Francophone regions. In 1972 however, this federal system was replaced by a unitary State dominated by the Francophone community.

**Henry Nyah**, and SCNC deputy executive secretary, **Mr. Fidelis Chinkwo**, were arrested in Oku (Northwest Province) while participating in a meeting convened at the home of one of the members.

All 65 were detained in Oku police station and accused of organising a peaceful rally in favour of the right to self-determination of the Anglophone provinces, scheduled for May 20, 2006 on the occasion of Cameroon's national day. The authorities had previously banned this demonstration.

The 65 SCNC members were charged with "secessionist activities" and released on bail on May 4, 2006.

Messrs. Mbinglo, Chinkwo, Nyah and **Martin Ngok**, SCNC secretary general, were arrested again on May 7, 2006, while holding a press conference in Bamenda. They were detained at the Bamenda police station and released a few days later.

By the end of 2006 however, all proceedings remained pending.

## **Ongoing harassment of MDDHL members**

### Judicial harassment<sup>13</sup>

#### *The Ahmadou Ahidjo Jamot / CAMTEL case*

On February 2, 2006, the Maroua Court of First Instance discharged Mr. Ahmadou Ahidjo Jamot, a representative of the national telecom company CAMTEL. The Movement for the Defence of Human Rights and Freedoms (*Mouvement pour la défense des droits de l'Homme et des libertés* - MDDHL) had lodged a complaint against Mr. Jamot for "abuse of authority" in 2003 after the association's phone lines were cut in December 2002. The verdict was handed down in the absence of Mr. Jamot.

#### *Acquittal of Messrs. Djafarou Alhadji, Pierre Zra and Oumarou Deli*

In April 2006, Messrs. **Alhadji Djafarou**, **Pierre Zra** and **Oumarou Deli**, all three MDDHL members, were acquitted by the Far-North Provincial Court of Appeal.

The three men were arrested on June 17, 2005 after contesting, in December 2003, the appointment of Mr. Abdouramane as deputy chief of the village of Mogodé. They were then arbitrarily detained in

13. See Annual Report 2005.

the Mokolo prison for five months. Mr. Abdouramane was notably suspected of violations against the village population.

On August 17, 2005, the Mokolo Court of First Instance sentenced Mr. Djafarou to a six-month suspended prison term for “forgery”, “use of forged documents” and “disturbing the course of justice”, whereas Messrs. Zra and Deli were condemned to a three-month suspended prison sentence. They appealed against this decision to the Far-North Court of Appeal, which granted them parole on November 17, 2005.

In addition, several judicial proceedings initiated by or against MDDHL remained pending as of the end of 2006, such as: the Elise Monthé case; the Semdi Soulaye and *Crédit du Sahel* case; and the Christine Siamta case.

#### Harassment of Messrs. Ahmadou Rhékang and Blaise Yacoubou<sup>14</sup>

On February 10, 2006, Mr. **Ahmadou Rhékang**, an MDDHL member, was detained for over two hours in the headquarters of the Far-North provincial division of the criminal investigation police in Maroua, where police officers humiliated him and threatened him with imprisonment if he did not resign from his position within MDDHL.

Mr. Rhékang was arrested upon arrival at the police station where he was to file a complaint on behalf of Mr. Collins Okoro, a Nigerian citizen who asked MDDHL for assistance after he was summoned by the criminal investigation department in a case relating to his professional activities. The officers in charge of the inquiry had then confiscated Mr. Okoro’s residence permit.

Following Mr. Rhékang’s arrest, Mr. **Blaise Yacoubou**, head of the MDDHL protection department and office administrator who first initiated the complaint, was summoned by the chief of the provincial division and insulted by the officer who brought him the summons.

On March 1, 2006, Mr. Yacoubou was again called in for questioning by the criminal investigation department, three days after he coordinated a training seminar for MDDHL members in Maroua.

14. See Annual Report 2005 and Urgent Appeal CMR 001/0306/OBS 022.

### Sentencing, arbitrary detention and release on bail of Mr. Adama Mal-Sali<sup>15</sup>

On May 3, 2006, following numerous adjournments, the Maroua Court of First Instance sentenced Mr. **Adama Mal-Sali**, an MDDHL representative in Balaza-Lawane, to six months' imprisonment for "libel and slanderous denunciations", on the basis of a complaint lodged in April 2005 by Mr. Amadou Adoum Haman, community leader of the Balaza-Lawane Canton (*larwan*). Mr. Mal-Sali had denounced the malpractices and abuses perpetrated by Mr. Adoum Haman, who had forbidden the villagers under his jurisdiction to report about their situation to Mr. Mal-Sali.

Mr. Mal-Sali was released on bail on June 14, 2006 on the order of the Attorney General.

### Continued harassment of ACAT-Littoral and MDHC members<sup>16</sup>

Members of the Cameroon House for Human Rights (*Maison des droits de l'Homme du Cameroun* - MDHC), and in particular its head coordinator Ms. **Madeleine Afité**, who also acts as chair of the Douala branch of the Action by Christians Against Torture (*Action des chrétiens pour l'abolition de la torture à Douala* - ACAT-Littoral), continued to be repeatedly intimidated in 2006. MDHC premises remained under constant police surveillance, while the association's members, as well as lawyers and victims visiting the organisation were regularly followed by police and security officers.

On April 15, 2006 for instance, the car of Mr. **Maxime Bissay**, an ACAT-Littoral and MDHC member, was followed by an unidentified vehicle over several kilometres. Mr. Bissay, who was along with friends and feared for their safety, decided to pull over and seek refuge in a parish nearby. They finally decided to abandon their car and walk home through by-roads after they realised that the vehicle following them had stopped and was obviously waiting for them.

15. See Annual Report 2005 and Urgent Appeal CMR 002/1205/OBS 130.1.

16. See Annual Report 2005.

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**CENTRAL AFRICAN REPUBLIC**
**Serious threats against several human rights defenders<sup>17</sup>**

In early January 2006, several human rights defenders were threatened following the unrest arising from the assassination of Second Lieutenant Wilfrid Yango Kapita, who was shot dead by Staff-Sergeant Jean-Claude Sanzé during an altercation on the night of January 2 to 3, 2006. On January 3, 2006, Mr. Sanzé was removed from the prison where he was held in custody, tortured and murdered by friends of Mr. Yango Kapita, on the very premises of the Investigation and Intelligence Services (*Service de renseignements et d'investigation* - SRI).

On the same day, the home of Mr. **Nicolas Tiangaye** was ransacked and looted. Mr. Tiangaye, for whom Mr. Sanzé had served as an aide-de-camp, is a prominent lawyer and former president of the Central African League for Human Rights (*Ligue centrafricaine des droits de l'Homme* - LCDH), former leader of the Central African Bar Association and former chairman of the National Transitional Council.

During a meeting held at the *Kwa Na Kwa* ("Work and work only"- KNK, a political group supporting the President of the Republic) headquarters, Mr. Célestin Dogo, a military officer suspected of assassinations and other human rights violations, declared that he was ready to "settle the score" with Mr. **Nganatouwa Goungaye Wanfiyo**, a lawyer and LCDH president.

On January 4, 2006, Mr. **Adolphe Ngouyombo**, chair of the Human Rights and Humanitarian Action Movement (*Mouvement pour les droits de l'Homme et d'action humanitaire* - MDDH), and Mr. **Adolphe Ngouyombo**, a journalist, president of the Central African Journalists' Union (*Union des journalistes centrafricains* - UJCA) and editor-in-chief of the daily *Le Citoyen* who had published an article denouncing human rights abuses perpetrated by militaries, received multiple threatening phone calls.

Finally, on January 10, 2006, Mr. **Emile Ndjapou**, a magistrate and president of the litigation department of the State Council, received threats after he participated in a meeting convened by ECOSEFAD, an association promoting fundamental freedoms. During this meet-

17. See Urgent Appeal CAF 001/0106/OBS 008.

ing, Mr. Ndjapou had addressed the human rights situation and the peace process in the country, and had strongly criticized the attitude of the army. Later that day, a military vehicle stopped in front of his home and attempted to break open his portal. Mr. Ndjapou's son managed to scare the assailants away by switching the lights off and setting guard dogs on them.

### **Smear campaign against human rights defenders<sup>18</sup>**

On March 15, 2006, the President of the Republic General François Bozizé commemorated the third anniversary of his accession to power and described human rights defenders as “protectors of criminals”, during a speech delivered in Mbaiki town.

On August 25, 2006, during an audience granted to the Movement for the Liberation of the Central African People (*Mouvement pour la libération du peuple centrafricain* - MLPC, opposition party), President Bozizé reportedly mentioned his meeting with an FIDH delegation on June 16, 2006, stating that he had been about to “stab” Mr. Nganatouwa Goungaye Wanfiyo, who took part in the meeting as an FIDH delegate.

In addition, on the occasion of the country's national day celebrated on December 1, 2006, Mr. François Bozizé delivered a speech to the Nation in which he notably accused magistrates, human rights defenders, journalists and political opponents of “undermining the country's development”.

In particular, Mr. Bozizé claimed that “human rights leaders in the CAR tend to consider human rights as their own doing, which is a plain lie (...). Defenders in this country hide behind the notion of human rights to engage in politics. If they want to act like politicians, all they have to do is to create their own political party and let others address human rights for the real good of the population (...). It is absolutely unbearable that certain persons today can rise and lie like this, not only protecting people who actually killed but also shouting loud and open that human rights violations are perpetrated here and there, thereby protecting criminals (...). Defending human rights means nothing but to respect one's neighbour, his country and the Head of State. But every time, these people brandish human rights to

18. See Urgent Appeals CAF 002/1006/OBS 120 and CAF 003/1206/OBS 148.

insult the Nation (...). Is this human rights? It is unworthy of a human rights representative to insult his country and the President of the Republic and then rejoice at it (...). Some people distort the very concept of human rights out of sheer dishonesty”.

Mr. Bozizé further blamed the independent press for “writing nonsense about the country’s situation” and stated that “it is neither normal nor acceptable to regularly splash the country’s worse features across the front page”.

### **Robbery of OCODEFAD documents and harassment of its members<sup>19</sup>**

On August 3, 2006, three armed men broke into the home of Mrs. **Bernadette Sayo Nzale**, president of the Organisation for Compassion and Development for Families in Distress (*Organisation pour la compassion et le développement des familles en détresse* - OCODEFAD). These individuals stole the organisation’s computer, several USB memory sticks and other documents relating to OCODEFAD activities, including its quarterly report and a list of victims’ names. However, all other valuable goods were left behind. A neighbour later claimed that he had recognised at least one of the thieves who had been lurking around Mrs. Sayo Nzale’s house for the past few days. The burglars operated in clear daylight, while the house caretaker and occupants were out.

OCODEFAD documents were stolen a week after the association, in a press release issued on July 29, 2006, protested against a project of general amnesty for the perpetrators of human rights violations committed in the country since 2002. This request was introduced before the Parliament on July 28, 2006 by Pastor Josué Binoua, a politician, in the name of national reconciliation. Following the publication of the OCODEFAD press release, its president and members received numerous anonymous threats.

On August 4, 2006, Mrs. Sayo Nzale filed a complaint for theft with the territorial brigade of the military police.

On August 9, 2006 however, OCODEFAD’s lawyer, Mr. Mathias Morouba, who requested a copy of the complaint, was told that it had gone missing.

19. See Urgent Appeal CAF 001/0905/OBS 086.1.

### Serious threats against Mr. Bruno-Hyacinthe Gbiegba<sup>20</sup>

On September 29, 2006, Mr. **Bruno-Hyacinthe Gbiegba**, a lawyer and chairman of the Central African section of the Action by Christians Against Torture (*Action des chrétiens pour l'abolition de la torture - ACAT-RCA*), was approached by an unidentified individual who informed him that two “former liberators”, who had supported President Bozizé during his coup in March 2003, “were about to attack him personally” as he was allegedly “hiding behind his human rights activities to oppose the regime”. These two men had been condemned to a six-month suspended prison sentence for assault and battery against one of Mr. Gbiegba’s clients in March 2006.

On September 19, 2006, several national human rights organisations, including ACAT-RCA and LCDH, had issued a press release denouncing the arbitrary detention of 14 persons, who had been prosecuted and acquitted for “criminal conspiracy” and “complicity in conspiracy”, in connection with the ongoing rebellion in the north of the country against President Bozizé’s government. Following intense protest and mobilisation of lawyers and civil society, these 14 persons were released on September 25, 2006.

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## CHAD

### Harassment and threats against LTDH and ATPDH members

#### Arbitrary arrest and serious threats against Mr. Mingar Monodji<sup>21</sup>

On April 24, 2006, four individuals in military uniform arrested Mr. **Mingar Monodji**, chair of the N’Djamena 7<sup>th</sup> district branch of the Chadian League for Human Rights (*Ligue tchadienne des droits de l’Homme - LTDH*) while on his way home. The soldiers reproached him for having been in contact with reporters for *Radio France Internationale (RFI)* and the *Agence France Presse (AFP)* on April 17 and 18, 2006. Noticing his LTDH membership card, they further accused him of holding “the mercenaries’ ID card” and declared: “Your organisation is a one of traitors and mercenaries, all LTDH members

20. See Urgent Appeal CAF 002/1006/OBS 120.

21. See LTDH.

are Southerners. Why don't you stand for our brothers in the East? When one of you guys dies though, you shout as if you were more Chadian than the rest of us".

Mr. Monodji was released without charge on April 27, 2006 and had to be immediately hospitalised following serious ill-treatment inflicted by the soldiers while in detention.

Before they released him, the officers further threatened him with death and declared: "If you don't go and tell your shithead of LTDH president and this woman who shouts every day on the radio that Mr. Déby should resign [referring to Ms. **Delphine Djiraibe**, a lawyer and former director of the Chadian Association for the Defence and Promotion of Human Rights (*Association tchadienne pour la défense et la promotion des droits de l'Homme* - ATPDH)] to stop talking nonsense, we'll kill you one by one after the May 3 [presidential] election - starting with you".

#### **Lack of investigation into Ms. Delphine Djiraibe's assault<sup>22</sup>**

In 2006, no investigation was opened into the attack led against Ms. Delphine Djiraibe in May 2005.

On May 24, 2005, Ms. Djiraibe was attacked after she participated in the hearing aimed at cancelling the results of the referendum amending the Constitution of March 31, 1996. After she left the N'Djamena Supreme Court that day, Ms. Djiraibe was followed by two men riding a motorbike who crashed into her car as she was stepping out in front of her office. The two assailants then insulted and threatened her before taking flight upon passers-by's intervention.

#### **Arbitrary detention and release of Mr. Tchanguiz Vatankhah<sup>23</sup>**

On April 28, 2006, Mr. **Tchanguiz Vatankhah**, founder and director of the Association for the Protection of Environment and Persons' Rights (*Association pour la protection de l'environnement et des droits des personnes* - APEDP), editor-in-chief of *Radio Brakoss*, a community radio station operating in Moissala, president of the Union of

22. See Annual Report 2005.

23. See Annual Report 2005 and Joint Press Releases of the Observatory and *Agir ensemble pour les droits de l'Homme*, May 17 and 22, 2006.

Chadian Private Radios (*Union des radios privées du Tchad* - URPT), and an Iranian refugee residing in Chad for the last 30 years, was arrested and placed in detention at the N'Djamena central police station.

His arrest followed the publication of an URPT press release dated April 25, 2006 and signed by Mr. Vatankhah who called for the presidential election of May 3, 2006 to be postponed.

Mr. Vatankhah, who was denied access to a lawyer and his family, went on hunger strike until May 17, 2006.

He was released on May 19, 2006 during a ceremony held at the office of the Minister for Human Rights.

Mr. Vatankhah filed a complaint for unlawful detention jointly with several other local human rights organisations, against the commander of the Bahr Sara gendarmerie squad in May 2006.

On September 17, 2006, the gendarmerie commander warned the head of the LTDH youth commission that members of human rights associations "shall start digging their own graves". He further named as "slaves" two journalists working for *Radio Brakoss*, Messrs. **Marcel Ngarkoto** and **Kallassal Mingar**.

As of the end of 2006, Mr. Vatankhah's complaint against the commander of the Bahr Sara gendarmerie had not yet been examined.

### **Ms. Jacqueline Moudeïna's aggressor appointed to a governmental position<sup>24</sup>**

On May 30, 2006, the President of the Republic, Mr. Idriss Deby Itno, signed the Decree No. 378 appointing individuals to high-ranking official positions. On this occasion, Mr. Mahamat Wakayé was promoted Director of the road, river and lake safety department of the Ministry of Infrastructure, a position bearing important, potentially coercive powers.

Mr. Wakayé was commanding the N'Djamena's police as general superintendent when security forces violently dispersed a peace march organised by women's groups on June 11, 2001 to protest against the electoral fraud that occurred during the presidential election. Police forces notably threw grenades at the demonstrators, seriously wounding Ms. **Jacqueline Moudeïna**, ATPDH legal officer, a lawyer for the vic-

24. See Annual Report 2004.

tims in the Hissène Habré case in Chad and Senegal, and laureate of the 2003 Martin Ennals Award for Human Rights Defenders (MEA)<sup>25</sup>.

On March 18, 2002, Ms. Moudeïna and six other women lodged a complaint with the N'Djamena Court against three police officials, namely Messrs. Mahamat Wakayé, Mahamat Idriss and Taher Babouri, for illegal violence and grievous bodily harm.

In 2003, Mr. Wakayé was promoted to the position of Director of the criminal investigation police department.

On November 17, 2004, the N'Djamena Court of Appeal upheld the decision of the N'Djamena Criminal Court of November 11, 2003 to discharge the three attackers.

### **Arbitrary arrest and detention of Mr. Evariste Ngaralbaye<sup>26</sup>**

On October 27, 2006, Mr. Evariste Ngaralbaye, a journalist for the independent weekly *Notre Temps*, was summoned by the National Department of Criminal Investigation (*Section nationale des recherches judiciaires* - SNRJ) of the N'Djamena gendarmerie. He was accused of “defamation” and “insult to the armed forces’ honour and morale”, and was immediately taken to custody.

Mr. Ngaralbaye was arrested after publishing an article in the October 24, 2006 edition of *Notre Temps* entitled “The conflict in the East: a useless war”, in which he denounced the enlistment of child-soldiers in the Chadian regular army. This article was mainly based on testimonies of teenagers’ parents claiming that armed forces had enrolled their children to fight against the rebels based in Eastern Chad.

Mr. Ngaralbaye was released on grounds of technical irregularities on October 31, 2006 as no complaint had been lodged against him at

25. The Martin Ennals Award for Human Rights Defenders (MEA), created in 1993, is a unique collaboration among eleven of the world's leading non-governmental human rights organisations to give protection to human rights defenders worldwide. The jury is composed of: Amnesty International, Human Rights Watch, Human Rights First, FIDH, OMCT, the International Commission of Jurists, Diakonie Germany, the International Service for Human Rights, International Alert, Front Line, and Huridocs.

26. See Urgent Appeal TCD 001/1106/OBS 139.

the time of his arrest. The same day, however, the Commander-in-chief of the national gendarmerie officially pressed charges against him.

On November 2, 2006, Mr. Ngaralbaye appeared before the Public Prosecutor who notified him that he would soon be summoned to court.

The journalist and his lawyer went to the Prosecutor's office again on November 3, 2006 to obtain a copy of the file in order to prepare his defence. On this occasion, the Prosecutor reportedly claimed that this file did not exist.

As of the end of 2006, proceedings remained pending.

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## CONGO-BRAZZAVILLE

### **Judicial harassment of Messrs. Christian Mounzéo and Brice Makosso<sup>27</sup>**

On April 5, 2006, Mr. **Christian Mounzéo**, head of the NGO Engagement for Peace and Human Rights (*Rencontre pour la paix et les droits de l'Homme* - RPDH), and Mr. **Brice Makosso**, permanent secretary of the Episcopal Justice and Peace Commission (*Commission épiscopale justice et paix*) in Pointe-Noire, both coordinators of the "Publish What You Pay" campaign in the country (*Publiez ce que vous payez* - PCQVP), were summoned to the Pointe-Noire central police station on the order of the Public Prosecutor of the Pointe-Noire Court of First Instance, on the basis of a complaint for "forgery" and "misuse of funds" filed by Mr. William Bouaka, former RPDH secretary general, on February 17, 2006.

Messrs. Mounzéo and Makosso reported to the central police station on April 6, 2006 and were then taken to the police special department, where they were questioned about their activities, in particular their involvement in the "Publish What You Pay" campaign calling for the mandatory disclosure of the books of accounts of oil, gas and mining companies. Both activists were remanded in custody for several hours and released without charge in the evening.

On the same day, criminal investigation police searched their homes without warrants and seized a number of documents related to their

27. See Urgent Appeals COG 001/0406/OBS 050, 050.1 and 050.2.

human rights activities. The headquarters of the Justice and Peace Commission were also reportedly searched without a warrant.

On April 7, 2006, while reporting to the police station to sign the minutes of their questioning, Messrs. Mounzéo and Makosso were indicted by the Public Prosecutor for “forgery” and “breach of trust”, and subsequently held in custody in the Pointe-Noire central prison.

They were both released on bail on April 28, 2006.

The hearing was repeatedly postponed until the Court laid additional charges of “breach of trust” and “complicity in breach of trust” on October 9, 2006. These charges had been introduced by the Prosecutor in July and were first examined by the Court on October 29, 2006. The hearing was further adjourned until November 28, then December 27, 2006.

Mr. Mounzéo was further arrested without a warrant on November 13, 2006 at Maya-Maya international airport, upon his return from a professional journey to Europe. He was detained until November 14, 2006 and officially banned from leaving the country. Mr. Mounzéo’s arrest and travel ban were ordered by the Pointe-Noire Public Prosecutor who had been removed from office on July 10, 2006.

On December 27, 2006, the Pointe-Noire Court found Messrs. Mounzéo and Makosso guilty of “forgery and use of forgeries” and “breach of trust” and condemned them to a one-year suspended prison sentence and a 300,000 CFA francs fine each (about 457 euros).

Messrs. Mounzéo and Makosso immediately appealed this decision.

### **Smear campaign against OCDH<sup>28</sup>**

On October 25, 2006, the Congolese Observatory for Human Rights (*Observatoire congolais des droits de l’Homme* - OCDH) released a report denouncing the arbitrary detention of several military officers and civilians who had been held in custody without a warrant or trial for several months. A copy of this report was conveyed to the Congolese authorities, in particular the Minister in charge of the relations with Parliament, the Minister for Justice and Human Rights, the Minister of Home Affairs and National Security, and the Parliament<sup>29</sup>.

28. See Annual Report 2005.

29. See FIDH and OCDH Joint Press Release, October 19, 2006.

Referring to the OCDH report, Mr. Alphonse Dinard Mobangat-Mokondzi, Prosecutor of the Brazzaville Court of First Instance, publicly declared that “the accusations brought by OCDH [were] sheer dishonesty”.

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## COTE D’IVOIRE

### Continued harassment of MIDH members<sup>30</sup>

#### Lack of investigation into the attack against MIDH headquarters

As of the end of 2006, the Ivorian authorities had failed to investigate the complaint filed by the Ivorian Movement for Human Rights (*Mouvement ivoirien pour les droits humains* - MIDH) following an attack against its headquarters in Abidjan on January 10, 2005. On that day, a group of individuals who introduced themselves as police officers had raided the premises, accompanied by Mr. Ted Azduma Manamassé, a former member of the organisation. These persons then threatened MIDH members present and confiscated their cell phones. Although the assailants were immediately arrested and were due to appear before the Public Prosecutor the next day, they were all released during the night.

#### Threats against Mr. Drissa Bamba

On August 11, 2006, Mr. **Drissa Bamba**, media officer and head coordinator of MIDH activities, was threatened by four gendarmes.

While on a field visit in the Cocody II-Plateaux neighbourhood, Mr. Bamba was called to by several taxi drivers, also members of the Union of Transport Workers (*Syndicat des transports*), whose cars had been stopped by gendarmerie officers. Although the gendarmes failed to notify them of any specific offence, they confiscated the vehicles documents and demanded 1,000 CFA francs (1,50 euro) per unionist.

When Mr. Bamba asked the officers to return the papers, they threatened him with death and said: “You there, you’re a dead man, and we are ready to put our rank at stake to make sure this happens. It is our zone here, we’ll meet again”.

30. See Annual Report 2005.

Mr. Bamba then appealed to the general commissioner who subsequently ordered the gendarmes to return their papers to the unionists.

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## DEMOCRATIC REPUBLIC OF CONGO

### Repression of human rights defenders - Kinshasa

#### Harassment of League of Electors and its members

##### *Threats against Mr. Paul Nsapu's relatives<sup>31</sup>*

On January 30, 2006, three men in plain-clothes, one of whom could be identified as a security officer, came to the headquarters of the League of Electors (*Ligue des électeurs* - LE) in Kinshasa and asked for information about an FIDH field mission organised in eastern DRC in September and October 2004. On this occasion, the mission delegates had collected numerous testimonies of victims of human rights violations in the framework of the ongoing investigations initiated by the International Criminal Court (ICC). The three individuals threatened the staff present when they realised that Mr. **Paul Nsapu**, LE director, was away and promised to come back to “sort him out” and to “punish him for his activities against the Nation and the authorities”.

On February 22, 2006, Mrs. **Kapinga Tshiswaka**, wife of Mr. Nsapu, was violently assaulted in Kinshasa by three plain-clothes individuals. As a result of a violent beating to her face, she sustained a trauma to her left eye. Her aggressors notably claimed that this attack was a direct response to her husband's “anti-patriotic activities” and further indicated they had come to “punish” her for conveying him information about the situation in the country.

On April 7, 2006, Mr. **Léon Mukulu**, Mr. Nsapu's brother, was approached in a street of Kinshasa by two unidentified individuals who questioned him in threatening terms about his relationship to and contacts with Mr. Nsapu. Mr. Mukulu found refuge at the headquarters of the National Observatory for Human Rights (*Observatoire national des droits de l'Homme* - ONDH) and the High Media

31. *Idem.*

Authority (*Haute autorité des médias* - HAM), where he stayed for several hours waiting for the two men to abandon their watch.

On September 16, 2006, Mrs. Tshiswaka was further summoned for questioning by the security services of Congo-Brazzaville, upon her arrival at the Brazzaville “Beach” from Kinshasa. Security officers accused her of being a “suspect element”, obviously acting upon a description provided by the DRC intelligence services. Mrs. Tshiswaka’s luggage was thoroughly searched and she was detained for several hours.

More generally, the authorities continued to orchestrate wide campaigns of denigration against the LE, clearly aimed at challenging its credibility with donors.

### *Smear campaign against Mr. Sabin Banza*<sup>32</sup>

In an article published on the *AfricaNews* website on November 9, 2006 and entitled “A plot gets foiled”, the Movement for the Liberation of the Congo (*Mouvement pour la libération du Congo* - MLC, an opposition party founded by Mr. Jean-Pierre Bemba, a candidate in the presidential election) accused “a dozen of activists, all affiliated to FIDH”, to have “devised a machination” to bring about Mr. Bemba’s “political death”. Among the defenders mentioned were in particular Mr. **Sabin Banza**, LE vice-chairman, and Mr. **Amigo Ngonde**, director of the African Association for the Defence of Human Rights (*Association africaine de défense des droits de l’Homme* - ASADHO).

This article was published shortly after FIDH had issued an international fact-finding mission report, on October 12, 2006. This report, entitled *Forgotten and stigmatised: the double punishment of the victims of international crimes*, focused on the problem of impunity in the Central African Republic, and underlined Mr. Bemba’s active role in the war crimes perpetrated in the CAR between 2002 and 2003.

### Continued harassment of JED members<sup>33</sup>

In February 2006, Messrs. **Donat Mbaya Tshimanga**, **Tshivis Tshivuadi** and **Charles Mushizi**, president, secretary general and

32. See Urgent Appeal COD 006/1106/OBS 138.

33. See Annual Report 2005 and Urgent Appeal RDC 008/1205/OBS 128.1.

legal adviser respectively of Journalists in Danger (*Journalistes en Danger* - JED), received multiple anonymous phone calls threatening and accusing them of “serving the opposition’s interests”, “gambling with peoples’ honour” and “making unfounded statements”.

These threats followed the publication, in the February 7, 2006 edition of *Le Soft* newspaper, of an article summarizing JED’s investigation into the assassination of Mr. Franck Ngyke Kangundu, a journalist who was murdered along with his wife, Mrs. Hélène Mpaka, on the night of November 2 to 3, 2006. The final findings of this inquiry disclosed the presumed responsibility of several people close to the government and high-ranking officials. Mr. Liyolo Limbe Pwanga, who was incriminated in the article, publicly threatened Messrs. Mbaya Tshimanga and Tshivuadi and stated that both JED leaders had become his “enemies to death” and that he would not “let them do”. Mr. Kakule, a former colleague of Mr. Ngyke, also suspected to be involved in his murder, sent a letter forcefully accusing the two journalists of “intellectual dishonesty” and announcing his intention to bring charges against them. As of the end of 2006 however, no proceedings were reported to have been initiated by Mr. Kakule.

In addition, on February 10, 2006, witnesses warned JED members that their premises were being watched several hours a day by a group of police officers stationed closeby.

Owing to these threats and accusations, Messrs. Mbaya Tshimanga and Tshivuadi were forced into hiding for about a month for fear for their safety.

On February 16, 2006, following the official release of the JED report on the assassination of Mr. Ngyke and Mrs. Mpaka, a police officer came to the organisation’s office looking for Mr. Tshivuadi, who was away at the time. The officer then left a summons signed by the deputy general inspector and head of the Operations Department Mr. Elias Tshibangu, “inviting” JED secretary general to report to the headquarters of the Intelligence and Special Services Department (*Direction des renseignements généraux et services spéciaux* - DRGS). Mr. Tshivuadi, who was in hiding at the time, decided not to respond to this summons for fear of being arrested.

The two JED leaders could eventually resume their activities on March 9, 2006 after they met with the President of the Republic Mr. Joseph Kabila.

However, Mr. Mbaya was summoned on three different occasions

in March 2006, once before the Military Audit Department of the Matate garrison and twice before the Public Prosecutor.

In addition, Messrs. Mbaya and Tshisuadi received another summons from the Prosecutor of the Kinshasa/Gombe Court of Appeal on July 11, 2006, ordering them to “appear this day before the criminal investigation inspector to answer facts that [would] be disclosed on the spot”. The two men did not respond in person but sent their lawyer who was then told that their presence was necessary. However, this summons was never reissued.

Lastly, the complaint filed by JED in December 2005 following threats against its members was not investigated during 2006. The association merely received, on September 21, 2006, the copy of a letter addressed by the Attorney-General, Mr. Tshimanga Mukeba, to the Prosecutor of the Kinshasa/Gombe Court of Appeal, asking him for details about the “ongoing” investigation into the complaint.

#### Threats against CODHO members<sup>34</sup>

On March 3, 2006, the headquarters of the Committee of Human Rights Observers (*Comité des observateurs des droits de l'Homme* - CODHO) received a phone call from a person claiming to be a member of the security services of the President of the Republic, who threatened the organisation if it did not cease its activities. He explicitly referred to several court cases on which CODHO was working, in particular one involving a former female assistant to President Laurent Désiré Kabila. The man added that the security services would close down CODHO offices and arrest its members if they carried on their work.

On October 31, 2006, eight armed members of the rapid intervention police squad (*Police d'intervention rapide* - PIR) raided the CODHO premises where Mr. N'Sii Luanda and Ms. Mbula Wilimo, the president and a member of the association respectively, were finalising a report on the demonstration organised earlier that day by supporters of Mr. Jean-Pierre Bemba, as well as a preliminary report on the presidential and provincial elections held on October 29, 2006.

When questioned by Mr. N'Sii Luanda about the motive for their visit, one of the police officers answered: “We are here on an opera-

34. See Annual Report 2005 and Urgent Appeals COD 001/0306/OBS 024 and 024.1.

tion, you have nothing to say or ask about it and you should just leave". As Mr. N'Sii Luanda insisted and asked them if they knew that they were invading the office of a human rights NGO, they replied in these terms: "We know that perfectly well and that is the exact reason why we're here; now get out or you'll experience the worst; you people are always like that, pretending you know nothing about what you're doing or what's going on".

When Mr. N'Sii Luanda and Ms. Wilimo subsequently left the office, they observed that three PIR vehicles without licence plates surrounded the building. Mr. N'Sii Luanda refused to follow the officers when they failed to present a warrant and was then forcibly taken to one of the cars on the order of the squad commander. Ms. Wilimo and Mr. N'Sii Luanda were released after the officers searched his pockets and stole 80 US\$ (62 euros).

The squad members told them that they would come back and warned that CODHO activities and publications were being closely watched, as was every move of its members.

CODHO filed a complaint against persons unknown with the general auditor of the DRC Armed Forces (*Forces armées de RDC - FARDC*) on November 27, 2006 and referred the case to the Minister for Home Affairs and Security, Mr. Kalume Numbi.

### Continued harassment of ONDH members

#### *Attack against Mr. Michel-Innocent Mpinga Tshibusu*<sup>35</sup>

On the night of June 13 to 14, 2006, a group of hooded men wearing military uniforms attempted to attack the home of Mr. **Michel-Innocent Mpinga Tshibusu**, a lawyer, former president of the Mbuji-Mayi Bar and chairman of the National Observatory for Human Rights (*Observatoire national des droits de l'Homme - ONDH*), in the Ngaliema commune of Kinshasa. One of the assailants was caught climbing over the wall of the residence by a police officer in charge of Mr. Mpinga Tshibusu's protection, who then fired at him. Another officer, who was guarding the front door of the house, was shot at by attackers hidden in the street opposite the building. Soldiers and police officers guarding other houses in the vicinity finally rushed as backup and managed to set the assailants on flight.

35. See Urgent Appeal COD 004/0606/OBS 072.

*Harassment and threats against Mr. Jean-Marie Kadima Kande and his family*<sup>36</sup>

On June 10, 2006, Mr. **Jean-Marie Kadima Kande**, a lawyer and ONDH technical adviser working closely with the LE, received an anonymous phone call from a person introducing himself as an MLC member, who threatened him with retaliation for his “lies and harassment” against Mr. Bemba. Mr. Kadima had just returned from a trip to Gabon and Europe where he had taken part in several conferences. On this occasion, he had addressed the Belgian Parliament underlining the increasing insecurity faced by human rights defenders in the DRC and urging the country’s authorities to ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights.

On July 27, 2006, the building hosting ONDH premises was attacked, ransacked and burnt down by MLC supporters. Most of the association’s documents were destroyed in this attack, including a number relating to judicial proceedings supervised by ONDH and Mr. Kadima against suspected perpetrators of grave human rights violations, including Mr. Joseph Kabila, Mr. Jean-Pierre Bemba and several other high-ranking officers of the Republican Guard.

On August 1, 2006, Mr. Kadima received another phone call from Mr. Mbonzi, head of a militia close to the MLC, who threatened and warned him that “this was now a personal war and that [Mr. Kadima] should be prepared for anything to happen to him”. The day before, Messrs. Kadima and Mpinga Thsibasus had filed several complaints against the MLC and its leaders that had been widely covered by the national media.

On September 5, 2006, while at the court house with two other ONDH colleagues, Mr. Kadima was further threatened by an MLC-affiliated lawyer who told him that the MLC now “had its eye on [him]” and that “the worst would come at the least expected moment”.

On the night of September 28 to 29, 2006, four armed men broke into his home and aggressively demanded to see him. As Mr. Kadima was away at the time, the four assailants gathered his wife and four children in one room and threatened to kill them all if he did not put an end to his “provocations” against officials of the Republican Guard.

36. See ONDH.

They added that they would “seriously take care of [Mr. Kadima]” and that they would “eventually get to [him]”. These threats and attack seriously shook Mr. Kadima’s children, and his three-month pregnant wife sustained a miscarriage in the following hours.

Lastly, Mr. Kadima gave an interview to several radio and television channels on October 3, 2006, after four victims of arbitrary detention and acts of torture who had previously informed ONDH about their situation testified before court. The next day, Mr. Kadima’s vehicle was followed by six military men driving a jeep. After a while, the jeep drove past Mr. Kadima’s car and barred the road as its occupants jumped off trying to block his way out. Mr. Kadima managed to escape and seek refuge at a friend’s house nearby.

Due to these repeated threats and attacks, Mr. Kadima went into hiding and subsequently fled the country in late October 2006.

#### Continued harassment of VSV members<sup>37</sup>

After the Voice of the Voiceless (*Voix des sans-voix* - VSV) published a poster entitled “Elections in the DRC: More martyrs and victims for democracy” on July 18, 2006, the members of the association were continuously watched and followed by police and security services for several weeks.

On July 21 and 24, 2006, elements of the National Intelligence Agency (*Agence nationale de renseignements* - ANR) remained posted all day in front of VSV headquarters and noted every move of the organisation’s members and visitors.

On July 22, 2006, an agent of the national police special services visited VSV office and pretended to be the brother of a victim. This person produced a letter regarding a supposed case of “disappearance” but was unable to precise either the name of the victim or the circumstances of his disappearance. On the same day, Ms. **Pétronille Kamba**, VSV secretary, was followed from the Kintambo neighbourhood to her home, most probably by a member of the security forces who tried to obtain her address as well as information about VSV and its programme officers.

On July 26, 2006, VSV decided to close down its office following another wave of intimidation against its members, most particularly

37. See Annual Report 2005 and Urgent Appeal COD 005/0806/OBS 092.

against Messrs. **Floribert Chebeya Bahizire**, its chairman, and **Dolly Ifebo Mbunga**, vice-president, who were forced into hiding on the same day.

On July 28, 2006, Mr. **Willy Tukayendji**, a consultant for the VSV psycho-medical assistance programme for elderly people, was questioned by officers of the ground forces at his workplace, at the medical centre of the Kokolo military camp. The soldiers asked him about the information sources and “advisability” of an interview given by Mr. Floribert Chebeya earlier that day. In this interview broadcast by the *Canal Kin* and *Congo Canal Télévision* TV stations, Mr. Chebeya had once again raised questions about the assassination and the family ties of former President Laurent Désiré Kabila and the true identity of the President of the Republic Mr. Joseph Kabila. He also shared his concerns about the ongoing violence in the eastern part of the country.

On the night of July 28 to 29, 2006, two armed men in plain clothes aggressively knocked at the door of Mr. Tukayendji’s house for several hours as he refused to answer the door. A few days before, on July 25, Mr. Tukayendji had been followed by two men in Kintambo.

VSV headquarters remained closed from July 26 to August 2, 2006 and most of its members, including Messrs. Chebeya and Ifebo, were forced into hiding for over a month.

By the end of 2006, the association was able to resume its activities normally.

## **Repression of human rights defenders - Katanga**

Harassment and threats against ACIDH and its members<sup>38</sup>

On March 18, 2006, the Union of Nationalist Federalists of Congo (*Union nationale des fédéralistes du Congo* - UNAFEC), a party close to the government and led by the Minister of Justice, issued a press release accusing the Lubumbashi-based NGO Action Against Impunity and for Human Rights (*Action contre l’impunité pour les droits humains* - ACIDH) of “inciting ethnic hatred”.

This UNAFEC press release was most likely a response to a statement published by ACIDH on March 11, 2006 and urging the population not to vote for suspected perpetrators of human rights abuses running for the presidential election.

38. See Annual Report 2005 and Urgent Appeal COD 002/0406/OBS 055.

On March 24, 2006, ACIDH sent a letter to the UN Special Representative for the DRC expressing its concern about the establishment of new militias by political parties in Katanga. This letter was copied to the Congolese authorities and the members of the International Committee in Support of the Transition (*Comité international d'accompagnement de la transition* - CIAT).

On March 31, 2006, *Kinu Nkonga Batwi*, a pro-governmental association, issued a press release strongly libelling Mr. **Hubert Tshiswaka Masoka**, ACIDH director, who also received an anonymous phone call threatening him with death later that evening.

On April 3, 2006, ACIDH addressed the office of the Public Prosecutor in Lubumbashi, as well as national and regional authorities, MONUC and several leaders of foundations, urging for the adoption of protective measures for Mr. Tshiswaka.

On April 7, *Kinu Nkonga Batwi* released another statement claiming that Mr. Tshiswaka had murdered a member of the Mulubakat ethnic group, an accusation immediately denied by ACIDH. The UNAFEC youth wing (JUNAFEC) responded to ACIDH denial on April 11, 2006 by describing Mr. Tshiswaka as an “agitator” and a “mere tribalist”. *Le Lushois*, a weekly newspaper run by the UNAFEC deputy secretary general, published two articles in its April 6 edition, accusing Mr. Tshiswaka of “inciting ethnic hatred in Katanga” in an attempt to “sabotage the elections”.

Mr. Tshiswaka went into hiding following these repeated threats and acts of harassment. As of the end of 2006, he had not yet been able to publicly resume his activities.

#### Arbitrary arrest and judicial proceedings against Mr. Roger Onger Labugu<sup>39</sup>

On December 9, 2006, Mr. **Roger Onger Labugu**, ACIDH programme manager for civil and political rights, was arrested by members of the Lubumbashi University president’s militia. At the time of his arrest, Mr. Onger Labugu was near the university campus distributing an ACIDH press release protesting against the decision of the president of the University to rehouse students in tents and garages<sup>40</sup> and denouncing the increasingly repressive measures taken

39. See ACIDH.

against the students and teachers opposing these moves.

Mr. Onger Labugu was charged with “breach of the peace” and “incitement to rebellion” and released a few hours later.

As of the end of 2006, these charges remained pending.

### Continued harassment of ASADHO/Katanga

#### *Death threats against Messrs. Jean-Claude Katende and Jean-Pierre Mutemba*<sup>41</sup>

On April 19, 2006, the Network for Natural Resources (*Réseau Ressources naturelles* - RNN) organised a workshop in Lubumbashi on “The role of the media and civil society in the exploitation of natural resources in the DRC”. In its concluding statement, RNN denounced the poor management of natural resources by the Congolese government and the authorities’ corrupt practices, in particular the allocation of a number of unfair contracts.

Following this statement, Mr. **Jean-Claude Katende**, director of the Katanga section of the African Association for the Defence of Human Rights (ASADHO), and Mr. **Jean-Pierre Mutemba**, secretary general of the New Labour Dynamics (*Nouvelle dynamique syndicale* - NDS), both RNN-affiliated organisations, were anonymously threatened with death if they did not stop addressing the issue of the management of natural resources in public.

Furthermore, several prominent members of the ruling People’s Party for Reconstruction and Democracy (*Parti du peuple pour la reconstruction et la démocratie* - PPRD), some of whom had been incriminated during the RNN workshop, gave a press conference accusing RNN members of “working in the pay of international NGOs striving to prejudice the interests of the ruling power”. These statements were broadcast by the *Mwangaza* television channel.

On May 3, 2006, Mr. Ngandu Djemo, Governor of the Katanga Province, warned Mr. Mutemba that he would “lose his life” if he continued to lobby the authorities for a more transparent management of natural resources in the country.

40. In the end of 2006, the President of the University decided to remedy the overcrowding of the campus by rehousing several hundreds of students living on the campus in tents and garages, whereas renovation work of several buildings has been under way for over two years.

41. See Urgent Appeal COD 003/0506/OBS 057.

*Death threats against Mr. Timothée Mbuya*<sup>42</sup>

In July 2006, Mr. **Timothée Mbuya**, head of the ASADHO/Katanga publications department, was repeatedly threatened with death by members of the ANR after the NGO Global Witness launched its report entitled *Digging in corruption*, in Lubumbashi.

Mr. Mbuya was accused of having conveyed information to Global Witness and of having facilitated the organisation of the press conference launching the report.

*Harassment against Mr. Golden Misabiko*<sup>43</sup>

Mr. **Golden Misabiko**, honorary president of ASADHO/Katanga, was forced into hiding in early November 2006 following serious and credible threats. Mr. Misabiko was targeted after addressing a letter to the President of the Republic Mr. Joseph Kabila on October 20, 2006, in which he accused him of numerous human rights violations, including massacres and crimes against humanity, and scathingly criticised his person. Beyond the content and the formulation of this letter<sup>44</sup>, the Observatory underlines that Mr. Misabiko has been repeatedly threatened, harassed and arrested -in particular in June 2005- by the authorities in the past few years.

As of the end of 2006, he was still actively wanted by the ANR services and remained in hiding.

**Repression of human rights defenders - Oriental Province**

Continued harassment of the Lotus Group

*Poisoning attempt and threats against Mr. Dismas Kitenge Senga*<sup>45</sup>

On March 9, 2006, Mr. **Dismas Kitenge Senga**, president of the Lotus Group (*Groupe Lotus*), a human rights NGO based in Kisangani, started vomiting blood in addition to having a high tem-

42. See ASADHO/Katanga.

43. See Annual Report 2005.

44. Mr. Misabiko stated, *inter alia*, that the identity of the President of Republic was "a lie", that he "killed Laurent Desiré Kabila" as well as "Major Masasu Nindaga Antelme". He further accused Joseph Kabila of "selling uranium to Iran and North Korea" and of "being a cocaine-addict".

45. See Annual Report 2005 and Urgent Appeal COD 006/1106/OBS 138.

perature, three days after he had dinner with several dissidents of a former rebel party in a restaurant in Kisangani. During this dinner, Mr. Kitenge had collected the testimonies of these persons who were to explain their reasons for leaving the party and to report aggressions and threats by their superiors. He was treated in the teaching hospital of Kisangani for aggravated food poisoning resulting from the ingestion of a local poison known as “karuho”, occasioning a severe infection of his alimentary canal. Although Mr. Kitenge received intensive care in several hospitals in the country and abroad, his general health condition remained delicate by the end of 2006.

He subsequently pressed charges against one or several unknown persons, which had not been examined by the criminal investigation police by the end of 2006.

Besides, Mr. Kitenge was repeatedly threatened and harassed in October and November 2006 by PPRD members and officials who accused him of pursuing a political agenda, supporting the opposition and being an “opponent to the Head of State”.

Shortly before its chairman was targeted, the Lotus Group had convened a press conference on “The electoral process and the campaign for the run-off presidential election: assessment and prospects” on the occasion of the launching of an FIDH mission report entitled *An electoral process under strain in the DRC*<sup>46</sup>. During this press conference organised at the association’s headquarters on the eve of the ballot, Mr. Kitenge had denounced the human rights violations committed in the country, the impunity of State representatives suspected of these abuses as well as the illicit exploitation of the DRC natural resources. He had also deplored that the presidential campaign had been flawed by personal attacks between Mr. Joseph Kabila and Mr. Jean-Pierre Bemba.

The press conference was widely covered by local and national media, whilst Mr. Kitenge gave additional interviews regarding the general human rights situation and the electoral process.

46. FIDH mandated an information mission to Kinshasa from September 21 to 28, 2006 in order to assess the general human rights situation in the country at the end of the political transition process that started in 2003 and in the context of the run-off presidential election of October 29, 2006.

Following these statements, Mr. Kitenge received several anonymous phone calls by PPRD members accusing him of supporting Mr. Bemba and threatening him with “reprisals” if Mr. Kabila was re-elected.

On October 29, 2006, as the second round of the presidential ballot was held, Mr. Kitenge’s sister and brothers were also threatened by PPRD supporters in Kisangani.

In addition, Mr. Kitenge was contacted by a PPRD official in Kisangani in early November 2006. This person informed him of the “discontent” of the Chief of the DRC armed forces and of the Ministry of the Interior following the broadcasting of his statements during the abovementioned press conference. One of his close friends working for a Lotus Group partner human rights association was arrested by the ANR on November 8, 2006. He was then questioned at length about his relationship with Mr. Kitenge and ordered to cease his activities before being released without charge a few hours later.

The Lotus Group issued a press release naming the threats faced by Mr. Kitenge, who also denounced his situation in an interview with *Radio Okapi*, on November 15, 2006. On November 18 and 19, 2006, Mr. Dieudonné Mata, executive secretary of the PPRD provincial section, responded in a interview that Mr. Kitenge “[was] not a human rights activist” but rather “an opponent to the President of the Republic and its movement”, and further accused him of “taking political sides”. This interview was widely broadcast by *Radio Okapi*.

#### *Intimidation and threats against Mr. Gilbert Kalinde*<sup>47</sup>

On the night of March 23, 2006, the home of Mr. **Gilbert Kalinde**, an executive member of the Lotus Group, was attacked by four armed individuals who forced open the front door of the house. The four men, who could not be identified, declared that they had come to “trash” him. Mr. Kalinde managed to escape the house unnoticed and took refuge at his neighbours’ place.

During the night of June 20, 2006, five armed men again came to his home. In Mr. Kalinde’s absence, they robbed all of the valuable goods and threatened his family that they would kill him if he did not put an end to his human rights activities.

Lastly, Mr. Kalinde was interviewed by the *BBC* on October 26,

47. See Annual Report 2005.

2006 and gave his assessment of the political situation in the country before the elections. In this interview, which was broadcast by *BBC Radio 4* and which was also available on the *BBC* website from November 6 to 11, he notably denounced the involvement of Rwanda, Uganda and some Congolese politicians in the ongoing arms trafficking in the DRC.

On November 13, 2006, a group of individuals stepped out of an unregistered vehicle in Mr. Kalinde's neighbourhood and told the inhabitants that they were looking for a "mister human rights" who "had insulted them". Mr. Kalinde, who was in the street nearby, managed to escape unseen.

#### Continued harassment of OSAPY and its members<sup>48</sup>

##### *Threats against Mr. Willy Loyombo*

From February 20 to 27, 2006, Mr. **Willy Loyombo**, a member of the Lotus Group in Opala and president of the Kisangani-based Non-Governmental Organisation for the Settling, Literacy and Promotion of Pygmies (*Organisation non gouvernementale pour la sédentarisation, l'alphabétisation et la promotion des Pygmées* - OSAPY), received anonymous phone calls threatening him on three separate occasions. The callers urged him to cease his activities and denunciations of the lack of implementation by the World Bank of its Safeguard policies and its Operational policies on indigenous people. Mr. Loyombo was one of the thirteen signatories of a complaint filed on November 19, 2005 with the Bank's Inspection Panel. This complaint was registered on December 2, 2005 by the Panel, which then mandated an eligibility assessment mission to the DRC in January 2006.

On February 28, 2006, Mr. Willy Loyombo was summoned by intelligence officers while on a mission in Opala (260 km away from Kisangani) along with two representatives of Greenpeace-Belgium. The security services notably accused him of stirring up a "conspiracy against the Congolese government".

In March 2006, after the World Bank's Inspection Panel released its eligibility report stating the admissibility of the complaint filed in November 2005, Mr. Loyombo received several anonymous phone

48. *Idem*.

calls threatening him with death. In addition, on March 5, 2006, Mr. Marcel Roger Lokwa, leader of the Yawende-Loolo community, held a press conference in Lieke Lesole (in the Opala territory), during which he described Mr. Loyombo as “a pervert” and incited the population to kill him the next time he was seen around.

Mr. Loyombo received threatening phone calls again in late September and early October 2006 after he participated in a press conference convened in Kisangani on September 29, 2006. During this conference, which was given wide media coverage, Mr. Loyombo assessed the conclusions of the Regional Sensitization Seminar on the Rights of Indigenous Populations/Communities in Central Africa, held in Yaoundé (Cameroon) from September 13 to 16, 2006. He specifically denounced the plundering of the country’s forest resources and the violations of the customary and traditional rights of the indigenous peoples or communities settled close to forestry operations.

As a result of these threats, Mr. Loyombo was still unable to travel through the region for fear for his safety by the end of 2006 and was thus seriously impeded in informing local communities about the provisions of the new forest legislation, retrocession of taxes and their customary rights.

*Threats against Messrs. Richard Lokoka and Paulin Polepole*

On August 5, 2006, Mr. **Richard Lokoka**, an OSAPY member, and Mr. **Paulin Polepole**, a trainee lawyer at the Kisangani Bar and an RNN member, were both threatened by members of the national police of Isangi while on an investigation mission in Yafunga (170 km away from Kisangani, in the Isangi territory) to assess the environmental impact of industrial timber exploitation in the region.

The police notably accused them of inciting the population to demonstrate against the timber company SAFBOIS, located in the region, before expelling them from the Yafunga on a SAFBOIS vehicle.

Ongoing harassment of ANMDH members<sup>49</sup>

On October 7, 2006, a group of armed police officers arrested Mr. **Eddy Twafiki**, deputy coordinator of the branch of the Nelson

49. See Lotus Group and ANMDH.

Mandela Association for the Defence of Human Rights (*Association des Amis de Nelson Mandela pour la défense des droits de l'Homme - ANMDH*) in Osio, near Kisangani.

The day before, Mr. Twafiki had interceded on behalf of four young men who had been arbitrarily arrested and ill-treated by a group of drunk police officers. Mr. Twafiki was placed in detention at the Osio police station.

Messrs. **Alfred Shishi**, **Sousto Lokwa** and **John Lokangu**, three members of the ANMDH branch in Osio who came to the police station to enquire about their colleague's situation, were also placed in custody a few hours later.

All four were accused of "incitement to revolt" and transferred to the Kisangani police detention centre on the same day.

Messrs. Twafiki, Shishi, Lokwa and Lokangu were released on bail on October 17, 2006 after ANMDH paid 15 euros in bail each.

As of the end of 2006, the charges remained pending.

## **Repression of human rights defenders - Ituri**

### Continued harassment of Justice Plus members<sup>50</sup>

In 2006, members of Justice Plus, a human rights association based in Bunia, faced increased acts of harassment and retaliation.

#### *Judicial proceedings against Messrs. Joël Bisubu, Christian Lukusha and Aimé Magbo*

On October 16, 2006, the preliminary hearing of the appeal filed in December 2005 by Mr. **Joël Bisubu**, Justice Plus deputy director, Mr. **Christian Lukusha**, legal adviser, and Mr. **Aimé Magbo**, a Justice Plus member, was held in Bunia before the roaming chamber of the Kisangani Court of Appeal.

On December 6, 2005, Messrs. Bisubu, Magbo and Lukusha were convicted by the Bunia Court of First Instance and fined in lieu of a six-month custodial sentence, and sentenced to an additional six-month imprisonment term if they failed to pay for the trial expenses. All three had been indicted for "defamatory statements" in December 2004 following the release of a Justice Plus report.

50. See Annual Report 2005.

No further date for the hearing had been set by the end of 2006.

*Serious threats against Justice Plus leaders*

On October 3, 2006, Justice Plus issued a press release denouncing the disappearance, in August and September 2006, of over thirty internally displaced persons (IDP) living in the Gety IDP camp, including women and children. In particular, Justice Plus underlined the possible involvement of the FARDC first integrated squad in these events.

On November 23, 2006, a series of missions organised jointly by the United Nations Mission in the DRC (*Mission de l'Organisation des Nations unies en RDC - MONUC*), the Military Audit Commission and civil society led to the exhumation of about thirty bodies buried in several common graves, a couple of miles away from the Bhavi FARDC military camp, near Gety. Several soldiers and officers were subsequently arrested.

Since then, Justice Plus members received repeated phone calls threatening them with death, and accusing the organisation of having fostered the arrests of the FARDC elements. In addition, Mr. Joël Bisubu was approached on November 8, 2006 by FARDC members who declared: "Keep on following the roads leading to Gety, but remember that this is a military operations zone; (...) Let Justice Plus behave that way, yet be ready to take responsibility for it".

Additionally, in November 2006, during the hearing for the confirmation of the charges pending against Mr. Thomas Lubanga Dyilo<sup>51</sup> before the International Criminal Court (ICC) in The Hague (Netherlands), the defence denounced the "justice of NGOs" in its conclusions and namely accused Justice Plus and its executive director, Mr. **Honoré Musoko**, of conveying erroneous information to the prosecution.

51. Mr. Lubanga Dyilo, former leader of the Union of Congolese Patriots (*Union des patriotes congolais - UPC*), was arrested on March 15, 2005 in the DRC and is accused under the Rome Statute of enlisting, conscripting and using children as soldiers in the conflict in Ituri. As a result of the investigation opened by the ICC Prosecutor in June/July 2004, an arrest warrant was issued against Mr. Lubanga on February 10, 2006. He was transferred to the Scheveningen detention centre in The Hague (Netherlands) on March 17, 2006 and appeared before the Court for the first time on March 20, 2006. The confirmation of charges hearing was held in The Hague from November 9 to 28, 2006.

Ever since, Justice Plus members have regularly been publicly insulted or threatened by UPC supporters who blame the association for Mr. Lubanga's indictment. On November 10, 2006 for instance, Mr. **Godefroid Mpiana**, Justice Plus executive secretary, received anonymous phone calls warning him that he would "also catch some if [he kept] on accusing Mr. Lubanga".

In addition, Mr. Joël Bisubu received nine anonymous phone calls on December 19, 2006 alone, upon his return from the ICC 5<sup>th</sup> session of the Assembly of States Parties, which was held in The Hague from November 23 to December 1, 2006. The person calling notably asserted: "We are militiamen and we have already killed people; we know that you were in the Netherlands lately and that you brought them further evidence to accuse Lubanga. You will remain mere dung here in Ituri".

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## DJIBOUTI

### Arbitrary detention and judicial proceedings against several union leaders<sup>52</sup>

On January 22, 2006, two intelligence officers arrested Mr. **Hassan Cher Hared**, international relations secretary of the Djiboutian Workers' Union (*Union djiboutienne du travail* - UDT) and secretary general of the Djiboutian Post Office Workers' Union (*Syndicat des postiers de Djibouti*). Mr. Cher Hared was then questioned about the applications filed by several unionists in order to participate in a training workshop on union rights organised by the Israeli "Histadrut" labour federation in February 2006. Mr. Cher Hared was subsequently released.

On February 20, 2006, Mr. **Mohamed Ahmed Mohamed**, head of the legal department of the Port Workers' Union (*Union des travailleurs du port* - UTP), and Mr. **Djibril Ismael Egueh**, secretary general of the Maritime and Transit Service Union (*Syndicat du personnel maritime et du service de transit* - SP-MTS), were arrested without a warrant, before being taken to the intelligence and criminal

52. See Annual Report 2005, Urgent Appeals DJI 001/0206/OBS 016, 016.1, 016.2, 016.3 and 016.4, Press Release of March 14, 2006 and International Fact-Finding Mission Report, *Djibouti: les défenseurs des droits économiques paient le prix fort*, August 2006.

investigation department. They were both questioned at length about their union activities as well as about their recent participation in the labour training workshop held in Israel.

Messrs. Ahmed Mohamed and Ismael Egueh were released without charge on February 22, 2006. However, the police confiscated their passports, which were only returned a couple of months later. No reason was then given for their arrest.

On March 5, 2006, they were both arrested again and placed in incommunicado detention, in the headquarters of the national police criminal investigation department. At the same time, police searched their respective homes and confiscated all documents referring to their union activities. This search was reportedly carried out without a warrant.

On March 8, 2006, Messrs. Mohamed and Egueh appeared before an examining magistrate who charged them with “supplying information to a foreign power” (Articles 137 to 139 of the Criminal Code) and issued a committal order against them. They were both transferred to the Gabode prison, in Djibouti.

Furthermore, on March 11, 2006, Mr. **Adan Mohamed Abdou**, UDT secretary general, and Mr. Hassan Cher Hared were also arrested without a warrant and taken to the headquarters of the criminal investigation department. They appeared before an examining magistrate who charged them with “supplying information to a foreign power” and issued a committal warrant on March 13, 2006. Messrs. Abdou and Cher Hared were immediately transferred to the Gabode prison and denied access to a lawyer or a doctor.

The additional charges of “sharing intelligence with a foreign power” and “outrage against the President of the Republic” were brought against Messrs. Abdou, Cher Hared, Ahmed Mohamed and Egueh in the following days. These charges are liable to a 10- to 15-year term of imprisonment and a five to seven million Djiboutian francs fine (24 to 34,000 euros).

In a letter dated March 18, 2006 and officially registered by the Gabode prison administration on March 21, 2006, the four union leaders urged the prison director to convey, to their lawyers and the court, a request for the annulment of the pending hearings on grounds of technical irregularities.

Messrs. Hassan Cher Hared and Mohamed Abdou were released on bail on the order of the examining magistrate on March 29, 2006.

On the next day, Public Prosecutor Djama Souleiman appealed against this decision.

On March 30, 2006, the Djibouti Appeals Chamber decided to reserve its judgement until April 6, 2006.

Mr. Adan Mohamed Abdou was again arrested without a warrant at his home on April 3, 2006, and immediately taken to Gabode. Mr. Hassan Cher Hared, who was actively wanted by the police, could not be located.

On April 6, 2006, Messrs. Abdou, Ahmed Mohamed and Egueh were released on bail and put on probation by the Djibouti Appeals Chamber.

As of the end of 2006, the four union leaders remained on probation pending trial. The next hearing had not yet been scheduled.

### **Expulsion of a judicial observation mission mandated by the Observatory and expulsion of an ILO mission<sup>53</sup>**

On April 1, 2006, members of a mission mandated jointly by the Observatory and the International Confederation of Free Trade Unions (ICFTU) were denied access to the Djiboutian territory in spite of prior verbal consent from the Minister for Home Affairs. The delegates, who were to attend the trial of the abovementioned union leaders on April 6, 2006, were jostled and insulted before being forcibly returned to their plane.

On the same day, Mr. **Ibrahim Mayaki**, an official of the International Labour Office (ILO) mandated by ILO to investigate the situation of union rights defenders in Djibouti, and holder of a diplomatic passport, was granted access to the territory. On April 3, 2006 however, Mr. Mayaki was arrested and questioned for several hours by the General Intelligence Services. He was released after signing an expulsion order that was executed on April 4, 2006.

### **Judicial harassment and unfair dismissal of Mr. Hassan Cher Hared<sup>54</sup>**

On May 25, 2005, Mr. Hassan Cher Hared was dismissed without prior notice by the director general of the Djiboutian Post Office who

53. See Urgent Appeal DJI 001/0206/OBS 016.4 and International Fact-Finding Mission Report mentioned above.

54. See International Fact-Finding Mission Report mentioned above.

described his activism in favour of union rights as an “irresponsible behaviour”. Mr. Cher Hared subsequently filed three separate complaints against the director general for “embezzlement of part salaries, psychological harassment and abuse of power”, “discrimination on grounds of union activities” and “unfair dismissal”.

As of the end of 2006, these complaints had not yet been examined by the State Prosecutor and remained pending.

On June 21, 2005, Mr. Cher Hared lodged a complaint with the Social Labour Court against the Djibouti Post Office to be reinstated. By late December 2006, this complaint was still under examination although such procedures are usually completed within a six-month period of time.

On January 31, 2006, Mr. Cher Hared, who was demoted to the position of “head of restricted unions” of the Djiboutian Post Office in December 2005, referred his case to the President of the Republic in order to speed up the official reinstatement process. On March 16, 2006, while Mr. Cher Hared was in detention<sup>55</sup>, the secretary general of the Ministry provided him with a written information request.

The acting director general of the Djiboutian Post Office, Mr. Bobaker Farah Moussa, then responded by writing to the Ministry and strongly discrediting Mr. Cher Hared, who lodged a complaint with the Public Prosecutor’s office for “defamation of character” when informed of this letter by the Ministry. This complaint was transmitted to the criminal investigation department of the national police on April 17, 2006 but was subsequently repealed in late April 2006, allegedly on the order of the Office of the President of the Republic.

Finally, Mr. Cher Hared participated in a training session on employment policies organised by the International Training Centre of the International Labour Organisation (ILO) in Turin, Italy (September 11-28, 2006), Geneva, Switzerland (September 30-October 3, 2006) and Paris, France (October 3-6, 2006). While in Turin, Mr. Cher Hared was notified that he had been dismissed by the director general of the Djiboutian Post Office, on the order of the Office of the President of the Republic.

While in Paris, his colleagues further informed him that the Djiboutian airport police had been ordered to confiscate his passport

55. See above.

upon his return to the country and to arrest him for “violating his probation” by travelling to the ILO headquarters in Geneva “without prior approval of the authorities”.

On October 4, 2006, the UDT filed a complaint with the ILO Committee on Freedom of Association to denounce this situation.

As a result of these repeated threats, Mr. Cher Hared decided not to return to Djibouti and currently lives in exile abroad. His dismissal had not been officially confirmed by the end of 2006.

### **Interference with SP-MTS activities<sup>56</sup>**

On March 15, 2006, while Mr. Djibril Ismael Egueh, SP-MTS secretary general, was detained<sup>57</sup>, the secretary general of the Ministry of Employment issued an official notice appointing a new secretary general to the union’s leadership, without prior consultation with SP-MTS members.

The UDT, to which SP-MTS is affiliated, filed a complaint with the ILO Committee on Freedom of Association on April 25, 2006. By the end of 2006, this complaint had been examined by the Committee but the Djiboutian government had not yet responded to it.

In December 2006, although Mr. Egueh remained in office and the majority of SP-MTS members did not acknowledge the authority of the secretary general appointed by the Ministry, the latter still officially chaired the union.

### **Ongoing harassment of Mr. Jean-Paul Noël Abdi<sup>58</sup>**

On November 4, 2006, Mr. Jean-Paul Noël Abdi, chairman of the Djiboutian League for Human Rights (*Ligue djiboutienne des droits humains* - LDDH), filed a request to extend the validity of his passport in order to participate in a conference on freedom of expression and journalists’ rights organised from November 27 to 29, 2006 in Entebbe (Uganda) by the East and Horn of Africa Human Rights Defenders Project (EHAHRDP). The passport division informed him at that time that his passport would be returned by November 7, 2006.

56. See International Fact-Finding Mission Report mentioned above.

57. See above.

58. See Annual Report 2005.

On that date however, the authorities refused to return his passport as well as the ID that he had deposited with his request. On November 9, 2006, Mr. Noël Abdi addressed a letter to Colonel Abdillahi Abdi Farah, chief of the National Police Forces (*Forces nationales de police* - FNP), to renew his request.

As the authorities failed to respond, Mr. Noël Abdi filed a complaint against Mr. Abdi Farah for violating his fundamental freedoms (Articles 195 to 197 and 390 of the Criminal Code) on November 13, 2006.

On November 19, 2006, Mr. Abdi Farah summoned Mr. Noël Abdi to his office. In the presence of four high-ranking FNP officials, he accused him of giving wide media coverage to this case and demanded a letter of apology as a condition for the return of his passport. Mr. Noël Abdi refused to comply with this request.

He finally withdrew his complaint on November 22, 2006 after his passport and ID were returned on November 20, 2006.

Mr. Noël Abdi nevertheless decided not to travel to the conference in Entebbe for fear of being harassed upon his return.

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## ERITREA

### **Incommunicado detention of three union leaders<sup>59</sup>**

In 2006, no information was made available as to the place and conditions of detention or to possible charges brought against Mr. **Tewelde Ghebremedhin**, president of the Food, Beverages, Hotels, Tourism, Agriculture and Tobacco Workers' Federation, Mr. **Minase Andezion**, secretary general of the Textile and Leather Workers' Federation, and Mr. **Habtom Weldemicael**, president of the Coca Cola Workers' Union and member of the Food and Beverage Workers' Federation executive committee.

The three trade unionists are still believed to be held incommunicado and thus at risk of being tortured or ill-treated.

Messrs. Tewelde Ghebremedhin and Minase Andezion were arrested by police forces on March 30, 2005. Mr. Habtom Weldemicael was arrested on April 9, 2005 for having allegedly urged Coca Cola work-

59. *Idem*.

ers to engage in industrial action to protest against the worsening of their living standards.

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## ETHIOPIA

### **Arbitrary detentions and judicial proceedings against several human rights defenders and civil society representatives<sup>60</sup>**

In the aftermath of the May 15, 2005 parliamentary elections and of the announced victory of the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF), fierce confrontations between the police and young demonstrators who contested the validity of the poll led to violent crackdowns in the main Ethiopian cities, in particular Addis Ababa, Gondar, Awassa, Dessie and Nazreth, in June and November 2005.

Although most of the thousands of people arrested in November 2005 were subsequently released, 131 persons were denied bail and formally charged on December 21, 2005 with crimes including "conspiracy", "outrage against the Constitution", "inciting, organising and leading armed rebellion", "high treason" and "genocide", all these charges being liable to sentences ranging from 25 years' imprisonment to death penalty.

#### The charges

In late December 2006, three human rights defenders remained detained among the 131 accused, the majority of whom are political opponents and journalists. These three persons are: Mr. **Kassahun Kebede**, chairman of the Addis Ababa branch of the Ethiopian Teachers' Association (ETA), Mr. **Daniel Bekele**, a lawyer and programme manager for ActionAid-Ethiopia, and Mr. **Netsanet Demissie**, a lawyer, founder and president of the Organisation for Social Justice in Ethiopia (OSJE).

Mr. Kebede was arrested on November 1, 2005 when the police also searched ETA headquarters. On the same day, Mr. Bekele was arrested

60. See Annual Report 2005, Open Letter to Ethiopian authorities, January 5, 2006, and Judicial Observation Missions Report, *Ethiopia: The Situation of Human Rights Defenders from Bad to Worse*, December 2006.

at his home without a warrant. On November 8, 2005, Mr. Netsanet Demissie handed himself in to the police as soon as he heard that an arrest warrant had been issued against him. All three have since been detained at Kaliti prison, in Addis Ababa, and were formally charged with “outrage against constitutional order” (Articles 31(1) (a) and (b), 38, 34, 27(1) and 238(2) of the 2005 Criminal Code) on December 21, 2005.

Although none of them are politically affiliated, all three defenders are accused of using their respective associations to fulfil political agendas, supporting the Coalition for Unity and Democracy (CUD, main opposition party) and attempting to overthrow the government by force. Indeed, their bill of indictment states that Messrs. Kebede, Bekele and Demissie “[made] the associations they represent function beyond their fundamental mandate and objectives and [used] them as instruments for their crime”. They further allegedly “mobilised and provided leadership to members of their associations in support of mutinous acts by passing decisions and press releases in the name of their associations (...), and instigated and supported the youth to participate in mutinous acts”.

Furthermore, Mr. **Taye Woldesmiat**e, former ETA chairman, and Mr. **Kifle Mulat**, president of the Ethiopian Free Press Journalists’ Association (EFJA), also face the same charges and are being tried in their absence.

Messrs. Bekele and Demissie were particularly active in the establishment of the Civil Society Peace Plan Initiative, which was formed by associations in an attempt to foster political dialogue in the aftermath of the contested results of the May 15, 2005 elections.

Mr. **Mesfin Wolde-Mariam**, founder and former president of the Ethiopian Human Rights Council (EHRCO), now a prominent CUD member who was also arrested on November 1, 2005, currently faces all seven above-mentioned charges.

#### Denial of provisional release

On January 4, 2006, the Federal High Court dismissed the application for their provisional release filed by Messrs. Kebede, Bekele and Demissie in November 2005. The Criminal Bench of the Federal High Court upheld this decision on March 10, 2006.

The three defenders appealed against this decision to the Cassation

Bench of the Federal Supreme Court on June 5, 2006. Their appeal was dismissed on August 3, 2006, when the Court argued that the charges pending against them were “serious” and hence not subject to bail.

#### Concerns about the due process of the trial

The trial of the 111 defendants<sup>61</sup> began on May 2, 2006 before the Second Criminal Bench of the Federal High Court.

On July 19, 2006, the Public Prosecutor began to present documentary evidence and filed a request to be allowed to present additional materials. Messrs. Kebede, Bekele and Demissie objected to this request as well as to the admissibility of the evidence presented by the Prosecution.

On August 4, 2006, the Court adjourned the hearing until October 5, 2006; on that date, a judicial observation mission mandated by the Observatory was permitted to attend the trial.

The Court dismissed the three defendants’ objections on October 13, 2006.

When the trial resumed on November 6, 2006, Messrs. Bekele and Demissie complained that they had been prevented from seeing each other in order to prepare their case since November 3, 2006.

#### Ongoing harassment of EHRCO members<sup>62</sup>

Ethiopian organisations that denounced the gross human rights violations committed during the June and November 2005 crack-downs (extra-judicial executions, arbitrary arrests and detentions, torture, harassment, forced disappearances etc.), in particular the Ethiopian Human Rights Council (EHRCO) and its members, were particularly targeted by the authorities following the November 1 and 2, 2005 demonstrations.

Indeed, several EHRCO members were forced to cease their human rights activities in 2006, and some to flee the country after facing serious threats in late 2005, as was the case of Messrs. **Tadesse Chernet**, **Wondimagegn Gashu**, **Yared Hailemariam** and **Birhanu Tsegu Adenew**.

61. In March 2006, 20 persons, mostly journalists, were discharged and released. By the end of 2006, 76 individuals and 10 legal persons (political opposition parties and several newspapers) were heard by the Court, 25 others being tried *in absentia*.

62. See Annual Report 2005.

### Judicial proceedings against Messrs. Seifu Degu, Tesfawe Bekele and Chane Kebede

By the end of 2006, the judicial proceedings initiated in June 2005 against Messrs. **Tesfawe Bekele** and **Seifu Degu**, both teachers and president and vice-president respectively of the EHRCO branch in Dessae, and Mr. **Chane Kebede**, a teacher and EHRCO member, were still pending. The next hearing was scheduled for January 30, 2007.

On June 14, 2005, the three men were arrested at Dessae School and taken to the municipal prison. Mr. Bekele and Mr. Degu had been mandated by EHRCO to monitor the election process. All three were charged with “trying to overthrow the legitimate government by force” and released on bail on June 23, 2005 pending trial.

Furthermore, Mr. Seifu Degu and Messrs. **Mekonen Bezu** and **Reta Chanie**, both teachers and EHRCO members who turned themselves over to the police after their wives had been arrested in their stead, were subsequently arrested again on November 2, 2005. All three were released without charge on December 19, 2005.

Mr. Seifu Degu was forced to renounce to his activities with EHRCO owing to repeated threats and pressures by the Dessae authorities in 2006.

### Release of Ms. Mulunesh Abebayehu Teklewold

Ms. **Mulunesh Abebayehu Teklewold**, a teacher and a member of EHRCO and of the Addis Ababa branch of the Ethiopian Teachers’ Association (ETA), was released without charge on June 9, 2006.

Ms. Abebayehu Teklewold had been arrested at her workplace, at Kelemworke School in Addis Ababa, on November 9, 2005, and detained in Kaliti prison.

### Continued harassment of Ms. Elfinesh Demissie

Ms. **Elfinesh Demissie**, a teacher and former member of EHRCO executive committee, was summoned for questioning by security services in late August 2006. She was briefly detained before being released on bail. Ms. Demissie’s arrest was most likely linked to her activities with EHRCO as well as her outspoken denunciations of the human rights

abuses committed by the authorities in November 2005.

As of the end of 2006, no additional information had been made available regarding possible judicial proceedings against her.

In the course of the year, Ms. Demissie was regularly threatened with professional sanctions by the directors of the school in which she teaches.

### **Ongoing harassment of ETA and its members<sup>63</sup>**

#### **Judicial proceedings against ETA**

In the early 1990s, as a result of government interference and pressures, a pro-governmental ETA was set up in order to replace the independent ETA that was created in 1949. In 1993, the independent ETA's accounts were frozen under the pretext that the association was not registered, while its leaders were arbitrarily arrested and detained, and some of them murdered. As a consequence, two organisations bearing the same name are currently in operation.

On January 30, 2004, the premises of the independent ETA were sealed off as it was alleged that the association was operating without a valid registration certificate. On December 15, 2004 however, the Federal High Court ruled that the independent ETA was the legitimate organisation and ordered that its accounts be unfrozen and its offices unsealed.

The government ignored this decision and the surrogate ETA lodged an appeal to the Federal Supreme Court on December 25, 2004.

On March 30, 2006, the Federal High Court ordered the independent ETA to hand over all its assets and properties to the surrogate association.

On November 20, 2006, following the appeal lodged by the independent organisation, the Supreme Court ruled this decision null and void, arguing that the Federal High Court had failed to address the main issues of the dispute. The case was thus sent back to the High Court to properly investigate the merits of the case.

No further date of hearing was scheduled by the end of 2006.

63. *Idem.*

### ETA general assembly disrupted

On April 30, 2006, army special forces surrounded the building where the independent ETA was due to hold its special general assembly. Participants were forced to vacate the premises, and several of them were arrested and deprived of their IDs and documents. All of the persons arrested were released without charge later that day.

The general assembly was then re-scheduled for August 30 and September 1, 2006. On this occasion, the ETA duly informed all relevant authorities of the event, which was to be held at the headquarters of the Confederation of Ethiopian Trade Unions. It was estimated that it would gather over 300 ETA delegates and representatives of international organisations.

On August 30, 2006, the assembly opened without any interference by the authorities. A few hours later, however, police forces and security services surrounded the building, forcibly dispersed the participants and terminated the event.

On September 11, 2006, the ETA and Education International (EI), to which the association is affiliated, submitted a complaint to the ILO Committee on Freedom of Association in order to denounce the repeated obstructions to the holding of the ETA general assembly.

### Arbitrary detention of Messrs. Wasihun Melese and Anteneh Getnet<sup>64</sup>

In early 2006, Mr. **Anteneh Getnet**, a teacher and an ETA member, was illegally dismissed from his position in an Addis Ababa school, allegedly because of his ETA membership.

In addition, on May 1, 2006, Mr. Getnet was abducted by members of security services who drove him outside of the capital, and severely beat him before leaving him to die in a forest. Mr. Getnet ultimately regained consciousness and managed to seek help in a village nearby.

By the end of 2006, he still suffered from significant health problems as a result of this attack, and had been unable to resume teaching.

Furthermore, on September 23, 2006, Mr. **Wasihun Melese**, a teacher and a member of the ETA branch in Addis Ababa, was arrested at his home by members of the security services. Mr. Melese, who had been elected to the national executive board of the independent ETA

64. See Education International (EI).

on August 26, 2006, was then taken to the police Central Investigation Bureau (known as Maekelawi), in Addis Ababa.

A few hours later, Mr. Getnet was also arrested by three plain-clothes police officers after taking part in a meeting held at the ETA headquarters in Addis Ababa. Mr. Getnet was also taken to Maekelawi.

On September 25, 2006, Messrs. Melese and Getnet appeared before the Addis Ababa Court, which remanded them in custody for an additional two weeks, following a request by the police. Although not formally charged, they were to appear again before the Court on October 9, 2006.

They were finally released on bail on October 4, 2006; however, the police informed them that they could be summoned again for further investigation.

As of the end of 2006, none of them had been officially charged. Their arrest and detention were likely to have been ordered as reprisals for the joint complaint submitted by the ETA and EI on September 11, 2006.

#### New wave of arrests against ETA members

On December 14, 2006, Mr. **Tilahun Ayalew**, director of the ETA branch in the Bahir Dar region (in the northwest of the country), was arrested by security officers while on his way home.

A few days later, Mr. Ayalew was remanded in custody and transferred to Maekelawi, where he was allegedly detained incommunicado and tortured.

In addition, Mr. Anteneh Getnet<sup>65</sup> was also arrested on December 29, 2006 and placed in detention in Maekelawi.

On January 1, 2007, both Messrs. Ayalew and Getnet appeared before the Lideta District Court, in Addis Ababa. The Court remanded them in custody without charge for an additional two weeks and postponed the hearing until January 15, 2007.

Lastly, security services arrested Mr. **Meqcha Mengistu**, head of the ETA branch in the East Gojam region, on December 15, 2006.

As of the end of 2006, no further information was available about his situation or place of detention.

65. See above.

### **Arbitrary arrest and detention of Ms. Yalemzewd Bekele<sup>66</sup>**

Ms. Yalemzewd Bekele, a lawyer working for the European Commission Delegation in Addis Ababa, and a volunteer for the Ethiopian Women Lawyers' Association (EWLA), who has been involved in several human rights and civil society projects, was arrested on October 19, 2006 in the border town of Moyale (on the Kenyan border).

Ms. Bekele was suspected by the authorities of disseminating a calendar issued by the CUD on September 11, 2006, on the Ethiopian New Year's Eve, calling for 14 different types of non-violent actions of civil disobedience. A special government task force was subsequently established to investigate the publication and distribution of this document, leading to a new wave of arrests. Ms. Bekele was as such reported to be considered by the security forces as a "suspect of heavy crime".

Ms. Bekele was informed that an arrest warrant had been issued against her on October 12, 2006 and she attempted to flee the country on October 19. On the same day, two European diplomats and colleagues of Ms. Bekele, Messrs. Bjoern Jonsson and Enrico Sborgi, were arrested while on their way back to Addis Ababa, after dropping her in Moyale. The two men were immediately expelled from the country. Mr. Fassil Assefa, a friend of Ms. Bekele, was also arrested at his hotel in Moyale on October 19, 2006.

On October 21, 2006, Ms. Bekele was remanded in custody for another five days by the Moyale Court and taken to the Moyale police station.

Ms. Bekele and Mr. Assefa were subsequently transferred to Addis Ababa central prison on October 25, 2006. Ms. Bekele was released without charge on October 26, 2006; Mr. Assefa is believed to have been freed on the same day.

### **Hindrances to the publication of the report of the Parliamentary Investigation Commission on the November 2005 events<sup>67</sup>**

In December 2005, the Ethiopian Parliament appointed an 11-member Commission tasked with leading an independent inquiry into the June and November 2005 violent crackdowns and determining if security forces had resorted to excessive use of force.

66. See Urgent Appeals ETH 001/1006/OBS 125 and 125.1.

67. See Judicial Observation Missions Report mentioned above.

The Commission was initially due to release its report in March 2006. On April 25, 2006 however, five of its members were replaced, allegedly on grounds of medical difficulties or work burden.

In early July 2006, shortly before completing their report, the members of the Commission held an internal vote and ruled eight against two (and one abstention) that the security forces had used excessive force directly resulting in the killing of 193 people including 40 teenagers - i.e. five times the official death toll.

According to the deputy chairperson of the Commission, Mr. Wolde-Michael, the inquiry team came under intense pressure once the ruling party learnt of its findings. Electricity to their offices, which had been placed under tight police surveillance, was reportedly cut off and the Prime Minister Mr. Meles Zenawi allegedly summoned the Commission members a few days before the report was due to be released to ask them to reverse their findings.

On July 31, 2006, the president of the Commission, Mr. Fire-Hiwot, resigned from his position and left the country in September 2006.

Mr. Wolde-Michael also fled in exile in September 2006 following alleged death threats. He disseminated the supposed initial report of the Commission to several international press agencies. The Minister for Information, Mr. Bereket Simon, dismissed the findings of this "leaked" report, which notably concluded that security officers had used excessive force, as "rubbish" and "mere rumours".

However, the official version of the report was presented before the Parliament on October 21, 2006 and confirmed that at least 193 people were killed in the June and November 2005 riots. Although this report, which was clearly a revised version of the original, asserted that the government's response "manifest[ed] some weaknesses and mistakes" and that "respect for human rights was not strictly consistent with the Constitution", the Commission concluded that "the actions taken by the security forces to control the violence was a legal and necessary step to protect the nascent system of government".

## Obstacles to a civil society forum<sup>68</sup>

### Ban of a forum on freedom of expression during the African Union Summit

On the occasion of the 7<sup>th</sup> Summit of the African Union (AU) held in Banjul from June 25 to July 2, 2006, several civil society organisations decided to organise a forum on freedom of expression in Africa. It was scheduled to take place in Banjul on June 29 and 30, 2006.

On June 19, 2006 however, Mr. Bolong Sonko, head of the Coordinating Committee set up by the Gambian government to supervise the organisation of the AU Summit, communicated a letter to The Association of Non-Governmental Organisations (TANGO) notifying the organisers of the forum that the event was officially banned. The Kombo Beach Hotel, where the forum was due to be held, also received a copy of this letter.

Mr. Bolong Sonko justified his decision by asserting that the issues to be addressed by the forum were not among those proposed for consultation with NGOs in the framework of the Summit. However, most other civil society workshops were authorised.

The forum on freedom of expression was eventually held in Saly-Portudal, Senegal, on June 29 and 30, 2006.

### Repression against the *Daily Express*

The *Daily Express*, an independent newspaper, was launched on July 1, 2006 on the occasion of the opening of the 7<sup>th</sup> ordinary session of the AU Assembly of Heads of State and Government. In its first edition, it notably published the press release issued by civil society organisations protesting against the ban of the forum on freedom of expression.

On July 5, 2006, the pro-governmental *Daily Observer* accused the *Daily Express* of “tarnish[ing] the image of the country”.

On July 14, 2006, Mr. **Abdul Gafari**, founder of the *Daily Express*,

68. See Mauritanian Association for Human Rights (*Association mauritanienne des droits de l'Homme - AMDH*).

and Mr. **Sam Obi**, a journalist, were arrested by the National Intelligence Agency (NIA).

On the same day, Mr. **Sulaymane Makato**, another journalist for the *Daily Express*, received two anonymous text messages on his cell phone threatening him with arrest and urging him to “leave before it [was] too late”. Mr. Makato immediately went into hiding and stopped his activities with the newspaper.

Messrs. Obi and Gafari were released without charge on July 18, 2006.

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## LIBERIA

### Smear campaign against FOHRD<sup>69</sup>

On November 18, 2006, Mr. David Kortie, an executive member of the ruling Unity Party (UP) and a member of the Governance Reform Commission (GRC), stated in a press release that “some so-called human rights groups justify donors’ funds or contributions by bad-mouthing the Liberian government on a daily basis”. Mr. Kortie further asserted that human rights NGOs “[made] money through lies and deception” and he specifically mentioned the name of Mr. **Aloysius Toe**, director of the Foundation for Human Rights and Democracy (FOHRD).

In the previous weeks, FOHRD had criticised the repartition of the national budget and denounced the embezzlement of funds within the Liberia Petroleum Refining Corporation (LPRC).

Mr. Kortie, defending the LPRC management under his GRC mandate, accused Mr. Toe of attempting to “destroy the government” and qualified FORHD’s criticism of “deception”. Mr. Kortie further demanded that FORHD and all other human rights organisations operating in the country make public their budget and sources of funding, thus insinuating that independent associations’ disapproval of the government administration were solely aimed at making their leaders “richer”.

69. See FOHRD.

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**MAURITANIA**
**Judicial proceedings against Mr. Mohamed Lemine Ould Mahmoudi, Ms. Aïchetou Mint El Hadar and Mrs. Moya Mint Boya<sup>70</sup>**

Proceedings remained pending against Mr. Mohamed Lemine Ould Mahmoudi, a journalist, Ms. Aïchetou Mint El Hadar, a teacher, and Mrs. Moya Mint Boya, spouse of an opposition senator, by the end of 2006. Ms. Mint El Hadar and Mrs. Mint Boya are both active members of the NGO SOS-Slaves (*SOS-Esclaves*).

On March 13, 2005, Mr. Mohamed Lemine Ould Mahmoudi was arrested while inquiring into a case of slavery in Mederdra village.

On March 16, 2005, he was transferred to the Rosso civil prison, in the Trarza region, and accused of “offences against national security”.

In connection with this case, Ms. Aïchetou Mint El Hadar and Mrs. Moya Mint Boya were arrested on March 13, 2005 and held in the Nouakchott women’s prison. They were accused of “complicity in offences against national security”.

Mr. Diabira Bakary, Minister for Justice, ordered the release of the two women on April 14, 2005, a decision that was later confirmed by the Nouakchott Court of Appeal.

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**NIGER**
**Mr. Mohamadou Arzika’s aggressor provisionally released<sup>71</sup>**

In January 2006, Mr. Dan Foulani, a businessman close to the government who attempted to murder Mr. Nouhou Mahamadou Arzika, president of the National Organisation for Consumers’ Defence (*Organisation nationale de défense des consommateurs*) and head of the Niger Equity-Quality Coalition Against High Costs of Living (*Coalition Qualité-Equité contre la vie chère au Niger*), was provisionally released on the order of the Prosecutor.

70. See Annual Report 2005.

71. *Idem*.

Mr. Arzika and the Niger Association for Human Rights (*Association nigérienne des droits de l'Homme - ANDDH*) immediately appealed against this decision. As of the end of 2006, the appeal remained pending.

On October 26, 2005, Mr. Foulani had burst into Mr. Arzika's office brandishing a gun and attempted to shoot him without success as his gun jammed. He had then ordered two henchmen accompanying him and armed with bludgeons to kill Mr. Arzika, who eventually managed to escape thanks to a colleague's intervention, as one of the aggressors attempted to strangle him. Mr. Arzika immediately filed a complaint for attempted murder with the Niamey police station.

Although the police enquiry was closed on October 28, 2005, the investigation report was only transmitted to the court on November 11, 2006. Mr. Dan Foulani also filed a complaint for "insults and defamation" (arguing that these offences had stirred up his anger and violence) on the very same day.

Mr. Dan Foulani was summoned by the examining magistrate on December 21, 2005, and placed in detention at the Kollo prison right after the hearing.

On December 22 and 23, 2005, Mr. Arzika was also called in by the examining magistrate to be heard in relation to Mr. Dan Foulani's complaint and his own. Although the evidence was insufficient, he was accused of "complicity in defamation and insults" and provisionally released. Mr. Arzika appealed against the judge's order.

As of the end of 2006, the two cases were still pending.

### **Reopening of CROISADE headquarters<sup>72</sup>**

On May 11, 2006, the Independent Thought and Orientation Committee for the Safeguard of Democratic Achievements (*Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques - CROISADE*) was finally able to open new offices in Niamey.

On May 10, 2005, CROISADE headquarters, which also sheltered the Platform of Organisations for the Defence of Human Rights and Democracy (*Collectif des organisations de défense des droits de l'Homme et de la démocratie - CODDHD*) and the Equity-Quality

72. *Idem.*

Coalition, were closed down as the association was unable to pay the rent that was suddenly increased by 120%. On that day, the owner of the premises required the CROISADE president and staff to vacate the premises in order to close it down.

### **End of judicial proceedings against two Timidria leaders<sup>73</sup>**

On June 5, 2006, the 4<sup>th</sup> Chamber of the Niamey Court of First Instance ruled that there was no grounds for the prosecution of Mr. **Ilguilas Weila**, president of the national executive committee of Timidria, an association fighting against slavery in Niger, and Mr. **Alassane Bigga**, deputy secretary general of the Timidria regional section in Tillabery. All charges pending against them were subsequently dropped.

Messrs. Weila and Alassane Bigga had been arrested on April 28, 2005 before being transferred to the Niamey civil prison on May 4, 2005. They were both indicted with “attempted fraud of foreign donors” and were provisionally released by the Niamey Regional Court on June 18, 2005.

Messrs. Weila and Alassane Bigga were arrested on the request of the leader of the Tahabanatt nomadic group, after Timidria had staged a ceremony for the “social and economic reinsertion of 7,000 slaves”, an event sponsored by Anti-Slavery International.

### **Obstacles to the Nigerian Social Forum<sup>74</sup>**

On October 20, 2006, the Minister for Home Affairs Mr. Mounkaïla Mody addressed an official notice to the organisers of the Nigerian Social Forum (*Forum social nigérien* - FSN) notifying the prohibition of this event, which was initially scheduled to be held from October 27 to 30, 2006. Mr. Mody specifically argued that “the government will not accept a trial of its policies on its own soil, especially by foreigners”.

The Forum was eventually authorised by the government following intense negotiations between the authorities and the FSN coordinating committee and held in Niamey from November 3 to 6, 2006.

73. *Idem.*

74. See Urgent Appeal NER 001/1106/OBS 133.

### **Arbitrary arrest and expulsion of Mr. Claude Quémar<sup>75</sup>**

On November 9, 2006, Mr. **Claude Quémar**, secretary general of the French section of the Committee for the Abolition of the Third World Debt (*Comité pour l'annulation de la dette du tiers-monde - CATDM*), was arrested in Tahoua on the order of the general administration of the Niamey police. At the time of his arrest, Mr. Quémar was participating in a conference on HIV/AIDS held in the framework of the Caravan for Social Alternatives<sup>76</sup>.

During the FSN, Mr. Quémar had conducted several workshops, in particular a seminar on “the globalisation of solidarity, struggles and resistance against neo-liberalism”, as well as a conference entitled “An odious debt ? Which prospects beyond the Heavily Indebted Poor Countries (HIPC) Initiative and the cancellation of the debt of 18 poor countries?”.

Mr. Quémar was transferred to Niamey and placed in custody in the capital's central police station a few hours after his arrest in Tahoua. The police did not explain the reasons for his detention but questioned him about some of the statements he had made during the FSN, asking him if he acknowledged his comments.

Mr. Quémar was later transferred to the headquarters of the criminal investigation police and ordered to leave the territory. He was released later that evening.

In the afternoon of the next day, he was again detained by the criminal investigation police department for several hours before being taken to Niamey airport and expelled back to France.

<sup>75</sup> *Idem*.

<sup>76</sup> The Caravan for Social Alternatives, which aims at disseminating information and promote debates about international development policies, took place from November 7 to 14, 2006 in a dozen of towns throughout the country.

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**NIGERIA**
**Obstacles to freedom of association<sup>77</sup>**

On January 19, 2006, Mr. Bayo Ojo, Minister for Justice, presented the “Bill for an Act to Make Provisions for the Prohibition of Relationships Between Persons of the Same Sex, Celebration of Marriage by Them, and Other Matters Connected Therewith” before the Federal Executive Council.

The same day, the Council approved the text which prohibits, in particular, “the registration of gay clubs, societies and organisations by whatever name they are called (...) by government agencies” (Article 7) and provides for a five-year prison term for any person involved in the registration of such organisations, or in the “organisation, sustenance, procession or meetings, publicity or public show of a same sex amorous relationship directly or indirectly, in public or in private” (Article 7-3).

The Bill was introduced before the House of Representatives on March 30, 2006, and examined by the Senate in first reading on April 11, 2006. On this occasion, some of its provisions were extended so as to provide for prison sentences for any person who “goes through the ceremony of marriage with a person of the same sex” or “performs, witnesses, aids or abets the ceremony of same sex marriage” (Article 8).

By the end of 2006, this Bill was still pending before the National Assembly.

**Retaliation against Mr. Bukhari Bello and forcible dispersal of a peaceful demonstration<sup>78</sup>**

On June 19, 2006, Mr. **Bukhari Bello**, executive secretary of the National Human Rights Commission (NHRC) of Nigeria, received a letter from the Federal Ministry of Justice notifying him of his removal from office.

A couple of days before, Mr. Bello had met the Minister for Justice, who had reportedly informed him of the discontent of the govern-

77. See Press Release, April 7, 2006.

78. See Joint Press Release of the Observatory and the International Service for Human Rights (ISHR), June 23, 2006.

ment, in particular the President of the Republic Mr. Olusegun Obasanjo, following some of his public statements. During the 39<sup>th</sup> ordinary session of the African Commission on Human and Peoples' Rights (ACHPR) held in Banjul (The Gambia) from May 11 to 25, 2006, Mr. Bello had notably condemned the harassment and intimidation of the media and journalists by national security agencies. He had also publicly disapproved the proposed amendments to the Nigerian Constitution extending the presidential term of office, denouncing "African leaders who are not military men but use constitutional amendments to perpetuate themselves in power."

Mr. Bello's dismissal notably violated the NHRC Act No. 25 of 1995, which provides that a member of the Commission's Council may be appointed or removed from office by the President of the Republic only and not by the Minister for Justice (Article 4-2).

Following strong protest by other members of the NHRC Council, the Minister for Justice convened a meeting with the Commission's members on June 30, 2006. Mr. Bello came with his colleagues but was denied entry to the Ministry.

On July 3, 2006, Mr. Ojo appointed Ms. Folashade Ajoni, a representative of the Ministry of Justice with the NHRC, as executive secretary of the Commission.

The Minister further purportedly requested the police inspector-general to prevent Mr. Bello from accessing the premises of the Commission.

On July 13, 2006, several human rights NGOs, including the Open Society Justice Initiative (OSJI), organised a meeting in Abuja to protest against Mr. Bello's removal and government interference with the independence of the Commission. Upon arrival at the hotel where the event was due to be held, participants were denied access to the building by the police and members of the State Security Services (SSS) for supposedly "failing to obtain prior police authorisation". Civil society activists were then forcibly dispersed while some of them, who managed to enter the premises, were reportedly beaten.

The meeting could ultimately take place on the same day at the headquarters of the Centre for Democracy and Development (CDD).

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**SENEGAL****Intimidation against Mr. Cheikh Yérim Seck<sup>79</sup>**

In mid-October 2006, Mr. Cheikh Yérim Seck, a reporter for the French weekly *Jeune Afrique*, was informed of a possible attack against him. Indeed, as his car had been impounded for several days at the Medina police station in Senegal, a police source “advised” him to have it checked before taking it back, suggesting that it could have been booby-trapped in an attempt on his life.

Mr. Seck’s vehicle had been immobilised after his driving licence and the car’s registration documents and insurance certificate were successively confiscated by the police, for no apparent reason. By the end of 2006, these documents had not yet been returned.

In addition, Mr. Seck, who is presently living in France, was regularly followed when travelling in Senegal in the course of the year. Likewise, his personal phone was continuously tapped and he was informed that the Senegalese police services held files regarding his private life.

Mr. Seck was further repeatedly targeted by smear campaigns orchestrated by pro-governmental Senegalese media, who even outrageously accused him of paedophilia in July 2005.

Mr. Seck, who regularly denounces corruption scandals in the country, has also published numerous articles on the case of Mr. Hissène Habré, former Chadian dictator in exile in Senegal, who was indicted in 2000 by a Senegalese Court for complicity in crimes against humanity, torture and atrocities. He was arrested by Senegalese authorities in November 2005 following an extradition request submitted by Belgium.

**Death threats against Mr. Alioune Tine, Ms. Dié Maty Fall and Mr. Jacques Habib Sy<sup>80</sup>**

On November 25, 2006, Ms. Dié Maty Fall, a journalist for the daily *Sud Quotidien*, was threatened by unidentified individuals who called her mother and asked if she was home, before stating in their final call that she had to “put an end to her activities and (...) mind her own business”.

79. See Urgent Appeal SEN 001/1006/OBS 122.

80. See Urgent Appeal SEN 002/1206/OBS 152.

During the night of November 26 to 27, 2006, Mr. **Alioune Tine**, secretary general of the NGO African Engagement for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO), received three different phone calls by a person who introduced himself as Mr. X. This person urged Mr. Tine to cease his activities and “advised” him to “think a bit more about himself, his family and his children”.

Ms. Maty Fall and Mr. Tine were threatened two days after the publication of a statement entitled “Civic resistance for the safeguard of the institutions of the Republic” that they had signed along with several other civil society representatives and members of the Monitoring Committee of the Republican Pact (*Comité de suivi du Pacte républicain*). In particular, this document denounced the “arbitrary arrests” and “inappropriate summonses to the Criminal Investigation Division (*Division des investigations criminelles* – DIC)” regularly targeted at human rights defenders and journalists in the country. Shortly before this statement was signed, Mr. Tine had also called on the authorities to promote a political context conducive to the democratic participation and expression of all groups within society.

In an increasingly tense pre-electoral context, these threats were indicative of the degradation of fundamental freedoms, in particular freedom of expression, in Senegal. In early November 2006 for instance, Mr. **Jacques Habib Sy**, director of the NGO Aid Transparency, was also threatened with death, while several journalists denouncing the repeated infringements of democratic procedures and the rule of law were regularly targeted by high-ranking officials.

Finally, on December 28, 2006, while at a funeral, Ms. Maty Fall was approached and attacked by an unknown woman who violently threw her on the floor and bit her on the back of the neck, accusing her of discrediting the President of the Republic Mr. Abdoulaye Wade. Ms. Maty Fall filed a complaint and the case remained under investigation as of the end of 2006.

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**SIERRA LEONE****Investigation into Mr. Harry Yansaneh's assassination<sup>81</sup>**

On May 10, 2005, Mr. **Harry Yansaneh**, former editor of the independent newspaper *For di people*, as well as a member of the National League for Human Rights and of the Amnesty International section in Sierra Leone, was violently assaulted and beaten in his Freetown office. Several of his aggressors were relatives of Mrs. Fatmata Hassan, a member of Parliament affiliated to the ruling Sierra Leone People's Party (SLPP). Mr. Yansaneh died as the result of the beating on July 28, 2005.

Although the investigation commissioned by the Government concluded that Mr. Yansaneh's death was "unlawful and illegal" and should as such be qualified as "involuntary manslaughter", Attorney General Frederick Carew decided to drop these charges on January 17, 2006. Mr. Carew confirmed this decision on February 7, 2006, arguing that Mr. Yansaneh's death resulted from a chronicle kidney insufficiency.

On August 8, 2006 however, the director of public prosecutions acknowledged before the Freetown High Court that there was sufficient evidence to prove that Mr. Yansaneh "died as a result of grievous bodily harm" inflicted "with intent to wound". This admission makes it legally possible to extradite Mrs. Fatmata Hassan Komeh's children, Ahmed Komeh, Bai Bureh Komeh and Aminata Komeh, all three suspected of being involved in Mr. Yansaneh's beating.

The Attorney General requested their extradition on August 15, 2006.

The proceedings remained pending as of the end of 2006.

81. See Annual Report 2005.

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**SOMALIA****Arbitrary arrest of Mr. Abdi Farah Mohamed<sup>82</sup>**

On May 29, 2006, Mr. **Abdi Farah Mohamed**, regional coordinator of the Peace and Human Rights Network (PHRN) in the Puntland regional state, was arrested after he called for the organisation of a civil society demonstration for peace when fighting resumed in Mogadishu.

Mr. Farah Mohamed was released on parole after two days in detention. As of the end of 2006, no additional information had been made available as to any potential charges against him.

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**SUDAN****Obstacles to freedom of association<sup>83</sup>**

The “Organisation of Humanitarian and Voluntary Work Act 2006” was adopted at its second reading by the Sudanese Parliament on February 20, 2006. This text had been rejected at first reading on February 13, 2006 following the approval by the National Council of Ministers of a report presented by its Humanitarian Affairs Committee, stating that some amendments would be necessary to the adoption of the Bill.

Although several restrictive provisions were withdrawn from the initial bill, the amended version still imposes serious restrictions on freedom of association as well as an increased control over NGO activities by Sudanese authorities, affecting both local and foreign humanitarian and human rights organisations.

The Act was signed by the President of the Republic Mr. Omar Hassan Ahmed El Bashir on March 16, 2006.

On May 30, 2006, a group of lawyers representing a panel of over 400 national NGOs petitioned the Constitutional Court challenging the constitutionality of the Act and called for its suspension until the provisions restricting freedom of association were amended

82. See East and Horn of Africa Human Rights Defenders Project (EHAHRDP).

83. See Annual Report 2005, Press Release, February 16, 2006, and Joint Press Release of SOAT and the Observatory, March 7, 2006.

The Court ruled this petition admissible during a preliminary hearing held on June 6, 2006.

As of the end of 2006, however, no further hearing was scheduled.

#### Modalities for NGO registration, rejection or cancellation of registration

According to the Act, all NGOs have to apply for registration with the General Registrar of Organisations, whereas all voluntary organisations already legally recognised in the country are required to register again under the new provisions within a period of 90 days from the date of the coming into force of the Act. The registration of organisations of less than 30 members may only be approved by the Minister for Humanitarian Affairs or by the Council of Ministers, on the Minister's recommendation.

The organisations applying for registration shall pay the "prescribed registration fees", the amount of which is not set down. The authorities might thus use the vagueness of these provisions to arbitrarily deny registration or to change the fees according to the type of NGO applying, while potential costs may deter many organisations from registering.

The law provides for specific conditions for the registration of foreign organisations that shall "submit a registration certificate authenticated by the Sudanese Embassy or mission covering their respective country" and are compelled "to sign a country agreement to perform its programmes in coordination with or with the participation of one or more national organisations". International organisations are required to comply with "any other conditions to be laid down by the Minister".

It also stipulates that "operating licences shall be renewed annually": thus, all NGOs will be reviewed and scrutinised annually by the authorities, which could refuse to register some organisations on arbitrary criteria such as their criticism of government policies or their denunciations of human rights violations.

The General Registrar may further deny or cancel registration "if the activities [of any national or international organisation] are incompatible" with the provisions of this Act, "if the organisation, without acceptable justifications, failed to carry out its activities for a period of one year", or if it was proven guilty of embezzlement. NGOs may

appeal this type of decision with the Humanitarian Aid Commission (HAC), then with the Minister, and may resort to a competent court if the authorities reject or fail to respond to an appeal.

### Sanctions

The Act provides that any person “carrying out activities within an unregistered voluntary organisation shall be punished upon conviction by a fine”. In addition, national courts can expel, upon conviction, any foreign national contravening the provisions of the law” and seize all assets of any organisation operating without a valid registration certificate.

The Registrar is further entitled, with the approval of the Commissioner, to suspend the activities of NGOs that fail to comply with the provisions of this Act, “for the period of time he deems appropriate”. NGOs may appeal such a decision to the Minister within two weeks, or refer the case to a competent court if the latter dismisses or fails to respond to the appeal. NGO members convicted under the provisions of this legislation can face a suspension of up to one year of voluntary activities by the Registrar, which also has authority to initiate individual criminal proceedings.

### Control over NGOs’ activities

The Act entitles the Registrar “to keep all documents, minutes and reports of NGOs”, and “to examine their records” to ensure that their activities are carried out in accordance with the law. He shall also “supervise elections of all national organisations”, and be assigned to “any other functions” by the Minister.

The General Commissioner for Humanitarian Aid shall further “carry out preliminary investigations to determine whether or not NGOs abide by the law, initiate all necessary legal proceedings with competent judicial bodies if appropriate” and be assigned to “any other function” on the Minister’s order. He shall also “organise geographically and by sector, coordinate NGOs’ activities and programmes, assess the impact of voluntary and humanitarian work and settle disputes that may arise among such organisations or with any other bodies”. Registered organisations shall submit narrative reports twice a year to the Commissioner, as well as their annual progress report and a certified copy of an annual audit report. Progress reports shall include a

budgetary summary and assessment, and note any substantial changes in provisional programmes.

### **Release of Mr. Mohamed Ahmed Alarbab<sup>84</sup>**

On January 6, 2006, Mr. **Mohamed Ahmed Alarbab**, a lawyer and human rights defender, was released without charge after four months in custody.

Mr. Alarbab was arrested in Khartoum on October 1, 2005, while investigating the arrest of several persons involved in the May 18, 2005 riots in the Soba Aradi area of Khartoum.

While being questioned at the Mayo police station, Mr. Alarbab was denied access to his lawyer and his family, and was reportedly severely beaten and threatened. Two days later, he was transferred to the Kalakla police station.

Mr. Alarbab was initially accused of “participating in the committing of a criminal act” (Articles 21 and 24 of the 1991 Criminal Code), “murder” (Article 130), “crimes against constitutional order” (Article 50), “crimes against the State” (Article 51), “public nuisance” (Article 77), and “harbouring a criminal” (Article 107).

### **Obstacles to freedom of assembly**

#### **Obstacles to a civil society forum<sup>85</sup>**

On January 21 and 22, 2006, the Sudan Organisation Against Torture (SOAT), the International Refugee Rights Initiative and the Khartoum Centre for Human Rights and Environmental Development (KCHRED) organised a consultation with members of civil society in Khartoum as a contribution to the work of the 6<sup>th</sup> African Union (AU) Assembly of Heads of State and Government, held on January 23 - 24, 2006. The forum, which brought together numerous national and international NGOs, as well as representatives of the United Nations and the European Commission, focused on peace and justice in the region and aimed at promoting closer collaboration between local or regional associations and AU institutions.

84. See Annual Report 2005.

85. See Press Release, January 27, 2006.

On January 22, 2006, security forces in plain clothes entered the building where the closing session of the NGO Forum was being held. Alleging that the event had not been authorised, security officers asked for the names of all participants and detained 35 human rights and pro-democracy activists, some of whom were jostled, threatened, verbally abused or assaulted. In addition, the conference working papers as well as several laptops, files and personal documents were seized.

After three hours of questioning, security forces decided to release international representatives and to hold back Sudanese nationals. All the participants detained were finally released when foreign representatives refused to be separated from their Sudanese colleagues.

On the same day, two members of the forum organising committee were summoned for questioning and freed without charge a few hours later.

#### Obstacles to a civil society forum on the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women<sup>86</sup>

On February 20, 2006, KCHRED, SOAT and the Amel Centre for Treatment and Rehabilitation of Victims of Torture launched a nationwide campaign to push for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The final conference of this campaign was scheduled to be held on March 16, 2006 in Port Sudan.

On March 15, 2006, officers from the National Security Bureau (NSB) in Port Sudan summoned Mr. **Hassan Altaieb**, a lawyer and a SOAT member, to the NSB headquarters in Port Sudan, where he was questioned about the final meeting of the campaign due to be held the next day. Security officers demanded the list of the participants expected to attend the event, including the full names of all the speakers.

Following two hours of questioning, security officers informed Mr. Altaieb that the conference was cancelled. No official reason was given for this decision. The hotel where the event was due to be held was also advised to cancel the room reservation.

86. See SOAT.

### **Arbitrary arrest and release of Mr. Hussain Osman Mohamed Ismail<sup>87</sup>**

On March 10, 2006, Mr. **Hussain Osman Mohamed Ismail**, *alias* Hussain Zikir, a student and member of the SOAT network of students, was arrested by members of the military intelligence service in Toker, Eastern Sudan, where he was inquiring, since March 6, 2006, into several cases of human rights violations committed in the village since 1997.

On March 18, 2006, Mr. Hussain Osman Mohamed Ismail was released without charge, after intelligence services confiscated all documents relating to his education and promotion of human rights activities.

### **Suspension of AWOON-Red Sea activities<sup>88</sup>**

On April 11, 2006, the Humanitarian Aid Commission (HAC) sent a formal letter to the Womens' Awareness Raising Group-Red Sea (AWOON-Red Sea), a women activists' organisation that provides legal assistance and advice for women in Port Sudan, ordering that its activities be suspended and its accounts frozen until further notice.

The HAC stated that AWOON-Red Sea had violated the Organisation of Humanitarian and Voluntary Work Act 2006<sup>89</sup> after the organisation submitted a funding proposal to the European Commission, without first seeking the authorisation of the HAC. This proposal was to enable the implementation of an AWOON programme on women's access to justice, which was launched in March 2006 after the EU granted the funding in early 2006.

However, the proposal was submitted in July 2005, at which time the law governing the activities of NGOs in Sudan (the Humanitarian Aid Commission Act of 1998) did not require organisations to obtain prior authorisation of the HAC before seeking funding from foreign sources. This provision was only introduced with the passing of the Organisation of Humanitarian and Voluntary Work Act, but was clearly retroactively applied by the HAC to disrupt AWOON activities.

87. See Urgent Appeal SDN 001/0306/OBS 027.

88. See Urgent Appeal SDN 003/0406/OBS 051.

89. See above.

AWOON-Red Sea filed an appeal with the HAC shortly after the freezing of its operations. Having received no response, it addressed its case to the Minister for Humanitarian Affairs.

In late April 2006, Port Sudan police denied AWOON-Red Sea members access to a conference convened by the United Nations Development Programme (UNDP), in which over 250 NGOs were due to participate.

AWOON-Red Sea was finally authorised to resume its activities by the regional Minister for Humanitarian Affairs in May 2006.

### **Ongoing harassment of SUDO and its members**

Arbitrary arrest of Messrs. Alrayah Ibrahim Eldaw, Alfaris Ibrahim, Dawalbeit Kabbur, Osman Ali Ismael and Sayed Abu Bakr<sup>90</sup>

On February 13, 2006, Messrs. **Alrayah Ibrahim Eldaw, Alfaris Ibrahim, Dawalbeit Kabbur** and **Osman Ali Ismael**, four members of the Sudan Social Development Organisation (SUDO), as well as Mr. **Sayed Abu Bakr**, a SUDO volunteer, were arrested by a group of armed security officers in the town of Ed Dain. At the time of their arrest, the five men were conducting a training session on the protection and promotion of human rights at the Ed Dain University.

The five SUDO staff members were taken to the Ed Dain National Security Bureau (NSB) where they were held for several hours. No reason was given for their arrest.

They were all released without charge the same day.

**Mr. Jaafar Khalifa summoned by National Security<sup>91</sup>**

On February 20, 2006, Mr. **Jaafar Khalifa**, director of the SUDO branch in El Geneina (West Darfur), was summoned for questioning by National Security.

Mr. Khalifa was questioned about the alleged political activities of SUDO and its sources of funding.

He was released without charge a few hours later.

90. See SOAT.

91. See United Nations Mission in Sudan (UNMIS) Bulletin, February 23, 2006.

### Suspension of SUDO activities in West Darfur<sup>92</sup>

On March 11, 2006, Messrs. Jaafar Khalifa and **Adeeb Abdel Rahman Yousif**, director of the SUDO Zalingei section, received a formal notice of the HAC dated March 9, 2006, ordering the suspension of all SUDO activities in the West Darfur State, as well as the closing of all of their offices, health and feeding centres operating in the region.

In a separate letter, also dated March 9, 2006, the HAC, referring to the newly adopted Organisation of Humanitarian and Voluntary Work Act, gave additional instructions regarding the seizure of all assets belonging to these SUDO offices and ordered the organisation to provide a full report on its incomes and expenditures.

On March 11, 2006, the HAC also addressed a letter to the Agricultural Bank ordering it to close the account of the SUDO Zalingei office and to suspend all transactions as of March 13, 2006.

In spite of SUDO's repeated requests for clarification, the HAC has never specified what provisions of the Law it had allegedly violated.

On March 28, 2006, the SUDO branch in El Geneina received a letter from the State Ministry for Social Affairs authorising the office to resume its activities in West Darfur on the condition that it would reapply for registration under the new NGO Law within 90 days. The El Geneina office was able to resume its operations on April 4, 2006.

The SUDO branch in Zalingei was finally permitted to reopen on an unspecified date.

### SUDO offices in El Fashir closed down<sup>93</sup>

In December 2006, the North Darfur State authorities ordered the closing down of the SUDO office in El Fashir, noting that this decision was to be effective as of December 18, 2006. Since then, Mr. **Khalil M. Bakhiet Tukras**, director of the SUDO branch in El Fashir, as well as two other SUDO members, Messrs. **Gaffar El Khalifa** and **Mohamed Abaker**, have been summoned for questioning by security forces on a daily basis.

92. See Urgent Appeal SDN 002/0306/OBS 030.

93. See Darfur Relief and Documentation Centre (DRDC) Press Release, January 3, 2007.

## **Harassment against members of the Amel Centre for Treatment and Rehabilitation of Victims of Torture**

Judicial harassment against Messrs. Mossaad Mohamed Ali and Adam Mohammed Sharief<sup>94</sup>

On May 15, 2006, NSB officers in Nyala summoned Mr. **Mossaad Mohamed Ali**, a lawyer and coordinator of the Amel Centre for Treatment and Rehabilitation of Victims of Torture in Nyala, and Mr. **Adam Mohammed Sharief**, a member of the Amel Network of Lawyers in Nyala.

Messrs. Ali and Sharief were then held for thirteen hours in the NSB headquarters in Nyala. They were subsequently released without being questioned or charged.

On May 16, 2006, Mr. Ali was again summoned to the security offices and placed in incommunicado detention without charge until May 20, 2006. He was denied access to a lawyer and his family, and security officers also denied representatives of the United Nations Mission in Sudan (UNMIS) authorisation to see him. No reason was given for his detention.

Upon his release, Mr. Ali was ordered to report to the NSB on May 21, 2006 and was detained there for four hours. Security officers told him to come back the next day.

On May 23, 2006, the NSB ultimately informed him that his daily reporting was no longer necessary and that they would proceed by way of summons if they needed further information.

Mr. Sharief was again called in for questioning and detained for several hours by the NSB on June 6, 2006 before being released without charge.

### **Harassment of Mr. Mohamed Ahmed Abdullah<sup>95</sup>**

On June 30, 2006, the NSB called Mr. **Mohamed Ahmed Abdullah**, a physician working for the Amel Centre in Nyala, on his mobile phone and ordered him to report immediately to their office. Mr. Mohamed Ahmed Abdullah, who was due to attend a meeting on the Darfur Peace Agreement (DPA) convened by Mr. Omar Fur, Minister

94. See Urgent Appeals SDN 004/0506/OBS 062 and 062.1.

95. See Urgent Appeal SDN 005/0906/OBS 109.1.

of Agriculture of the South Darfur State, replied that he was unable to do so but that he would report to the NSB office right after the meeting.

Later that afternoon, about 150 heavily armed officers surrounded the compound where the meeting was being held, while 50 of them interrupted the event to announce that they had come to arrest Mr. Mohammed Ahmed Abdullah for attending an illegal gathering under the state of emergency law.

Upon the intervention of Mr. Omar Fur, security officers eventually left the building without arresting him.

#### Judicial harassment of Mr. Nagib Ngam Eldine<sup>96</sup>

On July 9, 2006, three NSB officers arrested Mr. **Nagib Ngam Eldine**, director of the Amel Centre, in Khartoum and took him to the office of the Prosecutor on suspicion of “crimes against the State”.

Mr. Nagib was then questioned about several reports issued by SOAT on the summary trials of hundreds of persons arrested during the riots which took place throughout the country following the death of the Sudan First Vice-President Mr. John Garang, in a helicopter crash on August 1, 2005. In particular, Mr. Nagib was accused by the security officers of having provided this information to SOAT.

Dr. Nagib was released on bail nine hours later and was notified that an investigation had been initiated against him for “publication of false news” (Article 66 of the 1991 Criminal Code), “public nuisance” (Article 77), “failure to produce documents or deliver statements” (Article 99), and “libel” (Article 159), as well as under the provisions of the 1999 Press and Printed Materials Act as amended in 2002 and 2004.

As of the end of 2006, these charges remained pending.

#### Judicial proceedings against Mr. Mossaad Mohamed Ali and Ms. Rasha Souraj, Ms. Ebtisam Alsemani and Ms. Najat DafaAlla<sup>97</sup>

On July 27, 2006, Mr. Mossaad Mohamed Ali<sup>98</sup>, Ms. **Rasha Souraj** and Ms. **Ebtisam Alsemani**, two lawyers volunteering for the Amel Centre in Nyala, received a letter from the NSB accusing them of dis-

96. See Open Letter to the Sudanese authorities, July 21, 2006.

97. See Urgent Appeal SDN 044/0506/OBS 062.2.

98. See above.

seminating erroneous reports and disclosing confidential military information. This letter further stated that the Nyala Public Prosecutor had initiated proceedings against them for “offences against the State” and that their case had been referred to the police for an investigation, which was likely to lead to their arrest upon completion.

On July 29, 2006, Mr. Ali, Ms. Souraj, Ms. Alsemani and Ms. **Najat DafaAlla**, another voluntary lawyer with the Amel Centre, were formally ordered to report to the Public Prosecutor’s office the next day to answer charges of “offences against the State” and “undermining the constitutional order”, under Part 5 of the Criminal Code. The questioning was postponed at their request until July 31, 2006 in order to properly prepare their defence.

On that date, the defendants appeared before the Prosecutor and were asked to come back the next day.

On August 1, 2006, Mr. Ali and Ms. DafaAlla reported to the police station where they were separated and questioned about a demonstration that was held in the Otash refugee camp on May 29, 2006 to protest against the DPA, and which had been violently dispersed by security and police forces who fired live ammunition at the protestors. Mr. Ali and Ms. DafaAlla, who had defended five of the arrested demonstrators and had submitted a public request for information about their situation and their whereabouts to the “Security Committee”, were then accused of spreading false information and of being a threat to public security.

Upon their release, Mr. Ali and Ms. DafaAlla were further informed that the police would re-evaluate the facts and refer the case to the Prosecutor in order to bring it before a court.

Ms. Alsemani and Ms. Souraj, who were in Khartoum at the time, were interrogated upon their return to Nyala on August 12, 2006.

As of the end of 2006, proceedings remained pending.

#### Arbitrary arrest and harassment of Mr. Mohamed Badawi<sup>99</sup>

Mr. **Mohamed Badawi**, a prominent human rights lawyer in El Fashir, North Darfur, and coordinator of the Amel Centre, was summoned by the NSB in El Fashir on September 9, 2006. He immediately reported to the security services, where he was held for over

99. See Urgent Appeal SDN 005/0906/OBS 109.

three hours without being questioned or informed of any possible charges against him. He was then released without charge but ordered to come back on the following day.

On September 10, 2006, Mr. Badawi duly reported to the NSB headquarters, where he was detained for six hours and questioned about the Amel Centre's activities, as well as his contacts with international organisations and the Communist Party, before being released without charge.

**Arbitrary arrest and judicial harassment of Ms. Saffaa Abdel Rahim Saror, Ms. Nafisa Mohamed Adam and Ms. Awatif Mohamed Adam<sup>100</sup>**

On September 16, 2006, security forces arrested Ms. **Saffaa Abdel Rahim Saror**, Ms. **Nafisa Mohamed Adam** and Ms. **Awatif Mohamed Adam**, three social workers of the Amel Centre office in El Fashir.

They were held at the NSB headquarters in El Fashir for six hours during which they were questioned about the Centre's operations and several reports on the human rights situation in Darfur that the association had transmitted to international organisations.

On October 2, 2006, Ms. Saffaa Abdel Rahim Saror received an official letter from the NSB summoning her to appear on the next day.

After duly reporting to the NSB office on October 3, 2006 she was placed in custody but was released without charge several hours later.

**Arbitrary detention and release of Mr. Charles Locker<sup>101</sup>**

On July 4, 2006, Mr. **Charles Locker**, executive director of *Manna Sudan*, an NGO promoting peace building, human rights awareness, education, and dialogue between southern Sudan local communities, was arrested at his home by the police. No reason was given for his arrest.

A few hours earlier, police officers had come to the *Manna Sudan* offices in Ikotos, Eastern Equatoria, looking for Mr. Locker. In his absence, the officers held several staff members for several hours and seized most of the organisation's assets, including a vehicle.

Mr. Locker was reportedly transferred to the central detention centre in Torit, in Eastern Equatoria.

100. See Urgent Appeal SDN 005/0906/OBS 109.1.

101. See Open Letter to the Sudanese authorities, July 21, 2006.

His arrest was most likely linked to the online publication of several of his articles suggesting the involvement of the Eastern Equatoria Governor, Mr. Aloisio Ojetuk, and other regional authorities in tribal clashes.

Mr. Locker was released without charge on September 4, 2006.

### **Suspension of activities and expulsion of the NRC<sup>102</sup>**

In January 2006, the HAC suspended all activities of the Norwegian Refugee Council (NRC) in the Kalma camp of internally displaced persons (IDPs)<sup>103</sup>, coordinated by the NRC since 2004, despite the fact that the organisation's licence to operate had been renewed in November 2005. A few weeks later, the NRC managed to negotiate a one-year cooperation agreement with the HAC and resumed its activities.

On April 4, 2006 however, the HAC office in Nyala revoked this agreement and informed the agency that it must withdraw all international staff from the South Darfur State. No reason was given for this decision.

Following the visit to Darfur and Eastern Chad of Mr. Jan Egeland, UN Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, from May 6 to 11, 2006, the Governor of South Darfur agreed to renew the cooperation agreement of the NRC, which was permitted to resume its activities in South Darfur on June 1, 2006.

On September 3, 2006, the NRC was again denied access to the Kalma camp, for the fifth time since 2004. It was informed by the HAC and the National Security Agency (NSA) that it was under investigation for "falsely reporting" the increasing number of rapes in the camp to the United Nations and the African Union.

Indeed, according to its mandate, the NRC reported its concerns about the increase in attack and rape cases to the Sudanese authorities, the United Nations Mission in Sudan (UNMIS) and the African Union Mission in Sudan (AMIS), in July and August 2006. This information was subsequently broadly disseminated by several other international organisations.

102. See Annual Report 2005.

103. The Kalma camp shelters about 90,000 IDPs.

On November 6, 2006, two months after the suspension and despite intense negotiations with the Sudanese government, the NRC informed the HAC of its decision to close its relief operations in South Darfur.

In an official notice received by the NRC on November 16, 2006, which referred to a decision adopted on October 10, 2006, the HAC informed the organisation of its expulsion from the South Darfur State and ordered it to hand over all its assets to the Commission within 72 hours.

Following the announcement of the NRC's expulsion, Mr. Farah Mustafa, the Minister for Social Affairs and Information, acting governor of the South Darfur State and spokesman of the government, stated that the organisation's allegations about rapes in the Kalma IDP camp were "false and unfounded" and were serving a "foreign agenda".

By the end of 2006, the NRC had managed, with the assistance of the Norwegian Embassy, to negotiate the transfer of its assets in the South Darfur State to its programmes and other agencies operating in the rest of the country.

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## TANZANIA

### Investigation into Messrs. Kidanka and Bukuku's assault<sup>104</sup>

On September 10, 2005, Mr. **Christopher Kidanka**, head of the information department of the Legal Human Rights Centre (LHRC), was violently beaten by prison guards after he tried to give assistance to Mr. **Mpoki Bukuku**, a journalist for the British daily *The Citizen*. Both men were covering the forcible evictions of inhabitants of the Ukonda neighbourhood in Dar es Salaam.

Both men were then locked up for two hours in a car parked in the sun, without water or medical care, although their wounds were bleeding profusely.

Messrs. Kidanka and Bukuku lodged a complaint and a commission composed of four policemen and four prison guards was established to investigate the events and to publish a report within two weeks. The Dar es Salaam Resident Magistrate Court first heard the case on

104. See Annual Report 2005.

September 21, 2005; on this occasion, five senior prison officers and four prison guards were indicted for “assault”. They all pled not guilty and were released on bail. They were nonetheless banned from leaving the city.

On April 19, 2006, Messrs. Kidanka and **Ezekiel Massanja**, LHRC finance and administration manager, were summoned to testify by the Resident Magistrate Court in Dar es Salaam. The hearing was then postponed until May 15, 2006.

Proceedings remained pending as of the end of 2006.

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## UGANDA

### **Obstacles to freedom of association<sup>105</sup>**

On April 7, 2006, the Parliament adopted an “Act to provide for the registration of non-governmental organisations (NGOs), to provide for the monitoring of NGOs, to establish a Board for these purposes and for other connected matters”, also known as the “Non-Governmental Organisations Registration Act” amending the NGOs Registration Statute No. 5 of 1989.

This act was initially introduced before the Parliament as Bill No. 33 in October 2001, but was regularly dismissed following significant protest by national NGOs and the international community.

Although changes were made to the proposed Bill No. 33, a number of provisions of these new regulations raise strong concern about possible obstacles to freedom of association and potential interference by the authorities with NGOs internal affairs. In addition, the bill was scrutinised by the Committee of Defence and Internal Affairs, with little consultation with civil society.

By the end of 2006, the NGO Registration (Amendment) Act was reported to have been signed into law by the President of the Republic, Mr. Museveni. Civil society, however, found it difficult to confirm this information, which illustrated a clear lack of transparency with regard to the enforcement and applicability of this law.

105. See Observatory Statement to the 40<sup>th</sup> ordinary session of the ACHPR, November 15-29, 2006, and Foundation for Human Rights Initiative (FHRI).

### Enhanced administrative constraints on NGOs registration

The new Act establishes an additional administrative hurdle for the registration of NGOs. Whereas Statute No. 5 of 1989 already made it mandatory to obtain a registration certificate, the amended legislation provides that NGOs shall be granted an operating licence in addition to the certificate in order to carry out their activities. Section 3(a) thus stipulates that “no organisation shall operate in Uganda unless it has been duly registered (...) and has a valid permit”. Besides, “the duration and form of this permit” shall be determined by the Minister of Internal Affairs (Section 9c).

Moreover, according to Section 3(d), “an organisation shall not be registered under this Act if the objectives of the organisation as specified in its constitution are in contravention with the law”. Although the initial formulation of this Section, which referred to the “contravention of any government policy or plan, or public interest”, was restricted in its latest version, it remains particularly vague and could allow the authorities to deny registration on grounds of “public order” or “national security”.

### Interference with NGOs activities

The reshaping of the composition of the NGOs National Board that is vested with granting registration certificates and valid permits (Section 3a) is a matter of further concern. Indeed, Section 5 provides that the Board shall be comprised of 13 members including three “members from the public”, seven representatives of various ministries<sup>106</sup>, one member from the office of the Prime Minister, one member from the Internal Security Organisation and one member from the External Security Organisation. Although the quality or function of the “members from the public” is not specified, the Minister of Internal Affairs, Mr. Ruhakana Rugunda, under the authority of whom the Board is placed, made it clear that these members would not be chosen amongst NGOs representatives. Indeed, the Minister argued during parliamentary debates that “[NGOs had] their

106. The Board shall be composed of representatives of the Ministries of: Internal Affairs; Justice and Constitutional Affairs; Local Governments; Health; Agriculture, Animal Industry and Fisheries; Gender and Social Development; Education and Sports.

internal politics” and could thus “turn the Board into a battle ground for their parochial interests”.

The composition of the Board being primarily of members of the government, as well as the participation of two members of the security services are all the more problematic that its administrative powers have been significantly extended compared to those under the 1989 Registration Statute, which has been amended so as to include the “[monitoring of] organisations carrying out their services at all levels of the Government” (Section 6c) as well as the “[elaboration of] policy guidelines for community based organisations” (Section 6d).

### Criminal sanctions against NGOs and their members

Finally, the NGOs Registration (Amendment) Act 2006 provides for criminal sanctions against NGOs and their members contravening the new legislation. Indeed, an organisation violating “any provisions of this Act, operating contrary to the conditions or directions specified in its permit, or carrying out any activity without a valid permit or certificate of incorporation commits an offence and is liable, on conviction, to a fine not exceeding 500,000 shillings” (207 euros) (Section 2g). According to Section 8 (a), any director or officer of an organisation that “commits an offence under the Act” can be sentenced to a one-year term of imprisonment and/or a fine up to one million shillings (415 euros), or to six months’ imprisonment and a 400,000 shillings fine (166 euros) if an NGO operates without a valid permit (Section 8b).

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**ZIMBABWE****The case of Gabriel Shumba *versus* the Government of Zimbabwe before the ACHPR<sup>107</sup>**

The case opposing Mr. **Gabriel Shumba**, a lawyer working for the Zimbabwe Human Rights Forum, to the Government of Zimbabwe was heard before the African Commission on Human and Peoples' Rights (ACHPR) on December 2, 2005 in Banjul (The Gambia). Mr. Shumba, who had been arrested along with other members of the Movement for Democratic Change (MDC) in January 2003, had been tortured by national security agents while in detention. Although the Harare High Court had dismissed the charges of treason against him due to a lack of evidence in February 2003, Mr. Shumba had been forced into exile and continued to receive threats even after his case was closed.

The case was mentioned in the Resolution on the situation in Zimbabwe that was adopted by ACHPR in December 2005. The Executive Council of the African Union nevertheless refused to endorse this resolution in January 2006.

Although the ACHPR was due to hand down its verdict in Mr. Shumba's case during its 39<sup>th</sup> ordinary session held in Banjul in May 2006, the head of the ACHPR Secretariat, Mr. Omari Holaki, informed Mr. Shumba that it would be examined during the following session scheduled in Banjul in November 2006. However, the case was not addressed during the ACHPR 40<sup>th</sup> session.

**Closing of the pending investigation against Ms. Netsai Mushonga<sup>108</sup>**

No further step was taken in 2006 in the pending investigation against Ms. **Netsai Mushonga**, coordinator of the Women's Coalition, an umbrella group for women rights associations in Zimbabwe.

Ms. Mushonga was arrested on November 8, 2005 for having convened a training workshop in a local hotel. This training, sponsored by

107. See Annual Report 2005.

108. *Idem*.

the NGO Women Peacemakers International, aimed at familiarising women with non-violent methods in dispute settlement and conflict resolution.

Ms. Mushonga was formally indicted on charges of “organising a political meeting without informing a regulatory authority”, i.e. the police, on November 15, 2005.

She was released on the same day and notified that she would be summoned to appear before the court once the police investigation closed.

### **Arbitrary arrests and judicial proceedings against Mr. Arnold Tsunga and several board members of the *VOP* radio station<sup>109</sup>**

On January 18, 2006, two police officers and one soldier raided the Mutare residence of Mr. **Arnold Tsunga**, then president of the Zimbabwe Human Rights Association (Zimrights), executive director of Zimbabwe Lawyers for Human Rights (ZLHR), and a board member of *Voice of the People (VOP)*, an independent radio station, and laureate of the 2006 Martin Ennals Award for Human Rights Defenders (MEA). When told that Mr. Tsunga was away at the time, they arrested two of his domestic workers.

On January 21, 2006, police officers came to arrest him at his second home in Harare. As Mr. Tsunga was absent again, they arrested a ZLHR driver and another house worker.

On January 24, 2006, Mr. Tsunga and five other *VOP* trustees, Mr. **David Masunda**, Mr. **Millicent Phiri**, Mr. **Lawrence Chibwe**, Mr. **Nhlahla Ngwenya** and Ms. **Isabella Matambanadzo**, were arrested and charged with “broadcasting without a licence” (Article 7 (1) chapter 12:06 and Sections 6 (a) and (b) of the Broadcasting Services Act), an offence liable to two years’ imprisonment. Three other *VOP* journalists, Ms. **Maria Nyanyiwa**, Ms. **Nyasha Bosha** and Ms. **Kundai Mugwanda**, who had been arrested in December 2005 after the police searched the *VOP* premises, also faced the same charges.

Messrs. Tsunga, Masunda, Phiri, Chibwe, Ngwenya and Ms. Matambanadzo were released on bail on the day of their arrest but

109. See Urgent Appeals ZWE 001/0106/OBS 011 and 011.1 and Joint Press Releases with ICJ, June 15 and September 29, 2006.

were notified that they were to report weekly to the Criminal Investigation Department (CID).

Furthermore, an unknown individual came to ZimRights' office on January 26, 2006, requesting a meeting with Mr. Tsunga, who was not there at the time. The man, who was believed to be linked to the army, claimed that members of the Zimbabwe Military Intelligence Corps (ZIC) had received the order to kill Mr. Tsunga.

In addition, on February 16, 2006, Mr. **Gift Phiri**, an independent journalist working for the *VOP* and *Voice of America* radio stations, was brutally assaulted by five men who reproached him for working for media outlets "hostile to the Government".

The preliminary hearing of the case of the *VOP* trustees was postponed from February 10 to 28, 2006, when the Rotten Row Magistrate Court of Harare dismissed the defence petition to drop the charges for lack of evidence. The hearing was adjourned until April 26, then June 15, 2006.

On that date, the Court did not accede to the prosecution's request for the presiding magistrate to be replaced, and postponed the hearing. This application was made in the presence of a judicial observation mission mandated jointly by the Observatory and the International Commission of Jurists (ICJ).

On September 25, 2006, the Prosecutor made an application requesting that the charges be brought against *VOP* as a trust as opposed to individual members of the staff and board. He further requested that the hearing be postponed and the accused be placed on remand until November 7, 2006 to ascertain that *VOP* was duly registered with the Registrar of Companies at the Deeds Office.

However, the judge held that the grounds invoked in support of the remand were insufficient and struck out all charges against the *VOP* staff and board members.

As of the end of 2006 however, the entering of charges against the *VOP* as a legal person remained possible as the judge did not rule on this specific point. Neither did the Court make an order officially permitting *VOP* to resume broadcasting and no decision was rendered in relation to the return of the station's equipment that was seized during the December 2005 search of the premises.

### **Continued harassment of WOZA and its members<sup>110</sup>**

– On February 13, 2006, approximately 181 persons, mainly women along with 14 children, were arrested during a peaceful demonstration organised in central Bulawayo by the NGO Women of Zimbabwe Arise (WOZA) to protest against human rights abuses committed in the country. Four WOZA leaders, Ms. **Jennifer Williams**, Ms. **Magodonga Mahlangu**, Ms. **Emily Mpofo** and Ms. **Maria Moyo** were among the persons arrested.

These 181 persons were charged with “organising an illegal gathering” (Article 24 of the Public Order and Security Act - POSA) and “obstructing public thoroughfare”.

Ms. Williams, Ms. Mahlangu, Ms. Mpofo and Ms. Moyo were released on February 14, 2006 after appearing before the court.

The other 177 detainees were freed on bail on February 17, 2006, after the Court decided to drop the charges.

– On February 14, 2006, over twenty heavily armed police officers arrested around 250 women in Harare, all WOZA members, while participating in an annual peaceful march protesting against the economic and social inequalities faced by women in Zimbabwe. The women were rounded up and forced into municipal police trucks, before being taken to the police station.

Mr. **Tafadzwa Mugabe**, a lawyer working for the ZLHR rapid reaction unit, was harassed, insulted and detained with his clients, before being released without charge several hours later.

Sixty-three of the detained WOZA members were later accused of “acting in a manner which is likely to lead to a breach of the peace or to create a nuisance or obstruction” under Article 7(c) chapter 9:15 of the Miscellaneous Offences Act (MOA). They were all released on February 17, 2006.

The case was adjourned on several occasions until August 28, 2006 when the Rotten Row Magistrates Court acquitted all 63 defendants.

– On May 4, 2006, several hundreds of WOZA members gathered peacefully in Bulawayo, demanding education rights for their children and protesting against significant increases in school fees. As they

110. See Annual Report 2005 and Urgent Appeals ZWE 002/0206/OBS 015, 015.1, 015.2 and 015.3.

were about to disperse, anti-riot police forces violently arrested 185 persons including 73 children aged 7 to 18, seven mothers with babies, Ms. Williams and Ms. Mahlangu. All were taken to the Bulawayo central police station.

The 73 children were freed a few hours later, whereas the seven mothers and their babies were released on May 5, 2006.

The 105 WOZA activists remaining in detention were initially charged with “acting in a manner which is likely to lead to a breach of the peace” (Article 7(c) of MOA).

They were all released on May 8, 2006 after the court decided to drop the charges.

– On May 16, 2006, Ms. Williams and one of her colleagues were threatened with death by a Bulawayo police official, Mr. Ndlovu.

– Two WOZA members were arrested in Mutare on May 23, 2006, after WOZA held a workshop on social justice conducted by Ms. Jennifer Williams on May 20, 2006.

– Another WOZA member was further arrested in Tshabalala, near Bulawayo, on May 24, 2006, as she had gone to Mahlabezulu school to pay her child’s fees. When noticing that she was wearing a WOZA scarf, the school administration called the police. Although the woman could prove that she had not participated in a demonstration held the day before in Bulawayo, she was placed under arrest and her house was searched. When the police found a WOZA tee-shirt in her home, she was questioned forcefully as to the name of the person who had given her the tee-shirt. That woman was also arrested that day. Both WOZA members were detained for several hours and released after signing caution statements.

– On August 21, 2006, over 180 members of WOZA and Men of Zimbabwe Arise (MOZA) were arrested in Bulawayo during a peaceful protest against the new monetary policy of the government (the revaluation by 1,000% of the Zimbabwean dollar, known as “Operation Sunrise” came into force on August 1, 2006) and taken to various police stations across the city.

Thirteen women with babies, as well as 26 children, were released after a few hours but were required to report to the police station the next day.

All the persons detained were freed on August 23, 2006 and 152 of them were accused of “participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry” under Article 37-1(b) of the Criminal Code (Codification and Reform) Act 2006. The hearing was scheduled for October 10, then November 7, 2006. On that date, the Bulawayo Magistrates Court dismissed the charges against all 152 defendants.

– About thirty WOZA members were arrested in Harare on September 11, 2006 as they were about to hold a peaceful rally to protest against the poor quality of public services. A few hours later, another 80 activists who had decided to maintain the demonstration in spite of their colleagues’ arrests were also taken into custody.

A total of 107 persons were detained until September 14, 2006 and were accused of “participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry” (Article 37-1(b) of the Criminal Code (Codification and Reform) Act 2006).

All charges were dropped by the Rotten Row Magistrate Court on October 23, 2006.

– Ms. Mahlangu, Ms. Mpofu, Ms. **Siphiwe Maseko** and Ms. **Patricia Khanye**, all four prominent WOZA members, appeared before the Western Commonage Magistrate Court of Bulawayo on October 3, 2006 in relation to facts dating back to June 16, 2004. All four were accused under Article 24 of POSA of “participating in an unlawful gathering” and were discharged by the Court.

Likewise, nine other WOZA activists, namely Ms. Williams, Ms. Mahlangu, Ms. **Memory Mushore**, Ms. **Anna Moyo**, Ms. **Erika Sithole**, Ms. **Edith Mbofana**, Ms. **Anna Dube**, Ms. **Emma Sibanda** and Ms. **Selina Ncube**, were acquitted by the Tredgold Magistrate Court in Bulawayo on October 4, 2006 for charges dating back to June 19, 2006. All nine had then been arrested following a demonstration protesting against the deterioration of the Zimbabwean economy and celebrating the international refugee day. They were accused of “acting in a manner which is likely to lead to a breach of the peace or to create a nuisance or obstruction” (Article 7(c) of MOA).

– On November 29, 2006, over sixty WOZA members and four MOZA members were arrested while marching peacefully through

central Bulawayo to mark the launching of the “16 Days of Activism Against Gender Violence”, an international campaign running until International Human Rights Day on December 10, 2006, as well as the first edition of the International Women Human Rights Defenders’ Day. Demonstrators were also protesting against POSA.

About 30 anti-riot police officers began to assault the group with bludgeons and forcefully dispersed the 200 participants. Several persons were severely beaten, including a young baby. Six WOZA members had to be taken to Mpilo Hospital for medical attention, including one woman who sustained an open fracture to her leg.

Forty persons were then taken to Bulawayo former central police station (Drill Hall), where they were beaten and intimidated by police officers before being released without charge on the same day. At the same time, thirty-six WOZA members and four MOZA activists, including six mothers with babies, were detained at the central police station. Ms. **Sheba Dube**, a lawyer for WOZA, was then threatened with arrest for “interfering with the course of justice” while trying to attend her clients. She was finally able to access the detainees on the following day.

The six mothers with babies were released on November 30, 2006 but told to report to the police the next day.

All these forty people were charged under Articles 37 (“participating in a public gathering with the intent to cause public disorder, breach of peace or bigotry”) and 46 (“public nuisance or obstruction”) of the Criminal Code (Codification and Reform) Act, which carry sentences of up to six-month imprisonment and a fine.

They were all freed on December 4, 2006.

As of the end of 2006 however, charges remained pending and no date had been set for a preliminary hearing.

### **Ongoing harassment of NCA members<sup>111</sup>**

Again in 2006, hundreds of members of the National Constitutional Assembly (NCA) were arrested while peacefully demonstrating in favour of a revision of the Constitution.

On February 21, 2006 for instance, Harare police forces arrested 43 NCA members during a peaceful march urging for constitutional

111. See Annual Report 2005 and OMCT Urgent Appeal ZWE 280706.

reforms organised on the occasion of the birthday of the President of the Republic. All these persons were released after a few hours in custody.

62 NCA members were again arrested on February 23, 2006 while peacefully marching towards the Parliament House. They were all charged with “breach of the peace” under Article 7 of the MOA and released after they paid a 250,000 ZWD (2 euros) bail each.

During another peaceful demonstration on April 7, 2006, police forces arrested 51 NCA members who were charged with “breach of the peace” and “participating in an illegal gathering” under Article 19 (1) of POSA.

On July 12, 2006, 128 NCA members including four women with babies were arrested in Harare and detained at the central police station. They were accused of “obstructing public thoroughfare” (Article 46 chapter 9:23 of the Criminal Code), a charge punishable by up to six months’ imprisonment and/or a fine, before being released on July 15, 2006.

Likewise, on July 13, 2006, Messrs. **Future Matondo**, **Alinmah T. Munafireyi Rajabo**, **Tapuwa Mundangepfupfu**, **Shelter Zimunhu**, **Albert Mhetu**, **Louis Chizaka** and **Stewart Muzhambi**, as well as Ms. **Florence Bundo**, Ms. **Shelly Saburi** and Ms. **Ruth Katsande**, all NCA members, were taken to custody after holding a public gathering calling for constitutional reforms. They were all charged with participating in a demonstration “likely to cause a breach of the peace” under Article 37 chapter 9:23 of the Criminal Code. All ten were freed on payment of 500,000 ZWD bail each.

Another 146 NCA members were arrested on September 20, 2006 during a peaceful rally condemning police violence against several leaders of the Zimbabwe Congress of Trade Unions (ZCTU) and calling for the adoption of a new Constitution. Twenty-seven participants had to be hospitalised following the brutal dispersion of the demonstration by the police forces.

In addition, Mr. **Lovemore Madhuku**, NCA chairman, was arbitrarily arrested on October 31, 2006 while taking part in a peaceful gathering organised by NCA in Harare which was forcibly dispersed by the police. He was released without charge on November 2, 2006.

Lastly, Mr. Madhuku’s home was targeted by an arson attack on January 1, 2007. Unidentified assailants reportedly sprinkled gasoline

on the house doors and window ledges before setting it on fire whilst Mr. Madhuku, his wife, their three children and five family members were sleeping inside. They all managed to escape unhurt through a window that had cracked open due to the heat.

Mr. Madhuku filed a complaint with the Waterfalls police station. An investigation was subsequently opened.

### **Ongoing harassment of ZCTU and its members**

#### **Arbitrary arrest and judicial proceedings against Mr. Wellington Chibebe<sup>112</sup>**

On August 15, 2006, Mr. **Wellington Chibebe**, secretary general of the Zimbabwe Congress of Trade Unions (ZCTU), was arrested at a roadblock while on his way back from Masvingo with his family. The police demanded to search his car.

Mr. Chibebe was detained at the Waterfalls police station before being accused of “failure to cooperate with a police officer”, a charge that was later changed to “common assault against a police officer” in contravention of Article 176 of the Criminal Code (Codification and Reform) Act, which provides for up to ten years’ imprisonment and/or a fine of up to 100,000 ZWD.

Mr. Wellington Chibebe appeared before the Mbare Magistrates Court on August 17, 2006 and was subsequently release on payment of 2,000 ZWD bail. The hearing was later repeatedly postponed.

Proceedings remained pending as of the end of 2006.

#### **Arbitrary arrest, ill-treatment and judicial proceedings against several ZCTU leaders<sup>113</sup>**

On September 12 and 13, 2006, ZCTU organised nationwide peaceful demonstrations calling for decent wages, government action on the country’s dramatic inflation rate, tax reductions and better access to anti-viral medication.

On this occasion, the majority of the unionists who took part in the demonstrations were intimidated by militias loyal to the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF) and

112. See Urgent Appeal ZWE 003/0806/OBS 098.

113. See Urgent Appeal ZWE 003/0806/OBS 098.1.

brutally repressed by the police. Hundreds of unionists were briefly arrested and questioned and the ZCTU branch offices in several cities were surrounded and some even sealed off as in Masvingo and Mutare. Acute police violence against demonstrators was reported in at least 16 towns including: Harare, Chitungwiza, Plumtree, Gwanda, Hwange, Bulawayo, Beitbridge, Masvingo, Mutare, Chinhoyi, Kariba, Gweru, Shurugwi, Gokwe, Kwekwe and Chegutu.

In Harare, about fifteen ZCTU leaders including Mr. **Lovemore Matombo**, ZCTU president, Ms. **Lucia Matibenga**, first vice-president, and Mr. Chibebe were arrested on September 13, 2006. All were detained at the Matapi police station, in the Harare Mbare district, where they were violently beaten. Mr. Chibebe sustained several cuts to his skull, as well as three fractures and serious haematomas all over his body. Mr. Matombo suffered a broken arm and numerous bruises. Ms. Matibenga, who had whip marks all over her back and a swollen neck, suffers from impaired hearing as her ear drums were damaged by the beating she received. While detained in poor conditions, the ZCTU leaders were denied access to a doctor – in particular to a doctor from the organisation Doctors for Human Rights – or a lawyer.

Mr. Matombo, Mr. Chibebe and Ms. Matibenga were transferred on September 14, 2006 to the Harare central police station where several police officials ordered that reports be provided in relation to the assaults on them. The Matapi police denied having committed any acts of violence. The union leaders' lawyer petitioned the High Court of Harare to require the police to grant them access to a doctor. Later that day, Mr. Chibebe, Mr. Matombo and Ms. Matibenga were taken back to Matapi police station.

On September 15, 2006, Mr. Matombo and Ms. Matibenga appeared before the Harare Court. Mr. Chibebe was unable to attend the hearing due to his injuries. All three, along with 28 other ZCTU leaders, were charged under Article 37 of the Criminal Code (Codification and Reform) Act 2006 (“disturbing the peace and order”) and subsequently released on payment of a 20,000 ZWD (62,50 euros) bail each.

The trial was then postponed until October 3, 2006, when the Court ordered the Criminal Investigation Department (CID) to open an inquiry into the violence inflicted on a dozen ZCTU leaders and adjourned the hearing until October 17, 2006.

On October 5, 2006, the government dismissed the reports of

violence and Mr. Reuben Marumahoko, Home Affairs Deputy Minister, declared before the Parliament that “the demonstrators were injured while trying to resist arrest by jumping from moving police vehicles”.

On October 17, 2006, the trial of the 31 ZCTU leaders was postponed until October 30, and subsequently to December 4, 2006. On that date, the Harare Court ruled that the petition initiated by ZCTU to challenge the constitutionality of the Criminal Code (Codification and Reform) Act 2006 was admissible. This petition was subsequently transferred to the Supreme Court, which was due to hand down a ruling on the matter in early 2007. The hearing was adjourned until March 26, 2007 pending the Supreme Court’s decision.

Finally, on November 29, 2006, Mr. Chibebe and 14 other ZCTU leaders lodged a further complaint against the Minister of Home Affairs, Mr. Kembo Mohadi, police commissioner Augustine Chihuri and other police officers for their involvement in “acts of torture”.

Proceedings remained pending as of the end of 2006.



AMERICAS



## SITUATION OF HUMAN RIGHTS DEFENDERS<sup>1</sup>

Defending human rights in Latin America remained a very high risk activity in 2006 and those at the origin of acts of intimidation and aggressions against defenders clearly aimed at creating a general climate of fear to dissuade them from carrying on their activities. Those who persisted in promoting and protecting human rights continued to be the victims of multiple acts of reprisals: assassinations (*Brazil, Colombia, Guatemala, Honduras, Mexico, Peru, Venezuela*), forced disappearances (*Colombia, Guatemala*), torture (*Colombia, Mexico*), attacks and death threats (*Colombia, Costa Rica, Guatemala, Haiti, Honduras, Mexico*), acts of harassment and surveillance (*Argentina, Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Peru*), or smear campaigns (*Colombia, Ecuador, Peru*), etc.

The authorities increasingly instrumentalised judicial systems in order to criminalise the activities of defenders, who were subjected to searches, arrests or detentions generally based on fabricated evidence (*Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Mexico*). Some States in the region also introduced or adopted new legislations to further restrict freedom of association, thereby creating a hostile environment for the activities of human rights defenders (*Peru, Venezuela*).

With rare exceptions, impunity largely prevailed when it came to prosecuting perpetrators of violations against human rights defenders. Finally, protection measures granted by certain governments were in fact often superficial and mostly used as a mere alibi to avoid tackling the real causes behind these attacks or the crucial issue of impunity.

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

## **Fighting against impunity and defending human rights in situations of conflict, post-conflict and democratic transition**

In 2006, human rights defenders continued to be on the front line when seeking for justice to be rendered or when trying to bring assistance to victims of past and recent human rights violations. This repression all the more prevailed in conflict or post-conflict situations, in which the authorities most particularly tended to severely prevent men and women who tried to fight against impunity from carrying out their activities.

In *Argentina*, 23 years after the end of the military dictatorship, a number of acts of intimidation and threats were carried out against victims' relatives, witnesses and human rights defenders involved in the trials that were opened after the Supreme Court repelled, in June 2005, the laws prohibiting the opening of investigations and prosecutions related to crimes committed under the dictatorship<sup>2</sup>. For instance, numbers of human rights defenders, including Mr. Leandro Despouy, Auditor General of the Republic of Argentina and Special Rapporteur of the United Nations on the independence of judges and lawyers, received threats after denouncing the disappearance, on September 14, 2006, of Mr. Jorge Julio López, a former detainee and disappeared as well as a key witness in the trial against the former Director General of the Investigation Department of Buenos Aires, Mr. Miguel Osvaldo Etchecolatz, prosecuted for crimes against humanity committed under the last military government (1976-1983). Several members of the organisation Daughters and Sons for Identity and Justice Against Oblivion and Silence (HIJOS) were similarly harassed and threatened with death through anonymous phone calls which were made from the Marcos Paz prison, where several former key actors of the dictatorship are being held. Finally, on September 25, 2006, several leaflets containing death threats against members of the Ecumenical Human Rights Movement (MEDH) were left at the offices of the organisation, in Santa Fé, after Ms. Milagros Demiryi, MEDH regional coordinator, played an active role, as a witness, in a trial against suspected perpetrators of gross human rights violations committed under the military dictatorship.

2. The "Full Stop" Law (1986) and the "Due Obedience" Law (1987), which exempted security forces from all judicial proceedings, were repealed in June 2005.

In *Chile*, members of the Special Affairs and Human Rights Brigade (BAES) of the national investigation police, in particular Messrs. Sandro Gaete and Abel Lizama, were subjected to intense pressure by the director of the national police to prevent the publication of an expert report pointing out the responsibility of current Army General Miguel Trincado Araneda for the illegal exhumation of the remains of disappeared detainees carried out in the framework of an operation codenamed “removal of televisions”<sup>3</sup>, under General Pinochet’s military regime (1973-1990)<sup>4</sup>.

In *Colombia*, President Alvaro Uribe was re-elected on May 28, 2006 and announced the demobilisation of 30,000 paramilitaries of the United Self-Defence Forces of Colombia (AUC) on the basis of a controversial judicial framework (namely, the Justice and Peace Law, which was declared partially anti-constitutional by the Supreme Court in May 2006<sup>5</sup>). However, human rights defenders remained repeatedly targeted by the parties to the conflict, in particular by former paramilitaries who have reorganised under new names and continued to consider them as supporters of the guerrillas, and as such declared them “military targets”. A number of non-governmental organisations (NGOs) received threats from these “new” paramilitary groups, which significantly increased their pressure during the electoral campaign. In August 2006 for instance, members of the National Movement for Victims of State Crimes in the department of Sucre, including Mr. Arnold Gómez, Mr. Carmelo Agamez, Mr. Juan David Díaz, Mr. Adolfo Berbel, Mr. Roberto Serpa, Mr. Amauri Vidual and Ms. Jackeline Moguea, became aware that their names were appearing on a “death list” drawn up by paramilitaries<sup>6</sup>. All these persons were entitled to testify or were seeking to obtain justice in several cases of human

3. In 1978-1979, General Pinochet ordered the operation “removal of televisions” to exhume the bodies of political prisoners executed during the first years of the military regime, in particular during the 1973 coup, and to burn them or throw them in the ocean, to make all evidence of the repression disappear.

4. See Corporation of the Promotion and Defence of People’s Rights (CODEPU), December 14, 2006.

5. In the framework of Law 975 of 2005 (known as the Justice and Peace Law), approved by the Colombian Congress on June 21, 2005 and ratified by the government in July 2005, numerous paramilitaries, supported by the army, and other illegal armed groups were “demobilised”. This law guarantees impunity for crimes committed by the paramilitaries and other illegal armed forces in the context of the civil war in the country.

6. See National Association for Solidarity (ANDAS), November 2006.

rights violations committed by the security forces or paramilitaries. As of October 31, 2006, nine of the 26 people whose names were mentioned on this list had reportedly been assassinated, including Mr. Luis Guevara, a member of the National Movement who was killed on August 22, 2006 in Coveñas (San Onofre municipality)<sup>7</sup>.

Although the Ministry of the Interior set up a protection programme for human rights defenders, a number of those who benefited from these protective measures complained that their armed escorts, often made up of secret services officers, had intimidated them. Finally, the threats, attacks, acts of harassment, even assassinations or forced disappearances repeatedly faced by defenders were only rarely investigated, and the perpetrators were hardly ever brought to justice<sup>8</sup>.

2006 was further marked by a significant upsurge in threats against defenders in *Guatemala*. Indeed, the National Human Rights Movement (MNDH) registered 278 cases of threats or attacks against human rights defenders between January and December 2006, against 224 in 2005<sup>9</sup>. Violence notably increased in June 2006 as Spanish Courts introduced requests to extradite those mainly responsible for the Guatemalan genocide, which clearly illustrated the ponderousness and the jamming of the national justice system, which failed to progress beyond the investigation stage in spite of years of proceedings<sup>10</sup>. As a result, defenders who publicly stigmatised these deficiencies or who campaigned in favour of these extraditions were specifically targeted. On June 26, 2006 for instance, 102 human rights organisations issued

7. The National Movement of Victims of State Crimes assists the families of persons killed by the army or allied paramilitaries during the 40-year conflict in Colombia. The death list was released shortly after the Movement had organised a demonstration on August 26, 2006 in Sucre, in protest against the rearmament of paramilitaries.

8. See Conclusions of the International Fact-Finding Mission mandated in Colombia from November 13 to 19, 2006.

9. See Human Rights Defenders Protection Unit (UPDDH) of the National Movement for Human Rights (MNDH), *Impunidad : ¿Quiénes son los responsables ? - Informe sobre la Situación de Defensoras y Defensores de Derechos Humanos - Enero a Diciembre del 2006*, February 2007.

10. Since the Peace Agreement was signed in 1996, human rights organisations have repeatedly demanded that suspected authors of crimes against humanity and war crimes be brought to justice. In May 2000, due to flaws in the Guatemalan justice system, a number of NGOs and victims initiated a complaint with the Spanish justice against army officers and civilian officials for “genocide” and serious crimes committed during the civil war, between 1978 and 1986. In view of the gravity of the crimes, Spain ruled their complaint admissible and demanded the extradition of the accused.

a press release demanding the end of impunity, supporting the ongoing proceedings on charges of “genocide” in Spain and informing the population of the imminent arrival of a Spanish judge. Shortly after, the *Al Dia* newspaper published a statement signed by the Association of Military Veterans of Guatemala (AVEMILGUA) and the Association of Widows of the Guatemalan Army Officers, which accused several organisations that had supported these investigations of “covering up for terrorists illegally operating in the country”<sup>11</sup>. The Rigoberta Menchú Foundation, the National Committee of Guatemalan Widows (CONAVIGUA), the Association of Families of Disappeared Detainees of Guatemala (FAMDEGUA), the Mutual Support Group (GAM), the Centre for Legal Action in Human Rights (CALDH) and HIJOS were particularly targeted by these accusations. The next day, the national newspaper *El Periódico* reported the comments of an AVEMILGUA leader who asserted that the ongoing investigations into past human rights violations were “mere political and judicial persecution orchestrated by groups linked to the former guerrilla and whose aim is to perpetuate the war in the country”<sup>12</sup>.

Forensic and pathologist doctors who participated in the exhumations of mass graves and of victims of the 1980s military regime further faced increasing threats. Members of the Forensic Anthropology Foundation of Guatemala (FAFG) were notably threatened with death on numerous occasions, as for instance Mr. Fredy Armando Peccerelli, who received threats against himself and his relatives in January and March 2006. Several FAFG members have benefited from precautionary measures from the Inter-American Commission on Human Rights (IACHR) since 2002. Similarly, members of the Community and Psychosocial Studies and Action Team (ECAP) received a threatening letter at their headquarters in Rabinal, Baja Verapaz, on October 2, 2006. This letter referred to their activities, in particular those linked to the exhumation of the remains of victims of the Plan de Sánchez community massacre<sup>13</sup>.

11. See Quebec-Guatemala Support Project, Summer 2006.

12. See UPDDH-MNDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

13. Numerous members of the Plan de Sánchez community were assassinated during the 1980-1986 genocide.

In *Haiti*, the election of Mr. René Préval as President of the Republic on February 7, 2006 failed to stabilise the country's political situation. On the contrary, insecurity was on the increase, notably in late 2006, with a new wave of assassinations and abductions. Against such a background, defenders denouncing the growing criminality were seriously targeted. For instance, Mr. Bruner Esterne, coordinator of the Human Rights Community Council in Grand Ravine (CCDH-GR), a popular neighbourhood in Port-au-Prince, was assassinated on September 21, 2006. Likewise, Mr. Evel Fanfan, a lawyer and president of the Association of Motivated Academics for a Haiti with Rights (AUMOHD), an umbrella of human rights organisations, was threatened with death after denouncing the assassination of his colleague<sup>14</sup>. CCDH-GR is an AUMOHD member association fighting against criminality and providing assistance to victims' families<sup>15</sup>. As the government attempted to introduce a law against abduction providing for the death penalty against the perpetrators of such acts, human rights defenders who opposed the death penalty were subjected to acts of intimidation<sup>16</sup>.

Finally, international humanitarian personnel also continued to suffer from constant insecurity. On November 11, 2006 for instance, two Jordanian peacekeepers of the United Nations Stabilisation Mission in Haiti (MINUSTAH) were shot dead by armed men while patrolling the Cité Soleil neighbourhood in Port-au-Prince<sup>17</sup>.

In *Honduras*, a large number of owners of private security agencies who are former members of the "death squads" that were set up to repress political dissidents were particularly hostile to defenders who sought to obtain adequate compensation for past violations. On August 29, 2006, the government further enabled private security agents to enter public security services. This decision, which assigned an important responsibility to individuals likely to enforce State security in a highly partial way, was of particular concern for the security of defenders.

14. An armed group operating with the collusion of police officers reportedly murdered dozens of people in the Martissant and Grand Ravine neighbourhoods.

15. See Action by Christians for the Abolition of Torture - France (ACAT-France).

16. See National Network for the Defence of Human Rights (RNDDH).

17. See MINUSTAH, November 2006.

In *Peru*, lawyers and witnesses denouncing the impunity enjoyed by perpetrators of the massacres committed during the conflict that opposed the Shining Path guerrilla to the Peruvian regular army (1980-2000) were repeatedly harassed in 2006. In particular, the activities of the Truth and Reconciliation Commission (CVR), established in 2001 to identify the persons responsible for the gross human rights violations perpetrated during the conflict, were systematically discredited during the course of the year. Forensic scientists specialised in mass graves exhumations and involved in the ongoing investigations into the violations committed at that time were similarly targeted by reprisals. On January 26, 2006 for instance, Mr. Roberto C. Parra, coordinator of the forensic unit of the Medicine Institute, received two messages threatening him with death and warning him to “be careful”. Similarly, in March 2006, Mr. Ivan Rivasplata Caballero, a member of the roving forensic unit specialised in human rights violations, received a threatening message posted on the Internet website *www.equipoforense.blogspot.com*.

### **Criminalisation of the activities of human rights defenders**

In 2006, throughout Latin America, as in other regions, the authorities used - and sometimes reinforced - their legislative arsenal in order to attack the activities of defenders by invoking legal and/or administrative provisions. Defamation campaigns against human rights organisations and their members were also particularly virulent this year; and human rights defenders were often accused of being “subversive”, “enemies”, “rebels”, “traitors of the Nation” and “terrorists”, or even of supporting the guerrilla in times of conflict. Such acts of criminalisation only served to undermine the credibility of human rights activities and significantly endangered the defenders, as these campaigns further isolated local activists and discouraged others from uniting to their cause.

In *Brazil*, several human rights defenders were subjected to judicial proceedings because of their activities. In April 2006 for instance, Ms. Maria Conceição Andrade Paganele Santos, president of the Association of Mothers and Friends of Children and Teenagers in Danger (AMAR), was charged with “causing harm”, “inciting crime”, “conspiracy” and “aiding and abetting the escape of detainees” after denouncing that acts of collective torture were being committed

against minors detained at the Foundation of the Well-Being of Minors (FEBEM), a state agency monitoring the detention of juvenile delinquents in the State of Sao Paulo. Similarly, on August 21, 2006, Mr. Jaime Amorim, a member of the national coordination for the Landless Workers' Movement (MST) in the State of Pernambuco, was arrested on the basis of an arrest warrant issued on July 4, 2006 by the Fifth Criminal Court of the Recife jurisdiction. The warrant stated that Mr. Amorim was to be detained as he represented "a risk for the peace and security of upstanding citizens". He was released after filing several *habeas corpus* claims, which were eventually granted by the High Court of Justice of Brasilia. However, Mr. Jaime Amorim still faced charges of "offence", "disobeying authority", "violating a property" and "inciting to commit a crime" as of the end of 2006.

In *Chile*, in April 2006, the government of Ms. Michelle Bachelet announced its intention to no longer resort to the Anti-Terrorism Law No. 18314 when bringing judicial proceedings against members and leaders of the indigenous Mapuche community. However, the Bill amending the Anti-Terrorism Law, which provides for the release on parole of any person sentenced for the offences mentioned in this legislation as long as they do not involve offences against persons in the context of claims on indigenous land, had not yet been adopted by the end of 2006. In addition, the Congress refused to extend the benefits of the Law on Political Prisoners of the "transition", which allows the release on bail of persons condemned under the Anti-Terrorism Law, to the Mapuche leaders convicted and detained under the provisions of the former. As a result, Messrs. Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil and Ms. Patricia Roxana Troncoso Robles were still being detained as of the end of 2006. Finally, leaders and defenders of the Mapuche community remained subjected to an intense criminalisation campaign; as for instance Ms. Juana Calfunao Paillalef, *lonko* (a traditional authority) of the "Juan Paillalef" community in Temuco, who was sentenced by the Oral Criminal Court of Temuco to 150 days in detention for "public disorder" on November 20, 2006.

In *Colombia*, human rights defenders were again targeted by judicial proceedings or arbitrary detentions and often accused of "rebellion". For instance, Messrs. Abdón Goyeneche Goyeneche and William Sáenz, both leaders of the Arauca Teachers' Association (ASEDAR),

Mr. Esaud Montero Triana, a member of the Médica Mission and of the National Association of Hospital Workers (ANTHOC), Mr. Pedro Bueno, a member of the executive board of the “Joel Sierra” Regional Foundation Committee for Human Rights, and Nubia Chacón, a community leader, all remained in detention as of the end of 2006.

Although several scandals surfaced and brought to light the collusion between paramilitaries and official authorities, defenders who have denounced this situation for many years remained stigmatised. More specifically, the authorities continued to make comments aimed at discrediting defenders’ activities. On April 21, 2006 for instance, the Colombian Vice-President, Mr. Francisco Santos Calderón, publicly accused the Swiss NGOs “Bread for All” (PPP) and “Action for Lent” (AdC) of carrying out an “aggressive campaign against Colombia” and of financing the guerrilla of the Revolutionary Armed Forces of Colombia (FARC). During an interview published on May 5, 2006 in the Swiss newspaper *Le Temps*, the Vice-President reasserted that the campaign led by these two NGOs “(...) presented an erroneous and injurious political content”, adding that he was considering taking judicial action against them. Moreover, on May 8, 2006, President Uribe once again accused the people voicing criticism of his “democratic security” policy and the demobilisation process of paramilitary groups of engaging in terrorist activities<sup>18</sup>.

In *Mexico*, a positive step was taken with the repeal of Article 214 of the Criminal Code which criminalised acts of defamation, on August 8, 2006. In March 2006, Ms. Isabel Arvide, a journalist known for her numerous articles denouncing drug-trafficking, corruption and violence, had notably been sentenced by the Second Criminal Court of Chihuahua to a one-year suspended prison term and a 14,000 euros fine on the basis of this article. Ms. Arvide was accused of having published an article on her website and in the daily *Milenio* in June 2001, in which she had denounced the involvement of officials, including the former General Prosecutor, Mr. Jesús José Solís Silva, in a drug cartel in Chihuahua<sup>19</sup>.

18. See Coordination Colombia-Europe-United-States, May 2006.

19. See Committee to Protect Journalists (CPJ), March 3, 2006.

Defenders further continued to be targeted by defamatory accusations. On November 10, 2006 for instance, the representative of the Attorney General's office publicly declared that "although he did not want to disclose names, three [human rights] organisations operating in the State of Puebla had links with the guerrilla"<sup>20</sup>. Human rights movements were also gravely equated to delinquent groups, in particular in the context of social protests as was the case in Oaxaca<sup>21</sup>.

Moreover, human rights defenders operating in the State of Chiapas were particularly targeted as the alternative "Other Campaign" was launched in January 2006<sup>22</sup>, and in the run up to the presidential and local elections which were held in July and August 2006. Mr. Dámaso Villanueva Ramírez, a member of the Citizens' Committee for the Defence of the People (COCIDEP)<sup>23</sup> and a supporter of the "Other Campaign", was arrested on February 24, 2006 on suspicion of "damages to a private property" and subsequently transferred to the social rehabilitation centre No. 5 in San Cristóbal de las Casas. He was released on March 2, 2006 on grounds of lack of evidence; however, the charges against him remained pending as of the end of 2006. In addition, members of the International Service for Peace (SIPAZ) were continuously watched and threatened when travelling to Chiapas to monitor the human rights situation in the framework of the "Other Campaign", on the initiative of Mexican civil society organisations.

In *Nicaragua*, high-ranking officials similarly attempted to discredit the work of human rights organisations. On August 1, 2006 for instance, Mr. Edwin Cordero Ardila, former chief of the national police and a member of the then ruling Constitutional Liberal Party, stated in the daily *La Prensa* that "certain human rights organisations were financed by criminal groups involved in drug trafficking (...)"<sup>24</sup>.

20. See Agustín Pro Juárez Centre for Human Rights (PRODH), November 2006.

21. See below.

22. The "Other Campaign" was launched in January 2006 at the same time as the campaign for presidential elections. It was aimed at mobilising popular organisations and drawing attention to political and social issues, in particular on indigenous peoples' rights and human rights violations committed in the country.

23. This association fights against the privatisation of the water sector, high electricity tariffs and illegal mobile phone antennae installations.

24. See Nicaraguan Centre for Human Rights (CENIDH), November 2006.

The Ombudsman of Nicaragua also qualified the Nicaraguan Centre for Human Rights (CENIDH) as “kaibil”<sup>25</sup> following the release of a CENIDH report on March 28, 2006, revealing that three journalists had been slandered after denouncing that the rent of one of the Ombudsman’s office staff members was allegedly paid with public funds.

In *Peru*, human rights organisations were subjected to heavy criticism relayed by newspapers close to the government, often in retaliation for the legal assistance they provide to victims of human rights violations. On January 19, 2006 for instance, Mr. Robinson González Campos, a member of the Supreme Court and president of the Academy of Magistrates, stated in the national newspaper *El Expreso* that the real interests of human rights defenders were “by nature economic and political” and that they “[did] not defend human rights but rather (...) their financial interests as well as their political and demagogic goals”. On January 20, 2006, the president of the Congress’ Finance Commission declared in the same newspaper that “NGOs defend their own interests rather than human rights”, adding that they “assume a legitimacy that the people has not granted them (...) in order to justify the funds they receive and to fill their pockets”. On January 25, 2006, the second vice-president of Congress, Mr. Gilberto Diaz, declared, during an interview with *El Expreso*, that “NGOs have turned into a power of darkness [that] aspires to work in place of political parties in order to control the country”. Finally, in September 2006, the Vice-President, Mr. Luis Giampetri, a retired Admiral whose suspected role in the El Fronton prison massacre has been investigated, convened a meeting of the congressional intelligence committee, which he heads, in order to scrutinise the activities of the Legal Defence Institute (IDL), an organisation of lawyers who notably represent the family of one of the El Fronton victims. Mr. Giampetri claimed that IDL was interfering with the course of justice and undermining the morale of the armed forces<sup>26</sup>.

In *Peru* and *Venezuela*, a number of new bills affecting the independence of NGOs – notably by increasingly controlling their financing – were introduced or adopted in 2006.

25. “Kaibil” refers to the former military elite trained to repress and kill under the dictatorship of General Somoza.

26. See Legal Defence Institute (IDL) and Human Rights Watch (HRW).

In *Peru*, Law No. 25/2006-PE amending Law No. 27692 on the establishment of the Peruvian International Cooperation Agency (APCI), a decentralised body placed under the auspices of the Ministry of Foreign Affairs, was gazetted on December 8, 2006. This new act imposes new fund-raising constraints for NGOs, which must now be listed with the APCI registrar. All cooperation contracts shall further comply with the technical cooperation regulations that shall be harmonised according to the national development policy and “public interest”. Besides, APCI is entitled to impose sanctions against NGOs carrying out activities deemed to “disrupt public order or to infringe on private or public property”. This law further reinforces the provisions of Law No. 28875, adopted on August 15, 2006, which had already allowed an increased interference of the authorities with NGOs internal affairs and objectives.

On June 13, 2006 the *Venezuelan* National Assembly approved at first reading a bill on International Cooperation establishing a new judicial framework regulating, *inter alia*, the work of local and international NGOs operating in the country. This bill had not yet been adopted as of the end of 2006. It notably provides for the regulation and control of objectives, activities and sources of funding of NGOs, and is likely to lead to arbitrary limitations of their international financing. This bill also entails provisions on NGO registration with State authorities, which could interfere with - if not hamper - the autonomy and/or the regular activities of NGOs. Organisations would also be compelled to provide detailed information about their activities, management and sources of funding to the government. Finally, the bill could significantly restrict the access to overseas grants as the authorities accused NGOs of raising foreign funds in order to finance activities against the government.

### **Increased repression of defenders of economic, social and cultural rights**

Although defenders of economic, social and cultural rights play an essential role in the promotion of these rights and, more importantly, in campaigning for a better distribution of wealth and greater equality, they still faced an increased repression in 2006, in particular from the private interests they challenged.

## Union and peasant leaders

In 2006, defending workers' and farmers' rights remained a high risk activity in Latin America, a region marked by strong social inequalities.

In *Colombia*, the situation of trade union leaders was still of grave concern as their activities continued to be stigmatised and perceived as "subversive". They were subjected to serious acts of harassment, ranging from persecution and threats to extrajudicial killings. According to the United Confederation of Workers (CUT), 333 unionists were assassinated between August 7, 2002 and May 12, 2006, under the first presidential term of office of Mr. Uribe, including 30 from January 1, 2006 to May 12, 2006 alone<sup>27</sup>. CUT further asserted that it had lost 69 of its members during 2006. According to the National Union School of Colombia (ENS) estimates, 71 unionists, including 13 union leaders, were assassinated between January and November 2006, which represents a 6% increase compared to the same period in 2005<sup>28</sup>. The union movement in the country was incessantly persecuted, in particular by paramilitary groups and the Colombian Revolutionary Armed Forces (FARC). On October 5, 2006 for example, Mr. Julian Andres Hurtado, a student leader in the Valle de Cauca campaigning for free university education and actively involved in human rights activities, was killed in front of his home. He had previously received several death threats due to his activities<sup>29</sup>. On November 17, 2006, Mr. Efraín Guependo, a peasant leader, was killed with two bullets while on his way to work, on the Cajamarca-Armenia main road (region of Tolima)<sup>30</sup>. Similarly, Mr. Norberto Fajardo Quintero, a union leader, was assassinated in the city of Arauquita on December 16, 2006<sup>31</sup>. Union leaders also regularly received death threats, such as those sent to unionists and NGO members on December 13, 2006 by the "Black Eagles" paramilitary group. Likewise, on June 14, 2006, the National Association of Hospital Workers (ANTHOC) in Bogotá received a message from a military group identifying themselves as the

27. See United Confederation of Workers (CUT), May 2006.

28. See National Union School of Colombia (ENS), December 2006.

29. See ACAT-France.

30. See "José Alvear Restrepo" Lawyers' Collective (CCAJAR), November 22, 2006.

31. See Permanent Committee for Human Rights (CPDH), December 21, 2006.

armed wing of the former AUC, who threatened to “exterminate every single trade unionist” and demanded that the members of the organisation leave the country. The authors of this message notably designated several ANTHOC members as “military targets”, stressing that this list did “not even cover half of the people targeted”.

In *Cuba*, Ms. María Dolores Prada, an independent unionist, was arrested by two officers of the national police on December 18, 2006, while distributing leaflets to passers-by in Havana. She was then taken to the Acosta y Porvenir police station, in the “October 10” municipality, where she was accused of distributing “subversive material” on the public thoroughfare. The police officers then warned her that she would be imprisoned if she did not cease her “counter-revolutionary” activities. She was released two hours later<sup>32</sup>.

In *Guatemala*, union leaders were also violently targeted in 2006, as for instance Mr. William Noe Requena Oliveros, a representative of the Unity for Trade Union and Popular Action (UASP), whose body was found in the city of Peronia, Villa Nueva. Mr. Oliveros had taken part in negotiations between the Guatemalan Housing Fund (FOGUAVI) and the Congress of the Republic in favour of land reallocation in the city of Peronia. Likewise, Ms. Claudia Jeannette Rivas Rosil, a departmental delegate of the Education Workers’ Union of Guatemala in Jutiapa, was the victim of an assassination attempt in March 2006. According to MNDH, 15.5% of Guatemalan defenders who were threatened or attacked between January and December 2006 were unionists (43 cases) and 14% were peasant leaders (40 cases)<sup>33</sup>.

In *Nicaragua*, one of the main problems faced by trade unionists was the existence of “black lists”, established by private companies on the request of employers to find out which employees were union members or were trying to organise. These lists were then circulated among employers in order to limit union activities and possibly take action against blacklisted workers<sup>34</sup>.

32. See Coalition of Cuban-American Women.

33. See UPDDH-MNDH, *Impunidad : ¿Quiénes son los responsables? - Informe sobre la Situación de Defensoras y Defensores de Derechos Humanos - Enero a Diciembre del 2006*, February 2007.

34. See International Confederation of Free Trade Unions (ICFTU), March 4, 2006.

## Defending the rights of the landless, minorities and indigenous populations

Activists defending the rights of minorities, landless populations and indigenous communities were targeted in 2006, especially when challenging large private interests - for example opposing the extraction of natural resources or the building of dams.

In *Bolivia*, the authorities particularly harassed defenders who assisted and supported indigenous communities and farmers in asserting their rights. In particular, those operating in the province of Santa Cruz faced an upsurge in acts of violence and threats in late 2006, notably perpetrated by the Pro-Santa Cruz Committee, a far-right civil movement.

In *Brazil*, notwithstanding the establishment of protection programmes by the authorities, defenders of landless populations continued to be subjected to serious acts of reprisals masterminded by major land owners. On August 20, 2006 for instance, Messrs. Josias de Barros Ferreira and Samuel Matias Barbosa, two MST leaders, were assassinated in Balança camp, in the city of Moreno, Pernambuco. The three suspected perpetrators were believed to have infiltrated the camp in order to convince the families living there to leave<sup>35</sup>. Even if some investigations into the assassinations of defenders in the past few years have led to the conviction of some *pistoleiros* (hit men), the impunity enjoyed by the persons behind and the authors of these violations considerably fostered the persistence of such attacks.

Despite the serious concerns expressed in 2005 by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, who had denounced the pre-figuration of a genocide against indigenous populations in *Colombia*, members of indigenous communities and their leaders remained the victims of numerous violations (extrajudicial executions, eviction from their land, etc.) in 2006<sup>36</sup>. Afro-Colombian communities were also targeted by such acts of reprisals: in Chocó for instance, paramilitaries continued

35. See MST. Fifty-nine landless families have been living in Balança since 2000. In January 2006, the Pernambuco gas company (COPERGÁS) entered into negotiations with these families so that they would leave and enable the company to build a gas pipeline. MST responded that the families would vacate the land once they would have been relocated in another camp.

36. See ANDAS, November 2006.

to threaten the Curvaradó and Jiguamiandó Afro-Colombian communities. On March 8, 2006, police officers came to the property of Mr. Enrique Petro, leader of the Curvaradó community, and questioned him about several meetings that had been held at his home, and which aimed at creating a “humanitarian zone” for the return of people of mixed race and Afro-Colombian families who had been displaced from their land and were at risk of famine. On March 9 and 10, 2006, several military units of the 17<sup>th</sup> Brigade went to Mr. Petro’s home on similar grounds and declared that “there [were] guerillas on his property”, referring to the displaced families and workers living there. Likewise, several members of the Afro-Colombian organisation Process of Black Communities (PCN) were threatened or abducted by paramilitaries in 2006. PCN, a platform gathering over 80 organisations, aims at guaranteeing the respect for the fundamental rights of communities of African origin and at obtaining the recognition of their land rights.

Finally, members of “peace communities” and “humanitarian zones” continued to be repeatedly harassed and assaulted. In September 2006 for instance, about 30 armed men, some of whom identified themselves as paramilitaries, came to San Josesito (Antioquia), a camp established by members of the San José de Apartadó peace community following the assassination of eight of its members in February 2005<sup>37</sup>, and announced that they would exterminate the community.

In *Honduras*, on June 23, 2006, the Supreme Court acquitted Messrs. Marcelino and Leonardo Miranda, both members of the Civic Council of Popular and Indigenous Organisations of Honduras (COPINH), who had been sentenced to 25 years in prison in December 2003 for the murder of Juan Reyes Gómez, in 2001<sup>38</sup>. In spite of this positive step, leaders of indigenous communities that have fought for years for the right to their land to be respected continued to be repeatedly harassed, as for instance the Garifuna African-Honduran community. In 2006, Ms. Jessica Garcia, a Garifuna community leader in the village of San Juan Tela (region of Atlántida), was notably subjected to a serious campaign of harassment to force her to sell the lands occupied by the Garifunas for several generations to a

37. See Annual Report 2005.

38. See Open Letter to the Honduran authorities, August 12, 2005.

real estate company that was planning to build a tourist resort in the area. She also received death threats. In addition, Ms. Mirna Isabel Santos Thomas, a member of the Garifuna community in San Juan Tela, was abducted and subsequently found dead on August 6, 2006<sup>39</sup>.

As claims for the recognition of indigenous people's rights frequently went hand in hand with calls for a sustainable management of natural resources, human rights defenders who denounced the role of national and multinational companies in resources exploitation were equally repressed. On December 20, 2006 for instance, Messrs. Heraldo Zuñiga and Roger Ivan Cartagena, both members of the Olancho Environmental Movement (MAO), were assassinated by the police in the town of Guarisama. The day before, Mr. Heraldo Zuñiga had received death threats from employees of the Sazone forestry company.

In *Mexico*, on March 11, 2006, the body of Mr. Francisco Concepción Gabino Quiñones, an indigenous leader of the Náhua community in Cuzalapa, was found bearing signs of torture. In particular, Mr. Gabino Quiñones had opposed the activities of a mining company operating in Peña Colorada (state of Jalisco) and belonging to the "Ternium" Italian multinational, of the Techint Group<sup>40</sup>. He was also leading the struggle against a governmental programme of privatisation - PROCECOM -, thus contesting the "reallotment" of over 7,000 hectares of communal land. Moreover, on June 6, 2006, in the municipality of José Azueta (state of Guerrero), Mr. Francisco Aguirre Palacios, the father of Mr. Noé Aguirre Orozco, a member of the Zihuatanejo Network of Environmental Organisations (ROGAZ), received a phone call informing him that his son was being closely watched and that his "physical integrity was at risk". Mr. Noé Orozco was campaigning, amongst others, against the construction of the Marina Puerto Moi tourist resort in the Zihuatanejo Bay, in the south of Guerrero state, and had denounced the dumping of waste water into the bay.

39. See Civic Council of Popular and Indigenous Organisations in Honduras (COPINH), June 2006.

40. The Peña Colorada mine in the state of Jalisco is a large iron mine, the exploitation of which causes important air pollution in the Manantlán reservation, one of the most protected rural areas in Mexico, thus putting at risks the survival of ancestral customs.

On November 1, 2006 in *Peru*, Mr. Edmundo Becerra Palomino, a member of the farmers' organisation *Rondas Campesinas* and secretary of the Environment Defence Front in Yanacanchilla, was assassinated in his barn. He was to travel to Lima the next day to meet with representatives of the Ministry of Energy and Mines, and to express his concerns about the planned exploitation of the San Cirilo hill by the Yanacocha mining company. Mr. Becerra Palomino's murderers were reported to have used weapons similar to those provided in August 2006 to the "Forza" security company that was hired by Yanacocha. On August 3, 2006, Father Marco Arana, a member of the Training and Intervention Group for Sustainable Development (GRUFIDES<sup>41</sup>) and a mediator between the government and mining companies<sup>42</sup>, also received death threats and insults following violent demonstrations against the expansion of the Minera Yanacocha mining company<sup>43</sup>. In addition, GRUFIDES members have been intimidated, harassed and constantly watched since September 3, 2006.

### Social protest movements

Demonstrations organised by civil society against socio-economic inequalities or, more specifically in 2006, against the possible abuses linked to the signing of Free Trade Agreements (FTA) with the United States, generated a fierce repression and virulent campaigns aimed at discrediting defenders.

In *Brazil*, the police forcefully dispersed a social protest held in April 2006 at the headquarters of the Energy Company of Minas Gerais (CEMIG), in Belo Horizonte, against the privatisation of the energy sector and the increase in the price of energy. On this occasion, Mr. Enio Bohnenberger, MST national leader, and six other demonstrators were arrested and violently beaten. Seventeen other participants

41. GRUFIDES promotes environment protection, sets up training programmes and provides legal assistance to the rural communities in the Cajamarca province.

42. This mediation fell within the scope of negotiations to establish detailed regulations for mining activities, in particular regarding the environmental impact of such operations.

43. A demonstration against the construction of a dock near the People's Centre of Combayo, Cajamarca, gave rise to violent riots led by farmers contesting the expansion of the operations of the Yanacocha mining company. Peasants of the Combayo area were protesting against the environmental impact of mining operations and inadequate sharing of the generated profits in terms of social and economic benefits.

had to be hospitalised. The seven persons arrested were released on bail a few hours later. On July 4, 2006, the 11<sup>th</sup> District Court in Belo Horizonte ordered to remand Mr. Bohnenberger in custody for “endangering public order”. These charges were still pending as of the end of 2006.

In *Colombia*, an itinerant summit of social organisations was held from May 5 to 22, 2006 in the province of Cauca, and gathered over 18,000 participants - indigenous people, farmers and human rights defenders – who voiced their disagreement ahead of the signing of the FTA between Colombia and the United States. Demonstrators also denounced the government’s denigration and repression policy against Colombian indigenous populations, and expressed their wish to engage in a constructive dialogue with the authorities. Such demonstrations were violently dispersed, such as a rally held on May 16, 2006 in the village of Piendamó, where farmers and members of indigenous communities protesting against the re-election and the “democratic security” policy of President Uribe violently clashed with security officers. The excessive use of force of the police then occasioned the death of several demonstrators, including Mr. Juan Tamayo, an indigenous community leader<sup>44</sup>.

In *Cuba*, promoting human rights remained highly difficult as freedom of assembly, in particular, was still severely restricted. For example, during the 14<sup>th</sup> Summit of Non-Aligned Countries held in Havana from September 11 to 16, 2006, the government ordered a ban on all gatherings likely to harm the “image” of the city<sup>45</sup>.

Similarly, the *Ecuadorian* government attempted to discredit the situation of indigenous communities and their leaders, following their intense mobilisation against the ratification of the FTA with the United States. The authorities notably stated that the indigenous movement was seeking to destabilise the government and disrupt the peace of the country. In March 2006 for instance, the Minister for Information, Mr. Enrique Proaño, declared that he would “open investigations into international NGOs which [had financed] the indigenous mobilisation” led by the Confederation of Indigenous Nationalities of

44. See Latino-American Commission for the Rights and Freedoms of the Workers and Peoples (CLADEHLT), May 2006.

45. See Coalition of Cuban-American Women.

Ecuador (CONAIE) and that he would “expel [these NGOs] from the country”. These comments were re-asserted in the national press by the Secretary General of Public Administration and the Minister of Government on March 16 and 20, 2006 respectively<sup>46</sup>. Following these statements, several defenders of indigenous peoples’ rights were the victims of reprisals by the authorities. On March 18, 2006, Mr. Humberto Cholango, president of the Confederation of the Quechua Peoples of Ecuador (ECUARUNARI), and Mr. Luis Macas, CONAIE president, were both threatened with arrest if they did not cease their activities in favour of indigenous mobilisation. On March 21, 2006, the government declared a state of emergency in the Cañar province, following a number of anti-FTA protests organised by indigenous communities.

Besides, on May 9, 2006, a demonstration against the OXY petroleum company, which was held in front of the Government Palace, was violently suppressed. On this occasion, numerous activists were arrested by the police who also chased the demonstrators, intimidating them with their dogs and firing tear gas in the crowd. On December 3, 2006, another peaceful protest that gathered inhabitants of the Zamora Chinchipe and Morona Santiago provinces was violently dispersed by the 63<sup>rd</sup> battalion of Gualaquiza, who fired tear gas at the participants for more than an hour. This demonstration aimed at denouncing the pollution occasioned by the mining operations of the Ecuacorriente Company, also responsible for expelling farmers from their lands<sup>47</sup>.

In *Mexico*, the executive particularly clamped on the social movements that multiplied throughout the country in 2006, such as the social conflict that paralysed the state of Oaxaca - in particular its capital - from May 22, 2006 onwards. The tensions intensified following the repression orchestrated by the governor of the state of Oaxaca, Mr. Ulises Ruiz, against the 22<sup>nd</sup> section of the National Union of Education Workers (SNTE) on June 14, 2006. This SNTE branch, which gathered about 40,000 teachers on strike and supporters of the Popular Assembly of the Oaxaca People (APPO), were demanding an

46. See Ecuador Permanent Assembly for Human Rights (APDH), March 17, 2006.

47. See *Equipo Nizkor*, December 2006.

improvement in working conditions. As a result of the violent repression led by the authorities, they extended their demands to the resignation of the provincial governor. Numerous demonstrators in Oaxaca City were subjected to arbitrary detentions, threats, violence and intimidation. On November 25, 2006 for instance, police officers and members of armed groups violently assaulted the demonstrators. Five people were killed and dozens were arrested. As of the end of 2006, 33 persons were reported missing out of the hundreds arrested between November 25 and 30, 2006<sup>48</sup>. In such a context, human rights defenders who denounced these violations were also targeted by reprisals, as was Ms. Yésica Sánchez Maya, president of the Oaxaca section of the Mexican League for the Defence of Human Rights (LIMEDDH). Similarly, Father Francisco Wilfrido Mayrén Pelaéz, a member of the “Bartolomé Carrasco Briseños” Regional Human Rights Centre, was intimidated and threatened in October 2006. In November 2006, he was further strongly criticised in an article published in the *Imparcial* newspaper, in which he was accused of “protecting delinquents”<sup>49</sup>. On November 27, 2006, *Radio Ciudadana* accused the NGO Services for an Alternative Education (EDUCA) of manufacturing Molotov explosive devices and of protecting several APPO movements. EDUCA promotes the reinforcement of organisational procedures and integrated development of marginalised communities and indigenous populations in Oaxaca (in particular, their enhanced civil participation)<sup>50</sup>.

In *Nicaragua*, on May 5, 2006, the national police violently crushed a peaceful demonstration organised in Managua by doctors calling for a pay rise. As police forces were backed by rapid intervention troops (TAPIR) and joined the already present security forces, several members of the Nicaraguan Human Rights Centre (CENIDH) attempted, in vain, to act as mediators between the two parties to prevent an escalation of violence. Twenty-two doctors were injured, over 70 were arrested, and three CENIDH members were hit and verbally abused.

48. See LIMEDDH.

49. See “Bartolomé Carrasco Briseño” Regional Human Rights Centre and National Network of Civil Human Rights Organisations “All for the rights of all”.

50. See PRODH.

In *Peru*, the authorities launched a proper “witch hunt” aimed at discrediting social organisations and NGOs that had expressed their concerns about the possible negative impacts on human rights of the Free Trade Agreement (FTA) signed on April 12, 2006 between the United States and Peru<sup>51</sup>. On the same day, the APCI executive director threatened to request the Public Prosecutor’s office to issue a court order to disband the Labour Advisory Centre (CEDAL) under Article 96 of the Civil Code, which stipulates that “the Public Prosecutor can dissolve an association by court order if its activities or objectives are proved to be contrary to public order or moral standards”. According to the same Article, “the judge may, at any stage of the proceedings, order preventive measures to suspend, in whole or in part, the activities of an association”.

According to the *Venezuelan Programme for Education-Action on Human Rights (PROVEA)*, 58 demonstrations were repressed, banned or dispersed by State security agencies between October 2005 and September 2006 - a significant increase compared to the 18 cases identified in the 2005 PROVEA annual report<sup>52</sup>. This repression illustrated a progressive and spontaneous radicalisation of popular protests, in particular those related to the rights to housing and public services, and, to a lesser extent, those defending workers’ rights. According to PROVEA, at least 113 people were injured and 243 were arrested in the framework of this wave of repression. On May 24, 2006 for instance, inhabitants of the communities of San Francisco de Miranda, Santa Rita, la Morita, Guaruto, El Valle, Vallecito and Coropo, in the state of Aragua, demonstrated in front of the headquarters of the Elecentro company to protest against the recurrent power cuts in these areas. The police violently dispersed this gathering by beating the protesters and firing tear gas. Likewise, on November 8, 2006, about twenty members of the Community Housing Organisation (OCV) in La Guzmanera were injured when the police attempted to block their demonstration, which was planned to rally Caracas in order to claim funds for building houses.

51. See International Fact-Finding Mission Report, *Perú: Una situación preocupante para los defensores de derechos humanos*, December 2006.

52. See Venezuelan Education-Action Programme on Human Rights (PROVEA), *Informe anual sobre la situación de los derechos humanos en Venezuela, octubre-noviembre de 2006*, December 2006.

## Defenders of sexual minorities' rights

In *Argentina*, a positive step was to be welcomed as the Supreme Court granted legal recognition to the Association for the Struggle of the Transvestite and Transsexual Identity (ALITT) on November 21, 2006. This verdict overruled earlier decisions by the General Inspectorate of Justice (a division of the Argentinean Justice Department responsible for NGO registration), and a civil court, which had both declared that ALITT's objectives were unacceptable as "going against the common good"<sup>53</sup>.

In *El Salvador*, the San Salvador offices of the Association "Between Friends", an NGO promoting LGBT rights, were broken into on May 30, 2006. Some of the organisation's files were stolen, more specifically those relating to a demonstration that was due to take place in June 2006 in front of the National Assembly to call for the respect of the right to non-discrimination and for the withdrawal of a planned reform of the Constitution<sup>54</sup>. Threatening letters addressed to the members of the organisation, including one containing death threats, were left at the headquarters. The association has moved out and found new offices since then, but has remained under the surveillance of unidentified individuals several hours a day. Moreover, Mr. William Hernández, director and president of the association, was threatened at gun point on June 1, 2006 in front of the NGO headquarters, shortly after the police officer in charge of his protection had finished his shift.

In *Honduras*, religious organisations and political leaders continued to perceive organisations defending lesbian, gay, bisexual and transsexual (LGBT) minorities' rights as a risk for society. This hostile environment fostered numerous acts of reprisals against LGBT rights defenders who remained highly discriminated and whose work in favour of human rights was rarely acknowledged. On August 15, 2006, the body of Mr. Javier Enrique Hernández, a member of the San Pedro Sula Gay Community, an NGO based in the north of the country, was

53. See International Gay and Lesbian Human Rights Commission (IGLHRC), November 2006.

54. The Christian Democratic Party (PDC) and the Catholic Church of Salvador campaigned for a reform of the Constitution to criminalise same-sex marriages and to prevent LGBTs from adopting children. This reform was approved by the National Assembly in 2005 but still requires ratification by the new Parliament that was elected in March 2006.

found bearing clear marks of torture in his apartment<sup>55</sup>.

Lastly, in *Jamaica* and other Caribbean countries, a number of gay and lesbian activists had to work clandestinely in 2006 due to increasing homophobia and the dangers they were facing.

### **Freedom of expression**

In 2006, journalists also suffered violent acts of reprisals when reporting about the human rights violations they witnessed.

In *Colombia* for instance, Mr. Gustavo Rojas Gabalo, a journalist with the *Panzenú* radio station, died on March 20, 2006 as a result of the injuries that he sustained on February 4, 2006. He had frequently criticised the successive municipal governments as well as politicians from Córdoba on his radio show. Similarly, Mr. Atilano Segundo Perez Barrios, a presenter known for reporting cases of corruption in the region of Montes de María during his shows on the *Vigía de Modelar* radio station, was killed in front of his home in the city of Cartagena on August 22, 2006. In his last broadcast, he had notably pointed out the influence of paramilitary groups over various municipal establishments in Marialabaja (in the Montes de María region) and had alleged that some of these groups sponsored some candidates running for mayor<sup>56</sup>.

In *Cuba*, defending human rights was still considered as a threat to the State and all activities in this field remained severely punished. In such a context, access to information on the Internet was particularly limited as the Cuban government resorted to a broad arsenal to ensure that the Internet was not used for “counter-revolutionary” purposes. Private Internet access was forbidden, whereas public connections remained strictly censored through a programme installed by the police in cybercafés and hotels, which sends out alerts every time “subversive” words were typed in<sup>57</sup>.

Moreover, local human rights groups were systematically denied

55. See Global Rights, CATRACHAS, Sampedrana Gay Community, National Forum on HIV/AIDS, KUKULCAN Group, Arcoiris Group, IGLHRC, *Shadow Report on Honduras to the Human Rights Committee*, 2006.

56. See International Federation of Journalists (IFJ), *Journalism Put to the Sword in 2006*, January 2007.

57. See Reporters Without Borders (RSF), October 2006.

legal registration as the authorities still refused to recognise the promotion of human rights as a legitimate activity. Members of these groups were further repeatedly harassed. Indeed, since July 2005, the authorities have more and more resorted to para-judicial acts of “repudiation”, i.e. acts of repression and intimidation led by groups set up and trained by government agents. These groups usually surround the homes of defenders and publicly insult them - sometimes even physically attack them. For example, hundreds of people have been lurking around the house of Mr. Juan Carlos González Leiva, president of the Cuban Human Rights Foundation, since August 2005, committing acts of vandalism and threatening to enter his home or to burn it down. Similarly, on March 17, 2006, a crowd besieged the house of Mrs. Isel Acosta, a member of the “Ladies in White”, a movement gathering the wives and relatives of Cuban political prisoners and regularly demonstrating for their release. Assailants bang on the windows and doors for several hours, shouting insults and death threats<sup>58</sup>. On October 17, 2006, Mr. Miguel Valdés Tamayo, president of the Association of Fraternal Brothers for Dignity and a member of the Assembly for the Promotion of Civil Society in Cuba, was physically and verbally assaulted by a crowd gathered in front of his home in Havana. These individuals attempted to prevent him from leaving his house by hitting him on the head, the chest and on his back. His attackers were mostly women members of the Rapid Intervention Brigade, an unarmed volunteers’ group instructed to prevent delinquency as well as to silence any form of opposition or discontent towards the regime. Mr. Tamayo died of a heart attack on January 10, 2007<sup>59</sup>.

In *Ecuador*, journalists were not spared either. For example, Mr. José Luis León Decider, a journalist with *Radio Minutera*, was assassinated near his home in the town of Guayaquil on February 13, 2006. He had regularly denounced human rights violations and was very likely killed as a result of his activities<sup>60</sup>.

58. See Coalition of Cuban-American Women.

59. *Idem*.

60. See IFJ, *Journalism put to the sword in 2006*, January 2007.

## **Mobilisation for regional and international protection of human rights defenders**

United Nations (UN)

During the second session of the Human Rights Council, held in Geneva (Switzerland) from September 18 to October 6, 2006, Ms. Hina Jilani, Special Representative of the UN Secretary General on human rights defenders, presented her preliminary conclusions and recommendations on the situation of defenders in *Brazil*, where she carried out a visit between December 5 and 21, 2005<sup>61</sup>. Although Ms. Jilani welcomed some of the “policies and initiatives” adopted by the government, she underlined that “serious concerns regarding the situation of human rights defenders persist[ed] because of a wide gap between the declaration of policy and its implementation on the one hand, and the creation of mechanisms and their effectiveness, on the other”. She further stressed that defenders of social, economic and cultural rights were more specifically targeted by acts of reprisals, whether assassinations, threats, or accusations of creating public disorder, and deplored that peaceful action for the defence of human rights was frequently met with disproportionate use of force. Finally, Ms. Jilani called for a greater commitment of the government to human rights policies and urged the authorities to proceed to “adjustments in the role of the judiciary in order to guarantee their practical implementation”.

In her report on the situation of human rights in *Colombia*, Ms. Louise Arbour, High Commissioner for Human Rights, denounced the alarming situation faced by human rights defenders operating in the country, underlining that “human rights defenders, members of women’s and victims’ organisations, community leaders, displaced persons and trade unionists continued to be the victims of murders [and] threats” and “[were] also affected by arbitrary detentions and accusations of rebellion based on sources of dubious reliability”. According to the High Commissioner, “the departments most affected were Antioquia, Valle del Cauca, Arauca, Nariño, Santander, Putumayo, Bogotá, Atlántico and Bolívar. Most cases were attributed to paramilitary groups. Accusations [were] also brought against the FARC-EP. Some cases involved members of the security forces.

61. See United Nations Document E/CN.4/2006/95/Add.4.

There was an increase in the number of cases attributed to members of the Mobile Anti-Riot Squadron (ESMAD), owing to their operations on the occasion of public demonstrations”. Finally, Ms. Arbour regretted that “some authorities publicly questioned the nature and legitimacy of the work of human rights defenders”<sup>62</sup>.

On December 21, 2006, the Office of the High Commissioner for Human Rights in *Colombia* further condemned the death threats addressed by the “Black Eagles” paramilitary group against unionists, human rights defenders and members of student organisations in the town of Barranquilla<sup>63</sup>.

In its February 2006 report, the Office of the High Commissioner for Human Rights in *Guatemala* indicated that the “attacks on human rights defenders [...] increased”, the main victims being “members of organisations of agricultural workers, trade unions, and development and environmental organisations, engaged for the most part in the defence of economic, social and cultural rights”. This report further underlined that “the situation has worsened since there has been little progress in prevention, or in the investigation and punishment of those responsible”. Finally, Ms. Arbour called upon “the government and the system of justice to establish effective, sustainable programmes [...] to protect the life and personal integrity of human rights defenders, trade unionists, journalists, justice officials and witnesses”<sup>64</sup>.

During its 36<sup>th</sup> session, which took place from May 1 to 19, 2006 in Geneva, the Committee Against Torture (CAT) expressed its concerns about “reports of an increase in acts of harassment and persecution, including threats, killings and other human rights violations, experienced by human rights defenders, and about the fact that such acts remain unpunished” in *Guatemala*. The Committee notably requested the State party to “adopt effective measures to strengthen and guarantee the independence of the unit for the protection of human rights defenders within the Presidential Human Rights Commission, as well as to prevent and protect human rights defenders from any further

62. See United Nations Document E/CN.4/2006/9.

63. See <http://www.un.org/spanish/News/fullstorynews.asp?newsID=8458&criteria1=Colombia&criteria2=>.

64. See United Nations Document E/CN.4/2006/10/Add.1, February 2006.

violence” and added that it “should ensure the prompt, thorough and effective investigation and appropriate punishment of such acts”<sup>65</sup>.

Regarding the situation in *Peru*, the Committee “express[ed] concern over the allegations it [...] received of reprisals, intimidation and threats against those who report acts of torture and ill-treatment, and at the lack of effective mechanisms to protect witnesses and victims”, and “regrett[ed] that human rights defenders who [...] cooperated with the Truth and Reconciliation Commission [were] subjected to threats”. The Committee thus urged the Peruvian government to “adopt effective measures to ensure that those who report acts of torture or ill-treatment are protected from intimidation and possible reprisals for making such reports” and to “investigate all reports of intimidation of witnesses and [...] to set up an appropriate mechanism to protect witnesses and victims”<sup>66</sup>.

During its 88<sup>th</sup> session, held from 16 October to 3 November 2006, the Human Rights Committee (HRC) was concerned at the cases of harassment and deaths of journalists and human rights defenders” in *Honduras*, and “at the apparent impunity of the perpetrators”. The Council notably called on the State party to “take the necessary steps to prevent any harassment of journalists and human rights defenders and (...) to ensure that those responsible for the deaths of journalists and human rights defenders are prosecuted and punished and that the relatives of the victims are duly compensated”<sup>67</sup>.

## Inter-American Human Rights Protection System

### *Inter-American Commission on Human Rights (IACHR)*

The IACHR discussed and endorsed, during its 124<sup>th</sup> regular session (February 27-March 17, 2006), the “Report on the situation of human rights defenders in the Americas”<sup>68</sup>. The Observatory welcomed the adoption of this report, which was provided for by the Resolution AG/RES 1818 (XXXI-O/01) adopted in 2001 by the

65. See CAT Concluding Observations, UN Document CAT/C/GTM/CO/4.

66. See CAT Concluding Observations, UN Document CAT/C/PER/CO/4.

67. See HRC Concluding Observations, UN Document CCPR/C/HND/CO/1/CRP.1. Unofficial translation.

68. See Document of the OAS, OEA/Ser.L/V/II.124 - Doc.5 rev. 1, March 7, 2006.

General Assembly of the Organisation of American States (OAS), and which was expected since 2002. The report makes reference to the legal framework for the protection of human rights defenders in the Inter-American system, the problems that they face (extra-judicial killings, forced disappearances, attacks, threats, smear campaigns, criminal prosecutions, financial restrictions, denial of legal recognition of NGOs, etc.) as well as the precautionary measures decreed by the IACHR in their favour<sup>69</sup>. This report also underlines the “alarming impunity” prevailing in the region and calls upon Member States to acknowledge the importance of protecting human rights defenders, in particular union, social and indigenous leaders who are “especially exposed”. This report was made public on June 1, 2006<sup>70</sup> and was presented by Mr. José Miguel Insulza, OAS Secretary General, during the IACHR 126<sup>th</sup> regular session held in Washington (United States), on October 16 and 17, 2006.

During its 124<sup>th</sup> regular session, the IACHR once again made special mention of the essential role played by human rights defenders as the “engine” of the Inter-American system, who allow the effective protection of human rights<sup>71</sup>.

On this occasion, the IACHR expressed its concern for criminal actions initiated against several *Venezuelan* activists on charges of “conspiracy against the republican form of government” after receiving international cooperation funding to develop their work. Further, and “in light of statements made by State representatives during hearings before the Commission disqualifying the work of human rights defenders”, the IACHR called on “the Venezuelan authorities to assure that no human rights defender is subjected to harassment and intimidation based on his or her work”. In addition, the IACHR expressed its concern for the laws and judicial actions that limit freedom of expression and access to information in the country, particularly “with regard to criminal actions pursued against Ibeyse Pacheco, Marianella Salazar and José Ovidio Rodríguez [...] for the crimes of slander, defamation and contempt”.

69. In its report, the IACHR indicates that between 2001 and 2005, 44.8% of precautionary measures were granted to human rights defenders, essentially from Colombia, Guatemala and Mexico.

70. See IACHR Press Release no. 19/06, June 1, 2006.

71. See IACHR Press Release no. 07/06, March 17, 2006.

In May 2006, the IACHR presented its annual report 2005, in which it notably underlined the situation of human rights defenders in *Colombia*, *Cuba*<sup>72</sup>, *Haiti*<sup>73</sup>, and *Venezuela*<sup>74</sup>.

With regards to *Colombia*, it highlighted the government's efforts to continue its "Programme to protect human rights defenders, members of trade unions, journalists and community leaders", which protects numerous beneficiaries of precautionary and provisional measures adopted by the Commission and the Inter-American Court of Human Rights, respectively. However, the IACHR deplored that members of the paramilitary units involved in the demobilisation process were repeatedly cited as being responsible for grave violations and assassinations of human rights defenders<sup>75</sup>.

Similarly, on June 16, 2006, the IACHR underscored its concern in relation to the threats and acts of violence targeting human rights defenders in *Colombia*, urging the State to adopt special measures to protect organisations and individuals representing victims of human rights violations. The Commission also stated that a number of regional and national organisations involved in defending human rights had "come under threats declaring them to be military targets" and that several of these organisations had been "victims of the theft of work-related data, as part of a pattern of harassment intended to dissuade them from pursuing their activities"<sup>76</sup>.

On July 19, 2006, the IACHR voiced its concern over some provisions of the draft legislation on international cooperation under discussion by the Legislative Assembly of *Venezuela*. The Commission specifically noted that "this law [could] be interpreted in a restrictive manner in order to limit, among other things, the exercise of the rights of association [and] freedom of expression, [...] and could seriously impair the functioning of non-governmental organisations"<sup>77</sup>.

On October 10, 2006, the IACHR ruled admissible a request introduced in 2001 by the "José Alvear Restrepo" Lawyers' Collective

72. See IACHR Press Release no. 12/06, May 2, 2006.

73. See IACHR Press Release no. 14/06, May 2, 2006.

74. See IACHR Press Release no. 15/06, May 2, 2006.

75. See IACHR Press Release no. 16/06, May 2, 2006.

76. See IACHR Press Release no. 21/06, June 16, 2006.

77. See IACHR Press Release no. 26/06, July 19, 2006.

(CCAJAR) questioning the international accountability of the Colombian State for assassinations, attacks, threats and other acts of intimidation and harassment to which the members of the organisation have been subjected since 1990. This decision marked the beginning of an investigation phase, at the end of which the IACHR shall rule on the merits of the case and determine if the Colombian State is responsible for such violations, by virtue of the general obligation incumbent on States to respect and guarantee the respect for the rights defined in the Inter-American Convention on Human Rights<sup>78</sup>.

Furthermore, during its 126<sup>th</sup> regular session, the IACHR specifically addressed the situation of human rights defenders in *Cuba*, *Haiti* and *Venezuela*<sup>79</sup>. In particular, it approved a report on the case of Oscar Elías Biscet *et al.*, which accused the Cuban government of violating fundamental rights to the detriment of 75 political dissidents who have been deprived of their liberty since 2003<sup>80</sup>. With regards to *Haiti*, the IACHR “underscored the urgent need for the State to guarantee the security of the Haitian people in general and that of human rights defenders and other vulnerable groups in particular”. The Commission further indicated that it had received information concerning the acts of intimidation against Mr. Evel Fanfan. Lastly, the IACHR reiterated its concerns about the hostile environment faced by human rights defenders who attend hearings before the Commission upon their return to *Venezuela*. On this occasion, the Commission reasserted the obligatory nature of precautionary measures in favour of defenders and addressed the International Cooperation Bill, underlining that the participation of organisations that had expressed criticism about the contents of the bill had been restricted.

On October 18, 2006, the IACHR released its report entitled “Violence and Discrimination Against Women in the Armed Conflict in *Colombia*” following an on-site visit of Ms. Susana Villarán, IACHR former Special Rapporteur on women’s rights, from June 20 to 25, 2006<sup>81</sup>. The report denounced as “alarming” the fact that “all armed actors in the conflict commit aggressions against organisations

78. See Observatory Press Release, October 17, 2006.

79. See IACHR Press Release no. 37/06, October 27, 2006.

80. See Compilation of cases below.

81. See IACHR Press Release no. 49/06, December 5, 2006.

working to defend the rights of women” and mentioned several associations, such as the Women’s Popular Organisation (OFP), the National Association of Peasant, Black and Indigenous Women of Colombia (ANMUCIC), the League for Displaced Women and the Woman’s House, whose members, as well as their relatives, were regularly subjected to “systematic intimidation, persecution, kidnapping, torture and sexual abuses”. Consequently, the IACHR urged Colombia to “legitimise and protect in an effective manner the work of women human rights defenders as well as their organisations in the whole of the country”.

Finally, on November 3, 2006, the IACHR called upon the *Peruvian* government to adopt all necessary precautionary measures in order to prevent a “recurrence” in threats and other acts of harassment against human rights defenders. The Commission also underlined that the Draft Law No. 25/2006-PE, which would amend Law No. 27692 on the establishment of the Peruvian International Cooperation Agency (APCI), would, if passed, “have a negative impact on the work of human rights organisations”<sup>82</sup>.

### *Inter-American Court of Human Rights (IACoHR)*

On November 28, 2006, the IACoHR rendered its verdict in the case of the assassination of Mr. Gilson Nogueira, a lawyer, a member of the Center for Human Rights and Popular Memory (CDHMP) and an assistant to the regional body for the promotion of Justice in the Rio Grande do Norte State in *Brazil*. Mr. Nogueira had been extra-judicially executed in the city of Natal on October 20, 1996 after investigating into police violence and the activities of the death squads operating in the Rio Grande do Norte State<sup>83</sup>. Whereas the IACHR had considered, in 2005, that there was sufficient evidence to refer the case to the IACoHR, the Court decided to close the matter on ground of lack of evidence<sup>84</sup>.

82. See IACHR Press Release no. 42/06, November 3, 2006.

83. See Observatory Annual Report 1999.

84. In 2006, 34 organisations and individuals filed an *Amicus Curia* with the IACoHR in favour of the petitioners (*inter alia*, CMDPDH and *Justiça Global*) in the case opposing them to the Government of Brazil, including the following NGOs: the Centre for Justice and International Law (CEJIL), OMCT, CCAJAR, MNDH, the Centre for Legal Action in Human Rights (CALDH), PROVEA,

### *Organisation of American States (OAS)*

On June 6, 2006, the fourth plenary session of the 36<sup>th</sup> regular session of the OAS General Assembly, convened in Santo-Domingo (Dominican Republic), adopted a Resolution in which it expressed its concerns “that situations persist in the Americas that directly or indirectly prevent or hamper the work of individuals, groups, or organizations working to promote and protect human rights and fundamental freedoms”, and took note “that, in its decisions granting provisional measures, the Inter-American Court of Human Rights has highlighted the importance of the work of human rights defenders to the development of democracies in the Americas”. The OAS further emphasized that “the protection and promotion of human rights is legitimate work and that, in the exercise of their duties, human rights defenders contribute decisively to strengthening democratic institutions and improving national human rights systems” and acknowledged “that, in view of their specific role and needs, women human rights defenders should be accorded special attention to ensure that they are fully protected and effective in carrying out their important activities”. The General Assembly also “condemn[ed] actions that directly or indirectly prevent or hamper the work of human rights defenders in the Americas” and “urg[ed] Member States to continue stepping up their efforts to adopt the necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders and their relatives, including effective emergency protection measures in the case of imminent threat or danger, and to ensure that thorough and impartial investigations and proceedings are carried out, and appropriate punishments are applied”<sup>85</sup>. Finally, the General Assembly requested the IACHR to “include in its annual report a section on the work of

IDL, APRODEH, the Inter-American Foundation for the Defence of Human Rights (FIDDH), Terra de Direitos, the Colombian Commission of Jurists (CCJ), the National Human Rights Coordinating Committee of Peru (CNDH), the Paraguay Human Rights Coordinating Board (CODEHUPY), Casa Alianza Honduras, the Committee of the Relatives of Detainees-Disappeared, the Economic and Social Rights Centre (CDES), the Mexican Commission for the Defence and the Promotion of Human Rights (CMDPDH) and the Centre for Legal and Social Studies (CLES).

85. See OAS Document, AG/RES. 2177 (XXXVI-O/06), *Human rights defenders: Support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas*, June 6, 2006.

[its] Unit for Human Rights Defenders”. During the same session, the Assembly General also adopted another Resolution to support the work of defenders of the people, defenders of the population, and human rights attorneys or commissioners (Ombudsmen)<sup>86</sup>.

#### European Union (EU)

On February 2, 2006, the European Parliament adopted a Resolution on the situation in *Cuba*, in which it underscored that “dozens of independent journalists, peaceful dissidents and defenders of human rights (members of the democratic opposition and in most cases linked to the Varela project) [were] still being held in jail in subhuman conditions, (...) some of them [being] seriously ill and many close relatives of the *Damas de Blanco* [Ladies in White]”. The Parliament further recalled that “[the Cuban authorities refused] to allow the *Damas de Blanco* to travel to the seat of the European Parliament [...] to receive the [2005 Sakharov Prize for Freedom of Thought]” and regretted “the absence of any significant signs on the part of the Cuban authorities in reponse to the European Union’s calls for full respect for fundamental freedoms, especially freedom of expression and political association”. The Parliament consequently “condemn[ed] the worsening repression and the increase in the number of prisoners of conscience”<sup>87</sup>.

On the eve of the IV EU-Latin America/Caribbean Summit that was held on May 11 and 12, 2006 in Vienna (Austria), Ms. Ursula Plassnik, Austrian Minister of Foreign Affairs and then President of the Council of the EU, met women human rights defenders from Mexico, Guatemala and Colombia. Ms. Plassnik notably acknowledged that “women who fight for human rights and especially women’s rights are often exposed to special risks, as their activity questions the traditional role of women” and that “heightened attention in itself often affords them greater protection”<sup>88</sup>.

86. See OAS Document, AG/RES. 2221 (XXXVI-O/06), *Strengthening of the national human rights systems of the Member States and support for the work of defenders of the people, defenders of the population, and human rights attorneys or commissioners (Ombudsmen)*, June 6, 2006.

87. See Resolution of the European Parliament, P6\_TA(2006)0042, February 2, 2006.

88. See Press Release by the EU Presidency, May 11, 2006.

During this Summit, Heads of State and Government of the EU, Latin America and the Caribbean further declared that the “promotion and protection of human rights, including human rights defenders, shall be provided with coherent and effective support and protection”.

On May 13, 2006, the III EU-*Mexico* Summit and the II EU-*Central America* were held on May 13, 2006 in the framework of the EU-Latin America/Caribbean Summit. On these occasions, participants reasserted the importance of the protection of human rights defenders<sup>89</sup>.

The Council of the EU also endorsed several Conclusions in 2006, in particular with regard to the situation in *Colombia*, *Cuba*, *Guatemala* and *Venezuela*<sup>90</sup>.

In 2006, the EU stated that it had stressed to the *Colombian* government “the importance of ensuring the safety of those individuals, organisations and institutions, including human rights defenders, working for the promotion and protection of human rights, and of protecting the rights of persons belonging to minorities and indigenous peoples”. The Council further noted with concern that the Justice and Peace Law did not “take into sufficient account the principles of truth, justice and reparation in accordance with internationally agreed standards”, due to “the blurring of distinctions between “political” and other crimes; the short time allowed for the investigation of confessions and for the investigation of title assets that may have been acquired as the result of illegal activities; the restricted opportunities allowed for victims to claim reparations; the limited maximum sentences for the most serious of crimes; and the heavy resource pressures on the Colombian legal system in coping with the demands of the new law”.

In its conclusions of June 12, 2006, on the 16<sup>th</sup> evaluation of the Common Position on *Cuba*, the Council deplored “the further deterioration of the human rights situation in Cuba since the last evaluation in June 2005”. In this regard, the Council urged the Cuban government to “unconditionally release all political prisoners, including the group of 75 who were detained and sentenced in 2003” and

89. See Joint Press Release of the EU and Mexico and Joint Press Release of the EU and the Heads of State and Government of Central America, May 13, 2006.

90. See Council of the EU, *Annual Report of the EU on Human Rights - 2006*, October 2006.

expressed its concern at “the staging of several dozen acts of violent harassment and intimidation, including acts of repudiation” since 2005. The EU finally reminded the Cuban authorities of their responsibilities, “in particular as regards the basic rights of free access to information, freedom of expression, association and assembly, privacy and due process of law”.

The EU was further concerned by “the high level of violence and insecurity in *Guatemala*”, and stated that it had “conveyed disquiet with the situation of human rights defenders [to the Guatemalan government]”.

With regard to *Venezuela*, the EU asserted that it was also “closely [following] some court cases against opposition members and human rights defenders”.

### International Labour Organisation (ILO)

On June 1, 2006, on the occasion of the 95<sup>th</sup> session of the International Labour Conference (ILC), Colombian labour confederations signed a tripartite agreement to guarantee their right to organise, democracy and the fight against impunity as the latter continued to prevail in the prosecution of perpetrators of violations against trade unionists. This agreement provides for the establishment of a permanent ILO office in Colombia in order to strengthen technical cooperation and to promote the defence of the fundamental rights of workers, union leaders and their organisations. The parties agreed to follow up closely the results of the investigations into the assassinations and violations of freedoms of trade union leaders and workers led by the special investigation unit of the General Prosecutor of the Nation (Ombudsman), to punish those responsible for these crimes<sup>91</sup>.

### Civil society

On March 6, 2006, during the 50<sup>th</sup> session of the Commission on the Status of Women (CSW) of the United Nations, held in New York (United States), the Centre for Women’s Global Leadership

91. See International Centre for Trade Union Rights (ICTUR), *Colombia: boletín sobre derechos sindicales*, April-July 2006.

(CWGL) sponsored a workshop on women human rights defenders, in which about 50 persons participated.

On May 23 and 24, 2006, the third Human Rights Defenders Policy Forum, entitled “Beyond Elections: Defending Human Rights in the Age of Democratisation”, was held in Atlanta (United States), at the initiative of the Carter Centre and Human Rights First. The event was attended by human rights defenders from twenty-one countries, as well as by Mr. Jimmy Carter, former President of the United States, Ms. Hina Jilani, Ms. Louise Arbour, Ms. Reine Alapini-Gansou, Special Rapporteur of the African Commission on Human and Peoples’ Rights on human rights defenders in Africa, and Mr. Santiago Canton, IACHR Executive Secretary. The Policy Forum aimed at discussing the role played by human rights defenders in building and securing democracy, as well as the support that the international community can bring to human rights activists in periods of transition.

On November 3, 2006, the Open Society Institute (OSI) convened a Forum entitled “From Frontlines to Headlines - Women Human Rights Defenders” in New York (United States). The event, which was attended by Ms. Hina Jilani, underlined the specific obstacles faced by women human rights defenders, in particular the hindrances to their activities occasioned by discriminatory cultural and social norms and the negative impact of the international anti-terrorism campaign on violence committed against defenders. Moreover, the Forum addressed the challenges faced by women human rights defenders, as well as the tools, instruments, and strategies available for the prevention, monitoring, and investigation of violations of their rights.

Finally, several Central American defenders gathered on December 1 and 2, 2006 in San José (Costa Rica), on the initiative of the Centre for Justice and International Law (CEJIL), to discuss the IACHR report on human rights defenders in Central America. A hearing was planned before the IACHR to examine the outcomes of this meeting; as of the end of 2006 however, no date had been set yet.



## HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

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### ARGENTINA

#### **Status of the investigation into acts of harassment against Ms. Nara Oses and Ms. Edith Galarza<sup>1</sup>**

By the end of 2006, the investigation opened by the Superior Tribunal of Justice of the Neuquén Province, concerning acts of harassment perpetrated in 2005 against Ms. **Nara Oses**, the official defender of children's rights working, in particular, on a phenomenon called "gatillo facil"<sup>2</sup>, and Ms. **Edith Galarza**, her assistant, had produced no results.

In March 2005, Ms. Nara Oses and her assistant had received several death threats by telephone, and had consequently been granted police protection for two months.

The provincial government had also tried to dismiss Ms. Nara Oses.

#### **Status of the investigation into acts of vandalism against SERPAJ headquarters<sup>3</sup>**

By the end of 2006, no progress had been made in the investigation into acts of vandalism committed against the organisation Peace and Justice Service (*Servicio de Paz y Justicia* - SERPAJ) in 2005.

On November 9, 2005, SERPAJ headquarters in Buenos Aires were burgled. Six computers containing important information and documents relating to the Third People's Summit in Mar del Plata, which had taken place from November 1 to 5, 2005<sup>4</sup>, and in which SERPAJ had actively participated, were stolen.

1. See Annual Report 2005.

2. Literally "trigger-happiness"; this refers to the quasi-systematic use of firearms by police officers as a means of repression, particularly against young criminals.

3. See Annual Report 2005.

4. The Third People's Summit was held as an anti-summit to the Summit of the Americas, which gathered Heads of States of the Organization of American States (OAS).

Following a complaint filed by SERPAJ, the police examined the premises and two members of the organisation were called in to the police station to record their statements the following week.

In addition, on September 15, 2006, unidentified individuals broke into the residence of Mr. **Miguel Hugo Vaca Narvaja**, a SERPAJ member in Córdoba, and stole a computer.

### **Threats, ill-treatment and acts of intimidation against human rights defenders fighting against impunity<sup>5</sup>**

Twenty-three years after the end of the dictatorship, numerous threats and attempts to intimidate were still being carried out against families of victims, witnesses and human rights defenders involved in trials initiated after the Supreme Court repealed, in June 2005, the laws prohibiting investigations and trials in connection with crimes against humanity committed under the former Argentinean military government (1976-1983)<sup>6</sup>.

– The threats and acts of intimidation, regularly targeting Mr. **César Raúl Sivo** since 2000, who is investigating human rights violations committed during the dictatorship, have intensified since March 2006. More particularly, he was followed on several occasions on his way to work or home, and his phone was tapped; people who had approached him, claiming to be victims, threatened him with death after admitting their involvement in violations committed during the dictatorship. He also received numerous threats by telephone, mail and electronic messages.

– On March 13, 2006, Ms. **Sonia Torres**, a member of the organisation Grandmothers of May Square (*Abuelas de la Plaza de Mayo*) in Córdoba, was assaulted by three unidentified individuals who entered her home as she was returning from a meeting organised by human rights organisations preparing the commemoration of the 30<sup>th</sup> anniversary of the coup. These men put guns to her head and beat her.

5. See HIJOS, November 2006.

6. The “Full Stop” Law (1986) and “Due Obedience” Law (1987), which exempted security forces from any legal proceedings, were repealed in June 2005. Since then, many people have fought so that justice be done for victims of enforced disappearances, assassinations, and other violations of fundamental rights which were committed under the former Argentinean military government.

Since the attack, Ms. Torres has been under police surveillance. Nevertheless, unidentified individuals attempted to break in her home again on June 22, 2006. A complaint was lodged with the Federal Prosecutor No. 1 of Córdoba.

– On June 23, 2006, the office of Mr. **Juan Carlos Vega**, a lawyer with the Argentinean Human Rights Service (*Servicio Argentino de Derechos Humanos*), in Córdoba, was burgled. His laptop, which contained documents relating to a case for crime against humanity pending before the Federal Court No. 3, was stolen. A complaint was lodged with the Federal Prosecutor No. 1 of Córdoba.

– On June 29, 2006, Ms. **María Teresa Sánchez**, a lawyer for the Grandmothers of May Square in Córdoba, received death threats through messages that had been left at her office. Besides, on September 18, 2006, an unidentified individual broke into her office while she was out. He then beat and pulled by her hair Ms. **Mariana Paramio**, Ms. María Teresa Sánchez' colleague, demanding to know where she was before leaving the premises. A complaint was lodged with the Federal Prosecutor No. 1 of Córdoba.

– On August 9, 2006, Ms. **Lucia Extremera**, a member of the organisation Daughters and Sons for Identity and Justice Against Oblivion and Silence (*Hijas e Hijos por la Identidad y la Justicia contra el Olvido y el Silencio* - HIJOS) in Buenos Aires, was approached by a group of men who aimed their weapons at her, advising her to stop her activities. Ms. Extremera played a role in the trial of Mr. Julio Simón - also known as “Julián the Turk” - before the Comodoro Py Court. Mr. Julio Simón, a former police officer, was sentenced on August 4, 2006 to 25 years' imprisonment for the abduction, torture and disappearance of a young couple who were Peronist activists, as well as for the abduction of their child in 1978. Ms. Extremera lodged a complaint with the Criminal Court No. 4 of Buenos Aires.

– On September 27, 2006, Mr. **Jorge Auat**, General Prosecutor of the Chaco Province, received a threatening letter from a so-called international organisation of victims of terrorism, concerning his activities in connection with investigations he was leading into crimes against humanity committed during the dictatorship. Mr. Jorge Auat

asked for protection from the federal police of the city of Resistencia, but his request was rejected.

– On November 15, 2006, Ms. **Eva Arroyo**, a member of the Jujuy branch of HIJOS, received an anonymous phone call threatening her with death and warning her that Mr. Lezcano, a retired police captain whose actions had been denounced by HIJOS, was going to send people to “do something to her”. Ms. Arroyo filed a complaint and had been granted police protection by the end of 2006.

– Acts of harassment and intimidation against several human rights defenders who denounced the disappearance of Mr. Jorge Julio López<sup>7</sup>. Since September 2006, several human rights defenders have been threatened over the telephone, through letters or emails, after denouncing the disappearance of Mr. Jorge Julio López, a former detainee-disappeared and a key witness in the trial of Mr. Miguel Osvaldo Etchecolatz, former director general of the Investigations Department of Buenos Aires<sup>8</sup>, on charges of crimes against humanity.

For instance, on September 25, 2006, several leaflets containing death threats against members of the Ecumenical Human Rights Movement (*Movimiento Ecuménico por los Derechos Humanos* - MEDH) were left at the offices of the organisation, in Santa Fé. These threats were received after Ms. **Milagros Demiryi**, MEDH regional coordinator, played an active role in the denunciation of the disappearance of Mr. Jorge Julio López. Ms. Milagros Demiryi immediately filed a complaint and was under police protection as of the end of 2006.

On October 1, 2006, Mr. **Leandro Despouy**, a human rights lawyer, Auditor General of the Republic of Argentina and Special Rapporteur of the United Nations on the independence of judges and lawyers, received a telephone call at his home from individuals claiming to have “abducted his mother and sister by mistake” and spoke about his relatives’ daily habits and activities.

Upon the callers’ request, Mr. Despouy walked out in the street to look for them and noticed a police officer and two individuals moving

7. See Urgent Appeals ARG 001/1006/OBS 121 and ARG 002/1006/OBS 124.

8. See OMCT Urgent Appeal ARG 260906, OMCT Press Release, October 3, 2006, and FIDH Press Release, September 21, 2006.

away from his home. He was then able to contact his family and ascertain that no harm had been done to them.

Lastly, on October 17, 2006, a few hours before the holding of an event in memory of Mr. Jorge Julio López, Mr. **Ramiro Gonzáles**, a HIJOS member, was abducted near his residence by unidentified armed individuals in plain clothes. The abductors forced him into their vehicle, where they threatened, beat and insulted him for two hours, showing him photographs of HIJOS members and taking his fingerprints.

On several occasions, his abductors threatened to kill him and other members of the organisation if they did not cease their activities. They finally released him, ordering him to run without looking back.

On October 18, 2006, HIJOS lodged a complaint with the Criminal Court.

Since this incident, several HIJOS members have been followed by men in plain clothes, and have reportedly received death threats through anonymous phone calls. A check of the phone records showed that the calls were made from the Marcos Paz prison, where several former key actors of the dictatorship are detained.

On November 22, 2006, HIJOS denounced these events before the Inter-American Commission on Human Rights (IACHR) and asked for protection for those involved in the trials related to crimes against humanity committed during the dictatorship (plaintiffs, witnesses, relatives, judges and prosecutors, lawyers, etc.).

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## BOLIVIA

### **Release on bail of Mr. Francisco José Cortés Aguilar<sup>9</sup>**

Mr. **Francisco José Cortés Aguilar**, leader of the Association of Rural Workers and Inhabitants (*Asociación de Usuarios del Campo - ANUC-UR*), in Arauca (Colombia), and a defender of peasants' and indigenous peoples' rights in Colombia, was released on bail on February 8, 2006. Mr. Cortés was however required to appear before the Court twice a week, and was not allowed to leave the cities of

9. See Annual Report 2005 and International Fact-Finding Mission Report in Bolivia, *Bolivia: Human rights defenders between intimidation and hope*, May 2006.

La Paz and El Alto pending trial. The preliminary hearing was finally held in early October 2006.

On November 16, 2006, his lawyers asked for the lifting of the restrictions on his freedom of movement and filed a motion for technical irregularities (*incidentes de nullidad*).

On November 23, 2006, the Fifth Criminal Court of La Paz lifted the travel ban on Mr. Cortés to leave the cities of La Paz and El Alto. It ruled in favour of his appeal the following day.

However, charges remained pending as of the end of 2006.

The request for precautionary protective measures filed with the IACHR had still not been examined by the end of 2006.

Mr. Francisco José Cortés Aguilar had been arrested on April 10, 2003 in La Paz, where he and his family were in exile fleeing the threats from paramilitary groups in Colombia, who had accused him of “being a member of the guerrilla” and of “drug trafficking”.

On December 6, 2004, after twenty months on remand in custody in the San Pedro prison in La Paz and in the Chonchocoro high security prison, the Fifth Criminal Court of La Paz had ordered his release on bail. The Prosecutor appealed the decision to the Supreme Court on January 10, 2005. Mr. Cortés had then been placed under house arrest in the Alto San Pedro neighbourhood of La Paz, while awaiting trial.

In August 2005, the UN Working Group on arbitrary detention had declared that Mr. Francisco Cortés Aguilar’s detention was arbitrary and had urged the Bolivian government to take the necessary measures to remedy the situation.

On November 16, 2005, the National Refugee Commission of the Bolivian Ministry of Foreign Affairs (*Comisión Nacional del Refugiado* - CONARE) had granted Mr. Cortés political refugee status, thereby implicitly condemning his detention on remand and his house arrest.

## Assault and acts of harassment against APDHB members and several indigenous peoples' rights organisations<sup>10</sup>

In December 2006, the Santa Cruz Civil Committee (*Comité Cívico Pro Santa Cruz*)<sup>11</sup>, which opposed the adoption by the Constituent Assembly of a voting system based on absolute majority rather than on two-thirds of the votes, and following the strike launched upon the announcement of this decision, threatened people and organisations that had not supported the movement, including members of the Permanent Assembly for Human Rights in Bolivia (*Asamblea Permanente de Derechos Humanos de Bolivia* - APDHB).

On December 6, 2006 for instance, Mr. **Adalberto Rojas**, APDHB president, Mr. **Marcelo Cadima**, Ms. **Catty Cuellar**, Ms. **Pura Ramírez** and Ms. **Fabiana Aguilar**, APDHB members, as well as five victims supported by the organisation, were physically and verbally assaulted by a group of individuals claiming membership to the Santa Cruz Youth Union (*Unión Juvenil Cruceñista*), the armed faction of the Santa Cruz Civil Committee.

APDHB filed a complaint with the police. Since then, police officers have been assigned to protect them.

Similarly, on the night of December 7, 2006, the ALAS headquarters, an NGO working in favour of peasants' and indigenous communities' rights, chaired by the current Minister for Rural Development, Mr. Hugo Salvatierra, was the target of 22 gun-shots.

On December 10, 2006, several individuals, suspected of being involved in the assaults on APDHB members, organised a meeting near the organisation's headquarters. They were joined by police officers, including those in charge of APDHB members' protection.

On December 15, 2006, following the failure of the abovementioned strike, the Santa Cruz Civil Committee convened a regional council calling for the independence of the Santa Cruz region. During this event, a large number of peasants organised blockades on the road leading to San Julián, during which violent riots broke out. About fifty people were reportedly injured.

10. See Permanent Assembly for Human Rights (APDHB), *Cronología de violaciones y agresiones a la APDH Santa Cruz*, November 9, 2006 and Open Letter to the Bolivian authorities, January 24, 2007.

11. A citizen committee of the far-right gathering landowners in particular, and which has carried out racist acts on several occasions.

Between December 15 and 16, 2006, about one hundred people, including Mr. Nataniel Castedo Trujillo, a local government official of the Ñuflo de Chávez province, his driver and the brother of the president of the Santa Cruz Civil Committee, Mr. Juan Antelo Román, violently attacked the offices of the Paikoneka Indigenous Federation of San Javier (*Central Indígena Paikoneka de San Javier - CPI-SJ*), and set the premises on fire, thereby destroying archives dating back over 20 years. They then threatened its leaders, forcing them to seek refuge in the neighbouring communities. Later, in Concepción, another town in Santa Cruz, the attackers also ransacked the offices of the Federation for Indigenous Communities in Concepción (*Central Indígena de las Comunidades de Concepción - CICC*) and the homes of two of its indigenous leaders.

On December 17, 2006, these same individuals went to San Ignacio de Velasco, where they similarly set on fire the house of Mr. **Guillermo Ortiz**, an indigenous leader and a member of the Association of the Indigenous Councils of San Ignacio de Velasco (*Asociación de Cabildos Indígenas de San Ignacio de Velasco - ACI-SIV*), stating that this act was in revenge for the San Julián blockades.

Similarly, another group of individuals went to Ascensión de Guarayos, claiming that the “*collas*”<sup>12</sup> had to disappear from the town and that they would all be expelled. Among these individuals were: Mr. Roberto Schock, mayor of Ascensión de Guarayos, Mr. Daniel Aeguazu, a local government official of the Guarayos province, Mr. Jaime Cuñanchiro, president of the Ascensión de Guarayos Civil Committee; Mr. Ascencio Lavadenz, leader of the Peasants’ Parallel Association of Ascensión de Guarayos, Mr. Edgar Rojas, mayor of Urbichá, and Mr. José Urañavi, former mayor of Urbichá. They later threatened the family of a former indigenous leader, brother of the current president of the Federation of Guarayos Peoples’ Organisations (*Central de Organizaciones de Pueblos Guarayos - COP-NAG*), and attacked several persons.

Mr. Adalberto Rojas had already been targeted by similar reprisals in 2005. In particular, an attempt on his life was made by a person claiming to be a member of the Santa Cruz Youth Union.

12. Name given to the indigenous population of the Andean high-plateau, and used in a derogatory way to designate the Camba people of eastern Bolivia.

## Status of the investigations and legal proceedings into the assassinations of several human rights defenders<sup>13</sup>

Status of the investigation into the assassination of Mr. João Araújo Guajajara

At the beginning of 2006, the case into the assassination of Mr. **João Araújo Guajajara**, head of the Guajajara indigenous community, was transferred from the Grajaú-Maranhão Court of Justice to the São Luiz Federal Court of Justice. By the end of 2006, the federal police's findings in this case had still not been submitted to the Court.

Mr. João Araújo Guajajara was murdered on May 21, 2005 by approximately ten armed men in the village of Kamihaw, Grajaú, State of Maranhão, where he lived. The murderers had also wounded his son, raped his daughter and burnt down his house.

Mr. Milton Alves Rocha, also known as "Milton Careca", a farmer, and his two sons were arrested on May 24, 2005, in connection with this murder and were released on June 30, 2005, in compliance with an order of the Court of Justice of Grajaú-Maranhão.

In 2006, Mr. Milton Alves Rocha's two sons died in cross fire with the police, after having committed an attack in the State of Goiás. Mr. Alves Rocha continued to threaten the indigenous community of Guajajara, in particular Mr. João Guajajara's relatives who had to flee several times.

The community decided not to report these threats to the Public Prosecutor for fear of reprisals.

### Impunity for the assassination of Mr. Jair Antonio da Costa

By the end of 2006, the six military police officers responsible for the death of Mr. **Jair Antonio da Costa**, leader of the Igreja dos Shoemakers' Union, remained free. Although they were dismissed from their positions, they were still working in the military administration.

On October 10, 2005, Mr. Jair da Costa, who was taking part in a demonstration organised by the trade unions of the Vale dos Sinos region in the State of Rio Grande Do Sul, in protest against the loss

13. See Annual Report 2005.

of 13,000 jobs in the State shoe industry, had been identified by the six police officers as one of the movement's leaders. He was then chased, handcuffed and beaten. He was declared dead upon arrival in hospital.

The six officers were arrested on October 18, 2005 and subsequently released on November 10, 2005, in accordance with a decision of the Supreme Court of Justice, on the basis that "there [was] no concrete elements justifying the need to keep them in custody".

#### Impunity for the assassination of Mr. Cláudio Alves dos Santos

By the end of 2006, the investigation into the assassination of Mr. **Cláudio Alves dos Santos**, a member of the Reference Centre against Violence and Discrimination Against Homosexuals (*Centro de Referência contra a Violência e Discriminação ao Homossexual - CERCONVIDH*), had made no progress.

On October 17, 2005, Mr. Alves dos Santos disappeared in Rio de Janeiro. Three months later, his body was found bearing signs of torture.

#### Impunity for the assassination of Mr. Pedro Laurindo da Silva

By the end of 2006, the investigation into the identity of the people behind the assassination of Mr. **Pedro Laurindo da Silva**, a member of the Federation of Agricultural Workers (*Federação dos Trabalhadores na Agricultura - FETAGRI*), leader of the Marabá Union of Rural Workers (*Sindicato dos Trabalhadores Rurais - STR*) in the southwest of the State of Pará, and coordinator of the "Zumbi dos Palmares II" settlement, was still under way.

In addition, the Public Prosecutor had reached no decision as to the initiation of proceedings against the suspected murderer, Mr. Valdemir Coelho de Oliveira, even though the investigation ended in 2005.

On November 17, 2005, Mr. Pedro Laurindo da Silva was shot dead by two bullets in the head as he was on his way to the STR headquarters in Marabá, where he resided. He was taking part in a seminar on violence and human rights in the State of Pará, organised by the Society for the Defence of Human Rights (*Sociedade Paraense de Defesa dos Direitos Humanos*). During the seminar, he had denounced the acts of violence committed in May 2005 by the Marabá military police during the eviction of families of the "Zumbi dos Palmares" settlement who claimed the property of the Hacienda "Cabo de Aço".

In March 2005, Mr. Laurindo da Silva had also declared to the members of the National Programme for the Protection of Human Rights Defenders (*Programa Nacional de Proteção dos Defensores de Direitos Humanos*) that he had received death threats from employees of the Hacienda, a statement that was corroborated by the testimonies of other members of the community. Despite these threats, no protection had been afforded to him.

#### Developments in the investigation into the assassination of Sister Dorothy Mae Stang

On April 26, 2006, Mr. Amair Feijóli da Cunha, also known as “Tato”, who was facing up to 27 years’ imprisonment for “voluntary manslaughter”, was sentenced to 18 years in prison for “complicity in the assassination” of Sister **Dorothy Mae Stang**, a missionary, a representative of the Pastoral Land Commission (*Comissão Pastoral da Terra - CPT*) and an activist of the National Human Rights Movement (*Movimento Nacional de Direitos Humanos - MNDH*). She was murdered on February 12, 2005 in the State of Pará. As of the end of 2006, Mr. Feijóli da Cunha remained detained.

His two accomplices, Messrs. Rayfran das Neves Sales and Clodoaldo Carlos Batista, had been sentenced on December 9 and 10, 2005 by the Belém Court, in the State of Pará, to 27 and 17 years’ imprisonment respectively.

The three men allegedly acted on the orders of Messrs. Regivaldo Galvão and Vitalmiro Bastos de Moura, two landowners who were remanded in custody in 2005. These two men had taken over land belonging to the Sustainable Development Project - Esperança (*Projeto de Desenvolvimento Sustentável - PDS*) after they had violently evicted the occupants.

On June 29, 2006, the First Chamber of the Federal Supreme Court granted a *habeas corpus* to Mr. Regivaldo Galvão, who was subsequently released. Mr. Vitalmiro de Moura was still being detained in late 2006.

#### Impunity for the murderers of three defenders of social rights

On July 17, 2006, Mr. Norberto Mânica, a major industrial farmer suspected of being behind the assassinations of Messrs. **Erastótenes de Almeida Gonçalves**, **Nelson José da Silva** and **João Batista Soares Lages**, three lawyers for the Brazilian Ministry of Labour, in

Unai, State of Minas Gerais, was placed in detention after being charged with “obstructing an investigation”. However, the Fifth Chamber of the High Court of Justice of the State of Minas Gerais granted his release on November 28, 2006, after Mr. Mânica filed a *habeas corpus*.

The three civil servants had been killed on January 28, 2004, as they were investigating into a slavery case. One of them - Mr. Nelson José da Silva - had fined Mr. Mânica for failing to respect working regulations on his property. On August 13, 2004, one month after the arrest of six suspects, Mr. Mânica was arrested and charged with having threatened the three civil servants in December 2003. He had been identified as the person who ordered their assassination.

On August 30, 2004, the Federal Prosecutor of the State of Minas Gerais charged all seven persons, as well as another suspect, Mr. Humbeto Ribeiro dos Santos, with “involvement in the death of the three lawyers and the driver of the delegation”.

On December 10, 2004, the 9<sup>th</sup> Federal Court of Belo Horizonte (State of Minas Gerais) ruled that all defendants (except for Mr. Ribeiro dos Santos) would be tried before a popular jury for “homicide” and “forming a criminal group”. Other landowners in the region might also have been involved in this assassination.

As of the end of 2006, the date for the trial had still not been scheduled.

#### Status of the legal proceedings against the perpetrators of an attack on an MST settlement

By the end of 2006, two years after the attack on the settlement of the Landless Rural Workers’ Movement (*Movimiento dos Trabalhadores Rurais Sem Terra* - MST), known as Promised Land, in Felisburgo, Jequitinhonha Valley (Minas Gerais), only two of the fifteen people prosecuted in the case remained in detention. Moreover, the families of the five assassination victims, in charge of the coordination of the settlement, and of 12 wounded, had still received no compensation.

On November 20, 2004, Mr. Adriano Chafick Luedy, a major landowner (*fazendeiro*), had ordered 18 gunmen to attack the settlement. In January 2005, Mr. Chafick Luedy was arrested for the first time before being released in April 2005 in accordance with an order

issued by the High Court of Justice. He was arrested a second time upon the request of the Prosecutor after continuously threatening and harassing the settlement's inhabitants. It was requested that his trial take place outside the region, in which he holds important economic and political powers.

As of the end of 2006, Mr. Chafick Luedy was still detained and the date of the next hearing in his trial had still not been scheduled.

#### Opening of an investigation into the assassination of Mr. Rossini Alves Couto<sup>14</sup>

On May 24, 2006, an investigation into the assassination of Mr. **Rossini Alves Couto**, a member of the office of the Prosecutor of the State of Pernambuco, and a devoted human rights defender who was murdered on May 10, 2005, was opened by the Department for homicides and the Prosecutor of Pernambuco.

The first results of the investigation showed that a former police officer and the former counsellor of Cupira (Pernambuco) were likely be accomplices in the crime, possibly committed with the help of a farmer. The three men are currently in prison.

#### Sentencing of Mr. José Dutra da Costa's murderer<sup>15</sup>

On November 13, 2006, Mr. Wellington Jesus da Silva, a contract killer, was sentenced to 29 years' imprisonment for the assassination of Mr. **José Dutra da Costa**, former president of the Marabá Union of Rural Workers, in Rondon do Pará, who was killed on November 21, 2000. Mr. da Silva appealed the decision but remained in detention as of the end of 2006.

An investigation into the people suspected of being behind the assassination, notably the *fazendeiro* M. José Décio Barroso Nunes, was still under way by the end of 2006.

In addition, the threats against Mrs. **Maria Joelma Dias da Costa**, STR president in Marabá and the widow of Mr. José Dutra da Costa, appeared to have stopped by the end of 2006. However, Mrs. Dias da Costa continued, as a precautionary measure, to be accompanied by a military police officer wherever she went.

14. *Idem.*

15. *Idem.*

### **Search of the Association of Rural Women Workers' headquarters<sup>16</sup>**

On March 22, 2006, seven armed police officers, including the police chief inspector of the town of Camaquã, conducted an unwarranted search of the headquarters of the Association of Rural Women Workers (*Associação de Mulheres Trabalhadoras Rurais*) in Paso Fundo, State of Rio Grande do Sul. The officers confiscated computer hard disks, CDs and floppy disks containing important information, as well as money, equipment, telephone books and archives.

The police officers also verbally abused seven women members of the association and one child, before locking them in a room while carrying out the search.

On March 8, 2006, on International Women's Day, the organisation had participated in a land occupation in Aracruz, organised by *Via Campesina*, which coordinates organisations of small and medium smallholders, rural workers and indigenous communities.

An investigation into this search was still pending as of the end of 2006.

### **Criminal proceedings against Ms. Maria Conceição Andrade Paganele Santos<sup>17</sup>**

On April 18, 2006, the internal affairs office of the Foundation for the Well-Being of Children (*Fundação do Bem-Estar do Menor - FEBEM*), a public agency in the State of Sao Paulo monitoring the detention of juvenile offenders, lodged a complaint against Ms. **Maria Conceição Andrade Paganele Santos**, president of the Association of Mothers and Friends of Children and Teenagers in Danger (*Associação de Mães e Amigos da Criança e do Adolescente em Risco - AMAR*). Ms. Andrade Paganele Santos was charged with "causing harm" (Article 163 of the Criminal Code), "inciting crime" (Article 286), "conspiracy" (Article 288), and "aiding and abetting the escape of detainees" (Article 351). These charges were brought against her after she had denounced acts of collective torture committed against minors in detention.

A police investigation was launched, and Ms. Paganele Santos was summoned on May 12, 2006 in order to clarify the facts.

16. See Urgent Appeal BRA 001/0306/OBS 033.

17. See Annual Report 2005 and Urgent Appeal BRA 002/0506/OBS 058.

As of the end of 2006, Ms. Paganele Santos remained free, and the investigation, which was resumed by the local police on December 6, 2006, was still under way.

Finally, several other investigations were opened against Ms. Paganele Santos in connection with two movements of rebellion that occurred in FEBEM detention centres on November 23, 2005 and April 4, 2006.

Previously, in 2005, Ms. Paganele Santos had already been targeted by threats and acts of harassment after she publicly denounced acts of physical and psychological torture committed against teenagers living in the FEBEM facilities in São Paulo, in respect of which twenty FEBEM staff members had received prison sentences.

### **Judicial proceedings against Mr. Enio Bohnenberger<sup>18</sup>**

In April 2006, Mr. **Enio Bohnenberger**, national head of the Landless Workers' Movement (MST), and six other demonstrators, including one minor, were arrested and violently beaten during the dispersal of a protest held at the headquarters of the Energy Company of Minas Gerais (CEMIG), in Belo Horizonte, against the privatisation of the energy industry and the increase in energy costs. During this demonstration, seventeen other people had to be taken to hospital. These seven individuals were released shortly after.

On July 4, 2006, the Court of the Eleventh District of Belo Horizonte decided to remand Mr. Bohnenberger in custody for "endangering public order". No charge was brought against the six other individuals who had been arrested at the same time.

On September 5, 2006, MST lawyers filed a *habeas corpus* application with the Minas Gerais Court of Justice, which dismissed it. The lawyers then filed a second claim with the High Court of Justice, which canceled the arrest order on a temporary basis, in order to enable Mr. Bohnenberger to appear before the Court of the Eleventh District of Belo Horizonte.

As of the end of 2006, the final decision of the Court as regards to the *habeas corpus* application remained pending, as were the proceedings initiated against Mr. Bohnenberger, who was facing the risk of being arrested and detained at any time.

18. See the Landless Workers' Movement (MST), September 2006.

### Judicial proceedings against Mr. Jaime Amorim<sup>19</sup>

On August 21, 2006, Mr. **Jaime Amorim**, a member of the MST national coordination in the State of Pernambuco, was arrested by police officers as he was coming back from the funeral of a worker who had been murdered in the municipality of Moreno, and on his way to attend the funeral of another. His arrest was carried out on the basis of an arrest warrant issued on July 4, 2006 by the 5<sup>th</sup> Criminal Court of the Recife jurisdiction, Pernambuco, on charges of “disobedience, incitement to commit a crime, assaulting an officer and involvement in a demonstration” organised in front of the American Embassy in Recife, in November 2005. The warrant stated that Mr. Amorim was to be arrested as “he (...) represented a risk to the peace and security of upstanding citizens”, on grounds that he had allegedly failed to appear at a hearing to which he had been summoned that day and that he did not seem to have a “permanent address”. However, Mr. Amorim, who has been living in the city of Caruaru for several years and has regularly taken part in meetings with the authorities, was never informed of these judicial proceedings.

On August 22, 2006, MST - Brazil and the organisation Land of Rights (*Terra de Direitos*) filed a *habeas corpus* application with the Pernambuco Court to secure the immediate release of Mr. Amorim. The Court immediately dismissed this request, without ruling on the merits of the case. Two days later, both organisations filed another request with the High Court of Justice of Brasilia, which ruled in its favour on grounds that the warrant for his provisional detention was illegal, as there was no sufficient evidence that Mr. Amorim presented a danger to public order.

Mr. Amorim was subsequently released on August 28, 2006 after eight days in custody at the detention centre of Abreu and Lima, in the Recife Region.

On September 6, 2006, after examining the merits of the *habeas corpus* application, the Pernambuco Court of Justice once again ordered that Mr. Amorim be taken to custody. However, the order was not implemented.

On September 12, 2006, MST - Brazil and *Terra de Direitos* filed a second *habeas corpus* application with the High Court of Justice of

19. See Urgent Appeals BRA 003/0806/OBS 101, 101.1, 101.2, 101.3 and 101.4.

Brasilia, which granted it on September 15, 2006, on the basis that the new warrant was illegal.

A third arrest warrant was issued on September 20, 2006 by the 5<sup>th</sup> Criminal Court of Recife on the grounds that Mr. Amorim had allegedly failed to appear before the Court on September 12, 2006, when it heard the witnesses in the case. Yet, during the hearing, all witnesses - including two witnesses for the prosecution - had allegedly asserted that Mr. Amorim did not commit any of the acts of which he was being accused during the November 2005 demonstration in front of the American Embassy, and that he was not the organiser of the demonstration. MST and *Terra de Direitos* then filed a third *habeas corpus* application with the High Court of Justice in Brasilia, which granted it on October 18, 2006, on the grounds that the third arrest warrant was illegal and unfounded.

By the end of 2006, Mr. Jaime Amorim still faced charges of “offence”, “disobeying authority”, “violation of property” and “incitement to commit a crime”.

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## CHILE

### **Arbitrary detention and judicial proceedings against Mrs. Juana Calfunao Paillalef<sup>20</sup>**

On January 4, 2006, Mrs. **Juana Calfunao Paillalef**, *lonko* (traditional chief) of the “Juan Paillalef” Mapuche community in the municipality of Cunco in Temuco, was arrested at her home by special police officers on the order of the Temuco Court of Guarantees. Ms. Mercedes Paillalef Moraga, Ms. Arleni Calfunao Sandoval, Ms. Carolina Landero Calfunao, Ms. Rosnelia Neculman Calfunao, Ms. Relmutray Cadin Calfunao and Ms. Catalina Ramírez Calfunao, members of her family and of the community, were also detained at their homes and were released after an identity check.

On January 5, 2006, Mrs. Calfunao Paillalef was charged with “public disorder” and “threatening security forces” before the Temuco

20. See Annual Report 2005, Press Release, February 10, 2006, and Urgent Appeals CHL 001/0705/OBS 056, 056.1, 056.2, 056.3, 056.4, 056.5 and 056.6.

Court of Guarantees, and was remanded in custody at the Temuco women's prison, awaiting the trial into the charges against her and her sister, Ms. **Luisa Ana Calfunao Paillalef**, who was indicted for the same offences.

Between January 10 and 22, 2006, Mrs. Juana Calfunao Paillalef went on hunger strike in order to protest against the violations committed against the members of her community.

On February 22, 2006, the Oral Criminal Court of Temuco gave Mrs. Juana Calfunao Paillalef and her sister a 61-day suspended prison sentence for "public disorder", required them to report to the Temuco police station every fortnight during the year, and banned them from public office during the same period. They were given another 61-day suspended sentence for "threatening security forces". Mrs. Calfunao lodged an appeal against the decision.

On November 15, 2006, the Temuco Court of Appeal upheld her conviction for "public disorder". Several members of the Mapuche "Juan Paillalef" community, who were outraged at the announcement of the verdict, initiated a boisterous protest. Mrs. Juana Calfunao was then allegedly physically assaulted by guards present in the room, which prompted a violent clash between the officers and the Mapuche, some of whom allegedly physically assaulted representatives of the public prosecution.

Following these events, Mrs. Juana Calfunao Paillalef was detained along with 10 other people. One of her sons, Mr. Jorge Landero Calfunao, was subsequently arrested in the vicinity of the court house. All 12 were charged with "offences against the authorities, qualified damages, minor injuries and stealing papers concerning the investigation" in connection with the confrontation between Mrs. Calfunao and the guards in January 2006. In addition, Mrs. Juana Calfunao Paillalef was charged with "threats" against one of the prosecutors. She was then remanded in custody, along with her husband, her son and another member of her community. The other eight individuals had their freedom of movement limited, were prohibited from approaching the police officers and the two prosecutors who had been assaulted, and were ordered to report twice a month to the authorities. The judge also imposed a five-month deadline for the completion of the investigation.

Furthermore, Mr. Waikilaf Manuel Cadin Calfunao, another of

Mrs. Juana Calfunao's sons, has been detained in the high security prison of Santiago since August 17, 2006<sup>21</sup>.

On November 20, 2006, Mrs. Juana Calfunao was sentenced to 150 days' imprisonment for "public disorder" by the Temuco Oral Criminal Court. By the end of 2006, she remained in detention at the Temuco Prison.

In 2005, following a trip to Europe where she denounced the political persecution of the Mapuche community in Chile, Mrs. Juana Calfunao's home was set on fire by unknown individuals, for the third time since 1998. Furthermore, in December 2005, police officers had attacked the community on two occasions, using teargas and other methods. Mrs. Calfunao's home had been destroyed more than once. Mrs. Juana Calfunao Paillalef and Ms. Ana Luisa Calfunao were arrested at that time and charged with "public disorder" and "threatening security forces", before being released on December 24, 2005, in accordance with a decision of the Temuco Court of Guarantees.

### **Judicial harassment and arbitrary detention of several Mapuche leaders<sup>22</sup>**

Acquittal of Messrs. José Osvaldo Cariqueo Saravia and Juan Antonio Colihuinca Ancaluán

On April 3, 2006, the Oral Criminal Court of the city of Angol acquitted Messrs. **José Osvaldo Cariqueo Saravia** and **Juan Antonio Colihuinca Ancaluán**, leaders of the Mapuche community, on the basis of a "lack of evidence". They were prosecuted for "acts of terrorism" in connection with an arson attack on the Poluco Pidenco estate, which belongs to the Forestal Mininco forestry company.

On April 17, 2006, the Public Prosecutor and the Forestal Mininco forestry company appealed against the decision to the Supreme Court.

By the end of 2006, no further information had been provided regarding the detention of these two Mapuche leaders or the appeals proceedings.

21. See OMCT Urgent Appeals CHL 180806, CHL 180806.1, CHL 180806.2, CHL 180806.3 and CHL 180806.4 and OMCT Press Release, October 30, 2006.

22. See Annual Report 2005, Open Letter to the Chilean authorities, April 28, 2006, Urgent Appeals CHL 001/0406/OBS 049 and 049.1, and OMCT Press Release, May 19, 2006.

Arbitrary detention of Messrs. Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil and Ms. Patricia Roxana Troncoso Robles

On March 13, 2006, Messrs. **Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil** and Ms. **Patricia Roxana Troncoso Robles**, four Mapuche leaders sentenced on August 21, 2004 to ten years and one day's imprisonment for "terrorist arson", and serving their term at the Angol prison, went on a hunger strike to request the immediate release of all Mapuche political prisoners and a review of their trial by an independent and fair court.

On May 6, 2006, the four leaders were handcuffed and forcibly taken to a care centre where they were forced to undergo a medical examination. Their families denounced this medical examination as a "media stunt" which only consisted of taking their blood pressure and temperature.

On May 13, 2006, the four leaders signed an agreement with the prison authorities, in which they pledged to stop their hunger strike pending the debate on the bill amending the 1925 Decree-Law No. 321. The bill, introduced by Senator Navarro, provides that anyone sentenced for the offences mentioned in the antiterrorist legislation in relation to claims on indigenous land and which do not involve an offence against a person, can be released on parole.

On May 17, 2006, the bill was approved by the Human Rights Commission of the Senate, but had still not been adopted by the end of 2006.

As of the end of the year, the four Mapuche leaders remained in detention and their trial had not yet been reviewed.

#### End of the judicial proceedings against Ms. Myriam Reyes García

In 2006, the Temuco Court of Appeal acquitted Ms. **Myriam Reyes García**, a lawyer and public defence attorney, who was charged with "breaching her obligation of confidentiality".

On November 13, 2005, the Court of Temuco had officially launched an investigation on Ms. Myriam Reyes García, following the publication on August 18, 2004 in *El Gong*, an online Temuco newspaper, of a document from the office of the Prosecutor. This document listed the amounts paid by the Prosecutor's office to witnesses called

to testify in the trial of Mapuche leaders charged with setting the property of the logging company Mininco S.A. on fire (this document showed that nearly 20 million pesos - over 32,000 euros - were allegedly paid to about ten witnesses). According to the Prosecutor's office, these amounts were meant to protect the witnesses, although their security was not at risk.

Ms. Myriam Reyes García was charged with having transmitted to the press this confidential document, which proved that the witnesses for the prosecution had been bribed. As her two assistants were not charged, the proceedings initiated against her were likely to have been in reprisals for her defence of Mapuche leaders charged with terrorism and, more generally, for her commitment to the rights of this community.

On December 23, 2005, the Temuco Court of Appeal had lifted the ban preventing Ms. Reyes García from leaving the country, as well as her obligation to report monthly to the Court of Temuco, on the grounds that the evidence presented by the prosecution was insufficient.

### **Attack on the offices of the Observatory for Indigenous People's Rights<sup>23</sup>**

On December 9, 2006, unidentified individuals broke into the offices of the Observatory for Indigenous People's Rights (*Observatorio de Derechos de los Pueblos Indígenas*) in Temuco. They stole six hard-drives from the computers of the organisation, but left all other valuable goods. These hard-drives contained information on the systematic police repression against the Mapuche community, as well as arguments presented to judicial authorities regarding the antiterrorist proceedings initiated against several leaders of the community.

A week earlier, the organisation, jointly with the regional office of the United Nations High Commissioner for Human Rights and other indigenous peoples' rights organisations had organised a symposium on the impact of economic globalisation on indigenous peoples, which gathered 350 participants at the offices of the United Nations in Santiago.

23. See Observatory for Indigenous People's Rights.

## Summary executions and enforced disappearances

Assassinations and enforced disappearances  
of trade unionists and peasant leaders

*Enforced disappearance of Messrs. Nilson Severino Franco Ortega and Emidio Prado Trujillo*<sup>24</sup>. Mr. **Nilson Severino Franco Ortega**, nephew of Mr. **Rafael Esquivel Ortega**, treasurer of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de las Industrias de Alimentos* - SINALTRAINAL), and Mr. **Emilio Prado Trujillo**, brother of Mr. **Carlos Prado Trujillo**, treasurer of the Barranquilla branch of SINALTRAINAL, and of Mr. **Alvaro Prado Trujillo**, treasurer of the Cali branch of the Steel Workers' Union (*Sindicato de Trabajadores de la Industria Metálica* - SINTRAIME), were still reported missing by the end of 2006.

On August 4, 2005, Mr. Nilson Severino Franco Ortega and Mr. Emilio Prado Trujillo had been approached by four armed men in Andalucía (Valle de Cauca), and forced into an unregistered vehicle. The four armed men had told Mr. Emilio Trujillo that they had "warned" him.

*Status of the investigation into the assassination of Messrs. Héctor Alirio Martínez, Jorge Eduardo Prieto Chamusero and Leonel Goyeneche Goyeneche*<sup>25</sup>. By the end of 2006, three sets of legal proceedings were still in progress in connection with the assassinations, on August 5, 2004, of Messrs. **Héctor Alirio Martínez**, president of the Regional Association of Peasants (*Asociación Departamental de Usuarios Campesinos* - ADUC), **Jorge Eduardo Prieto Chamusero**, president of the National Association of Hospital Workers (*Asociación Nacional de Trabajadores Hospitalarios* - ANTHOC) in Arauca, and **Leonel Goyeneche Goyeneche**, director of the United Confederation of Workers (*Central Unitaria de Trabajadores* - CUT). The first procedure was instigated by the National Unity for Human Rights (*Unidad Nacional de Derechos Humanos* - UNDH); the second by the Special Court of Arauca and the third by the office of the Attorney General of the Nation. Four military officers - including

24. See Annual Report 2005.

25. *Idem*.

one non-commissioned officer - and a presumed contract killer were identified as the perpetrators of these extra-judicial killings. The Attorney General was also investigating the responsibility of a lieutenant-colonel and other members of the mechanised battalion of the Revéiz Pizarro army based in Saravena, in the Arauca province, in respect with these killings. Indeed, after the death of the three leaders, the authorities had stated that their execution had occurred during a military operation led by members of the abovementioned battalion. The Vice-President of the Republic and the spokesperson for the battalion had accused the victims of belonging to a subversive group. In addition, the Minister of Defence stated that they were armed “delinquents” and that arrest warrants had been issued against them.

However, on July 14, 2005, the Prosecutor with the Human Rights Unit of the Ministry of Justice had qualified the assassinations of the three men as “war crimes and crimes against humanity”, stressing that the social leaders had “not been killed during combat, but were cruelly murdered” and that they were “shot in the back”. According to the Prosecutor, the military officers had acted “with criminal intent, being protected by their military position, and on the orders of one of them or the individuals in charge of the military operation”. He also added that the witness statements and the scientific evidence showed that the victims had been shot at close range and that the crime scene had been disguised.

Messrs. Alirio Martínez and Prieto Chamusero were under precautionary measures granted by the IACHR since July 2002.

*Assassination of two SINTRAINAGRO leaders*<sup>26</sup>. On January 2, 2006, the body of Mr. **Carlos Arciniegas Niño**, leader of the National Farming and Animal Industry Workers’ Union (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria* - SINTRAINAGRO) in Barrancabermeja (Santander province), was found bound, bearing signs of torture and three bullet wounds. His body was found in the premises of the Palmeras Bucarelia company, where he worked, halfway between Barrancabermeja and Puerto Wilches (Santander). Mr. Carlos Arciniegas Niño had been reported missing since December 30, 2005.

26. See Urgent Appeal COL 025/1006/OBS 123.

On October 11, 2006, Mr. **Jesús Marino Mosquera**, SIN-TRAINAGRO leader and a member of the National Workers' Commission (*Comisión Obrero Nacional*) in Urabá (Antioquia province), was also shot dead as he was on his way to work in the municipality of Carepa (Antioquia).

*Assassination of Ms. María Isabel Fuentes*<sup>27</sup>. On January 23, 2006, Ms. **María Isabel Fuentes**, a school teacher and a member of the Education Workers' Union of Valle del Cauca (*Sindicato Único de Trabajadores de la Educación del Valle - SUTEV*), was murdered in the hamlet of Alto del Rocío de Tuluá (Valle del Cauca) by an armed group which burst into the building where she was teaching.

*Assassination of Mr. Alirio Sepúlveda Jaimes*<sup>28</sup>. On February 4, 2006, Mr. **Alirio Sepúlveda Jaimes**, a community leader, was murdered in Saravana, Arauca. Since 2002, Mr. Sepúlveda had continuously been threatened and harassed by national police forces because of his activities.

*Assassination of Mr. Daniel Cortez Cortez*<sup>29</sup>. On March 2, 2006, Mr. **Daniel Cortez Cortez**, a member of the Colombian Electricity Workers' Union (*Sindicato de Trabajadores de la Electricidad de Colombia - SINTRAELECOL*), and of the Barrancabermeja branch of CUT, was shot dead as he was working at the Santander power station, in the municipality of Puerto Parra.

*Assassination of Mr. Héctor Díaz Serrano*<sup>30</sup>. On March 2, 2006, Mr. **Héctor Díaz Serrano**, a member of the Workers' Union (*Unión Sindical Obrera - USO*) and an employee of the Colombian Oil Company (*Empresa Colombiana de Petróleos - ECOPETROL*) in Campo Casabe, was killed in El Cincuentenario, a neighbourhood under paramilitary control in Barrancabermeja (Santander), while on his way to work.

27. See Colombia - Europe - United States Coordination.

28. *Idem*.

29. See International Confederation of Free Trade Unions (ICFTU).

30. See Urgent Appeal COL 005/0306/OBS 025.

*Assassination of Mr. Harvey Morales Guevara*<sup>31</sup>. On March 23, 2006, Mr. **Harvey Morales Guevara**, a member of the Ciénaga branch of the Mining and Energy Industry Workers' Union (*Sindicato Nacional de Trabajadores de la Industria Minera y Energética* - SIN-TRAMIENERGETICA), was murdered in Santa Marta (Magdalena) as he stepped out of the shuttle of the Drummond Ltda. mining company, where he worked. Eleven days prior to his assassination, SINTRAMIENERGETICA had undertaken a collective action against the company, denouncing in particular the poor work conditions as well as the recruiting of paramilitaries by the company to protect its interests.

*Assassination of Mr. Nelson Martínez*<sup>32</sup>. On April 29, 2006, Mr. **Nelson Martínez**, a member of the Construction Workers' Union (*Sindicato de los Trabajadores de la Construcción* - SINDICONS), was murdered in Arauquita (Arauca).

*Assassination attempt against Mr. Eduardo Enrique García Fuentes' son*<sup>33</sup>. On May 14, 2006, two unidentified individuals on motorbikes asked a neighbour to indicate where Mr. **Eduardo Enrique García Fuentes**, leader of the Hospital Workers' Association (*Asociación de Trabajadores Hospitalarios* – ANTHOC), lived. When the neighbour pointed to Mr. García Fuentes' son who happened to be walking in front of the house, the two men shot at him, leaving him seriously injured, and said that the same would happen to all union leaders.

Mr. García Fuente received numerous death threats in the past few years which were reported to the Prosecutor. However, the latter reportedly closed all the files.

*Assassination of Mr. Luis Antonio Arismendi Pico and Ms. Belquis Dayana Goyeneche*<sup>34</sup>. On June 6, 2006, the body of Mr. **Luis Antonio Arismendi Pico**, president of the “Manuela Beltrán” Union of Food and Beverage Workers and Distributors of the San Francisco District

31. See Colombia - Europe - United States Coordination.

32. *Idem*.

33. *Idem*.

34. See Urgent Appeal COL 011/0606/OBS 069.

Market Place (*Sindicato “Manuela Beltrán” de Trabajadores y Expendedores de Alimentos y Bebidas de la Plaza de Mercado del Barrio San Francisco - SINDIMANUELABELTRAN*), was found in the municipality of Zipacón (Cundinamarca province). He had disappeared on April 28, 2006 along with a friend, Ms. **Belquis Dayana Goyeneche**, as they were leaving their workplace. Her body was also subsequently found. The day before his disappearance, Mr. Arismendi Pico had told the police that suspicious individuals were lurking around his workplace.

Mr. Arismendi Pico’s son, Mr. **Loudwing Arismendi**, was also subjected to several serious acts of harassment after he publicly denounced the disappearance of his father.

In particular, members of the Criminal Police Directorate (*Dirección de Policía Judicial*) questioned him, confiscated his identity papers and followed him on several occasions.

*Assassination of Mr. Carlos Arturo Montes Bonilla*<sup>35</sup>. On August 17, 2006, Mr. **Carlos Arturo Montes Bonilla**, a SINALTRAINAL member, was killed near his home in the north of the city of Barrancabermeja. Mr. Montes Bonilla was involved in denouncing abusive practices by the multinational Coca-Cola.

*Assassination attempt against Mr. Eliécer Morales Sánchez*<sup>36</sup>. On August 18, 2006, Mr. **Eliécer Morales Sánchez**, an ANTHOC member, was once again the victim of an assassination attempt in Bogotá. Two individuals on motorbikes approached him before shooting at him twice, leaving him seriously injured. This was the eighth attempt on Mr. Morales’ life. It was allegedly perpetrated by members of the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia - AUC*, a paramilitary group).

On September 21, 2006, a complaint was filed with the Ministry of the Interior, the police of Bogotá, the Vice-President of the Republic, the Prosecutor and the Ombudsman. Fearing for his life, Mr. Morales was still staying in protected quarters provided by the Prosecutor by the end of 2006.

35. See Open Letter to the Colombian authorities, August 22, 2006.

36. See Annual Report 2005.

*Assassination of Mr. Ismael Monsalve Suárez*<sup>37</sup>. On September 2, 2006, Mr. **Ismael Monsalve Suárez**, a popular leader and a member of the Workers' Union of the Municipality of Arauqita (*Sindicato de Trabajadores de la Alcaldía Municipal - SINTROPEAR*), was killed in a neighbourhood of the city of Arauqita.

*Assassination of Mr. Alejandro Uribe*<sup>38</sup>. On September 19, 2006, Mr. **Alejandro Uribe**, a board member of the Bolívar Miners' Association (*Asociación de Mineros del Bolívar*) - a branch of the Federation of Peasants and Miners of South Bolívar (*Federación Agrominera del Sur de Bolívar - FEDEAGROMISBOL*) - and president of the Mina Gallo Communal Assembly in the Morales municipality (Bolívar province), was killed by military officers.

On September 20, 2006, members of the Mina Gallo and Mina Viejito communities went out looking for Mr. Uribe and found the clothes he was wearing the day before. They were later informed by locals that his body had been taken to the Nueva Grenada anti-aircraft battalion in San Luquitas, Santa Rosa municipality.

Members of the two communities went to the military base to claim Mr. Uribe's body but were told by soldiers that they "should not move in large groups because the army's reaction could be dangerous". Other members of the battalion reportedly said that "[they hoped] to cross paths with leaders of the Federation of Peasants and Miners of South Bolívar while alone", which raised further concerns for their safety.

On September 7, 2006, Mr. Alejandro Uribe had reported to the Public Defender's office the extra-judicial execution of Mr. Arnulfo Pabón, a member of the same community, on August 18, 2006, by the abovementioned battalion, in the village of Bolívor, in the Arenal municipality.

On the next day, Mr. Uribe had taken part in the organisation of the Southern Bolívar Mining Communities' Assembly, during which more than 18 communities met with the Ombudswoman and human rights organisations to scrutinise the human rights situation and to take protective measures in favour of the members of his community.

37. See Permanent Committee for Human Rights (CPDH), September 2006.

38. See Urgent Appeal COL 023/0906/OBS 111.

These events occurred in a context of increasing violence from the anti-aircraft battalion of Nueva Grenada. This battalion is allegedly in charge of protecting the multinational Anglo Gold Ashant's (Kedahda S.A.) which operates in the area. Local miners are strongly opposed to its presence; many of them notably denounced its harmful effects on the environment as well as the forced evictions its operations have caused.

*Assassination attempt against two USO members*<sup>39</sup>. On November 25, 2006, unidentified individuals on motorcycles shot nine times at the security vehicle of Mr. **Rodolfo Vecino Acevedo**, national leader of the Workers' Union (USO), a CUT-affiliate.

A complaint was lodged on the same day with the police and the General Prosecutor.

In the night of November 26 to 27, 2006, another USO member, Mr. **Fernando Ramírez**, received a threatening phone call.

On November 27, 2006, the Northern Bloc of the AUC claimed responsibility for these events in a press release, which was sent by email to CUT and USO.

*Assassination of Mr. Norberto Fajardo Quintero*<sup>40</sup>. On December 16, 2006, Mr. **Norberto Fajardo Quintero**, leader of the Construction Workers' Union (*Sindicato de constructores - SINDI-CONS*), was killed in the "Estadero el Estero" public building in the Arauquita municipality.

#### Assassinations and enforced disappearances of civil society representatives

*Investigation into Mr. Orlando Valencia's assassination*<sup>41</sup>. On November 6, 2006, Mr. José Montalvo Cuitiva was arrested on suspicion of being behind the assassination of Mr. **Orlando Valencia**, an Afro-Colombian member of the Community Councils of Jiguamiandó and Curvaradó, and an environmental defender in his

39. See Urgent Appeal COL 030/1206/OBS 143.

40. See CPDH.

41. See Annual Report 2005.

community. Mr. Montalvo Cuitiva was the fourth person to be arrested in connection with this case, and reportedly belongs to a “criminal group” active in Mutata and Chigorodo. Another murderer was sentenced to 24 years and eight months in prison.

On October 24, 2005, Mr. Orlando Valencia’s body was found in the León River, near the city of Chigorodó. He had been abducted on October 15, 2005 by two paramilitaries on motorcycles.

In September 2005, Mr. Valencia had requested effective measures from the Colombian government to address the threats to biodiversity induced by palm tree-growing companies, supported by State and para-State agents. He had also requested the return of the land which had been illegally confiscated by the companies.

Mr. Orlando Valencia was benefiting from provisional measures of protection granted by the Inter-American Court of Human Rights (IACoHR) at the time of his murder.

*Assassination of Mr. Edilberto Vázquez Cardona*<sup>42</sup>. On January 12, 2006, Mr. **Edilberto Vázquez Cardona**, head of the Arenas Altas humanitarian zone, was shot dead at point-blank range after having been violently dragged out of his home by soldiers of the Colombian regular army. The officers also fired and threw grenades at another house where two people from the community were staying and from which they managed to flee.

Representatives of the Ombudswoman, when informed of these events by Mr. Vázquez Cardona’s son, met with army officers in San Josesito who admitted to have killed Mr. Vázquez Cardona, who was, according to them, a “member of the guerrilla”.

On the same day, the army returned Mr. Vázquez Cardona’s body to San Josesito, but did not authorise his family to identify it. A commission composed of the Ombudswoman and relatives of Mr. Vázquez Cardona later found his body near his home, where several threatening messages had been left.

Mr. Edilberto Vázquez Cardona had replaced Mr. **Arlen Salas David**, one of the leaders of the Peace Community of San José de Apartadó, as the head of the Arenas Altas humanitarian zone after Mr. Salas David was killed in November 2005.

42. See Annual Report 2005 and Urgent Appeal COL 002/0106/OBS 006.

*Assassination of Mr. Juan Rodríguez Villamizar and his wife*<sup>43</sup>. On March 5 and 6, 2006, Mr. **Juan Rodríguez Villamizar**, an indigenous leader, and his wife, Mrs. **Luz Miriam Farías Rodríguez**, a teacher in the Caño Claro community, were killed by members of the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* - FARC).

*Assassination of Mr. Wilson García Reatiga*<sup>44</sup>. On March 22, 2006, Mr. **Wilson García Reatiga**, chairman of the communal assembly and former member of the Committee of the Association of Rural Inhabitants and Workers in Arauca (*Asociación de Usuarios del Campo* - ANUC-UR), in the village of Santo Domingo (municipality of Tame, Arauca), was killed in La Siberia (Tame). The murderers were likely to be members of an armed opposition group operating in the region. He had previously received threats from the FARC.

*Torture and assassination of Ms. Yamile Agudelo Peñaloza*<sup>45</sup>. On March 22, 2006, one day after her disappearance, the body of Ms. **Yamile Agudelo Peñaloza**, a member of the Women's Popular Organisation (*Organización Femenina Popular* - OFP) in Barrancabermeja (Santander), was found bearing traces of torture and sexual violence.

*Enforced disappearance of Mr. Walter Álvarez Ossa and assassination of Mr. Gregorio Izquierdo Meléndez*<sup>46</sup>. On August 16, 2006, Mr. **Walter Álvarez Ossa**, founder and board member of the Permanent Committee for the Defence of Human Rights (*Comité Permanente para la Defensa de los Derechos Humanos* - CPDH), went missing as he was on his way home in the city of Guadalajara de Buga (Valle del Cauca). Mr. Ossa was still missing as of the end of 2006.

In February 2006, a leaflet threatening Mr. Ossa had been circulated in the city of Buga, the authors of which identified themselves

43. See Urgent Appeal COL 008/0306/OBS 038.

44. *Idem*.

45. See Urgent Appeal COL 009/0406/OBS 042.

46. See Urgent Appeals COL 020/0906/OBS 104 (disseminated as 0806), COL 022/0906/OBS 110 (disseminated as OBS 111) and Press Release, September 22, 2006.

as AUC members. Although regional and municipal authorities had been notified of these threats, they had not taken any measures to protect him.

In addition, on September 13, 2006, Mr. **Gregorio Izquierdo Meléndez**, a member of the regional assembly of CPDH in Arauca and president of the Arauca Public Companies' Union (*Sindicato de las Empresas Públicas de Arauca - SINTRAEMSERPA*), was killed in Bullevar de la Ceiba, a neighbourhood of Arauca. Mr. Izquierdo Meléndez had been receiving serious threats since 2002. Yet the municipal, regional and national authorities had not provided him with appropriate protection, despite the recommendations issued by the IACHR.

As of the end of 2006, the investigations into the death of Mr. Gregorio Izquierdo Meléndez and the disappearance of Mr. Walter Álvarez Ossa had produced no results.

*Assassination of Mr. Juan Daniel Guerra Camargo*<sup>47</sup>. On September 22, 2006, Mr. **Juan Daniel Guerra Camargo**, a community leader and a member of the Social Integration Committee of Catatumbo (*Comité de Integración Social del Catatumbo - CISCA*), was killed by two FARC members near El Aserrió, Teorema commune, North Santander province. Mr. Juan Daniel Guerra Camargo was working on a community project for the production of coffee.

Mr. Juan Daniel Guerra Camargo had previously acted as president of the Association of the Assemblies of the Aguachica Commune (*Asociación de Juntas*), César province, and was one of the founders of the Civic Movement for Community Action (*Movimiento Cívico de Acción Comunitaria - MAC*).

CISCA leaders are regularly the subject of groundless accusations made by the FARC. On July 26, 2005, another leader of the organisation, Mr. **José Trinidad Torres**, had also been killed by the FARC.

47. See Annual Report 2005 and Urgent Appeal COL 026/1006/OBS 126.

## Arbitrary detentions

### Arbitrary detentions of trade unionists and peasant leaders

*Release of Mr. Hernando Hernández Tapazco*<sup>48</sup>. On December 1, 2005, six months after his arrest at the headquarters of the National United Federation of Agriculture and Livestock Unions (*Federación Nacional Sindical Unitaria Agropecuaria* - FENSUAGRO-CUT) in Bogotá, Mr. **Hernando Hernández Tapazco**, leader of the indigenous community of Emberá Chamí and a member of the human rights section of the Federation, was released. In August 2005, his case had been transferred from the the Prosecutor's office of the city of Maniziles to the anti-terrorist unit of the General Prosecutor's office.

*Judicial proceedings and arbitrary detention of Ms. María Raquel Castro Pérez and Mr. Samuel Morales Flórez*<sup>49</sup>. As of the end of 2006, Ms. **María Raquel Castro Pérez**, a member of the Arauca Teachers' Association (*Asociación de Educadores de Arauca* - ASEDAR), and Mr. **Samuel Morales Flórez**, president of the Arauca branch of CUT, remained respectively detained in the women's prison of Buen Pastor and in the "model prison", in Bogotá.

On August 5, 2004, Ms. Raquel Castro and Mr. Samuel Morales Flórez were arbitrarily arrested in Saravena (Arauca) by members of the Revéiz Pizarro mechanised army battalion who were carrying out a military operation in the village of Caño Seco. On that day, Mr. Samuel Morales Flórez had witnessed the assassinations of Messrs. Alirio Martínez, Jorge Eduardo Prieto Chamusero and Leonel Goyeneche Goyeneche<sup>50</sup>. Mr. Samuel Morales Flórez and Ms. Raquel Castro were then accused of "rebellion" and terrorism.

*Arbitrary detention of Ms. Vitelvina Vargas Cortés*<sup>51</sup>. On March 3 2006, units of the Technical Investigations Unit of the General Prosecutor's office (*Cuerpo Técnico de Investigaciones de la Fiscalía* - CTI) arrested Ms. **Vitelvina Vargas Cortés**, head of the Cundinamarca Small Farmers' Union (*Sindicato de Pequeños*

48. See Annual Report 2005.

49. *Idem*.

50. See above.

51. See Colombia - Europe - United States Coordination.

*Agricultores de Cundinamarca - SINPEAGRICUN*), an FENSUA-GRO-CUT affiliate, in the hamlet of Santa Lucía de Fusagasugá, Cundinamarca. As of the end of 2006, no further information could be obtained about her situation.

*Arbitrary detention of Mr. Luis Arnulfo Quiroga*<sup>52</sup>. On March 27, 2006, Mr. **Luis Arnulfo Quiroga**, a member of the Arauca Peasants' Association (*Asociación Campesina de Arauca - ACA*) and president of the Communal Assembly of the hamlet of La Esperanza, was arrested without a warrant by two police officers, as he was crossing the main park in Tame (Arauca). On the same day, he was charged with "rebellion" and "being a member of a FARC-EP unit".

On the next day, Colonel Arturo Herrera of the Navas Pardo battalion of the fifth mobile brigade came to see him and reportedly told him that the Tame Prosecutor would offer him 200,000 pesos (about 70 euros) for every person he would denounce. As of the end of 2006, no further information had been made available about his situation.

*Arbitrary detention of Mr. Tomás Ramos*<sup>53</sup>. On April 12, 2006, Mr. **Tomás Ramos**, human rights secretary for the CUT sub-section in Atlántico, was briefly detained by members of the national police.

*Arbitrary detention of Mr. Jesús Tovar*<sup>54</sup>. On April 15, 2006, Mr. **Jesús Tovar**, vice-president of the Barranquilla branch of SINAL-TRAINAL, was arrested by members of the national police as he was in a protected vehicle. As of the end of 2006, no further information was available as to his situation.

*Arbitrary detention and judicial proceedings against several trade union leaders*<sup>55</sup>. Between August 12 and 16, 2006, several union leaders were arrested by the Revéz Pizarro mechanised battalion based in Saravena, on the order of the Prosecutor's office of the Support Structure (*Fiscalía de Estructura de Apoyo*). The trade unionists were transferred to Arauca where they were charged with "rebellion". The

52. *Idem.*

53. *Idem.*

54. *Idem.*

55. See Urgent Appeal COL 019/0806/OBS 096.

union leaders were: Mr. **Abdón Goyeneche Goyeneche**, ASEDAR president and brother of union leader Leonel Goyeneche Goyeneche<sup>56</sup>; Mr. **William Sáenz**, ASEDAR leader in Fortúl; Mr. **Esaud Montero Triana**, a member of the Médica Mission and ANTHOC; Mr. **Pedro Bueno**, communal leader and a member of the executive board of the “Joel Sierra” Regional Foundation Committee for Human Rights (*Fundación Comité Regional de Derechos Humanos “Joel Sierra”*); and Mr. **Nubia Chacón**, a communal leader and an accountant for the Municipal Association for Communal Actions in Fortúl (*Asociación Municipal de Juntas de Acción Comunal en Fortúl*). As of the end of 2006, they all remained in detention facing charges of “rebellion”.

#### Arbitrary detentions of civil society representatives

*Arbitrary detention of Mr. Príncipe Gabriel González Arango*<sup>57</sup>. On January 4, 2006, Mr. **Príncipe Gabriel González Arango**, coordinator of the Santander branch of the Foundation Committee for Solidarity with Political Prisoners (*Fundación Comité de Solidaridad con los Presos Políticos - FCSPP*), was arrested on the order of the Prosecutor’s office of Pamplona (North Santander). He was then transferred to the premises of the Unified Action Group for the Freedom of Colombia (*Grupo de Acción Unificado para la Libertad de Colombia - GAULA*), in Bucaramanga.

On January 5, 2006, Mr. González Arango was questioned by the rapid response unit of the Prosecutor’s office and charged with “rebellion”. After several days in solitary confinement at the Palo Gordo prison, Mr. González Arango was sent to the “model prison” in Bucaramanga, awaiting trial.

On December 12, 2006, a hearing took place, which was adjourned as the witnesses for the prosecution turned out to be fictitious persons.

Mr. González Arango remained detained as of the end of 2006. The next hearing was scheduled for February 5, 2007.

In 2003 and 2005, Mr. González Arango had been threatened and designated as a “military target” by paramilitary groups. At the end of 2005, he had to leave his residence to go to live in Bogotá following

56. See above.

57. See Urgent Appeal COL 001/0106/OBS 004.

serious threats made by the Central Bolívar Bloc of the AUC on June 13, 2005. After he complained about acts of harassment against him, the IACHR requested that precautionary measures be provided to him in addition to those provided under the protection programme of the Ministry of the Interior. As of the end of 2006, Mr. González Arango remained under protection.

*Arbitrary arrest of Mr. Gelves Contreras and Ms. Trillos Carranza*<sup>58</sup>. On December 7, 2006, Mr. **Pedro Euberto Gelves Contreras**, president of the Regional Association of Rural Workers (*Asociación Departamental de Usuarios Campesinos*) in Arauca, and Ms. **Flor María Trillos Carranza**, coordinator of the Tame (Arauca) branch of the “Joel Sierra” Regional Foundation Committee for Human Rights and a member of the human rights committee of the Municipal Association of Community Action Assemblies, were stopped by two national police officers in a park in Arauca. The police officers checked their identity and forced them to follow them to the police station for a questioning, which lasted over three hours, and at the end of which they were released.

Mr. Pedro Gelves enjoys protection measures requested by the IACHR.

## Threats, harassment and assaults

Threats, harassment and assaults against trade unionists and peasant leaders

*Ongoing acts of harassment against Mr. Carlos González and Mr. Domingo Tovar Arrieta*<sup>59</sup>. Mr. **Carlos González**, a member of the Valle branch of the University Workers’ Union of Colombia (*Sindicato Nacional de Trabajadores y Empleados Universitarios de Colombia - SINTRAUNICOL*), and Mr. **Domingo Tovar Arrieta**, director of the CUT human rights department, continued to receive threats due to their union activities. Mr. Tovar Arrieta regularly received anonymous phone calls threatening him and members of his family and he was followed by vehicles on several occasions. Mr. González was investigated by the army for having denounced the murder of a student in September 2005 in Cali (Valle del Cauca).

58. See “Joel Sierra” Regional Foundation Committee for Human Rights, December 9, 2006.

59. See Annual Report 2005.

*Death threats and acts of harassment against several human rights defenders*<sup>60</sup>. On December 27, 2005, and January 9, 2006, Mr. **Gilberto Cadena Bohórquez**, a member of the National Association for Displaced Persons of Colombia (*Asociación Nacional de Desplazados de Colombia* - ANDESCOL), was approached by Mr. Arnaldo Echeverría, a member of the 2<sup>nd</sup> army brigade and an informer for its rehabilitation programme. Mr. Echeverría offered to enrol him in this programme in exchange for 2,200,000 Colombian pesos (about 750 euros), and to work under the orders of a person named “Sergio”, head of GAULA in Barranquilla.

This offer was aimed at persuading Mr. Cadena to collaborate to the intimidation, attacks or elimination of the human rights defenders he knew, including Mr. **Mauricio Avilez Álvarez**, a member of the Inter-Ecclesiastical Justice and Peace Commission (*Comisión Intereclesial Justicia y Paz* - CIJP) and a representative of the Operational Committee for Human Rights Colombia - Europe - United States (CCEEU), and Mr. **Milton Mejía**, a member of the executive committee of the Ecumenical Network of Colombia (*Red Ecueménica de Colombia*). Mr. Echeverría referred to Mr. Mauricio Avilez Álvarez and Mr. Milton Mejía as “scums” that must be “gotten rid of because they work for the guerrilla”.

On January 12, 2006, after refusing to collaborate, Mr. Cadena found the door of his house forced open and discovered a message containing a death threat. A few minutes later, while Mr. Cadena Bohórquez was chatting in the street with two friends, Messrs. Luis Aurelio Rudas Revollo and Anarael Alfonso Daigo Montes, two motorcyclists surrounded them and shot at them, killing Mr. Rudas on the spot. Mr. Daigo Montes died from his injuries shortly after. Mr. Gilberto Cadena was able to escape and has since then left the region.

On January 15, 2006, Mr. Echeverría visited the home of Mr. Cadena’s wife, Mrs. **Gladys Londoño**, and threatened her, asking where her husband was. After these events, Mrs. Londoño and her four children had to leave their home.

On January 26, 2006, Mr. Echeverría found Mrs. Londoño, threatened her again and warned her that Mr. Gilberto Cadena Bohórquez had until the following evening to reappear. Mr. Gilberto Cadena

60. See Urgent Appeal COL 003/0206/OBS 019.

Bohórquez and his family had already been forced to leave Barrancabermeja following similar harassment in 2001.

*Death threats against Mr. Plutarco Vargas Roldán*<sup>61</sup>. On February 4, 2006, Mr. **Plutarco Vargas Roldán**, leader of the Bogotá branch of SINALTRAINAL, received a letter threatening him and his family with death.

*Death threats against trade unionists*<sup>62</sup>. On March 2, 2006, death threats against trade unionists running for seats in the House of Representatives and the Senate were published in the newspaper *Vanguardia Liberal*. Among these unionists were members of CUT, the Association of Regional Workers (*Asociación de Trabajadores Departamentales - ASTDEMP*), the Workers' Union of Santander (*Unión Sindical de Trabajadores de Santander - USITRAS*), the Metropolitan Coordination for Displaced Persons (*Coordinación Metropolitana de Desplazados*) and USO. This message bore the signature of the chief of the "Regional Commando of Magdalena Medio".

*Acts of harassment against Mr. Henry Gordón*<sup>63</sup>. On April 21, 2006, unidentified individuals filmed the home of Mr. **Henry Gordón**, fiscal adviser to the Barranquilla branch of SINALTRAINAL.

*Acts of intimidation against SINTRAMIENERGETICA members*<sup>64</sup>. On April 29, 2006, a national police squad attacked SINTRAMIENERGETICA members who were holding an information meeting regarding the complaints they had lodged against the Drummond multinational company<sup>65</sup>, at the entrance of the "Pribenow" mine in Loma de Calenturas de Paso (Cesar). This attack was led at the request of the head of security of the company. Lieutenant Hernán Javier Muñoz García accused the participants of belonging to military groups, insulted them and ordered his men to

61. See Colombia - Europe - United States Coordination.

62. See Urgent Appeal COL 005/0306/OBS 025.

63. See Colombia - Europe - United States Coordination.

64. *Idem*.

65. See above.

film and take pictures of them. A policeman then assaulted a SIN-TRAMIENERGETICA member with his riflebutt, while another policeman pointed his rifle to the chest of the union's vice-president, Mr. **Luis Garzón**. As for Mr. **Ruben Morron**, he sustained an injury to his collarbone. After the interruption of the meeting, police officers walked into the room and continued to insult and threaten the unionists, among whom were Mr. **Alejandro Vergara**, the union's environmental secretary, and Mr. **Raul Sosa Avellaneda**, fiscal adviser.

*Threats against several SINALTRAINAL members*<sup>66</sup>. On May 15, 2006, the secretary of the Barranquilla branch of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de las Industrias de Alimentos* - SINALTRAINAL) received a phone call in which she was invited to attend the funeral of Mr. **Limberto Carranza**, SINALTRAINAL president.

Two hours later, Mr. **Euripides Yance**, another leader of the union, received a phone call from a person who asked him to come and pick up the bodies of his children who, according to the caller, had been shot.

On the same day, an envelope containing death threats against Messrs. Euripides Yance, Limberto Carranza, **Campo Quintero**, Jesús Tovar, **Eduardo Arévalo**, Tomas Ramos, Henry Gordón, **Gastón Tesillo** and **Carlos Hernández** was dropped off at SINALTRAINAL headquarters. The message bore the signature of the "Death To Unionists" (*Muerte A Sindicalistas* - MAS) paramilitary group.

*Death threats against Mr. Miguel Enrique Ardila Sánchez and Ms. Luz Marina Hache Contreras*<sup>67</sup>. On June 3, 2006, Mr. **Miguel Enrique Ardila Sánchez** and Ms. **Luz Marina Hache Contreras**, legal adviser and vice-president of the *Asonal Judicial* trade union respectively, took part in a committee which reached an agreement with the government to put an end to a strike that had paralysed the judicial sector. *Asonal Judicial* defends the rights of the judicial sector workers. Since then, Mr. Ardila Sánchez and Ms. Hache Contreras

66. See Coordination Colombia – Europe – United States.

67. See National Association for Solidarity Support (*Asociación Nacional de Ayuda Solidaria* - ANDAS).

have received several emails and anonymous phone calls threatening them with death if they did not resign from the union.

*Death threats and intimidation against ANTHOC members*<sup>68</sup>. On June 14, 2006, the National Association of Hospital Workers (ANTHOC), in Bogotá, received a message from a military group presenting itself as the military wing of the former AUC<sup>69</sup>, threatening to “exterminate every single trade unionist” and demanding that the members of the organisation leave the country.

The authors of this message designated in particular as “military targets” the following ANTHOC members, stressing that this list did “not even cover half of the people targeted”: Messrs. and Ms. Yesit Camacho, Juan Flores, Alberto Laines, Alberto Meneses, Wilson Perez, Maria Helena Tobon, Carmen Mayusa, Juan Osorio, Ediomar Botello, Luis Santana, Gladis Criado, William Vanegas, Angel Salas, Alfredo Castro, Aurelio Ladino, Antonio Ger, Lus Erenia Saac, Lina Gamarra, Hector Alvis, Wilson Narvaez, Bertulfo Solarte, Nubia Fonseca, Martha Lozano, Ortalides Castro, Gaston Tesillo, Gilberto Martines, Fernando Santamaria, Ligia Galeano, Raquel Salinas, Jose Merino, Ricardo Baron, Martha Ligia Castro, Carlos Bermeo, Arnulfo Parra, Billy Rusbel Beltrán, Rosa Luz Palencia, Edgar Pua and Wilson Gutierrez.

*Acts of harassment against SINALTRAINAL and its members*<sup>70</sup>. On August 3, 2006, SINALTRAINAL headquarters were searched by members of the Judicial and Investigation Police Unit (*Sección de Policía Judicial e Investigación* - SIJIN). The police officers examined the premises without a warrant and drafted a statement in relation to the search. On the next morning, police officers were seen filming the outside of the building. As of the end of 2006, SINALTRAINAL had

68. See Annual Report and Urgent Appeal COL 015/0606/OBS 078.

69. Under the 2005 Law No. 975 (also known as the Law on Justice and Peace), passed by the Colombian Congress on June 21, 2005, and ratified by the government in July 2005, numerous paramilitary groups supported by the army and other illegal armed groups were “demobilised”. This law guarantees impunity and oblivion for the crimes committed by paramilitary groups and other illegal armed forces during the civil war.

70. See Urgent Appeal COL 018/0806/OBS 094 and Open Letter to the Colombian authorities, August 22, 2006.

still received no explanation from the police as to this illegal search.

On August 18, 2006, a condolences card with the message “Death to Trade Unionists” was left at the home of Mr. **Héctor Jairo Paz**, a Nestlé Colombia S.A. employee and leader of the Bugalagrande (Valle department) branch of SINALTRAINAL. Ten days earlier, another executive board member of the same branch was also threatened while the union was peacefully demonstrating in front of the Nestlé buildings in Bugalagrande and Bogotá in protest against the unfair dismissal of 94 employees, all SINALTRAINAL members.

As of the end of 2006, the complaint lodged by the trade union had not been addressed.

*Attack and acts of harassment against Ms. Martha Cecilia Díaz Suárez*<sup>71</sup>. On August 15, 2006, Ms. **Martha Cecilia Díaz Suárez**, president of the Bucaramanga subdirection and president of the regional office of the Santander Association of Regional Workers (ASTDEMP), was approached by unidentified individuals who told her that they were detaining one of her daughters, forced her into their vehicle and drove her near to the highway connecting the towns of Girón and Florida Blanca. In particular, they asked her about the whereabouts of Mr. **David Flórez** and Mr. **César Plazas**, president and treasurer of the sub-management of ASTDEMP regional office respectively. The aggressors then violently beat Ms. Díaz Suárez and showed her pictures of her taken at demonstrations, and pictures of her daughter, claiming that they had killed her. They then opened fire twice - the bullets skimming her stomach - and ran away.

On November 22, 2006, one of Ms. Suárez’s neighbours saw two individuals discreetly watching her apartment and called for the security of the building. As they were being questioned, the intruders opened fire before escaping with two accomplices who were waiting for them on motorbikes.

Finally, on December 5, 2006, Ms. Suárez received death threats from an unidentified individual, after accompanying one of her colleagues to a hearing at the court house.

Ms. Díaz Suárez has regularly received telephone threats and been followed over the past few years. On November 9, 2005, she was beat-

71. See Annual Report 2005 and Open Letter to the Colombian authorities, August 22, 2006.

en and received death threats as she was negotiating the demands of the workers of the Los Santos municipality, Santander.

As of the end of 2006, the General Prosecutor of Bucaramanga had opened an investigation into these various threats.

*Death threats and acts of harassment against Mr. Miguel Alberto Fernández Orozco*<sup>72</sup>. In October 2006, Mr. **Miguel Alberto Fernández Orozco**, president of the CUT branch in Cauca and coordinator of the human rights and integration offices of the Colombian Range Integration Committee (*Comité de Integración del Macizo Colombiano* - CIMA), received new threats from members of the “Black Eagles” and “Rastrojos” paramilitary groups, an organisation that was supposed to have been demobilised.

Mr. Fernández Orozco had already received death threats on March 8, 2005, a day after the public presentation of a report on the human rights situation in Cauca. Similarly, on October 17, 2005, CIMA members in Popayán (Cauca) had received a pamphlet from AUC accusing them of being “terrorists” and “leftist delinquents”, and warning them that they were being “closely watched”.

Mr. Miguel Alberto Fernández Orozco has been under prosecution for “false accusations” (Article 435 of the Criminal Code), “false threats” (Article 347) and “procedural fraud” (Article 453) since November 2005.

*Threats against several social and trade union leaders, human rights defenders and political opponents in Valle del Cauca*<sup>73</sup>. On October 2, 2006, several leaders of human rights organisations or trade unions were accused, in a report drawn up by the third brigade of the national army based in Santiago de Cali and by the Prosecutor’s Technical Investigations Unit (CTI), of “rebellion, terrorism, and belonging to a narco-terrorist organisation working for the FARC and the National Liberation Army [*Ejército de Liberación nacional* - ELN]”. The report was sent to Mr. Alexander López Maya, a Senator of the Republic.

72. See Annual Report 2005.

73. See Urgent Appeal COL 024/1006/OBS 118.

Among the people mentioned in the report were several employees of Cali municipal companies, most of whom had lost their jobs in a massive wave of unfair dismissals, as well as members of Valle del Cauca civil society, in particular:

– Ms. **Berenice Celeyta Alayon**, president of the Association for Research and Social Action (*Asociación para la Investigación y Acción Social* - NOMADESC);

– Mr. **Carlos Arbey González**, SINTRAUNICOL president;

– Ms. **Martha Nidia Ascuntar Achicanoy**, coordinator of the FCSPP branch in Valle de Cauca Branco;

– Mr. **William Arley Escobar Holguín**, secretary for education with the Iron and Steel Workers' Union (*Sindicato de Trabajadores de la Industria Metalúrgica* - SINTRAMETAL);

– Mr. **Otoniel Ramírez López**, vice-president of the Valle del Cauca branch of CUT;

– Mr. **Wilson Neber Arias Castillo**, former president of the Civil Servants of the National Apprenticeship Service Trade Union (*Sindicato de Empleados Públicos del Servicio Nacional de Aprendizaje* - SINDESENA) and a candidate for election to the House of Representatives;

– Mr. **Ariel Díaz**, coordinator of the human rights department of the CUT branch in Valle del Cauca;

– Mr. **Luís Antonio Hernández Monroy**, former president of the Cali State-Owned Enterprises Workers' Union (*Sindicato de Trabajadores de las Empresas Municipales de Cali* - SINTRAEMCALI);

– Mr. **Harol Viafara González**, former treasurer of SINTRAEM-CALI;

– Mr. **Frangey Rendón Gálvez**, secretary of the Valle del Cauca Government Office for Peace and Civic Duties;

– Mr. **Héctor Alonso Moreno Parra**, director of *Telé Pacífico* and advisor to the Valle del Cauca government representative.

The report also contained contact details for these persons and their families, as well as personal information such as the name of their relatives, children, daily routes, etc. When Mr. López Maya asked about the information contained in the report, the Public Prosecutor replied that there were no proceedings pending against the persons mentioned.

*Suspension of the protective measures in favour of Mr. Francisco Eladio Ramírez Cuellar*<sup>74</sup>. On October 5, 2006, Mr. **Francisco Eladio Ramírez Cuellar**, president of the National Mining Company Workers' Union (*Sindicato de Trabajadores de la Empresa Nacional Minera - SINTRAMINERCOL*), received a letter from the Administrative Department for Security (*Departamento Administrativo de Seguridad - DAS*) informing him of the government's decision to withdraw the armoured vehicle he used for transport until then, as well as his armed escort. These protective measures had been granted by IACHR in 2004 in response to the risks he ran due to his union activities, following an attack against him in October 2004.

One week later, on October 12, 2006, government officials offered him financial assistance amounting to 1,900,000 pesos (about 650 euros) per month to enable him to travel daily by taxi. Mr. Cuellar refused this offer.

The suspension of these precautionary measures was likely to be linked to Mr. Ramírez Cuellar's participation in the negotiations and the strike of the workers of the Drummond company, organised from April to May 2006.

*Death threats against two SINTRAINAGRO members*<sup>75</sup>. On October 26, 2006, two unidentified individuals entered the house of Mr. **Medardo Cuesta**, a member of the board of directors of the National Farming and Animal Industry Workers' Union (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria - SINTRAINAGRO*), taking advantage of the fact that he was away. When Mr. Cuesta returned home, he found death threats against him and Mr. **Oswaldo Cuadrado**, another member of the SINTRAINAGRO board of directors.

*Death threats against Mr. Domingo Tovar Arrieta*<sup>76</sup>. On December 4, 2006, Ms. Marqueza Arrieta, the mother of Mr. **Domingo Tovar Arrieta**, director of the human rights department of the CUT nation-

74. See Urgent Appeal COL 027/1006/OBS 127.

75. See Urgent Appeal COL 025/1006/OBS 123.1.

76. See Urgent Appeal COL 031/1206/OBS 145.

al executive committee, was approached by unidentified individuals who threatened her. The next day, she lodged a complaint with the Prosecutor of the Corozal municipality and the CTI.

Mr. Domingo Arrieta and his relatives have been targeted by repeated acts of harassment for many years due to his union activities.

*Acts of harassment against Mr. Marco Nieves Martinez*<sup>77</sup>. On December 11, 2006, Mr. **Marco Nieves Martinez**, a union leader and president of the National Association of Displaced Persons of Colombia (ANDESCOL), in Bucaramanga (Santander), received a phone call from his brother warning him not to leave his house. On the next morning, his brother told him that he had seen two suspicious-looking individuals lurking around his house.

On December 13, 2006, a friend warned Mr. Nieves to be careful on his way to his mother's home as an unidentified individual was also watching her house.

In 2005, Mr. Marco Nieves had already been intimidated and followed on several occasions.

*Death threats against several trade unionists*<sup>78</sup>. On December 13, 2006, leaflets containing death threats against several trade unionists and bearing the signature of the "Black Eagles" paramilitary group were left at the University of Atlántico (Barranquilla). The persons targeted by these threats were part of the following trade unions: SINALTRAINAL, ANTHOC, the Retired from the Atlántico University Association (*Asociación de Jubilados de la Universidad del Atlántico* - ASOJUA), the University Professors' Union Association (*Asociación Sindical de Profesores Universitarios* - ASPU), SINTRAUNICOL, the Processed and Fat Containing Foods Industry Workers' Union (*Sindicato de Trabajadores de Industrias de Mantecas, Margarinas, Aceites, Cebos, Oleaginosas, Concentrados y Demas Derivados Grasos* - SINTRAIMAGRA), FCSPP, the Coal Industry Workers' National Union (*Sindicato Nacional de Trabajadores de la*

77. See Annual Report 2005.

78. See Foundation Committee for Solidarity with Political Prisoners (FCSPP) and National Union of Food Industry Workers (SINALTRAINAL).

*Industria del Carbon* - SINTRACARBON), the Barranquilla District Teachers' Union (*Asociación de Docentes Distritales de Barranquilla* - ADEBA), CUT- Atlántico, SIMUSOL and SINTRAHOBICOL.

The leaflet also designated the following people as specific targets: Messrs. and Ms. Jesús Tovar, Eurípides Yance, Campo Quintero, Henry Gordón, Gastón Tesillo, Carlos Hernández, Walter Salas, Guido Niebles, Javier Bermúdez, Walberto Torres, José Rodríguez, Moisés Sade, Hernando Romero, Gustavo López, Tomás Ramos, Limberto Carranza, Daniel Gaviria, Humberto Lara, Deniris Polo, Israel Barreiro, Antonio García, Juan Carlos Sandoval, Adolfo Llanos, Ricardo Villegas, Henry Molina, Sara Acosta, Iván Acosta, José Valbuena, “Tingo o el Indio”, Jair Jiménez, Gilma Turizo, Bernardo Charris, José Gabriel Pacheco, Lisandro Cerril, Julio Casas, Nevis Niño, Néstor Brujes, Saskia del Río, Daniela Castro, Enrique Olaya, Brenda Blanco, Ciro Becerra, Franklin Castañeda, Miguel Castillo, Walter Carcamo, Rodrigo Navarro, Javier Hebrad and Alfonso Montalvo. The letter gave an ultimatum to these people, requiring them to leave the city within a week, after which deadline they would be killed.

These threats followed the public statements of the Vice-President, Mr. Francisco Santos, who had denounced, a few days earlier, the “campaigns seeking to discredit Coca-Cola, Nestlé and other private companies”, implying that these campaigns had been orchestrated by far-left radicals who had infiltrated trade unions.

#### Threats, harassment and assaults against civil society representatives

*Judicial proceedings against CIJP members and leaders of the Jiguamiandó and Curvaradó communities*<sup>79</sup>. On October 12, 2005, a criminal investigation for “aggravated homicide”, “forced displacement” and “rebellion” was launched against several members of the Inter-Ecclesiastic Justice and Peace Commission (CIJP) and leaders of the Jiguamiandó and Curvaradó communities, in the province of Chocó. This investigation specifically targeted seven leaders who are particularly active in the protection of indigenous and community territories, namely: Messrs. and Ms. **Ligia María Chaverra Minerai**, **Manuel Denis Blandón**, **Willington Cuesta**, **Fany Osten**, **Luis**

79. See Urgent Appeal COL 006/0306/OBS 031.

Ferías, Erasmo Cuadrado and Benjamin Sierra, as well as several CIJP members: Ms. Johana López and Ms. Ana María Lozano, and Messrs. Wilson Gómez, Leonardo Jaimes, Danilo Rueda and Abilio Peña. Moreover, about twenty Afro-Colombians and mixed-race people were concerned by this investigation. By the end of 2006, no further information as to these judicial proceedings was available.

*Death threats against Ms. María Socorro Abril and Mr. César Andrés Solarte*<sup>80</sup>. In 2006, Ms. **María Socorro Abril**, vice-president of the Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos - CREDHOS*) and president of the Association of Displaced Persons in the Municipality of Barrancabermeja (*Asociación de Desplazados Asentados en el Municipio de Barrancabermeja - ASODESAMUBA*), continued to be repeatedly harassed by unidentified individuals who regularly asked her relatives as to her whereabouts, saying they would kill her.

Mr. **César Andrés Solarte**, another CREDHOS member, found out from relatives that paramilitaries also intended to kill him.

CREDHOS members have regularly received death threats from paramilitary groups operating with the army's support, and several of them have already been killed. In the past few years, these groups have reinforced their position in Barrancabermeja, a region that is already heavily militarised.

*Ongoing threats and acts of harassment against Ms. Lilia Solano*<sup>81</sup>. Ms. **Lilia Solano Ramirez**, a teacher at the national university of Bogotá, director of the NGO "Justice and Life Project" (*Proyecto Justicia y Vida*) and a member of the National Movement for Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado*), an NGO coalition working in favour of the families of assassination victims killed by the army or the paramilitaries during the forty years of civil conflict, still faced ongoing acts of harassment by the police and the army by the end of 2006. In particular, Ms. Solano was followed on her way home on several occasions, her phone was

80. See Annual Report 2005.

81. *Idem*.

tapped, she received phone calls threatening members of her NGO and was visited by individuals in plain clothes claiming to be police officers. The police also took pictures of the NGO's headquarters.

In addition, the house of Mr. **Hans Cediél**, a member of the "Justice and Life Project" and legal adviser to Ms. Solano, was searched in April 2006.

In 2004 and 2005, Ms. Lilia Solano had already been targeted by similar acts of harassment and serious threats.

*Judicial harassment against Mr. Diego Camilo Figueroa Rincón*<sup>82</sup>. On February 17, 2006, CIJP learnt that Mr. **Diego Camilo Figueroa Rincón**, an economic, social, cultural and environmental rights defender and an active member of the organisation, was allegedly facing a lawsuit initiated by the Public Prosecutor of the Buenaventura 42<sup>nd</sup> section (Valle del Cauca). According to a DAS report, Mr. Figueroa Rincón would be prosecuted on charges of being an "ideologist of the FARC Manuel Cepeda Vargas Front".

In late 2005, Mr. Diego Figueroa and Mr. **William Kayapul**, another CIJP member, had been arrested, photographed and brutally questioned in Buenaventura by members of the DAS and the national army during a control operation, for no apparent reason. They had been released after a few hours.

Three days later, a report identifying Mr. Figueroa Rincón as a FARC member named "Camillo", and describing him as an "ideologist of Manuel Cepeda Vargas"<sup>83</sup>, was filed with the DAS.

On December 14, 2005, the Public Prosecutor of the Buenaventura 42<sup>nd</sup> section ordered the detention of 14 people, including Mr. Figueroa Rincón, and ordered the DAS to proceed to arrest him on December 16, 2005. As of the end of 2006, no further information as to Mr. Figueroa Rincón's situation was available.

82. See Annual Report 2005 and Urgent Appeal COL 004/0306/OBS 021.

83. The Manuel Cepeda Vargas Foundation is a human rights organisation which owes its name to a former Patriotic Union (UP – a left-wing party) senator, who was killed in 1994 in an attack led jointly by members of the army and paramilitaries. This foundation plays a crucial role in the National Movement for Victims of State Crimes.

*New threats and acts of harassment against CPDH members*<sup>84</sup>. The number of acts of harassment against members of the Permanent Committee for the Defence of Human Rights (CPDH) significantly increased in 2006 despite provisional measures of protection provided by the Inter-American Court of Human Rights (IACoHR).

– In February 2006, inhabitants of the city of Buga, in the Valle del Cauca province, received a message from a paramilitary group threatening, among other people, Mr. **Guillermo Castaño Arcila**, CPDH president in the Risaralda province, Mr. **Angelino Garzón**, the Valle del Cauca Governor, as well as several institutions and organisations, including the Major Peasant Institute (*Instituto Mayor Campesino - IMCA*)<sup>85</sup>.

– On August 2, 2006, CPDH headquarters in Bogotá were illegally searched by the police, while the organisation’s secretary was the only person present. The officers stated that they had been monitoring the building for a few days, as it seemed “suspicious”. They then wrote down all CPDH members’ names.

– On August 24, 2006, Ms. **Martha Sofia Castaño**, Mr. Guillermo Castaño Arcila’s daughter, received anonymous threats.

– In September 2006, Ms. **Luz Adriana González Correa**, executive secretary of the CPDH branch in Risaralda, was harassed after denouncing recent “social cleansing” of impoverished populations in the city of Pereira.

– By the end of 2006, judicial proceedings remained pending against Mr. **Rodrigo Vargas Becerra**, an executive board member of the CPDH branch in Valle del Cauca. Mr. Rodrigo Vargas Becerra, charged with “injuring and attacking a civil servant”, had been arrested on November 8, 2005 by members of the Mobile Squad for the Maintenance of Order (*Escuadrón Móvil Anti Disturbios - ESMAD*) of the Cauca province, and accused of having planted a bomb. He was released on November 10, 2005, after it was proven that he was taking part in a radio show, in Santander de Quilichao, at the time of the events.

84. See Annual Report 2005 and Urgent Appeals COL 017/0806/OBS 091, COL 020/0906/OBS 104 (disseminated as 0806), COL 022/0906/OBS 110 (disseminated as OBS 111) and Press Release, September 22, 2006.

85. See Urgent Appeal COL 009/0504/OBS 040.1.

– Similarly, Mr. **Luis Jairo Ramírez H.**, CPDH executive secretary, was still facing trial for “aiding and abetting terrorism against national institutions”.

*Acts of harassment against Mr. Enrique Petro*<sup>86</sup>. On March 8, 2006, police officers visited the estate of Mr. **Enrique Petro**, leader of the Curvaradó community, who benefited from protective measures granted by the IACoHR. He was questioned about several meetings that had taken place at his home concerning the planned construction of a “humanitarian zone” which would enable the return of mixed-race and Afro-Colombian families who were displaced and facing famine.

On March 9 and 10, 2006, several military units of the 17<sup>th</sup> brigade alternately visited Mr. Petro’s home for the same reason, saying that “the guerrilla [was] on his property”, referring to the displaced families who were there.

*Death threats and acts of harassment against Mr. Carlos Gualteros*<sup>87</sup>. On March 7, 2006, an unidentified individual delivered, to the office of the “Yira Castro” Legal Corporation in Bogotá, a letter addressed to Mr. **Carlos Gualteros**, an executive board member of the Corporation of Displaced People of Colombia (*Corporación de Desplazados de Colombia* - CORPADECOL) and head of the United Peasants’ Association of Colombia (*Asociación Campesina Unidos por Colombia* - ACUDECOL).

On March 10, 2006, Mr. Carlos Gualteros found out about this letter, which bore the signature of the chief of the AUC Northern Bloc, and which contained threats against permanent and interim members of the CORPADECOL executive board, including himself.

By the end of 2006, Mr. Gualteros had left Colombia and had been granted refugee status abroad.

*Ongoing acts of harassment and threats against OFP members*<sup>88</sup>. Members of the Women’s Popular Organisation (OFP) continued to be subjected to repeated acts of harassment and retaliation in 2006.

86. See Urgent Appeal COL 006/0306/OBS 031.

87. See Urgent Appeal COL 007/0306/OBS 035.

88. See Annual Report 2005, Urgent Appeals COL 009/0406/OBS 042, COL 014/0606/OBS 077 and COL 016/0606/OBS 084, and Colombia - Europe - United States Coordination.

– In February 2006, Ms. **Graciela Alfaro**, an OFP member, was followed by an unidentified individual for two weeks. On February 28, 2006 for instance, she was photographed by a couple, in Bogotá, as she was with a friend near the town hall of Bosa.

– On March 2, 2006, a woman close to OFP was questioned by an unidentified individual in the Las Cruces neighbourhood in the La Estrella area (Bolívar de Bogotá). The man showed her a picture of Ms. **Monguí Gómez**, coordinator of the OFP Bogotá branch, as well as a publication in which OFP had denounced the ill-treatment committed by members of the national police against the youth. The individual asked her some questions about OFP activities and made accusations against Ms. Gómez and the organisation.

– On April 1, 2006, Ms. **Graciela Mejía**, an OFP member, was approached by an unidentified individual in Barrancabermeja (Santander), who snatched the documents she was holding and asked her what these papers were. Ms. Graciela Mejía answered that these documents were related to OFP activities. The man then threatened with killing her if she did not leave the organisation and did not cut off all contact with its members.

– Between April 1 and 2, 2006, one of the OFP offices as well as the home of Ms. **Yolanda Becerra Vega**, president of the organisation, were searched by unidentified individuals. Threatening messages were left on the scene.

– On June 12, 2006, in Barrancabermeja, the husband of Mrs. **Gloria Amparo Suárez**, an OFP leader, was approached by a man who threatened to abduct his wife and to kill him if they continued to engage in human rights activities. On June 5, 2006, a pamphlet containing death threats against “movements, associations, corporations, trade unions, organisations” denouncing human rights violations was circulated in the town.

– On June 21, 2006, the *Radio Uno* station, belonging to the *RCN* channel, received an anonymous phone call. The caller violently insulted and threatened to kill Ms. **Maria Jacqueline Rojas Castañeda**, an OFP member in Barrancabermeja and presenter of a daily programme called *La Mohana*, produced by the organisation. This programme aims at denouncing human rights violations in the context of the armed conflict.

These events were all reported to the Ombudswoman. Although national police regularly patrolled around the homes of OFP mem-

bers, none of the protective measures granted by the IACHR and the Ministry of the Interior were implemented.

*Defamation campaign against the NGOs “Bread for All” and “Action for Lent”*<sup>89</sup>. On April 21, 2006, during a radio programme, the Colombian Vice-President, Mr. Francisco Santos Calderón, specifically accused two Switzerland-based NGOs - “Bread for All” (*Pain pour le prochain* - PPP) and “Action for Lent” (*Action de Carême* - AdC) - of carrying out “an aggressive campaign against Colombia” and of having financed the FARC guerrilla with Swiss public funds. These statements were published in the Colombian press under the heading “Vice-President Francisco Santos questions a Swiss NGO that supports the FARC”.

Following these accusations, PPP and AdC indicated that their ecumenical campaign aimed at sensitising the Swiss public on the question of human rights and presented the projects they were supporting in Colombia and several other countries, in order to raise funds. They added that they did not receive any subsidy from public authorities.

During a meeting with the Swiss Ambassador in Bogotá, the Colombian Vice-President subsequently took back what he had said.

Nevertheless, in an interview published on May 5, 2006 in the Swiss daily newspaper *Le Temps*, the Vice-President reiterated that the two NGOs’ campaign “(...) presented an erroneous and injurious political content”, adding that he was considering taking judicial action against them.

*Serious threats and acts of harassment against CCAJAR and other human rights NGOs*<sup>90</sup>

– On April 6, 2006, Ms. **Soraya Gutiérrez Arguello**, a lawyer and president of the “José Alvear Restrepo” Lawyers’ Collective (*Corporación Colectivo de Abogados “José Alvear Restrepo”* - CCAJAR), received the International Human Rights Lawyer Award of the American Bar Association (ABA) in New York. Ms. Soraya Gutiérrez

89. See Press Release, May 9, 2006.

90. See Annual Report 2005, Press Releases, April 7 and October 17, 2006 and Urgent Appeals COL 008/0505/OBS 033.1, 033.2 and 033.3 and COL 017/0806/OBS 091.

Arguello continues her fight against impunity and for the right of victims to truth, justice and compensation, despite the threats and acts of harassment she and her family have repeatedly been subjected to. For instance, in 2005, her eight-year old daughter was seriously threatened.

– On May 8, 2006, CCAJAR received an email from an undisclosed sender, entitled “no more disguised lies”. The message accused CCAJAR, *inter alia*, of encouraging large-scale terrorism “under the cover of ensuring respect for international humanitarian law”. The message also stated that “each member [of CCAJAR] [could] expect to suffer”.

The message was also sent to other organisations, such as the National Indigenous Organisation (*Organización Nacional Indígena* - ONIC), the Latino-American Institute of Alternative Services (*Instituto Latinoamericano de Servicios Alternativos* - ILSA), CUT, and the Colombian Platform for Human Rights, Democracy and Development (*Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo*).

– On May 17 and 20, 2006, several human rights organisations, including CCAJAR, the organisation *Compromiso*, OFP, the Bari Association, USO, ONIC, the UWAS indigenous organisation, the Consultative Committee for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento* – CODHES), the “Colombian Ethnic Groups”, the National Trade Union School (*Escuela Nacional Sindical* - ENS), and the InterPress Service (IPS), once again received death threats through emails from a group called “Commando Nordoriental”. In particular, the message accused these NGOs of having ongoing links with the FARC and ELN, and of providing financial support to these organisations.

– On May 24, 2006, another message from a group called “Colombia Free of Communists Groups, Central Bureau of the National Directorate, military wing of the former AUC” was sent to human rights organisations, designating them as “military targets”.

– On August 4, 2006, CCAJAR received death threats through an email from an organisation called “Friends of a Pro-Right Colombia” (*Amigos Colombia Pro Derecha*). The message accused the organisation of having ties with guerrilla groups. The same message was also sent to the following organisations: CODHES, Minga, *Compromiso*, Media for Peace (*Medios para la Paz* - MPP), Movement for Victims of State Crimes, the delegations of the Peace Assembly of Arauca, Pasto

and Valledupar, ONIC and the “Colombian Ethnic Groups” organisation, as well as press agencies, human rights newspapers and several universities.

– On September 15, 2006, CCAJAR once again received threats in an email from the “Democratic Organisation for a Free Colombia” (*Corporación Democrática Colombia Libre*). The message accused CCAJAR of being “useless servants of the FARC and ELN terrorist rebellion” who “claimed to protect human rights”. The text stated that as of September 22, 2006 men would come and get them, and that the organisation “[would] continue to be their primary military target”.

This message was also sent to other organisations including the Organisation for the Promotion and Defence of Human Rights “REINICIAR” (*Corporación para la Defensa y Promoción de los Derechos Humanos “REINICIAR”*), CODHES, Minga, Voz, ONIC, the Rural Press, and the Movement for Victims of State Crimes.

By the end of 2006, the investigation into these threats had had no outcome.

– Moreover, on October 10, 2006, the IACHR acknowledged the admissibility of the complaint presented in 2001 by CCAJAR, invoking the international responsibility of the Colombian State for the assassinations, aggressions, threats and other acts of intimidation and harassment targeting its members since 1990. This decision marked the beginning of an investigative phase, at the end of which the IACHR will have to rule on the substantive question of whether the Colombian State is responsible for these violations, by virtue of the general obligation incumbent upon States to respect and ensure the respect for the rights enshrined in the Inter-American Convention on Human Rights.

*Threats and acts of harassment against Mr. Franklin Castañeda and his brother*<sup>91</sup>. On April 23, 2006, Mr. **Franklin Castañeda**, an FCSPP member, was intimidated by two unidentified individuals. Two days later, he reported these events to the human rights unit of the Prosecutor’s office in Barranquilla.

Moreover, on June 1, 2006, Mr. Franklin Castañeda’s elder brother, with whom he shares his house and who resembles him, was threat-

91. See Urgent Appeal COL 012/0606/OBS 070.

ened by several unknown individuals. As he was getting out of a taxi, at about the same time Mr. Franklin Castañeda usually returns home, two other taxis surrounded him. Eight people stepped out, and three of them approached him in a threatening manner. One of the assailants, realising that it was not Mr. Franklin Castañeda but his brother, said “it isn’t him”, and the men left immediately.

By the end of 2006, the threats and acts of intimidation against Mr. Castañeda were still ongoing. On December 13, 2006, the “Black Eagles” (*Aguilas Negras*) paramilitary group sent a letter containing death threats against trade unionists and NGO members, including Mr. Franklin Castañeda, to the University of Atlántico. In the letter, the “Black Eagles” stated that the people listed had one week to leave the country, deadline after which they would be killed<sup>92</sup>. Mr. Franklin Castañeda had to leave Colombia on December 22, 2006, for fear of reprisals.

*Death threats against Mr. Rodrigo Rodríguez*<sup>93</sup>. On April 26, 2006, military officers told two unknown individuals that they were going to kill Mr. **Rodrigo Rodríguez**, who is in charge of the Arenas Altas humanitarian zone, for being allegedly responsible for the death of a soldier who had been killed during a fighting between the army and the guerrilla on March 29, 2006, near Mr. Rodríguez’ home.

*Serious threats against Mr. Iván Cepeda Castro*<sup>94</sup>. On April 30, 2006, Mr. **Iván Cepeda Castro**, a member of the National Movement for Victims of State Crimes, director of the “Manuel Cepeda Vargas” Foundation and a regular contributor to the weekly newspaper *El Espectador*, received death threats on his email inbox, as well as on the readers’ forum of the newspaper. These threats bore the signature of the “New Generation of Farmers’ Self-Defence” (a paramilitary group), which accused him of being an “oppressor of the Colombian people”.

On November 24, 2006, a vehicle allocated by the DAS for the security of the “Manuel Cepeda Vargas” Foundation, and which is regularly used by Mr. Cepeda Castro and Ms. **Claudia Girón Ortiz**,

92. See above.

93. See Colombia - Europe - United States Coordination.

94. See Annual Report 2005 and Urgent Appeals COL 008/0505/OBS 033.2 and COL 029/1206/OBS 142.

a member of the National Movement for Victims of State Crimes and leader of the Foundation, was stopped by armed men claiming to be SIJIN members. After pointing their weapons at the driver, Mr. Emberth Barrios, who was alone in the vehicle, the unidentified individuals ran away after he showed them his DAS identification. According to the police, SIJIN had no assignment planned in this zone.

These events occurred on the day prior to the holding of a public hearing of the Human Rights Commission of the Senate in San Onofre (Sucre), attended by several members of the National Movement for Victims of State Crimes. They had come to listen to the statements of locals who had been subjected to acts of intimidation by paramilitary groups, and who had been forced to sign documents confirming that they were handing their land over to them.

On November 30, 2006, a few days after Mr. Cepeda's car had been serviced at a garage, one of his tires burst, putting its passengers at risk.

On December 2, 2006, the vehicle's suspension broke. A technical examination showed that one of the screws had become loose without any apparent reason, which suggested an act of sabotage. By the end of 2006, the investigation into these events had produced no results.

*Threats and acts of harassment against Mr. Hollman Morris*<sup>95</sup>. Between May 14 and 16, 2006, several individuals introducing themselves as policemen went on four occasions to Bogotá airport in order to obtain information on Mr. **Hollman Morris**' journey to Europe on May 16. Mr. Morris, an independent journalist and programme director for the *Contravía* television documentaries, is particularly known for his stands on the human rights situation in Colombia. The last time they came to the airport, the individuals identified themselves as GAULA members.

A complaint was lodged, and the investigation by the human rights and international humanitarian law national unit of the General Prosecutor's office was still ongoing as of the end of 2006.

In February 2006, a video had been publicly released, in which a new paramilitary group pretending to be a human rights NGO and calling itself the Social Front for Peace (*Frente Social para la Paz*) had

95. See Urgent Appeal COL 010/0606/OBS 065.

notably accused Mr. Morris of being a spokesman for and a defender of the FARC.

By the end of 2006, the Post and Telecommunications Office informed Mr. Morris that his professional phone line was being tapped.

In the past, Mr. Morris had regularly been the subject of threats, acts of harassment and defamation campaigns due to his activities. For instance, on May 16, 2005, Mr. Morris and two other journalists, Messrs. **Carlos Lozano Guillén**, director of the weekly newspaper *VOZ*, and **Daniel Coronell**, director of the news programme of the *UNO* television channel, received funeral wreathes at their homes. On June 27, 2005, in a public statement, the President of the Republic, Mr. Alvaro Uribe, indirectly referred to Mr. Morris, placing him and his family at risk, by denouncing the links between FARC and journalists working for “an international media, and covering an attack by the guerrilla in Putumayo”. The President later apologised in a press release posted on the Internet.

Furthermore, on August 2, 2005, as he was leaving a *Contravía* recording session, Mr. Hollman Morris was followed by four DAS members. On the same day, 19 American Congressmen had urged the Colombian government to guarantee the life and safety of journalists, including Messrs. Morris, Carlos Lozano Guillén and Daniel Coronell.

*Threats and acts of harassment against the “Medias for Peace” Corporation*<sup>96</sup>. On June 7, 2006, the “Medias for Peace” Corporation (MPP) - dedicated to the promotion and establishment of “responsible journalism” for the coverage of the armed conflict -, along with the Foundation for the Freedom of the Press (*Fundación para la Libertad de Prensa* - FLIP) and several other NGOs were declared “military targets” through emails sent by an organisation calling itself the “Democratic Front for a Free Colombia” (*Frente Democrático Colombia Libre* - FDCL). The recipients of this message were accused of being “revolutionaries in disguise”, who must be eradicated by the FDCL.

96. See Urgent Appeal COL 013/0606/OBS 075.

*Acts of harassment against Mrs. Luisa Fernanda Malo Rodríguez*<sup>97</sup>. Mrs. **Luisa Fernanda Malo Rodríguez**, a board member of the Hope and Dignity Foundation (*Fundación Esperanza y Dignidad*) in Bogotá, involved in the defence of women's rights, was repeatedly threatened and harassed in 2006.

For instance, unidentified individuals went to Mrs. Malo Rodríguez's son's nursery on May 9, 2006, and to her daughter's school on July 18, 2006, and attempted to speak to her. Mrs. Malo Rodríguez has since removed her children from these establishments.

In June 2006, two unidentified individuals claiming to carry out a study on children watched her home for three weeks. During this period of time, a person claiming to be a university friend entered Mrs. Malo Rodríguez's home.

On August 28, 2006, Mrs. Malo Rodríguez received a telephone call informing her that her husband was "resting in peace".

Finally, on September 5, 2006, she was threatened in the street by five men, who told her that "she had very few days left to live".

Mrs. Malo Rodríguez, also a member of the Women's Popular Movement (*Movimiento Popular de Mujeres*), coordinator of the Children and Teenagers' Section of the National Office for the Colombian Women's Consultation (*Mesa Nacional de Concertación de Mujeres Colombianas*), a delegate for young feminists of the Bogotá section of the World Women's March (*Marcha Mundial de Mujeres*), as well as the Latin-American delegate for young women for the World Action Platform (*Plataforma de Acción mundial - PAM*), has repeatedly received death threats since 2004 and is regularly followed by vehicles, either unregistered or with illegible number plates.

*Breaking and entering at SIDHES and CODHES offices*<sup>98</sup>. On the night of August 2 to 3, 2006, the hard disks and storage device of two computers of the Information System on Human Rights and Forced Movements (*Sistema de Información sobre Derechos Humanos y Desplazamiento Forzado - SIDHES*) and the Documentation Centre of the Council for Human Rights and Movements (*Consultoría para los Derechos Humanos y el Desplazamiento - CODHES*) were stolen.

CODHES immediately reported the theft, as well as the various

97. See Urgent Appeal COL 021/0906/OBS 107.

98. See Urgent Appeal COL 018/0806/OBS 094.

threats against its members in the previous five months, to the General Prosecutor's office and the government.

*Breaking and entering at Voz offices*<sup>99</sup>. On August 4, 2006, policemen of the Bogotá metropolitan police came to the offices of the weekly newspaper *Voz*, and conducted an unwarranted search of the premises. In the past, the *Voz* headquarters, its director, Mr. **Carlos A. Lorenzo Guillén**, and several of its reporters had been threatened by paramilitary groups for denouncing human rights violations in the country.

*Death threats and acts of harassment against several human rights organisations and their members*<sup>100</sup>. On August 3, 2006, the home of Mr. **Orlando Raúl Flórez Orjuela's** mother, in Ibagué (Tolima), was searched by the Prosecutor and several CTI members. Mr. Flórez Orjuela is a student at the University of Tolima and head of the Ibagué Youth Organisation (*Asociación Juvenil de Ibagué*). He also chairs the Commune 8 Council, and is a member of the Tolima Coalition of Community Organisations (*Mesa de Organizaciones Sociales de Tolima*) and of the New Rainbow Corporation (*Corporación Nuevo Arco Iris*), and head of the Alternative Democratic Pole (*Polo Democrático Alternativo*).

On the same day, the home of Mr. **Carlos Alberto Castaño Martínez**, a social leader and a member of the "Peace Planet Project" (*Proyecto Planeta Paz*) of the Rights for Peace Group (*Corporación Derechos para la Paz - CDPAZ*), a member of the Tolima Social Organisations' Coalition and of the Alternative Democratic Pole, was also searched.

In both cases, the Prosecutor and CTI members, along with military officers, explained that they were "looking for weapons and explosives". They accused the two human rights defenders of being "members of illegal groups such as the FARC and ELN".

99. *Idem*.

100. See Annual Report 2005, Urgent Appeal COL 008/0505/OBS 033.3 and Open Letter to the Colombian authorities, August 11, 2006.

On August 3 and 4, 2006, Mr. Orlando Raúl Flórez Orjuela and Mr. **Jhon Jairo Nieto Rodríguez**, a social leader, received telephone calls from people claiming to be members of the national government's reintegration programme. The callers accused them of being ELN members and offered them money and protection if they denounced members of these groups. When Mr. Nieto Rodríguez declined the offer, one of the callers threatened to kill him if he did not leave the city within the next few days.

*Abduction and acts of torture against Ms. Vilma Cecilia Salgado Benavides*<sup>101</sup>. On August 13, 2006, Ms. **Vilma Cecilia Salgado Benavides**, secretary of the executive board of the Association of Displaced Persons in the Municipality of Barrancabermeja (ASODE-SAMUBA), was abducted and held for three days. During this time, she was ill-treated and physically and psychologically tortured. She was eventually left in serious medical condition on the side of the road that leads to Puerto Wilches. She was then taken to a medical centre.

*Acts of harassment against Mr. Bayron Ricardo Góngora Arango*<sup>102</sup>. In 2006, some members of the Valle de Aburra metropolitan police, assigned to the Elite Anti-Terrorist Corps (*Cuerpo Elite Antiterrorista* - CEAT), coerced political prisoners into testifying against Mr. **Bayron Ricardo Góngora Arango**, a lawyer and a member of the Judicial Freedom Corporation (*Corporación Jurídica Libertad*). The police officers were accusing Mr. Góngora Arango of belonging to a "subversive group". These events followed Mr. Góngora Arango's active participation in the defence, in a trial marred with irregularities, of fifteen Antioquia University students, accused of being responsible for an explosion on the University campus during a protest demonstration against the Free Trade Agreement (FTA) on February 10, 2005.

In 2004, several political prisoners were similarly coerced by the Prosecutor assigned to the fourth brigade of the army, who accused Mr. Góngora Arango of being a FARC member.

101. See Open Letter to the Colombian authorities, August 22, 2006.

102. *Idem*.

*Acts of harassment against members of the “Judicial Corporation Humanity in Force”*<sup>103</sup>. Since October 26, 2006, the premises of the “Humanity in Force Judicial Corporation” (*Corporación Jurídica Humanidad Vigente*), in Nariño, and the homes of its members, have constantly been watched and photographed by individuals in plain clothes and private security agents.

The surveillance was reported on several occasions to the Prosecutor’s office of Nariño, in vain.

The “Humanity in Force Judicial Corporation” works in favour of the promotion and protection of human rights, provides legal assistance and seeks to ensure that crimes against humanity are not forgotten.

*Threats and acts of harassment against PCN members*<sup>104</sup>. In 2006, several members of the Afro-Colombian organisation “Process of Black Communities” (*Proceso de Comunidades Negras - PCN*) were threatened or abducted by paramilitaries supported by the army. The “Process of Black Communities” gathers over 80 organisations seeking to ensure respect for the rights of the communities of African descent and the recognition of their right to own land.

– On June 16, 2006, Ms. **Elizabeth García Carrillo**, a member of the human rights team and companion of Mr. **Carlos Rosero**, director of PCN, was held hostage and threatened by two unidentified individuals who confiscated her papers and copied the phone numbers in her mobile phone’s address book.

– On October 25, 2006, Mr. **Astolfo Aramburo**, a member of the PCN youth wing and son of one of the organisation’s heads, Mr. **Naka Mandinga**, was followed and approached by two former rehabilitated FARC members from Buenaventura (Valle del Cauca). He was able to reach PCN members who immediately came to pick him up. Several members of the Aramburo family have disappeared or/and been killed in the past.

– On October 30, 2006, Mr. **Washington Vladimir Angulo**, a former member of the human rights team of the “*el Congal*” regional unit (*Equipo de Derechos Humanos del Palenque Regional el Congal*), a regional body of PCN, and currently a PCN member in Bogotá, was

103. See ANDAS, November 2006.

104. See Process of Black Communities (PCN), Press Release, November 14, 2006.

abducted by a group of armed men claiming to be paramilitaries. While being held hostage, his abductors repeatedly told him they were going to kill him because of his activities, and that they had already warned him. Mr. Angulo was released five hours later after his aggressors received a phone call instructing them to do so.

– On November 2, 2006, Mr. **Willington Cuero Solís**, a PCN member who had to leave Buenaventura due to the repeated threats he had received from an armed group, was once again threatened over the phone.

*Assault against Ms. Martha Cecilia Monroy Pinzón*<sup>105</sup>. On December 23, 2006, unidentified individuals shot at the vehicle in which Ms. **Martha Cecilia Monroy Pinzón** was travelling. Ms. Martha Cecilia Monroy Pinzón, a lawyer and a member of the Colombian Association of Democratic Lawyers (*Asociación Colombiana de Juristas Democratas - ASCOLJUDE*), an organisation affiliated to the International Association of Democratic Lawyers and to the American Lawyers' Association, was on her way to work, between the cities of Purificación and Prado (Tolima).

Other ASCOLJUDE members have already been subjected to threats and acts of harassment in the past, such as Mr. **Ernesto Moreno Gordillo**, who left Colombia as a result of these threats.

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## COSTA RICA

### **Attack on CTRN headquarters and death threats against its members**<sup>106</sup>

On May 24, 2006, in San José, Ms **Tannia González**, Ms **Nieves Granja**, and Messrs **Gustavo Hernández**, **Alejandro López** and **Tyronne Esna**, all members of the Rerum Novarum Workers' Confederation (*Confederación de Trabajadores Rerum Novarum - CTRN*), were attacked by unidentified individuals who burst into the organisation's premises. Ms. González was threatened with a weapon, while the other staff members were forced to lie on the ground before

105. See ANDAS.

106. See Urgent Appeal CRI 001/0606/OBS 064.

they were being tied up. The attackers stole the personal belongings of CTRN members, chequebooks and documents of the organisation, as well as many work documents relating in particular to a complaint filed before the International Labour Organisation (ILO).

The attackers, who were in constant communication on their mobile phone, threatened to kill their victims and said that they knew about the trip of Mr. **Rodrigo Aguilar** - another CTRN member - to Brazil. They locked everyone present in the organisation's toilets before running off.

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## CUBA

### **Release on parole of Messrs. Oscar Espinosa Chepe, Marcelo López Bañobre and Hector Palacios Ruiz<sup>107</sup>**

On February 28, 2006, the Municipal Court of Playa extended the release on parole of Mr. **Oscar Espinosa Chepe**, an independent journalist, on medical grounds, stressing that he would be under the surveillance of the "political factors" of his neighbourhood, and that his release could be revoked on the basis of the information they provided<sup>108</sup>.

On December 5, 2006, Mr. **Hector Palacios Ruiz**, an active member of the Varela Project<sup>109</sup> and an independent bookseller, was also released on parole on medical grounds.

Similarly, by the end of 2006, Mr. **Marcelo López Bañobre**, a member of the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* - CCDHRN), remained on parole.

Arrested in March 2003 amidst a wave of mass arrests of Cuban human rights defenders, Messrs. Espinosa Chepe, Palacios Ruiz and López Bañobre had been sentenced to 20, 15 and 25 years' imprisonment respectively on charges of "conspiracy".

107. See Annual Report 2005.

108. "Political factors" are, among others, members of the Communist Party and Youth (*Partido y Juventud Comunista*), of the Committee for the Defence of the Revolution (*Comité de Defensa de la Revolución*) and of the Cuban Women's Federation (*Federación de Mujeres Cubanas*), in charge of giving information on the "social attitude" of certain opponents on regular basis.

109. The Varela Project (2002) calls for a referendum on the issue of freedoms of expression and association, the possibility of creating companies, the release of all political prisoners and amendment of the electoral legislation.

The three men have been placed under constant surveillance and face arrest at any time.

### **Ongoing acts of harassment and detention of members of the Cuban Human Rights Foundation<sup>110</sup>**

Ongoing acts of harassment against  
Mr. Juan Carlos González Leiva and his relatives

Acts of harassment perpetrated against Mr. **Juan Carlos González Leiva**, president of the Cuban Human Rights Foundation (*Fundación Cubana de los Derechos Humanos*), persisted in 2006, although his four-year house arrest sentence ended on March 10, 2006<sup>111</sup>.

Indeed, loudspeakers placed near the doors and windows of his home play music day and night, preventing him from sleeping, and about one hundred people constantly wander around his house, carrying out acts of vandalism or threatening to enter and set it on fire.

Ms. **Tania Maseda Guerra**, a member of the Foundation, and Mr. **Luis Esteban Espinosa**, an independent journalist, who both came to join him as a token of their support, also faced repeated acts of harassment. Many activists and relatives of Mr. González Leiva, who regularly attempted to help him, including Ms. **Yodalis Calderín Nuñez**, his niece, and the psychologist **Antonio Legón Mendoza**, were pushed around or beaten by these individuals.

Moreover, the Cuban government has prevented Mr. **Agustín González**, Mr. González Leiva's father, from leaving Cuba, although he had obtained a visa to go to the United States.

On November 2, 2006, sympathisers of the regime once again gathered in Ciego de Ávila in front of his house.

Ongoing detention of Mr. Virgilio Mantilla Arango and  
house arrest of Ms. Ana Peláez García and Mr. Lázaro Iglesias Estrada.

By the end of 2006, Mr. **Virgilio Mantilla Arango** and Ms. **Ana Peláez García**, members of the Cuban Foundation who were convicted in April 2004 in the same circumstances as Mr. González Leiva,

110. See Annual Report 2005 and Open Letter to the Cuban authorities, January 19, 2006.

111. Mr. González Leiva was convicted in 2004 for having peacefully protested, two years earlier, against the assault on the independent journalist Mr. Jesús Álvarez Castillo.

remained in detention and under house arrest respectively. In April 2004, Mr. Virgilio Mantilla Arango was sentenced to seven years' imprisonment and Ms. Ana Peláez García to two and a half years of house arrest for "damage to the image of the Cuban President", "opposition and disobedience to the public authority" and "incitement to public disorder".

As for Mrs. **Odalnis Hernández Márquez**, who was sentenced to three years of house arrest, she left Cuba in September 2006. Her husband, Mr. **Lázaro Iglesias Estrada**, was banned from leaving the Cuban territory, even though his family had already left and the fact that he had obtained a visa. He has been kept under house arrest since then.

Finally, Mr. **Carlos Brizuela Yera**, a member of the Camagüey College of Independent Journalists (*Colegio de Periodistas Independientes de Camagüey*), who was sentenced to three years' imprisonment in 2004, has been placed under tight surveillance by the State security forces since his release on March 3, 2005.

### **Administrative inquiry against Messrs. Antonio and Enrique Garcia Morejón<sup>112</sup>**

By the end of 2006, Messrs. **Antonio** and **Enrique Garcia Morejón**, two brothers and members of the Christian Liberation Movement, and promoters of the Varela Project<sup>113</sup>, remained subjected to an administrative inquiry that was launched in 2005 on suspicion of "incitement to public disorder" by the National Revolutionary Police of the Vertientes municipality, Camagüey.

They had both been sentenced to three and a half years' imprisonment in April 2004 and released in March 2005. However they have since then remained at the risk of being arrested and detained at any time for their efforts to establish an independent library.

### **Ongoing acts of harassment against Ms. Martha Beatriz Roque<sup>114</sup>**

In 2006, Ms. **Martha Beatriz Roque Cabello**, president of the Assembly for the Promotion of Civil Society (*Asamblea para la Promoción de la Sociedad Civil - APSC*) and a member of the

112. See Annual Report 2005.

113. See above.

114. See Annual Report 2005, Open Letter to the Cuban authorities, January 19, 2006 and Urgent Appeal CUB 001/0306/OBS 029.

Institute of Independent Economists, who was released on parole on July 22, 2004, continued to be subjected to constant acts of harassment by security forces, civilians, military and paramilitary officers.

On January 14, 2006 for instance, a neighbour who was obviously drunk uttered insults against her, while knocking several times at her window.

Furthermore, on March 4, 2006, the Rapid Response Brigade (*Brigada de Respuesta Rápida*) prevented four Europeans from visiting Ms. Martha Beatriz Roque Cabello. When she stepped out of her house to speak to them, several people standing opposite her home insulted her and one of her neighbours assaulted her.

### **Acts of harassment against**

#### **Mr. Roberto de Miranda Hernández and his wife<sup>115</sup>**

On February 28, 2006, four agents of the State Security Department (*Departamento de Seguridad del Estado* - DSE), in Havana, searched the home of Mr. **Roberto de Miranda Hernández**, head of the Cuban College of Independent Teachers (*Colegio de Pedagogos Independientes de Cuba* - CPIC) - who is on parole -, and of his wife, Mrs. **Soledad Rivas Verdecia**, a member of the organisation Ladies in White (*Damas de Blanco*)<sup>116</sup>. The State agents seized toys and sports equipment.

#### **Arbitrary arrest and acts of harassment against CJM members<sup>117</sup>**

On February 28, 2006, members of the DSE, the National Revolutionary Police (*Policía Nacional Revolucionaria* - PNR) and the political police, carrying a search warrant for “opposition propaganda”, searched the home of Mr. **David Díaz Oliver**, president of the Martiana Youth Coalition (*Coalición Juvenil Martiana* - CJM), in Santo Domingo, province of Villa Clara.

Messrs. **Yunieski Rodríguez González** and **Yuniel Ima Rodríguez**, both CJM members who were present on the scene, were

115. See Urgent Appeal CUB 001/0306/OBS 029.

116. The Ladies in White movement gathers the wives of Cuban political prisoners, who meet, dressed in white, every Sunday in Havana and other cities in the country to ask for their husbands' release.

117. See Urgent Appeal CUB 001/0306/OBS 029.

arrested and detained for several hours, before being released without charge.

Mr. David Díaz Oliver was taken to the Santo Domingo police station and was questioned for three hours about his possible participation in the Congress of Independent Libraries, organised by APSC on October 10, 2006.

The police officers also seized several items and documents, including leaflets containing photographs of Ms. Martha Beatriz Roque Cabello and Mr. **Oscar Elias Biscet González**, president of the Lawton Foundation<sup>118</sup>.

### **Threats against several FLAMUR members<sup>119</sup>**

During the days following their participation in the celebration of the International Women's Day on March 8, 2006, several members of the Latin American Federation of Rural Women (*Federación Latinoamericana de Mujeres Rurales* - FLAMUR), in the province of Pinar del Río, received threats from the political police, as was the case of Ms. **Aurora Gonzáles Veliz**.

### **Release of Mr. Oscar Mario Gonzalez Perez and ongoing arbitrary detention of Mr. René Gómez Manzano<sup>120</sup>**

On November 20, 2006, Mr. **Oscar Mario Gonzalez Perez**, co-founder of the independent press agency *Grupo de Trabajo Decoro*, which regularly denounces human rights violations committed by the Cuban government, was released from prison after being detained for 16 months without being tried or receiving suitable medical care for his serious health condition.

On July 22, 2005, about thirty people were arrested in Havana, the day before a peaceful demonstration was due to be held outside the French embassy, in protest of the "standardisation" of EU-Cuban relations and to request the release of political prisoners. All of them had been released except for Mr. Oscar Mario Gonzalez Perez, Mr. **René**

118. See Annual Report 2005. The Lawton Foundation is an independent human rights organisation in Cuba.

119. See Urgent Appeal CUB 001/0306/OBS 029.

120. See Annual Report 2005 and Coalition of Cuban-American Women (*Coalición de Mujeres Cubano-Americanas*).

**Gómez Manzano**, a lawyer and APSC vice-president, and Mr. Julio César López Rodríguez, vice-president of the Hard Line Front (*Frente Línea Dura*), a political movement.

Mr. René Gómez Manzano remained in detention as of the end of 2006. As for Mr. Julio César López, he was released on February 3, 2007.

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## ECUADOR

### Updates on the investigations into reprisals against human right defenders<sup>121</sup>

#### Impunity for the assassination of Mr. Andrés Arroyo Segura

By the end of 2006, no further information was available about the circumstances of the assassination of Mr. **Andrés Arroyo Segura**, a community leader and a member of the National Network of Popular Environmentalists for the Protection of Nature, Life and Dignity (*Red Nacional de Ecologistas Populares, en Defensa de la Naturaleza, Vida y Dignidad* - REDIVINA).

On June 20, 2005, Mr. Andrés Arroyo Segura's body had been found in the Baba River (province of Los Ríos), adjacent to the planned construction site of a dam that Mr. Arroyo Segura had opposed on grounds that it would have harmful consequences on the environment and the community life of the region. He had also taken part in several national meetings for environmental protection.

#### Lack of progress in the investigation into acts of harassment against several human rights defenders

By the end of 2006, the investigation initiated by the General Prosecutor to inquire into the acts of harassment against Mr. **Blasco Peñaherrera Solá**, a trade union leader, and Mr. **Diego Guzmán Espinoza**, a founding member of the Observatory of Ecuadorean Media (*Observatorio de Medios de Ecuador*) and programming director of the radio station *Buscolíos.com*, as well as director of the *Radio Bolívar* station, in 2005, remained at its preliminary stage whereas the perpetrators had not been identified.

121. See Annual Report 2005.

On December 16, 2004, Mr. Peñaherrera Sola had been subjected to an assassination attempt.

Mr. Diego Guzmán Espinoza had been harassed and threatened with death in March 2005. Mr. **Orlando Pérez Torres**, a journalist working for the daily newspaper *HOY*, and several leaders of *Radio Bolívar* in Quito had also received death threats.

#### Lack of investigation into the harassment of the Jesuit Foundation Mariana de Jesús and FEDAEPS

By the end of 2006, no investigation had been launched into the acts of harassment committed in 2005 against the Jesuit Foundation Mariana de Jesús, which promotes the development of social programmes.

However, the decision of the Ministry of Social Affairs to “dissolve and eliminate” the Foundation was abandoned following the government change in October 2006.

Furthermore, by the end of 2006, the complaint filed by the Ecuadorian Foundation for Action, Studies and Social Participation (*Fundación Ecuatoriana de Acción, Estudios y Participación Social - FEDAEPS*), following an attempted burglary of its headquarters in Quito on September 13, 2005 had still not been examined.

#### **Ill-treatment of APDH members<sup>122</sup>**

On May 9, 2006, Mr. **Fidel Narváez**, a human rights observer for the Permanent Assembly for Human Rights (*Asemblea Permanente de Derechos Humanos - APDH*), was beaten and insulted by police officers while monitoring a demonstration against the OXY petroleum company. Mr. Narváez was denouncing the violent repression of the protest live on the radio station *La Luna*, during the course of which the police threw teargas at the crowd and set their dogs on the demonstrators. Many participants were arrested.

122. See Open Letter to the Ecuadorian authorities, May 12, 2006.

### **Ill-treatment, arbitrary detention and judicial proceedings against Mr. Wilman Alfonso Jiménez Salazar<sup>123</sup>**

On June 19, 2006, Mr. Wilman Alfonso Jiménez Salazar, a member of the human rights defenders protection programme of the Regional Foundation on Human Rights Counselling (*Fundación Regional de Asesoría en Derechos Humanos - INREDH*) supported by the Dutch Humanist Institute for Cooperation with Developing Countries (HIVOS), also a member of the Orellana Human Rights Committee<sup>124</sup> and of the Angel Shingre Network of Community Leaders (*Red de Líderes Comunitarios Angel Shingre*), was beaten and detained for four hours by the police. At the time of his arrest, he was observing the violent suppression of farmers occupying the premises of the oil company Coca-Payamino (Amazonian Province of Orellana) in protest against the harmful environmental repercussions of the company's activities. Mr. Jiménez Salazar was taken to the provincial civilian hospital before being transferred to the criminal investigation department of the police.

He was held in solitary confinement until the next day, when he was transferred to the military buildings of the Selva Napo Squad no. 19, in the province of Pastaza. When two representatives of the municipalities of Selva Napo and Orellana came to enquire about his situation, the commander of the "Amazonas" 4<sup>th</sup> division of the army reportedly told them that "human right defenders [incited] the population to rise against companies". Similarly, when Mr. Ángel Álvarez, a member of the Orellana Human Rights Network and of the INREDH-HIVOS human rights defenders protection programme, sought to denounce these events to the Orellana Ombudswoman, she reportedly declared that "human rights defenders [were] a nuisance".

Moreover, on June 21, 2006, Mr. Jiménez was denied access to a doctor although the District Prosecutor of Orellana had given his prior authorisation. He was also denied access to his lawyer.

Mr. Jiménez Salazar was released on July 6, 2006 after the Orellana Provincial Governor paid his bail following intense social mobilisation.

123. See Urgent Appeals ECU 002/0606/OBS 082 and 082.1.

124. On May 5, 2006, the government declared a state of emergency in Orellana in order to protect oil plants.

As the Military Court does not have jurisdiction over civilians, his case was referred to the Criminal Court of the city of Coca, which charged him with “terrorism” and “sabotage”.

Similarly, Messrs. **Diogles Zambrani, José Moreira, Diliberto Rodríguez** and Ms. **Cruz Moreira**, also members of the INREDH human rights defenders protection programme who had observed the repression of farmers on June 19, 2006, were charged by the Military Court with “terrorism” and “sabotage”. However, unlike Mr. Jiménez Salazar, their case was not referred to the Coca Criminal Court, and the charges against them seemed to have been dropped by the end of 2006.

As of the end of 2006, Mr. Jiménez still faced pending criminal proceedings.

### **Ongoing acts of harassment against several lawyers<sup>125</sup>**

Messrs. **Ermel Chávez Parra, Pablo Fajardo Mendoza, Alejandro Ponce Villacís** and **Luis Yanza**, lawyers working on complaints lodged by the indigenous communities of Siona, Secoya, Cofán and Waorani against the Texaco oil company, now known as Chevron Corporation<sup>126</sup>, continued to be harassed in 2006. Mr. Ponce’s car was notably forced open and searched in early November 2006.

As of the end of 2006, the Ecuadorian authorities had still not implemented the precautionary measures for their protection requested by the IACHR in December 2005 following the continuous harassment and intimidation (including death threats), burglaries and constant surveillance against these persons.

These new threats were reported to the IACHR.

### **Ongoing threats against the organisation “Ecological Action”<sup>127</sup>**

In 2006, the organisation “Ecological Action” (*Acción Ecológica*) and its members continued to be subjected to repeated acts of harassment.

In February 2006 for instance, Mr. **Modesto Peter Segura Quintero**, a member of Ecological Action and chair of the

125. See Annual Report 2005.

126. These complaints are in particular linked to the exploitation of their land for the extraction of oil by this company for 26 years.

127. See Annual Report 2005.

Association of Traditional Fishermen for the Commercialisation of Bio-Aquatic Products from the Northern Mangroves (*Asociación de Pescadores Artesanales y de Comercialización de Productos Bioacuáticos Manglares del Norte* - APACOPBIN), received a phone call from relatives living in the Esmeraldas province, advising him not to come to Osmeldo, stating that a professional killer had been contracted by the Puro Congo company to kill him. This company had had to interrupt its activities for two weeks following a decision of the Ministry of the Environment, after APACOPBIN denounced its harmful impact on the mangroves' ecosystem.

In late October 2006, Messrs. **José Proaño** and **Franklyn Jakentoala**, Ecological Action members, attended the International Forum on Oil, Human Rights and Full Compensation (*Foro Internacional de Petróleo, Derechos Humanos y Remediación Integral*)<sup>128</sup>, held from October 20 to 22, 2006 in Coca, where they were photographed, threatened and briefly detained by the police.

Lastly, General Oswaldo Jarrín, then Defence Minister, initiated judicial proceedings against the organisation's director, Ms. **Alexandra Almeida**, for having accused the army of arbitrarily detaining Mr. Wilmán Jiménez<sup>129</sup>. The Pichincha Criminal Court subsequently ordered Ms. Almeida to appear before the Court. As of the end of 2006, the date of the next hearing in this case had not yet been scheduled.

In 2005, the offices of Ecological Action in Quito were searched and burgled, and three computer hard drives were stolen. This incident occurred as the organisation started to play a significant role in the change of the policies implemented by the new Minister for Foreign Affairs, in opposition to the fumigation of the Colombian border as part of the "Colombia Plan".

On July 5, 2005, Ms. **Esperanza Martínez**, a member of the organisation, had also received a death threat on her mobile phone. The organisation immediately reported this incident, in vain, to the Minister for Home Affairs and the Prosecutor. In addition, in September 2005, the home of Ms. **Cecila Chérrez**, Ecological Action president, was targeted by unidentified individuals who threw stones

128. This forum gathers international NGOs fighting against pollution and human rights violations linked to oil exploitation.

129. See above.

at her house, breaking the windows. These events were reported to the police. However, the investigation had produced no results as of the end of 2006.

### **Defamation campaign and reprisals against several defenders of indigenous peoples' rights<sup>130</sup>**

In March and April 2006, several defenders of indigenous peoples' rights were subjected to reprisals by the authorities.

On March 18, 2006, Messrs. **Humberto Cholango**, president of the Confederation of the Quechua Peoples of Ecuador (*Confederación de Pueblos de la Nacionalidad Kichwa del Ecuador - ECUARUNARI*), and **Luis Macas**, president of the Confederation of Indigenous Nationalities of Ecuador (*Confederación de Nacionalidades Indígenas del Ecuador - CONAIE*), were threatened by police officers, who told them that they would be arrested if they did not stop their support in favour of indigenous mobilisation.

On March 19, 2006, Ms. **Anaité Vargas**, executive director of the Permanent Assembly for Human Rights (APDH), was followed by a vehicle of the national police Special Operations Group (*Grupo de Operativos Especiales - GOE*), as she was driving home in an APDH vehicle. The police car suddenly blocked the road and several officers in camouflage clothes surrounded her vehicle. The officers asked Ms. Vargas for her identity papers, and then told her that they wanted to "check [whether she was] Ecuadorian and [if she had] stolen [the] car". They subsequently returned her papers and left.

Two days earlier, APDH and the "Segundo Montes Mozo SJ" Human Rights Documentation Centre (*Centro de Documentación en Derechos Humanos "Segundo Montes Mozo SJ" - CSMM*) had issued a joint newsletter criticising the statements of the secretary of the Presidency. The latter had said that he "would investigate international NGOs financing indigenous mobilisation and expel them from the country". The Secretary General of Public Administration and the Minister of the Government had issued similar statements on March 16 and 20, 2006 respectively, during interviews to the press.

Moreover, on March 21, 2006, the government declared a state of emergency in the province of Cañar, following a series of protests by

130. See Urgent Appeal ECU 001/0406/OBS 041.

indigenous communities against the signature of the Free Trade Agreement (FTA) with the United States.

In this context, Mr. **Pedro de la Cruz**, president of the Federation of Indigenous, Black and Peasants' Organisations of Ecuador (*Federación de Organizaciones Campesinas Indígenas y Negras de Ecuador* - FENOCIN), and Mr. **William Rodrigo Villalta**, president of the Loja Farmers' Federation (*Federación Campesina de Loja*), were arrested while travelling by bus on April 2, 2006. A group of police and military officers stopped the vehicle to check passengers' identities and destinations. They then arrested the two men without giving any explanation. They were first detained in solitary confinement at the police station in Azogues, capital of the Cañar province, before being transferred, by night, to the headquarters of the 5<sup>th</sup> division of the ground forces in the Cuenca province.

They were released without charge on April 3, 2006.

### **Judicial proceedings against Mr. Carlos Zorilla<sup>131</sup>**

On October 17, 2006, the home of Mr. **Carlos Zorilla**, founder of the NGO Ecological Defence and Preservation of Intag (*Defensa y Conservación Ecológica de Intag* - DECOIN), was illegally searched by the police who claimed to have found a weapon and drugs. A police report was then filed with the Prosecutor in charge of drug trafficking - who, by the end of 2006, had opened no investigation - and with the Prosecutor for the regulation of trade formalities, who ordered the Pichincha Criminal Court to issue an arrest warrant against Mr. Zorilla for "arms possession". As of the end of 2006, the Court had still not ruled on this request.

On the same day, Mr. Carlos Zorilla was informed that criminal proceedings had been initiated and an arrest warrant issued against him for "qualified theft" and "grievous bodily harm". These proceedings were linked to a complaint filed on July 24, 2006, by Ms. Brooke Chaplin, an employee of the Ascendant Copper Corporation S.A. company, for facts dating back to July 13, 2006 in Quito. On that day, Intag inhabitants had organised a sit-in outside the Ministry of Energy and Mines and several demonstrators had decided to prevent Ms. Chaplin from campaigning in favour of her company before the

131. See Urgent Appeals ECU 003/1106/OBS 135 and 135.1.

Ministry. Yet, according to the testimonies of the people present on the scene, Mr. Carlos Zorilla was not among the demonstrators.

On November 16, 2006, the tenth judge of the Pichincha Criminal Court withdrew the arrest warrant against Mr. Zorilla for “qualified theft”, on grounds of lack of evidence. However, Mr. Zorilla remained charged with “grievous bodily harm”. In connection with these charges, a preliminary investigation was launched but yielded no results as Ms. Chaplin failed to appear before the Court.

As of the end of 2006, Mr. Zorilla remained free.

### **Break-in attempt in Ms. Guadalupe de Heredia’s home<sup>132</sup>**

On the night of October 23 to 24, 2006, a group of unidentified individuals attempted to burgle the home of Ms. **Guadalupe de Heredia**, a human rights activist and press attaché of the legal department representing indigenous communities that have taken the oil multinational ChevronTexaco to court. The perpetrators ran away when a guard, in charge of watching the neighbouring building, fired a warning shot in the air. On October 25, 2006, Ms. de Heredia lodged a complaint with the Public Prosecutor of Pichincha.

Prior to these events, Ms. de Heredia had taken part in the International Forum on Oil, Human Rights and Full Compensation, held from October 20 to 22, 2006 in Coca<sup>133</sup>. In the weeks preceding this meeting, Ms. de Heredia had given interviews to several radio stations, mentioning the holding of the Forum and denouncing human rights violations committed by ChevronTexaco in Ecuador.

Ms. de Heredia had already been threatened in April 2006, as a result of which a petition had been submitted to the IACHR on April 28, 2006, requesting precautionary measures.

<sup>132</sup>. See Action by Christians for the Abolition of Torture (ACAT), November 30, 2006.

<sup>133</sup>. See above.

## EL SALVADOR

**Breaking and entering of the headquarters of the Association “Between Friends” and death threats against its members<sup>134</sup>**

On May 30, 2006, the offices of the Association “Between Friends” (*Asociación “Entre Amigos”*), an NGO based in San Salvador and working for the protection of the rights of LGBT people, were broken into. The burglars stole some work documents relating to the organisation of a demonstration due to take place in June 2006 in front of the National Assembly to call for the respect of the right to equality and for the withdrawal of the planned reform of the Constitution<sup>135</sup>. Threatening letters addressed to the members of the organisation, including one containing death threats, were left at the headquarters.

Since then, the association has moved out and found new offices, but has remained under the surveillance of unidentified individuals four to five hours a day.

In addition, on June 1, 2006, Mr. **William Hernández**, director and president of the association, who is under police protection since attempts on his life were made in 1998 and 2000<sup>136</sup>, was seriously threatened in front of the organisation’s headquarters, shortly after the police officer protecting him had finished his shift. An unidentified individual approached him and held a gun to the back of his neck, threatening to kill him if he continued “to bother” members of the National Assembly. The man then took Mr. Hernández’s briefcase and ran off.

On June 30, 2006, a complaint was filed with the national civil police in connection with these attacks and threats. However, no investigation had been launched as of the end of 2006.

For the past five years, the Association “Between Friends” has repeatedly been subjected to acts of intimidation.

134. See Open Letter to the Salvadoran authorities, August 24, 2006.

135. The Christian Democratic Party (*Partido Demócrata Cristiano* - PDC) and the Catholic Church of Salvador campaigned for a reform of the Constitution to criminalise same-sex marriages and to prevent LGBTs from adopting children. This reform was approved by the National Assembly in 2005 but still requires ratification by the new Parliament, elected in March 2006.

136. See Annual Report 2001.

### **Search of CSTS offices, ill-treatment and judicial proceedings against Mr. Daniel Ernesto Morales Rivera<sup>137</sup>**

On the night of July 5 to 6, 2006, the offices of the Trade Union Confederation of Salvadoran Workers (*Confederación Sindical de Trabajadores Salvadoreños* - CSTS) were searched without a warrant by the police. The police officers seized computing equipment, cameras and 1,500 euros in cash.

They also kept Mr. **Daniel Ernesto Morales Rivera**, head of the CSTS communication department, on his knees against a wall for three hours, and beat him to his head and face asking him “where the weapons [were]”. The police officers claimed that a gun had been found on the CSTS premises and Mr. Ernesto Morales was then arrested and charged with “illegal possession of firearms”.

The day before, several social and peoples’ organisations had organised a press conference in the CSTS offices to denounce the wave of repression that followed the death of two police officers killed during a demonstration on July 4, 2006. The authorities were reportedly looking for the weapons used to kill the two officers. However, only the CSTS headquarters were searched.

On July 12, 2006, Mr. Ernesto Morales was released on parole.

He was acquitted in November 2006. However, the prosecution appealed against this verdict and the case remained pending by the end of 2006. The proceedings initiated by Mr. Morales Rivera and CSTS against Diana S.A de CV, a company belonging to the Minister for the Environment Mr. Hugo Barrera, following his unfair dismissal in 2005 because of his trade union activities, were also pending.

Moreover, on July 19, 2006, CSTS, jointly with the Centre for Labour Studies and Support (*Centro de Estudios y Apoyo Laboral* - CEAL), addressed an IAHRC meeting in Guatemala City to denounce the systematic repression of trade unions by the Salvadoran government.

137. See Urgent Appeal SLV 001/0706/OBS 086.

## GUATEMALA

**Assassinations, assassination attempts  
and enforced disappearances**

Lack of investigation into the assassinations of  
Messrs. Juan López Velásquez, Álvaro Juárez and “Paulina”<sup>138</sup>

As of the end of 2006, no further information was available about the circumstances surrounding the murders of Mr. **Juan López Velásquez**, a member of the Farmers' Unity Committee (*Comité de Unidad Campesina*), Mr. **Álvaro Juárez**, head and co-founder of the Association of the Displaced Persons of Péten (*Asociación de Población Desarraigada del Péten - APDP*) and president of the Development Committee of the Vista Hermosa colony in San Benito, and Mr. **Juan Pablo Méndez Cartagena**, *alias* “Paulina”. In addition, Mr. Álvaro Juárez's family had to leave the country for fear for their safety.

On March 14, 2005, Mr. López Velásquez was killed during the violent suppression, by the National Civil Police (*Policía Nacional Civil - PNC*), of a peaceful demonstration protesting against the Free Trade Agreement between the United States, Central America and the Caribbean (CAFTA). During these demonstrations, the PNC had used teargas and water canons.

On July 8, 2005, Mr. Álvaro Juárez was killed at his home after an attempt on his life had been made a few days earlier. Mr. Juárez had reported the assassination attempt to the police, but the authorities had not reacted. For fear of reprisals, Mr. Juárez's family decided not to file a complaint after his assassination.

On December 17, 2005, “Paulina” and Mr. **Kevin Robles**, *alias* “Sulma”, both members of the Organisation for an Integral Sexuality AIDS Support (*Organización de Apoyo a una Sexualidad Integral frente al SIDA - OASIS*), were in “Zone 1” of Guatemala City when four men in police uniforms riding motorbikes shot at them. “Paulina” was hit twice in the head and died on the spot. “Sulma” received three bullets and was admitted to hospital in a critical condition, which later stabilised.

138. See Annual Report 2005.

### Status of the investigation into the assassination of Mr. Harold Rafael Pérez Gallardo<sup>139</sup>

In 2006, although a criminal investigation into the assassination of Mr. **Harold Rafael Pérez Gallardo**, a lawyer working in the legal office of the NGO *Casa Alianza Guatemala*, was launched by the Public Prosecutor, the perpetrators of the crime could still not be identified. According to the Prosecutor, the PNC did not receive sufficient information.

Mr. Pérez Gallardo was killed by two gunshots on September 2, 2005, in Guatemala City. He was defending cases initiated by *Casa Alianza Guatemala*, in particular cases of illegal adoptions, trafficking and murders of street children.

### Assassination attempt against Mr. Mario Corado Solórzano Puac<sup>140</sup>

On January 30, 2006, Mr. **Mario Corado Solórzano Puac**, founder and president of the Richard Solórzano Foundation<sup>141</sup>, was sitting in front of his house with his son Abner Alexander Solórzano Contreras, a member of the organisation, and a friend of the latter, Mr. Jonathan Valente Barrios Mérida, when a vehicle pulled over in front of them.

The car's occupants, heavily armed and probably members of the reserve and special forces of the PNC, started shooting at the group, injuring the young Jonathan who died a few minutes later.

This attack might have been linked to the complaint lodged by Mr. Mario Corado Solórzano Puac against the State of Guatemala with the IACHR, accusing the PNC and the Public Prosecutor of Coatepeque of omission and dereliction of their duties in the case of Mr. Richard Solórzano's assassination.

On February 1, 2006, the Human Rights Prosecutor of Coatepeque ordered an investigation and transferred Mr. Solórzano's request to the Coatepeque peace judge to urgently grant his family protection measures.

139. *Idem*.

140. See Urgent Appeal GTM 001/0206/OBS 020.

141. The Richard Solórzano Foundation was created by Mr. Mario Corado Solórzano, seeking justice for his son's murder on March 10, 2003, which the organisation owes its name to. After overcoming many obstacles, Mr. Mario Corado Solórzano filed a complaint with the IACHR in order to press charges against the Guatemalan State for the impunity of Richard Solórzano's murder. The IACHR ruled the case admissible. Since then, Mr. Solórzano has undertaken various steps in order to provide the required information.

On February 9, 2006, protection was granted for an undetermined period of time by the Quetzaltenango Public Prosecutor. However, in May 2006, the Coatepeque Public Prosecutor suspended these measures after the denunciation made by Mr. Solórzano to the IACHR.

Since then, Mr. Corado Solórzano Puac has continuously been intimidated.

By the end of 2006, the investigation into this assassination attempt and Jonathan's murder was still pending.

#### Assassination attempt against Ms. Claudia Jeannette Rivas Rosil<sup>142</sup>

On March 20, 2006, a man shot at Ms. **Claudia Jeannette Rivas Rosil**, regional delegate of the Union of Education Workers of Guatemala (*Sindicato de Trabajadores de la Educación de Guatemala* - STEG) in Jutiapa, as she was in a car with a friend. Ms. Rivas Rosil was not injured.

On March 24, 2006, unidentified individuals came to her workplace, asking for her home address and her usual time of arrival at work.

On April 22, 2006, she noticed a vehicle parked in front of the Education Department from where she was walking out. The same vehicle had been seen in front of her house for one hour, earlier that day.

In addition, Ms. Rivas Rosil received numerous phone calls threatening her and warning her that she was being closely watched.

No further acts of harassment were reported following these events.

#### Assassination of Mrs. Meregilda Súchite<sup>143</sup>

On April 2, 2006, Mrs. **Meregilda Súchite**, leader of the Tuticopote Abajo community in the Olopa region, department of Chiquimula, and a member of the Women's Network of the Human Rights Observatory, set up by the Centre for Legal Action in Human Rights (*Centro para la Acción Legal en Derechos Humanos* - CALDH), in the Ch'orti' region, was murdered while on her way to church with her husband. She was killed with six bullets and four

142. See Human Rights Defenders Protection Unit (UPDDH) of the National Movement for Human Rights (MNDH), *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

143. See Urgent Appeal GTM 002/0406/OBS 047.

machete blows. The suspected perpetrator was thought to be a member of security services (*Servicios Integrales de Seguridad - SIS*).

As of the end of 2006, no investigation had been opened into Mrs. Súchite's death. The Esquipulas Prosecutor further told her husband, Mr. Longino Díaz, that he was unable to record his witness statement or open an inquiry since he had not received the reports from the police and the peace judge - with whom Mr. Díaz had lodged a complaint.

#### Assassination of Mr. Antonio Ixbalan Cali and his wife<sup>144</sup>

On April 5, 2006, Mr. **Antonio Ixbalan Cali**, president of the Santiago Atitlan Farmers' Association (*Asociación de Agricultores de Santiago Atitlan*) - an association affiliated to the Indigenous and Farmers' National Coordination (*Coordinadora Nacional Indígena y Campesina - CONIC*) -, and his wife, Mrs. **María Petzey Coo**, were shot by four men in their home in Valaparaíso, in the Chicacao region. Mrs. Petzey Coo died on the spot, while Mr. Ixbalan Cali died several hours later in hospital.

These murders occurred shortly after CONIC and other organisations had announced the organisation of a national demonstration in protest against the authorities' passivity in the conflict between landowners.

#### Enforced disappearance of Mr. Oscar Humberto Duarte Paíz and threats against ASIDECQ members<sup>145</sup>

On May 24, 2006, Mr. **Oscar Humberto Duarte Paíz** was abducted by six armed men at the entrance of the Sanjuaneros conference room, reserved for Sanjuaneros community organisations. He was the secretary of the Association for the Development of Quetzal City and the Aledañas Neighbourhoods (*Asociación Integral para el Desarrollo de Ciudad Quetzal y Colonias Aledañas - ASIDECQ*) in San Juan Sacatepéquez, manager of the Education Commission of the Housing and Other Services Cooperative (*Comisión de Educación de la Cooperativa de la Vivienda y Servicios Varios*) in El Esfuerzo, a member of the Network for Life (*Red Por la Vida*) and of the admi-

144. *Idem*.

145. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

nistration team of the public medical clinic (*Equipo para la Administración de la Clínica Médica Popular*). The vehicles used in his abduction had reportedly been lurking around the neighbourhood for several hours.

On May 6, 2006, Mr. Duarte Paíz and ASIDECQ had been the mediators between the community and the police during an incident.

On May 28, 2006, the wife of Mr. **René Guzmán Quiñónez**, ASIDECQ president, received death threats over the phone. On June 6, 2006, unidentified individuals driving an unregistered vehicle with tinted windows lurked around her home.

Later that day, as Mr. **David Alarcón**, an ASIDECQ member, was on his way home on a moped, a vehicle with tinted windows tried to push him off the road. After he managed to lose his attackers for several minutes, he was once again chased by the same car.

On June 10, 2006, the vehicle used for the abduction of Mr. Duarte was again spotted by leaders of the association in front of the Sanjuaneros conference room. One of its passengers, heavily armed, stepped out of the car to inspect the place.

As of the end of 2006, Mr. Oscar Humberto Duarte Paíz remained reported missing.

#### Assassination of Ms. Carmen Sagastume<sup>146</sup>

On August 18, 2006, Ms. **Carmen Sagastume**, a member of the National Coordination for the Peoples and Marginalised Regions of Guatemala (*Coordinadora Nacional de Pobladores y Áreas Marginales de Guatemala* - CONAPAMG), which promotes housing rights, and founder of the Carmen del Monte Community (Villa Nueva), was assassinated at her home.

#### Assassination of Mr. William Noe Requena Oliveros<sup>147</sup>

On October 31, 2006, **William Noe Requena Oliveros**, a delegate of the Unity for Popular and Trade Union Action (*Unidad de Acción Sindical y Popular* - UASP) and head of the God's Gift Association (*Asociación Regalito de Dios*), was found dead in Peronia, municipality

146. See Urgent Appeal GTM 008/0906/OBS 113.

147. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

of Villa Nueva, where the organisation's headquarters are located.

Mr. Oliveros had taken part in the negotiations with the Guatemalan Fund for Housing (*Fondo Guatemalteco para la Vivienda* - FOGUAVI) and the Republic's Congress in favour of land redistribution in the city of Peronia.

### **Threats and acts of harassment**

#### **Ongoing acts of harassment against the Ixqik Women's Association<sup>148</sup>**

In 2006, members of the Ixqik Women's Association (*Asociación de Mujeres Ixqik*), based in Santa Elena, continued to be harassed and threatened, in reprisal of their activities for the defence and legal support of gender violence victims in the Petén region.

On January 9, 2006 for instance, unidentified individuals entered the association's offices and stole Ms. **Gloria Aurora González Vásquez**' bag. The following day, her belongings were found scattered on the ground of the third floor of the organisation's building. However, the notebook in which Ms. González Vásquez kept the details of the cases on which she works had disappeared.

On the night of January 11, 2006, unidentified individuals tried to break into the organisation's new offices, even though their address had not yet been publicly disclosed.

On July 2, 2006, Ms. **Argentina Osorio Azañón**, a member of the association, received phone calls threatening her with death.

Since November 11, 2005, members of the association enjoy precautionary measures granted by the IACHR, although on an irregular basis.

#### **Judicial proceedings against several members of the Clermont Trade Union<sup>149</sup>**

On January 2, 2006, Ms. Silvia Eugenia Widman Lagarde de Diaz, owner of the industrial farm of Clermont and sister-in-law of the President of the Republic, filed a complaint against Messrs. **José Arturo Ramos Pérez, Francisco Javier López López, Carlos**

<sup>148</sup>. See Annual Report 2005.

<sup>149</sup>. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

**Rolando Ramos Rodríguez, Delfino López Alonzo and Alejandro López Esteban**, members of the Clermont Trade Union affiliated to the General Central Confederation of Workers of Guatemala (*Confederación Central General de Trabajadores de Guatemala - CGTG*) in San Pablo San Marcos, for “illegal detention, coercion and threats”. This complaint came as a result of the trade union’s opposition to the intervention of 150 PNC members in the eviction of several farmers occupying the buildings of the farm. This case was being examined by the Malacatán Criminal Courts of First Instance and of Offences to the Environment.

Furthermore, on January 12, 2006, a man introducing himself as a corporal of the Guatemalan army came to the Clermont farm, stating that he was carrying out an investigation under the auspices of the government. He then threatened to kill the union’s leaders.

#### Harassment of Mr. Carlos Morales<sup>150</sup>

On January 3, 2006, Mr. **Carlos Morales**, leader of the Trade Union of Farmers’ Organisations of Verapaz (*Unión Verapacense de Organizaciones Campesinas - UVOC*), Santa Cruz, Alta Verapaz, which provides support to farmers who have been evicted from their land, noticed that a vehicle was watching his home.

On January 12, 2006, another car, with tinted windows, stayed parked in front of his house for a long period. After it left, a motorcycle patrolled around the neighbourhood, as if it was watching the place.

#### Threats against Mr. Fredy Armando Peccerelli and his family<sup>151</sup>

On January 9, 2006, Mr. **Fredy Armando Peccerelli**, a member of the Forensic Anthropology Foundation of Guatemala (*Fundación de Antropología Forense de Guatemala - FAFG*), received a call on his mobile phone threatening to kill his brother.

On January 10, 2006, a hand-written anonymous letter was dropped off at the home of his sister, Ms. **Bianca Peccerelli**, and his brother-in-law, Mr. **Omar Bertoni**, threatening them with death if Mr. Peccerelli continued to carry out his activities.

150. *Idem.*

151. *Idem.*

Again, on March 15, 2006, an anonymous message was left on his mobile phone, threatening to kill his brothers and sisters.

#### Judicial proceedings against Mr. Eswin Ranferi López and Mr. Carmelino López<sup>152</sup>

On January 11, 2006, a complaint against Mr. **Eswin Ranferi López**, a lawyer representing 11 farm workers denouncing their unfair dismissal in 1997 following the creation of the Nueva Florencia Farm Workers' Union in Colomba Costa Cuca, Quetzaltenango, and Mr. **Carmelino López**, leader of the union, was lodged with the Prosecutor of the Coatepeque District by the farm manager for "threats, break-in of the premises and coercion". As of the end of 2006, this complaint had not yet been examined.

In 1997, the trade union had requested the initiation of judicial proceedings to obtain the reinstatement of and compensation for the workers who lost their jobs. In 2006, the Court of First Instance for Labour, Social Prevention and Family of Coatepeque (Quetzaltenango) sentenced the land owner to pay the salaries arrears from 1997 to 2006, amounting to 821,000 quetzals (83,000 euros). In light of the farm manager's refusal to comply with this decision, the Court ordered the sale of part of the farm to pay the salaries in May 2006.

On May 5 and 6, 2006, the sale was announced on the radio. Three armed men, close to the landowner, then stood in front of Mr. Eswin López's home in an intimidating manner. His house was later circled with barbed wire while he was at work, thereby preventing him from entering his home.

In June 2006, as the landowner failed to appear at a hearing during which the terms of the sale were to be discussed, the Court scheduled the date for the signature of the bill of sale for January 18, 2007.

Acts of reprisals against Mr. Ranferi López have reportedly diminished since June 2006.

#### Acts of intimidation against CODECA<sup>153</sup>

On January 26 and 27, 2006, several unidentified individuals came to the Committee for Farming Development (*Comité de Desarrollo*

152. *Idem.*

153. *Idem.*

*Campesino* - CODECA) offices in Mazatenango, Suchitepéquez, looking for information about the organisation's members.

On January 30, 2006, two heavily armed men in military uniforms came to CODECA offices, going by names likely to be fictitious, and questioned the members on the basis of the information gathered by the previous visitors.

CODECA notably supports farmers of the agricultural exploitation of Nueva Linda to highlight the disappearance of one of their colleagues, Mr. **Héctor Reyes**, who has been reported missing since 2004.

#### Acts of harassment against Ms. Rosa Aracely González<sup>154</sup>

On March 1, 2006, Ms. **Rosa Aracely González**, secretary of the legal department of the Municipal Workers' Union of the Municipality of Escuintla (*Sindicato de Trabajadores Municipales de la Municipalidad de Escuintla*), was followed by a man riding a motorbike while on her way home from work. Three days earlier, during a visit of Mr. Álvaro Colom, a National Union of Hope (*Union Nacional de la Esperanza* - UNE, opposition party) candidate to the 2003 presidential elections, she had denounced, in the name of several organisations, including the Community Development Council (*Consejo Comunitario de Desarrollo* - COCODES), a series of irregularities committed by the mayor, who is also a UNE member. In particular, these organisations criticised the mayor of having excessively increased the rates of public services as well as his intention to raise the price of municipal land reserved to housing.

On March 2, 2006, a man on a motorbike once again followed Ms. Rosa Aracely González, as she was on her way to pick up her children from school.

On March 28, 2006, while she was travelling with her two children and a nephew on her moped, two men on motorbikes tried to make her fall by hitting her vehicle twice.

On April 7, 2006, one of these two individuals approached her as she walked out of work.

<sup>154</sup>. *Idem*.

### Arbitrary detention, intimidation and threats against Mr. José Xoj<sup>155</sup>

On March 3, 2006, Mr. **José Xoj**, head of the Coordination of Peasants and Indigenous Organisations of Petén (*Coordinadora de Organizaciones Campesinas e Indígenas de Petén* - COCIP-CNOC) in Santa Elena Petén, was violently arrested by a PNC patrol as he was leaving a meeting. He was taken to the police station, where he spent the night. The next day, he was charged with “breach of public decency” before being released on bail.

On March 5, 2006, unidentified individuals broke into COCIP offices and stole the personal belongings of one of the organisation’s leaders. A COCIP member who happened to arrive at that moment was assaulted and received death threats.

On April 22, 2006, unidentified individuals once again broke into COCIP premises and stole computer hard drives containing information regarding the organisation’s activities.

On the night of April 24 to 25, 2006, unidentified individuals lurked around Mr. Xoj’s house for one hour.

On May 5, 2006, unknown individuals entered his home and left a message threatening his wife with death.

On May 9, 2006, several individuals again attempted to enter his home.

On May 11, 2006, a woman entered his house while his wife and children were inside. She told them that these acts of harassment were aimed at making Mr. Xoj’s resign from COCIP.

On the evening of May 19, 2006, three individuals tried to break into his home again.

On the mornings of May 20 and 25, 2006, the security lock of the main door was found forced open, although it had been closed the night before.

### Death threats against COCODES members<sup>156</sup>

On March 23, 2006, the alleged murderer of Ms. **Garin Anabella Orellana Ramos**, a member of the Community Development Council (COCODES) in Zacapa, who was killed on December 13, 2005, reportedly stated that he “still had two people left to kill in

155. *Idem.*

156. *Idem.*

La Nopalera”, referring to both Mr. **Miguel Angel Cruz Hernández** and Ms. **Julia Ramos Ramos**, prominent members of COCODES and colleagues of Ms. Orellana Ramos. A complaint was lodged with the Public Prosecutor.

Several days prior to her assassination, Ms. Orellana Ramos had publicly denounced corrupt practices and unkept promises made by the Zacapa local council to the local communities.

#### Breaking and entering of the office of the Human Rights Prosecutor’s assistant<sup>157</sup>

On April 16, 2006, unidentified individuals broke into the office of the Human Rights Prosecutor’s assistant in Puerto Barrios, Itzabal, and only took archives with information on investigations regarding PNC members involved in extrajudicial executions. Yet, the office was under the watch of PNC that day.

A similar incident occurred on August 25, 2006.

#### Death threats against several UPDDH and MNDH members<sup>158</sup>

On May 12, 2006, Ms. **Erenia Vanegas**, a member of the Human Rights Defenders Protection Unit<sup>159</sup> (*Unidad de Protección de Defensoras y Defensores de Derechos Humanos* - UPDDH) of the Guatemalan National Human Rights Movement (*Movimiento Nacional de los Derechos Humanos de Guatemala* - MNDH), received a threatening phone call urging her to put an end to her activities.

On May 15, 2006, Ms. **Luisa Pineda**, MNDH secretary, also received death threats over the telephone, in which the caller referred to her organisation’s activities.

A few days before, a woman had called and tried to obtain information about MNDH staff members and the inquiries they were conducting.

Ms. **Ana Gladis Ollas** and Ms. **Ruth del Valle**, both UPDDH members, as well as Mr. **Julio Rosales** and Ms. **Graciela Azmitia**, MNDH members, also received similar threats.

<sup>157</sup>. *Idem*.

<sup>158</sup>. See Urgent Appeal GTM 003/0506/OBS 061.

<sup>159</sup>. UPDDH was created in 2003 by MNDH to investigate cases of attacks against human rights defenders. This unit has already investigated cases involving security forces and/or civil servants, and others linked to organised crime.

These incidents were likely to be directly linked to the assistance provided by several UPDDH members in Petén, Zacapa, Escuintla, la Capital and Jutiapa, to denounce cases of human rights violations in these regions. Moreover, MNDH assists the Human Rights Prosecutor with inquiries relating to cases in which the national police is suspected of having lacked due diligence.

As of the end of 2006, the threats had stopped after complaints were lodged. Investigation into these events was still under way.

#### Acts of harassment against educators of *Casa Alianza* and MOJOCA<sup>160</sup>

On June 1, 2006, several educators of *Casa Alianza* Guatemala, an NGO involved in the support and protection of the rights of street children and young people of Guatemala, were approached by police officers and questioned about their activities. When one of the instructors explained the activities of the organisation, one of the police officers “advised” him to “be careful” and not to interfere with this business, or there would be reprisals.

In addition, on June 6, 2006, in Guatemala City, a female educator from the Street Children’s Movement (*Movimiento de Jóvenes de la Calle* - MOJOCA) was insulted by a soldier who was assaulting a homeless young man she was trying to protect.

By the end of 2006, *Casa Alianza* and MOJOCA members continued to be intimidated.

#### Intimidation of members of the Armed Conflict’s Reparations Committee of Lagune El Jute<sup>161</sup>

On June 17, 2006, an unidentified individual standing outside the home of Mr. **Miguel Ángel Gallardo Álvarez**, a member of the Armed Conflict’s Reparations Committee of Lagune El Jute (*Comité de Resarcimineto del Conflicto Armado de la Laguna El Jute*), fired his gun in direction of the house.

On June 25, 2006, Mr. **Francisco Javier Rivera** received death threats in a note sent by members of the Salomón military station.

160. See Urgent Appeal GTM 005/0606/OBS 074.

161. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

On July 12, 2006, a relative of Mr. **Isidoro de Jesús Gallardo**, another Committee member, heard two men say they would execute members of the organisation as soon as the government change in November 2007.

#### Threats and acts of intimidation against Mr. Francisco López<sup>162</sup>

On July 11 and 21, 2006, unidentified individuals attempted to abduct the daughters of Mr. **Francisco López**, a member of the Southern Peasants' Union (*Unión Campesina del Sur*). Several people alerted by the girls' cries were able to prevent their abduction.

On July 21, 2006, Mr. López received an anonymous phone call at his office, threatening him with death if he did not give up his activities.

On September 15, 2006, a vehicle stayed parked in front of his home for one hour.

On September 22, 2006, five women came to his house and questioned his wife on his daily habits.

As of the end of 2006, no further acts of harassment against Mr. López had been reported.

#### Abduction of Mr. Erwin Estuardo Orrego Borrayo<sup>163</sup>

On July 27, 2006, Mr. **Erwin Estuardo Orrego Borrayo**, leader of the Emergency Front for Market Sellers of Guatemala (*Frente de Emergencia de Vendedores de Mercados de Guatemala - FEMVE-MEGUA*), was abducted by armed men dressed in black and claiming to be police officers.

While being held hostage, Mr. Erwin Orrego was subjected to intimidations for several hours. In addition, he overheard a message received over the radio by his abductors stating "stop the operation, I'll take over". One of the abductors reportedly asked, "should we kill him?", to which the person they were speaking to answered in the negative.

Mr. Orrego Borrayo was subsequently transported in several different vehicles and left on the side of a road in Boca del Monte, in Villa Nueva.

On several occasions, he had noticed that he was being followed or watched by people driving a vehicle with tinted windows.

162. *Idem*.

163. See Urgent Appeal GTM 006/0806/OBS 090.

Mr. Orrego Borrayo lodged a complaint with the Public Prosecutor on October 10, 2006. The investigation was still under way and had produced no concrete results as of the end of 2006.

Furthermore, on February 7, 2006, Mr. **Guillermo Alfredo Santizo**, a FEMVEMEGUA leader, also received death threats due to his activities. The complaint he lodged with the Public Prosecutor has had no outcome.

#### Death threats and acts of intimidation against Mr. Maynor Roberto Berganza Bethancourt<sup>164</sup>

On August 22, 2006, around 7.30 pm, Mr. **Maynor Roberto Berganza Bethancourt**, a human rights lawyer, received a phone call from a man introducing himself as Carlos García, who accused him of being a member of “an organised crime group” and threatened to kill him.

On August 12, 2006, Mr. Berganza Bethancourt had received a message from an unknown number on his mobile phone calling him an “idiot”.

On August 24, 2006, a person claiming to be a member of the Central Action Committee (*Comité Central de Acción*) came to his office. When Mr. Berganza Bethancourt asked the person where his organisation’s headquarters were located, he answered: “in the President’s house” and left. Shortly after, Mr. Berganza Bethancourt received two threatening anonymous phone calls. The first caller told him: “if you don’t love your family, there are two people here with me who’ve asked me to give them some water”.

Mr. Berganza Bethancourt had already been similarly harassed in the past. In June 2003 for instance, his office was searched and the hard drives of three computers, as well as evidence in connection with a case against the Guatemalan army, were stolen.

Mr. Berganza Bethancourt reported these events to the Public Prosecutor and to the Human Rights Prosecutor’s office. Although a bodyguard was assigned to ensure his protection, Mr. Berganza Bethancourt still feared for his life in late 2006.

As of the end of 2006, the investigation conducted by the office of the Human Rights Prosecutor into these threats was still under way.

164. See Urgent Appeal GTM 007/0906/OBS 105.

### Death threats against Mr. Roly Bigail Escobar Ochoa<sup>165</sup>

On September 9, 2006, Mr. **Roly Bigail Escobar Ochoa**, general coordinator of the National Coordination of the Inhabitants and Marginalised Regions of Guatemala (*Coordinadora Nacional de Pobladores y Áreas Marginales de Guatemala* - CONAPAMG) and a member of one of the Community Councils of Carmen del Monte (Villa Nueva), received death threats. Indeed, armed individuals spread word throughout the Carmen del Monte community that “he was going to have problems and that his blood would be shed”, that they knew where he lived and that the only way to solve the community’s problems was to “physically eliminate him”. When Mr. Escobar Ochoa heard about this, he went into hiding.

The following day, Mr. Escobar Ochoa reported these threats to the office of the Human Rights Prosecutor of Guatemala. CONAPAMG identified one of the individuals who threatened Mr. Escobar Ochoa as one of the individuals suspected in the assassination of Ms. Carmen Sagastume<sup>166</sup>.

Since September 14, 2006, individuals have been watching the home of Mr. Escobar Ochoa who thus remained in hiding.

Moreover, on the night of September 20, 2006, the home of his ex-wife and their sons was also watched by two men. Mr. Escobar Ochoa informed the police in vain.

### Death threats against ECAP members<sup>167</sup>

On October 2, 2006, members of the Community Studies and Psychosocial Action Team (*Equipo de Estudios Comunitarios y Acción Psicosocial* - ECAP) received, at their headquarters in Rabinal, Baja Verapaz, a threatening letter explicitly referring to their activities, in particular to exhumations carried out in the framework of the victims’ assistance programme of the Plan de Sánchez community<sup>168</sup>. Through this programme, ECAP has already obtained a ruling of the Inter-American Court of Human Rights (IACoHR) requesting the

165. See Urgent Appeal GTM 008/0906/OBS 113.

166. See above.

167. See Closed Letter to the Guatemalan authorities, October 5, 2006.

168. Numerous members of the Community of Plan de Sánchez were assassinated during the genocide that took place from 1980 to 1986.

Guatemalan State to grant provisional measures of protection, and has instituted new proceedings related to the genocide.

Moreover, on September 30, 2006, one of ECAP staff member was followed for several hours in Rabinal by an unregistered vehicle with tinted windows.

#### Attack and threats against members of the National Doctors' Union<sup>169</sup>

On October 13, 2006, as Mr. **Abner Vásquez**, a member of the National Doctors' Union (*Sindicato Nacional de Médicos*), was leaving his home, two individuals approached him and violently hit him before running away.

The next day, Messrs. **Sergio Morales** and **Sergio Rivas**, also members of the union, received leaflets stating that they could well be the next targets of a similar aggression and that they would "not be as lucky as him".

#### Breaking and entering of several NGO offices

##### Breaking and entering of CCDA premises<sup>170</sup>

On March 26, 2006, the doors of the offices of the Peasants' Committee of Altiplano (*Comité Campesino del Altiplano - CCDA*) in San Lucas Tolimán Sololá were broken open. Unidentified individuals stole, among other things, the hard drive of the computer containing accounting documents and other information regarding the Committee's activities.

##### Breaking and entering of the FUNDESCO and UDINOV headquarters<sup>171</sup>

On March 27, 2006, the offices of the Foundation for a Community Development (*Fundación para el Desarrollo Comunitario - FUNDESCO*) were broken into. Unidentified individuals notably stole hard drives and a laptop containing information regarding the organisation's activities and accounts.

169. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

170. *Idem*.

171. *Idem*.

On May 29, 2006, FUNDESCO headquarters were again searched but nothing was stolen. Moreover, several individuals stayed posted near the building during the day and took some pictures. FUNDESCO staff members also photographed one of the individuals and sent the pictures as evidence to the Human Rights Prosecutor after filing a complaint.

On March 27, 2006, the offices of the neighbouring organisation, Unity for a Complete Development Association (*Asociación Unidad de Desarrollo Integral* - UDINOV), were also burgled.

#### Acts of intimidation against two women's rights organisations<sup>172</sup>

On the night of May 28 to 29, 2006, the headquarters of the NGO Women's Sector (*Sector de Mujeres*), in Guatemala City, were burgled by unidentified individuals who stole several mobile phones and the fax machine, and searched through the archives. They also left traces of blood at various places in the office, as a sign of intimidation and threat towards the organisation's members.

In June 2004, a similar incident had occurred, for which the organisation had filed a complaint.

Women's Sector is a coordination of women's organisations which has denounced, for over 12 years, the violations of individual and collective rights of women and has fought against impunity. It also takes part, as an observer, in the National Council of Peace Agreements and in the National Council of Development. It is also involved in the judicial review of the Free Trade Agreement (FTA), instituted by the Constitutional Court and the Platform of Social Organisations (*Colectivo de Organizaciones Sociales* - COS).

On June 6, 2006, the offices of the National Union of Guatemalan Women (*Unión Nacional de Mujeres Guatemaltecas* - UNAMAG) in Chimaltenango were similarly broken into. Several objects were stolen, in particular a computer dedicated to the "project for victims militating for change", which addresses women survivors of the armed conflict. Many documents were looked through and scattered around.

UNAMAG, also a COS-affiliate, regularly denounces femicide as well as the impunity of perpetrators of women's rights violations.

172. See Urgent Appeal GTM 004/0606/OBS 067.

By the end of 2006, the two organisations had received no further threats and the Public Prosecutor's investigation was still under way.

#### Break-in attempts on FMLL premises<sup>173</sup>

On two occasions, on the nights of July 19 and August 9, 2006, unidentified individuals tried to break in the offices of the Mario López Larrave Foundation (*Fundación Mario López Larrave - FMLL*), but had to leave when the alarm went off.

FMLL conducts inquiries and provides assistance to trade unions, sheltering the headquarters of several of them.

#### Breaking and entering of AVIHDESMI offices and physical assault on Mr. Pablo Ical Mo<sup>174</sup>

On August 19, 2006, the offices of the Association for Widows, Orphans and Disabled (*Asociación de Viudas, Huérfanos y Discapacitados - AVIHDESMI*) in Panzós, Alta Verapaz, were broken into by unidentified individuals who stole accounting document, floppy disks and files containing witness statements of victims and information regarding human rights violations committed against communities, as well as two cameras. They also destroyed the computer in which witness statements of victims and other important information were stored.

Furthermore, on August 25, 2006, Mr. **Pablo Ical Mo**, an AVIHDESMI member, was assaulted by the son of a former head of a civilian self-defence patrol, who had been denounced by a victim under the care of the organisation. The assailant first hit him and slightly injured him with a machete, before several people intervened.

173. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

174. *Idem*.

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**HONDURAS**
**Release of Mr. Feliciano Pineda<sup>175</sup>**

In February 2006, Mr. **Feliciano Pineda**, an indigenous leader of the Vertientes community in Montaña Verde, and a member of the Civic Council of Popular and Indigenous Organisations of Honduras (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* - COPINH), was released on parole after eight months in prison.

On June 5, 2005, Mr. Pineda had been attacked by paramilitaries. Shortly after he was taken to hospital, Mr. Feliciano Pineda was arrested by the police and charged with assassination.

As of the end of 2006, no information was available regarding possible pending charges against him.

**Assassination of Messrs. Heraldo Zuñiga and Roger Ivan Cartagena and threats against MAO members<sup>176</sup>**

On May 29, 2006, Father **Andrés Tamayo**, a member of the Environmental Movement of Olancho (*Movimiento Ambientalista de Olancho* - MAO), and members of his community were seriously threatened by the forestry developers of the Samalá commune, who gave them 48 hours to leave the town.

These threats followed statements made on May 19, 2006 by the President of the Republic, Mr. Manuel Zelaya, who demanded the immediate interruption of forest working in several municipalities of the department of Olancho, giving the forestry developers one week to dismantle their infrastructures and withdraw their teams.

On May 31, 2006, MAO and the Centre for Justice and International Law (*Centro por la Justicia y el Derecho Internacional* - CEJIL) appealed to the IACHR to provide urgent precautionary measures to ensure the physical integrity of Father Andrés Tamayo and Messrs. **Víctor Manuel Ochoa**, **René Wilfredo Gradis**, **Elvin Noé Lanza**, **Macario Zelaya**, **Pedro Amado Acosta**, **Heraldo Zuñiga** and **Santos Efraín Paguada**, all MAO members.

On December 20, 2006, Messrs. Heraldo Zuñiga and **Roger Ivan Cartagena**, also a MAO member, were murdered, in Guarisama, after

175. See Annual Report 2005.

176. See Urgent Appeal HND 001/0606/OBS 068.

their vehicle had been stopped by police officers. The day before, Mr. Zuñiga had received death threats from employees of the Sazone forestry company.

Before he died, Mr. Zuñiga accused police Sergeant Juan Lanza of having been paid by forestry developers of the region to kill them.

On December 22, 2006, the IACHR granted precautionary protective measures to MAO members.

As of the end of 2006, no investigation had been opened into the two men's death and the State of Honduras had failed to implement the measures granted by the IACHR.

### **Assassination of Mr. Dionisio Díaz García and death threats against ASJ members<sup>177</sup>**

On September 19, 2006, Mr. Selvin Richard Swasey, owner of the private security company Delta Security and its subsidiary, Technical Security of Honduras (*Seguridad Técnica de Honduras - SETECH*), went to the offices of the Association for a More Equitable Society (*Asociación para una Sociedad más Justa - ASJ*), in Tegucigalpa, accompanied by SETECH employees, in order to “negotiate” the withdrawal of the proceedings instigated before the Tegucigalpa Court of Labour Disputes following the unfair dismissal, in August 2006, of twelve security guards legally assisted by ASJ.

While Mr. Swasey was talking with Ms. **Dina Meetabel Meza Elvir**, a journalist and ASJ project coordinator, the SETECH employees photographed the premises and the organisation's staff members.

Mr. Swasey then threatened to call for the closure of ASJ, while one of his employees threatened Ms. Meza Elvir of lodging a defamation complaint against ASJ.

On September 28, 2006, SETECH published an article in the online daily newspaper *hondudiario.com*, accusing ASJ of not declaring its employees to the social security authorities. The publication was illustrated with photographs of Ms. Dina Meetabel Meza Elvir, Ms. **Rosa Marazán** and Mr. **Robert Marín**, ASJ members, taken on September 19, 2006.

Moreover, since August 29, 2006, several vehicles with tinted windows have regularly followed ASJ staff members, in particular Ms.

177. See Urgent Appeal, HND 002/1006/OBS 116 and 116.1.

Meza Elvir and Mr. **Dionisio Díaz García**, legal adviser of the twelve SETECH guards who had been dismissed.

On December 4, 2006, Mr. Díaz García was murdered by two armed individuals on motorbikes, in Tegucigalpa. On November 29, 2006, he had supported security guards of the Inter-com company during a demonstration in front of the company's offices. The next day, he had accompanied a labour inspector to the SETECH offices, in the neighbourhood of Las Colinas, in order to record the unfair dismissal of an employee. He had been filmed by men called upon by the company at the time.

As of the end of 2006, ASJ members continued to receive threats on their mobile phone.

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## MEXICO

### Assassinations and assassination attempts

Ongoing investigation into the assassination of Ms. Digna Ochoa y Plácido<sup>178</sup>

On February 24, 2005, the General Prosecutor of Mexico decided to re-examine the forensic evidence of the assassination of Ms. **Digna Ochoa y Plácido**, head of the legal department of the Miguel Agustín Pro-Juárez Human Rights Centre (*Centro de Derechos Humanos "Miguel Agustín Pro Juárez"* - PRODH) and a prominent human rights defender who was murdered on October 19, 2001 in her office in Mexico City.

By the end of 2006, all the evidence given by the experts involved in this new inquiry proved that her death was a homicide, whereas the official inquiry conducted by the General Prosecutor of the state of Mexico in 2003 had concluded to a suicide<sup>179</sup>. It was in particular revealed that Ms. Digna Ochoa could not have committed suicide as her hands bore no trace of gunpowder.

178. See Annual Report 2005.

179. In June 2003, the IACHR had conveyed to the Mexican authorities a report which pointed out several shortcomings in the inquiry, such as: the lack of diligence with which the first autopsy had been carried out, the irregularities in the gathering, processing and conservation of evidence, and the discovery of new crucial evidence eighteen months after the events. The report underlined in particular the lack of attention paid to all the possible leads in the investigation. Yet, despite these criticisms, the case had been closed.

On April 21, 2006, the experts' reports were submitted to the Prosecutor's assistant and coordinator of public prosecution's employees. On July 21, 2006, the Prosecutor submitted his report to the seventh criminal judge of *habeas corpus* (*Juez Septima de Amparo en Materia Penal*), who had still not ruled in this case in late 2006.

As of the end of 2006, although Mr. **Leonel Rivero**, a lawyer and a colleague of Ms. Ochoa, continued to benefit from precautionary measures ordered by the IACHR, those granted to Ms. **Barbara Zamora**, another of her colleagues, had been suspended.

#### Status of the investigation into the assassination of Mr. Octavio Acuña Rubio<sup>180</sup>

On June 18, 2006, Mr. Miguel Ángel Palacios Río, a minor, was arrested and charged with the assassination of Mr. **Octavio Acuña Rubio**, one of the heads of the Association for Sexual Education of Queretaro (*Asociación Queretana de Educacion para la Sexualidad - AQUESEX*), who had been stabbed to death in his organisation's office on June 21, 2005. However, Mr. Rubio's relatives were not convinced of the minor's responsibility and feared that his arrest only sought to create a diversion in order to put an end to the investigation.

One week before he was murdered, Mr. Acuña Rubio had taken part in a Forum on sexual rights and had expressed his fears of reprisals by the police after denouncing violations committed by several officers.

AQUESEX had on several occasions been subjected to acts of harassment (theft, homophobic graffiti, etc.) in the past.

As of the end of 2006, the person behind Mr. Acuña Rubio's assassination had still not been identified.

#### Lack of investigation into the assassination attempt against Mr. Gustavo Jiménez Pérez<sup>181</sup>

By the end of 2006, no investigation had been opened into the assassination attempt against Mr. **Gustavo Jiménez Pérez**, a member of the Civic Alliance - Chiapas (*Alianza Cívica - Chiapas*) on November 20, 2005, although a complaint was filed.

180. See Annual Report 2005.

181. See "Fray Bartolomé de las Casas" Human Rights Centre.

### Torture and assassination of Mr. Francisco Concepción Gabino Quiñones<sup>182</sup>

On March 11, 2006, the body of Mr. **Francisco Concepción Gabino Quiñones**, an indigenous leader who opposed the activities of mining operations belonging to the Italian multinational Ternium of the Techint Group, in Peña Colorada (State of Jalisco), was found bearing traces of torture<sup>183</sup>.

M. Gabino Quiñones belonged to the Cuzalapa Náhua community and was leading the fight against the introduction of the government privatisation programme PROCECOM, thus opposing the “reallotment” of over 7,000 hectares of communal lands<sup>184</sup>.

The inquiry into his assassination was closed in late 2006.

### Arbitrary detentions

#### Arbitrary detention of Mr. Martín Amaru Barrios Hernández<sup>185</sup>

On December 29, 2005, Mr. **Martín Amaru Barrios Hernández**, president of the Human Rights Commission of the Tehuacán Valley (*Comisión de Derechos Humanos del Valle de Tehuacán - CDHLVT*) and a defender of the rights of indigenous people in Tehuacán and Sierra de Puebla, was arrested by the Puebla judicial police on suspicion of “blackmail”. This accusation was based on statements made by Mr. Lucio Gil Zárate, a textile factory owner, according to which Mr. Barrios Hernández had allegedly extorted him 150,000 Mexican pesos (76 euros) for ending the social movement undertaken by 163 *maquiladores* workers<sup>186</sup>. The workers, who had lost their jobs after

182. See Urgent Appeal MEX 005/0306/OBS 036.

183. The Peña Colorada mine in the State of Jalisco is a large iron mine, the exploitation of which causes significant air pollution of the most protected rural zones of Mexico, and puts at risk the survival of ancestral cultures.

184. In 1992, Article 27 of the Mexican Constitution was amended in order to permit the purchase and sale of communal land (when the land belongs to all members of the community) and the land belonging to “ejidatarios” (every “ejidatario” receives a plot of land, and any decision regarding this plot of land must be taken by the “ejidatarios” Assembly). In order to implement this constitutional amendment, which generated a strong social mobilisation in the whole country, the government created “ejidal” and Communal Certification Programmes, PROCEDE and PROCECOM.

185. See Urgent Appeals MEX 001/0106/OBS 002 and 002.1.

186. *Maquiladoras* are factories of subcontracting and assembling for export, which are exempt of business tax, local and value-added tax, tax on the import of raw materials and guaranties of free repatriation of capital and profits.

accusing Mr. Gil Zárate before the Local Conciliation and Arbitration Board, were demanding fair redundancy packages.

On January 4, 2006, the Third Criminal Court remanded Mr. Barrios Hernández in custody. His lawyers announced they would file a *habeas corpus* claim before the federal courts, and subsequently filed a petition with the IACHR denouncing the numerous irregularities in his trial.

On February 12, 2006, Mr. Barrios Hernández was released after Mr. Lucio Gil Zárate withdrew his complaint.

On February 12, 2006, Mr. Barrios Hernández and his sister, Ms. **Inti Barrios**, were informed by a relative close to several *maquileros* businessmen of the Tehuacán region that a contract killer had been hired to kill Mr. Barrios Hernández and all CDHLVT members.

In this respect, Messrs. **Rodrigo Santiago Hernández** and **Gastón de la Luz Albino**, CDHLVT members, asserted that they had noticed a group of men who seemed to be members of the security forces, who followed, watched and photographed them on several occasions in February 2006.

In addition, on February 26, 2006, three officers of the Tehuacán municipal police arrested Mr. Rodrigo Santiago Hernández near his home, on grounds that they wanted to check his personal belongings. Having found no compromising elements against him, they had to release him.

On February 21, 2006, the IACHR ordered the implementation of precautionary protective measures in favour of CDHLVT members for a period of six months. Thus, telephones and video intercoms were installed on the organisations' premises and officers of the federal police were patrolling around the office building on a regular basis. However, CDHLVT members did not enjoy individual protection. The measures were stopped in September 2006 and the IACHR asked for an examination of the current risks to assess the need for protection to be resumed.

Arbitrary detention and judicial harassment  
of Messrs. Dámaso Villanueva Ramírez and Mario Álvarez Rodríguez<sup>187</sup>

On February 24, 2006, Mr. **Dámaso Villanueva Ramírez**, a member of the Citizens' Committee for the Peoples' Defence (*Comité Ciudadano para la Defensa Popular - COCIDEP*),<sup>188</sup> and a supporter of the "Other Campaign"<sup>189</sup>, was arrested and taken by municipal police officers to the centre for social rehabilitation No.5 in San Cristóbal de las Casas, for "damaging private property", i.e. of the Pegaso mobile phone company (one of the antennas of this company had been destroyed in 2004). An arrest warrant had been issued against him on October 19, 2005 by the second judge of the Criminal Section responsible for minor offences, in San Cristóbal de las Casas. Mr. Villanueva Ramírez was informed that he would be released if he paid a bail equal to the cost of the damaged antenna - about two million euros.

On March 2, 2006, as a witness for the prosecution could not be identified, Mr. Dámaso Villanueva Ramírez was finally released for lack of evidence. However, the charges against him remained pending as of the end of 2006.

Legal proceedings were also resumed by the Catazajá judge against Mr. **Mario Álvarez Rodríguez**, a member of the Palenque Central Workers' Union (*Central Unitaria de Trabajadores en Palenque - CUT-ONPP*), and a supporter of the "Other Campaign", on charges of "theft with violence". This accusation refers to a charge from which Mr. Álvarez Rodríguez had already been cleared in 2004 for lack of evidence.

By the end of 2006, legal proceedings against Mr. Rodríguez were still pending.

187. See Urgent Appeal MEX 003/0306/OBS 023.

188. This association fights, among other things, against the privatisation of water systems, high electricity rates and the illegal installation of mobile phone antennas.

189. The "Other Campaign" was launched in 2006, on the occasion of the campaign for the presidential elections. It aims at mobilising popular organisations and drawing attention to political and social issues, in particular on indigenous peoples' rights and human rights violations committed in the country.

## Threats and harassment

Acts of harassment and threats against several human rights defenders in Chiapas<sup>190</sup>

### *Harassment of Mr. Mario M. Ruiz*

On February 2, 2006, Mr. **Mario M. Ruiz**, a contributor to the Support Commission for Community Reconciliation and Unity (*Comisión de Apoyo a la Unidad y Reconciliación Comunitaria - CORECO*), was followed by an unregistered van in San Cristóbal de las Casas. The vehicle blocked his path and its two occupants, who were obviously military officers, threatened to kill him.

### *Harassment of SIPAZ members*

In January 2006, the International Service for Peace (*Servicio Internacional para la Paz - SIPAZ*) carried out an observation mission on the human rights situation in Chiapas, in the framework of the “Other Campaign”<sup>191</sup> and on the initiative of Mexican civil organisations.

On the night of February 8 to 9, 2006, a van with the Zapatist hymn bursting out of its speakers parked for a few minutes in front of the house of Ms. **Marina Pagès**, SIPAZ coordinator in Chiapas. Similarly, the same van stationed in front of the home of Ms. **Hélène Cannie**, another member of the organisation, later that afternoon.

On February 15, 2006, a complaint was lodged with the Deputy Prosecutor of the Altos region and with the Deputy Vice-Prosecutor of the Indigenous Zone (*Subfiscal de la Subprocuraduría de la Zona Indígena*).

On September 30, 2006, Mr. **Jon Izagirre García**, a SIPAZ member, was stopped by two young men who threatened him, advising him to “watch his back” because they knew “who [he was]”.

As of the end of 2006, SIPAZ members still suspected that they were being watched, and their complaints had not been examined.

190. See Urgent Appeals MEX 002/0206/OBS 017, MEX 004/0306/OBS 034 and MEX 009/0806/OBS 093.

191. See above.

*Death threats against Ms. Marisa Kramsky*

On January 21, 2006, a man named Kevin Maldonado, who had come the day before as a customer to the laundry of Ms. **Marisa Kramsky**, a well-known Chiapas social activist, came back along with two men and repeatedly threatened to kill her and her son, Mr. **Yksmark Kramsky Espinosa**. He then ordered one of his companions to go and get his weapon from the car. When Ms. Kramsky managed to get hold of her mobile phone, the attackers left, promising to come back and kill them.

*Threats and acts of harassment against members of the “Fray Bartolomé de las Casas” Human Rights Centre*

– On March 14, 2006, several unidentified individuals searched the house of Mr. **David Méndez**, a member of the “Fray Bartolomé de las Casas” Human Rights Centre, and Ms. **Norma Medina**, director of the *Cáritas* organisation against poverty and social exclusion<sup>192</sup> in San Cristóbal de las Casas, Chiapas, after breaking the locks and doors open. Only a laptop was stolen. A complaint was filed with the Public Prosecutor.

Mr. David Méndez organised the first national gathering against the government programme PROCEDE/PROCECOM<sup>193</sup> to privatise indigenous peoples’ lands, which took place from March 10 to 12, 2006 in Petalcingo, Tila.

On March 10, 2006, the military blocked access roads to Petalcingo, where soldiers photographed Mr. David Méndez and other participants.

As of the end of 2006, no investigation into this break-in had been opened.

– On July 17, 2006, Mr. **Manuel Gómez Hernández**, a member of the Fray Bartolomé Centre and of the Tsotsil indigenous group, received an anonymous phone call at his home. The caller advised him

192. *Cáritas* notably provided humanitarian aid to populations affected by hurricane “Stan” and spoke out against the management irregularities on part of the State authorities in this emergency situation.

193. See above.

not to interfere with “the problems of the Zinacantán commune”, or he would face “serious troubles”, referring in particular to his family. When Mr. Gómez Hernández replied that he did not know what he was talking about, the man threatened him once again. Before hanging up, the caller told him that his name was “Germán” and that he was a judge in Zinacantán.

Mr. Gómez Hernández had already been harassed in May 2006.

As of the end of 2006, no investigation into these threats had been launched.

– On the morning of October 22, 2006, the members and collaborators of the Fray Bartolomé de las Casas Human Rights Centre found the main door of their headquarters opened, without any sign of the locks having been broken. Nothing was stolen.

On November 8, 2006, the members of the Centre noticed individuals filming their building from a car parked in front of their offices.

– Lastly, in December 2006, the Lacandona Foundation, A.C. and the Organisation for the Protection of Indigenous and Peasants’ Rights (*Organización para la Defensa de los Derechos Indígenas y Campesinos* - OPDDIC), a paramilitary group, published a document entitled “The face of the Lacandona community”, condemning the work carried out by several organisations in the region and claiming responsibility for the attack on the population of Viejo Velasco Suárez (Ocosingo), on November 13, 2006. Following this attack, the Fray Bartolomé Centre and other organisations had created a Civil Observation Commission (*Comisión Cívil de Observación*), which notably produced reports from the witness statements recorded.

#### *Harassment of CIEPAC and its members*<sup>194</sup>

In 2006, members of the Research Centre for Economic and Political Community Action (*Centro de Investigaciones Económicas y Políticas de Acción Comunitaria* - CIEPAC), which works in favour of the protection and autonomy of farmers and indigenous people in Chiapas since 1998, were regularly followed and watched by suspicious

194. See Centre for Economic and Political Research for Community Action (CIEPAC).

individuals in cars with tinted windows when travelling, whether for professional reasons or on their way home.

On October 30, 2006 for instance, while a CIEPAC member was attending a work-related meeting out of town, three men in a pick-up truck identifying themselves with badges of the Municipal Drinking Water and Sewage System (*Sistema de Agua Potable y Alcantarillado Municipal* - SAPAM) tried to force open the door of his house. When the warden approached to ask them what they were doing, the men answered that the owner had not paid the water bill. They left as the warden refused to open the door.

Lastly, on December 31, 2006, an unidentified individual was caught by security services as he was trying to break into CIEPAC offices in San Cristóbal de las Casas. However, he was unable to get in. The man was accompanied by a second person waiting in a vehicle. This incident occurred at the same time as the Meeting of the Zapatist Peoples with Peoples of the World (*Encuentro de los Pueblos Zapatistas con los Pueblos del Mundo*), which took place in Oventic from December 30, 2006 to January 2, 2007.

#### Acts of harassment against several human rights defenders in Oaxaca<sup>195</sup>

On May 22, 2006, teachers of the region of Oaxaca and the Education Workers' National Union (*Sindicato Nacional de Trabajadores de la Educación* - SNTE) initiated a social movement calling for the improvement of their work conditions. The movement was violently repressed in late May 2006 and subsequently grew and widened the range of its claims, demanding in particular the resignation of the Governor of the State of Oaxaca. The movement and its suppression intensified from August 2006 onwards. Human rights defenders working in Oaxaca who criticised these acts of repression were subjected to reprisals.

– On July 20, 2006, the home of Mr. **Alexandre Cruz López**, leader of the Indian Organisations for Human Rights (*Organizaciones Indias por los Derechos Humanos*), a member association of the

195. See Urgent Appeals MEX 008/0706/OBS 089, 089.1, MEX 011/1106/OBS 131, MEX 012/1206/OBS 149 and 149.1.

Popular Assembly of the Oaxaca People (*Asamblea Popular del Pueblo de Oaxaca* - APPO)<sup>196</sup>, was attacked with a Molotov cocktail, which caused no damage as the home-made device failed to explode.

– On July 22, 2006, the homes of Mr. **Enrique Rueda Pacheco**, secretary general of the 22<sup>nd</sup> SNTE section in Oaxaca, and of Mr. **Macario Otalo Padilla**, a member of the Extended Negotiations Commission (*Comisión Negociadora Ampliada*) of the 22<sup>nd</sup> SNTE section, in the commune of Ocotlan de Morelos, were also attacked with home-made bombs, which caused no major damage.

– On the same day, the premises of *Radio Universidad*, located in the Benito Juárez Independent University in Oaxaca (UABJO) and administered by academics and APPO members, were fired at with weapons exclusively used by the armed forces. The radio station was broadcasting live reports regarding the teachers' strike in Oaxaca and the acts of repression committed by the government.

– On August 11, 2006, Mr. **Erangelio Mendoza González**, former secretary general of the 22<sup>nd</sup> section of SNTE, was placed in detention in the prison of Cuiclacán, State of Oaxaca. He was released in late October 2006.

– On August 6, 2006, Mr. **Catarino Torres Pereda**, a representative of the indigenous organisation Urban Defence Committee (*Comité de Defensa Ciudadana* - CODECI) and an APPO member, was placed in detention at the high security prison of La Palma de Mexico, where he remained detained by the end of 2006.

– On August 8, 2006, the *Radio Universidad's* transmitter was voluntarily damaged with an acid, preventing it from broadcasting information reports.

196. APPO has centralised all social claims of teachers since the beginning of the social movement. It strongly criticised the officials of the State of Oaxaca following the suppression of the protest by the authorities, in particular through the request for the resignation of the Governor, Mr. Ulises Ruiz Ortis. APPO has on several occasions been subjected to a series of attacks by State agents, which caused the death of several of its members.

– On August 9, 2006, Mr. **Germán Mendoza Nube**, a member of the 22<sup>nd</sup> SNTE section and founder of the Teachers' Commission for Human Rights (*Comisión Magisterial de Derechos Humanos*), was arrested by members of the ministerial police, who manhandled him. He was transferred to the prison of Miahuatlán de Porfirio Díaz, in Oaxaca, and released in late October 2006.

– Moreover, on the morning of October 31, 2006, the members of the Oaxaca branch of the Mexican League for the Defence of Human Rights (*Liga Mexicana por la Defensa de los Derechos Humanos - LIMEDDH*) found graffiti on the walls of their organisation's premises, which said: "Here the APPO meets" and "barricades are contrary to human rights".

These graffiti were likely to put LIMEDDH and its members at risk of being targeted by APPO opponents. It could also potentially damage the credibility and work of the organisation, which, as an observer, denounces human rights violations in connection with the conflict of Oaxaca.

LIMEDDH members further noticed the suspicious presence of unidentified individuals watching their office building on October 27, 2006. Earlier that day, the organisation had denounced the serious human rights violations perpetrated in Oaxaca before the IACHR.

In addition, on December 7, 2006, Ms. **Yésica Sánchez Maya**, president of the Oaxaca section of LIMEDDH, was informed that the Criminal Court of First Instance of the judicial district of Elta, Oaxaca, had allegedly issued an arrest warrant against her and Ms. **Aline Castellanos Jurado**, former head of the section and currently a member of the Consortium for Parliamentary Dialogue and Equity A.C (*Concorcio para el Dialogo Parlamentario y la Equidad A.C*). Ms. Sánchez Maya and Ms. Castellanos Jurado were reportedly charged with "illegal occupation" of the Radio and Television Corporation of Oaxaca (*Corporación Oaxaqueña de Radio y Televisión*), *Canal 9*, for facts dating back to August 1, 2006. An arrest warrant was also allegedly issued against 35 APPO members, including Mr. Enrique Rueda Pacheco, head of the 22<sup>nd</sup> SNTE section.

As of the end of 2006, Ms. Sánchez Maya, Ms. Castellanos Jurado and Mr. Enrique Rueda Pacheco had been unable to obtain further information about these possible charges and intended to file a motion in order to be granted access to their judicial record.

Lastly, on December 30, 2006, five prisoners of the detention centre of Tlacolula de Matamoros (Oaxaca) wrote a letter to the Governor of Oaxaca, in which they claimed to have been “deceived by human rights organisations” and accused Ms. Sánchez Maya “of being responsible for acts of violence and for having forced them to support APPO”.

The next day, during a press conference, the detainees admitted that they had been coerced into signing this letter in exchange of facilitating their release.

#### Death threats and acts of harassment against Mr. Israel Ochoa Lara and several of his employees<sup>197</sup>

In early April 2006, Mr. **Israel Ochoa Lara**, head of the People’s Legal Office (*Asesoría Jurídica Popular*)<sup>198</sup>, was subjected to constant surveillance by members of the anti-sequestration police group attached to the office of the Public Prosecutor.

Shortly before these events, Mr. Israel Ochoa Lara had lodged a complaint with the office of the Public Prosecutor of the State of Oaxaca in connection with death threats that he had received during several trials in which he was involved as a barrister. These threats were also directed at Messrs. **Laureano Martínez Martínez** and **Amado Rosales Robles**, employees of his organisation, as well as Messrs. **Carlos Javier Ramírez Martínez**, **Mireya Amparo Ochoa Cortés**, **Y’aha Rosa Sandoval Juárez**, **Ciria Nayeli Pérez Huesca** and **Hilario López Luis**, all law students.

In his complaint, Mr. Ochoa Lara stated that the perpetrator of these threats was accompanied by members of the office of the Public Prosecutor, who subsequently reiterated these threats.

As of the end of 2006, the two preliminary investigations opened by the General Prosecutor had produced no results due to a lack of “substantial elements”.

Members of the People’s Legal Office were further regularly harassed (abductions, threats, confiscation orders, insults and verbal abuse).

197. See Urgent Appeal MEX 006/0406/OBS 054.

198. The People’s Legal Office provides legal and political assistance to indigenous communities fighting for the right to and recognition of the land. It has also brought various cases before international institutions such as the IACHR.

### Acts of harassment and threats against ROGAZ members<sup>199</sup>

On June 6, 2006, in the José Azueta municipality (State of Guerrero), Mr. **Francisco Aguirre Palacios**, the father of Mr. **Noé Aguirre Orozco**, a member of the Zihuatanejo Network of Environmental Organisations (*Red de Organizaciones Ambientalistas de Zihuatanejo - ROGAZ*), received a phone call at the family jewellery. The caller first checked his identity, and then informed him that Mr. Noé Aguirre was being closely watched and that “his physical integrity was at risk”. When Mr. Francisco Aguirre asked the man to stop bothering his son and his family, he repeated his threats. When Mr. Aguirre tried to call back the number that had appeared on the phone’s display, he was asked to which office or commander he wished to speak.

Several men were subsequently seen nearby the shop, including an armed police officer, who allegedly threateningly stared at Messrs. Aguirre Palacios and Aguirre Orozco.

Mr. Noé Aguirre and Ms. **Erica Serrano Farias**, a lawyer and legal advisor for ROGAZ, lodged a complaint with the office of the Public Prosecutor, and an inquiry was opened. As of the end of 2006, the person behind the threats had still not been identified.

Moreover, on February 23, 2006, Ms. Erica Serrano Farias found a grenade opposite her family’s restaurant.

Mr. Noé Orozco and Ms. Erica Serrano Farias had in particular campaigned against the construction of the Marina Puerto Moi tourist complex on the Bay of Zihuatanejo, south of Guerrero State, and had denounced the dumping of waste water into the bay.

### Death threats against Mr. and Ms. Francisco and Emiliana Cerezo Contreras<sup>200</sup>

On September 6, 2006, the Cerezo Committee received an email containing threats against Mr. and Ms. **Francisco and Emiliana Cerezo Contreras**, brother and sister, and founding members of the

199. See Urgent Appeal MEX 007/0606/OBS 073.

200. See Urgent Appeal MEX 010/0906/OBS 108.

Committee<sup>201</sup>. The message stated that it “wasn’t going to go down well” for “Francisco, the lousiest bastard [...], if he [kept] on doing what he’s doing [...], because [they] had already let him get away with enough stupid things”.

Mr. Francisco Cerezo Contreras had previously been harassed in relation to his support to Ms. **Melanie del Carmen Salgado López**, a student and a member of the Committee frequently threatened and intimidated (threats sent by email, break-in of her home, etc.). On May 8, 2006 for instance, Mr. Cerezo Contreras, Mrs. Salgado López and the Café “Villa”, a Cerezo Committee project, were filmed by an unknown individual holding a National Defence Secretary document that identified him as a journalist.

On September 27 and October 10, 2006, the Cerezo Committee again received death threats.

As of the end of 2006, the preliminary investigations which were opened at federal and local levels failed to identify the perpetrators of these threats. On October 30, 2006, the IACHR urged the Mexican State to adopt precautionary measures in favour of members of the Cerezo Committee.

#### Closure of the judicial proceedings against Ms. Lydia Cacho<sup>202</sup>

On January 2, 2007, the Federal District Criminal Court withdrew the pending judicial proceedings against Ms. **Lydia Cacho**, president of the Crisis Centre for Victims - Women’s Assistance Centre (*Centro de Crisis para Víctimas - Centro Integral de Atención a las Mujeres - CIAM*) in Cancún, Quintana Roo. These proceedings had been initiated following a defamation complaint lodged by the textile businessman Mr. Camel Nacif Borges in December 2005. This decision notably followed the repeal, on August 8, 2006, of Article 214 of the Mexican Criminal Code, which criminalised any act of defamation.

201. Mr. Francisco Cerezo Contreras and Ms. Emiliana Cerezo Contreras created the Cerezo Committee following the detention of their three brothers, who were, among other people, accused of being involved in an attack on a bank in 2001. Currently, the Committee is concentrating on a wider scope, in particular the protection of the rights of political prisoners and the denunciation of the use of torture as well as the detention conditions in Mexican prisons.

202. See Annual Report 2005.

Mr. Camel Nacif Borges lodged his complaint following the publication of a book entitled *The Demons of Eden*, which denounced prostitution circles, and in which she mentioned the suspected involvement of Mr. Nacif Borges.

On December 16, 2005, Ms. Cacho was arrested without a warrant and transferred to the San Miguel prison, in the State of Puebla, over 1,500 kilometres away from Cancún, despite her ill health condition.

She was released after 30 hours of detention in exchange of a 70,000 Mexican pesos bail (about 5, 500 euros).

On December 23, 2005, the Court of Puebla deemed that Ms. Cacho Ribeiro could be tried for “defamation” and “calumny”, both offences punishable by prison sentences. Considering that these were minor offences, the Court decided to release her pending trial.

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## NICARAGUA

### Repression of CENIDH members<sup>203</sup>

#### Defamation against CENIDH

On March 28, 2006, the Nicaraguan Human Rights Centre (*Centro Nicaraguense de Derechos Humanos* - CENIDH) presented a report about the situation of three journalists of the *El Nuevo Diario* (END) newspaper, who had been insulted and defamed by employees of the office of the Prosecutor after denouncing that the rent of one of the office’s staff members was allegedly paid with public funds. A few days after the launch of the report, the Nicaraguan Ombudsman, Mr. Omar Cabezas Lacayo, in an interview with *END*, criticised its content and described CENIDH as “kaibil”, the former military elite that was trained to repress and kill under the Somoza dictatorship.

CENIDH had previously been targeted by similar smear campaigns orchestrated by State officials and civil servants.

203. See Annual Report 2005, Urgent Appeal NIC 001/0506/OBS 056 and Open Letter to the Nicaraguan authorities, May 12, 2006.

### Assassination attempt against Mr. Roque Jacinto Rocha

On April 25, 2006, Mr. **Roque Jacinto Rocha**, vice-coordinator of CENIDH and of the Human Rights Commission of the “Padre César Jerez” Promoters’ Network (*Comisión de Derechos Humanos de la Red de Promotores “Padre César Jerez”*), was attacked by armed farm workers of the “Mahony” farm, in “Las Sardinias”, in the Autonomous Region of the South Atlantic (RAAS). Mr. Jacinto Rocha was then visiting Messrs. Marcelino Urbina Amador and Justino Jiménez, two farmers. The aggressors shot at them, leaving the three men injured.

On April 19, 2006, Mr. Germán Fonseca Moncada, who claims ownership of the “Mahony” farm, had obtained a court order to evict 12 families who had lived on the land for 10 years, and to destroy their homes.

A complaint was lodged with the El Rama authorities against three farm workers for “attempted assassination” and “endangering others”. Two of them were sentenced, on October 17, 2006, to six months’ imprisonment for “attempted assassination” and five years for “endangering others”. As for the third farm employee, he was sentenced to five years’ imprisonment for the second of these charges.

### Acts of violence against several CENIDH members

On May 5, 2006, the national police violently dispersed a peaceful demonstration organised in Managua by doctors demanding higher pay, while some of them were trying to negotiate with the Ministry of Finance. As police forces were backed by rapid intervention troops (*Tropas Tácticas Policiales de Intervención Rápida* - TAPIR), several CENIDH members tried to act as mediators between the two parties to prevent, to no avail, an escalation of violence.

Twenty-two doctors were injured, over 70 were arrested, and three CENIDH members were hit and verbally abused: Mr. **Bayardo Izabá**, executive director, Mr. **Gonzalo Carrión**, director of the defence and denunciation department, who lost consciousness, and Mr. **Norwin Solano**, legal adviser.

The complaint lodged with the Public Prosecutor remained pending by the end of 2006 despite numerous material evidence (photographs and videos showing police forces responsible for the assault), and no sanctions were taken.

## Assassinations of human rights defenders

### Assassination of Mr. Hernán Aturno Vergara<sup>204</sup>

On July 19, 2006, Mr. **Hernán Aturno Vergara**, a member of the office of the Public Prosecutor and a magistrate in charge of inquiries into the drug trafficking of the “Tijuana Cartel” in the country, was shot dead with two bullets by contract killers hired by drug traffickers, in a restaurant near the Courthouse of Lima.

### Assassination of Mr. Edmundo Becerra Palomino<sup>205</sup>

On November 1, 2006, Mr. **Edmundo Becerra Palomino**, a member of the farmers’ organisation *Rondas Campesinas* and secretary of the Protection of the Environment Front (*Frente de Defensa del Medio Ambiente*) in Yanacanchilla, was shot dead at point range in his barn.

He was supposed to travel to Lima the next day to meet with representatives of the Ministry of Energy and Mines to voice his concerns about the exploitation project of the hill of San Cirilo by the Yanacocha mining company of Yanacanchilla.

The murderers were reported to have used weapons similar to those provided in August 2006 to the “Forza” security company, employed by Yanacocha.

Mr. Becerra Palomino had previously been threatened with death. On March 5, 2005 for instance, he was hit and threatened to be killed by three individuals due to his activities against the Yanacocha company. On December 23, 2005, he had once again received threats.

Mr. Edmundo Becerra Palomino had filed a complaint with the Chanta Alta police station, in vain.

On August 10, 2006, Mr. Edmundo Becerra Palomino had also been shot at while accompanying users of the Munshuyuc-Palo Blanco canal and a civil engineer, who were about to take a topographic sample prior to an authorisation request to use the water of the irrigation sector of Cajamarca.

204. See International Fact-Finding Mission Report, *Perú: Una situación preocupante para los defensores de derechos humanos*, December 2006.

205. See Urgent Appeal PER 003/1106/OBS 132.

## Defamation campaigns against several organisations

### Defamation campaigns against NGOs<sup>206</sup>

On January 19, 2006, Mr. Robinson González Campos, a member of the Supreme Court and president of the Academy of Magistrates, stated in the national newspaper *El Expreso* that the real interests of human rights defenders were “by nature economic and political” and that they “[did] not defend human rights but rather [...] their financial interests as well as their political and demagogic goals”.

On January 20, 2006, the president of the Congress’ Finance Commission, Mr. Javier Velásquez Quesquén, stated to the same newspaper that “NGOs defend their own interests rather than human rights”, adding that they “[assumed] a legitimacy that the people has not granted them and [claimed] to subject the public authorities to their purposes in order to justify the funds they receive and to fill their pockets”. He also said that “the time [had] come to put them back in their place and to put an end to their arrogance”.

On that same day, the president of the Congress’ Defence Commission, Mr. Luis Ibérico Núñez, asserted, during an interview given to the same newspaper, that NGOs “cannot claim to defend solely the rights of victims of violence and leave aside the soldiers and police officers who fight terrorist delinquents”.

On January 25, 2006, the second vice-president of Congress, Mr. Gilberto Díaz, stated in an interview with *El Expreso* that “NGOs have turned into a power of darkness [that] aspires to work in the place of the political parties to control the country”.

### Defamation campaign against CEDAL<sup>207</sup>

On April 12, 2006, the executive director of the Peruvian Agency for International Cooperation (*Agencia Peruana de Cooperación Internacional* - APCI), Mr. Oscar Sciappa-Pietra, threatened to request the office of the Public Prosecutor to issue a court order to disband the Labour Advice Centre (*Centro de Asesoría Laboral* - CEDAL), by resorting to Article 96 of the Civil Code, which provides that “the Public Prosecutor may request the dissolution of an associa-

206. See Press Release, January 26, 2006.

207. See Press Release, May 5, 2006.

tion by court order if its activities or objectives are proved to be contrary to public order or moral standards". According to the same article, "the judge may, at any stage in the proceedings, order preventive measures to suspend in whole or in part the activities of an association".

These threats followed a press conference broadcast on television earlier that day. On that occasion, members of the CEDAL human rights programme, the Health Forum and the Peruvian Episcopal Commission for Social Action highlighted the negative impact on human rights of the Free Trade Agreement between the United States and Peru, signed that same day. Since then, the authorities have conducted a real "witch hunt" aimed at discrediting social organisations and NGOs that have expressed their concerns over this issue.

For instance, APCI and Congress officials publicly accused CEDAL and the Health Forum of embezzling funds from the international cooperation for development in favour of the anti-Free Trade Agreement campaign, accusation which CEDAL has vigorously denied.

### **Threats, acts of harassment and assault against human right defenders**

Death threats and acts of harassment against APORVIDHA members<sup>208</sup>

On January 3, 2006, Ms. **Iskra Chávez Loaiza**, director of the Association for Human Life and Dignity (*Asociación por la Vida y la Dignidad Humana* - APORVIDHA), received phone calls threatening her and her children with death.

On January 4, 2006, the organisation received an insulting and intimidating message targeting two members of the organisation, Mr. **Freddy Rodríguez Olivera** and Ms. **Evelyn Zevallos Enriquez**, both lawyers.

APORVIDHA notably works on the killing of 34 farmers in Lucmahuayco in 1984, which may have been carried out by members of the 44<sup>th</sup> Command of the former police force serving in the province of La Convención, in Cuzco district. Members of the Peruvian army stationed in the province of Andahuaylas in Apurímac district might also have been involved.

208. See Urgent Appeal PER 001/0106/OBS 003.

### Threats against the Peruvian section of Amnesty International<sup>209</sup>

On January 18, 2006, the Peruvian section of Amnesty International reported that one of its leaders had received six anonymous telephone calls during the last week of December 2005 and the first week of January 2006.

### Assault on Ms. Cristina del Pilar Olazábal<sup>210</sup>

On February 2, 2006, Ms. **Cristina del Pilar Olazábal**, Prosecutor in charge of human right violations committed between 1980 and 2000 in the Ayacucho district, which were uncovered by the Peruvian Truth and Reconciliation Commission (*Comisión de la Verdad y la Reconciliación* - CVR), was attacked in the vicinity of the Los Cabitos military barracks, in Huamanga, Ayacucho.

Following this assault, she filed a request for protective measures with the authorities, which had still not been granted as of the end of 2006.

In addition, Ms. Olazábal was promoted to the position of deputy Prosecutor on a decision of the Attorney General on November 2, 2006, and was replaced by Dr. Andrés Avelino Cáceres Ortega, close to the ruling party *Aprista* - American Revolutionary Popular Alliance (*Alianza Popular Revolucionaria Americana* - APRA).

In 2005, Ms. Cristina del Pilar Olazábal had already been the subject of threats and harsh criticism from representatives of *Aprista*, following a complaint for genocide and assassination involving party leaders and the former Peruvian President, Mr. Alan García, as well as other members of the military, in connection with the Accomarca massacre, in the Ayacucho district, on August 14, 1985.

By the end of 2006, the complaint lodged against Ms. Olazábal, Mr. **Francisco Soberón**, a member of the Human Rights Association (*Asociación Pro Derechos Humanos* - APRODEH) and executive secretary of the National Coordination for Human Rights (*Coordinadora Nacional de Derechos Humanos* - CNDDHH), and Ms. **Gloria Cano**, a lawyer and head of the APRODEH legal department, by Mr. Fernando Olivera, former Justice Minister, and Mr. Julio Quintanilla, Prosecutor in another case involving Mr. Alan García in connection

209. See International Fact-Finding Mission Report, *Perú: Una situación preocupante para los defensores de derechos humanos*, December 2006.

210. See Annual Report 2005 and International Fact-Finding Mission Report mentioned above.

with the El Frontón massacre in 1986, had still not been examined. Ms. Olazábal, Mr. Francisco Soberón and Ms. Gloria Cano were accused of “illegal association seeking to break the law” and of being part of a conspiracy to prevent the candidacy of former President Mr. Alan García to the 2006 presidential elections.

The complaints lodged by Ms. Olazábal with the office of the Prosecutor of the Ica department and by Mr. Soberón and Ms. Cano with the office of the Prosecutor of Lima, following the threats received in 2005, were not investigated either.

#### Death threats against Mr. Roberto C. Parra and Mr. Iván Rivasplata Caballero<sup>211</sup>

Forensic doctors specialising in exhumations in the framework of investigation into cases of human rights violations were also subjected to acts of harassment. On January 26, 2006 for instance, Mr. **Roberto C. Parra**, coordinator of the forensic team of the Institute of Forensic Medicine, received two death threat messages advising him to “be cautious”.

In March 2006, Mr. **Iván Rivasplata Caballero**, a member of the roving forensic team specialised in human rights violations, also received threats in a note posted on the *www.equipoforense.blogspot.com* website.

#### Threats against Mr. Alejandro Arturo Silva Reina<sup>212</sup>

On March 30, 2006, Mr. **Alejandro Arturo Silva Reina**, executive secretary of the National Coordination for Human Rights (CNDDH), received two threatening phone calls.

On November 3, 2005, the Ecumenical Foundation for Development and Peace (*Fundación Ecuémica para el Desarrollo y la Paz* - FEDEPAZ), a CNDDH member organisation, had received an anonymous phone call threatening several people, including Mr. Alejandro Silva, if he did not stop making statements to the media. These events followed a presentation on October 17, 2005, in Washington (United States), of a CNDDH report on the existing

211. See International Fact-Finding Mission Report mentioned above.

212. See Annual Report 2005 and International Fact-Finding Mission Report mentioned above.

threats against human rights defenders, witnesses, victims and their relatives, as well as Peruvian judges and prosecutors, due to their inquiries into crimes and human rights violations committed in Peru during the past two decades.

#### Death threats against GRUFIDES members<sup>213</sup>

On August 3, 2006, Father **Marco Arana**, a member of the Training and Intervention Group for Sustainable Development (*Grupo de Formación e Intervención para el Desarrollo Sostenible - GRUFIDES*<sup>214</sup>), laureate of the 2005 National Human Rights Award and a mediator between the government and mining companies<sup>215</sup>, received phone calls insulting him and threatening him with death. These calls occurred following violent riots against the expansion project of the Minera Yanacocha mining company<sup>216</sup>.

On August 31, 2006, Ms. **Mirtha Vásquez Chuquilin**, GRUFIDES director, received an anonymous phone call stating: “we will rape you and then kill you”. On the same day, hundreds of employees of the Minera Yanacocha company mobilised against GRUFIDES, and shouted verbal abuse and threats, on the order of the company.

Since December 3, 2006, GRUFIDES members have been repeatedly harassed and intimidated by unidentified individuals photographing or filming them, noting the time employees arrive and leave the offices, etc.

On September 20, 2006, GRUFIDES informed the Vice-Minister of the Interior, the police, the Cajamarca municipality, as well as the Ombudsman, of these acts. No investigation had been opened as of the end of 2006.

213. See Urgent Appeal PER 004/1106/OBS 137.

214. GRUFIDES is an organisation for the protection of the environment which sets up training programmes and legal advice to the rural communities of the Cajamarca province.

215. This mediation falls within the scope of negotiations seeking to establish detailed rules to regulate mining activities, in particular relating to their consequences on the environment.

216. The riots occurred during a demonstration in protest of the construction of a dock near the People's Centre of Combayo, Cajamarca. The expansion of operations of the Yanacocha mining company in the framework of this project sparked opposition from farmers of the Combayo area because of the harmful consequences caused by the mining business on the environment and the unsatisfactory prospect of participation to social and economic benefits of the company.

On September 27, 2006, the niece of Father Marco Arana received a telephone call stating that her uncle would get a “bullet in his head” if he did not put an end to his activities.

In late December 2006, Father Marco Arana was accused in *Correo de Lima*, a regional newspaper, as well as on radio and television, of having encouraged social conflicts in Celedín, where the Minera Yanacocha company has new projects. However, he had gone to Celedín to attend a workshop of the Muqui Network, a national network of human rights and environmental NGOs, and a meeting organised by the Celedín Association of Health Promoters (*Asociación de Promotores de Salud de Celedín*) relating to the environmental impacts and the protection of the rights of the communities affected by the mining company. During this workshop, three individuals barged into the room and filmed them. One of them was identified as an engineer for the Minera Yanacocha company. These men then gave false information to the local press, which is closely linked to the mining company.

On November 14, 2006, GRUFIDES members managed to stop and hand in to the local authorities of Cajamarca two of the men who had filmed and photographed them during the Celedín workshop. Both were members of the firm in charge of Minera Yanacocha’s security.

As of the end of 2006, no further information had been made available regarding the arrest of these two men.

Moreover, no inquiry was initiated into the threats received by Father Marco Arana and the complaints lodged with the local and national authorities had not been examined.

#### Acts of harassment against DEMUS<sup>217</sup>

After the NGO Study for the Defence and the Rights of Women (*Estudio para la Defensa y los Derechos de la Mujer - DEMUS*) asked for registration with the APCI, the National Council for Human Rights told the organisation that DEMUS had to fall into line with the National Plan for Human Rights of December 2005 before its request could be acknowledged, thereby indicating that it disagreed

217. See International Fact-finding Mission Report mentioned above.

with DEMUS campaign for the legalisation of abortion. By the end of 2006, following a campaign denouncing these difficulties, DEMUS was finally granted registration with APCI.

### **Obstacles to freedom of expression<sup>218</sup>**

On December 8, 2006, the Law (25/2006-PE) amending Law No. 27692 on the creation of the Peruvian Agency of International Cooperation (APCI) - a decentralised agency operating under the auspices of the Ministry of Foreign Affairs - was published in the official gazette *El Peruano*. The bill had been adopted at first reading on October 26, 2006, and at second reading by the Congress on November 2, 2006.

This Law could seriously undermine the work of human rights organisations, by creating more obstacles to fundraising. Indeed, in order to raise funds, NGOs shall first register with the ACPI. Moreover, any cooperation contract shall comply with the regulations on technical cooperation, which have to be harmonised with the development and “general interest” national policy. This allows for an increased interference of the State with the activities of civil society organisations.

In addition, the new Law grants APCI wide discretionary powers since it is entitled to impose sanctions against NGOs carrying out activities considered to “disrupt public order, or to infringe private or public property” (demonstrations, sit-ins, forums, for example). According to this Law, the central government would thus be able to prohibit organisations from challenging its policies.

This Law reinforces the provisions of Law No. 28875 of August 15, 2006 establishing the Decentralised National System of International Non Reimbursable Cooperation (*Sistema Nacional Descentralizado de Cooperación Internacional No Reembolsable* - SINDCINR), which already enabled an increased interference in NGOs internal affairs and objectives, by defining APCI’s supervision role in the programmes, projects and activities of all private and public actors concerned.

218. See Open Letter to the Peruvian authorities, November 1, 2006, and International Fact-Finding Mission Report mentioned above.

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**VENEZUELA**
**Assassination of Mr. Jesús Alberto Fernández<sup>219</sup>**

On October 15, 2006, Mr. Jesús Alberto Fernández, a peasant leader who occupied, along with 25 other families, the farm of Colibrí, Catatumbo municipality, State of Zulia, was murdered by two individuals on motorbikes as he was on his way to a meeting of the Bello Horizonte XV cooperative, of which he was member.

In the past, Mr. Fernández had received death threats on several occasions by the owner of the farm, Mr. Marcos Tulio González.

**Acts of harassment and assassination attempt against Mrs. María del Rosario Guerrero Galucci and her husband<sup>220</sup>**

In September 2006, Mrs. María del Rosario Guerrero Galucci, a member of the human rights organisation “Soldiers of Justice, Peace and Freedom on Crusade Against Impunity” (*Soldados de Justicia, Paz y Libertad en Cruzada Contra la Impunidad*), was targeted by a defamation campaign led by the Governor of the State of Guárico, Mr. Eduardo Manuitt, and by several members of the National Assembly. In particular, they accused her of having planned the death of Mr. Eduardo Rivas Alejo, a farmer in the State of Guárico. This campaign was relayed in regional newspapers such as *El Nacionalista* and *La Antena*, and on the Internet, notably on the official website of the Guárico State government.

Moreover, on April 21, 2006, police officers of the State of Guárico went to the home of Mrs. María del Rosario Guerrero Galucci and her husband, Mr. Adolfo Segundo Martínez B., in Aragua, and shot at them, leaving them both injured. This attack followed their denunciation of acts of extortion allegedly committed by members of the Guárico police.

On April 27, 2006, the Human Rights Centre of the Andrés Bello Catholic University (UCAB), the Venezuelan Prisons’ Observatory (*Observatorio Venezolano de Prisiones - OVP*) and the Venezuelan

219. See Venezuelan Programme of Action-Education for Human Rights (PROVEA), *Informe Anual sobre la Situación de los Derechos Humanos en Venezuela, octubre-noviembre de 2006*, December 2006.

220. *Idem*.

Programme of Action-Education for Human Rights (*Programa Venezolano de Educación - Acción en Derechos Humanos - PROVEA*) asked the IACHR to grant precautionary protective measures to the couple. On July 4, 2006, the IACHR requested the Venezuelan government to grant them these measures.

As of the end of 2006, these protective measures were being implemented and ensured by the Direction of Intelligence and Prevention Services (*Dirección de los Servicios de Inteligencia y Prevención - DISIP*), but Mrs. del Rosario had to pay part of the costs of her protection, which was reported to the IACHR by PROVEA.

In addition, on December 14, 2006, Mrs. del Rosario was summoned to appear before the 13<sup>th</sup> Criminal Court of First Instance of the metropolitan area of Caracas, supposedly to coordinate the implementation of these protection measures. Mrs. del Rosario was in fact given a warning for having resorted to the Inter-American human right protection system. She subsequently filed a complaint.

### **Judicial harassment against Mr. Luís Rafael Escobar Ugas<sup>221</sup>**

Since June 1, 2006, Mr. Luís Rafael Escobar Ugas, director of the Foundation for Guarantees, Prevention and Protection of Human Rights (*Fundación para las Garantías, Prevención y Defensa de los Derechos Humanos*), in Caracas, has been targeted by four different sets of proceedings. In the first case, he was charged with having provoked a hunger strike in the “San Juan de Lagunillas” detention centre of Mérida, in 2006. In a second case, “defamation” charges were brought against him by Mr. Pablo Daniel Medina Cornivelli, a lieutenant-colonel of the National Guard (GN), whom Mr. Ugas accused of being the supposed perpetrator of the enforced disappearance of another GN lieutenant. Mr. Escobar Ugas was also charged with having led the occupation of the Dom Camilo building in Caracas by squatters. Indeed, on June 3, 2006, he was arrested during a police operation seeking to evict the unwanted occupants from the building, to whom Mr. Escobar Ugas was simply giving his support. He was then remanded in custody in the “Zone 7” of the metropolitan police. Lastly, he was put on trial on charges of “obstruction of justice”.

221. *Idem*.

On July 6, 2006, Court 22 of Caracas held a preliminary hearing following his arrest. The Court ordered an extension of his preventive detention. However, Mr. Escobar Ugas was released on July 10, 2006.

As of the end of 2006, judicial proceedings were still pending.

### **Obstacles to freedom of association<sup>222</sup>**

On June 13, 2006, the National Assembly of Venezuela approved at first reading a Bill on International Cooperation, which establishes a new judicial framework regulating, *inter alia*, the running of local and international NGOs operating in the country. The Bill notably provides for the establishment of administrative and financial bodies aimed at organising and supervising the execution, follow-up and evaluation of the policies, actions and activities carried out by the Venezuelan State in the field of international cooperation.

The provisions of this Bill would thus allow the regulation and control of NGOs objectives, activities and financing, which could lead to arbitrary restrictions on their international sources of funding.

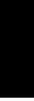
Chapter 3 of the Bill entails provisions regarding the registration of NGOs with the State authorities, which could interfere with, or even seriously hinder, their independence and/or the normal pursuit of their activities. Lastly, the Bill would also significantly restrict the access to overseas grants as the authorities have accused NGOs of raising foreign funds to finance anti-government activities. This Bill is thus likely to have been drafted in order to control civil society and the activities of NGOs.

The Bill had not yet been adopted by the end of 2006.

222. See Open Letter to the Venezuelan authorities, July 11, 2006.



ASIA





## SITUATION OF HUMAN RIGHTS DEFENDERS<sup>1</sup>

In 2006, acts of repression against human rights defenders in Asia, committed by both State- and non-State actors, continued: extrajudicial killings and enforced disappearances (*Afghanistan, Nepal, Philippines, Sri Lanka, Thailand*); arbitrary arrests, detentions and legal proceedings (*Bangladesh, Burma, Cambodia, China, India, Iran, Malaysia, Nepal, Philippines, Vietnam*); threats and acts of harassment (*Cambodia, China, India, Iran, Malaysia, Nepal, Pakistan, Philippines, South Korea, Sri Lanka, Vietnam*). Furthermore, restrictions to their freedoms of assembly (*Bangladesh, Cambodia, China, Iran, Malaysia, Nepal, Philippines, Singapore, Thailand, Vietnam*), of association (*Burma, Cambodia, China, India, Iran, Laos, South Korea*), of expression (*Bangladesh, Burma, Cambodia, China, Fiji, Iran, Malaysia, Sri Lanka, Thailand, Vietnam*) and of movement (*India*) remained major obstacles to the establishment of a favourable environment for human rights activities. Likewise, the legislations, restrictions and emergency measures introduced by numerous Asian States in order to combat terrorism, safeguard national security or control the activities of NGOs seriously hindered the work of defenders.

In addition, in certain countries such as *Burma, Laos* or *North Korea*, it was practically impossible to carry out human rights activities given the strong repression inflicted on defenders.

Lastly, the impunity for acts of reprisals committed against defenders was flagrant in the entire region, sending a message of encouragement to the authors of such serious violations. For instance, the persons behind the 2004 disappearance of Mr. Somchai Neelaphaijit (*Thailand*), or the death of Mr. Munir Said Thalib (*Indonesia*), who was assassinated in 2004, have not yet been identified nor brought to justice, despite the international repercussions of these cases. Likewise, the authors of

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation below.

numerous extrajudicial killings of defenders in the *Philippines* remained generally unpunished.

### **Increasing obstacles to freedom of assembly**

In Asia, 2006 was synonymous with numerous restrictions on freedom of assembly, as peaceful gatherings were rarely authorised, and sometimes violently dispersed by the authorities when they aimed at promoting or defending human rights.

In *Bangladesh*, several hundred members of *Proshika*, a development NGO working for women's rights and voter education, were arrested in September 2006 as they were preparing for a demonstration against the 24-hour ban on all demonstrations or assemblies in the vicinity of the Prime Minister's office in Dhaka. The purpose of the ban was to prevent the coalition of 14 opposition parties from organising a sit-in on September 12 and 18, 2006 calling for a reform of the electoral commission, free and fair elections, and the end of the caretaker government. Likewise, on November 19, 2006, the Dhaka metropolitan police announced a ban on all demonstrations and processions in the capital until further notice. On January 6, 2007, the police reminded the population that the ban was still in force.

In *Cambodia*, the government has prepared a Draft Law on Public Assembly for a Peaceful Demonstration, which could further restrict freedoms of expression and assembly in the country<sup>2</sup>. Indeed, the government has banned almost all peaceful demonstrations since 2003, usually invoking the need to preserve public order and security. Numerous peaceful assemblies were therefore dispersed by the police in 2006, leaving numerous demonstrators injured. For example, on August 1, 2006, about twenty heavily-armed police officers dispersed 80 demonstrators who were peacefully protesting outside the Phnom Penh prison in order to denounce the arbitrary detention of Mr. Born Samnang and Mr. Sok Sam Oun, who had been sentenced to 20 years' imprisonment for the murder of Mr. Chea Vichea, a union leader, without any evidence against them. Similarly, on September 4, 2006, around 50 police and military officers prevented the Cambodian

2. See Forum-Asia, Association for Development and Human Rights in Cambodia (ADHOC) and Cambodian League for the Promotion and Defence of Human Rights (LICADHO), *Ongoing Deterioration of the Human Rights Situation in Cambodia*, September 18, 2006.

Centre for Human Rights (CCHR) from organising a campaign aimed at promoting public participation in the fight against corruption. On that occasion, CCHR intended to announce the installation of “anti-corruption black boxes” all over Phnom Penh, in which the population would be able to report cases of corruption they had experienced. According to the city’s governor, police intervention was necessary in order to prevent traffic jams and to preserve “law and order”<sup>3</sup>.

In *China*, it also remained very difficult to gather in order to denounce human rights violations or to demand that fundamental freedoms be respected. For instance, during the 17<sup>th</sup> anniversary of the 1989 crackdown, the police intensified the harassment and surveillance of participants, as well as of all pro-democracy activists and human rights defenders<sup>4</sup>. On June 4, 2006, over 20 relatives of the persons killed on June 4, 1989, and who had peacefully gathered in the Wan-an cemetery, were watched and filmed by about 20 plain-clothes police officers<sup>5</sup>. Likewise, on September 26, 2006, 32 peasants from the town of Chibi, Hubei province, went to Beijing to call for an inquiry into acts of corruption related to the compensation they should have received after being evicted from their homes because of a dam-construction project. Following the refusal of the authorities to grant their request, the peasants decided to kneel in Tiananmen Square in order to draw attention to their cause. The police then immediately sent them back to Chibi, and their leader, Mr. Zhou Zhirong, was detained until October 1, 2006<sup>6</sup>.

In *Iran*, on the occasion of International Women’s Day on March 8, 2006, police officers, plain-clothes militia and members of the special anti-riot forces of the Revolutionary Guard put down a sit-in organised by independent activists and groups of women who were demonstrating in favour of women’s rights and peace in Tehran. After having been photographed and filmed by the security forces, the demonstrators were ordered to disperse on the grounds that their gathering had not been authorised. The security forces then poured garbage on the participants, before beating them with batons. In addition, on June 12, 2006, representatives of women’s rights NGOs and students who had

3. See Cambodian Centre for Human Rights (CCHR), September 5, 2006.

4. See Network of Chinese Human Rights Defenders (CRD).

5. *Idem*.

6. See CRD, September 14-October 20, 2006.

organised a peaceful gathering in Tehran in order to protest against the discriminatory status of women in Iran were violently attacked by police forces. Seventy people were arrested and detained in the Evin prison in Tehran for “having organised an illegal assembly”, before being released. As of the end of 2006, the legal proceedings against these persons were still pending.

In *Malaysia*, after the government’s announcement on February 28, 2006 of a 30% increase in the price of oil, several demonstrations were organised in March 2006 in front of the Kuala Lumpur City Centre (KLCC) on the initiative of several NGOs, political parties and the Malaysia Trade Union Congress (MTUC) in protest against the increase in the price of oil and electricity. On March 26, 2006, the police violently dispersed the crowd and arrested 22 demonstrators. Many were injured, and a complaint was filed on March 31, 2006, with the National Commission for Human Rights of Malaysia (SUHAKAM). On May 28, 2006, the Anti Fuel Price Hike Coalition (PROTES) organised another gathering in front of the KLCC, which was again forcibly repressed. In particular, the police and members of the Federal Reserve Unit (FRU) struck demonstrators with bludgeons as they had already begun to leave the site. Dozens of participants were arrested, including a minor. On July 25, 2006, SUHAKAM announced that a public inquiry would be conducted from October 6 to 19, 2006. As of the end of 2006, the report was not yet publicly available<sup>7</sup>.

In *Nepal*, from January 17 to February 8, 2006, King Gyanendra’s government imposed a series of curfews throughout the country in order to prevent demonstrations. Furthermore, in April 2006, during pro-democracy demonstrations calling for the end of authoritarian rule, which led to the restoration of the Nepalese Parliament on April 25, 2006, and for the state of emergency in force since February 1, 2005 to be lifted, the police and the military (acting on direct orders of the King) made excessive use of force, killing at least six people and injuring thousands of others. During these demonstrations, the authorities also detained thousands of demonstrators under the Public Security Act, without granting them access to their family or a lawyer in most cases.

In *Pakistan*, the families of dozens of people who have “disap-

7. See *Suara Rakyat Malaysia* (SUARAM).

peared” since 2001 after being arrested by government agencies were beaten by the police while peacefully demonstrating in front of Islamabad’s military headquarters on December 28, 2006, to call for the return of their relatives<sup>8</sup>.

On February 24, 2006, the President of the *Philippines*, Ms. Gloria Macapagal Arroyo, proclaimed a state of emergency (Proclamation 1017) under the pretext of the imminence of a coup fomented by the extreme left and the extreme right. General Order n°5, issued to implement Proclamation 1017, called upon the armed forces and the police to prevent and suppress “acts of terrorism and of anarchic violence”. In practice, the order generated a wave of arbitrary arrests and the systematic repression of peaceful gatherings<sup>9</sup>.

Furthermore, in November 2006, the government announced that it would deny access to the territory to foreign “trouble makers” attempting to disrupt the 12<sup>th</sup> Summit of the Association of Southeast Asian Nations (ASEAN) that was to be held in Cebu from December 11 to 14, 2006. The Minister of Justice, Mr. Raul Gonzalez, indicated that he was going to follow the example of Singapore<sup>10</sup> in order to guarantee security during the international conference, saying: “We are not going to let them in. We will throw them into Mactan Strait and let the sharks eat them”. Mr. Gonzalez then added that he did not pay any attention to criticism and protests on the part of international human rights organisations, as his country was used to being a “scape-goat” when it came to human rights violations<sup>11</sup>. In the end, the ASEAN Summit was postponed until January 2007, officially because of a typhoon. Unofficially, the decision was probably motivated by the prospect of large demonstrations against amendments to constitutional reform procedures. Nevertheless, the second ASEAN Civil Society Conference (ACSC) took place in Cebu from December 10 to 12, 2006.

For their part, in September 2006, authorities in *Singapore* report-

8. See Integrated Regional Information Network (IRIN), January 2, 2007 and Human Rights Commission of Pakistan (HRCP). HRCP has compiled a list of more than 300 cases of enforced disappearances in the past three years.

9. See Forum-Asia, February 27, 2006.

10. See below.

11. See Forum-Asia, Weekly Newsletter n°28, November 20-26, 2006.

edly issued a “black list” of 27 civil society members and asked the World Bank and the International Monetary Fund (IMF) to deny them access to their 55<sup>th</sup> annual assembly held in the town of Suntee from September 17 to 20, 2006. The 27 people were all duly accredited with the IMF and the World Bank in order to attend the meetings. In addition, from September 13 to 18, 2006, dozens of civil society activists were prevented from accessing the forum and were briefly detained before being sent back home. Most of them were merely transiting through Singapore on their way to the International Peoples’ Forum, which was being held at the same time as the annual session of the IMF and the World Bank assembly, on the island of Batam, Indonesia. Others were due to attend civil society meetings in Singapore.

In *Thailand*, martial law was introduced immediately after the coup of September 19, 2006, imposing serious limitations on public gatherings<sup>13</sup>. Political assemblies of more than five people were prohibited and liable to a six-month prison sentence. For example, on December 10, 2006, demonstrators travelling to Bangkok to protest against the coup were denied access to the city<sup>14</sup>. On November 28, 2006, the Council for National Security recommended to the interim government to lift the martial law in 41 provinces and maintain it in 35 others that share a border with Malaysia, Cambodia, Laos and Burma. The Cabinet approved the recommendation. The King, however, had still not signed it by the end of 2006, and martial law was still in force in the entire country.

Lastly, on March 18, 2005, the government of *Vietnam* adopted Decree n° 38/2005/ND-CP, under which all peaceful assemblies are forbidden in the name of “public order”. More specifically, the Decree bans all demonstrations in front of public buildings, and requires that any gathering be subjected to prior authorisation by the State; authorisation must be applied for seven days in advance, indicating the purpose, the time, the date, the place of the demonstration as well as the number of participants. The Decree was adopted following the rise of peasant protests against government corruption and the confiscation of land

12. See Forum-Asia, Newsletter, vol. 2, n°3, third quarter, 2006.

13. The Council for National Security, composed of the leaders of the coup, abolished the 1997 Constitution, replacing it with an interim Constitution, which does not provide for a mechanism to control the responsibility of the military authorities.

14. See Union for Civil Liberty (UCL).

by public authorities. It came into force on April 8, 2005, and a circular was issued on September 5, 2005 to ensure its implementation (Circular O9/2005/TT-BCA)<sup>15</sup>. However, few examples of this decree's implementation were available, as the Vietnamese authorities released little information regarding the repression of demonstrations. In Hanoi, police regularly suppressed peaceful and silent demonstrations of peasants and farmers "victims of injustice", who gathered in thousands everyday day in the Mai Xuan Thuong park to convey their grievances to the authorities. In addition, the government specifically ordered them not to demonstrate during the Summit of the Asia-Pacific Economic Cooperation (APEC), which took place in Hanoi from November 17 to 19, 2006.

Furthermore, during this Summit, the government prohibited the holding of an alternative People's Forum on NGOs, thereby preventing civil society from expressing its concerns.

### **Increased criminalisation of human rights activities**

In recent years, a new trend of criminalising the activities of independent human rights organisations and their members was observed, in particular through the enactment of restrictive legislation. Unfortunately, this trend was confirmed in 2006. A positive development should however be noted in *Nepal*, as the Supreme Court first suspended the implementation of the order introducing a Code of Conduct for NGOs<sup>16</sup>, firmly opposed by Nepalese NGOs and the international community. Subsequently, in May 2006, the Nepalese Cabinet annulled it shortly after the Parliament was restored.

In *Cambodia*, the latest (May 2005) draft of the Law on Local Associations and Non-Governmental Associations, which the government has been trying to pass for nearly ten years, constitutes a new threat for human rights defenders. In its present form, the draft law sets up extremely complex registration procedures based on vague requirements, which would impose considerable costs on smaller NGOs and community associations, and which would provide "legal means" to delay or refuse the registration of NGOs pursuing legitimate

15. See Vietnam Committee for the Defence of Human Rights.

16. See Annual Report 2005. In particular, the order required that NGO activities be compatible with government policies (Article 4.4) and that the government approve NGOs foreign funding (Article 11.2).

ends<sup>17</sup>. Non-registered NGOs continuing their action would therefore be criminalised. The draft law would also allow the government to put NGO activities under surveillance and to prohibit “political” activities (Article 4)<sup>18</sup>, although this term is not defined. In addition, the draft law would require NGOs to inform local authorities of their activities, making the work of defenders particularly difficult, as they precisely report violations committed by the very same authorities; thus, their independence would be sorely jeopardised. Under Article 31, the activities of any organisation violating Article 4 would be suspended for one year, and, “in cases of non-compliance, the organisation would be dissolved”. Finally, “any person continuing to run an association or an NGO that has been dissolved or whose activities have been suspended by court order shall be liable to a fine between 1,000,000 and 5,000,000 riels (190 to 947 euros). A person contravening this article shall be liable to a prison sentence from six months to one year (Article 32)”.

By the end of 2006, although Mr. Sar Kheng, the Minister for the Interior and Vice Prime Minister, committed himself to adding the draft law to the Assembly’s agenda very shortly, it had still not been adopted by the Ministry of the Interior, which shall then submit it to the National Assembly, then to the Senate, for adoption.

Furthermore, although the National Assembly adopted an amendment to the Criminal Code to abolish prison sentences for defamation on May 26, 2006, this criminal offence remains punishable by heavy fines of up to ten million riels (1,800 euros)<sup>19</sup>. Persons criticising the government can also be accused of “disinformation”, an offence liable

17. For instance: “Any association or local NGO violating Article 23 [submission of an annual report to the Ministries of the Interior and of Economic and Financial Affairs] of the law shall be subject to a fine of 500,000 riels. In case of non-compliance, the association or local NGO shall be subject to a double fine, or its activities shall be suspended for one year” (Article 30). Furthermore, “once the law is in force the associations or local NGOs already registered with the Ministry of the Interior will have 180 days to prepare a new registration file (...). Once the period has elapsed, NGOs not having done so shall be considered as having put an end to their registration” (Article 33).

18. Under Article 4, NGOs cannot “carry out political activities, nor supply non-material, material and financial means and human resources to support a political party”.

19. Under Article 62 of the UNTAC Law, any person found guilty of having published false information with malicious intent and likely to disturb public order is liable to a six-month to a three-year prison sentence and a fine of 10 million riels (1,894 euros). In addition, under Article 10 of the Law on the Press (1995), when an article concerns a public figure, the newspaper can be forced to publish an erratum and/or to pay a fine of 190 to 1,900 euros.

to a prison sentence of three years. For instance, on September 19, 2006, Mr. Dam Sithek, editor-in-chief of the *Moneakseka Khmer* newspaper, was found guilty of “criminal disinformation” for having written an article accusing Vice Prime Minister Sok An of corruption in the June 13, 2006 edition. He was sentenced to pay ten million riels in damages to Mr. Sok An, along with a fine of eight million riels<sup>20</sup>.

In *China*, legislation was increasingly used to silence and control all dissenting voices, in particular those of lawyers defending sensitive issues, i.e. political causes or those related to social protest movements. For example, under Article 306 of the Criminal Code, Article 38 of the Code of Criminal Procedure and Article 45 of the Law on Barristers, Public Prosecutors can arrest lawyers for “perjury” and “false testimony”, and sentence them to up to seven years’ imprisonment<sup>21</sup>. Chinese authorities also resorted to legislation relative to State secrets to restrict access to information. Indeed, the concept of State secret is not limited to national security matters, but covers, in practice, all information of which the disclosure has not first been approved by the authorities. The charge of “divulging State secrets” was thus repeatedly invoked to prosecute people who attempted to disseminate information on human rights violations, including lawyers.

Furthermore, on March 20, 2006, the Association of Chinese Lawyers (ACLA) published a Guiding Opinion on Lawyers Handling Collective Cases, i.e. on cases involving more than ten people. Lawyers contravening these rules are liable to sanctions by the Association or legal departments. The Guide also warns lawyers against participating or encouraging their clients to participate in petitions addressed to governmental agencies, and against contacting foreign organisations and media. These “collective cases” refer to land conflicts and the ensuing social movements, but also cases linked to protests against tax hikes, the demolition of buildings, or environmental pollution. The Guide adds to local regulations such as those adopted in the Henan province (which specify in particular that lawyers are not allowed to express their point of view in the press), in the city of Shenyang, or in Shenzhen. In such a context, lawyers were often dis-

20. See Alliance for Freedom of Expression in Cambodia (AFEC), July 10 and October 12, 2006.

21. See Human Rights in China (HRIC), *Setback for the Rule of Law - Lawyers Under Attack in China*, August 2006.

couraged from defending the rights of citizens against government authorities.

In *India*, the Foreign Contribution Management and Control (FCMC) Bill 2005<sup>22</sup>, which was to replace the 1976 Foreign Contribution Regulation Act (FCRA, which was already very restrictive regarding registration and the reception of foreign funds by NGOs), was finally dropped thanks to NGOs pressure. However, in December 2006, the government introduced the 2006 Foreign Contribution Regulation Bill (FCR), the provisions of which are similar to the FCMC. The FCR is scheduled for debate in Parliament during the March 2007 budgetary session. In particular, the FCR prohibits the acceptance and use of foreign contributions for “any activity prejudicial to national interests”. In addition, through the FCR, the government would be able to control which organisations received foreign contributions, from whom, and for what purpose. Under Section 3(1)(f) for instance, an organisation of a political nature that is not legally a political party is not allowed to receive foreign funding, while Section 5(1) empowers the central government to determine whether an organisation is “of a political nature” on the basis of its activities or programmes. Section 12(3)(b) of the bill further stipulates that the central government shall issue a registration certificate or grant authorisation to receive foreign funding if the organisation has “undertaken important activities in its field in the interest of the population”, without specifying what constitutes “an important activity”. In addition, similarly to the FCMC, the FCR introduces a costly registration renewal requirement applicable every five years for NGOs receiving foreign contributions, whereas registration was free of charge and permanent under the FCRA. Lastly, the FCR sets a limit of 50% for the amount of foreign funds that NGOs can allocate for their administrative operations.

Furthermore, during the parliamentary session held from July 24 to August 25, 2006, the *Lok Sabha* (lower chamber of Parliament), followed by the *Rajya Sabha* (Council of States), amended the 1993 Protection of Human Rights Act (PHRA) that set up the Indian National Human Rights Commission (NHRC). Unfortunately, while the NHRC is now able to visit prisons without having to give prior notice to prison authorities, it is still not able to visit detention centres

22. See Annual Report 2005.

run by the army or the paramilitary, nor can it investigate the existence of illegal centres in States such as Jammu or Kashmir. In addition, the Nomination Committee that appoints NHRC members is not free from all political influence, as representatives of the government make up two thirds of its membership. Lastly, the amendments also give increased powers to the Commission's secretary general, an official who is directly appointed by the central government, to whom certain presidential functions have now been delegated.

In the *Philippines*, a draft anti-terrorist law (Senate Bill n° 2137), which gives the executive broad powers and means to silence any dissenting voice, was due to be examined by the Senate. The bill punishes any form of membership to an organisation considered as "terrorist", without giving a clear definition of the term. In addition, the police, the army, or any representative of a government law-enforcement agency, can tap – without incurring any criminal responsibility – the telephone line of any suspected terrorist for 120 days, on the basis of "reasonable grounds"; they are also entitled to arrest or detain such a person for 15 days without a warrant. Moreover, the bill allows for the accounts of any person suspected of being involved in "terrorist activities" to be frozen (Section 15), and provides for the creation of an Anti-Terrorist Council to be chaired by President Gloria Macapagal-Arroyo, and which would be empowered to ban so-called "terrorist" organisations (Section 20).

In *Sri Lanka*, on December 6, 2006, President Mahinda Rajapaksa promulgated the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations 2006. These regulations are similar to earlier emergency legislation currently in force in the country. More specifically, they introduce broad-based and vaguely-defined terrorist offences that will likely criminalise human rights activities, in particular the defence of the freedoms of expression, association and assembly<sup>23</sup>. It is feared that those who seek a peaceful solution to the conflict, humanitarian workers, human rights defenders, demonstrators or even journalists could be prosecuted on the basis of these provisions<sup>24</sup>. Indeed, they criminalise actions in breach of law and order if their purpose is to bring about "political or governmental

23. Under Article 7, a person could be sentenced to 5 to 10 years' imprisonment for having unknowingly supported, advised, encouraged, promoted or aided a person or a group involved in terrorist activities (as defined in the regulations).

changes” or to force the government to “take or refrain from taking a certain action”<sup>25</sup>. Such vague wording could include activities such as participating in or organising peaceful demonstrations or strikes. Under these regulations, national and international organisations must obtain prior authorisation from a “competent authority” in order to engage in any action with a person or a group suspected of being involved in “terrorist activities” (Articles 11 and 12), which can easily apply to organisations providing aid and assistance in the northern and eastern regions of the country. The regulations also institute a “Court of Appeal”, before which the decisions of the “competent authority” can be challenged. However, the “Court of Appeal” is solely composed of representatives of government Ministries (Article 14). For its part, Regulation n°3 prohibits the “promotion” or “support” of persons involved in terrorist activities. Regulation n°15 also introduces an impunity clause that could be used to protect members of the police and the armed forces. Indeed, all legal proceedings shall be suspended if the official acted in “good faith and in the performance of his duty”. Such a provision can only reinforce the existing climate of impunity in Sri Lanka.

Furthermore, on May 18, 2006, President Mahinda Rajapakse decided to appoint the members of the Human Rights Commission himself, despite the fact that the 17<sup>th</sup> amendment to the Constitution of Sri Lanka stipulates that the Constitutional Council alone can appoint the Commission members. However, the Council was dissolved in October 2005 following conflicts between political parties, and the President thus preferred to overrule the safeguards of the 17<sup>th</sup> amendment, without waiting for the reconstitution of the Council<sup>26</sup>. One immediate impact of the change in the composition of the Commission was the decision to put an end to the evaluation of complaints filed in connection with the disappearance of over 2,000 people, “unless the government decides otherwise”.

24. See Centre for Rule of Law, Sri Lanka.

25. According to Clause 16, the definition of terrorism includes a wide variety of “illegal conduct”, covering activities having “caused death or the destruction of property”, “the use of coercion, of intimidation or constraint”, or “disturbing or threatening the public peace”.

26. See Centre for Rule of Law and Human Rights Features, HRF/147/06, August 15, 2006.

## Defenders in situations of armed conflict, military operations or political crises

In 2006, human rights defenders acting in conflict zones or in countries undergoing internal crises continued to be subjected to exactions committed by the parties to the conflicts.

In *Afghanistan*, defending human rights remained a dangerous activity. For instance, Mr. Mohammed Hashim, an Afghan employee of the United Nations Human Settlements Programme (UN-HABITAT), was shot dead by six unidentified men on March 4, 2006 in the region of Bala Buluk (Farah province)<sup>27</sup>. Likewise, on September 25, 2006, Ms. Safia Ahmed-jan, provincial director of the Ministry of Women's Affairs, was assassinated by two gunmen on a motorcycle on her way to her office in Kandahar. Ms. Ahmed-jan was known for her action in favour of women's rights in Afghanistan, in particular the right to education<sup>28</sup>.

In *Burma*, the military government adopted further restrictions on humanitarian agencies, which had to shut down some of their programmes, limit their travels, or comply with stricter regulations to obtain compulsory authorisations. The most emblematic example is that of the forced suspension of most programmes run by the International Committee of the Red Cross (ICRC)<sup>29</sup>. In November 2006, the government indeed ordered ICRC to close down all its offices in the country. The chief of the police later indicated that ICRC activities had only been "temporarily suspended" pending new regulations regarding the operations of foreign organisations, as ICRC activities were "liable to harm peace and stability". In addition, on March 26, 2006, the French section of Doctors Without Borders (MSF) decided to leave Burma after new travel restrictions were applied and it was subjected to strong pressure<sup>30</sup>.

Moreover, in February 2006, the government published the "Guidelines for United Nations agencies, international organisations and NGOs". Since then, all NGOs must register with the Ministry of the Interior; all international humanitarian workers must be accompanied

27. See [www.un.org/news](http://www.un.org/news), n° PPQ/4594, March 6, 2006.

28. See UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW) and [www.defendingwomen-defendingrights.org/afghanistan\\_dow\\_killed.php](http://www.defendingwomen-defendingrights.org/afghanistan_dow_killed.php).

29. See International Committee of the Red Cross (ICRC), Press Release, November 27, 2006.

30. See Doctors Without Borders (MSF), Press Release, March 30, 2006.

by a person close to the government when they travel; and all humanitarian funds must transit through the Burmese Bank for Foreign Trade. The full range of their activities must also be approved by local aid committees, and organisations must apply for authorisation before holding workshops outside their premises<sup>31</sup>.

In *Fiji*, on December 4, 2006, Ms. Imrana Jalal, a member of the board of directors of the Fijian Women's Rights Movement (FWRM), received telephone threats after FWRM issued several public statements denouncing the absence of democracy since the 2000 coup, and calling for the re-establishment of democracy and the rule of law. More precisely, Ms. Jalal was threatened with rape, the unidentified caller adding that they "were going to silence her once and for all". Similarly, Ms. Virisila Buadromo, FWRM executive director, received a phone call from a man identifying himself as belonging to the army, who ordered her to "stop doing what she was doing"<sup>32</sup>.

In *Nepal*, the repression of civil society that followed the King's proclamation of a state of emergency on February 1, 2005 was intensified after January 17, 2006, following the introduction of a curfew and a complete ban on demonstrations ordered by the government in the districts of Kathmandu and Lalitpur until January 23, 2006. During the curfew imposed on numerous occasions from January to April 2006, in particular from April 5 to 12, and from April 20 to 21, 2006, the government not only banned the deployment of members of civil society and human rights organisations, but also of UN teams charged with monitoring the human rights situation; they were thus unable to fulfil their mission of observing human rights violations and assisting the population. This clearly violated the Memorandum of Understanding (MOU) signed between the government and the Office of the High Commissioner for Human Rights in Nepal (OHCHR). For example, on April 20, 2006, members of OHCHR, of human rights organisations and even ambulances were unable to

31. See International Crisis Group, *Myanmar: New Threats to Humanitarian Aid*, December 8, 2006.

32. See [http://www.defendingwomen-defendingrights.org/fiji\\_whrd\\_threatened.php](http://www.defendingwomen-defendingrights.org/fiji_whrd_threatened.php). On December 5, 2006, the army, led by Rear-Admiral Vorege Bainimarama, overthrew the nationalist government led by Prime Minister Laisenia Qarase, who had been re-elected for a five-year term in May 2006. Parliament was dissolved and a state of emergency decreed.

obtain curfew passes, which prevented them from providing assistance to victims injured by police fire or beatings during the repression of demonstrations.

However, there is hope that the situation of human rights defenders might improve in 2007 with the decision of King Gyanendra on April 24, 2006 to restore the Chamber of Representatives that had been dissolved, and the signature of the Comprehensive Peace Agreement on November 21, 2006 between the government and the Communist Party of Nepal (Maoist), according to which both parties agreed to put an end to over ten years of conflict, to draft a new Constitution and to set up an interim government.

In the *Philippines*, in addition to the violent repression of demonstrations, in particular in the framework of the proclamation of a state of emergency from February 24 to March 3, 2006<sup>33</sup>, the number of extrajudicial killings of political opponents, human rights defenders, journalists, lawyers, and union and community leaders who denounced the violations committed by the government and the army, dramatically increased in 2006. The most affected regions were the ones where there was a strong military presence, in particular the Sulu and Luzon islands and the centre of the Philippines. In a general context of ongoing counter-revolutionary operations against units of the New Popular Army (NPA, the armed branch of the Communist Party of the Philippines), cases of arbitrary detention, extrajudicial killings and acts of torture were still being reported. These did not only concern people suspected of belonging to the NPA, but also activists, priests, lawyers, members of legal left-wing political parties (which are considered by authorities as sympathising with the general communist movement), and journalists.

The authors of these killings were usually unidentified men on motorcycles, suspected of having ties with the army, the police and other law enforcement agencies, who in most cases were sheltered from any legal proceedings, and who therefore enjoyed the utmost impunity. Although an operational force, the "USIG Task Force", was set up on May 13, 2006 by the Ministry of the Interior and the local government in order to inquire into the extrajudicial killings of journalists and politicians, and although an independent commission

33. See above.

(chaired by Mr. Jose Melo, retired Supreme Court Justice) was established in order to remedy these extrajudicial killings on August 21, 2006, it is feared that these measures will remain superficial. The situation was aggravated by the incapacity, the unwillingness, or the complicity of the government to prosecute the authors of these violations, including mining or timber corporations, large land owners and armed groups. For instance, in her speech to the Nation on July 24, 2006, President Macapagal Arroyo paid a glowing tribute to General Jovito Palparan, Commander of the seventh infantry division, for his “fight against the enemies” in Central Luzon<sup>34</sup>. However, the General is known for his attacks against human rights defenders, and is reportedly behind the abduction and assassination of several of them<sup>35</sup>.

In *Sri Lanka*, since the intensification of the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) in July 2006, the government has imposed an unofficial embargo on humanitarian aid in the zones controlled by the LTTE, who have been fighting the army for over thirty years in order to obtain the creation of a State for the Tamil minority in the north and the north-east of the country. Not only is it now more difficult for humanitarian agencies to assist civil populations because of the ongoing conflict, but the attacks, threats and restrictions against humanitarian workers, defenders working for peace and journalists have also increased, in particular in the northern and eastern provinces. On August 6, 2006 for instance, 17 Sri Lankan employees of the French NGO Action Against Hunger (ACF) were shot dead at point-blank range in their offices in the east of the country, in Muttur, a Muslim town that is situated in the epicentre of the fighting between the Sri Lankan army and the Tamil Tigers. According to an inquiry carried out by the Sri Lanka Monitoring Mission (SLMM), they were apparently killed by Sri Lankan security forces. On August 7, 2006, ACF decided to suspend its activities in Sri Lanka, but finally resumed them in December 2006 due to the rapid deterioration of the humanitarian situation in the country<sup>36</sup>. On September 29, 2006, a grenade exploded in front of ICRC offices in Jaffna, causing material damages<sup>37</sup>. SLMM was also

34. See [www.bulatlat.com](http://www.bulatlat.com).

35. See Annual Report 2005.

36. See Action Against Hunger (ACF), Press Release, August 9 and December 4, 2006.

37. See ICRC, September 30, 2006.

attacked and members of the National Commission for Human Rights in Jaffa received death threats. Travel restrictions in the conflict zone were imposed on NGOs, as well as on the Office of the High Commissioner for Refugees and the SLMM. These restrictions and the attacks on humanitarian workers have led several organisations, including Oxfam, Care and Caritas, to suspend their humanitarian activities<sup>38</sup>.

Furthermore, at the end of August 2006 a new circular was adopted, requiring all humanitarian workers to register not only with the Ministry of Social Protection but also with the Ministry of Defence. These measures, in addition to the Emergency Regulations promulgated in December 2006, the provisions of which may also impair the activities of humanitarian organisations<sup>39</sup>, would aim to discourage NGOs from operating in the northern and eastern regions of the country.

In *Thailand*, violence continued despite the fact that the Prime Minister who was brought to power by the coup offered his apologies to the population in the southern provinces for the violent repressive policies of the previous government. In this context, Mr. Asan Yamaleh and Mr. Muhammad Dunai Tanyeen, two heads of village who had helped villagers victims of acts of violence in the southern provinces to submit their case to the authorities, were assassinated in October 2006.

### **Repression against defenders of economic, social and cultural rights**

Defenders of the rights of minorities and of the rights to health, housing and land

In 2006, defenders of the rights of minorities and of the rights to health, housing and land continued to pay a heavy price for their activities in favour of the disadvantaged, and their opposition to powerful interest groups. The collusion, and sometimes the complicity of authorities in these increasing attacks remained a constant feature in the region.

In *Bangladesh*, defenders working on issues related to the rights of religious minorities were subjected to acts of harassment. For example,

38. See Forum-Asia.

39. See above.

on November 16, 2006, four journalists, Mr. Niamul Kabir Sajal of the *Dainik Prothom Alo*, Mr. Babul Hossain of the *Dainik Janakantha*, Mr. Mir Golam Mostafa of the *Dainik Shamokal*, and Mr. Nuruzzaman, a press photographer, were beaten by local militiamen and had to be taken to hospital after visiting a village in the district of Hatilet (in the north of Dakha) to investigate threats against the Ahmadiyah religious minority. They filed a complaint, and six of the aggressors were arrested, but their leader remained at large by the end of 2006<sup>40</sup>.

In *Cambodia*, defenders were particularly targeted for their activities in the defence of the rights to land and natural resources: the sharp increase in land conflicts, with the rich and powerful people appropriating land belonging to the poor, was accompanied by an upsurge in threats and aggressions against activists and community representatives who defend the rights of their fellow citizens. Acts of repression against them ranged from verbal threats to physical aggressions, and they were also frequently prosecuted, often on the basis of the 2001 Land Act and the 2002 Forestry Act, and charged with violating the right to property. When released on bail, the charges held against the defenders remained pending indefinitely in order to deter them from pursuing their human rights activities. Moreover, Prime Minister Hun Sen decided, on March 15, 2006, to release all the villagers detained in connection with land conflicts, but many have been arrested again since then. The most serious threats were directed at those acting individually, without the support of an organisation<sup>41</sup>. Furthermore, in August 2006, Mr. You Saravuth, former editor-in-chief of the bi-weekly *Sralanh Khmer*, was granted asylum in Thailand by the High Commissioner for Refugees (HCR) after being prosecuted for “disinformation” and threatened by Mr. Okhna Hun Tho, a nephew of the Prime Minister, following the June 2006 publication of an article denouncing his involvement in the illegal seizure of land plots in the province of Mondolkiri<sup>42</sup>.

Likewise, NGOs were regularly prevented from observing peasant evictions. On June 6, 2006, human rights NGOs and members of

40. See Reporters Without Borders (RSF), November 22, 2006.

41. See LICADHO, *Attacks and Threats Against Human Rights Defenders in Cambodia Briefing Paper 2006*, December 2006.

42. See International Freedom of Expression eXchange (IFEX), September 15, 2006.

OHCHR were unable to go to Sambok Chab, in Phnom Penh, during a forced eviction operation that led to the arrest of eight villagers. Similarly, on June 29, 2006, two members of LICADHO were prevented from observing the forced eviction of 168 families in the village of Srae Ampel, Snaor, Ansnoul district in Kandal. They were arrested and briefly interrogated by the police, and were forbidden from taking pictures.

Furthermore, defenders attempting to help asylum-seekers were also subjected to threats and acts of harassment. In 2006, members of the Montagnard tribe continued to seek refuge in Cambodia due to the political and religious persecution they face in Vietnam. However, the authorities were constantly harassing defenders who tried to help asylum-seekers to contact the HCR. For instance, on August 31, 2006, Mr. Kong Sok, who had accompanied three Montagnard asylum-seekers to the HCR offices in Phnom Penh, was arrested on the premises by the police. He was placed in detention in the Prey Sar prison and sentenced to three months' imprisonment by the Phnom Penh Court on December 1, 2006 for having "helped or hidden" foreigners to enter Cambodia illegally.

In *China*, defenders denouncing forced evictions continued to be relentlessly repressed. Indeed, countless large-scale urban renovation projects in all large cities led to massive forced evictions. Protest movements considerably developed, and were violently suppressed. Repression was particularly severe against those considered to be the leaders of the protests, and the lawyers who defended them. Mr. Huang Weizhong for instance, a defender of peasants' rights in Putian, was found guilty of having "gathered a crowd with the intention of disturbing public order" by the Court of the Chengxiang district, and sentenced to three years' imprisonment on May 17, 2006. Likewise, Mr. Niu Yuchang, director of the "Sancundadi" Institute of Social Studies in Beijing, was placed under house arrest in July 2006 after having investigated and documented violations committed against peasants who had been protesting against their forced eviction since 2000. Mr. Niu Yuchang has been regularly detained, placed under house arrest or placed in a psychiatric hospital because of his activities<sup>43</sup>.

In addition, activists involved in the fight against HIV/AIDS were often the victims of acts of harassment, because they raised the question

43. See CRD, June 20-August 13, 2006.

of the responsibility of the authorities in the development of the epidemic, in particular through contaminated blood transfusions. For example, Mr. Hu Jia, an HIV/AIDS activist in Shanghai and co-founder and former director of the Aizhixing Institute for Health Education, was detained from February 16 to March 28, 2006. In addition, on October 18, 2006, authorities from the autonomous region of Xinjiang ordered the closing down of Snow Lotus, an unregistered NGO fighting AIDS.

Lastly, the repression also applied to defenders of the right to the environment, whose activities threaten the economic interests of private actors, generally in collusion with local governments. For instance, Mr. Sun Xiaodi was briefly detained in April 2006. For the past 10 years, he has been denouncing the radioactive contamination caused by a uranium mine in the autonomous Tibetan Prefecture of Gannan (Gansu), and in particular the illegal reselling of contaminated material and the existence of illegal mining activities. Since then, he has been under constant police surveillance, and his wife and daughter have also been subjected to acts of harassment. In addition, on August 11, 2006, Mr. Tan Kai, one of the founders of the environmental NGO Green Watch, was sentenced to 18 months' imprisonment by the People's Intermediate Municipal Court of Hangzhou for "illegally obtaining State secrets".

In *India*, defenders fighting for the rights of people who have been displaced by the construction of dams on the Narmada River were also subjected to numerous reprisals. The dam would damage the ecosystem and force the displacement of millions of poor peasants belonging mainly to tribal fishing communities and to the Dalit caste. On April 5, 2006 for instance, Ms. Medha Patkar, founder and director of the Save the Narmada Movement (NBA), a coalition of local organisations hostile to dams in India, and Mr. Jamsingh Nargave, an NBA activist, were taken to a government hospital after a peaceful demonstration in Delhi, where they were detained for several days by the police. Furthermore, in December 2006, Ms. Medha Patkar was arbitrarily detained while demonstrating in support of the peasants and villagers of Digur, Hooghly district (Western Bengal), who were threatened with eviction because of the establishment of a car plant on agricultural land.

In *Malaysia*, 23 villagers and defenders of the right to housing were detained on November 20, 2006, while trying to defend the right to

housing of the poor populations of Kampung Berembang, in Jalan Ampang. Fifty families, who had lived there for over 30 years, were forcefully evicted and their houses were demolished in the framework of the Selangor government's "Zero squatters" policy.

Defenders promoting freedom of religion were also targeted, as the government gave instructions that the issue of religious freedom should not be discussed openly. Defenders also had to cancel certain conferences because of attacks from fundamentalist groups, Article 11, a coalition of thirteen NGOs, being a case in point.

In *Pakistan*, people committed to the defence of women's rights were increasingly targeted in the context of the heightened repressive actions of extremist groups<sup>44</sup>.

In the *Philippines*, several peasant leaders were assassinated in 2006 in connection with conflicts linked to agrarian reforms. Such was the case of Mr. Antonio Adriaes, a peasant leader in San Isidro who was assassinated on January 10, 2006.

In *South Korea*, several demonstrations were organised in July 2006 to protest against the violent expropriation of land belonging to peasants in Daeuchuri (Pyungtaek region) and Doduri, in the framework of the expansion of the Camp Humphreys American base. On the last day of the protest, 45 demonstrators were arrested during the brutal dispersal of participants who had gone to the Pyungataek detention centre in order to request the release of Daechuri's village chief, who was detained and prosecuted for organising these "illegal" demonstrations<sup>45</sup>.

In *Thailand*, where the perpetrators of past assassinations of defenders of the environment often enjoyed complete impunity<sup>46</sup>, Mr. Thares Sodsri, a defender of the right to the environment in the Ban Kha district, Rachaburi province, disappeared on December 1, 2006. Two weeks earlier, Mr. Thares had handed the Minister for Natural Resources and the Environment a video recording showing the illegal working of a forest by a local political leader in Ratchaburi. Mr. Thares was also due to appear as a witness in the trial of several people suspected of forest encroachment.

44. See HRCP.

45. See Forum-Asia, vol. 2, n°2, second quarter, 2006.

46. See Compilation of cases below concerning the impunity for the assassination of Mr. Charoen Wat-aksorn.

### Repression of trade union leaders

This year brought no respite for union leaders. Indeed, 2006 witnessed an upsurge in the number of cases of arbitrary arrests, aggressions, threats and acts of harassment against them.

In *Cambodia*, the increased repression of unions illustrated the deterioration of working conditions and workers' standards of living. While some strikes were tolerated, most were put down by force and followed by the arbitrary arrest of union leaders, who were accused of having "incited" the workers to go on strike. For instance, on June 13, 2006, Mr. Lach Sambo, Mr. Yin Khun, Mr. Sal Kimsan and Mr. Heng Samnang, members of the Free Trade Union (FTU) in a textile factory in the Ang Snoul district, were accused of "causing bodily harm" and "destroying property" by the Kandal Provincial Court. They received a suspended sentence of one year imprisonment and an eight million riel (1,500 euros) fine. On July 3, 2006, the three men were once again arrested in their homes by the police, accused of "illegal detention", and taken to the Kandal provincial prison. On August 7, 2006, they received an additional suspended sentence of three years' imprisonment. In addition, union leaders were also subjected to physical aggressions, like several FTU leaders in Phnom Penh.

In *China*, where union freedoms remained non-existent, it was extremely difficult for workers to defend their rights. For example, Mr. Yao Fuxin, a labour activist in the province of Lianoning, has been detained since March 2002 for "undermining State security" after having led a workers' demonstration in north-eastern China to protest against corruption and the non-payment of salary arrears.

In *Iran*, unions, which were increasingly present and active, were subjected to rising acts of repression. For instance, the members of the Union of Workers of the Tehran and Suburbs Bus Company (*Sherkat-e Vahed*) were especially targeted. Notably, in January 2006, the mayor of Tehran declared the union illegal, accusing its members of "sabotage" and "subversion". On January 27, 2006, around 100 members of the union were arrested, before being released in February. On November 19, 2006, Mr. Mansoor Osanloo, president of the union, and Mr. Ebrahim Madadi, vice-president, were arrested by plainclothes policemen. Mr. Osanloo was released on December 19, 2006 after paying a bail of 150 million toman (125,000 euros). Moreover, by the end of 2006, the legal proceedings against Mr. Mahmoud

Salehi, spokesman for the Organisational Committee to Establish Trade Unions and former president of the Saqez Bakery Workers' Union, against Mr. Mohsen Hakimi, a member of the Iranian Writers' Association, and against Mr. Jalal Hosseini, Mr. Bohran Divangar, and Mr. Mohammad Abdipoor, members of the Saqez Bakery Workers' Union, remained pending before the Court of Appeal.

In the *Philippines*, where the situation of union leaders remained very worrying, numerous union activists were the victims of extrajudicial killings in 2006, such as Mr. Napoleon Pornasodoro, secretary general of the South Tagalog Teachers for Development (STATEMENT) and a member of the National Council of the Alliance of Concerned Teachers (ACT), who was assassinated on February 27, 2006, and Mr. Sanito Bargamento, a member of the National Federation of Sugar Workers (NFSW), shot dead on September 2, 2006.

In *South Korea*, in July and August 2006, over 63 union members were arrested for taking part in a strike launched on July 1, 2006 by the "Pohang" trade union, an affiliate of the Korean Federation of Commerce and Industry Trade Unions (KFCITU), in order to request an increase in wages, a five-day workweek and better working conditions. On August 1, 2006, Mr. Ha Joong Keun, a member of KFCITU, died from the beatings he received from the anti-riot police on July 16, 2006 during a demonstration in support of a peaceful sit-in organised by the workers of the Pohang Steel Corporation (POSCO) on July 13, 2006<sup>47</sup>. Members of the Korean Government Employees' Union (KGEU) were also subjected to relentless repression.

### **Ongoing repression against cyber-dissidents**

In 2006, repression continued to escalate against cyber-dissidents, who use the Internet to promote human rights and democracy.

In *Burma*, the Internet policy remained even more repressive than the one in its Chinese and Vietnamese neighbours. In June 2006 for instance, the authorities clamped down on Internet telephone and chat services with a twofold aim: first, to safeguard the long distance telephone market, which up until now has been controlled by State-

47. See International Confederation of Free Trade Unions (ICFTU), Press Release, August 8, 2006, and KCTU.

owned companies; and second, to prevent cyber-dissidents from using a communication tool that is difficult to wire-tap<sup>48</sup>. Authorities, who already blocked access to the mail services of Yahoo! and Microsoft (Hotmail), wanted to force Burmese users to use Mail4U accounts, which are managed by Myanmar Teleport, a State company that filters and controls mail content. At the end of May 2006, when Ms. Aung San Suu Kyi's house arrest was extended, the Internet was completely cut off in Burma. Only the local sites of Myanmar Wide Web, a national Intranet composed of sites approved by the regime, were accessible at that time. Furthermore, owners of cyber cafés were forced to request their clients' identity papers and to install a software that captures the screen every five minutes in order to monitor users' activities. Burmese authorities also ordered the filtering of independent online newspapers, of websites committed to the defence of human rights or the promotion of democracy, and of publications supporting the claims of the Karen people (an ethnic group living in the eastern part of the country that is fighting the junta). Lastly, under a law passed in 2000, expressing oneself online on political issues and publishing texts that "could undermine the interests of the Union of Myanmar" or that are "directly or indirectly harmful to the State's security policy" can incur a penalty of six months' imprisonment<sup>49</sup>.

In *China*, following the publication, in September 2005, by the State Council Information Bureau and the Ministry of Information (MII) of the "eleven commandments" to be observed for blogs and the Internet in China, the control of the Internet and the surveillance of bloggers and operators of websites intensified in 2006. On January 25, 2006 for instance, Google Inc. launched *Google.cn*, a Chinese version of its search engine that filters and censors search results relating to terms considered to be politically sensitive by Chinese authorities<sup>50</sup>. Furthermore, a recrudescence of the censorship of online publications was observed in 2006, as the authorities did their utmost to silence cyber-dissidents by closing down their publications<sup>51</sup> and accused pro-

48. See RSF, November 2006.

49. See RSF, July 4, 2006.

50. See HRIC, January 2006.

hibited websites of being implicated in criminal activities. These new efforts to control the media were likely to be a government's response to popular discontent following the denunciation of several cases of public scandals involving land seizures, corruption and environmental hazards. The Ministry of Public Security, quoted by the official news agency *Xinhua*, reportedly declared that it had closed down over 320 "illegal websites" and suppressed 15,000 "dangerous" elements on the Internet from September 6 to 8, 2006. While most of them seemed to have been actually implicated in criminal activities such as the online sale of arms, explosives and narcotics, and online gambling and swindling, several were closed down for political reasons. For instance, on July 25, 2006 the Beijing government closed down the *Century China* website, which served as a public forum for discussions on political, social and cultural issues. The website had been in operation for six years, and was used in particular by lawyers and defenders inside and outside China in order to promote freedom of expression<sup>52</sup>.

Finally, on September 10, 2006, the official press agency *Xinhua* published the Measures for Administering the Release of News and Information in China by Foreign News Agencies, which immediately came into force<sup>53</sup>, replacing the 1996 regulations. In particular, these measures give a list of the kinds of information that must not be published, including those that could endanger China's national security, its reputation and its interests, or those that promote themes that Chinese law prohibits. These measures also empower *Xinhua* to select which items will be disseminated and to prohibit foreign news agencies from directly soliciting subscribers.

In *Iran*, thousands of blogs and millions of websites continued to be filtered in 2006, and since the summer of 2006, censors seemed to have concentrated their efforts on publications dealing with women's rights<sup>54</sup>. Furthermore, on November 27, 2006, the Council of Ministers decided that all websites reporting about Iran should register with the Ministry of Culture within a period of two months. This new regula-

51. According to HRIC, the Information Centre for Human Rights and Democracy announced that Chinese authorities had drawn up a "blacklist" containing the names of around 20,000 cyber-dissidents.

52. See CRD.

53. See HRIC, September 11, 2006.

54. See RSF, November 2006.

tion, which seems difficult to apply, should mainly allow authorities to justify the closure of independent information websites.

Furthermore, several bloggers and cyber-dissidents were arrested, including Mr. Arash Sigarchi, editor-in-chief of the daily newspaper *Gylan Emroz*, who has been detained since January 26, 2006<sup>55</sup>. Three days earlier, he had been sentenced to three years' imprisonment for "insulting the Supreme Guide" and "propaganda against the regime".

In *Malaysia*, the Minister for Science and Technology, Mr. Kong Cho Ha, declared on December 3, 2006 that the government intended to introduce regulations designed to prevent "malicious use" of the Internet and the circulation by bloggers of information undermining the "social harmony" of the country. Mr. Kong Cho Ha clearly showed his determination to regulate information published by bloggers, although this is usually handled by the Ministry of Energy, Water and Communications. The government was also planning to require bloggers to register with the Ministry of Information. While Mr. Kong Cho Ha recognised that the system would be difficult to implement, he nevertheless wanted to incite Malaysian bloggers who dared to criticise the government to remove their publication or to apply self-censorship<sup>56</sup>.

In *Thailand*, on November 15, 2006, the National Legislative Assembly (NLA) approved the principle of a bill authorising legal proceedings against authors of offences committed with a computer, which will likely reduce freedom of expression on the Internet. The Bill, which aims primarily at punishing computer hacking and pornography, also introduces safeguards linked to national security (Article 13), law and order and the reputation of individuals. In the absence of clear definitions, these provisions could lead to abuse, in particular with regard to any position critical of the government. As of the end of 2006, the Bill had been approved by the Cabinet, but had not yet been submitted to the NLA<sup>57</sup>.

In *Vietnam*, the authorities pursued their repression campaign against freedom of expression and cyber-dissidents<sup>58</sup>. For instance, on August 18, 2006, Mr. Truong Quoc Huy was questioned by security

55. See RSF.

56. See RSF, December 4, 2006.

57. See IFEX, November 17, 2006.

58. See Vietnam Committee for the Defence of Human Rights.

services in a cyber café in Hô Chi Minh City. Arrested a first time in October 2005, the young man had already spent nine months in prison for having participated in pro-democracy discussion forums. He was again accused of “attempting to overthrow the government”. His brother, Mr. Truong Quoc Truan, was also arrested and questioned by the police. He was released the next day and was under house arrest by late 2006<sup>59</sup>.

Moreover, on July 1, 2006, Decree no. 56/2006/ND-CP on “administrative sanctions in the field of culture and information”, signed on June 6, 2006 by Prime Minister Phan Van Khai, came into force. The decree came a few months after corruption scandals involving the highest levels of the State and of the Party, as well as subsequent demands by Prime Minister Phan Van Khai to punish the news agencies and journalists who had revealed the scandals. This text, which makes it possible to sanction behaviours that are outside the scope of the Criminal Code, punishes with heavy fines up to 30 million dong (about 1,400 euros) the circulation by whatever means (Internet, radio, printed material, etc.) of information with “harmful content”, without any definition being provided. Under Article 7, any person using the Internet to circulate press releases, information or online newspapers without prior authorisation is liable to a fine of up to 20 million dong (945 euros), and up to 30 million dong if printed material, radio broadcasts, etc. are involved. Likewise, under Article 21, the divulgence of “State or Party secrets” in the broadest sense of the term, and the spreading of “reactionary ideology” are severely punished (30 million dong). Article 17 of the Decree refers specifically to the Internet and sets up a regime of prior authorisation for browsing the Internet or for sending electronic mail, as cyber café clients must inform (being fined if they fail to do so) the owner of the establishment (who is himself liable) of the content of what they consult, send or put on their websites. Failing to do so, they can incur a fine<sup>60</sup>.

At the same time, on July 1, 2006, Vietnamese authorities launched

59. See RSF, August 22, 2006.

60. Under Article 17, any person posting “harmful” information that could have “serious” consequences is liable to a fine of up to 25 million dong, and Internet users who send or receive such “harmful” information, or who circulate information that is not authorised by the State are liable to a fine from three to ten million dong. Authorities can also confiscate computers and suspend Internet accounts for 90 to 180 days. Access providers and cyber cafés who authorise their clients to access “harmful” information are liable to a fine of one to three million dong.

a vast three-month campaign to control access providers, cyber cafés, hotels, and any place providing access to the Internet.

Lastly, Prime Minister Nguyen Tan Dung reasserted the need to control and repress, among others, websites “breaking the law” and “disclosing State secrets”<sup>61</sup>.

## **Mobilisation for the regional and international protection of defenders**

### United Nations (UN)

In her report to the 62<sup>nd</sup> session of the Commission on Human Rights<sup>62</sup>, which she finally delivered to the second session of the Human Rights Council held in Geneva (Switzerland) from September 18 to October 6, 2006, Ms. Hina Jilani, Special Representative of the Secretary General on the situation of human rights defenders, indicated that 23.87% of her communications concerned Asian countries in 2005<sup>63</sup>. Ms. Jilani also emphasized that her requests to visit *Bhutan, India, Indonesia*<sup>64</sup>, *Malaysia, Nepal, Pakistan* and *Singapore* remained unanswered.

In her annual report presented during the 61<sup>st</sup> session of the General Assembly<sup>65</sup>, Ms. Jilani focused on the right to freedom of assembly. Among others, she denounced the travel restrictions imposed by authorities on defenders wishing to attend international events, as for instance in *Pakistan*.

On January 4, 2006, Ms. Louise Arbour, High Commissioner for Human Rights, expressed her deep regret that in *Cambodia*, Mr. Kem Sohka, president of the Cambodian Centre for Human Rights (CHR), and Mr. Yeng Virak, director of the Community Legal Education Centre (CLEC), were arrested on December 31, 2005 on charges of “defamation”<sup>66</sup>. Ms. Arbour also reminded the government of Cambodia of its duty to respect and guarantee the freedoms of

61. See Directive 37/2006/CT-Tg, of November 29, 2006, in application of the Politburo Circular 41-TB/TW of October 11, 2006, on measures for “guiding and directing the press”.

62. See United Nations Document E/CN.4/2006/95.

63. See United Nations Document E/CN.4/2006/95/Add.1.

64. However, during the 2<sup>nd</sup> session of the Council, Indonesia orally announced that the Special Representative would be invited in 2007.

65. See United Nations Document A/61/312.

66. See Compilation of cases below.

expression, association and assembly<sup>67</sup>.

On May 30 and June 29, 2006, Ms. Hina Jilani and Mr. Miloon Kothari, Special Rapporteur on adequate housing, deplored the evictions that had taken place near the Bassac River, in Phnom Penh, and the intervention of municipal authorities to prevent NGOs from distributing tents and humanitarian assistance to families who were left homeless<sup>68</sup>.

On February 3, 2006, the Office of the High Commissioner for Human Rights (OHCHR) in *Nepal* called for the immediate release of all detainees arrested in the framework of the Public Security Act (PSA) for “exercising their right to freedom of peaceful assembly or expressing their political opinion”, and called on the Nepalese government to respect the freedoms of expression and of peaceful assembly<sup>69</sup>. On April 11, 2006, the OHCHR in Nepal once again deplored the security forces’ excessive use of force during public demonstrations in the Kathmandu Valley and in Biratnagar, Polhara and Nepalgunj<sup>70</sup>. On April 13, 2006, the High Commissioner for Human Rights also said she was shocked by the excessive force used by security forces in Nepal, and also by the considerable recourse to arbitrary detentions, in violation of the right to the freedom of peaceful assembly<sup>71</sup>.

On April 20, 2006, Mr. Philip Alston, Special Rapporteur on extra-judicial, summary or arbitrary executions, Ms. Hina Jilani, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedoms of opinion and expression, Mr. Manfred Nowak, Special Rapporteur on torture, and Ms. Leïla Zerrougui, Chairperson-Rapporteur of the Working Group on arbitrary detention, declared that they were deeply disturbed by the wave of increasing violence that accompanied, on both sides, demonstrations in Nepal. They also denounced the arbitrary detention of several peaceful demonstrators, among them numerous human rights defenders<sup>72</sup>.

On March 23, 2006, Mr. Ambeyi Ligabo welcomed the release of

67. See United Nations Press Release, January 4, 2006.

68. See United Nations Press Releases, May 30 and June 29, 2006.

69. See United Nations Press Release, February 3, 2006.

70. See United Nations Press Release, April 11, 2006.

71. See United Nations Press Release, April 13, 2006.

72. See United Nations Press Release, April 20, 2006.

Mr. Akbar Ganji, a journalist detained since April 2000 in the Evin prison in Tehran (*Iran*)<sup>73</sup>.

Furthermore, during its 61<sup>st</sup> session in November 2006, the UN General Assembly adopted a resolution on the human rights situation in the Islamic Republic of Iran, in which it declared itself deeply concerned by the “continuing harassment, intimidation and persecution of human rights defenders, non-governmental organisations [...], journalists, webloggers, including through restrictions on the freedoms of assembly, conscience, opinion and expression [...], by the undue blocking of Internet sites, and restrictions on the activities of trade unions and non-governmental organisations”, and invited the Iranian government to “end the harassment, intimidation and persecution of [...] human rights defenders”<sup>74</sup>.

In a press release issued on April 13, 2006, Ms. Hina Jilani, Mr. Miloon Kothari and Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, stated that they were deeply concerned by reports that the police had apparently exercised indiscriminate, excessive and disproportionate force against demonstrators who protested, on April 5, 2006, against the project to raise the height of the Sardar Sarovar dam in *India*. They also expressed concern regarding the hunger strike started on March 29, 2006 by three members of the Save the Namarda Movement (NBA)<sup>75</sup>.

On May 23, 2006, Ms. Louise Arbour expressed her concern regarding the escalation of violence in *Sri Lanka*, in particular the increase in the number of civilians killed, including members of humanitarian agencies, and “the recent threats and obstruction to the work of the Sri Lanka Monitoring Mission (SLMM)”<sup>76</sup>. Likewise, on August 11, 2006, Ms. Hina Jilani and Mr. Jean Ziegler, Special Rapporteur on the right to food, declared themselves “shocked and alarmed by the recent intensification of violence in Sri Lanka, culminating in the brutal murder of 17 humanitarian workers, members of *Action Contre la Faim*, on Sunday, August 6”<sup>77</sup>.

On June 7, 2006, Mr. Paulo Sergio Pinheiro, Special Rapporteur on

73. See United Nations Press Release, March 23, 2006.

74. See Resolution A/C.3/31/L.41.

75. See United Nations Press Release, April 13, 2006, and Compilation of cases below.

76. See United Nations Press Release, May 23, 2006.

77. See United Nations Press Release, August 11, 2006, and Compilation of cases below.

the situation of human rights in *Myanmar*, welcomed the release, the preceding day, of Ms. Su Su Nway, who had prosecuted high-level officials of the local government for imposing forced labour. She had been detained since October 2005, accused by the same officials of “criminal intimidation”<sup>78</sup>.

During its 88<sup>th</sup> session, held from October 16 to November 3, 2006, the United Nations Human Rights Committee adopted its conclusions following the examination of the third periodic report of *South Korea*. The Committee expressed “its concern at the significant number of senior public officials who are not permitted to form and join trade unions and at the State party’s unwillingness to recognise certain trade unions, in particular, the Korean Government Employees’ Union (KGEU)”<sup>79</sup>, and recommended that “the State party should reconsider its position vis-à-vis the rights of association of senior public officials, and engage in dialogue with the representatives of the 76,000 KGEU members with a view to ensuring the realization of their right of association”<sup>80</sup>.

#### European Union (EU)

In 2006, the European Union denounced on several occasions the situation of human rights defenders in a number of Asian countries.

For instance, in its Declaration of January 16, 2006, the EU Presidency expressed its “concern over the continuing use of defamation law suits by the Royal Government of Cambodia against members of the opposition, media, trade unions and NGOs resulting in their arrests. This disturbing trend culminating in the arrest of the Director of the Cambodian Center for Human Rights on 31 December 2005, and other human rights defenders has the cumulative effect of a targeted intimidation campaign against NGOs and human rights defenders in Cambodia”. It also appealed “to the Cambodian government to refrain from law suits resulting in the criminal prosecution for accusations regarded as defamatory”. The European Union also welcomed “the decision to release Mr. Yeng Virak from prison on 11 January and expresse[d] the hope that all others arrested following

78. See United Nations Press Release, June 7, 2006.

79. See Compilation of cases below.

80. See United Nations Document CCPR/C/KOR/CO/3/CRP.1.

the events at the Human Rights Day ceremony on 10 December 2005 will also be released”<sup>81</sup>. Likewise, in a resolution adopted on January 19, 2006, the European Parliament stated that it was “deeply concerned about the recent arrests and prosecutions (...)” and took due note “of the above mentioned release of recently arrested human rights activists and call[ed] for the annulment of all charges against them; and ask[ed] for the annulment of all charges and arrest warrants issued against human rights defenders who are not currently detained”. Lastly, it requested “all acts of intimidation and harassment of human rights activists in Cambodia to be halted”<sup>82</sup>.

On January 20, 2006, the EU condemned “those who perpetrated the attack at the offices of the *Sri Lanka* Monitoring Mission (SLMM) in Batticaloa on 13 January” and called upon “the parties to the Ceasefire Agreement to ensure the security of the SLMM in order to allow the mission to fulfil its mandate”<sup>83</sup>. On August 17, 2006, the EU Presidency expressed its “concern about the working conditions of the NGOs in Sri Lanka, and call[ed] on the government to support their work(...)”, “in the light of the killing of the 17 aid workers in Muthu”<sup>84</sup>. Finally, on October 26, 2006, the EU requested all parties to the conflict to “guarantee the security of the personnel [of the SLMM]”, expressed its “deep concern about the allegations of both sides committing highly serious human rights abuses, including killings of NGO workers”, and urged “the parties to guarantee free and safe access for NGOs and international organisations to help civilian population and communities in need of essential humanitarian assistance (...)”<sup>85</sup>.

On January 27, 2006, the EU called upon “the King, the Government of *Nepal* and the Security Forces (...) to immediately release all political prisoners and human rights defenders, and ensure that political and civil rights, including freedom of assembly and freedom of speech, can be exercised peacefully”<sup>86</sup>. Furthermore, on April

81. See Declaration by the EU Presidency on the deterioration of the political situation in Cambodia, January 16, 2006.

82. See European Parliament Resolution P6\_TA(2006)0032, January 19, 2006.

83. See Declaration by the EU Presidency on the situation in Sri Lanka, January 20, 2006.

84. See Declaration by the EU Presidency on Sri Lanka, August 17, 2006.

85. See Declaration by the EU Presidency on peace talks in Sri Lanka, Press Release 430/2006, October 26, 2006.

21, 2006, the EU Presidency “roundly condemned the use of (...) excessive measures by Government forces to curb pro-democracy protests in Kathmandu and elsewhere in Nepal”<sup>87</sup>. For its part, in a Resolution adopted on May 18, 2006, the European Parliament stressed that “all political prisoners, including journalists and human rights activists, should be released” and welcomed the fact “that the government ha[d] already repealed a number of controversial royal ordinances curbing press freedom and controlling non-governmental organisations”<sup>88</sup>.

Regarding the situation of defenders in *China*, the EU Presidency welcomed, on March 15, 2006, the release of Mr. Xiao Yunliang on February 23, 2006<sup>89</sup>, stressing that “Xiao Yunliang had been arrested and sentenced together with Yao Fuxin. Whilst Xiao has been released, Yao Fuxin is still serving a sentence. The EU would like to reiterate its concerns about his health, his treatment and the way the judgement was arrived at”<sup>90</sup>. For its part, the European Parliament expressed its concern at the censorship of the Internet in the country on the eve of a EU-China Summit on September 9, 2006 in Helsinki<sup>91</sup>. The same day, the Parliament adopted a Resolution on EU-China relations, in which it “(...) call[ed] on the Chinese government to recognise and to guarantee the basic right to freedom of expression and association and the right to strike” and “deplore[d] the recent crackdown by Chinese officials on defence lawyers aimed at stamping out legal challenges to their authority; call[ed] upon the Chinese authorities to reveal the whereabouts of human rights lawyer Gao Zhisheng, (...) who is held on suspicion of criminal activity, and to release him unless he is to be charged with a recognised criminal offence; similarly call[ed] for the release of Chen Guangcheng, a peasants’ rights advocate (...) who was sentenced to more than four years in prison”<sup>92</sup>. The Parliament also urged “the authorities to ensure that all human rights defenders can carry out peaceful and legitimate

86. See Declaration by the EU Presidency on the political situation in Nepal, January 27, 2006.

87. See Declaration by the EU Presidency on the current situation in Nepal, April 21, 2006.

88. See European Parliament Resolution, May 18, 2006.

89. See Compilation of cases below.

90. See Declaration by the EU Presidency on the release of Yu Dongyue and Xiao Yunliang, March 15, 2006.

91. See Initiative Report of the European Parliament, September 7, 2006.

92. See Compilation of cases below.

activities without fear of arbitrary arrest, torture or ill-treatment and that they be given access to proper legal representation in the event of arrest” and expressed “deep disquiet at the current clamp-down (...) on freedom of expression and free access to the Internet” before condemning “the Internet censorship law passed by the National People’s Congress”. It called, in particular, “for the *AsiaNews.it* site to be allowed back onto the Web without delay – or in any event no longer be blacked out – (...), being an excellent source of information about Asia and human rights advocacy (...)”<sup>93</sup>.

The issue of freedom of expression was a priority during the 21<sup>st</sup> round of the EU-China Human Rights Dialogue, which took place on May 25 and 26, 2006, “following worrying trends in China towards more restrictions in the media and on the Internet, arrests and intimidation of journalists and individuals, as well as closure of newspapers”. There was also discussion on the situation of non-governmental organisations in China.<sup>94</sup> Similarly, on the occasion of the 22<sup>nd</sup> meeting of the EU-China Human Rights Dialogue on October 19, 2006, which was preceded by a legal seminar on October 16-17 where labour rights and freedom of access to information were the main topics, “the EU expressed its deep concern over the continuing restrictions on freedom of expression in China, including on the use of the Internet. The EU further expressed concern on the high number of human rights defenders, lawyers and journalists in prison and urged China not to harass or punish individuals exercising their right to freedom of expression in a peaceful manner”<sup>95</sup>.

In a resolution on *Bangladesh* on November 16, 2006, the European Parliament condemned “the physical attacks on journalists, NGO staff, trade unionists and others, (...)”<sup>96</sup>.

On March 20, 2006, the EU Council welcomed “the release of Akbar Ganji on 17 March”, in *Iran*, while condemning “his detention and treatment while in prison” and also “the violence used against peaceful protesters on International Women’s Day”<sup>97</sup>. In addition, the

93. See European Parliament Resolution P6\_TA(2006)0346, September 7, 2006, and Compilation of cases below.

94. See EU Presidency Press Release “21<sup>st</sup> round of EU-China dialogue on human rights”, May 26, 2006.

95. See EU-China Human Rights Dialogue, October 20, 2006.

96. See European Parliament Resolution on Bangladesh, P6\_TA-PRO(2006)0502.

EU expressed “alarm about the indictment of the human rights defender Abdolfattah Soltani”<sup>98</sup> and called on “Iranian authorities to respect Mr. Soltani’s right to a fair and public hearing by a competent, independent and impartial tribunal established by law”. The EU also deplored “that Abdolfattah Soltani ha[d] been disbarred from holding his elected position in the Iranian Bar Association” and asked “the competent bodies to reconsider this decision”<sup>99</sup>. On August 24, 2006, the EU expressed grave concern “about the situation of the Iranian human rights defenders after the reported death on 31 July of a student activist Mr. Akbar Mohammadi (...) as a result of a hunger strike while in custody in Evin prison serving his fifteen year sentence (...) for his participation in peaceful student demonstrations”. The EU also expressed “grave concern regarding the harsh treatment of (...) all human rights defenders in Iranian prisons”<sup>100</sup>. For its part, the European Parliament, in a Resolution adopted on November 16, 2006<sup>101</sup>, stressed “that the Centre for Defence of Human Rights (CDHR), co-founded by the 2003 Nobel Peace Prize laureate Shirin Ebadi and provider of pro-bono legal defence to Zahra Kazemi, Akbar Ganji and Abdolfatah Soltani, was declared an illegal organisation by President Ahmadinejad in August 2006 and that the Ministry of the Interior has threatened those who continued their activities with prosecution”, and “that demonstrations for legal reforms to end discrimination against women have been broken up and participants have been arrested, although later released again”. Considering that “according to reports, the Iranian authorities are increasingly filtering Internet sites and blocking access to several dozen online publications and political, social and cultural weblogs”, it also expressed particular concern “about the increasing reports of arbitrary arrests of and threats against journalists, cyber-journalists and bloggers”. While welcoming the release of Mr. Akbar Ganji, it “remain[ed] concerned about the fate of the lawyer Saleh Kamrani, who defended Azeri Turks in a law suit and disappeared on 14 June 2006”. Condemning “the arrests

97. See Conclusions of the 2719<sup>th</sup> meeting of the Council (External Relations) on Iran, March 20, 2006.

98. See Compilation of cases below.

99. See Declaration by the EU Presidency, May 5, 2006.

100. See Declaration by the EU Presidency, August 24, 2006.

101. See European Parliament Resolution on Iran, P6\_TA-PROV(2006)0503.

and imprisonment of cyber-journalists and bloggers and the parallel censorship of several online publications, blogs and Internet sites (...)", the Parliament also called for "the release of all imprisoned journalists and bloggers".

Lastly, on December 13, 2006, the EU strongly condemned "the re-arrest of Mansour Osanloo, the president of the Syndicate of Workers of Tehran and Suburbs Bus Company, which appears to be without credible justification"<sup>102</sup>.

On May 26, 2006, the EU expressed its concern that "over the last months, the *Maldivian* security forces have repeatedly cracked down on peaceful gatherings in Male". It was in particular "very concerned over recent numerous arrests of peaceful demonstrators by security forces"<sup>103</sup>.

On the same day, the EU urged the State Peace and Development Council (SPDC) of *Burma* "to cease its harassment of politicians and human rights defenders [and] to lift restrictions on freedom of speech and assembly"<sup>104</sup>. On December 5, 2006, the EU Presidency expressed its dismay "that the government of Burma/Myanmar has ordered the International Committee of the Red Cross (ICRC) to close its five field offices in the country", before encouraging "the government of Burma/Myanmar to reconsider its decision (...) and allow the full resumption by the ICRC of its humanitarian operations in line with its mandate and mission"<sup>105</sup>.

Finally, in its Annual Report on Human Rights, the EU stressed that in *Thailand* "various disappearances have not been solved, including the case of the human rights lawyer Somchai Neelaphaijit". The EU also mentioned having "focused (...) on the situation of women human rights defenders" in China. Furthermore, the EU deplored "the extra-judicial killings [of political activists, journalists, human rights defenders, judges and lawyers]" in the *Philippines*. Lastly, the EU added that "freedom of expression [was] severely restricted" in *Iran*, and that "human rights defenders (...) continued

102. See Press Release 16690/06 (Press 364) of the Council of the European Union, December 13, 2006.

103. See Declaration by the EU Presidency, May 26, 2006.

104. See Declaration by the EU Presidency on Burma/Myanmar, May 26, 2006.

105. See Declaration by the EU Presidency on the closure of ICRC field offices in Burma, December 5, 2006.

to report harassment and intimidation”<sup>106</sup>.

### Civil society

On March 3 and 4, 2006, the Women’s Rehabilitation Centre (WOREC) organised a national conference on women defenders in Lalitpur, Nepal, in order to promote the issue of women defenders at the national level and to make their work more visible<sup>107</sup>.

In 2006, several sub-regional forums were organised by Forum-Asia, in cooperation with other NGOs in the region. On June 6 to 8, 2006, the first Human Rights Defenders’ Forum of Southern Asia (HRDF-SA) was held in cooperation with INSEC, in Dhulikhel (Nepal). Sixty-one representatives from *Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, Sri Lanka*, as well as *Cambodia* and *Tibet* attended. Likewise, the first Forum of Human Rights Defenders of North-East Asia (NEA-HRDF) was held in Nukht, Ulaanbaatar (Mongolia), from August 16 to 20, 2006, with the collaboration of the Centre for Human Rights and Development (CHRD), in order to discuss the promotion of economic, social and cultural rights, and the right to development. From November 14 to 18, 2006, the first Forum of Human Rights Defenders of South-East Asia was held in Phnom Penh (Cambodia), on the initiative of Forum-Asia and LICADHO, in cooperation with ADHOC. The meeting was attended by 33 regional activists (*Aceh, Burma, Cambodia, East Timor, Indonesia, Malaysia, Philippines, Singapore, Thailand*) and around fifty Cambodian defenders. Special attention was paid to defenders who assist victims of land conflicts and to restrictions to freedoms of association, expression, movement, assembly and access to information in these countries. Lastly, on November 28 and 29, 2006, Forum-Asia organised a second Forum of Human Rights Defenders in Asia, in which the Observatory participated. On that occasion, participants celebrated the first International Women Defenders’ Day on November 29, 2006.

The 11<sup>th</sup> Annual Meeting of the Asia-Pacific Forum on National

106. See EU Council Document 13522/1/06 REV 1, October 4, 2006.

107. See [www.defendingwomen-defendingrights.org/kathmandu.php](http://www.defendingwomen-defendingrights.org/kathmandu.php).

Human Rights Institutions (APF) took place from July 31 to August 3, 2006, in Suva, Fiji<sup>108</sup>. On that occasion, NGOs and national institutions were able to exchange views on the topic of human rights defenders during a seminar organised by the Fijian Commission for Human Rights, in collaboration with the Women's Crisis Centre (FWCC), Forum-Asia, Asia Pacific Women, Law and Development (APWLD) and the International Service for Human Rights (ISHR).

108. See Human Rights Features, HRF/147/06, August 15, 2006.

## HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

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### BANGLADESH

#### **Lack of investigation into the assassination of two members of Christian Life Bangladesh<sup>1</sup>**

As of the end of 2006, the investigation into the assassination of Mr. **Liplal Marandi** and Mr. **Tapan Kumar Roy**, two employees of the international NGO Christian Life Bangladesh, was still under way and the police had not submitted any charge sheet.

On July 29, 2005, Mr. Liplal Marandi and Mr. Tapan Kumar Roy were murdered in the village of Dopapara, Boalmari Upazila, Faridpur district.

#### **End of acts of harassment against PRIP Trust<sup>2</sup>**

In 2006, the funds granted by the European Union's "SMILING" project to the Private Rural Initiatives Project TRUST (PRIP Trust), an NGO working on humanitarian and social issues and for minority rights in Bangladesh, were finally released. The funds had been held up by authorities since 2002.

On March 29, 2005, the government had announced that it gave permission to the NGO to take part in the "SMILING" project. Furthermore, on April 25, 2005, the English-speaking daily *New Age* had announced that "the government decided to release eight million euros to PRIP Trust, whose funds have been held up".

Since April 2002, the NGO had been deprived of this important source of funding and was surviving on technical capacity building assistance from NGOs, thanks to the support of certain donors.

1. See Annual Report 2005.
2. *Idem*.

### **Ongoing acts of harassment against HRCBM members<sup>3</sup>**

In 2006, the members of the Human Rights Congress for Bangladesh Minorities (HRCBM) continued to be the victims of ongoing acts of harassment.

On March 16, 2006, Mr. **Rabindra Gosh**, president of HRCBM in Dhaka and a member of Global Human Rights Defence (GHRD), Mr. **Kamal Dey** and Mr. **Mohammad Sohel**, also GHRD members, were arbitrarily detained for four hours at Narayanganj police station. A police officer confiscated Mr. Dey's camera because he was filming an interview with the police superintendent at the station and pushed him down the stairs, causing a leg injury. Mr. Rabindra Gosh, Mr. Kamal Dey and Mr. Mohammad Sohel had come to the police station to denounce abuses against Fatullah minorities. In response, the police superintendent asked them why they were not defending Muslims or human rights in other countries, and threatened to arrest them for recording the interview. Mr. Rabindra Gosh had also come to file a complaint against two police officers who had allegedly tried to bribe him in order to obtain his silence on March 11, 2006 while he was carrying out an investigation into an attack against a young Hindu by members of the Bangladesh Nationalist Party (BNP).

The camera was given back to them after four hours in detention and a visit by the Narayanganj Prosecutor, but the film had been erased.

Lastly, on November 23, 2006, Mr. Gosh called the deputy police superintendent in Jatrabri, Dhaka, to enquire on the progress of the investigation into the murder of a young Hindu. He was told that “[he] would have to deal with the consequences if [he] continued to interfere in the murder”.

### **New repression campaign against *Proshika*<sup>4</sup>**

In 2006, the government launched a new repression campaign against *Proshika*, a development NGO working on women's rights and voter education, notably by offering micro-credits. *Proshika* has been targeted by the authorities since the BNP's electoral victory in October 2001. In particular, the authorities accused it of participating

3. *Idem.*

4. *Idem.*

in political activities, without being able to provide evidence to support these accusations.

In September 2006, the government prohibited protests or assemblies around the Prime Minister's office in Dhaka for 24 hours, where a coalition of 14 opposition parties had planned a sit-in on September 12, 2006 to call for the reform of the electoral commission, free elections and the end of the caretaker government. A large protest was also organised for September 18, 2006. *Proshika* had planned to send a large delegation to both events.

From September 8, 2006 onwards, several hundred *Proshika* members were arrested, including the deputy director, Mr. **Rajshahi Sirajul Islam**, who was arrested without a warrant. Most of the members were accused of "theft", "subversion" or "sedition".

Moreover, on September 11, 2006, 200 sections of the organisation were allegedly closed by police officers and members of government agencies. Some offices were ransacked and many documents were destroyed.

On September 11 and 12, 2006, 17 of its leaders were allegedly arrested, notably in Rajshahi, Manikganj, Kishoreganj and Raipur in the Luxmipur district, including six executives of the Chittagong section of *Proshika*, Mr. **Quamruzzaman**, Mr. **Md Hasan**, Mr. **Md Tayab**, Mr. **Mohiuddin**, Mr. **Noor Mohammad** and Mr. **Niladri Barua**. The deputy director of the Kishoreganj section was also arrested.

Following this wave of arrests, many *Proshika* leaders decided to go into hiding.

By the end of 2006, no further information had been made available about the situation of the people who had been arrested.

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## BURMA

### **Sentencing and arbitrary detention of Mr. Ko Win Ko and Mr. Phyo Zaw Latt<sup>5</sup>**

On October 6, 2006, Mr. **Ko Win Ko** and Mr. **Phyo Zaw Latt**, two human rights defenders from Moenyo (Bago), were stopped at Letpadan station by a dozen policemen and members of the Union

5. See Urgent Appeal MMR 001/1206/OBS 147.

Solidarity and Development Association (USDA), a pro-governmental organisation. Both men were on their way to Rangoon to present to the government a petition calling for the release of a group of political prisoners who had been arrested on September 27 and 30, 2006.

Mr. Ko and Mr. Phyo were arrested and taken to the Letpadan police station as soon as the police found the petition on them. Two USDA members also claimed that they had found stubs of illegal lottery tickets in Mr. Ko's bag. He was accused of "resisting to the forces of order during an arrest" (Section 353.3 of the Criminal Code) and "illegal betting" (Section 15a and 16a of the Law on Gambling). Mr. Phyo was detained without charges.

On October 19, 2006, Mr. Ko's lawyer went to court to attend his client's hearing. However, he was informed upon his arrival that Mr. Ko had been sentenced to three years in prison the day before.

On October 22, 2006, Mr. Phyo was released for good behaviour and almost immediately rearrested on his way home. That same day, both men were charged with "deceit" and "counterfeiting" (Sections 420, 465 and 468 of the Criminal Code).

On November 9, 2006, Mr. Ko and Mr. Phyo were sentenced to 14 years in prison by the Tharawaddy Court, without their lawyers present. Their families were not informed of the hearing.

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## CAMBODIA

### **Ongoing detention of Mr. Sok Sam Oeun and Mr. Born Samnang<sup>6</sup>**

As of the end of 2006, Mr. **Sok Sam Oeun** and Mr. **Born Samnang** were still being detained in Prey Sar prison for the death of Mr. **Chea Vichea**, president of the Free Trade Union of the Workers of the Kingdom of Cambodia (FTUWKC), who was shot dead on January 22, 2004. They were transferred to Prey Sar prison in the fall of 2006.

In a trial marred with irregularities, Mr. Sok and Mr. Born were found guilty of murder on August 1, 2005 and were sentenced by the Phnom Penh Municipal Court to 20 years' imprisonment and a fine

6. See Annual Report 2005.

of 3,800 dollars in compensation and interests. Mr. Chea Mony, the brother of the victim and president of FTUWKC, stated that he would refuse the money because he had his doubts as to whether the two men were guilty.

On October 21, 2005, Mr. Sok and Mr. Born filed an appeal after having asked for an amnesty from King Norodom Sihamon.

On July 25, 2006, the secretary of the Ministry of Justice wrote to Mr. Chea Mony that more evidence would be required to reopen the investigation.

In this respect, on August 10, 2006, Ms. Var Sothy, owner of the newspaper stand in front of which Mr. Chea Vichea was murdered, gave a detailed witness statement stating the innocence of the two men and describing the murder, the murderer and his accomplice, their car, etc. The statement was given from abroad, as she left the country, fearing for her life.

In August 2006, the police officer in charge of the arrest of the two men, Mr. Heng Pov, former superintendent of Phnom Penh, admitted in an interview with the French newspaper *L'Express* that he had believed that the men were innocent as soon as the investigation had begun. He has since fled Cambodia, after having accused the Prime Minister and other high-level representatives of the authorities of being involved in many human rights abuses, including murders, kidnappings and drug trafficking.

A hearing in the appeal lodged by Mr. Sok and Mr. Born's lawyers was scheduled for October 6, 2006. However, it was postponed indefinitely due to the absence of the president of the Court.

### **Acts of harassment against CCHR members<sup>7</sup>**

Judicial proceedings against Mr. Kem Sokha, Mr. Yeng Virak and Mr. Pa Nguon Teang<sup>8</sup>

On December 31, 2005, Mr. **Kem Sokha**, president of the Cambodian Centre for Human Rights (CCHR), and Mr. **Yeng Virak**, director of the Community Legal Education Centre (CLEC) and a

7. See Cambodian Centre for Human Rights (CCHR).

8. See Annual Report 2005 and Urgent Appeals KHM 001/0106/OBS 001, 001.1, 001.2, 001.3 and 001.4.

member of the organising committee for celebrations of the International Human Rights Day (December 10), were arrested and charged with “defamation” in relation to these events. This charge was based on the display of CCHR banners criticising Prime Minister Hun Sen’s policies. The men were held in provisional detention in Prey Sor prison, near Phnom Penh.

On January 4, 2006, Mr. **Pa Nguon Teang**, CCHR deputy director and producer of its *Voice of Democracy* radio programme, Mr. **Ou Virak**, CCHR spokesperson, and one of their friends were arrested by the police. Mr. Pa Nguon Teang was then taken to the Ministry of the Interior in Phnom Penh, where he was held overnight before being interrogated on his role in organising the December 10 celebrations. He was charged with “defamation” in relation to these events and taken to Prey Sor prison.

On January 7, 2006, two CCHR members were briefly detained by the Takeo police because they were encouraging villagers to sign a petition calling for the release of Mr. Kem Sokha.

On January 11, 2006, Mr. Yen Virak was released on bail.

On January 17, 2006, Mr. Kem Sokha and Mr. Pa Nguon Teang were also released on bail on the order of the Prime Minister.

On February 3, 2006, the complaints for defamation lodged by Mr. Hun Sen against Mr. Kem Sokha, Mr. Pa Nguon Teang and Mr. Yeng Virak were officially dropped.

However, by the end of 2006, the charges against them were still pending, since, according to Cambodian law, the withdrawal of a criminal claim for defamation does not imply that the charges have been dropped. Therefore, Mr. Pa Nguon Teang, Mr. Kem Sokha and Mr. Yeng Virak still faced eight days to a year of imprisonment and/or a fine of one million to ten million riels (around 210 to 2,100 euros).

#### Arbitrary detention of Mr. Pann Soeun

On March 1, 2006, Mr. **Pann Soeun**, regional director of the CCHR Takeo section, was arrested in Srae Liew village, Trapeang Kleang commune, Chhuk district. He was there to negotiate with monks the organisation of a CCHR conference in the Koh Sla pagoda. The governor of Kampot province, who was attending a meeting in the pagoda, approached Mr. Pann Soeun with his deputy, the village chief, other representatives of the local authorities, and journalists. He asked him

for his mission order, which is given to CCHR members every month by the CCHR president. The governor then informed him that his mission statement had expired and ordered the village chief to take Mr. Pann Soeun's deposition. The latter was taken to the Trapeang Kleang police station and was asked why he had gone to the village without asking for the local authorities' permission. Mr. Pann Soeun refused to admit his "errors" in writing.

Alerted of the situation by the end of the afternoon, CCHR members went to the police station and obtained Mr. Soeun's release. The police allegedly said that it did not have any reason to detain Mr. Soeun, but that they were only following the governor's orders.

On March 3, 2006, CCHR asked the Ministry of the Interior to open an investigation into the events. In October 2006, the Ministry informed Mr. Pann Soeun that it had asked the Kampong governor to meet him. By the end of 2006, this meeting had not yet taken place.

#### Arbitrary detention of Mr. Hem Choun

On June 7, 2006, Mr. **Chun Socheath**, a CCHR investigator, and Mr. **Hem Choun**, a reporter for the newspaper *Samrek Yutethor* (Fight for Justice), were arrested by armed policemen while leaving Kouk Roka commune (Dangkao district), where the villagers of Sambok Chap had been displaced the day before after their forced eviction. Mr. Chun Socheath was accompanying Mr. Hem Choun, who had already been threatened with arrest when he had retrieved the testimonies from Sambok Chap villagers.

Mr. Chun Socheath and Mr. Hem Choun were taken to Kraing Thnong police station. Mr. Chun Socheath was released immediately, while Mr. Hem Choun was transferred to the Phnom Penh police station without a warrant.

He was charged along with two Sambok Chap villagers with "wrongful damage to property" under Article 52 of the Provisions relating the judiciary, criminal law and procedure applicable in Cambodia during the transitional period (United Nations Transitional Authority in Cambodia - UNTAC Law). The village chief, his assistant and a member of the municipal council filed a complaint against them for "encouraging the population to burn down the house of the village's chief", "attempted murder" and "material destruction" during an uprising on May 31, 2006.

As of the the end of 2006, Mr. Hem Choun was still detained in Prey Sar prison.

#### Judicial proceedings against Mr. Ing Kong Chit

On October 24, 2006, Mr. **Ing Kong Chit**, CCHR investigator for the Battambang section, was summoned by the Provincial Court of Battambang province for “defamation”, following a claim by the director of Pailin hospital. Mr. Ing Kong Chit had denounced his corrupt practices during a radio programme on *Voice of Democracy*.

The preliminary hearing was postponed due to the Prosecutor’s absence. As a result, the Court had not yet decided on the validity of the charges by the end of 2006.

### **Acts of harassment against defenders of peasants’ rights<sup>9</sup>**

#### Attack against Mr. Choeng Rithy

On January 22, 2006, Mr. **Choeng Rithy**, resident of Raksmei Samakee village (Nimit), O’Chrov district, was hit several times in the face by Mr. Kuor Keng, the brother-in-law of the Kampot governor. Mr. Rithy is disabled. On the request of the villagers, Mr. Rithy had come to ask Mr. Kuor Keng to stop the activities of a company that was pumping water from the communal basin used by villagers to irrigate their crops.

When Mr. Choeng Rithy met the village chief to file a complaint, the latter threatened to put him in prison.

Nevertheless, Mr. Choeng Rithy lodged a grievance, but no investigation had been opened by the end of 2006.

#### Judicial proceedings against three representatives of Banteay Meanchey villagers

On March 23, 2006, Mr. **Nuth Lay**, Mr. **Sath Samnieng** and Mr. **Heng Nauk**, representatives of O’Russeivillagers, Poipet, organised a peaceful protest of around 100 people to denounce the rape of several young girls by a local monk, who was allegedly being protected by the village chief, Mr. So Moeun.

9. See LICADHO, *Attacks and Threats Against Human Rights Defenders in Cambodia Briefing Paper 2006*, December 2006.

Mr. So Moeun complained against the three villagers on June 2, 2006, stating that he had suffered economic loss because the protest had forced him to cancel a party.

On June 7, 2006, the Banteay Meanchey Provincial Court charged the three men with “instigating criminal acts”.

On June 30, 2006, Mr. Nuth Lay, Mr. Sath Samnieng and Mr. Heng Nauk stood before the Provincial Court. They were released following interventions by their lawyers and the Office of the United Nations High Commissioner for Human Rights. However, as of the end of 2006, the charges were still pending.

### Ill-treatment and judicial proceedings against Ms. So Socheat

On May 3, 2006, Ms. **So Socheat**, representative of the Wat Bo villagers, Sala Kamroek commune (Siem Reap), was arrested during a peaceful protest of villagers against attempted evictions.

This gathering, which was held on the third day of negotiations between villagers and authorities of the Wat Bo pagoda (Siem Reap), who claim property rights for their land, was violently dispersed by about forty policemen armed with electrified batons. Ms. So Socheat was beaten and detained while attempting to protect the villagers from blows.

On May 4, 2006, Ms. So Socheat was released, but she remained charged with “material destruction”.

### Arbitrary arrest of Mr. Tep Naroeth, Mr. Nget Soseng, Mr. Try Chhuon and Mr. Chhim Savuth

On May 4, 2006, Mr. **Tep Naroeth** and Mr. **Nget Soseng**, members of the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), Mr. **Try Chhuon**, a member of the Cambodian Human Rights and Development Association (ADHOC), and Mr. **Chhim Savuth**, a CCHR member, were arrested by around thirty policemen and soldiers on the orders of the provincial department of agriculture and forestry administration. They were gathering information on a dispute over property rights between provincial authorities and the residents of Prey Peay village, Trapeang Plang commune (Chhouk district). They were prevented from reaching the area and gathering the necessary information on the demolition of a house.

When Mr. Try Chhuon took pictures, his camera was confiscated and the negatives were destroyed.

The four men were arrested for half an hour and then expelled from the land.

ADHOC filed a complaint for illegal detention before the Kampot Provincial Court. The case was still pending by the end of 2006.

#### Arbitrary detention of Mr. Tan Sokhom

On May 22, 2006, Mr. **Tan Sokhom**, a member of ADHOC, was arrested by a forestry patrol composed of military police and members of the international NGO WildAid. Mr. Tan Sokhom was handcuffed for nearly 30 minutes and the film of his camera was destroyed. He had taken pictures of a clash between villagers and the patrol, which had burned three houses in the village, claiming that they had been built on a protected area.

A WildAid representative then accused Mr. Tan Sokhom of “leading a riot”. ADHOC brought a claim against WildAid before the Koh Kong Provincial Court. The case was still pending as of the end of 2006.

#### Arbitrary detention of Mr. Chhea Ny, Mr. Hem Lack and Mr. Mou Sabb

On August 1, 2006, Mr. **Chhea Ny**, representative of 3,170 families involved in a long land dispute with local authorities in Bavel district, was arrested by a group of policemen, soldiers and members of the military police. He was accused of “abuse of individual rights” (Article 57 of the UNTAC Law, a crime liable to five years’ imprisonment) and “trespass on private property” (Article 253 of the 2001 Territorial Law, which provides for a two-year prison sentence and a fine of 25 million riels – 4,688 euros).

At least seven other villagers, including Mr. Chhea Ny’s wife, were injured when they tried to stop his arrest.

On September 4, 2006, Mr. **Hem Lack** and Mr. **Mou Sabb**, two other representatives of the 3,170 families mentioned above, were arrested and taken to Battambang prison.

On November 13, 2006, Mr. Chhea Ny appealed against his detention. He was acquitted of the charge of “abuse of individual rights” but not of “trespassing on private property”.

As of the end of 2006, Mr. Chhea Ny, Mr. Hem Lack and Mr. Mou Sabb were still being detained in Battambang.

#### Arbitrary arrest of Mr. Tann Heng

On August 3, 2006, Mr. **Tann Heng** was arrested. He is the representative of 133 families of the Stung Trang district, Kampong Cham, in a dispute against the Boeung Ket rubber plantation. The families, who have lived on the land for a long time, have claimed ownership under Land Law, although the plantation has made a similar claim and has begun to clear parcels.

Mr. Tann Heng went to Kampong Cham Provincial Court several times to defend the villagers against a complaint filed by the company. On August 3, 2006, he was placed in custody and charged the next day with “destruction of public property”.

Mr. Tann Heng is also the author of several letters protesting against the company’s presence on the land.

On August 7, 2006, Mr. Tann Heng was released after being forced to sign a document in which he renounced to his rights to his parcel of land.

The charges were still pending by the end of 2006.

#### Acts of harassment against trade unionists<sup>10</sup>

##### Aggression and acts of harassment against several FTU leaders in Phnom Penh

In 2006, the leaders of the Free Trade Union of Workers (FTU) in the Bright Sky and Suntex textile factories, which belong to the same owner in Dangkor district, Phnom Penh, were attacked several times and harassed because of their fight for better work conditions:

- On March 1, 2006, Mr. **Chi Samon**, FTU president at the Bright Sky factory, was threatened by military police during the repression of a strike in the factory. He was told that he would be targeted by the police if he continued to organise actions within the company.

Moreover, as he left the factory on May 3, 2006, he was attacked by seven men, including a member of a rival trade union. He was hit several times in the face and on his body with sticks and iron bars. The

10. *Idem.*

attackers were then chased away by other workers who were leaving the factory. Mr. Chi filed a complaint with the police and the Phnom Penh Court. By the end of 2006, the case was still pending.

On May 22, 2006, Mr. Chi Samon was once again victim of an attempted attack by a group of 20 people as he was leaving the factory. He managed to seek refuge inside the factory until his attackers left.

- On May 1, 2006, Mr. Chea Mony<sup>11</sup> and two of his assistants, Mr. **Yan Roth Keopeisei** and Mr. **Chea Vaneath**, were detained by the police for two hours when they were caught protesting in favour of workers' rights.

- On May 12, 2006, Mr. **Yeng Vann Yuth**, an active member of FTU at the Bright Sky factory, was attacked and suffered head and rib injuries. He had to be taken to the hospital.

- On May 19, 2006, Mr. **Chey Rithy**, FTU vice-president at the Suntext factory, was attacked by two unidentified men who threw stones at him as he was returning home. Mr. Chey suffered serious head injuries.

- On June 8, 2006, Mr. **Lem Samrith**, FTU treasurer at the Bright Sky factory, was beaten by about 20 men as he was coming out of the factory after a night shift.

- On July 4, 2006, Mr. **Lay Chamroeun**, FTU vice president at the Phnom Penh Garment factory, was the target of attacks by six young men on motorbikes as he was leaving work. As a result, he suffered a leg injury. He filed a complaint the next day with the local police and the Phnom Penh Municipal Court. The case was still pending trial as of the end of 2006.

- On September 19, 2006, Mr. **Choy Chin**, FTU secretary general at the Suntext factory, was attacked by two unidentified men who threw stones at him and hit him on the head and on the hand with a metal bar.

- On October 16, 2006, Ms. **Em Chhay Tieng**, FTU vice president at the Bright Sky factory, was hit in the face and threatened with arrest during the repression of a strike organised to defend Mr. Chi Samon and to denounce working conditions. Several workers were beaten with electric batons. Ms. Em Chhay Tieng began receiving

11. See above.

threats, including death threats, as soon as she became FTU vice-president in July 2006. Following the strike, Mr. Chi Samon and Ms. Em Chhay Tieng were fired from their night job.

#### Acts of harassment against seven members of CCAWDU

On March 14, 2006, Mr. Nat Leang Seab, Mr. Keo Pov, Mr. Nat Sokna, Mr. Lorn Savan, Mr. Nat Leang Sat, Mr. Roeun Saveath and Mr. Phung Sophea, members of the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU), were accused of participating in a strike of more than 10,000 workers from seven textile factories in Phnom Penh and Kandal province. The seven trade unionists were accused by the owners of the “Flying Dragon 3” factory of “inciting criminal acts and discrimination”, and immediately summoned before the Phnom Penh Court. Faced with the threat of litigation, they accepted an agreement with the factory management and the complaint was withdrawn.

#### Sentencing and arbitrary detention of four FTU representatives in Kandal

On June 13, Mr. Lach Sambo, Mr. Yin Khun, Mr. Sal Kimsan and Mr. Heng Samnang, FTU members in the Ang Snoul district textile factory, were sentenced to a one-year suspended sentence and a fine of eight million riels (1,500 euros) by the Kandal Provincial Court for “blows and injuries” and “material destruction” for their involvement in a strike organised in 2004. Four other activists, who have since left the factory, were also charged on the same grounds.

On June 17, 2006, Mr. Lach Sambo, Mr. Yin Khun, Mr. Sal Kimsan and Mr. Heng Samnang appealed the decision. They were fired three days later.

On July 3, 2006, Mr. Lach Sambo, Mr. Yin Khun and Mr. Sal Kimsan were arrested in their homes by the police and, the next day, they were accused of “illegal detention” and taken to the provincial prison of Kandal.

On August 7, 2006, Mr. Lach Sambo, Mr. Yin Khun and Mr. Sal Kimsan were found guilty and sentenced to a three-year suspended prison sentence.

### Attack against Ms. Em Pun Ny

On June 17, 2006, Ms. **Em Pun Ny**, a teacher at the Wat Mohamontrey primary school in the Chamkar Mon district and a member of the Cambodian Independent Teacher's Union (CITA), was attacked by Mr. Yim Sokha, deputy director of the district's education department. She had been distributing information announcing the organisation of a strike by CITA to demand a pay rise and better work conditions. Mr. Yim Sokha allegedly threw stones at her, which resulted in head injuries.

On June 21, 2006, Ms. Em Pun Ny filed a complaint with the Phnom Penh Municipal Court. The case was still pending by the end of 2006.

### Arbitrary detention of Mr. Kong Sok<sup>12</sup>

On August 31, 2006, Mr. **Kong Sok**, a Cambodian from the Kampuchea Krom region in Vietnam who is now living in Cambodia, was arrested by the police in the offices of the United Nations High Commissioner for Refugees (HCR) in Phnom Penh while he was accompanying three asylum seekers wanting to obtain refugee status.

On December 1, 2006, Mr. Kong Sok was sentenced to three months in prison by the Phnom Penh Municipal Court for breaching immigration law, which prohibits "helping" foreigners to enter Cambodia illegally or to "conceal" their presence in the country.

### Acts of harassment against members of the People's Centre for Development and Peace<sup>13</sup>

On October 12, 2006, members of the People's Centre for Development and Peace (PDP - Centre) were arrested at the KM6 market in Russei Keo while they were distributing material for an anti-corruption campaign called "Clean Hand". They were arrested for four hours at the district police station and subsequently released after being forced to pledge that they would cease their activities.

12. See LICADHO, *Attacks and Threats Against Human Rights Defenders in Cambodia Briefing Paper 2006*, December 2006.

12. *Idem*.

On October 26 and 29, 2006, members of the PDP-Centre were arrested in the same circumstances at the Teuk Thla market in Russei Keo and in Chaktomuk commune, Daun Penh district. In both incidents, they were detained for two hours at the police station and their material was confiscated.

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## CHINA

### Ongoing repression of cyber-dissidents

In 2006, repression increased against cyber-dissidents, who use Internet to promote human rights and democracy in China.

Release of Mr. Shi Xiaoyu, Mr. Luo Yongzhong and Mr. Luo Changfu<sup>14</sup>

- Mr. **Shi Xiaoyu** was released without being charged nearly a month after his arrest on October 20, 2005 in Chongqing, for having posted information online on police repression against city workers during various gatherings. As a result of this repression, two workers died and many other people were arrested and suffered injuries. Since the end of September 2005, Mr. Shi Xiaoyu was trying to help workers in the iron and steel industry in Chongqing who are fighting against the corruption of several officials.

- In 2006, Mr. **Luo Yongzhong** was released. He had been sentenced to three years in prison and two years of deprivation of his political rights in October 2003 after publishing over 150 articles on the Internet concerning issues such as the fate of disabled people and the need for constitutional reform. He was detained in Changchun Tiebei prison, in Jilin province.

- Mr. **Luo Changfu** was released after serving a three-year imprisonment sentence that was pronounced in November 2003. He was arrested in October 2003 by the Yincheng Public Security Bureau (PSB) (Hubei province) for organising a campaign for the release of Ms. Liu Di, a cyber-dissident released on bail on November 28, 2003.

14. See Annual Report 2005.

### Ongoing arbitrary detention of many cyber-dissidents<sup>15</sup>

As of the end of 2006, many cyber-dissidents remained in detention, including:

- Mr. **Jiang Lijun**, sentenced on November 18, 2003 to four years in prison for having published pro-democracy political opinions on the Internet and for “subverting State power” (Article 105 of the Criminal Code).

- Mr. **Tao Haidong**, sentenced to seven years in prison in January 2003 for posting books and articles on websites based in China and overseas.

- Mr. **Jin Haike**, Mr. **Xu Wei** and Mr. **Zhang Honghai**, who founded, in May 2000, the New Youth Society, a study group that discussed political and democratic reforms, and Mr. **Yang Zili**, a member of the Society, were arrested in March 2001. Having refused to admit that they were guilty, they became the target of acts of violence whilst in detention. In October 2003, Mr. Jin and Mr. Xu were sentenced to ten years in prison, whereas Mr. Zhang and Mr. Yang were sentenced to eight years in detention and two years of deprivation of their political rights for “subversion aiming at overthrowing the government”. The verdict was confirmed on November 10, 2003 by the Beijing Municipal Supreme People’s Court.

- Mr. **Wang Sen**, sentenced in May 2002 to ten years in prison for “inciting subversion of the State”, after having reported on the Internet that a medical centre in the south-western city of Dachun was selling tuberculosis medication donated by the Red Cross for a steep price.

- Mr. **He Depu**, Mr. **Sang Jiancheng**, Mr. **Dai Xuezhong** and Mr. **Han Lifa**, who were among the 192 signatories of an “Open Letter to the 16<sup>th</sup> Party Congress”, which was posted on the Internet in mid-November 2002 and called for progress with regards to democratisation and the protection of human rights in the country, the right to return of exiled Chinese political opponents and the release of prisoners of conscience.

- Mr. **Wang Xiaoning**, who was arrested in September 2002 for having posted articles on the Internet<sup>16</sup>. On September 12, 2003, the

15. *Idem*.

16. See Open Letter to the Chinese authorities, May 3, 2006.

Beijing Municipal First Intermediary People's Court sentenced him to ten years' imprisonment, with two years' deprivation of his political rights for "incitement to subvert State power". These charges were linked to essays calling for democratic reforms and a multi-party system, and denouncing repression against trade union leaders and peasants. Mr. Wang was also accused of communicating by email with Mr. Liu Guokai, the exiled leader of the Chinese Social Democratic Party, which is considered by Chinese authorities as an "hostile organization".

- Mr. **Zhao Changqing**, who was sentenced in August 2003 to five years' imprisonment for "incitement to subvert State power" after he co-signed the "Open Letter to the 16<sup>th</sup> Party Congress". He has been held at the Weinan prison in the province of Shaanxi since 2002 and has been repeatedly subjected to ill-treatment while in detention. For example, he spent 40 days in solitary confinement following his refusal to sing a song praising the Chinese Communist Party on February 18, 2006<sup>17</sup>.

On April 10, 2006, his sister was informed that he would be placed in confinement for three additional months because he had spoken to a Falun Gong prisoner and had refused to do military drills. According to his sister, Mr. Zhao has only been allowed one medical examination since his detention despite his fragile health (he has already been treated for tuberculosis).

#### Ongoing acts of repression against Ms. Ma Yalian<sup>18</sup>

On February 15, 2006, Ms. **Ma Yalian**, a cyber-dissident, was arrested by the police for "trouble on the public thoroughfare", in the Minxin district of Shanghai. The police confiscated all her personal belongings. Ms. Ma had been released at the beginning of the month after ten days in illegal detention, but she was still under constant police surveillance.

Ms. Ma was detained in the Fengqi Hotel (Pudong district) under the watch of a dozen policemen and was released on May 6, 2006. As of the end of 2006, she was still under house arrest.

17. See Urgent Appeal CHN 001/0206/OBS 014.

18. See Annual Report 2005 and Urgent Appeals CHN 004/0406/OBS 044 and 044.1.

Since the publication of articles on acts of violence and humiliation conducted by the police and other civil servants, Ms. Ma Yalian has been detained several times in the past few years, and has at times been subjected to ill-treatment.

#### Ongoing acts of harassment against Mr. Huang Qi<sup>19</sup>

In 2006, Mr. **Huang Qi**, a cyber-dissident, continued to be the target of intimidation, especially since the posting of comments and pictures of a workers' protest in the Nanguang firm in Chengdu on his website *www.64tianwang.com* in June 2006.

Nanguang firm is closely linked to local authorities and published a propaganda pamphlet accusing Mr. Huang Qi of being involved in the organisation of this social movement. For their part, authorities accused Mr. Huang of illegally leading and supporting retired workers of the Nanguang firm, who gather on a regular basis to demand their pension. Moreover, the managers of the business affairs office denounced, in their pamphlets, links between Nanguang workers and foreign organisations and journalists of *Radio Free Asia*, based in the United States.

Mr. Huang Qi had been arrested on June 3, 2000 and sentenced in 2003 to five years' imprisonment for having posted several articles on the Tiananmen Square Massacre on his website. He was released on June 4, 2005 at the end of his sentence.

Moreover, in June 2006, the lease on his flat and his office were prematurely ended.

#### Arbitrary detention and sentencing of Mr. Li Jianping<sup>20</sup>

On March 7, 2006, Mr. **Li Jianping**, a cyber-dissident from Shandong, was charged with "incitement to subvert State power" in relation to articles he wrote and posted on foreign websites.

On April 12, 2006, 31 articles written by Mr. Li criticising Chinese authorities and the human rights situation in the country were used as evidence.

19. See Annual Report 2005 and Reporters Without Borders (RSF), November 23, 2006.

20. See Urgent Appeal CHN 008/1006/OBS 128.

On October 25, 2006, the Zibo City Intermediate People's Court sentenced Mr. Li to two years' imprisonment, a verdict that was appealed by Mr. Li.

He was arrested on June 30, 2005 after police searched his home and seized manuscripts and correspondence. In 2005, the case was sent back twice to the Public Security Bureau (PSB) due to a lack of evidence.

Since his arrest, he has not been allowed to see his family nor his lawyer.

#### Arbitrary detention and sentencing of Mr. Guo Qizhen<sup>21</sup>

On May 12, 2006, Mr. **Guo Qizhen**, a volunteer with the Tianwang Disappeared Persons Service Centre, Cangzhou, Hebei province, was placed under house arrest by local security forces as he was preparing to join a hunger strike to fight against the government's repression of human rights defenders.

On June 6, 2006, Mr. Guo Qizhen was accused of "incitement to subvert State power" and held in detention centre n° 2 in Cangzhou City. He was not allowed to see his family nor his lawyer. Mr. Guo has a disabled leg and suffers from neurasthenia. He was accused of posting articles on foreign websites criticising the communist regime and the repression of fundamental freedoms by Chinese authorities.

During a hasty trial on October 16, 2006, Mr. Guo Qizhen was sentenced to four years in prison by the Changzhou Intermediate People's Court and to three years of deprivation of his political rights.

#### Arbitrary detention of Mr. Zhang Jianhong<sup>22</sup>

On September 6, 2006, Mr. **Zhang Jianhong**, founder of the website *The Aegean Sea (Aiqinhai)*, which was closed down in March 2006, and a member of the independent writers' association PEN, was arrested in his home in Nigbo, Zhejiang province, and detained for "incitement to subvert State power". The policemen produced a search warrant and seized the hard drives of two of his computers and an

21. See Open Letter to the Chinese authorities, July 11, 2006.

22. See Human Rights in China (HRIC), September 2006.

address book. They also interrogated his wife on her husband's acquaintances and the articles calling for democratic reforms that he was posting on websites based abroad.

More specifically, in these online articles, Mr. Zhang criticised the human rights abuses of the Chinese government against dissidents, journalists and other Chinese citizens in the run-up to the Olympic Games.

His family was officially informed of his arrest on October 12, 2006. He was still being detained by the end of 2006.

## **Acts of harassment against trade unionists**

### **Ongoing detention of Mr. Yao Fuxin / Release and harassment of Mr. Xiao Yunliang<sup>23</sup>**

On February 23, 2006, Mr. **Xiao Yunliang**, a labour activist from the province of Liaoning, was released three weeks before completing his four-year prison sentence. He was imprisoned since March 2002 for "attack on national security".

However, since his release, Mr. Xiao has remained under house arrest, and friends or relatives attempting to visit him have been harassed and intimidated by the police who are watching his house. On February 28, 2006, Mr. Xiao's daughter lodged a complaint against the police, denouncing her father's situation. She received no response.

Mr. Xiao Yunliang was arrested along with Mr. **Yao Fuxin** for having led a workers' demonstration against corruption and the non-payment of overdue salary in northeast China in March 2002. On May 9, 2003, they were sentenced to four and seven years in prison respectively for "subverting State power" and three years of deprivation of their civil and political rights. Their appeals were later rejected. Their health deteriorated after their transfer from Jinzhou prison to Lingyuan prison, considered as one of the harshest prisons in China, on October 8, 2003.

Mr. Yao Fuxin is due to be released in March 2009. The conditions of his detention remained precarious, and his health continuously deteriorated in 2006.

23. See Annual Report 2005 and Urgent Appeal CHN 002/1103/OBS 060.2.

### Hong Kong - Judicial proceedings against representatives of three trade unions<sup>24</sup>

On June 28, 2006, the Gold Peak Industries Holding Limited (GP) lodged a complaint for “defamation” with the High Court of Hong Kong against representatives of the Hong Kong Confederation of Trade Unions (HKCTU) and two local trade unions, Globalisation Monitor and the Neighbourhood and Workers’ Service Centre. The complaint followed a joint letter issued on June 4, 2006 by the three organisations in which they shared their concerns over the excessive exposure of GP workers to cadmium, which led in some cases to poisoning. The case was still pending by the end of 2006.

### Acts of harassment against defenders denouncing forced evictions

#### Arbitrary detention of Mrs. Liu Hua and her husband Mr. Yue Yongjin<sup>25</sup>

On February 20, 2006, Mrs. **Liu Hua** and her husband Mr. **Yue Yongjin**, two rural land rights activists from the district of Shenyang, in the province of Liaoning, were arrested by members of You’anmen’s PSB after filing petitions in Beijing against corruption and illegal land seizures in their village just before the annual session of the National People’s Congress. No arrest warrant was presented to them.

On February 21, 2006, Mrs. Liu and Mr. Yue were forcibly taken to Shenyang, where they remained respectively detained at the Shenyang’s Masanjia Re-education Centre and the Sujiatun District Detention Centre.

Mrs. Liu Hua and Mr. Yue Yongjin have been denouncing the corrupt practices of the local authorities in villages for many years, and since 2004 they have been asking Beijing authorities to intervene in forcible land seizures in the village.

Mrs. Liu is the former village chief of Zhangliangbao village (Liaoning province) and Mr. Yue was president of the village council.

When 40 villagers protested in front of the Sujiatun PSB to demand their release, a PSB officer explained that Mrs. Liu was being held because “she had caused trouble in Beijing” and that her crimes were “serious”.

24. See Press Release, July 28, 2006.

25. See Urgent Appeal CHN 003/0306/OBS 039.

Mrs. Liu Hua was allegedly released at the end of March 2006.

It was not possible to obtain further information on Mr. Yue Yongjin's situation as of the end of 2006.

#### Arbitrary arrest of Mr. Liu Zhengyou<sup>26</sup>

On June 16, 2006, Mr. **Liu Zhengyou**, a defender of the rights of peasants evicted from their land by local authorities in Zigong (Sichuan province), was arrested at the Beijing airport without an arrest warrant at the request of the Zigong Municipal PSB and the Sichuan Provincial PSB. At the time of his arrest, he was about to board a plane for Geneva (Switzerland), where he was to attend a training course on human rights organised by the International Service for Human Rights (ISHR) from June 17 to 25, 2006.

Mr. Liu was immediately taken back to Zigong by the police, where he was detained and interrogated by the Zigong PSB for two hours as a "criminal suspect" for his role in the April 20, 2005 "illegal demonstrations" that aimed at presenting a petition calling for enquiries into the eviction of farmers without compensation to the mayor of Zigong.

On June 18, 2006, Mr. Zhengyou was finally released after 37 hours in detention, but he was told that he would have to return for more questioning later.

In August 2006, Mr. Liu Zhengyou was subjected to acts of harassment and was reportedly beaten.

#### Arbitrary detention of Mr. Chen Qian<sup>27</sup>

On November 9, 2006, Mr. **Chen Qian**, a representative of the villagers of Dongzhou, was arrested for displaying anti-corruption banners in Dongzhou, Shanwei, Guangdong province. It was not possible to obtain further information concerning his situation by the end of 2006.

Mr. Chen Qian has been targeted by the authorities since he led a group of villagers to demand compensation for the families of victims of the violent repression of a protest on December 6, 2005, which resulted in the death of three people and dozens of injured. Thirteen protesters were also arrested and sentenced to three to seven years in

26. See Urgent Appeal CHN 005/0606/OBS 081.

27. See Network of Chinese Human Rights Defenders (CRD), November 21, 2006.

prison for “disturbing public order”. They were protesting against the confiscation of their land in Dongzhou without fair compensation.

### Acts of harassment against HIV/AIDS activists

#### Ongoing acts of harassment against Mr. Hu Jia<sup>28</sup>

From February 16 to March 28, 2006, Mr. **Hu Jia**, a prominent HIV/AIDS activist in Shanghai and co-founder and former director of the Aizhixing Institute of Health Education, was arrested following a hunger strike by human rights defenders and lawyers to protest against the unlawful detention of human rights activists. During his detention, authorities repeatedly stated that they did not know Mr. Hu’s whereabouts and denied him the right to have access to the medication he requires to treat Hepatitis B.

Furthermore, since July 17, 2006, Mr. Hu Jia has been under house arrest and has been unable to leave his home without the prior consent of the Tongzhou Unit (Beijing suburb). His wife, Mrs. **Zeng Jinyan**, has also been under surveillance and her movements have been restricted. According to police, these measures were taken to prevent them from going to Linyi, Shandong, to protest against the detention of Mr. Chen Guangcheng, a lawyer<sup>29</sup>.

On September 7, 2006, Mr. Hu was arrested by 20 plain-clothes policemen and detained for 12 hours for no official reason.

On September 26, 2006, he was taken once again to the local PSB. Amongst other issues, the police interrogated him on his relationship with Mr. Gao Zhisheng and Mr. Chen Guangcheng, as Mr. Hu Jia had started an Internet campaign in their defence.

#### Attempted assassination of Mr. Liu Xiaowu<sup>30</sup>

On June 15, 2006, Mr. **Liu Xiaowu**, an HIV/AIDS activist in Henan, was stabbed in the back three times by an unidentified person. Four days earlier, he had lodged a complaint with the Health Ministry in which he denounced civil servants in the health sector who were taking advantage of the free medical treatment offered by the government.

28. See Annual Report 2005 and Press Release, August 16, 2006.

30. See below.

30. See HRIC, July 2006.

### Arbitrary arrest of several HIV/AIDS activists in the Henan province<sup>31</sup>

On July 18, 2006, Ms. **Li Xige**, an HIV/AIDS activist from Ningling County, Henan province, and director of the NGO Healthy Happy Home (*Kanglejia*), was stopped along with seven HIV positive women upon their arrival in Beijing by dozens of policemen and local government officials from Ningling County, and later transported in a bus owned by the Ministry of Health.

These women had become HIV positive as a result of blood transfusions in State-run hospitals, in most cases when giving birth by caesarean between 1993 and 2001. They had come to Beijing in order to call upon the Ministry of Health to look into their demands to the local government for fair compensation for their HIV infection.

The eight women were immediately taken back to Ningling and questioned on July 20, 2006. Five women were released shortly afterwards, while Ms. Li Xige, Ms. **Wang** and Ms. **Zhang** were charged with “gathering people to assault a State body”. Ms. Wang and Ms. Zhang were released on bail on medical grounds on July 27 and August 2, 2006.

On August 11, 2006, Ms. Li Xige was released on bail, but was placed under surveillance the day after, and has not been allowed to leave town since then. However, she was authorised to go to Beijing to receive AIDS treatment at the end of August 2006.

Ms. Li was still under police surveillance as of the end of 2006, as were Ms. Wang and Ms. Zhang. However, judicial proceedings against them were lifted.

### Closure of Snow Lotus<sup>32</sup>

On October 18, 2006, the authorities of the Xinjiang autonomous region ordered the closure of Snow Lotus, an NGO involved in the fight against HIV/AIDS, because it was not registered. The police also conducted a search in the home of the director, Mr. **Chang Kun**, and confiscated his personal belongings, including a computer.

The registration requirements are such that many NGOs are unable to meet the criteria and are thus unable to register. Snow Lotus was

31. See Press Release, August 16, 2006.

32. See CRD, September 14-October 20, 2006.

closed down just after it had denounced discrimination against Hepatitis B patients.

#### Arbitrary detention of Mr. Kong Delin<sup>33</sup>

Mr. **Kong Delin**, who supports hemophiliacs suffering from HIV/AIDS and helps them to obtain compensation, was taken in for questioning by members of the Shanghai PSB on October 24, 2006. Soon after, he was officially accused of “interference with official matters”.

On the same day, three hemophiliacs suffering from HIV/AIDS were also arrested. These arrests took place shortly before a November conference in Beijing on compensation for hemophiliacs and those suffering from AIDS and which they were planning to attend.

Mr. Kong Delin was released on November 20, 2006.

#### Arbitrary detention of Mr. Wan Yanhai<sup>34</sup>

On November 24, 2006, Mr. **Wan Yanhai**, a prominent member in the fight against HIV/AIDS and co-founder and former director of the Aizhixing Institute of Health Education in Beijing, was arrested and detained for three days by the PSB of Beijing. The Institute had planned to organise a symposium entitled “Blood safety, HIV/AIDS and legal human rights” on November 26, 2006 to help people suffering from the virus to find out more about their rights. The symposium was cancelled after Mr. Wan’s arrest.

### **Acts of harassment against several defenders of environmental rights**

#### Acts of harassment against Mr. Sun Xiaodi<sup>35</sup>

For the past ten years, Mr. **Sun Xiaodi** has been denouncing radioactive contamination emanating from uranium mine n° 792 in the autonomous Tibetan prefecture of Gannan (Gansu) and in particular the illegal resale of contaminated equipment.

33. See CRD, Briefing October 21 - December 1, 2006.

34. See HRIC, November 2006, and CRD, Briefing October 21 - December 1, 2006.

35. See HRIC, Press Release, December 2, 2006.

Mr. Sun went to Beijing on March 30, 2006 to denounce these activities to the government once again. On April 1, 2006, he went to Shenyang, Liaoning province, to visit Mrs. Liu Hua<sup>36</sup>, who had just been released after being detained for a month. On April 4, 2006, Mr. Sun visited her husband, Mr. Yue Yongjin, who was detained in the Sujiatun district detention centre, and participated in a protest in Zhangliangbao village calling for his release. He was briefly arrested by the police on April 6, 2006.

Since then, Mr. Sun has been under constant surveillance and members of his family have also been harassed. His home has notably been attacked several times since December 5, 2006 by unidentified men who threw stones on his door and windows during the night. When Mr. Sun reported these events to the local police, they reportedly simply replied that he was “free to leave if he wished to do so”.

Moreover, since he was diagnosed with an abdominal tumour in November 2006, Mr. Sun has still not received any response to his request to go to Beijing to receive medical treatment.

Mr. Sun had already been detained in Lanzhou prison from April to December 2005 after denouncing environment damage in Gansu in an interview with foreign journalists and emphasized the appearance of birth defects and a rise in the number of cancers. He had then been placed under house arrest until March 20, 2006.

Arbitrary detention and judicial proceedings against Mr. Huang Jin, Mr. Mo Zhensheng, Mr. Mo Zhenning, Mr. Tan Heshan and Mr. Xu Yugao<sup>37</sup>

Mr. **Huang Jin**, chairman of Daxin county, Leishe district, was arrested in the company of Mr. **Mo Zhensheng**, Mr. **Mo Zhenning**, Mr. **Tan Heshan** and Mr. **Xu Yugao** on June 27, 2006. They were suspected of organising a sit-in protesting against the construction of a manganese electrolyte factory, which is used for the production of steel, in the Guangxi province. The factory was built by a company called “Daxin Manganese”, which was merged with the partially State-owned CITIC conglomerate. There is a great risk that the

36. See above.

37. See HRIC, Press Release, December 4, 2006.

factory will pollute the region, especially the Heishui River, which is the only source of water for the inhabitants. The protest also aimed at drawing the attention of local authorities to irregularities concerning the compensation awarded to villagers who were forcibly evicted from their homes. More than a hundred policemen were deployed and a dozen people who were suspected of organising the protest were arrested. Although most were released soon afterwards, Mr. Huang Jin, Mr. Mo Zhensheng, Mr. Mo Zhenning, Mr. Tan Heshan and Mr. Xu Yugao were charged with “gathering a crowd in order to attack a State building”. No further information regarding their possible detention could be obtained by the end of 2006.

A hearing was planned on December 5, 2006. No further information could be obtained since then.

#### Sentencing and arbitrary detention of Mr. Tan Kai<sup>38</sup>

On April 29, 2006, Mr. **Tan Kai**, a founding member of the environmental NGO Green Watch (*lüse guan cha*), was charged with “illegally obtaining State secrets”. It is presumed that the charges were linked to his job as a computer repair technician. In 2005, he had indeed repaired the computer of an employee of the committee of the Party of Zhejiang province and, as per normal procedure, he saved his client’s files. However, it is believed that this accusation was just a pretext to prosecute Mr. Tan.

On August 11, 2006, Mr. Tan Kai was sentenced to 18 months’ imprisonment by the Hangzhou Municipal Intermediate People’s Court.

The hearing in the appeal was held *in camera* by the Intermediary People’s Court of Hangzhou in October 2006. By the end of 2006, Mr. Tan’s lawyer had not yet been informed of the verdict, but it seemed that the Court upheld Mr. Tan’s sentence, since he was still being detained in the West Lake detention centre in Hangzhou.

Mr. Tan Kai was arrested in October 2005, following the opening of a bank account in his name by the founders of Green Watch in order to seek funds that would allow them to legally register the

38. See Annual Report 2005 and Urgent Appeal CHN 003/1005/OBS 103.1.

organisation<sup>39</sup>. Green Watch's objectives include defending environmental rights in Huashui Town, Dongyang City, in Zhejiang province, where the residents complain that the pollution generated by the chemical factory affects the quality of the water, destroys crops and causes birth defects.

On November 15, 2005, Green Watch was declared illegal by the government of Zhejiang province. Since then, Mr. Tan Kai's relatives have been subjected to threats and acts of intimidation.

### **Ongoing arbitrary detention of Mr. Shi Tao<sup>40</sup>**

Mr. **Shi Tao**, a journalist and a freelance writer, was still being detained by the end of 2006.

He was arrested on December 14, 2004 and the Changsha Intermediate People's Court of Hunan province sentenced him on April 27, 2005 to ten years in prison and to two years of deprivation of his political rights for "illegally divulging State secrets abroad"(Article 111 of the Criminal Code). On June 2, 2005, the Supreme People's Court of Hunan Province confirmed this judgment in appeal, without even conducting a hearing.

### **Sentencing and arbitrary detention of Mr. Zhao Yan<sup>41</sup>**

On March 17, 2006, charges of "divulging State secrets to a foreign organisation" held against Mr. **Zhao Yan** were dropped one month before the visit of President Hu Jintao to the United States. Mr. Zhao is a researcher and a journalist for the *New York Times*, who had previously worked with peasants on their complaints to local and central authorities. Mr. Zhao is also known for his reports on the situation of rural populations in China and had been arrested in September 2004.

However, Mr. Zhao was sentenced to three years in prison for "fraud" on August 25, 2006 during a hearing held behind closed doors. This charge was linked to the previous accusations, which had been dropped only a few months before.

39. Under Chinese law, registration requires a legal deposit of 30,000 yuan (3,074 euros) as starting capital. However, under the Regulations for registration and the managing of social organisations, issued by the Chinese State Council, the founders of an organisation cannot fundraise until the organisation is legally established. This puts them in an inextricable situation.

40. See Annual Report 2005.

41. *Idem*.

Mr. Zhao appealed the decision.

On December 1, 2006, the Beijing High Court confirmed his sentence in a short hearing during which Mr. Zhao was not allowed to make a statement, nor present evidence or witnesses. Moreover, his lawyer was not allowed to attend the hearing.

Mr. Zhao has already been detained for two years awaiting trial. He is expected to be released in September 2007.

### **Ongoing acts of harassment against Ms. Ding Zilin<sup>42</sup>**

In 2006, Ms. **Ding Zilin**, one of the main spokespersons for the Tiananmen Mothers, an organisation that tirelessly campaigns for an independent inquiry into the repression of pro-democracy demonstrations in 1989, continued to be subjected to recurrent surveillance and harassment.

Since May 30, 2006, on the occasion of the 17<sup>th</sup> anniversary of the 1989 events, Ms. Ding Zilin and Ms. **Zhang Xialing**, also a spokesperson for the Tiananmen Mothers, have been subjected to close surveillance by the police. Indeed, Ms. Ding was only given permission to leave her house on rare occasions and was always accompanied by policemen.

Since January 27, 2005, Ms. Ding Ziling has been under house arrest in Beijing after asking for the release of two human rights defenders. Moreover, the Tiananmen Mothers' bank account, which contains 5,940 euros, has been frozen by the Beijing PSB since 1998 for "the purpose of an investigation".

### **Ill-treatment and arbitrary detention of Ms. Mao Hengfeng<sup>43</sup>**

In 2006, Ms. **Mao Hengfeng**, a prominent defender in the campaign against Chinese family planning policies and forced evictions in Shanghai, was subjected to ongoing acts of harassment.

From February 13 to March 29, 2006, Ms. Mao was put under house arrest in a flat in the Yangpu district of Shanghai on suspicion of "causing disturbance on a public thoroughfare". While under house arrest, Ms. Mao was under constant surveillance and was beaten several times, in addition of being deprived access to her lawyer. One of her jailers allegedly hit her in the chest and simulated strangling

42. See Annual Report 2005 and Open Letter to the Chinese authorities, July 11, 2006.

43. See Annual Report 2005 and Urgent Appeals CHN 004/0406/OBS 044 and 044.1.

her. Her arrest followed her participation, in early February, in a nationwide hunger-strike in support of Mr. Gao Zhisheng<sup>44</sup> and several other human rights defenders who had started a hunger strike against the violence and the repression of Chinese authorities.

On May 23, 2006, Ms. Mao Hengfeng was arrested once again by the police of Yangpu district without being produced an arrest warrant, and placed under “soft” house arrest in Kelaideng Hostel. Ms. Hengfeng broke a lamp while protesting against her illegal detention and, on May 30, 2006, she was placed under criminal detention and charged with “intentionally damaging property”.

On August 28, 2006, the charges against Ms. Mao were sent to the Prosecutor of Yangpu district, who sent them back to Yangpu PSB due to lack of evidence.

Ms. Mao was still in detention as of the end of 2006 and could not receive any visit from her family.

Ms. Mao has already been subjected to many acts of harassment and arbitrary detentions. She was sentenced to 18 months of Re-Education Through Labour (RTL) by the Shanghai PSB in April 2004, during which she was subjected to ill-treatment.

From September 23 to 27, 2005, Ms. Mao and her relatives were placed under house arrest after she announced her intention to protest against acts of harassment against her at the United Nations Office in Beijing. Since then, she has been repeatedly arrested.

## Repression against lawyers

### Sentencing and arbitrary detention of Mr. Huang Weizhong<sup>45</sup>

Mr. **Huang Weizhong**, a defender of peasants’ rights in Putian (Chengxiang district), was accused by the Prosecutor of Putian of “gathering crowds to disturb social order” on February 28, 2006. He had been arrested on December 28, 2005.

In the past two years, Mr. Huang Weizhong had unrelentingly sent petitions, filed complaints and asked for a protest permit to defend peasants’ right to land.

On May 17, 2006, Mr. Huang Weizhong was found guilty of the charges against him by the Chengxiang District Court and was sentenced to three years in prison.

44. See below.

45. See CRD, June 2006.

On May 29, 2006, Mr. Huang appealed the decision and filed a complaint for defamation with the Chengwiang District Court against *Meizhou Daily*, a newspaper of the Committee of the Putian Municipal Party. On May 18, 2006, the newspaper had published on its front cover an article entitled “Huang Weizhong sentenced to three years in prison by the Court of First Instance for fomenting a resistance movement for the requisition of land”.

#### Arbitrary detention of Mr. Yang Maodong and ill-treatment of Mr. Tang Jingling<sup>46</sup>

In 2006, Mr. **Yang Maodong**, *alias* Guo Feixiong, a legal counsel in the Shengzhi law firm in Beijing, whose activities were suspended in November 2005<sup>47</sup>, was subjected to ongoing acts of harassment by the police.

On February 3, 2006, he was held for 12 hours at the Linhe police station in Canton (Guangdong province). When released, he was beaten and photographed by a group of unknown persons while police officers stood by.

On February 8, 2006, Mr. Yang Maodong wrote an open letter to the Chinese President, Mr. Hu Jintao, and his Prime Minister, Mr. Wen Jiabo, in which he protested against the disproportionate use of force by the authorities during the recent repressions of civil society movements and protests in rural areas. He also denounced forced evictions, violence against human rights defenders and the strengthening of censorship. He invited the authorities to begin a dialogue with peasants in order to avoid an escalation of land disputes and asked them to guarantee local democracy, freedom of the press and the respect for human rights.

Mr. Yang was arrested on the same day and brought to the Fuyou police station in Beijing. He was released the next day and escorted back home by three policemen. Since then, his house has been under police surveillance and all his movements have been watched.

Mr. Yang was detained on August 2, 2006, after being beaten by the police once again for joining a demonstration in front of the central government’s residence in Beijing.

46. See Urgent Appeal CHN 001/0206/OBS 018.

47. See below.

On August 9, 2006, Mr. Yang was beaten by police officers on a train to Beijing and taken to Shaoguan (Guangdong), where he was detained until the next day. The police reportedly accused him of having a fake train ticket.

On September 14, 2006, Mr. Yang Maodong was arrested in his home in Canton, where police produced a search warrant, searched the house and seized his three computers and personal notes, among other items. He was accused of “illegal trading” and of illicitly printing, publishing and selling 20,000 books. His wife, Mrs. **Zhang Qing**, was also taken to the police station to be interrogated.

On September 18, 2006, his wife tried to visit him at the Canton PSB, but was not allowed to see him.

On September 30, 2006, Mr. Yang was officially arrested for “illegal trade of publications”<sup>48</sup>.

During numerous interrogations at the Panyu police station, Guangdong province, he was reportedly not allowed to sleep for several days in a row.

On October 19, 2006, Canton PSB sent Mr. Yang’s case to the municipal Prosecutor of Canton who, on October 28, 2006, sent it back to the PSB for more information.

On December 28, 2006, the Prosecutor informed Mr. Yang that he had received a “statement of investigation” from the PSB.

Mr. Yang Maodong was still detained at the local Canton detention centre as of the end of 2006.

Since July 2005, Mr. Yang has provided legal aid to the farmers of Taishi village (Guangdong), who are trying to obtain the legal revocation of the head of the village committee, suspected of corruption. In September 2005, the local government had violently repressed their protests, detaining and injuring dozens of villagers. Mr. Yang had denounced these events by posting a number of articles on the Internet, including on the *Yannan* forum, which was closed on October 1, 2005. He was arrested in Canton on September 13, 2005, and released on December 27, 2005 after a 59-day hunger strike.

Furthermore, Mr. **Tang Jingling**, another lawyer providing legal aid to the villagers of Taishi, was followed and beaten by five unidentified

48. In China, the police usually carry out arrests without a warrant, the official arrest taking place subsequently.

men on February 2, 2006 as he was returning from a visit to Mr. Yang. After having reported the incident to the police, he was followed by two taxis on his way home.

#### Sentencing and arbitrary detention of Mr. Chen Guangcheng<sup>49</sup>

On March 11, 2006, Mr. **Chen Guangcheng**, a lawyer involved in denouncing the extensive use of violence by the authorities of Linyi in relation to birth planning policies, was arrested with other militants by local police officers for “disturbing traffic”. It is only on June 11, 2006 that his wife was informed by the Yinan PSB that her husband was charged with “deliberate destruction of property” and “organising a mob to disrupt traffic”.

On June 19, 2006, the authorities banned a press conference in Beijing that called on the international community to denounce Mr. Chen’s situation. The organisers of the conference were interrogated and put under surveillance. Mr. Chen’s family was also subjected to repeated acts of harassment.

The first hearing in his case, scheduled for July 20, 2006, was finally postponed until August 18, 2006 by the Linnan County People’s Court in Shandong Province.

On August 24, 2006, Mr. Guangcheng was sentenced to four years’ and three months’ imprisonment, without his lawyers being allowed inside the hearing room. His trial only lasted two hours.

On October 31, 2006, the Court of Appeal ordered the review of Mr. Chen’s case.

On November 27, 2006, the new proceedings against Mr. Chen took place before the People’s Court of Yinan Canton and lasted ten hours. His lawyers, his wife and his mother were allowed to attend the hearing.

On December 1, 2006, the Court sentenced Mr. Chen to four years and three months in prison for “intentionally disrupting traffic” and “inciting material destruction”.

On December 8, 2006, Mr. Chen’s lawyer appealed the decision to the Intermediary Court of Linyi City.

49. See Open Letter to the Chinese authorities, July 11, 2006 and Urgent Appeals CHN 006/0706/OBS 087, 087.1, 087.2, 087.3 and 087.4.

He was still being detained at the Yinan detention centre as of the end of 2006.

Acts of harassment against several of Mr. Chen Guangcheng's witnesses and lawyers<sup>50</sup>

In addition, since the beginning of his trial, Mr. Chen Guangcheng's lawyers and several key witnesses have been subjected to ongoing acts of reprisals.

- On August 18, 2006, Mr. **Xu Zhiyong** was beaten by unidentified men and taken into police custody, only to be released 22 hours later, after Mr. Chen's trial had finished. The same day, Mr. **Li Jinsong** and Mr. **Zhang Lihui** were arrested and detained on charges of theft. Both were released, but were then prevented from attending the trial. Two other defence lawyers, Mr. **Yang Zaixin** and Mr. **Zhang Jiankang**, were also harassed and forced to return home. Consequently, authorities appointed their own public defender, who was not able to read Mr. Chen's file before the hearing.

- Moreover, on the morning of November 26, 2006, Mr. **Chen Gengjiang**, a key witness in the proceedings, was detained for the whole duration of the hearing and was only released once he had signed a declaration promising not to get involved in the case. Two other key witnesses, Mr. **Chen Guangdong** and Mr. **Chen Guangyu**, disappeared on November 26 after telling their lawyers that they planned to testify in the proceedings. On the same day, Mr. **Chen Guanghe**, Mr. Chen's cousin, was kidnapped by unidentified men as he was on his way to meet Mr. Chen Guangcheng's lawyers. The police allegedly threatened Mr. Chen's family and ordered Mr. Chen Guanghe not to attend the hearing. As of the end of 2006, Mr. Chen Guanghe was officially placed in detention.

All four men had been tortured to coerce them to provide false testimonies against Mr. Chen during the first case against him.

- Besides, Mrs. **Yuan Weijing**, Mr. Chen's wife and a witness, was placed under house arrest until November 25, 2006. She was arrested around noon by members of the Yinan PSB in the presence of her lawyers on November 28. Policemen produced an arrest warrant authorizing her detention for interrogation. Eight hours later, she was

50. *Idem*.

violently thrown out of a police car and left nearly unconscious on a road near her village. She was only able to talk the next day to explain that the police had mistreated and insulted her. During her detention, police officers presented a warrant authorising house arrest for “suspicion of intentionally disrupting traffic” and “inciting material destruction”. These crimes are punishable with up to six months of house arrest under Chinese law. Mrs. Yuan had already been placed under house arrest for 15 months without any reason.

- Furthermore, Mr. Chen’s lawyers, Mr. **Li Jinsong** and Mr. **Li Fangping**, were taken in for questioning on the outskirts of Gushidong, where Mr. Chen lives. They had gone there to meet witnesses and collect evidence in preparation for the judicial review of the case. Although they were able to meet Mr. Chen’s wife and mother, the police prevented them from speaking to other key witnesses.

Mr. **Teng Biao**, who is also a defence lawyer for Mr. Chen, was arrested for five hours on November 27, 2006 (the day of the trial), thus preventing him from attending the hearing. During his detention, he was violently attacked by several police officers who immobilised him on the floor, searched him, seized his mobile phone, and interrogated him.

Lastly, on December 27, 2006, eight men boarded the night bus on which Mr. Li Jinsong and Mr. Li Fangping were travelling and violently assaulted them. Mr. Li Jinsong and Mr. Li Fangping were on their way to Linyi to visit their client.

### Ongoing acts of harassment against Mr. Zheng Enchong and his relatives<sup>51</sup>

Mr. **Zheng Enchong**, a lawyer with the Shanghai Bar, and his relatives have been subjected to many acts of harassment since his release from Tilangiao prison on June 5, 2006. Mr. Zheng is committed to defending the rights of people who have been evicted from their homes by Shanghai authorities in relation to re-urbanisation planning.

Mr. Zheng was sentenced in October 2003 to three years’ imprisonment and a year of deprivation of his political rights by the Shanghai Second Intermediate People’s Court for “illegally providing State

51. See Annual Report 2005 and Urgent Appeals CHN 001/0803/OBS 041.5, 014.6, 041.7, 041.8, 041.9 and 041.10.

secrets to entities outside China” and in particular for sending two documents to Human Rights in China (HRIC). The Shanghai Court of Appeal upheld the verdict on December 18, 2003.

As soon as he was released, Mr. Zheng was placed under house arrest and his phone line was tapped and cut several times.

On June 27, 2006, he was allowed to go to the local PSB in order to renew his identity card, in accordance with the terms of his sentence to the deprivation of his political rights for one year. However, he could not renew his card because no officer was available to process his application. The next day, Mr. Zheng and his wife went to the office of the Shanghai municipal government in order to file a complaint concerning these facts. They were then informed that the loss of Mr. Zheng’s political rights entailed a total restriction on his freedom of movement.

On July 12, 2006, public security police officers from Shanghai’s Zhabei District North Station broke into his apartment and summoned his wife to report to the police station, on suspicion of “impeding officials of State bodies in the execution of their duties”. A search of Mr. Zheng’s home was carried out and the hard drive of their computer was seized, along with an important number of other documents, including a letter that Mr. Zheng had written to the authorities. A search warrant was reportedly produced after the search. Mrs. Zheng was released shortly afterwards. Later that day, the police returned to Mr. Zheng’s home and arrested him for “impeding officials of State bodies in the execution of their duties during a period of deprivation of political rights”. They released him a few hours later. Nevertheless, he has since then been repeatedly summoned to the police station for questioning.

On October 14, 2006, Mr. Zheng Enchong and his wife were prevented from going to the Mu’en church in Shanghai. As they were leaving their home, they were surrounded by a dozen policemen, who knocked Mr. Zheng to the ground before sequestering him in the entrance of his building for several hours. Around the same time, Ms. Shen Peilan, a friend who had arranged to accompany Mr. Zheng to church, was prevented from leaving her home by police officers.

### Incommunicado detention, sentencing and house arrest of Mr. Gao Zhisheng<sup>52</sup>

On August 15, 2006, Mr. **Gao Zhisheng**, a human rights lawyer and director of the law firm Shengzhi (Beijing) that works mainly on human rights cases, was arrested by more than 20 policemen in plain-clothes from the Beijing PSB. At the time, he was at his sister's house in Dongying, Shandong province. No arrest warrant was produced. Policemen also threatened Mr. Gao's sister and asked her to keep quiet about the arrest. On August 18, 2006, a statement was published by the official press agency *Xinhua*, stating that Mr. Gao had been arrested on "suspicion of breaching the law", without giving any detail on the crime he allegedly committed.

Mr. Gao was then held in incommunicado detention, as neither his family nor his lawyer knew where he was. The authorities declared that his case involved "State secrets".

On September 28, 2006, Mr. Gao's request for a release on bail was rejected. His lawyers issued another request on October 24, 2006.

On October 12, 2006, Mr. Gao's lawyer was informed that his client had been formally arrested and charged with "inciting subversion" on September 29, 2006.

On December 12, 2006, Mr. Gao allegedly pleaded guilty in front of the Beijing Intermediate Court N°1. Neither his lawyers nor his family had been informed of the hearing.

On December 22, 2006, the Court found Mr. Gao guilty and sentenced him to a three-year suspended prison term with a five-year probation period and the deprivation of his political rights for one year. Following this sentence, Mr. Gao was released and placed under house arrest.

Moreover, since his arrest, Mr. Gao Zhisheng's family members have been under close surveillance.

Indeed, on October 6, 2006, Mrs. **Geng He**, his wife, was "escorted" by policemen when she attempted to visit her husband in Beijing detention centre n°2, who remained present for the duration of the visit. Moreover, on November 24, 2006, Mrs. Geng He was beaten and insulted by the police who were following her around Beijing. Her 13 year-old daughter was permanently "escorted" by policemen, even when she went to school.

52. See Urgent Appeals CHN 009/1106/OBS 136 and 136.1.

As a criminal lawyer, Mr. Gao Zhisheng has represented victims of human rights abuses such as acts of torture against members of the Falun Gong Buddhist movement or leaders of the Christian church and arbitrary detention of petitioners seeking to bring a case against the government for negligence or corruption. He also defended cases involving freedoms of expression and of the press.

In November 2005, the activities of the Shengzhi law firm were suspended for one year by the local justice office of Beijing, and in December 2005 Mr. Gao's professional license was revoked. Mr. Gao appealed the decision, but lost the appeal. These events followed the publication of an open letter on the repression of Falun Gong members.

### **Ongoing acts of harassment against Mr. Li Weiping<sup>53</sup>**

Mr. **Li Weiping**, a political dissident who participated in the 1989 pro-democracy movement, revealed on May 17, 2006 that he had been approached by Beijing's secret services. They had asked him to "collaborate" with them by collecting information on the activities of groups advocating for democracy in China, risking otherwise to be expelled from the city. His landlord had already terminated the rent, although the police had given Mr. Li until June 11 to leave town.

On April 18, 2005, Beijing police officers had ordered the cancellation of a press conference planned to announce the creation of the Chinese Citizens' Rights Information Centre in Beijing by Mr. Li Weiping and Mr. **Liu Jingsheng**, a political dissident who also participated in the 1989 movement. Although they had obtained the authorisation of the Bureau of Commerce of Beijing to open the Centre on April 1, 2005, the police had given them a "friendly warning" to close down the organisation as soon as possible, making it clear that instructions emanated from "higher levels" of the government. On April 14, 2005, the Beijing Public Security Bureau had demanded the cancellation of the press conference and the relinquishment of all projects relating to the Centre.

The Chinese Citizens' Rights Information Centre had still not opened as of the end of 2006.

53. See Annual Report 2005.

### **Arbitrary detention of Mr. Zan Aizhong<sup>54</sup>**

On August 10, 2006, Mr. **Zan Aizhong**, a writer and a member of the Independent Chinese Pen Association, was fired from his position as a journalist for *China Ocean News*. The previous day, Mr. Zan had publicly called upon the authorities of Hangzhou Municipal PSB to address the demolition by police forces of a protestant church in Xiaoshan, Hangzhou City, on July 29, 2006. The incident had left over 50 people injured.

On August 11, 2006, Mr. Zan Aizhong was arrested for “spreading rumours” and “disrupting social order”, and was given a seven-day administrative detention order under the “Security Administration Punishment Law” for having given interviews and written articles denouncing religious persecution by the police.

On August 18, 2006, Mr. Zan was released.

### **Arbitrary detention of Mr. Yan Zhengxue<sup>55</sup>**

On October 19, 2006, Mr. **Yan Zhengxue**, an artist and a dissident, was arrested in Taizhou, Zhejiang province, by the local PSB. PSB members, equipped with a warrant, searched his home and confiscated his computer and some personal belongings. The PSB denied detaining Mr. Yan at first, but finally informed his wife on October 25, 2006 that he was detained at the Luqiao PSB detention centre in Taizhou.

On November 10, 2006, Mr. Yan’s spouse was told that she was not authorised to hire a lawyer to defend her husband because his case involved “State secrets”. Neither his lawyer nor his family were allowed to visit him.

On November 15, 2006, Mr. Yan Zhengxue was accused of “subversion of State authorities”. This charge was likely linked to his writings in favour of human rights and political reform, which criticise the regime and its corruption.

Mr. Yan had already been arbitrarily detained on several occasions in the past. He is also known for his paintings, which portray the situation in Chinese prisons, and for organising a campaign against Re-Education Through Labour (RTL).

54. See Urgent Appeal CHN 007/0806/OBS 097.

55. See Annual Report 2005.

### Ongoing criminal proceedings against 14 human rights defenders<sup>56</sup>

As of the end of 2006, criminal proceedings against 14 members of the National Group on NGOs of the National Human Rights Commission (NHRC), which began in March 2005, were still pending before the Cuddalore Second Magistrates Court (Tamil Nadu). Moreover, some of the accused had still not received a copy of the report incriminating them.

On October 11, 2004, several members of the National Group on NGOs of the NHRC had met at the Cuddalore town hall (Tamil Nadu) for a training session in the framework of the Campaign Against Torture - Tamil Nadu (CAT-TN). Members of these organisations planned to hold a press conference that afternoon on human rights violations committed by Mr. Prem Kumar, superintendent in the district of Cuddalore. As the training session was about to start, a group of police officers burst into the room and interrupted the meeting, stating that the press conference was banned. Mr. **Henri Tiphagne**, executive director of People's Watch - Tamil Nadu (PW-TN), an NGO promoting human rights education, was violently taken to the police station in the town hall. Thirteen other defenders, including Mr. **Nizamudeen**, national secretary general of the Core Coordination Group on NGOs, and Mr. **Murugappan**, regional monitoring director at PW-TN, were also arrested and taken to the police station of Cuddalore.

They were held in police custody for more than seven hours, before being released on bail.

By the end of 2006, all 14 people remained charged under Articles 147 (rioting), 452 (house trespassing with intention to injure, to assault or to exert duress), and 506(ii) (criminal intimidation) of the Criminal Code and Article 7(1) (a) of the Criminal Law Amendment Act (provocation of a person with intention to cause damage).

Moreover, no action was taken in relation to the complaint that was lodged on October 13, 2004 with Mr. Jangrid, general inspector of

56. See Annual Reports 2003 and 2005.

the police responsible for Cuddalore and the north of Tamil-Nadu, following these events, despite a number of reminders sent in 2005 and 2006.

### **Obstacles to Mr. Parvez Imroz's freedom of movement<sup>57</sup>**

On June 2, 2006, Mr. **Parvez Imroz**, a lawyer and founder of the Association of Parents of Disappeared Persons (APDP), was awarded the international human rights prize "Ludovic-Trarieux" by the Human Rights Institutes of the Bordeaux, Brussels, Paris and the European Bars<sup>58</sup>. In order to receive his prize, Mr. Imroz was invited to go to France on October 13, 2006. However, despite national and international pressure and numerous requests by Mr. Imroz to Indian authorities to renew his passport, these remained without response. He was therefore not able to leave India. His wife and his nephew, Mr. Parvez Khurram, a human rights defender, received the prize on his behalf.

### **Arbitrary detention and release of two TIPS members<sup>59</sup>**

On August 23, 2006, members of the Manipur police and officers from the Assam Rifles (a paramilitary unit) arrested at his home Mr. **Yengkokpam Langamba Meitei** (*alias* Thabi), public relations secretary of the Threatened Indigenous Peoples' Society (TIPS) of Manipur and a spokesperson for *Apunda Lup*, a Manipur-based coalition of 34 human rights organisations. The police produced a memo relating to Section 41 of the Indian Code of Criminal Procedure, which allows police to arrest a person without a warrant. Mr. Langamba was taken to the Imphal police station, where he was accused of being involved in a vehicle-burning incident in Kamuchingjil and of stealing official files from government offices.

In the night of August 24 to 25, 2006, his colleague, Mr. **Leitanthem Umakanta Meitei**, a human rights lawyer and TIPS secretary general, was arrested at his residence in Porompat

57. See Press Release, October 11, 2006 and Closed Letter to the Indian authorities, September 20, 2006.

58. The Ludovic-Trarieux Prize is awarded every year to a lawyer who defends human rights, the rule of law and the fight against all forms of racism and intolerance.

59. See Urgent Appeals IND 001/0906/OBS 106 and 106.1.

Thawanthaba Leikai by the same team. Among other things, the officers seized fifteen CDs, three books from the International Labour Organisation (ILO) and his wife's mobile phone. The warrant for Mr. Umakanta Meitei's arrest was not produced until after he was arrested, when his wife and his brother went to visit him at the police station.

These detentions were probably linked to the demonstration that was organised on August 23, 2006 by *Apunba Lup* to protest against a bomb attack on August 16, 2006 that killed five Hindus and injured over forty as they prayed in the temple of Krishna in Manipur.

After their arrest, both men were detained at the Imphal police station, where they were interrogated and ill-treated by the police. They were also denied the right to meet their lawyer. They were both charged under Sections 38 and 39 of the Unlawful Activities Prevention Act (1967), which applies to people who support a terrorist organisation, for allegedly maintaining links with an illegal group called the Organisation to Save the Revolutionary Movement in Manipur (*Kanglei Yaꣳwol Kanna Lup* - KYKL).

On August 29 and September 1, 2006 respectively, the chief judicial magistrate ordered Mr. Umakanta and Mr. Langamba's release on bail for lack of evidence. However, they both refused to pay the bail and insisted on their unconditional release. They were subsequently remanded to judicial custody for an additional 15 days in Sajiwa central jail.

On October 4, 2006, a Court in Manipur ordered their release. All charges against them were dropped.

### **Arbitrary detention of Ms. Irom Chanu Sharmila<sup>60</sup>**

For the past six years, Ms. **Irom Chanu Sharmila** has regularly been on a hunger strike to protest against the Armed Forces Special Powers Act (AFSPA)<sup>61</sup>, which is at the origin of many acts of police violence in the State of Manipur. She began the strike after the Malon massacre on November 2, 2000, in which the members of the Assam Rifles shot down 10 suspected insurgents at a bus stop near Imphal.

60. See Urgent Appeal IND 003/1206/OBS 151.

61. On June 6, 2005, Justice Jeevan Reddy received the conclusions of the report submitted by the Committee constituted by the government to examine the AFSPA. The conclusions, which had never been made public, appeared in the press in October 2006. In its recommendations, the Committee expressly called for the repeal of the law which "has become a symbol of oppression, an object of hate and an instrument of discrimination and authoritarianism."

This tragic event was an illustration of the abuses generated by the AFSPA, which entered into force in 1958. This Act gives the Indian army full powers in areas affected by armed uprising, notably in Kashmir and in the north-eastern states, including Manipur, where separatists rebels are present. In particular, the AFSPA empowers soldiers to arrest, keep in detention and shoot at any person (section 4.a) so as to “maintain public order” if the soldier has reasons to believe that he or she is an “insurgent”. This can be carried out with total impunity and the law requires the permission from the central government to prosecute a member of the army. To this day, no soldier has been sentenced on the basis of this law.

Ms. Sharmila was arrested for the first time in November 2000 for “attempting suicide” (Section 309 of the Criminal Code) and has refused to eat or drink since then. The maximum sentence under Section 309 of the Code is one year in detention. Ms. Sharmila is thus released every year and then placed in detention the next day for the same reasons.

On October 2, 2006, she went to New Delhi on the day of her “annual release” to give a national resonance to her action. She was arrested a few days after her arrival by the police and forcibly hospitalised at the All India Institute of Medical Sciences (AIIMS), where she was force-fed by a nasal tube.

On November 28, 2006, Ms. Sharmila took the tube out to continue her hunger strike. She is watched by several dozen policemen and cannot move, speak nor meet people freely.

### **Acts of harassment against MASUM<sup>62</sup>**

On November 10, 2006, the headquarters of *Manabadhikar Suraksha Mancha* (MASUM), a human rights organisation working in India and South Asia and specialised in denouncing torture, were searched by a policeman from the District Intelligence Branch Department (DIB) in Howrah, West Bengal. During the search, the policeman enquired about the organisation’s activities and its registration certificate, and asked for the name and contact details of its managers. The only employee present at the time refused to give the information and asked the officer to come back later.

62. See Annual Report 2005 and Urgent Appeal IND 002/1206/OBS 144.

On November 21, 2006, another search was carried out at the MASUM headquarters by the same policeman, who was looking for more information on the organisation. He notably wrote down the address of Mr. **Kirity Roy**, MASUM secretary general, and asked for the association's registration certificate.

Mr. Roy was present during the search. When he asked the police officer for a search warrant, the policeman replied that he was obeying orders from the chief inspector of the West Bengal police. He then left the premises, saying that he would bring the warrant at a later time.

Mr. Roy received a telephone call shortly afterwards, summoning him to a meeting with the deputy police superintendent at the DIB office in Howrah. When Mr. Roy asked him to send a written summons, the police officer hung up.

On December 9, 2005, Mr. Kirity Roy had already been arrested by the police in Lal Bazar, Calcutta, West Bengal, along with 21 people, including Mr. **Abhijit Datta**, MASUM assistant secretary, Mr. **Pradip Mukherjee**, a MASUM employee, Mr. **Nirmal Karmakar**, secretary of the Deganga unit of the Association for the Protection of Democratic Rights (APDR), Mr. **Phanigopal Battacharjee**, secretary of Indo-Japan Steels Workers' Union, and Mr. **Dipankar Mitra**, a member of the Calcutta section of ActionAid. At the time, they were peacefully protesting in front of the secretariat of the government of West Bengal using banners to denounce cases of human rights violations committed by police officers. All of these persons were detained at the Lal Bazar police station before being released three hours later without charge.

### **Arbitrary arrest and ill-treatment of Ms. Medha Patkar and several of her supporters<sup>63</sup>**

On December 2, 2006, Ms. **Medha Patkar**, the founder and director of the Save the Narmada Movement (*Narmada Bachao Andolan - NBA*), a coalition of local organisations fighting for the rights of people who were displaced because of the dam-building projects on the Narmada river (which is also affecting the eco-system), was arbitrarily detained when she was on her way to Singur, Hooghly district, in West Bengal, to show her support to Singur villagers who were

63. See MASUM.

threatened with eviction because of the construction of a car factory on their land.

Seven other members of the organisation were also arrested. During her detention, Ms. Medha Patkar was reportedly victim of ill-treatment and insults. Her companions, including Mr. **Dipankar Chakraborty** and Mr. **Sumit Chowdhury**, were released on bail from the Chinsura police station. As to Ms. Medha Patkar, she was taken to Kolkota, where she remained in detention in a police car all night until being released the next morning.

Faced with the villagers' resistance to their eviction, the state's government deployed a contingent of close to 5,000 policemen and members of the Rapid Action Force (RAF) on November 2 to circle the village's land with barbed wire. The mobilised villagers tried to resist, but they were rapidly charged by the police and the RAF, armed with blundgeons, tear gas and rubber bullets.

The policemen also allegedly entered neighbouring villages, hitting and assaulting villagers, including women, elderly people and children. Several people were seriously injured.

During this incident, the police arrested more than 60 people, including women and children, in order to forcibly take their land. A dozen people were allegedly injured.

On December 4, 2006, Ms. Patkar was arrested by the police again as she was trying to enter the city. She was detained in a pension in Dankunim with several companions, including Ms. **Anuradha Talwar** and Ms. **Rekha Sarkar**. She was released on the afternoon of December 5, 2006 and immediately attempted to enter the city again. The police stopped her once more and took her back to Kolkota.

Moreover, on December 9, 2006, Ms. Patkar participated in a silent protest in Kolkota to denounce police repression during a protest organised the day before by several political parties who were trying to enter Singur. Ms. Patkar and several other participants were then arrested and taken to the Lalbazar police station in Kolkota, before being released a few hours later without charge.

No arrest warrant was ever presented to Ms. Patkar and no file has been registered with the police.

On April 5, 2006, a peaceful protest in Delhi against the transfer of thousands of people because of the dam project of Sardar Sarovar, on the Narmada River, was violently repressed by the police.

Ms. Medha Patkar and Mr. **Jamsingh Nargave**, an NBA activist, were taken to a government hospital, where they were detained by the police for several days.

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## INDONESIA

### **Two years later, Mr. Munir Said Thalib's murder remains unpunished<sup>64</sup>**

As of the end of 2006, the impunity for the murder of Mr. **Munir Said Thalib**, co-founder of the Commission for Disappearances and Victims of Violence (KONTRAS), who died on board of a Garuda Airlines flight from Jakarta to Amsterdam on September 7, 2004 was more blatant than ever: not only had no real progress been made in the investigation about those behind the attack, but the principal suspect, who was accused of “premeditated murder”, was acquitted.

Indeed, on October 3, 2006, the Indonesian Supreme Court acquitted Mr. Pollycarpus Budihari Priyanto, a Garuda Airlines pilot. He had been sentenced to 14 years in prison by the Jakarta Central District Court on December 20, 2005, along with Mr. Oedi Irianto and Mr. Yeti Susmiarti, both stewards of Garuda Airlines. The Supreme Court only found Mr. Priyanto guilty of “falsification of airline documents” and sentenced him to two years in prison.

The Court refused to accept new evidence and based itself on the evidence presented in previous trials.

Mr. Priyanto was suspected of offering a first class seat to Mr. Munir and then putting arsenic in his orange juice. He had appealed the sentence when the Jakarta High Court upheld the Jakarta Central District Court's judgment in March 2006.

On December 25, 2006, Mr. Priyanto was released from prison three months before the end of his sentence, benefiting from a reduction of his sentence on the occasion of a bank holiday, an Indonesian tradition.

In June 2005, an official investigation team (*Tim Pencari Fakta - TPF*) that had undertaken an inquiry from December 2004 to June 2005 submitted its report to the President of the Republic, Mr. Susilo Bambang Yudhoyono. The report suggested the involvement of senior

64. See Annual Report 2005.

executives of the State airline Garuda and high-level officials of the State Intelligence Agency (*Badan Intelijen Nasional* - BIN) in the death of Mr. Munir. However, this report had not been made public by the end of 2006 and was not used during the trial.

Moreover, when the TPF summoned the former head of the Indonesian secret services, who was in service at the time of the murder, he refused to respond to this convocation. He then lodged a complaint for defamation against two TPF members, Mr. **Usman Hamid**, KONTRAS director, and Mr. **Rachland Nashidik**, director of *Imparsial*, a human rights NGO. The charges against the men had been dropped by the end of 2006.

On November 7, 2006, the head of the Indonesian police force announced that he would not authorise any foreign intervention in the inquiry into the murder of Mr. Munir, just as Mr. Philip Alston, Special Rapporteur of the United Nations on extrajudicial, summary or arbitrary executions, had pledged to Mr. Munir's widow that he would follow the inquiry.

However, on December 7, 2006, the House of People's Representatives asked the President to relaunch an inquiry into the murder of Mr. Munir, to appoint an independent investigation team and to publish the TPF report.

Mr. Munir had played a leading role in the investigations on human rights violations perpetrated by the Indonesian army, particularly in East Timor. He had also led numerous investigations into the disappearances of activists in Aceh and Papua under the Suharto dictatorship.

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## IRAN

### Assaults against DHRC and its members

Judicial harassment against the Defenders of Human Rights Centre<sup>65</sup>

On August 3, 2006, the activities of the Defenders of Human Rights Centre (DHRC), co-founded by Ms. **Shirin Ebadi**, laureate of the Nobel Peace Prize in 2003, were declared illegal by the Minister

65. See Press Release, August 8, 2006.

of the Interior, who stated that any person who continued these activities would be prosecuted.

Nevertheless, no legal proceedings had been initiated on the merits of this case as of the end of 2006.

Since its creation, the Centre's requests for registration have been refused numerous times without any justification from the authorities.

#### Arbitrary detention of Mr. Nasser Zarafchan<sup>66</sup>

On November 13, 2006, Mr. **Nasser Zarafchan**, a lawyer and founding member of DHRC who has been detained at the Evin prison since August 2002, was severely beaten by dangerous criminals condemned for ordinary crimes and who had just been transferred to the prison. Further information on Mr. Zarafchan's health or the circumstances surrounding these acts of violence was not available by the end of 2006.

Mr. Zarafchan is the lawyer of Mrs. Sima Pouhandeh, the widow of Mr. Mohammed Djafar Pouhandeh, a writer and a human rights defender who was murdered in 1998. He had been sentenced to three years' imprisonment by the Military Court of Tehran on March 18, 2002 for "possession of firearms and alcohol". He was also sentenced to two additional years of imprisonment and fifty whiplashes for his statements to the press regarding the trial of the alleged murders of Iranian intellectuals, which ended in January 2002. The verdict was confirmed in appeal by the Military Court of Tehran on July 15, 2002.

Mr. Zarafchan should be released during the first quarter of 2007.

#### Sentencing and release on bail of Mr. Abdolfattah Soltani<sup>67</sup>

On March 6, 2006, Mr. **Abdolfattah Soltani**, a lawyer at the Tehran Bar and a founding member of DHRC, was released after his bail of 100,000 euros was paid thanks to national and international solidarity.

On July 16, 2006, the Revolutionary Court of Tehran sentenced Mr. Soltani to five years in prison and the loss of his civil rights for failing to respect the confidentiality of the preliminary inquiry into

66. See Annual Report 2005 and Urgent Appeal IRN 004/0012/OBS 125.9.

67. See Annual Report 2005 and Urgent Appeals IRN 002/0705/OBS 055.3, 055.4 and 055.5.

the case of Ms. Zahra Kazemi, an Iranian-Canadian photographer who died in 2003 from the acts of torture and ill-treatment she was subjected to during her detention. Mr. Soltani appealed against this judgment.

In July 2005, Mr. Soltani, the Kazemi family's lawyer, had questioned the independence and fairness of the trial, stressing that the main officials allegedly involved in the acts of torture had not been prosecuted by the tribunal, including Mr. Said Mortazavi, Tehran Prosecutor.

Mr. Soltani had been arrested on July 30, 2005 when participating in a sit-in on the premises of the Tehran Bar to protest against the warrant issued for his arrest for "espionage" by Mr. Said Mortazavi on July 27, 2005. He was detained incommunicado until January 2006, when he was able to meet his lawyers.

As of the end of 2006, Mr. Soltani remained free and was waiting for a definitive verdict.

## Repression against trade unionists

Judicial proceedings against five trade unionists in the Kurdish province of Iran<sup>68</sup>

As of the end of 2006, judicial proceedings against Mr. **Mahmoud Salehi**, spokesperson for the Organisational Committee to Establish Trade Unions and former president of the Saqez Bakery Workers' Union, Mr. **Mohsen Hakimi**, a member of the Iranian Writers' Association, Mr. **Jalal Hosseini**, Mr. **Borhan Divangar**, and Mr. **Mohammad Abdipoor**, all members of the Saqez Bakery Workers' Union, were awaiting to be heard on appeal.

In November 2005, Mr. Mahmoud Salehi was sentenced to five years in prison and three years in exile; Mr. Jalal Hosseini, to three years in prison; Mr. Mohsen Hakimi, Mr. Borhan Divangar and Mr. Mohammad Abdipoor, to two years in prison. These five people had been arrested and then released after having participated in the peaceful celebration of May 1, 2004. They were accused of "sympathizing with the banned political party *Komala* [for an Iranian Kurdistan]". Although Mr. Mahmoud Salehi was reportedly found not guilty with

68. See Annual Report 2005.

regards to this charge, he was nonetheless accused of “meeting and conspiring against national security” under Article 610 of the Islamic Punishment Act, which prescribes sentences from two to five years of imprisonment. During the hearings, Mr. Salehi’s involvement with trade unions was held against him.

In May 2006, the seventh section of the Court of Appeal of the Kurdistan province annulled the judgment and held that Mr. Salehi, Mr. Hosseini, Mr. Divangar, Mr. Hakimi and Mr. Abdipoor were innocent. However, new judicial proceedings were initiated against them with the Saqez Revolutionary Court.

On November 13, 2006, the Court sentenced Mr. Salehi and Mr. Hosseini to four and two years’ imprisonment respectively for “meeting and conspiring against national security” following their involvement in the organisation of the May 1, 2004 celebration in Saqez. On November 27, 2006, Mr. Mohsen Hakimi was also sentenced to two years in prison. On October 17, 2006, Mr. Borhan Divangar was sentenced to two years in prison, but Mr. Mohammad Abdipoor was acquitted. The four trade unionists appealed their sentences and were on provisional release as of the end of 2006.

#### Ongoing repression against members of the *Sherkat-e Vahed* Union<sup>69</sup>

In 2006, the members of the Tehran and Suburbs Bus Company Workers’ Union (*Sherkat-e Vahed*) were still subjected to ongoing and increasing repression.

On January 27, 2006, the day before a strike calling for, among other things, the release of Mr. **Mansour Osanloo**, president of the union, eight members of the Union’s executive committee were summoned by the court. Mr Osanloo had been detained in the Evin prison (Tehran) since December 22, 2005<sup>70</sup>. The mayor of Tehran declared that the union was illegal, saying that the members were “saboteurs” and “subversive”, and asked that the strike be cancelled. New bus drivers were hired to break the strike. Moreover, more than 100 members of the union were arrested.

The next day, during the violent dispersal of the strike, hundreds of bus drivers and their wives were arrested and taken to the Evin prison.

69. See Annual Report 2005 and Press Releases, March 20 and August 10, 2006.

70. See Annual Report 2005.

The police also broke into the homes of some of the union leaders.

Most of the people detained were released in February 2006, except for seven members of the executive committee: Mr. Mansour Osanloo, Mr. **Ebrahim Madadi**, vice president, Mr. **Mansour Hayat Gheibi**, **Yusseff Moradi**, Mr. **Yagoub Salimi**, Mr. **Ali Zadeh Hosseini** and Mr. **Mohammad Ebrahim Noroozi Gohari**.

On March 4, 2006, Mr. **Gholamreza Mirzaie**, the union's spokesperson, was also arrested.

Furthermore, Mr. Mohammad Ebrahim Noroozi Gohari, Mr. Gholamreza Mirzaie, Mr. Yagoub Salimi, Mr. Mansour Hayat Gheibi and Mr. Ebrahim Madadi were fired in March 2006.

From March 18 to April 10, 2006, all the people arrested were released, except for Mr. Osanloo. Mr. Mansour Hayat Gheibi was arrested again 24 hours after his release, only to be released later.

On May 1, 2006, the police arrested 13 union members who had gathered for International Labour Day, including Mr. **Abbas Najand Kodaki**, Mr. Yagoub Salimi, Mr. **Mahmoud Hojabri**, Mr. **Gholamreza Gholamhosseini**, Mr. Gholamreza Mirzaie, Mr. **Hassan Dehghan Gholamreza Khani**, Mr. **Fazel Khani**, and Mr. Ebrahim Madadi. They were all released on May 6, 2006.

On July 15, 2006, eight union members were arrested after participating in a peaceful protest in front of the Ministry of Labour calling for the recognition of the legal status of their union: Mr. Ebrahim Madadi, Mr. **Seyed Davoud Razavi**, Mr. Yagoub Salimi, Mr. **Atta Babakhani**, Mr. **Naser Gholami**, Mr. **Seyed Reza Nematipoor**, Mr. **Manochehr Mahdavi Tabar** and Mr. Ebrahim Noroozi Gohari. They were all released four days later.

On August 9, 2006, Mr. Mansoor Osanloo was released after being detained incommunicado for more than seven months in the Evin prison. His release was reportedly conditional on a 150 million toman bail (125,000 euros), which was paid by his colleagues, friends and family.

On November 8, 2006, Mr. Osanloo was once again detained for several hours by the Tabriz police, along with nine representatives of *Sherkat-e Vahed*. At the time, they were on their way to Tabriz for a workshop organised by the International Labour Organisation.

On November 19, 2006, Mr. Osanloo and Mr. Ebrahim Madadi were arrested on the street by policemen in plain clothes. The policemen refused to show their police card or an arrest warrant. Both men

were on their way to the Ministry of Labour in Tehran and were allegedly physically and verbally assaulted by the policemen. One of them reportedly pointed a gun towards Mr. Madadi, before firing in the air. The officers finally forced Mr. Osanloo to get into their car and left.

Mr. Osanloo was placed in detention in section 209 of the Evin prison, which is reserved for prisoners accused of political offences. He was unable to get access to his lawyer before December 5, 2006.

On November 26, 2006, Mr. Osanloo appeared before the 14<sup>th</sup> Chamber of the Revolutionary Court along with 17 other trade unionists to answer the pending charges against him, the exact nature of which was not known.

A few days later, the Minister of Justice and the spokesperson for the Ministry reportedly declared that Mr. Osanloo had been arrested again for not reporting to the penitentiary authorities after the issue of an arrest warrant and summons. However, his lawyer certified that Mr. Osanloo never received a warrant or summons requiring him to return to prison, but only a summons requiring his presence at a hearing before the fourth chamber of the Special Civil Servants Court on November 20, 2006.

On December 5, 2006, the judge set an additional bail of 30 million toman for his release (his bail then amounting to about 150,000 euros), stating that only his wife was authorised to pay it.

On December 19, 2006, Mr. Osanloo was finally released after only paying 150 million toman in bail, which was related to his detention from December 22, 2005 and August 9, 2006.

Moreover, on December 3, 2006, Mr. Seyed Davoud Razavi, Mr. **Abdolreza Tarazi**, members of the union's board of directors, and Mr. Gholamreza Gholamhosseini were released at the Khavaran bus station in Tehran, as they were distributing pamphlets to bus drivers. Mr. Razavi and Mr. Tarazi were freed the same night without charges.

Mr. Gholamreza Gholamhosseini was released on bail on December 9, 2006. The Prosecutor of the Tehran Revolutionary Court reportedly opened a file against him, but it was not possible to obtain any information on its content.

## Repression of two protests in favour of women's rights<sup>71</sup>

On the occasion of International Women's Day on March 8, 2006, the Iranian police, militiamen in plain clothes and members of the special anti-riot force of the Revolutionary Guards repressed a sit-in organised by independent groups of women and activists who were protesting in Tehran in favour of women's rights and peace.

After being photographed and filmed by the security forces, the protesters were given the order to disperse on the grounds that the gathering was illegal. The security forces then poured garbage over the head of the women protesters, assaulted them and hit them with their truncheons. The protesters then scattered, but the police followed and hit some of them. Moreover, several journalists, including foreign correspondents who were covering the protest, were arrested. They were released once their rolls and pictures were confiscated.

Moreover, on June 12, 2006, students and representatives of several women's rights NGOs who had organised a peaceful gathering in Tehran in order to protest against the discriminatory status of Iranian women were violently assaulted by the police.

Subsequently, at a press conference held on June 13, 2006, the Minister of Justice stated that 70 persons had been arrested and jailed in the Evin prison (Tehran) for "having organised an illegal gathering". Among them were Ms. **Gila Baniyaghoub**, Ms. **Shahla Entesari**, Mr. **Bahareh Hedayat**, Ms. **Atefeh Youssefi**, Ms. **Samira Sadri**, Ms. **Delaram Aramfar**, Ms. **Massoumeh Loghmani** and Ms. **Leyla Mohseninejad**, along with Mr. **Aliakbar Moussavi Khoini**, Mr. **Bahman Ahmadi Amoui**, Mr. **Ali Rouzbehani**, Mr. **Amin Ghalei** and Mr. **Vahid Mirjalili**. They were all released, except for Mr. Aliakbar Moussavi who was released on bail at a later date.

Judicial proceedings against these people were still pending as of the end of 2006.

## Release of Mr. Akbar Ganji<sup>72</sup>

Mr. **Akbar Ganji**, a journalist with the daily newspaper *Sobh-e-Emrooz*, was released on March 18, 2006, a few days before the official end of his prison term, scheduled for March 30, 2006.

71. See Press Releases, March 20 and June 14, 2006.

72. See Annual Report 2005 and Press Release, March 20, 2006.

Mr. Akbar Ganji was detained since April 22, 2000 at the Evin prison in Tehran for having written several articles denouncing the involvement of the Iranian regime in the assassination of political opponents and intellectual dissidents in 1998, and for taking part in a conference on the Iranian elections in Berlin in April 2000.

Mr. Ganji had been hospitalised in the Milad hospital in Tehran on July 17, 2005 after more than two months of hunger strike, which he finally ended on the night of August 20 to 21, 2005. He was taken back to prison on September 3, 2005, and had since been put in solitary confinement in a special section of the Evin prison.

On October 11, 2006, Mr. Akbar Ganji was awarded the Martin Ennals Award for Human Rights Defenders (MEA)<sup>73</sup>, along with Mr. Arnold Tsunga, a defender from Zimbabwe.

### **Arbitrary detention and sentencing of Mr. Saleh Kamrani<sup>74</sup>**

On June 14, 2006, Mr. **Saleh Kamrani**, a lawyer in Tehran, disappeared after calling his wife to tell her that he was on his way home. Detained in section 209 of the Evin prison, Mr. Kamrani was sentenced on September 13, 2006 to one year in prison with five years' probation for "propaganda against the system" (Article 500 of the Islamic Criminal Code). He was released on September 18, 2006.

Shortly before his arrest, Mr. Kamrani had defended political prisoners who had been arrested during demonstrations against the publication of a cartoon that had offended many Azeri Turkish citizens. The cartoon had been published by a State-owned newspaper on May 12, 2006.

In the past, he had already been harassed because of his activities in favour of members of ethnic minorities.

73. The Martin Ennals Award for Human Rights Defenders (MEA) is the product of a unique collaboration between eleven human rights NGOs to offer protection to defenders in the world: Amnesty International, Human Rights Watch, Human Rights First, FIDH, OMCT, International Commission of Jurists, Diakonie Germany, International Service for Human Rights, International Alert, Front Line, and Huridocs.

74. See Urgent Appeal IRN 001/0606/OBS 076.

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**MALAYSIA****Ongoing judicial proceedings against Ms. Irene Fernandez<sup>75</sup>**

Ms. Irene Fernandez, director of *Tenaganita*, an NGO working with migrant women, was still waiting for her appeal to be heard as of the end of 2006. Indeed, the minutes of the proceedings held in October 2003 had not yet been compiled, thus preventing her lawyers from preparing her defence.

In 1995, Ms. Irene Fernandez had been found guilty of “publishing false information with the intention to harm”, following the publication of a report entitled *Memorandum on the abuses, acts of torture and inhumane treatment suffered by migrant workers in detention camps*. This report contained allegations of abuses inflicted upon migrant populations based on Ms. Fernandez’s interviews with over 300 migrant workers.

Sentenced to twelve months’ imprisonment by the Kuala Lumpur Magistrates’ Court 5B on October 16, 2003, she was released on bail and lodged an appeal against the sentence on October 17, 2003 with the Kuala Lumpur High Court.

Furthermore, since Ms. Fernandez was forced to surrender her passport to the High Court at the time of her release on bail, she has to apply to authorities each time she wishes to travel abroad.

**Obstacles to a forum on freedom of religion<sup>76</sup>**

On May 14, 2006, almost 300 demonstrators gathered near the Cititel Hotel in Penang for a forum entitled “A Federal Constitution - Protection for All”, organised by the human rights NGO *Aliran* and Article 11, a coalition of 13 NGOs, in order to discuss issues such as freedom of religion and the safeguard of the secular nature of the Malaysian Constitution. For the event, the police had erected road-blocks in the surrounding area to control access to the hotel.

Around fifteen minutes before the forum started, more than 100 people gathered in front of the hotel, holding posters and shouting slogans such as “Allah’s law prevails over human rights”. Shortly afterwards, as several of the demonstrators attempted to attack the

75. See Annual Report 2005.

76. See Open Letter to the Malaysian authorities, May 22, 2006.

hotel, the police entered the building and ordered the organisers to close the forum within 30 minutes. Consequently, the meeting did not take place.

A similar meeting organised by Article 11 in Johor Bahru in July 2006 was also stopped by protesters from Islamic groups.

### **Death treats against Mr. Malik Imtiaz Sarwar<sup>77</sup>**

In mid-August 2006, Mr. **Malik Imtiaz Sarwar**, a lawyer involved in the promotion of freedom of religion and president of the National Human Rights Society of Malaysia (HAKAM), received death threats through an electronic message that was widely circulated to several addresses. The message included a photograph of Mr. Imtiaz Sarwar with the following message above the picture: “Wanted dead”. This message was also circulated in the form of a SMS.

These threats might have been linked to his defence on behalf of the Malaysian Bar in the case of Ms. Lina Joy, a citizen who converted from Islam to Christianity. She had filed a complaint against the National Registration Department, which had rejected her request to remove “Islam” from her identity card.

Mr. Malik Imtiaz Sarwar filed a complaint, and an inquiry was reportedly under way as of the end of 2006.

### **Arbitrary arrest of 23 villagers and housing rights defenders<sup>78</sup>**

Nine activists were arrested by the Municipal Council of Ampang Jaya (MPAJ) on November 20, 2006, as they tried to defend the housing rights of the poor living in Kampung Berembang, in Jalan Ampang. Indeed, 50 families who had been living in this village for over 30 years were threatened with eviction and the destruction of their houses under the “Zero Squatters” policy of the Selangor government. The inhabitants were informed of the eviction under the “Emergency Ordinance” even before their new houses were built. The organisation Network of Oppressed People (JERIT) helped the villagers delay their eviction until the new houses were ready. On November 2, 2006, the villagers had met with the secretary of Selangor state, who had promised to do everything possible to delay their eviction until April 2007. This decision was confirmed by Shah Alam High Court.

77. See Urgent Appeal MYS 001/0806/OBS 102.

78. See SUARAM, November 24, 2006.

The following nine people were placed in detention at the Ulu Kelang Taman Keramat police station: Mr. **Adli Abdul Rahman**, a villager, Mr. **Fiqtriy bin Al Hakimi**, a member of the organisation Food Not Bomb, Mr. **Lee Huat Seng**, administrative secretary of the Youth and Student Movement of Malaysia (DEMA), Ms. **Lechumy Devi Doraisamy**, JERIT coordinator, Mr. **Mohd Rajis**, a villager, as well as Ms. **Parames Elumalai**, Mr. **Ramachanthiran Ananthan**, Mr. **Ramalingam Thirumalai** and Mr. **Thevarajan Ramasamy**, members of JERIT.

Later that day, 14 additional people were arrested and detained at the Ampang Jaya police station for attempting to stop the demolition of houses: Mr. **Ebrahim Haris**, a member of Food Not Bomb, Messrs. **Sevan** and **Mohan**, Ms. **V. Wani**, Ms. **Kumaraveel** and Ms. **Sugumaran**, members of JERIT, Mr. **Sivarajan**, treasurer of the Malay Social Party (PSM), Ms. **Sabariah Ayoub**, Mr. **Awalluddin Sharif**, Mr. **Ahmad Tamrin**, Mr. **Azman Mohd** and Mr. **Faezae Ramzi** (15 years old), villagers, Mr. **Chang Lih Kang**, coordinator of *Suara Rakyat Malaysia* (SUARAM), and Mr. **S. Arutchelvan**, a member of SUARAM and general secretary of PSM.

One of the villagers who had fallen into a coma following blows by the police and municipal forces regained consciousness on November, 21, 2006.

They were all released the same evening and were due to present themselves before the Ampang Tribunal on December 4, 2006. All the houses were demolished.

On December 4, 2006, the hearing could not take place because the prosecution was not ready. No further date for the hearing was set by the end of 2006.

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## MALDIVES

### Release of Ms. Jennifer Latheef<sup>79</sup>

Ms. **Jennifer Latheef**, a photographer and journalist for the daily newspaper *Minivan* and a human rights activist, was released thanks to a presidential pardon on August 16, 2006.

79. See Annual Report 2005.

She had been sentenced on October 18, 2005 to ten years' imprisonment for "terrorist acts" and accused of throwing a stone on a police officer on September 20, 2003 during a protest following the death by torture of five prisoners of conscience. Ms. Latheef always denied the accusations held against her.

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## NEPAL

### **Absence of inquiry into the ill-treatment inflicted to Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi<sup>80</sup>**

As of the end of 2006, no inquiry had been opened on the 2005 attack against Mr. **Naman Kumar Shahi**, representative of the Informal Sector Service Centre (INSEC), and Mr. **Bhupendra Shahi**, editor-in-chief of the daily newspaper *Gorkhapatra Daily* and district president of the Journalists' Forum and of the Human Rights and Peace Society (HURPES). However, the deputy superintendent at the Dailekh police station allegedly presented his apologies to Mr. Naman Kumar Shahi.

On January 2, 2005, Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi were beaten by plain-clothes officers of the Dailekh police station. They had gone to the district of Dailekh to gather information on the murder of Mr. Dil Bahadur Rana, a member of the District Working Committee of the Nepali Congress Party and secretary of the Independent Committee for Displaced Persons in the district, who was killed that same day by Maoists.

### **Arbitrary arrests, ill-treatment and acts of harassment against several human rights defenders<sup>81</sup>**

Following a curfew and the complete prohibition of protests ordered by the government in Kathmandu and Lalitpur districts on January 17, 2006, the repression of Nepalese civil society has increased. Several protests were violently repressed, and several political leaders, journalists and human rights defenders were arrested.

79. See Annual Report 2005.

80. *Idem*.

81. See Informal Sector Service Centre (INSEC).

- On January 25, 2006, Mr. Naman Kumar Shahi was arrested by security forces in plain clothes as he was supervising a protest organised by the Seven Party Alliance (SPA). The police forces also attacked him and dragged him on the ground. He was released later that day.

On February 19, 2006, Mr. Naman Kumar Shahi was hit once again by a police officer as he was monitoring a protest organised by SPA. Following this incident, the deputy superintendent Prakash Bahadur made an apology on behalf of his subordinate.

- On January 26, 2006, Mr. **Nabraj Basnet**, a member of the Society Upliftment Centre, an INSEC affiliate, was arrested by members of the security forces in Janakpur as he was monitoring the programme for election nominations. He was detained all day at the police station and released in the evening.

- On January 27, 2006, Mr. **Arjun Basnet**, INSEC representative in Jhapa district, received a death threat by a stranger who warned him by telephone not to pursue his activities.

- On February 1, 2006, Mr. **Charan Prasai**, president of the Human Rights Organisation in Nepal (HURON), along with Mr. **Bijul Biswokarma**, Mr. **Mukund Rijal**, Mr. **Suresh Kumar Bhatta**, Mr. **Narayan Dutta Kande**, Mr. **Basu Devkota** and Mr. **Prakash Bara**, other HURON members, was arrested while they were taking part in a meeting on the occasion of the one-year “anniversary” of the royal take-over in Nepal<sup>82</sup>.

Mr. Bijul Biswokarma, Mr. Mukund Rijal, Mr. Suresh Kumar Bhatta, Mr. Narayan Dutta Kande, Mr. Basu Devkota and Mr. Prakash Bara were all released on February 5, 2006. Mr. Charan Prasai was released a month later.

- On February 2, 2006, Mr. **Rupesh Khatiwada**, secretary of the Free Students’ Union (FSU), was arrested at Tribhuban University by the police, and then taken to the Kirtipur police station in Kathmandu. He was tortured by two police officers that same evening.

82. See Urgent Appeal NPL 001/0206/OBS 012.

On February 5, 2006, Mr. Khatiwada, Mr. **Basudev Poudel**, Mr. **Rajan Khatiwada** and Mr. **Saroj Kumar Yadav**, also student leaders, were placed in provisional detention in the Women Development Training Centre in Jawalakhel, Lalitpur district. Mr. Poudel, Mr. Khatiwada and Mr. Kumar Yadav were also tortured during their arrest.

On February 3 and 4, 2006, the National Human Rights Commission and Mr. Ian Martin, head of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Nepal, visited the four prisoners. They were all released on February 21, 2006<sup>83</sup>.

- On February 13, 2006, soldiers of the Ranadal Gulma garrison violently attacked Mr. **Kalli Bahadur Malla**, INSEC representative in the Kalikot district, during an identity check in the Manma bazaar. Once he had introduced himself as an INSEC member, the military declared that “all human rights defenders and journalists are Maoists”, before hitting him and causing head injuries.

- On April 5, 2006, the police arrested 37 journalists, lawyers and professors who were preparing themselves to join a protest in New Baneshwar (Kathmandu), including Mr. **Bishnu Nisthuri**, president of the Federation of Nepalese Journalists (FNJ), Mr. **Mahendra Bista**, general secretary of FNJ, and Mr. **Shambhu Thapa**, president of the Nepal Bar Association (NBA). They were all released the same evening.

- On April 8, 2006, 24 members of the Civil Movement for Democracy and Peace (CMDP) were arrested in Maharajgunj during a demonstration in support of democracy in Nepal, including: Mr. **Daman Nath Dhungana** and Mr. **Padma Ratna Tuladhar**, two observers of the peace negotiations; Mr. **Sundar Mani Dixit**, director of the Civil Society for Peace and Development; Mr. **Kanak Mani Dixit**, editor-in-chief of the Nepalese magazine *Himal South Asia* and director of the *Himal Media* press group; Mr. **Ishwar Koirala**;

83. See OMCT Urgent Appeal NPL 100206.

Mr. Charan Prasain; Mr. **Kapil Shrestha**, a teacher at Tribhuvan University in Kathmandu; Mr. **Laxman Aryal**, a former judge at the Supreme Court; Mr. **Mahesh Maskey**; Mr. **Bidur Wasti**; Mr. **Bharat Pradhan**; Mr. **Bhaskar Gautam**; Mr. **Bimal Aryal**, a teacher; Mr. **Kedar Sharma**, a member of the Nepal Forum of Environmental Journalists (NEFEJ); Mr. **Malla K. Sundar**, a defender of indigenous rights; Mr. **Saroj Dhital**, a doctor; Mr. **Anubhav Ajit**; Mr. **Rupak Adhikari**; Mr. **Arun Sayami**, a doctor; Mr. **Madhu Ghimire**; and, Ms. **Shanta Dixit**, a journalist.

They were all detained in the barracks of the Armed Police Force (APF) in Duwakot (Bhaktapur), and released on April 25, 2006.

- On April 9, 2006, authorities refused to grant permits to journalists and human rights defenders during the curfew to enable them to attend an INSEC conference. These measures had a great impact on the 2005 release of INSEC's annual report, which has been distributed on the same day since 1992.

- The same day, a protest organised by civilians in front of the District Administration Office of Doti district was repressed by the police armed with truncheons. Many journalists and activists were injured, including the journalists Mr. **Tekendra Deuba** and Mr. **Ran Bahadur Bohara**, and the activists Mr. **Ramhari Ojha**, Mr. **Dik Bahadur Mahara**, facilitator of the INSEC "Campaign for Peace", and Mr. **Shanker Deep Madai**. Mr. Madai had to be taken to hospital.

- On April 12, 2006, the security forces arrested Mr. **Baburam Giri**, secretary general of HURON, Mr. **Shriram Bastola**, HURON treasurer, and Mr. **Kekar Khadka**, Mr. **Jibnath Ghimire** and Mr. **Krishna Abiral**, heads of programmes for Pro-Public Good Governance, a Nepalese NGO which, among other things, fights against corruption in public institutions and for good management of public affairs. They were arrested in front of the gate to the Padma Kanya campus in Bagbazar. They were gathering information on the situation of people injured during protests calling for a return to democracy.

- On April 13, 2006, the police opened fire on a peaceful assembly organised by the Nepalese Bar Association (NBA), in Babarmahal,

thereby injuring the lawyers **Tanka Prasad Chaulagain** and **Ramchandra Singkhada**. **Mr. Santosh Sigdel**, **Mr. Sitaram Adhikari**, **Mr. Nandu Acharya**, **Mr. Prem Bahadur Khadka**, **Mr. Shambhu Thapa**, **Mr. Sher Bahadur KC**, vice-president, **Mr. Madhav Banskota**, secretary general, and **Mr. Yuvaraj Sangraula**, director of the law faculty of Kathmandu, were also violently assaulted. Messrs. **Purna Prasad Dangal**, **Kamal Bahadur Khatri**, **Kamal Itani**, **Nabin Shrestha**, **Rajendra Neupane**, **Govinda Khadka** and **Rabindra Lal Joshi** also suffered injuries and had to be taken to hospital. **Mr. Bimal Chandra Sharma** and **Mr. Bidyanath Bhurtel**, INSEC members, were also attacked while monitoring the gathering, and **Mr. Rajkumar Siwakoti**, a member of the Human Rights & Democratic Forum (FOHRID), was arrested and accused of throwing stones at security forces.

- On April 14, 2006, security forces arrested 14 NGO members during a peaceful demonstration organised by the Nepalese civil society in New Baneshwar to protest against human rights violations committed during a general strike organised by SPA, including: **Ms. Bhagwati Karki**, a member of the Women Self Dependent Centre, **Ms. Sharmila Karki**, president of Jagaran Nepal, an NGO defending women's rights, **Mr. Netra Timsina**, president of Forest Action in Nepal, **Ms. Shanti Adhikari**, general secretary of the Human Rights Alliance, **Mr. Bhola Bhattarai**, a member of the secretariat of the Federation of Community Forestry Users (FECOFUN), **Mr. Rajendra Lamichhane**, a member of the FECOFUN permanent committee, **Mr. Gajadhar Sunar**, secretary general of the Dalit NGO Federation, **Mr. Santosh BK**, a member of the Dalit Welfare Organisation, **Mr. Mitra Lal Basnet**, a member of the Women Rehabilitation Centre, and **Mr. Rubin Gandharba**, a singer and a central figure in the pro-democracy movement.

- On April 15, 2006, dozens of journalists were injured during the violent dispersal of a protest in Gaushala, which had been organised on the initiative of the Federation of Nepalese Journalists (FNJ). **Mr. Damodar Dawadi**, **Mr. Binod Pahadi**, **Mr. Mahendra Bista**, FNJ secretary general, **Mr. Rajendra Aryal**, **Mr. Harihar Birahi**, **Mr. Tej Prakash Pundit**, **Mr. Upendra Kishori Neupane**, **Mr. Bharat Pokharel**, **Mr. Krishna Humagain** and **Mr. Yuvaraj Sharma** suffered

injuries. Mr. **Surya Thapa**, editor-in-chief of the weekly newspaper *Budhabar* and a leader of FNJ, **Phanindra Dahal**, **Tikaram Yatri** and **Dipak Dahal** were arrested. They were all released the same day.

- On April 16, 2006, many activists were arrested during a protest organised by the Nepal Federation of Indigenous Nationalities (NEFIN) in Baneshwar, including Mr. **Yograj Limbu**, Mr. **Rajbhai Jakarmi**, Mr. **Gyanraj Rai** and Mr. **Suk Bahadur Tamang**. The police also assaulted Mr. **Om Gurung**, NEFIN secretary general. They were all released at a later date.

### **Threats against Ms. Nirmala Tiwari<sup>84</sup>**

On February 4, 2006, Ms. **Nirmala Tiwari**, INSEC representative in Syangja district, received threats from the deputy superintendent following an inquiry by the Human Rights Treaty Monitoring Coordination Committee (HRTMCC), of which INSEC is in charge of the secretariat, into the death of Mr. Pritam Bahadur Gurung. The latter was arrested on January 13, 2006, along with 29 other villagers of Manakamana, Syangja district, by security forces, after gunfire broke out between the security forces and Maoists. Mr. Bahadur Gurung was kept in a very cold bunker overnight. He was released the next day, but died on January 29, 2006 as a result of the bad detention conditions he endured<sup>85</sup>.

On February 4, 2006, the deputy superintendent stated that human rights activists supported the Maoists and warned Ms. Nirmala Tiwari not to reveal the cause of Mr. Pritam Bahadur Gurung's death.

### **Extrajudicial execution of Mr. Dayaram Pariyar<sup>86</sup>**

On March 24, 2006, Mr. **Dayaram Pariyar**, a member of the office of the National Human Rights Commission (NHRC) in Janakpur, suffered injuries during gunfire between security forces and Maoists in the district of Dhanusha (Janakpur). Earlier, a Maoist group had attacked the Mujeliya police office in Dhanusha and executed two

84. See INSEC.

85. See OMCT Urgent Appeal NPL 080206.

86. See INSEC.

police officers. The security forces had then arrived from Janakpur and started to fire indiscriminately when they arrived at Dhanusha, thus injuring Mr. Dayaram Pariyar.

On March 28, 2006, he died of his injuries while in hospital.

His brother and sister lodged a complaint before the Supreme Court on November 13, 2006.

### **Attack against leaders of GEFONT<sup>87</sup>**

On October 16, 2006, around 90 Maoist unionists attacked leaders of the Independent Transport Workers' Association of Nepal (ITWAN), affiliated to the General Federation of Nepalese Trade Unions (GEFONT), to stop them from collecting unionist contributions. Mr. **Bidur Karki**, secretary of the education department of GEFONT and secretary general of the ITWAN central committee, suffered serious injuries. Several other people were abducted or injured, including Mr. **Naran Nath Luintel Bagmati**, secretary of the Central Union of Painters, Plumbers, Electro and Constructions Workers (CUPPEC), Mr. **Balgopal Thapa**, secretary of the central committee of the Independent Press Union (IPWUN, a GEFONT affiliate), Ms. **Sunita Bidhathoki**, a member of the central committee of the Nepal Independent Hotel Workers' Union, and Mr. **Gayatri Niroula**, Mr. **Rameshwar Dhungana**, Mr. **Khem Dahal** and Mr. **Govinda Magar**, members of the Nepal Education Support Trust (NEST).

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## **PAKISTAN**

### **Status of the inquiries into the assassinations of several human rights defenders<sup>88</sup>**

As of the end of 2006, the murderers of three human rights defenders killed in 2005 had still not been prosecuted:

- The trial regarding the assassination of Ms. **Yasmin Kanwal**, stabbed to death in Lahore on April 4, 2005, was before the Sheikhpura Court.

- The proceedings relating to the murder of Mr. **Babar Simpson**,

87. See Independent Confederation of Free Trade Unions (ICFTU), October 19, 2006.

88. See Annual Report 2005.

leader of the Ilam-Dost Foundation, and Mr. **Daniel Emanuel**, his driver, kidnapped on April 5, 2005 in Peshawar, were still pending before the Court of First Instance of Peshawar, without any further information on the circumstances of their death. Their mutilated bodies were found on April 7, 2005.

- The trial regarding the assassination of Ms. **Zubaida Begum**, a member of the Aurat Foundation in the district of Dir, an NGO in favour of women's rights, and her daughter, **Shumila**, in June 2005, was referred to the Dir Court. Five suspects were on the run as of the end of 2006.

### **Ongoing acts of harassment against Ms. Khalida Ahmed<sup>89</sup>**

In 2006, Ms. **Khalida Ahmed**, a member of the NGO "War Against Rape", received two phone threats.

On August 28, 2005, Ms. Khalida Ahmed had been harassed and threatened with death after taking a rape victim to the hospital.

### **Aggression against a delegation commissioned by HRCP<sup>90</sup>**

On January 8, 2006, members of a delegation mandated by the Human Rights Commission of Pakistan (HRCP), including Ms. **Asma Jahangir**, HRCP chairperson and United Nations Special Rapporteur on freedom of religion or belief, Mr. **Afrasiab Khattak**, former HRCP chairperson, Mr. **Munizae Jahangir**, a journalist, and Mr. **Muhammad Nadeem**, a cameraman, were attacked in the Balochistan region in the south-west of the country. The aim of the mission was to monitor the deterioration of the human rights situation in the area subsequent to military operations carried out by Pakistani armed forces on December 17, 2005. Three shots of Kalashnikov were fired during the attack, but no one from the delegation was hurt.

The Balochistan Liberation Army (BLA) then called the Quetta Club to claim responsibility for the attack, although this action was not typical of the organisation, which normally makes this kind of claims via its website.

89. *Idem.*

90. See Annual Report 2005 and Urgent Appeal PAK 001/0106/OBS 009.

No action had been taken following the complaint filed by HCRP delegates as of the end of 2006.

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## PHILIPPINES

### Extrajudicial killings

#### Lack of inquiry into several extra-judicial killings of defenders<sup>91</sup>

While defenders remained the victims of extrajudicial killings in 2006, their perpetrators and/or those behind them escaped any kind of prosecution. As of the end of 2006, most of the cases of defenders who were executed in 2005 remained indeed unpunished:

- Mr. **Romeo Sanchez** and Mr. **Fedilito Dacut**, regional coordinators of *Bayan Muna*, a political party principally constituted of trade unions, were killed on March 9 and 14, 2005 respectively in Baguio and in Tacloban. Along with other defenders, Mr. Fedilito Dacut had protested against the nomination of Major General Jovito S. Palparan Jr. to the position of major general of the 8<sup>th</sup> infantry division in Eastern Visayas because of his responsibility for serious human rights abuses.

- On March 24, 2005, Mrs. **Marlene Garcia-Esperat**, a journalist involved in the struggle against corruption (in particular in the Mindanao region), was killed in her house in front of her family. Her husband had previously received death threats. In 2006, section 21 of the Regional Trial Court (RTC) in Cebu held Sergeant Estanislao Bismanos, Mr. Gerry Cabayag, a gunman, and Mr. Randy Grecia guilty of Mrs. Marlene Garcia-Esperat's murder, which was qualified as "treason". They received a life sentence. The three men were also sentenced to pay compensation of 75,000 Philippine pesos (1,144 euros) to the journalist's estate for civil damages, 75,000 pesos for emotional damages, and 25,000 pesos (395 euros) for exemplary damages and fees. A fourth suspect, Mr. Rowie Barua, a former secret services agent who reportedly coordinated the plot, was acquitted.

91. See Annual Report 2005.

However, the people behind the murder had not yet been identified by the end of 2006.

- On May 12, 2005, Reverend **Edison Lapuz**, a priest involved in the defence of human rights, and Mr. **Alfredo Malinao**, a peasant leader, were murdered in San Isidro, Leyte.

- On October 25, 2005, Mr. **Ricardo Ramos**, president of the Central Azucarera de Tarlac Labour Union (CATLU), was killed while he was in his garden in Barangay Mapalacsiao, Tarlac. Five hours earlier, the union had received more than eight million Philippine pesos (126,000 euros) from Hacienda Luisita Inc., in the framework of an agreement for overdue salaries. No inquiry had been opened as of the end of 2006 and the authors of the crime had not yet been identified.

- Moreover, on August 21, 2006, the Task Force Usig of the Philippine National Police (PNP), a special military unit whose object is to enquire into extrajudicial killings of activists and journalists, stated that, among others, Mr. Fedilito Dacut and Rev. Edison Lapuz were “thieves”.

- As of the end of 2006, no further information was available concerning the state of inquiries into the extrajudicial killings of Mr. **Arnulfo Villanueva**, a columnist for the *Asian Star Express Balita*, a community newspaper in Cavite (February 28, 2005); Mr. **Klein Cantoneros**, a presenter for the radio station *DXAA-FM Dipolog City*, well-known for his denunciations of the corruption of local officials (May 4, 2005); Mr. **Philip Agustin**, editor and publisher of *Starline Times Recorder*, a local community newspaper in Aurora (May 9, 2005); Mr. **Leodegario Punzal**, a member of PISTON (September 13, 2005); Mr. **Diosdado “Ka Fort” Fortuna**, president of the Filipino Employees Union of the Unity of Workers in Southern Tagalog - May First Movement (PAMANTIK-KMU), and the *Anakpawis* political party - South Tagalog section (September 23, 2005); Ms. **Victoria Samonte**, vice-president of the Caraga section of KMU, president of the Andres Soriano College Employees’ Union, president of ACT-BISLIG, president of the Drivers and Operators of Cumawas and Bliss Association (DOCUBA), secretary general of the

Bislig City Alliance of Transport Association (BCATA), and president of the Castillo Bagong Lipunan Homeowners' Association (CBLHA) (September 30, 2005); and Mr. **Federico de Leon**, spokesperson for the Bulacan Confederation of Operators and Drivers' Association (BCODA), president of PISTON in Bulacan province and president of the Bulacan section in *Anakpawis* (October 26, 2005).

#### Extrajudicial executions of peasant leaders<sup>92</sup>

Since the beginning of 2006, many peasant leaders have been killed, in particular in relation to land reform disputes, including:

- On January 10, 2006, Mr. **Antonio Adriaes**, a farmer and leader of *Aguman Dareng Maldang Talapagobra Queng Gabun* (AMTG) in San Isidro, Mexico, Pampanga, was killed by two unidentified persons. Mr. Adriaes was leading the farmers' movement in the region and had fought the establishment of the detachment of the 69<sup>th</sup> infantry battalion of the army in Mexico<sup>93</sup>.

- On March 27, 2006, Mr. **Vicente B. Denila**, an active member of the Camansi Farm Workers Cooperative (CFWC), whose members are beneficiaries of the land reform, was killed by two unidentified men in Sitio Cansuy-ong, Barangay Novalla, Tanjay City. Since his death, the members of his family have been threatened on a regular basis, which has forced them to move out.

- On April 15, 2006, Mr. **Rico Adeva**, a member of the Task Force Mapalad (TFM), a national peasant federation, and his spouse, were attacked by three unidentified men in Hacienda Fuego II, Brgy. Bagtic, in the town of Silay, as they were going home. Two of the men fired at point blank on Mr. Adeva, killing him on the spot, whilst the third man immobilised his wife. This murder occurred following a confrontation between TFM and the management of the Hacienda.

92. See Open Letter to the Philippine authorities, July 3, 2006.

93. See PAHRA, *Citizens' CHR Task Force Central Luzon - Fact Finding Mission Report*, April 2006.

- On April 22, 2006, Mr. **Porferio Maglasang Sr.**, chairperson of the Kabankalan chapter of the National Federation of Free Farmers (*Pambansang Katipunan ng Malayang Magbubukid* - PKMM), was killed by three unidentified men near his house in Sitio Caraan, Brgy. Tampalon, city of Kabankalan. Mr. Porferio and PKMM were fighting for nearly 2,000 hectares of land cultivated by almost 1,000 families in the highland areas of Kabankalan city.

- On April 24, 2006, Mr. **Ka Eric**, *alias* Enrico Cabanit, secretary general of the National Coordination of Local Autonomous Organisations of Rural Populations (*Pambansang Ugnayan ng mga Nagsasariling Lokal na Organisasyon sa Kanayunan* - UNORKA), an NGO fighting for land reform, was killed on the public market of Panabo by two unknown people. His daughter, who was with him at the time, was seriously injured and was taken to hospital in critical condition<sup>94</sup>. Mr. Ka was killed by four bullets in the head as he was leaving a meeting with official representatives of the Department of Agrarian Reform (DAR) and other farmers in the UNORKA-Mindanao office. The aim of the meeting was to ensure that the lands belonging to the Floirendo family and located in the penitentiary colony of Davao (DAPECOL) were included in the list of the land subjected to the Comprehensive Agrarian Reform Programme (CARP). Indeed, under the programme the land must be redistributed by the owners to the beneficiaries.

- On May 16, 2006, Mr. **Pedro Angcon**, human rights manager of the Alliance for the Advancement of Human Rights (KARAPATAN) and one of the directors of *Anakbayan* (an affiliated youth movement in Bayan), was shot dead in his shop by two unknown persons in Guihulngan, Negros Oriental. Earlier, these two men had questioned several persons in his neighbourhood inquiring on his whereabouts. The two men immediately returned towards Guihulngan<sup>95</sup>.

- On May 17, 2006, Mr. **Mario Domingo**, president of the Hacienda Cambuktot Agrarian Reform Beneficiaries Association

94. See Urgent Appeal PHL 001/0406/OBS 053.

95. See Task Force Detainees of the Philippines (TFDP) and [www.bulatlat.com](http://www.bulatlat.com).

(HACARBA), was killed while visiting land occupied by 20 employees of Mr. Fairley Gustilo, the former owner of the land that had been awarded to the peasants by the Department of Agrarian Reform (DAR). When Mr. Domingo arrived, several of the employees fired at him and his colleagues, who then tried to escape. However, two employees continued to fire at Mr. Mario Domingo, who died instantly.

- On June 11, 2006, Mr. **Manny Delos Santos**, a member of the board of directors of the Peasant Alliance in Central Luzon (*Alyansa ng Magbubukid sa Gitnang Luzon-Nueva Ecija* - AMGL), was shot dead by two men on motorbikes in Brgy. Oliveti, town of Bongabon, Nueva Ecija province. Mr. Delos Santos was about to leave for a five-day peasant protest in Manila<sup>96</sup>.

- On June 17, 2006, Mr. **Tito Marata**, head of the media department of the Philippines Peasants' Movement (*Kilusang Magbubukid ng Pilipinas-Western Mindanao* - KMP), was shot down by an unidentified person in Oroquieta. According to a witness, the murderer said: "I had already warned you to stop your activities". Mr. Marata had actively participated in campaigns in favour of better land reform, against mining operations prejudicial to the environment, and against human rights abuses<sup>97</sup>.

- On June 20, 2006, Mr. **Eladio Dasi-An**, a volunteer with KARAPATAN's Negro section and vice-president of the Anti-Mine Alliance of Guihulngan, was assassinated by two unknown men on his way home in Barangay Malusay, Guihulngan.

- On June 26, 2006, Mr. **Wilfredo Cornea**, TFM vice-president and leader of the Mulawin Lanatan Agrarian Reform Beneficiaries Association (*Mulawin Lanatan Agrarian Reform Beneficiaries Association* - MULARBA), was assassinated at his home in the Hacienda Mulawin by two unidentified gunmen. Mr. Cornea was an ardent defender of the rights of the farmers who had been granted land under the CARP, to which the owner of the Hacienda was opposed.

96. See [www.bulatlat.com](http://www.bulatlat.com).

97. *Idem*.

- On July 4, 2006, Mr. **John Gado**, Mr. **Igmidio Facunla**'s nephew, AMGL's general secretary, was shot down in front of his home in Yuson village, Guimba City, Nueva Ecija province. Just before his nephew's death, Mr. Facunla had complained about acts of harassment from the army<sup>98</sup>.

- On September 7, 2006, Mr. **Victor Olayvar**, president of the Bohol Peasants' Organisation (*Hugpong sa Mag-uumang Bul-anon*), responsible of the regional section of *Bayan Muna* in the city of Tagbilaran and vice-president of Bayan-Central Visaya, was targeted by two individuals on a motorcycle, who shot at him. Mr. Victor Olayvar died from his wounds at the Francisco Dagohoy Hospital in Inabanga. He was particularly involved in the fight against genetically modified organisms (GMO)<sup>99</sup>.

- On November 11, 2006, Mr. **Joey Javier**, former president of the Peasants' Alliance of Cagayan (*Alyansa dagiti Mannalon ti Cagayan - KAGIMUNGAN*), an affiliate organisation of KMP, and programme manager, was shot dead by two unidentified individuals as he was going to Baggao, Cagayan province. Previously, he had received death threats, notably by SMS. In October, soldiers had publicly threatened him<sup>100</sup>.

98. *Idem*.

99. See PAHRA.

100. *Idem*.

Extrajudicial killings of union leaders<sup>101</sup>

- On February 27, 2006, Mr. **Napoleon Pornasodoro**, secretary general of the Southern Tagalog Teachers for Development (STATEMENT), and a member of the National Council of Alliance of Concerned Teacher (ACT), was assassinated.

- In early March 2006, Mr. **Robert De la Cruz**, a member of the Tritran Bus Lines' Union, was assassinated.

- On March 6, 2006, Mr. **Rogelio Concepcion**, a member of the Solid Development Corporation Workers' Association (SDCWA), was kidnapped and subsequently killed. Mr. Concepcion was allegedly kidnapped by members of the infantry's 24<sup>th</sup> battalion.

- On March 17, 2006, Mr. **Tirso Cruz**, a member of the board of directors of the United Luisita Workers' Union (ULWU), was killed in Hacienda Luisita. Mr. Cruz had received many death threats since a strike in 2005 and was a key witness of the November 16, 2004 massacre in the Hacienda<sup>102</sup>. He had also been one of the leaders of the fight against the construction of the Subic-Clark-Tarlac highway and the deployment of soldiers inside the hacienda.

- On July 6, 2006, Mr. **Paquito Diaz**, president of the Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE), was shot dead in front of his house in the town of Tacloban.

- On September 2, 2006, two men stopped the car of Mr. **Sanito Bargamento**, a member of the National Federation of Sugar Workers (NFSW), and shot him near Barangay, town of Manapla. On April 13, 2005, his brother, Mr. **Edwin Bargamento**, leader of NFSW, had also been murdered. As of the end of 2006, his murder had not yet been resolved<sup>103</sup>.

101. See ICFTU, July 11, 2006.

102. See Annual Report 2005.

103. See [www.bulatlat.com](http://www.bulatlat.com).

### Extrajudicial killings of several members of civil society

- On July 24, 2006, four armed men wearing military uniforms abducted Mr. **Ernesto Santiago**, head of the Coalition Against Pollution (*Koalisyon Laban sa Polusyon*), from his home in Tulikan, Brgy. Dulong Malabon, Pulilan, Bulacan. The Coalition Against Pollution is a local organisation that protests against the dumping of toxic waste emanating from factories in the irrigation system, which has polluted the rice fields of several villages in Pulilan and Calumpit<sup>104</sup>.

- On July 31, 2006, Mr. **Rie Mon Guran**, spokesperson for the League of Philippino Students in the University of Aquinas, Legazpi town, was shot in Bulan, Sorsogon, by an unidentified man<sup>105</sup>.

- On October 3, 2006, Father **Alberto B. Ramento**, a bishop in the Philippine Independent Church (PIC) in Tarlac, was stabbed to death at dawn in the parish of San Sebastian. The first inquiries by the police established that his murder was in relation to a theft. However, it is believed that the murder of Father Ramento was due to his active involvement in the Monitoring Group in the Peace Talks between the government and the National Democratic Front of the Philippines.

Moreover, as president of the PIC Supreme Council of Bishops, Father Ramento had on several occasions condemned the political repression led by the State as well as the deterioration of human rights in the country. He had also denounced the extrajudicial killings of political leaders, social activists, lawyers, journalists, clergymen and other citizens, which took place with total impunity. Father Ramento had also supported the case of the workers of Hacienda Luisita<sup>106</sup>.

- On November 5, 2006, Mr. **Rodrigo Catayong**, president of KARAPATAN in West Samar since 2001, was murdered by eight shots fired by five unidentified people as he was going to the catholic church in Samar<sup>107</sup>.

104. *Idem*.

105. *Idem*.

106. See Forum-Asia, October 6, 2006.

107. See [www.bulattlat.com](http://www.bulattlat.com).

## Arbitrary detentions

### Ongoing arbitrary detention of Ms. Angelina Bisuna Ipong<sup>108</sup>

As of the end of 2006, Ms. **Angelina Bisuna Ipong**, a peace activist, remained detained in the Bureau of Jail Management and Penology (BJMP), in Lenienza, town of Pagadian. Moreover, the hearings in her trial for “rebellion” were postponed on several occasions due to the repeated absences of the plaintiffs.

On March 8, 2005, Ms. Angelina Bisuna Ipong was arrested by members of the Philippine army who blindfolded her. On March 15, 2005, she was informed that she would be interrogated, but as soon as her blindfold was removed, she realised that she had been brought into a room filled with journalists who photographed and questioned her. However, she was so shaken that she was unable to speak. At the end of this “press conference”, she was once again blindfolded and taken back to her cell. For thirteen days from the date of her arrest, Ms. Ipong was not allowed to receive visitors and refused to eat to protest against her arrest. On March 17, 2005, the Major General of the South announced that Ms. Ipong had been taken to Molave, Zamboanga del Sur. No one was allowed to see her before March 21, 2005, when a TFDP team went to the prison in the city of Pagadian to enquire into her situation. TFPD then learnt that Ms. Ipong had been charged with “rebellion”, without any possibility of release on bail, according to section 23 of the Molave Regional Court.

Ms. Ipong was also reportedly subjected to sexual abuse, torture and inhumane treatments by the soldiers.

### Arbitrary arrests and threats against trade union leaders<sup>109</sup>

- On February 25, 2006, Mr. **Crispin Beltran**, a union leader, founder and former president of the International League of People’s Struggle (ILPS), former president of *Kilusang Mayo Uno* (KMU) and representative of the Anakpawis Party in the lower chamber, was arrested and accused of “sedition”. Although his release was ordered by the Court in March 2006, he remained, as of the end of 2006, in detention at the general hospital of the Philippine national police in

108. See Annual Report 2005.

109. See ICFTU, July 11, 2006.

Camp Crane, Quezon town. He was reportedly arrested for “rebellion” in relation to an arrest warrant dating back to 1985.

- On February 27, 2006, Mr. **Dennis Maga** and Mr. **Marcial Dabela**, respectively secretary general and vice-president of the Alliance of Nationalist and Genuine Labour Organisation (ANGLO-KMU), were arrested while on their way to Camp Crane to protest in favour of the release of Mr. Crispin Beltran. They were immediately taken to Camp Karingal in the town of Quezon. They were reportedly released at a later date.

- On March 8, 2006, Mr. **Joshua Mata**, secretary general of the Alliance of Progressive Labour (APL), was arrested. He was later released on bail.

- On June 10, 2006, an armed man entered the residence of Mr. **Vicente Barrios**, president of the United Workers of Suyapa Farms (NAMASUFA), in Barangay New Alegria, Compostela, and threatened him. A second man searched the house. In September 2006, Mr. Barrios had accused the 28<sup>th</sup> infantry battalion of human rights abuses. The soldiers had then accused him of organising a rebel group. They also accused the union of being a “leftist group”<sup>110</sup>.

- On July 3, 2006, Mr. **Emerito Gonzales Lipio**, Mr. **Jose Ramos**, Mr. **William Aguilar**, Mr. **Jay Francisco Aquino**, Mr. **Fernando Poblacion**, Mr. **Jose Bernardino** and Mr. **Archie De Jesus**, seven PISTON and KMU leaders, were kidnapped by armed men in Hensonville, Brgy. Malabantias, town of Angeles, in Pampanga, Central Luzon. The next day, Mr. De Jesus and Mr. Aguilar were released. On July 5, 2006, Mr. Bernardino, Mr. Ramos, Mr. Poblacion and Mr. Aquino were also released (they had been detained by the 174<sup>th</sup> regiment of the national police (PNP) in Brgy. Sto. Domingo, Angeles), after paying a 500,000 pesos bail for “illegal possession of explosives”. No further information could be obtained concerning Mr. Lipio.

110. *Idem*.

### Arbitrary arrest of Mr. Ustadz Kusain Abedin<sup>111</sup>

On August 3, 2006, Mr. **Ustadz Kusain Abedin**, a member of United Youth for Progress and Development (UNYPAD) and of *Bantay Ceasefire*, a peace monitoring group in Cotabato City, was arrested by armed members of the Task Force Tugis (a special military unit) at the bus terminal in Weena. Mr. Abedin was then taken to the Task Force Tugis' headquarters and was interrogated on his supposed involvement in the Indonesian terrorist group, *Jemaah Islamiyah*, which he incessantly denied.

On August 4, 2006, Mr. Abedin was released without charge, thanks to the mobilisation of local civil society.

### Arbitrary arrest and ill-treatment of Mr. Rafael Limcumpao<sup>112</sup>

On December 6, 2006, Mr. **Rafael Limcumpao**, one of the directors of the Peasant Alliance of Bataan (*Alyansa ng Magsasaka sa Bataan - ALMABA*), was arrested by two dozen policemen and members of the regional intelligence and investigation division. He was taken to a house and interrogated. When he refused to answer questions, he was hit in the stomach and on the back while he was handcuffed. He was later released at an unknown date.

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## SOUTH KOREA

### Release of Mr. Anwar Hossain and ongoing acts of harassment against him<sup>113</sup>

On April 25, 2006, Mr. **Anwar Hossain**, president of the Migrant Workers' Trade Union (MTU), and a Bangladeshi national, was released on medical grounds. He was detained at the Cheonju immigration detention centre since May 2005. He was taken to hospital on the same day, and later granted a visa without time limit, which would enable him to be treated in Korea.

111. See TFDP, *Philippines Human Rights Update*, vol. 20, n° 3, 2006.

112. See PAHRA.

113. See Annual Report 2005.

However, during the 14<sup>th</sup> Asian Regional Meeting (ARM) of the International Labour Organisation (ILO) that was held in Busan from August 29 to September 1, 2006, the government prevented Mr. Hossain from participating as a delegation member of the Korean Confederation of Trade Unions (KCTU), to which the MTU (which is not legally recognised) is affiliated. The government threatened to arrest him again and to expell him from the country. The Ministry of Labour allegedly removed Mr. Hossain's name from the list of participants given to the ILO, stating that he had an illegal status.

Mr. Hossain was eventually able to participate in the meeting as a member of the International Confederation of Free Trade Unions (ICFTU).

Mr. Anwar Hossain had been arrested on May 14, 2005 by police officers of the immigration control division because his visa had expired. He was beaten and suffered injuries to his head and hands during his arrest. The same day, one of his articles criticising the government's policy towards illegal immigrant workers had been published in an important national newspaper.

### **Repression campaign against KGEU<sup>114</sup>**

In 2006, a number of measures were taken by the South Korean government to repress the Korean Government Employees' Union (KGEU). On January 28, 2006, the "Act on the Establishment and Operation of Official Public Unions" came into force: according to this law, which severely restricts the union activities of civilian government employees, KGEU is an "illegal organisation". Furthermore, on February 8, 2006 the Ministers for Justice, Government Administration and Home Affairs, and Labour held a joint press conference to issue an "Announcement concerning the illegal activities of organisations of public officials", indicating that the government intended to take several repressive measures against the "activities of public servants' illegal organisations".

Finally, the "Directive to Promote the Transformation of Illegal Organisations into Legal Trade Unions", adopted by the Ministry of Government Administration and Home Affairs (MOGAHA) on

114. See Annual Report 2005 and Urgent Appeals KOR 001/0606/OBS 066, 066.1, 066.2 and 066.3.

March 22, 2006, clearly qualifies KGEU as an illegal organisation. Since then, MOGAHA has reinforced its repressive measures against the organisation.

On May 25, 2006, about 200 KGEU members, who were peacefully demonstrating in front of the Rural Development Administration (RDA) against restructuring plans and the repression of KGEU, were attacked by riot police and officers in plain clothes. Several individuals were severely beaten and injured by police officers, including Mr. **Kim Jeong Soo**, KGEU secretary general, and Mr. **Choi Nak Sam**, secretary for public relations. Both had to be taken to hospital. Many other participants were arrested, in particular eight KGEU members, against whom arrest warrants were issued and who were later brought to the Suwon Joongbu police station. The Court subsequently approved four of these warrants, which led to the detention of Mr. **Park Woon Yong**, KGEU secretary in charge of the social conflict department, Mr. **Lee Jeong Soo**, a leader of the organisation, along with two vice presidents, Mr. **Park Kee Han** and Mr. **Han Seok Woo**.

After the gathering was dispersed, 99 other KGEU members were arrested and detained for about 40 hours.

The next day, several women were beaten and harassed by security guards during a violent dispersal of another peaceful gathering in front of the RDA.

On May 28, 2006, the governor of Gyeonggi province closed down the KGEU provincial office, preventing the organisation's members from entering the building. In addition, the local government decided to infiltrate the ranks of the organisation and to proceed to a vote to make KGEU members relinquish their membership to the union and to make them join another so-called "legal" union. In response, KGEU members organised a sit-in in front of their premises. The provincial government retaliated by cutting electricity and Internet access to the union's office.

On June 9, 2006, Mr. Park Woon Yong, Mr. Lee Jeong Soo, Mr. Park Kee Han and Mr. Han Seok Woo were charged by the Suwon Regional Prosecutor's office with "bodily harm by special obstruction of public duty", "special obstruction of public duty" and "violation of the Assembly and Demonstration Act". Mr. Park Woon Yong and Mr. Park Kee Han were also indicted for "violation of the Local Public Officials Act" and Mr. Park Woon Yong for "general obstruction of traffic".

On July 11, 2006, all four men were released on bail, but the charges mentioned above were still pending as of the end of 2006.

On August 3, 2006, the MOGAHA issued a decree that specifically requested all local governments, ministries and agencies to take “firm action” against KGEU and “to take thorough counter-measures, including the forceful closing down of illegal organisations of government employees”. In particular, the MOGAHA asked for “the closure of all KGEU offices in government buildings by August 31, 2006”, the “exclusion of KGEU members from staff meetings, the active encouragement of all government employees to withdraw from illegal organisations, the prohibition of union dues and the blocking of all financial support [...]”. Finally, the Ministry announced that it would take administrative and financial measures against local governments that did not implement these measures.

As a consequence, on August 29, 2006, the Gyeongnam Officials Training Institute, an affiliated agency to the provincial government, issued a letter informing that “forceful administrative measures would be executed (...) according to the government’s instructions that prohibit providing offices to unregistered government employees’ unions, according to the Act on Official Public Unions”.

On August 30, 2006, members of the KGEU Gyeongnam regional branch held a rally in front of their office in order to protest against this letter. Anti-riot police was deployed inside and outside the building, thus preventing KGEU members from entering the office. Several union members tried to enter by force, but were forcefully dispersed by the police. The union signboard was removed and the doors sealed off.

On August 17, 2006, Busan Metropolitan City Council issued a written warning to the KGEU Busan regional branch that its office would be forcefully closed if the union did not move out by August 31, 2006.

On September 4, 2006, the MOGAHA held a meeting with deputy mayors during which it indicated that all KGEU local offices in government buildings should be closed down by September 22, 2006. The Ministry also claimed that notifications or warnings of the forceful closure of the offices of illegal organisations should be issued permanently and that supervision of government employees should be intensified in order to prevent them from joining a KGEU rally in

Gyeongnam on September 9, 2006. That day, around 7,000 KGEU members reportedly gathered in Changwon, Gyeongnam-do, in order to protest against the government's repression. KGEU gave prior notice of the assembly to MOGAHA, which nevertheless declared it illegal, and said it would punish all government employees and union leaders who took part in or organised the demonstration. MOGAHA also announced that 11 KGEU leaders, including Mr. **Kwon Seung Bok**, its president, and Mr. Kim Jeong Soo, would be prosecuted.

On September 13, 2006, MOGAHA published another directive demanding governments and local ministries to close all local chapters of KGEU by September 22, 2006.

On September 22 and 25, 2006, several KGEU regional offices were attacked and shut down, including the one in Busan, which was raided by anti-riot police before being forcefully closed down. Seventeen KGEU members were arrested, including Mr. **Oh Bong Seop** and Mr. **Hwang Gi Joo**, president and secretary general of the branch respectively. They were released on September 23 and 24, 2006.

As of October 10, 2006, 125 of the 251 KGEU branches had been forcefully closed. Groups of men, allegedly hired by municipalities, systematically stormed various KGEU local offices and forcefully removed their members, as riot policemen blocked access to the buildings, in some cases cutting off electricity, Internet access and phone lines. In addition, 101 KGEU members and members of other sympathising organisations, such as the Korean Federation of Transportation and Public & Social Service Workers' Unions (KPSU), the Korean Confederation of Trade Unions (KCTU), the Korean Federation of Medical Groups for Health Rights (KFHR), the Korean Federation for Environmental Movement (KFEM), the Democratic Labour Party (DLP) and the Moojigae Community for Alternative Education (MCAE), were arrested. Some were brutally beaten and had to be taken to hospital. They may all face prosecution for "violating the provisions relating to the obstruction of the performance of official duties under the Criminal Code". Public servants could face additional charges for violating the Public Officials Act.

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**SRI LANKA**
**Status of the investigation into the attack against the headquarters of the Human Rights Commission<sup>115</sup>**

As of the end of 2006, the investigation into the attack against the headquarters of the Human Rights Commission (HRC) in Colombo established that the attack was likely planned from inside the organisation. However, the authors of the assault had still not been arrested nor prosecuted.

On October 12, 2005, HRC headquarters in Colombo were attacked and searched, and documents relating to the Commission's investigations were burnt.

Upon their arrival at the office, the members of the Commission immediately went to the police station and filed a complaint. The Criminal Investigations Department (CID) was charged with investigating into the incident.

The Human Rights Commission, a national human rights institution, was established in 1997 to conduct independent investigations into complaints against alleged human rights abuses committed by the executive and administrative services, in particular those perpetrated by the police.

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**THAILAND**
**Status of the proceedings against the authors of Mr. Somchai Neelaphaijit's enforced disappearance<sup>116</sup>**

Although the Prime Minister committed to ensure that the inquiry into the enforced disappearance of Mr. **Somchai Neelaphaijit**, president of the Muslim Lawyers' Association and vice president of the Committee on the Defence of Human Rights of the Lawyers' Association of Thailand, would be completed in February 2006, the identity of the people behind the attack remained unknown as of the end of 2006.

115. See Annual Report 2005.

116. See Annual Report 2005, Report of the International Fact-Finding Mission of the Observatory, *Somchai Abduction Trial: Justice Granted or Justice Denied*, January 2006, and Urgent Appeal THA 001/0106/OBS 005.

Mr. Somchai disappeared on the night of March 12 to 13, 2004. He was last seen in the Bang Kapi district. Shortly before his disappearance, he had received threatening anonymous phone calls and was informed that security forces had put his name on a list of members of terrorist groups.

Mr. Somchai had campaigned for the martial law to be lifted in the southern provinces and for justice for Muslims suspected of terrorist activities and treason. He had also denounced the fact that some Muslims accused of terrorism had been tortured during police investigations. His various activities had raised tension between him and the security forces, which were most likely involved in his enforced disappearance.

Five policemen were charged for “coercion” and “gang robbery” (Articles 309 and 340 of the Criminal Code), since enforced disappearance is not recognised as an offence in Thailand.

On January 12, 2006, the Bangkok Criminal Court found one of the policemen guilty of forcing Mr. Somchai into a car and sentenced him to three years’ imprisonment under Article 309 of the Criminal Code. The four other accused were acquitted due to lack of evidence.

As of the end of 2006, Mr. Somchai’s wife, Mrs. **Angkana Wongrachen**, nevertheless continued to be the victim of acts of intimidation. In particular, she regularly received telephone calls from people who “advise” her to drop the charges.

### **Status of the inquiry into the murder of Mr. Charoen Wat-aksorn<sup>117</sup>**

By the end of 2006, the investigation into the murder of Mr. **Charoen Wat-aksorn**, an environmentalist and president of the group *Love Bo Nok* who was killed upon his return from Bangkok to Prachuap Khiri Khan province on the night of June 24, 2004, seemed to be at a standstill. Indeed, two of the suspects, Mr. Saneh Lekluan and Mr. Prachub Hinkaew, who had been arrested and had rapidly admitted that they were guilty of the murder, died under suspicious circumstances in prison.

The group *Love Bo Nok*, a local environmental protection organisation, became well-known following its mobilisation campaigns against the opening of a coal electricity plant on public land.

117. See Annual Report 2005.

On the day of his murder, Mr. Wat-aksorn had met with the House Committee on Corruption Investigation, in order to encourage them to open investigations into the accusations of corruption against local leaders, following the election of people opposed to the project within the local administration. Mr. Wat-aksorn had also lodged several complaints with the Minister of the Interior, the National Counter-Corruption Commission and with different committees of the House of Representatives and the Senate.

On June 21, 2005, following an interview with Mrs. Wat-aksorn, the Minister for Justice and the director of the Department of Special Investigation (DSI) agreed to “reopen” the investigation under the auspices of the Ministry of Justice.

Mr. Saneh Lekluan and Mr. Prachub Hinkaew always denied that they acted on the orders of influential people. They claimed that the murder was the result of a personal conflict and that they were drunk at the time of the events. They were remanded in custody although three other people, who were suspected of instigating the murder, were released on bail: Mr. Tanu Hinkaew, a lawyer and a former candidate to the general elections, Mr. Manoh Hinkaew, a member of a provincial council, and their father, Mr. Jua Hinkaew.

The proceedings against all five people began on June 29, 2006 before the Bangkok Criminal Court and were due to go on until March 2007. However, Mr. Prachub Hinkaew died in prison on March 21, 2006, supposedly of a bacterial infection. On August 3, 2006, Mr. Saneh Lekluan also died, officially of bad blood irrigation due to malaria. The director of DSI reportedly ordered an inquiry into both deaths, without any results to this date.

As of the end of 2006, the case was still pending before the Prosecutor, but the police still had no evidence against the three other suspects. Four hearings took place in December 2006, during which the prosecution presented its witnesses, mostly members of DSI. The next hearing was scheduled for February 28, 2007.

### **Acquittal of Ms. Supinya Klangnarong<sup>118</sup>**

On March 15, 2006, Ms. **Supinya Klangnarong**, secretary general of the Campaign for Popular Media Reform (CPMR), a coalition

118. See Annual Report 2005 and Urgent Appeal THA 002/0306/OBS 032.

which gathers 45 NGOs, and the newspaper *Thai Post* were acquitted by the Bangkok Criminal Court in a lawsuit brought against them by the Shin Corporation, a media conglomerate founded by the Prime Minister.

Ms. Supinya Klangnarong was prosecuted for “criminal defamation” (Article 328 of the Criminal Code) since August 2003 after having revealed, in an article published by the *Thai Post* on July 16, 2003, that Shin Corp’s profits had significantly risen since Mr. Thaksin Shinawatra had become Prime Minister. Ms. Supinya was facing a fine of 200,000 baht (4,000 euros) and a two years’ prison sentence.

On August 24, 2004, Shin Corp had also initiated a civil libel suit for 400 million baht (over 8 million euros) against Ms. Supinya and the *Thai Post*, following the approval of the Criminal Court. On October 11, 2004, the Civil Court decided that the trial would begin after the Criminal Court had handed down its ruling.

On May 9, 2006, Shin Corp withdrew its civil defamation claim.

### **Status of the inquiry into the assault on Mr. Wiwat Thamee<sup>119</sup>**

As of the end of 2006, no progress had been reported in the inquiry into the aggression and acts of intimidation against Mr. **Wiwat Thamee**, coordinator of the Ethnic and Indigenous People’s Network of Thailand, in Chiang Mai, in 2005, despite the 2006 request from the governor of Chiang Rai that the inquiry be successfully concluded by the police forces.

On August 18, 2005, a grenade was thrown at Mr. Wiwat Thamee’s car. He had recently attended the United Nations Human Rights Committee in Geneva (Switzerland), during which he had criticised certain practices of the Thai government towards minorities in the north of the country.

Police officers present near the vehicle did not react and further advised witnesses not to lodge complaints.

On August 20, 2005, a complaint was filed with the district police station, and the matter was submitted to the National Human Rights Commission. This complaint had not been examined by the end of 2006.

119. See Annual Report 2005.

Since these events, Mr. Thamee and his team have left the region in which they were working.

### **Extrajudicial execution of two village chiefs in the southern provinces<sup>120</sup>**

In October 2006, two village chiefs were murdered. They had helped villagers who had been subjected to acts of violence in the southern provinces to bring their case before the authorities.

On October 16, 2006, Mr. **Asan Yamaleh**, chief of village n°3 in Talo, Raman district, Yala province, was shot soon after bringing a group of people to meet with representatives of the authorities in Yala 3. Before his murder, Mr. Yamaleh had attended a meeting with members of the National Human Rights Commission and local human rights groups in order to complain about the brutality of the security forces in an attack on the village on September 13, 2006. During the raid, five villagers were arrested and village houses were set on fire.

On October 20, 2006, Mr. **Muhammad Dunai Tanyeeno**, chief of Jaroh village, Narathiwat province, was shot near his house. He had just gone out to meet with a person who had phoned him earlier. It was not possible to trace the origin of the call. On October 3, 2006, Mr. Dunai Tanyeeno, together with the Network for the Affected Population in Relation to Southern Violence, had helped victims of violence by enabling them to meet with the newly-appointed Army Commander of Region 4. Mr. Dunai had also helped villagers harassed since the massacre of 84 people by soldiers and policemen on October 25, 2004.

By the end of 2006, the authors of these murders had not yet been identified.

### **Enforced disappearance of Mr. Thares Sodsri, an environmental rights defender<sup>121</sup>**

On December 1, 2006, the cleaning lady of Mr. **Thares Sodsri**, an environmentalist in the Ban Kha district, Rachaburi province, went to the police station to report his disappearance. She had left him on the evening of November 30, 2006. The next day, he had disappeared and the lights were still on inside the house.

120. See Urgent Appeal THA 003/1006/OBS 129.

121. See Urgent Appeal THA 004/1206/OBS 146.

The policemen found several traces of blood, three bullet cartridges, two bullets and tire tracks on Mr. Thares' lawn.

On December 2, 2006, the police carried out a raid in several areas of the Ban Kha district and confiscated guns, a truck and blood-stained clothes, so that they could be examined by forensic services.

A few days earlier, Mr. Thares' three dogs had been poisoned.

Two weeks before these events, Mr. Thares had submitted a video to the Ministry of Natural Resources and Environment, showing the illegal destruction of a forest by a local political leader in Ratchaburi, despite the fact that the forest was protected by a royal conservation project. Mr. Thares was also due to testify in proceedings against several people suspected in a forest encroachment case.

Over the past ten years, Mr. Thares had led a campaign against illegal forestry projects in the Ban Kha sub-district.

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## VIETNAM

### Acts of harassment against cyber-dissidents

In 2006, defenders who posted articles criticising the government or promoting human rights on the Internet remained subjected to acts of harassment.

#### Arbitrary detention of Mr. Nguyen Vu Binh<sup>122</sup>

As of the end of 2006, Mr. **Nguyen Vu Binh**, a journalist arrested on September 25, 2002 and sentenced to seven years in prison in December 2003 for having posted articles "of a reactionary nature", including an account of human rights violations sent to the United States' Congress, remained in detention.

The sentence was confirmed on appeal on May 5, 2004. Prison authorities pressured him to make a "self-criticism", which he always refused to do. His family was able to visit him on November 2, 2006 and noted that his health had seriously deteriorated. In particular, he suffers from diabetes and high blood pressure, for which he was not receiving proper medical treatment.

122. See Annual Report 2005.

Release of Mr. Nguyen Khac Toan and Mr. Pham Hong Son and ongoing acts of harassment against them<sup>123</sup>

- On January 26, 2006 Mr. **Nguyen Khac Toan**, a business man and former military officer arrested on January 8, 2002 in a cyber-café in Hanoi, was granted amnesty and released on the occasion of the Lunar New Year. However, he remained under house arrest: he was under close police surveillance and his freedom of movement was severely restricted, as he could not leave his neighbourhood without paying a fine of 500,000 dong (24 euros).

He was sentenced on December 20, 2002 to twelve years in prison for “espionage” after being accused of helping farmers drafting complaints to authorities to protest against the confiscation of their land by the State, and of sending information to exiled Vietnamese human rights organisations.

Moreover, starting on August 12, 2006, Mr. Nguyen Khac Toan, as well as Mr. **Hoang Tien**, Mr. **Nguyen Van Dai**, Mr. **Bach Ngoc Duong** and Ms. **Duong Thi Xuan**, who had planned to publish an independent online newspaper, *Freedom and Democracy*, were subjected to daily interrogations for ten days. In addition, their homes were searched and their computers, mobile phones and files were confiscated. They were not authorised to receive visitors or leave their neighbourhood in Hanoi during this time. The newspaper was banned after the first issue.

Lastly, on the occasion of the Asia-Pacific Economic Cooperation (APEC) Summit that was held in Hanoi from November 17 to 19, 2006, members of the security forces were permanently posted around Mr. Nguyen Khac Toan’s home in Hanoi and stopped visitors from entering. On November 12, 2006, policemen hung a notice board on his door indicating “Security area - no foreigners allowed”.

- On August 30, 2006, Mr. **Pham Hong Son** was released seven months before the end of his sentence as part of an amnesty to mark Vietnam’s National Day on September 2, 2006. Nevertheless, Mr. Pham Hong Son will remain under house arrest for up to three years as part of his sentencing under Article 38 of the Criminal Code. On

123. See Annual Report 2005 and Press Releases, September 8 and November 20, 2006.

the day of his release, 20 policemen were posted in front of his house, his phone line was cut and his mobile phone was confiscated. In addition, Mr. Pham Hong Son is not allowed to leave the region without prior authorisation. This surveillance became more intense before and during the APEC Summit.

Mr. Pham Hong Song had been arrested on March 27, 2002 for having translated and posted online an article entitled “What is Democracy?” that he had found on the website of the American Embassy in Vietnam. He had previously written several articles promoting democracy and human rights, which he posted on online Vietnamese discussion forums.

In June 2003, he was sentenced to 13 years in prison for “espionage”, a punishment that, under international pressure, had been reduced on August 26, 2003 to five years in prison and three years of house arrest.

Throughout his detention, Mr. Pham Hong Son’s health seriously deteriorated due to a lack of medical care and harsh prison conditions.

Moreover, on November 17, 2006, Mr. Pham Hong Son was detained for seven hours in a police station, where he was repeatedly beaten.

#### Ongoing acts of harassment against Mr. Nguyen Dan Que<sup>124</sup>

In 2006, Mr. **Nguyen Dan Que**, who was released on February 2, 2005 by amnesty on the occasion of the Lunar New Year, continued to be harassed. Mr. Nguyen Dan Que had been arrested on March 17, 2003 and sentenced in July 2004 to two and a half years in prison for “abusing democratic rights to jeopardise the interests of the State and the legitimate rights and interests of social organisations and citizens” after he denounced obstacles to freedoms of expression and of the press in Vietnam.

Since then, Mr. Nguyen Dan Que has been subjected to police surveillance and repeated acts of harassment. His phone line has been tapped and often cut off, and his relatives and friends have also been harassed.

124. See Annual Report 2005.

### Ongoing acts of harassment against UBCV members

In 2006, leaders of the Unified Buddhist Church of Vietnam (UBCV), a prohibited organisation, continued to be subjected to acts of harassment.

#### Ongoing acts of harassment against Thich Thien Minh<sup>125</sup>

Since his release on February 2, 2005, the monk **Thich Thien Minh** has been repeatedly harassed by the police forces. He had been sentenced to a double life sentence (in 1979 and in 1986), which was reduced to 20 years in prison for supporting UBCV and trying to escape a re-education camp.

For instance, Thich Thien Minh has still not received his identity card or a residency permit. The authorities also refused to let him go back to the pagoda in which he lived before his arrest in 1979, and systematically rejected his requests to build a small house where he could live a monastic life. Receiving death threats and harassed, he found refuge in the Giac Hoa pagoda in Ho Chi Minh City.

On November 19, 2006, the Superior Bonze of the Giac Hoa Pagoda was summoned by the security services, and the security director of the 7<sup>th</sup> arrondissement of Ho Chi Minh City ordered him to expell Thich Thien Minh.

#### Ongoing acts of harassment against Thich Huyen Quang and Thich Quang Do<sup>126</sup>

By the end of 2006, the patriarch **Thich Huyen Quang** and his assistant **Thich Quang Do**, both members of UBCV, remained under house arrest since 1982. On October 9, 2003, the spokesperson for the Ministry of Foreign Affairs had stated that the two monks had been charged with “holding State secrets” (Articles 263 and 264 of the Criminal Code).

On February 15, 2006, when Thich Quang Do was on his way to visit Thich Huyen Quang for the Lunar New Year, over 100 officers of the security police waited for him at Saigon station. They physically attacked him and later detained him for more than six hours before forcibly taking him back to his monastery.

125. *Idem*.

126. See Annual Report 2005 and Press Release, October 31, 2006.

In December 2006, the police prevented Thich Huyen Quang from going to Ho Chi Minh City where he needed to undergo medical exams for his heart and lung problems.

Moreover, the government repressed 13 local UBCV committees that had been set up to bring spiritual and humanitarian help to impoverished populations in the central and southern provinces of the country. The members of these committees were forced to disband and to cut all contact with UBCV. For example, on June 1, 2006, the nun **Thich Nu Thong Man** had to leave Dich Quang pagoda, Khanh Hoa province, after several months of constant harassment (threats, public denunciations, pressures on members of her family, etc.).

Other members of these local committees were victims of harassment, including: **Thich Chon Tam** (An Giang province), Thich Thien Minh (Bac Lieu), **Thich Tam Lien** (Binh Dinh), **Thich Nhat Ban** (Dong Nai), **Thich Vinh Phuoc** (Ba Ria-Vung Tau), **Thich Thanh Quang** (Da Nang), **Thich Thien Hanh** (Hue), **Thich Vien Dinh** and **Thich Khong Tanh** (Ho Chi Minh City).

On September 21, 2006, Mr. Thich Quang Do was awarded the 2006 Professor Thorolf Rafto Memorial Prize by the Norwegian Rafto Foundation for his contribution to the movement for religious freedom and human rights in the country and as a “symbol of the growing democratic movement in Vietnam”.

In order to receive his prize, which was to be awarded in Bergen on November 4, 2006, Mr. Thich Quang Do was invited to Norway. However, despite the request of the Norwegian authorities, Vietnam prohibited Thich Quang Do from travelling to Norway to receive his prize. Consequently, Mr. Vo Van Ai, the international spokesperson for UBCV, received the prize on his behalf.

### **Ongoing acts of harassment against Mr. Hoang Minh Chinh<sup>127</sup>**

As of the end of 2006, Mr. **Hoang Minh Chinh**, former dean of the Institute of Marxist-Leninist Philosophy in Hanoi and an advocate for democratic reforms, remained under house arrest. His complaints filed with the authorities remained unanswered.

In June 2006, Mr. Hoang was again elected secretary general of the Democratic Party XXI, a position he had held from 1944 to 1988. In 1988, the Party had been dissolved by the Vietnamese Communist

127. See Annual Report 2005.

Party, but Mr. Hoang Minh Chinh decided to recreate it in 2006. Since then, he has not been authorised to leave his home and has been regularly subjected to police harassment.

In 2005, Mr. Hoang Minh Chinh gave evidence before the American Congress' Committee on International Relations and at Harvard University on the lack of democratic freedoms in Vietnam, during a medical visit to the United States. Upon his return to Vietnam on November 13, 2005, he and his wife went to their daughter's house in Ho Chi Minh City, where they wished to stay for a while due to Mr. Hoang's health condition. The police granted him a temporary residence permit of 10 days (according to Vietnamese law, residence permits have to be obtained each time one wants to stay overnight in another place than one's official residence).

On November 19, 2005, a local security agent warned the daughter of Mr. Hoang that her father's presence was causing serious unrest and dissatisfaction in the neighbourhood because he was "a traitor and an enemy of the people". The agent allegedly stated that the police would not protect him if any violence broke out.

### **Obstacles against the freedom of expression of several defenders during the APEC summit<sup>128</sup>**

During the Asia-Pacific Economic Cooperation (APEC) Summit, which was held in Hanoi from November 17 to 19, 2006, the security police set up surveillance posts outside the residence of numerous human rights defenders and pro-democracy activists. They also placed notice boards on their doors saying in English "No Foreigners" to discourage possible visitors. Several defenders were threatened, assaulted and subjected to questioning in the run up to the Summit:

- On November 14, 2006, agents of the Ministry of Public Security and of the local police set up a surveillance post in front of the house of Mr. **Hoang Tien**<sup>129</sup>, a writer, Thanh Xuan Bac district, in Hanoi, to stop all comings and goings. The policemen declared that they did not have any official mandate but that they had "received orders from their superiors to block his house during the APEC Summit".

- From November 14, 2006 onwards, ten security police officers

128. See Press Release, November 20, 2006.

129. See above.

surrounded the home of Mr. **Nguyen Van Dai**, a lawyer, and prohibited visits. In October 2006, Mr. Van Dai founded the Committee for Human Rights in Vietnam and has since been summoned several times by the police for questioning.

- Mr. **Nguyen Phuong Anh**, a cyber-dissident, was also prevented from receiving visitors as police officers were guarding his house in Hanoi. The police subjected him to repeated questioning for one month due to pro-democracy articles he had posted online.

- Mr. **Duong Van Duong** (*alias* Dai Duong), who publicly denounced the corruption of civil servants in the Thai Binh province and helped farmers from Mai Xuan Thuong Park to express their grievances, was violently beaten by four policemen in plain-clothes as he was leaving the park where the farmers and other “victims of injustice” regularly meet to protest. One of the policemen told him that they would “beat him to death”, and they hit him on the face and in the stomach. Mr. Duong Van Duong was also prohibited from receiving or meeting foreign visitors.

- Security also reinforced its watch of dissidents in Ho Chi Minh City, where the international media and several foreign leaders were expected after the Summit, including the American President George W. Bush. On November 14, 2006, Mr. **Doan Huy Chuong** (*alias* Hoang Huy Chuong), a member of the newly-founded United Workers-Farmers Organisation (UWFO), was arrested in Ho Chi Minh City along with his two brothers. No mandate was presented to them. His arrest was likely related to his activities with the UWFO. Mr. Doan Huy Chuong was still detained by the end of 2006. Moreover, his father, Mr. **Doan Van Dien**, who had informed *Radio Free Asia* of his children’s arrest, was arrested himself on November 15, 2006.

- Following these events, several UWFO members were subjected to harassment: on November 15, 2006, Mr. **Nguyen Tan Hoanh**, UWFO founder, was arrested in Long Thanh province. In early 2006, he had been one of the main leaders of workers’ strikes in Vietnam. His whereabouts remained unknown. Moreover, Ms. **Tran Thi Le Hong** (*alias* Nguyen Thi Le Hong), also a founder of UWFO, was arrested on November 16, 2006, in Ho Chi Minh City. Her place of detention was also unknown.

- Ms. **Bui Thi Kim Thanh**, a lawyer, was placed in a psychiatric hospital in Ho Chi Minh City after being questioned by the security

police. According to her family, the police first took her to a neighbourhood psychiatric hospital in early November, where doctors did not find any evidence of mental illness. The police then transferred her to the central psychiatric hospital of Bien Hoa, in Ho Chi Minh City. Ms. Bui Thi Kim Thanh had openly criticised the government's land confiscation policy. She also defended expropriated farmers and other "victims of injustice" by helping them to file complaints and seek compensation. As of the end of 2006, Ms. Bui Thi Kim Thanh was still detained in the psychiatric hospital. The authorities reportedly offered to release her if she promised not to report on the treatment she was subjected to in that hospital, but she refused.

- On November 19, **Thich Vien Dinh**, vice president and secretary general of *Vien Hoa Dao*, the executive institute of UBCV, was summoned by the director of the security police of the 7<sup>th</sup> district of Ho Chi Minh City for a "working session" (an interrogation) at the police station, which lasted two hours. Moreover, the police strictly banned all UBCV monks from speaking to the media and to foreign diplomats during the APEC summit.

These events took place shortly after the arrest in Hanoi of the Buddhist nun **Thich Nu Dam Thoa** on November 14, 2006. She was detained in a "camp for social elements" in Bac Giang, Northern Vietnam, and was accused of being on a list of people who would allegedly have sought to meet the American President during the APEC Summit. She was released shortly after the end of the Summit.

- During this summit, Mr. **Do Nam Hai**, who has been regularly harassed for openly criticising the authorities in articles published on the Internet and calling for democratic and pluralistic reforms in Vietnam under the name of Phuong Nam, was questioned several times by the police. Moreover, Mr. Do Nam Hai remained under close surveillance by the Vietnamese secret services and was still harassed by the police. In February 2005, he had been fired for refusing to stop his activities<sup>130</sup>.

Lastly, in contrast to previous APEC Summits, the Vietnamese government did not authorise the holding of a parallel People's Forum on NGOs, thereby preventing civil society from expressing their concerns.

130. See Annual Report 2005.



EUROPE AND THE COMMONWEALTH  
OF INDEPENDENT STATES (CIS)





## SITUATION OF HUMAN RIGHTS DEFENDERS<sup>1</sup>

2006 witnessed the confirmation of strong tendencies of repression aimed at reducing – sometimes drastically – the capacity of independent civil society to operate in several countries in Europe and in the Commonwealth of Independent States (CIS). The strategies used by these States, in particular in several CIS member States (*Belarus, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan*) were aimed primarily at making national laws more restrictive in relation to freedom of association, thus making it easier to control independent civil society, which was frequently considered as a threat to the maintenance of ruling powers.

Freedoms of assembly and peaceful gathering were also flouted in many countries (*Azerbaijan, Belarus, Belgium, Georgia, Kyrgyzstan, Russian Federation, Uzbekistan*), whilst freedom of expression was still the most common reason invoked for repressing human rights defenders in the region, particularly when denouncing the lack of democracy or freedoms, fighting discrimination or even denouncing corruption or torture. Similarly, activists promoting universal values faced serious reprisals by nationalist and far-right groups, while State authorities failed to provide adequate protection.

Indeed, human rights defenders were still being subjected to serious retaliation as a result of their activities. Again in 2006, human rights defenders, including Ms. Anna Politkovskaya, a renowned journalist, were killed in the *Russian Federation*, where acts of violence recur each year. Defenders were further subjected to ill-treatment and acts of torture (*Belarus, Russian Federation, Turkey, Uzbekistan*), sometimes leading to death (*Turkmenistan*), death threats (*Moldova, Russian Federation*), smear campaigns (*Azerbaijan, Greece, Kyrgyzstan*), judicial proceedings and arbitrary arrests or detentions (*Russian Federation,*

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

*Turkey, Uzbekistan*), or constraints upon their freedom of movement (*Azerbaijan, Belarus*).

### **Obstacles to freedom of association**

In *Belarus*, the situation of independent human rights organisations continued to worsen following the entry into force, in December 2005, of restrictive amendments to the Criminal Code outlawing, in particular, activities within unregistered organisations. Messrs. Nikolai Astreyko, Tsimofey Dranchuk, Aleksandr Shalayko and Ms. Enira Bronitzkaya, members of the NGO Partnership, were the first to be prosecuted on the basis of these amendments and were sentenced, in August 2006, to various terms of imprisonment. All they had done was to announce, in February 2006, the creation of an organisation to monitor the conduct of the presidential elections on March 19, 2006.

The enforcement of these amendments is particularly worrying in a country where almost every independent NGO has been deprived of its legal status, since they were closed down by court order in 2003<sup>2</sup>. In 2006, the Belarus authorities continued in this vein and notably initiated proceedings to close down the Belarus Helsinki Committee (BHC), the last legally registered independent human rights NGO in Belarus.

In the *Russian Federation*, the new Federal Law on NGOs, adopted in December 2005, entered into force on April 17, 2006. This law, which received much criticism at the time of its adoption, provides for amendments to three Russian laws, mainly to restrain the capacity of international or foreign NGOs to operate in the country, to toughen the registration conditions for NGOs and to strengthen the powers of the authorities to interfere in their activities. The decree affecting the application of this Law came into force on the same day, and in particular stipulated that foreign and international NGOs had to take steps for their re-registration before October 17, 2006. The tedious amount of administrative procedures required by the law, combined with the unhelpful attitude of the registration services, that often demanded additional paperwork that was difficult or even impossible to obtain, meant that many NGOs were refused legal recognition because they could not fulfil all the necessary conditions within the

2. See Annual Report 2005.

given time-limit. Thus, on November 15, 2006, the Dutch NGO Teaching Russian Justice Initiative, which provides legal assistance to inhabitants of the Republic of Chechnya, was denied registration for its Moscow office on grounds that the documents submitted had not been signed by a competent person and “contained errors”. The office had to suspend its activities with immediate effect until its file was re-examined. This was also the case with other organisations such as Human Rights Watch (HRW), Amnesty International (AI) and Penal Reform International (PRI), which had their activities temporarily suspended<sup>3</sup>.

Some provisions of the Law on Combating Extremist Activities, which came into force in 2002, were also used in 2006 to hinder the activities of NGOs. For example, the Russian-Chechen Friendship Society (RCFS), based in Nizhnyi-Novgorod, was closed down by court order, on grounds that it had allegedly committed an extremist act by “omitting” to publicly and formally disapprove the “extremist” acts committed by its executive director, Mr. Stanislav Dmitrievsky, who had been convicted by the Sovetsky District Criminal Court in Nizhnyi-Novgorod a few months earlier.

In addition, the new legislative obstacles to freedom of association and the ensuing exploitation of the judicial system continued to be combined with many smear campaigns, orchestrated at the highest State level, aimed at discrediting independent organisations and their members. For example, on January 22 and 23, 2006, Mr. Sergei Ignachenko, an official representative of the Federal Security Bureau (FSB), accused several human rights NGOs, including the Moscow Helsinki Group (MHG), the Nizhnyi-Novgorod Committee Against Torture, the Centre for Democracy and Human Rights and the Eurasia Foundation, of being funded by the British secret services. Similarly, on September 27, 2006, Mr. Ramzan Kadyrov, Prime Minister of the Republic of Chechnya, asserted, in an interview with the Russian news agency *Novosti*, that human rights organisations in Chechnya lacked objectivity as they only “defended terrorists” without “caring about the fate of his relatives”. Such accusations, which grant a certain legitimacy to perpetrators of violations against defenders, put them in real danger and more generally stigmatise them in the eyes of the public.

3. See Centre for the Development of Democracy and Human Rights.

In *Kyrgyzstan*, although a positive change in relations between the authorities and human rights defenders had been observed in 2005 following the “Tulip Revolution” of March 2005, these relations seem to have taken a downward turn in 2006<sup>4</sup>. Indeed, on January 24, 2006, the Minister for Justice gave special instructions to the Ministry’s registration department that investigations be carried out into all NGOs financed by international donors. The increase in financial audits, investigations or “visits” to several organisations such as the Coalition for Democracy and Civil Society or the *Kylym Shamy* association illustrated the support given to these measures. As in the Russian Federation, although to a lesser extent, these obstacles went hand in hand with the continuation – or rather the reappearance – of smear campaigns conducted at the highest official level. For example, in certain articles appearing on the website of the Kyrgyz government, *kabar.kg*, Kyrgyzstan was shown as a “victim of the networks war initiated by the pro-American NGOs which [...] are a sort of fifth column in the country”<sup>5</sup>.

In *Tajikistan*, during a round table meeting organised in Dushanbe on June 19, 2006, Mr. Sherali Jononov, a representative of the Ministry of Foreign Affairs, announced that the Bill on Associations, which had been put forward by the government on December 2, 2005, would be examined by Parliament in early 2007. This bill notably specifies that all public organisations shall re-register within two months of its coming into force. Although the law currently in force authorises NGOs to include in their objectives the exercise and defence of civil, political, social and/or cultural rights of citizens as well as participation in the creation of an independent, united, secular and democratic rule of law in the country, this new bill would limit these activities to the protection and attainment of the “public interest”. This particularly vague formulation, if restrictively interpreted, could significantly limit the scope of NGOs activities. Moreover, the bill gives strengthened discretionary powers to the registration services, which shall be entitled to: require that organisations operate in conformity with their own statutes; request internal decision-making documents; monitor NGOs activities, in which their representatives may be required to participate;

4. See Preliminary Conclusions of the Observatory International Fact-Finding Mission to Kyrgyzstan, from July 22 to 29, 2006.

5. *Idem*.

and issue warnings against organisations suspected of operating in contravention with the law or their statutes. Lastly, foreign nationals and stateless persons are prohibited from founding an association or taking part in its activities if they fail to present a valid permanent residence permit. Following the introduction of this Bill, several NGOs operating in the Sogdiyskaya region were inspected by the *Prokuratura* (office of Public Prosecutor) in January and February 2006, although it was not legally authorised to carry out such controls<sup>6</sup>.

Lastly, in *Uzbekistan*, human rights defenders were still directly targeted by the wave of terror in the aftermath of the Andijan events in May 2005<sup>7</sup>. The authorities continued in 2006 to make use of this repressive context to further muzzle civil society and to suspend the activities of numerous organisations, in particular foreign ones, on the basis of restrictive laws adopted or reinforced in the past few years. For instance, the offices of the Eurasia Foundation, of Freedom House Uzbekistan and of Counterpart International were closed on February 25, March 6, and May 4, 2006 respectively, following complaints filed by the Ministry of Justice. In addition, on July 7, 2006, the HRW office was notified by the Ministry of Justice that it had committed an offence by using an unregistered logo and distributing “non-objective and tenuous” information concerning the human rights situation in Uzbekistan<sup>8</sup>. Finally, on March 17, 2006, the Ministry of Foreign Affairs ordered the closure of the office of the United Nations High Commissioner for Refugees (HCR), on the grounds that the HCR had “fully implemented its tasks” and that there were “no evident reasons for its further presence in Uzbekistan”<sup>9</sup>. In such a context, Uzbek defenders, who were subjected to a fierce repression for several years, became increasingly isolated, and their situation has, yet again, considerably deteriorated in 2006.

6. See International Centre of Non-Commercial Law.

7. On May 13, 2005, over 750 people were killed in the violent repression of a demonstration against poverty, police repression and the trial of 23 people accused of belonging to the radical Islamist movement *Akramia*. A massive wave of arrests subsequently targeted all human rights activists who had denounced this massacre at national or international levels.

8. See HRW.

9. See FIDH Press Release, March 22, 2006.

### **Collecting and disseminating information on human rights: a high-risk activity**

It remained extremely difficult and dangerous for human rights defenders operating in the region to investigate and denounce human rights violations both at national and international levels. In a number of countries, authorities notably cracked down on those exposing corrupt practices, lawyers defending clients deprived of their rights, and defenders calling for the prosecution of war criminals or for the end of the practice of torture.

In *Azerbaijan*, defenders who dared to criticise the abuses generated by the regime's policies continued to be repeatedly targeted by smear campaigns or restricted in their freedom of movement. Several defenders were also accused, within pro-government media, of defending the interests of the Armenian government and were as such deemed "traitors to the Nation", as was the case of Mr. Arif Yunusov, head of the Department of Conflictology and Migration Studies and a member of the Institute for Peace and Democracy, who had denounced corrupt practices within the Ministry of Defence. Similarly, Mr. Ilgar Ibragimoglu, coordinator of the Centre for the Protection of Conscience and Religious Freedom (DEVAMM), remained banned from travelling abroad to present evidence of the violations of religious freedoms in his country. Moreover, while attacks on the freedom of the press multiplied in 2006, independent media experienced considerable difficulties in disseminating information on human rights. In October 2006 for instance, two newspapers, *Olaylar* and *Azadlig*, were prohibited from attending the trial of a former police officer, accused, along with others, of being responsible for at least ten murders and abductions<sup>10</sup>.

In *Belarus*, the authorities continued to severely punish any criticism of the regime, in particular the denunciation of the lack of democracy and freedoms in the country. Mr. Oleg Voltchek, former president of the NGO Legal Assistance to the Population, was notably prevented from leaving the country on two separate occasions in 2006 as he was to travel abroad to testify in relation to human rights and political prisoners in Belarus. In particular, he received high fines for being in

10. See Reporters Without Borders (RSF).

possession of documents on the elections in Belarus, deemed as “a threat to the interests of the country” by the head of the KGB.

In *Kyrgyzstan*, where 2006 was marked by an upsurge in organised crime, defenders critical of the lack of political will on the part of the new authorities to combat this situation were subjected to grave reprisals, as was the case of Mr. Edil Baïsalov, president of the Coalition for Democracy and Civil Society. Those speaking out against torture were also subjected to prosecution and systematically repressed. For example, Mr. Maxim Kuleshov, coordinator of the Tokmok Human Rights Resource Centre, was prosecuted for “defamation” by a representative of the local authorities after organising a public awareness campaign against torture.

Moreover, whereas a reform Bill for greater media independence seemed to be one of the most important outcomes of the “Tulip Revolution”, attacks on the freedom of the press multiplied in 2006, in particular with the takeover of independent newspapers or television channels by individuals close to the government. This trend is all the more regrettable as it is likely to lead to a significant restriction of freedom of expression and thus to further hinder the work of human rights defenders<sup>11</sup>.

In *Moldova*, defenders who attempted to denounce violations committed by the authorities of the self-proclaimed Republic of Transnistria were subjected to a violent crackdown in 2006. Members of the Chisinau-based Moldova Helsinki Committee for Human Rights (MHC), for instance, were repeatedly targeted. In particular, its chairman, Mr. Belinschi, was ordered not to return to the region on pain of death or reprisals against his family. Similarly, several members of the human rights group *Dignitas*, in Slobodzia, were arrested and subjected to brutal interrogations, in the period preceding the referendum on the entry of the self-proclaimed Republic of Transnistria into the Russian Federation on September 17, 2006.

In the *Russian Federation*, men and women who attempted to criticise the human rights violations perpetrated by the regime of the President of the Republic, Mr. Vladimir Putin, were frequently censured, when not subjected to serious threats or physical attacks. The assassination

11. See Preliminary Conclusions of the International Fact-Finding Mission to Kyrgyzstan, from July 22 to 29, 2006.

of Ms. Anna Politkovskaya, a correspondent for the Russian biweekly *Novaya Gazeta*, on October 7, 2006, was a tragic example of the toughening of a regime that progressively silences all critical voices denouncing the crimes committed in Chechnya, the use of torture or ill-treatment within the army or even the endemic corruption.

The authorities multiplied their attempts to increase the number of possible judicial expedients to sanction dissident voices. For example, amendments to the Law on Countering Extremist Activities, adopted by the *Duma* (Lower House) on July 14, 2006 and signed by President Putin on July 27, 2006, extend the definition of an extremist act to the “public defamation of State officials of the Russian Federation or its citizens regarding the exercise of their duties or connected with this exercise”. As the Law then in force had already been widely used to silence defenders, it is a concern that these new amendments, of which human rights defenders and independent journalists would be the first victims, could be misinterpreted due to the extreme vagueness of the above definition.

In *Serbia*, negotiations for the country’s entry into the European Union were suspended in May 2006 due to the lack of cooperation of the Serbian authorities with the International Criminal Tribunal for the Former Yugoslavia (ICTY), regarding the arrest and handover of warlord Ratko Mladic. In this context, acts of intimidation and threats continued in 2006 against individuals or organisations speaking out in favour of the fight against impunity and the prosecution of war criminals.

In *Slovenia*, several defenders, mainly members of the Helsinki Monitor of Slovenia (HMS), were also prosecuted, in particular by associations of former soldiers.

In *Turkmenistan*, it remained absolutely impossible to freely lobby in favour of human rights, as all individuals inquiring into or denouncing human rights violations were systematically targeted. For example, Ms. Ogulsapar Muradova, Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev, three journalists and human rights activists, were sentenced in August 2006 to long terms of imprisonment for leading investigations into the Turkmen regime, amongst others, on behalf of foreign television channels. Ms. Muradova was found dead in her cell on September 14, 2006, and had obviously been ill-treated. On December 17, 2006, Mr. Andrei Zatakova, an environmental activist and a Council member of the International Socio-Ecological Union,

was arrested at Dashoguz airport as he was about to travel to Moscow to participate in a meeting organised by the Union. On January 4, 2007, Mr. Zatakova was indicted for “illegal acquisition or possession of arms or explosives” (Article 287-1 of the Criminal Code) and “illegally carrying toxic substances” (Article 302-1), charges carrying up to five- and three-year imprisonment terms respectively<sup>12</sup>.

The family and friends of defenders in exile were also targeted by reprisals, such as the relatives of Ms. Tadjigul Begeдова, head of the Turkmenistan Helsinki Foundation (THF), now living in Bulgaria<sup>13</sup>. The death of the President of the Republic, Mr. Saparmurat Niyazov, on December 21, 2006, considered to have been one of the world’s worst dictators, has left a great deal of uncertainty as to the future of human rights and human rights defenders.

In *Turkey*, certain provisions of the new Criminal Code, in particular Article 301 on the “denigration of Turkish identity, the Republic, institutions or other organs of the State”, were frequently used to restrict the free exercise of freedom of expression. This Article was widely used against members of the Human Rights Association in Turkey (IHD) following several of their publications. Moreover, Mr. Hrant Dinck, a journalist, was charged with “making disparaging comments against Turkish identity” on September 26, 2006, after describing as “genocide” the Armenian massacre of 1915. He was assassinated at the offices of his newspaper, *Agos*, on January 19, 2006<sup>14</sup>. Similarly, the amendments to the Anti-Terror Law promulgated on August 17, 2006 by Mr. Ahmet Necdet Sezer, President of the Republic, might serve as a new pretext for more readily punishing anyone promoting a peaceful settlement of the conflict in the southeast of the country. According to these amendments, terrorism is defined as “any act” aimed “at changing the characteristics of the Republic, as set out in the Constitution, at changing its political, legal, social, civil or economic systems, at attacking territorial and national unity that is inseparable from the State or from the Turkish Republic, at weakening, destroying

12. See International Helsinki Federation (IHF).

13. *Idem*.

14. See Joint Press Release of FIDH, OMCT, the French League for Human Rights (LDH), the Association for Human Rights in Turkey (IHD) and the Human Rights Foundation of Turkey (HRFT), January 19, 2006.

or usurping the authority of the State, at eliminating fundamental rights and freedoms, or at attacking the internal or external security of the State, public order or physical integrity by the use of pressure, force, violence, terror, intimidation, oppression or threats". Lastly, investigating human rights violations in this region of the country remained highly dangerous in 2006. On April 12, 2006, a researcher for HRW was arrested in Bingöl while investigating allegations of violence and human rights violations, and was then deported from the country on the grounds that he did not have a "valid authorisation" to carry out his research<sup>15</sup>.

In *Uzbekistan*, 2006 was marked by the sentencing of all the individuals arrested in 2005 for denouncing the violations perpetrated during the Andijan events. These defenders, who often received heavy sentences following iniquitous trials, are now being held in extremely difficult conditions. As such, Ms. Mukhtabar Tojibaeva, president of the Ardent Hearts' Club, who was prosecuted on the basis of 17 charges, was sentenced on March 6, 2006 to eight years' imprisonment and is now serving her sentence in the psychiatric wing of the Tashkent prison.

In addition, in this prevailing context of repression, a large number of activists were arrested, prosecuted and convicted on the basis of trumped-up charges, like several members of the Human Rights Society of Uzbekistan (HRSU) whose president, Mr. Talib Yakubov, was forced into exile in July 2006. In 2006, the situation of defenders was thus generally characterised by a high degree of violence. Among many other cases, Mr. Bakhtior Khamroev, director of the HRSU section in Djizak, was attacked on August 18, 2006, subsequent to being visited by two British diplomats who were gathering information about the human rights situation in Djizak.

### **Restrictions on freedoms of assembly and peaceful gathering**

Freedoms of assembly and of peaceful gathering remained widely ignored in a certain number of countries, where the authorities regularly banned or brutally dispersed numerous demonstrations.

15. See HRW.

In *Azerbaijan*, demonstrations in favour of the freedom of the press were fiercely suppressed. In particular, Mr. Emin Huseynov, a member of the Institute for the Freedom and Safety of Reporters, was brutally beaten by the police on November 7, 2006, while participating in a rally in favour of the opposition newspaper *Azadlig* which was violently dispersed.

In *Belarus*, all peaceful gatherings denouncing the lack of democracy in the country continued to be repressed, especially during the electoral period during which hundreds of people were arrested, including several members of *Viasna* who were charged with “hooliganism” after peacefully demonstrating.

In *Kyrgyzstan*, on May 29, 2006, activists were brutally beaten by over 200 police officers when marching towards the Office of the Presidency of the Republic to protest against the decision of the Supreme Court to discharge all senior officials allegedly responsible for the deaths of several participants in the Aksy demonstrations in 2002<sup>16</sup>.

In the *Russian Federation*, peaceful assemblies organised by human rights defenders were increasingly restricted in 2006. On February 1, 2006 for instance, several participants in a demonstration convened by Memorial and the All-Russia Public Movement “for Human Rights” to denounce the authorities’ control over civil society organisations were arrested and later brought before the court. Similarly, a rally scheduled for September 3, 2006 in Moscow to commemorate the second anniversary of the Beslan massacre and calling for those responsible to be brought to justice was banned. On October 16, 2006, in Nazran, forces from the Ingush Ministry of the Interior brutally dispersed a demonstration in memory of Ms. Anna Politkovskaya, who had been assassinated a week earlier. A member of Memorial was wounded and several defenders were prosecuted. Lastly, the Moscow authorities banned a march planned for December 17, 2006 by the Russian Union of Journalists, in memory of the journalists killed in their country. The authorities finally gave in to pressure and allowed the demonstrators to observe one minute of silence in Moscow’s Pushkin Square.

16. See Kyrgyz Committee for Human Rights (KCHR).

Similarly, in *Uzbekistan*, peaceful gatherings organised by defenders were almost systematically disrupted by the intervention of police or anti-terrorist forces. For example, on October 16, 2006, a demonstration organised by four defenders, namely Mr. Jokhankir Shossalimov, Mrs. Valentina Stepchenko, Mr. Akhtam Shaimardanov and Mrs. Elena Urlaeva, to request that human and constitutional rights be observed by the authorities, was brutally dispersed by plain-clothes officers from the anti-terrorist squad. Likewise, on October 28, 2006, defenders protesting in favour of the release of political prisoners and human rights defenders were dispersed after a few minutes by a group of police officers. On November 27, 2006, Ms. Elena Urlaeva, Ms. Victoria Vinogradova, Mr. Rassul Tojiboev, Ms. Valentina Talipova and Mr. Abdullo Tajiboi Ugly, members of the Society for the Protection of the Rights and Freedoms of Citizens of Uzbekistan (SPRFCU), were arrested in Tashkent while about to assemble outside the Ministry of Foreign Affairs. They were requesting that a dialogue on human rights be established with Mr. Vladimir Norov, Minister for Foreign Affairs, who had said he would open such a dialogue at a meeting with representatives of the European Union on November 8, 2006, in Brussels<sup>17</sup>.

## **Fighting racism and discrimination**

### **Sexual minorities**

In the *Russian Federation*, in an increasingly violent atmosphere against lesbians, gays, bisexuals and transgenders (LGBT), the Mayor of Moscow banned the Gay Pride march, a step which he justified with some particularly intolerant remarks. Those who finally took part in the gathering that was held in two different parts of Moscow instead of the planned Gay Pride march on May 27, 2006, were attacked by fascist, nationalist and orthodox supporters and received no protection from the forces of law and order. Dozens of participants were arrested, including a German Member of Parliament, who had just been attacked by skin-heads. Six participants were further charged with taking part in a prohibited demonstration<sup>18</sup>.

17. See SPRFCU.

18. See International Lesbian and Gay Association (ILGA) - Europe.

The same scenario took place in *Latvia*, where the “Riga Pride 2006”, scheduled for July 22, 2006, was prohibited by the Riga City Council, in spite of the disapproval of the President of the Republic and the Prime Minister. The demonstration was also violently attacked by groups of homophobes<sup>19</sup>.

Likewise, in *Moldova*, the Mayor of Chisinau refused to authorise the Gay Pride march, in May 2006. In addition, the GenderDoc-M-Information Centre, an NGO that supports the rights of LGBTs was widely stigmatised by Moldovan authorities. On August 31, 2006 for instance, during a demonstration called for by Amnesty International (AI) against violence against women, and in which GenderDoc-M had been invited to take part, several police officers demanded that the organisation’s flag be taken down on grounds that GenderDoc-M worked with sexual minorities and “[was] seeking to advertise their life-styles”. Following these events, AI was denied authorisation to organise a demonstration against the death penalty on October 10, 2006, after refusing to withdraw GenderDoc-M from the list of participants<sup>20</sup>.

In *Poland*, LGBT rights organisations continued to be subjected to recurrent smear campaigns and harassment. In particular, on May 30, 2006, the Attorney General ordered the Prosecutors in several municipalities to monitor the funding of gay and lesbian organisations, as well as their possible connections with organised crime and their presence in schools, on the request of a Member of Parliament affiliated with the League of Polish Families (LPR - a far-right party of the government). This MP had also previously called for the use of force against the “deviants” who participated in the annual march for freedom in March 2006. In May 2006, Mr. Miroslaw Orzechowski, Deputy Minister for Education and also a LPR member, publicly condemned the activities of the organisation “Campaign Against Homophobia”. In April 2006, a march in support of tolerance was brutally attacked by demonstrators from the All-Polish Youth, a movement affiliated to LPR and founded by the Deputy Prime Minister of Poland<sup>21</sup>.

19. See ILGA-Europe.

20. See ILGA-Europe Report, *Comprehensive Denial to Moldova’s Principal LGBT Organisation of the Right to Freedom of Assembly*, November 8, 2006.

21. See HRW.

Lastly, in *Turkey*, on August 6, 2006, the police prevented the holding of an unauthorised demonstration organised by the Rainbow Solidarity and Cultural Association for Transgenders, Gays and Lesbians in the city of Bursa to protest against the decision by the governors of Bursa and Istanbul to prohibit LGBT organisations in these cities, and against the seizure by the Ankara authorities of the latest edition of the magazine published by the Gay and Lesbian Kaos GL organisation for solidarity and cultural research<sup>22</sup>.

### Ethnic and cultural minorities

In *Georgia*, NGOs involved in the protection of minorities' rights continued to be repeatedly harassed in 2006. On June 7, 2006, the offices of the Public Movement "Multinational Georgia" (PMMG), which promotes the rights and integration of minorities in Georgia, were burgled by unidentified individuals who stole hard disks, including, in particular, one containing a draft alternative report on the protection of national minorities that was to be sent to the UN and the Council of Europe, as well as documents analysing the authorities' policy towards minorities.

In *Greece*, defenders who attempted to defend the rights of the Roma continued to be targeted by smear campaigns and judicial proceedings, as were members of the Greek Helsinki Monitor (GHM).

In the *Russian Federation*, human rights defenders fighting neo-fascism and extreme right-wing movements, and defending minorities' rights continued to pay the price for their involvement against a background of increasing xenophobia and racist attacks throughout the country. For example, Mr. Samba Lampsar, a student and an active member of the NGO African Unity, was murdered in Saint-Petersburg on April 7, 2006, as he was returning home after an inter-cultural friendship meeting between Russians and foreigners. Similarly, Mr. Tigran Babadzhanian, a young anti-fascist activist, was targeted by an assassination attempt on December 22, 2006. He discovered on the wall of his house a poster covered with Nazi symbols and stating that "all the persons living in this house [were] niggers". Mr. Babadzhanian immediately called the police, who arrived shortly after with a dog

22. See ILGA-Europe.

that rushed towards the poster, thus triggering the detonator of a bomb planted behind. The dog was killed, and two officers were wounded. Although an investigation was opened into this attack, Mr. Babadzhanian was only heard as a witness for the injuries sustained by the two officers<sup>23</sup>. Many activists were also subjected to death threats by neo-Nazi groups. In particular, a list of 89 people deemed as “traitors to the Nation” or “friends of foreigners” was posted on the website of an ultra-nationalist group in August and September 2006, giving the addresses and personal details of these people and calling for their physical elimination.

In addition, judicial authorities in the country repeatedly evidenced their reluctance to investigate these threats, thus allowing perpetrators of such violence to enjoy a high level of impunity. For example, the petitions for prosecution introduced by Ms. Svetlana Gannushkina, a board member of Memorial and president of the Civic Assistance Committee (CAC), whose name appeared on the aforementioned list, were refused by the national security department on grounds that these threats were not explicit, that the website was rarely visited and that it was hosted outside Russia. The *Prokuratura* finally decided, after many requests, to open an investigation into the “death threats or attack on physical integrity” (Article 119 of the Criminal Code) led against Ms. Gannushkina alone, although she had demanded that an investigation be opened in relation to each individual targeted. Likewise, while the suspected murderers of Mr. Lampsar were identified and put behind the bars shortly after his assassination, this prompt reaction appeared rather to be due to the efficiency of an independent journalist who carried out his own investigation, and to the imminent holding of the G8 Summit in Saint-Petersburg.

More generally, this “negligence” on the part of the Russian State was due to a certain leniency towards far-right organisations within public administrations, the political system or even the judiciary, albeit to varying levels. Likewise, the strong discretionary powers of the *Prokuratura*, frequently responsible for investigating cases of violations against human rights defenders, were in stark contrast with the weakness of the judiciary and the timidity shown by judges, who are themselves subjected to various forms of pressure. Lastly, the lack of protection

23. See Memorial and Sova Centre.

for witnesses and experts within the Russian judicial system often deterred them from testifying<sup>24</sup>.

In addition, the attitude of the authorities radically changed when it came to authorising or supervising demonstrations organised by fascist groups which were, in fact, frequently “tolerated” and hardly ever reprimanded by law and order agencies. Law enforcement officers further showed, on numerous occasions, clemency towards neo-Nazi activists attacking peaceful demonstrations.

Lastly, in *Turkey*, defenders of the rights of the Kurdish minority and individuals promoting a peaceful resolution of the conflict in the southeast remained subjected to numerous judicial proceedings and other acts of retaliation. In March and April 2006 for instance, as violent confrontations between Kurds and the security forces occurred in several provinces in the southeast and east of Turkey, human rights defenders, such as several members of IHD branches, were arrested and indicted in Diyarbakir and Batman. Likewise, Mr. Selahattin Demirtas, IHD president, was sentenced on November 14, 2006 to fifteen months in prison for his statements in favour of a peaceful settlement to the conflict<sup>25</sup>. Lastly, Mr. Ibrahim Kaboglu, former head of the Human Rights Advisory Council (IHDK), and Mr. Baskin Oran, former chairman of the IHDK Minority and Cultural Rights Commission, still faced prosecution by the end of 2006, after publishing a report calling on Turkey to grant more rights to minorities and to reconsider its approach to national identity in October 2004<sup>26</sup>.

## **Mobilisation of the regional and international community**

### United Nations (UN)

Ms. Hina Jilani, Special Representative of the Secretary General on human rights defenders, received a favourable reply to her request to visit *Serbia*, which nevertheless postponed the date of her visit until 2007.

24. See International Fact-Finding Mission Report, *The Russian Federation: Attacks on Human Rights Defenders in Saint-Petersburg, Russian Authorities Guilty of Negligence*, March 3, 2006.

25. See Annual Report 2005, and FIDH/OMCT Press Release, December 1, 2006.

26. See FIDH/IHD/HRFT Press Release, April 10, 2006.

However, *Belarus*, the *Russian Federation*, *Uzbekistan*, and *Turkmenistan* failed to respond to her repeated requests for visits in 2006.

During a press conference organised at the end of her visit to Ingushetia, Chechnya and North Ossetia (*Russian Federation*), from 19 to 24 February 2006, Ms. Louise Arbour, UN High Commissioner for Human Rights, indicated that the members of civil society whom she had met had raised several important issues, including the new Law on NGOs. She also emphasised that “the intimidation of those who make complaints against public officials” was a particularly disturbing phenomenon<sup>27</sup>.

In addition, on October 9, 2006, Ms. Louise Arbour paid homage to the memory of Ms. Anna Politkovskaya<sup>28</sup>, and urged a “thorough probe to bring those responsible to justice in accordance with internationally recognised standards of due process”<sup>29</sup>.

On March 29, 2006, Mr. Adrian Severin, Special Rapporteur on human rights in *Belarus*, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Ms. Hina Jilani, Ms. Leila Zerrougui, Chair of the Working Group on arbitrary detention, Mr. Stephen J. Toope, Chair of the Working Group on enforced and involuntary disappearances, and Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, expressed their concerns about the deteriorating situation of human rights in Belarus before, during and after the presidential elections, and specifically in relation to freedoms of expression and association. They therefore “noted with regret that the peaceful demonstrations held on March 24 and 25, 2006, were violently repressed by the police (...) despite the numerous appeals by UN Special Rapporteurs to cease human rights violations immediately, in particular to stop politically motivated arrests and detentions (...) of independent journalists, opposition candidates, their supporters and human rights defenders”<sup>30</sup>.

27. See UN Press Release, February 24, 2006.

28. See Compilation of cases below.

29. See UN Press Release, October 9, 2006.

30. See UN Press Release, March 29, 2006.

During its 37<sup>th</sup> session, held from November 6 to 24, 2006, the Committee Against Torture (CAT) examined the fourth Periodic Report of the *Russian Federation* and expressed its concern about the harassment and the murders of journalists and human rights defenders, including the recent murder of Ms. Anna Politkovskaya, who was writing a report on torture in Chechnya at the time of her assassination. The CAT also expressed its concern over the entry into force on April 17, 2006 of the new legislation governing the activities of non-commercial organisations, which widens the powers of the State to interfere in the activities of NGOs. As a result, the CAT urged the State-Party to “take effective steps to ensure that all persons monitoring and reporting acts of torture or ill-treatment are protected from intimidation (...) and ensure the prompt, impartial and effective investigation and punishment of such acts”. The CAT also requested that interference by the State in NGO activities, in the context of the new Law on NGOs, be limited and as a result that the law be amended to ensure its conformity with international human rights standards, including the UN Declaration on Human Rights Defenders<sup>31</sup>.

## European Union (EU)

### *EU public statements on human rights defenders*

The Observatory took part in the EU-NGO-Forum organised in Helsinki (Finland), on December 7 and 8, 2006 by the Finnish EU Presidency. On this occasion, a workshop devoted to the protection of women human rights defenders underlined the importance of integrating a gender-specific dimension into human rights activities, making reference in particular, to the document developed by several NGOs, including OMCT and FIDH, which called upon EU member States to give increased importance to the protection of women defenders in their implementation of the EU Guidelines on Human Rights Defenders<sup>32</sup>.

31. See CAT Concluding Observations, Document CAT/C/RUS/CO/4 (unedited version), November 2006.

32. See Recommendations for Gender-Specific Implementation of the EU Guidelines on Human Rights Defenders, endorsed by: Amnesty International (AI), Asia Pacific Forum on Women, Law and Development (APWLD), Asian Forum for Human Rights and Development (Forum Asia), Center for Women's Global Leadership (CWGL), Front Line, Human Rights First, FIDH, Information Monitor (INFORM), International Service for Human Rights (ISHR), Urgent Action Fund for Women's Human Rights (UAF), World Organisation against Torture (OMCT).

In this regard, the Forum participants called on EU Member States to renew and strengthen the mandate of the UN Special Representative on human rights defenders and also to give instructions to their diplomatic missions to convene meetings with defenders, including women defenders.

The EU further condemned, on several occasions in 2006, the situation of human rights defenders in several countries in Europe and the CIS.

In a Declaration by the Presidency on the situation in *Belarus*, dated June 1, 2006, the European Union expressed its “disappointment at the decision of the Belarus Supreme Economic Court to reinstate penalties [for alleged fraud] against the Belarus Helsinki Committee”<sup>33</sup>. It further “called upon the Belarusian authorities to immediately cease their campaign of harassment against the BHC” and “recalled that, as a beneficiary of the TACIS programme, the BHC is exempt from taxation and customs duties as stipulated by the framework agreement signed between the EC and Belarus in 1994”<sup>34</sup>.

In a Declaration of August 11, 2006, the European Union further expressed its deep concern “about the sentencing of four members of the Belarusian NGO “Partnership”, Mr. Tsimofey Drantchuk, Mr. Aleksandr Shalayko, Mr. Nikolai Astreiko and Ms. Enira Bronitzkaya, from six months’ to two years’ imprisonment on August 4, 2006”. The European Union noted “with regret that the Belarusian authorities continue to intimidate civil society activists”, and reiterated its demand for the immediate release and rehabilitation of the four activists<sup>35</sup>.

On October 26, 2006, the European Parliament adopted a Resolution on *Moldova*, in which it “[condemned] the continued repression, harassment and intimidation of representatives of the independent media, NGOs and civil society by the self-proclaimed Transnistrian authorities”<sup>36</sup>.

33. See Declaration by the EU Presidency on the decision of the Ministry of Justice to suspend the activities of the Belarusian Helsinki Committee.

34. Belarusian government instigated proceedings against BHC as the organisation had not paid taxes after receiving the TACIS funds.

35. See Declaration by the EU Presidency, August 11, 2006.

36. See Resolution of the European Parliament on Moldova, P6\_TA-PROV(2006)0455, October 26, 2006.

In relation to the situation in the *Russian Federation*, on January 19, 2006, the EU “made clear (...) its concerns over the possible effects of the draft Law on NGOs”. The EU further remained “concerned that this law, as it has been adopted, could have a serious impact on the legitimate activities of civil society organisations in Russia”<sup>37</sup>. In addition, on October 8, 2006, the day after the murder of Anna Politkovskaya, the EU Presidency asked “that a thorough investigation (...) be carried out into this heinous crime and its perpetrators be brought to justice”<sup>38</sup>. The European Parliament reiterated this call in a Resolution adopted on October 25, 2006<sup>39</sup>, and urged “the Russian authorities to conduct an independent and efficient investigation to find and punish those responsible for this cowardly crime”. The Parliament also called upon “the Russian authorities to fight actively against the intimidation of independent journalists and human rights activists and to give full protection to independent journalists who expose serious cases of injustice in their country and to human rights organisations and their representatives who defend the victims of human rights violations”.

It should also be noted that for the first time since the start of the consultation process on human rights between the European Union and Russia in March 2005, NGOs were associated with this process. For example, on March 3, 2006, at the third round of consultations in Vienna under the auspices of the offices of the Presidency of Austria, hearings were organised prior to the consultations, involving NGOs and the two parties to the consultations. However, the Russian delegation regrettably refused to take part in these hearings, just as it refused to participate in the hearings prior to the fourth round on November 8, 2006.

Following the third round, the EU indicated there had been an “extensive discussion about the situation of NGOs and human rights defenders following the adoption of the Law on NGOs”<sup>40</sup>. In its press release issued following the fourth round of consultations, the EU indicated that “amongst the issues raised were the murder of the jour-

37. See Declaration by the EU Presidency on the enactment of the Russian Law on Non-profit Organisations, January 19, 2006, 5497/06 (Presse 17) - P 014/06.

38. See Declaration by the EU Presidency, January 19, 2006.

39. See Resolution of the European Parliament, P6\_TA-PROV(2006)0448, October 25, 2006.

40. See Press Statement, EU/ Russia Human Rights Consultations, March 3, 2006.

nalist Anna Politkovskaya, the position of NGOs (...) and the implementation of the Law on countering extremist activity”<sup>41</sup>. With regard to these consultations, the European Parliament also adopted a Resolution on the EU-Russia Summit held in Helsinki on November 24, 2006, regretting that “the fourth round of the EU-Russia human rights consultations has brought no substantial progress in [the field of human rights and democratic values]”. The Parliament “therefore [called upon] the Russian Government to (...) allow the free functioning of domestic and international human rights organisations and other NGOs and to protect the personal safety of human rights defenders [...]”<sup>42</sup>.

With regard to *Uzbekistan*, on March 9, 2006, the EU observed with “grave concern, the conviction to eight years imprisonment of Ms. Muhktabar Tojibaeva [director of the organisation “Ardent Hearts’ Club”] on March 6”<sup>43</sup>. The EU urged “Uzbekistan to review the conviction of Ms. Tojibaeva and to ensure a fair trial with access for national and international observers”<sup>44</sup>.

In a Declaration on June 19, 2006, the EU took note of the fact that there had been an opportunity to attend the appeal trial of Ms. Tojibaeva; nevertheless, it observed with “concern that the conviction of Ms. Tojibaeva had been confirmed”. The EU further urged the Uzbek authorities to provide information on “the whereabouts of Mr. Saidjahon Zainabidinov”, a human rights defender who was arrested in May 2005 but whose place of detention remained unknown a year later<sup>45</sup>.

On October 26, 2006, the European Parliament adopted a Resolution on Uzbekistan in which it underlined that “following the Andijan massacre in 2005, the Uzbek authorities launched a crackdown on human rights defenders, independent journalists and civil society institutions” and “the Office of the United Nations High Commissioner for Refugees (UNHCR) in Tashkent was closed on March 17, 2006”, and urged “the Government of Uzbekistan to release all human rights defenders, journalists and political opposition mem-

41. See Press Statement, EU/Russia Human Rights Consultations, November 8, 2006.

42. See Resolution of the European Parliament, P6\_TA-PROV(2006)0566, December 13, 2006.

43. See Compilation of cases below.

44. See Declaration by the EU Presidency on Uzbekistan, March 9, 2006.

45. See Declaration by the EU Presidency on Uzbekistan, June 19, 2006.

bers who [were] still in detention and to allow them to work freely and without fear of persecution, and to put an end to the harassment of NGOs” and “to permit the reopening of the UNHCR Office in Tashkent”<sup>46</sup>.

On December 15, 2006, the Presidency issued a Declaration on the situation in *Turkmenistan* asking, in particular, that an “independent inquiry be conducted into the causes [of the] death of Ms. Ogulsapar Muradova”. The Presidency also expressed its “deep concern about the denial of access of observers to the trial against Ogulsapar Muradova, Annakurban Amanklychev and Sapardurdy Khadijev”. Lastly, the Presidency urged “the Government to ensure the safety of Muradova’s family members and of [Amanklychev and Khadijev]”<sup>47</sup>.

In its conclusions on the implementation of EU policy on human rights and democratisation in third countries, during the 2770<sup>th</sup> Session of the General Affairs Council in Brussels on December 11, 2006, the Council of the EU “[commended] the crucial work of human rights defenders worldwide. In 2006, the EU emphasised the essential role of women human rights defenders, and actively supported their work. As underscored by the Council in June, the EU has committed to continuing its actions in support of all human rights activists who, often at the risk of their own lives, take action to defend others. In this respect, the EU noted with concern some negative developments and a visible trend in some countries aimed at limiting free civil society activities”.

The Council welcomed the continuation of the human rights consultations with the *Russian Federation*. However, the EU “[remained] concerned about certain developments in Russia during the past year, notably in relation to the situation of human rights defenders, torture, media freedom, NGOs, impunity, respect for the rule of law as well as racism, xenophobia and intolerance. The Council [deplored] the recent assassinations of high-profile journalists and [urged] Russia to do its utmost to bring the perpetrators to justice. The Council [remained] deeply concerned about the human rights situation in Chechnya and [would] continue to pay close attention to it”.

46. See Resolution of the European Parliament on Uzbekistan, P6\_TA-PROV(2006)0467, October 26, 2006.

47. See Declaration by the EU Presidency, December 15, 2006.

*Implementation of the EU Guidelines on Human Rights Defenders*

On May 2, 2006, the Observatory submitted an assessment of the EU Guidelines on human rights defenders to the human rights working group of the Council (COHOM), ahead of the First Evaluation of these Guidelines by the EU Council, under the Austrian Presidency. In its conclusions, the Observatory, whilst reiterating its support for this vital instrument, pointed out that human rights defenders, EU delegations and diplomatic missions of member States were still insufficiently aware of this instrument. Likewise, regarding the EU's significant support to defenders, it appeared that most of them were not informed about the various projects of the EU in this matter, in spite of a certain number of actual measures such as the funding of programmes promoting the rule of law, democracy or the administration of justice. Moreover, although the EU issued several public statements in favour of defenders, the latter regretted the lack of information on the implementation of confidential procedures. In this respect, the Observatory strongly recommended that the EU informally notify sources of information denouncing individual cases of all measures undertaken, while respecting the confidentiality of this information. This would allow a better appropriation by defenders of this instrument, and would also enable the EU to better monitor individual cases. Lastly, acknowledging that EU delegations or embassies are often confused between independent organisations and GONGOs, and that registered organisations sometimes receive more support than unregistered ones, the Observatory recommended that a list of organisations and independent defenders be drawn up, mainly on the basis of information gathered by local missions, reports and urgent interventions by international NGOs, as well as reports by the Special Representative on human rights defenders. This list could be established and produced by a focal point at local level and be distributed, in particular, to the visa-issuing departments of Member States to facilitate the grant of travel documents to independent defenders.

Taking up a certain number of the Observatory's recommendations, in particular in favour of an enhanced awareness of the Guidelines, the Council recommended in its Conclusions on the First Evaluation of the Implementation of the EU Guidelines on Human Rights

Defenders, adopted on June 12, 2006<sup>48</sup>, that steps be implemented to increase the level of “awareness amongst all the relevant EU actors at Brussels, capitals and mission levels about the existence, purpose, content and operational application of the Guidelines”. It also recommended that Member States consider “appointing a focal point for human rights defenders in human rights departments”, “disseminating the Guidelines and consider organising training workshops with regional departments, as well as with visa and consular staff”, to “consider developing protection tools for situations where the life or physical and mental integrity of human rights defenders may be at immediate risk”, and to “consider the issue of emergency visas for human rights defenders in grave danger”. The Council, in particular, recommended that EU missions “designate a focal point for human rights defenders, wherever staff resources permit”, and to “encourage reporting on the overall situation of human rights defenders and on the local implementation of the Guidelines”. Lastly, the Council recommended that the Commission and Member States consider “increasing funds to periodically finance projects and one-off public events related to (...) and to human rights defenders in particular, and to consider including protection programmes and support for practical security measures into support given to human rights defenders in countries where they are systematically targeted”.

#### Organisation for Security and Co-operation in Europe (OSCE)

On March 30 and 31, 2006, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) organised a Supplementary Human Dimension Meeting, in Vienna (Austria), devoted to human rights defenders and national Commissions. This conference was attended by many human rights defenders and official representatives from participating countries, as well as OSCE representatives and Ms. Hina Jilani. During this conference, participants indicated that the situation of human rights defenders was deteriorating in a certain number of countries in the OSCE region, which was frequently linked with a weakening of the rule of law.

48. See Conclusions on the First Evaluation of the Implementation of the EU Guidelines on Human Rights Defenders, 2736<sup>th</sup> Session of the General Affairs Council, Luxembourg, June 12, 2006.

The Observatory made a statement at the plenary session on the topic: “Human rights defenders: Pertinent legislation and implementation of OSCE commitments” and organised a “side event” on defenders in the region attended by several activists.

Similarly, during the OSCE Human Dimension Implementation Meeting, held from October 2 to 13, 2006, in Warsaw (Poland), the Observatory conducted the session focusing on freedoms of association and peaceful assembly, on October 10, 2006. The Observatory, which has been working towards the establishment of a protection mechanism for defenders within OSCE for several years, welcomed the announcement, by an ODIHR representative, of the establishment of a department specially dedicated to the protection of defenders and which shall be effective in January 2007. Nevertheless, the exact mandate of this new department shall be closely monitored, so as to include the possibility of addressing member States on individual cases. At this meeting, the Observatory also organised a “side event” on freedom of association in the former Soviet countries on October 11, 2006, attended by six representatives of FIDH and OMCT member and partner organisations in the region.

On October 10, 2006, the President of the OSCE Parliamentary Assembly, Mr. Goran Lenmarker, condemned the murder of Ms. Anna Politkovskaya (*Russian Federation*)<sup>49</sup>.

On October 16, 2006, OSCE held round table discussions in Warsaw on the adoption of guidelines for national legislations governing and affecting freedom of assembly, which shall be finalised in 2007. The discussion first broached the question of the acceptable limits on freedom of protest, the new challenges to freedom of assembly, particularly in the context of the fight against terrorism, and the role of human rights defenders in protecting this fundamental freedom. Three similar round tables discussions were held in Georgia, Serbia and Kazakhstan during 2006.

Lastly, on December 8, 2006, Mr. Karel De Gucht, the Belgian Minister for Foreign Affairs, then OSCE Chairman in Office, called for an increased awareness of the difficulties faced by many human rights defenders, emphasising that “protecting those who, in civil society or within their governments, promote human rights on a daily

49. See Press Release of the OSCE Parliamentary Assembly, October 10, 2006.

basis, must be a duty for us all” and that “all too often, human rights defenders face harassment, persecution, and even death as a result of making the very same statements that the more fortunate take for granted. This situation is, sadly, deteriorating”. Lastly, Mr. De Gucht welcomed the intention of ODIHR to establish a focal point for human rights defenders<sup>50</sup>.

### Council of Europe

During the first session of the Parliamentary Assembly of the Council of Europe in January 2006, the Observatory submitted a declaration to several deputies in relation to the agenda for a later session containing a resolution calling for the establishment of a protection mechanism for defenders within the Assembly. On November 5, 2006, on the basis of the draft resolution presented by the Observatory, the Legal Affairs Commission of the Parliamentary Assembly decided to take up the matter by appointing one of its members, Mr. Holger Haibach, a German Member of the Assembly, as Rapporteur on human rights defenders in member countries of the Council of Europe. Mr. Haibach’s recommendations shall later be introduced before the Parliamentary Assembly.

Simultaneously, the Observatory continued its work with the Office of Commissioner for Human Rights, Mr. Thomas Hammarberg, who organised, in collaboration with the Directorate General of Human Rights of the Council of Europe, a Colloquy on “Protecting and supporting human rights defenders in Europe”, on November 13 and 14, 2006. On this occasion, the Observatory addressed the plenary session on the existing protection mechanisms for defenders in Europe.

A declaration was adopted as a conclusion to this colloquy<sup>51</sup>, emphasising “the importance of the role of the Council of Europe in providing legal advice on the compatibility of draft and existing legislation with European standards, notably those regarding freedom of association and assembly”. This declaration also stressed that “the

50. See Press Release, December 8, 2006.

51. See Conclusions of Mr. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Colloquy of the Council of Europe “Protecting and Supporting Human Rights Defenders”, Strasbourg, November 13-14, 2006.

Council of Europe's independent human rights institutions and mechanisms should be encouraged to address the issue of human rights defenders in their respective activities". In addition, "the Commissioner for Human Rights should play a key role in supporting and protecting human rights defenders in Europe (...) in cooperation with others working for the protection of human rights defenders in Europe [and] should continue to meet with a broad range of defenders during his country visits and raise concerns with the authorities about any problems they may face". The Commissioner "should also be able to act upon information received in order to protect defenders, including in situations where there is need for urgent action". Lastly, the Commissioner was strongly encouraged to "develop the role and capacity of his Office in this respect so as to achieve an effective mechanism to protect human rights defenders in urgent cases". It was suggested that "the Commissioner's thematic, country and annual reports could usefully include developments related to human rights defenders and their work". To achieve these objectives, it was proposed that "the Committee of Ministers should adopt a strong political declaration on human rights defenders and their vital work, in line with the commitment made by Heads of State and Government at the Third Council of Europe Summit". Strong encouragement was also expressed for the ongoing work of the Parliamentary Assembly on this topic.

The Observatory also attended, as an observer, the meeting of the Group of Specialists on human rights defenders on November 14 and 15, 2006. This meeting, attended by several State representatives, aimed at discussing the various actions the Council of Europe could take to provide more support and protection for human rights defenders, in the light of the results of the colloquy. The participants agreed that a report should present the obstacles encountered by defenders in Europe and the solutions which could be put forward at the level of the Council of Europe.

Lastly, the Observatory issued a number of comments on the Recommendation on the legal status of NGOs in Europe, which shall serve as a recommendation from the Committee of Ministers to the governments of Member States. Although the wording has not yet been finalised, most of the Observatory's observations were included in the comments drawn up by the Group of Specialists of the Steering Committee for Human Rights (CDDH).

### International Organisation of the Francophonie (OIF)

From September 28 to 29, 2006, the 11<sup>th</sup> Francophonie Summit was held in Bucharest (Romania). On that occasion, Heads of the Francophonie Member States adopted the Declaration of Bucharest, in which they “reaffirmed their commitment to democracy as a system of values and a constitutive element to long-lasting peace and development”. The Heads of State further stressed the “importance of the consensus reached with the adoption of the Bamako Declaration in November 2000” and added that the “relevance of these norms and practices as instruments for conflict prevention and resolution [had been] acknowledged in the Concluding Observations of the Bamako +5 Symposium”. Indeed, the action plan annexed to the Bamako Declaration included as an objective “the greater support for the initiatives and national projects developed by NGOs promoting the culture of human rights, democracy, good governance and peace [and] support of the network activities uniting NGOs at national, regional and international levels” (Chapter III.5). In addition, OIF intends that its plan of action shall “provide [its] support to human rights defenders by relying, in particular, on specialised structures and instruments” (Chapter IV.3).

## HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

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### ARMENIA

#### **Release of Mr. Vahe Grigoryan<sup>1</sup>**

On February 15, 2006, Mr. **Vahe Grigoryan**, a lawyer and head of the Right-Legal Group, who represented four families challenging their eviction from their house in Yerevan, was released after being remanded over four months in custody. After examining Mr. Grigoryan's complaint following the ruling of the Court of First Instance extending his pre-trial detention until April 7, 2006, the Court of Appeal ordered his release on the grounds that the investigation had not been completed within the legal time limit.

Mr. Grigoryan had been arrested on October 7, 2005 and charged by the Public Prosecutor with "fraud" (Article 178-3-1 of the Criminal Code) and "falsification of documents" (Article 325-2) on the basis of a confession extracted under coercion. He has been increasingly harassed since early 2005 due to his activities within the Right-Legal Group.

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### AZERBAIJAN

#### **Ongoing defamation campaigns against several human rights defenders<sup>2</sup>**

From January 30 to February 6, 2006, Mr. **Arif Yunusov**, head of the Department of Conflictology and Migration Studies and a member of the Institute for Peace and Democracy, faced almost daily accusations

1. See Joint Report FIDH/Civil Society Institute (CSI), *Overview of Major Human Rights Issues in the Republic of Armenia*, November 14, 2006.

2. See Annual Report 2005 and Written Statement to the Council of Europe, November 13, 2006.

of “betraying the country’s interests”, on the *ANS* television channel in particular. This smear campaign started after Mr. Yunusov made critical comments regarding corruption within the Ministry of Defence during an interview on *Day.Az Agency* television channel on December 21, 2005.

On January 30, 2006, Mr. Safar Abiyev, Minister for Defence, declared that only “genuine” Azerbaijanis had the right to criticise the country’s armed forces, in reference to Mr. Yunusov’s Armenian origins. This declaration prompted, on February 1 and 2, 2006, a wave of criticisms from representatives of associations of High-Karabakh veterans against Mr. Yunusov, who was accused of betraying national interests.

On February 3, 2006, it appeared that these campaigns were directed at the Institute for Peace and Democracy and the “Concord” Centre for Political and Legal Studies, an Armenian organisation that co-organised with the Institute a series of meetings about the resolution of the conflict in Karabakh in the context of a joint programme financed by the Friedrich-Ebert Foundation.

On February 4, 2006, a group of inhabitants of the Gusar region demonstrated to demand that Mr. Yunusov be expelled from the country.

On September 10, 2006, during a television show on the pro-government channel *ATV*, Mr. **Eldar Zeynalov**, chair of the Human Rights Centre of Azerbaijan (HRCA), Mrs. **Leyla Yunus**, a member of the Institute for Peace and Democracy, and Ms. **Arzu Abdullaeva**, president of the Azerbaijani Committee of the Helsinki Citizen’s Assembly (HCA) and co-president of HCA International, were accused of working in the pay of the Armenian secret services. In particular, Mr. Eldar Zeynalov was accused of being mandated by the secret services to present Azerbaijan as a “big prison”. Mrs. Yunus and her husband, Mr. Arif Yunusov, were accused of “humiliating the country abroad”, and Ms. Arzu Abdullaeva was accused of playing an active role in “diverting young people by instilling pacifist sentiments”.

In 2004 and 2005, Mr. Zeynalov and Mrs. Yunus had already been targeted by numerous defamation campaigns that accused them, *inter alia*, of supporting terrorists.

### **Ongoing harassment of Mr. Ilgar Ibragimoglu<sup>3</sup>**

On January 7, 2006, Mr. **Ilgar Ibragimoglu**, coordinator of the Centre for the Protection of Conscience and Religious Freedom (DEVAMM) and secretary general of the International Religious Liberty Association (IRLA), was summoned to the Magistrate's department at the Ministry of Justice for the Yasamalski district, in Baku.

He was forbidden to file any request to leave the country to attend international conferences or forums, on threat of his suspended sentence being commuted to a term of imprisonment without remission<sup>4</sup>.

Although this threat was not acted upon, Mr. Ibragimoglu was nevertheless prevented from leaving Azerbaijan on June 9, 2006, for the eighth time since August 2004. He was due to attend the Meeting on Promoting Inter-Cultural, Inter-Religious and Inter-Ethnic Understanding organised by the Organisation for Security and Co-operation in Europe (OSCE) in Almaty (Kazakhstan) from June 10 to 14, 2006.

From August 8 to 12, 2006, defamation campaigns were led against Mr. Ibragimoglu in the pro-government press (in particular in the newspapers *Muasir Musavat* and *Ses*) which accused him of being a "defender of Armenia".

Furthermore, on September 29, 2006, Mr. Ibragimoglu was arrested in the village of Zabrat, 20 km from Baku, while monitoring a peaceful demonstration. He was taken to the police station of the Sabuchinski district in Baku and released shortly afterwards.

Finally, on November 2, 2006, Mr. Ibragimoglu was again prevented from travelling abroad. He was due to travel to Vienna (Austria) in order to participate in an OSCE meeting on the process of democratisation.

### **Harassment and ill-treatment of Mr. Emin Huseynov<sup>5</sup>**

On October 11, 2006, Mr. **Emin Huseynov**, a member of the Institute for the Freedom and Safety of Reporters and president of the

3. See Annual Report 2005.

4. Mr. Ibragimoglu received a suspended sentence of five years of prison on April 2, 2004, after monitoring the demonstrations following the results of the presidential elections on October 15, 2003.

5. See Observatory Written Statement to the Council of Europe, November 13, 2006.

Committee to Defend Journalist Sakit Zahidov's Rights<sup>6</sup>, was held for four hours at Baku airport on his return from a trip to Istanbul (Turkey). Mr. Huseynov was accused of carrying smuggled goods and was interrogated on his activities. In particular, he was advised "not to be so active" and his passport was damaged.

Mr. Huseynov filed a complaint against the customs officers. After the authorities refused to open an investigation, he applied to the President of the Republic, the Ministers for Home Affairs and National Security, and the Attorney General, requesting that an inquiry be initiated and that the constant surveillance by special services over him, which included the tapping of his telephone, be stopped.

On December 6, 2006, a representative of the Ministry of Home Affairs informed him that the 39<sup>th</sup> police squad of Baku had been entrusted with opening an investigation into his ongoing surveillance. However, the representative declared that he did not have jurisdiction to enquire into the customs control to which he had been subjected to.

On November 7, 2006, Mr. Huseynov was thrown to the ground and violently beaten by individuals in plain clothes during the violent dispersal of a demonstration of about fifty journalists in support of the *Azadlig* newspaper, the offices of which were at that time threatened with closure.

On the evening of November 24, 2006 and the morning of November 25, Mr. Huseynov was violently evicted from the offices of the newspaper, on the basis of a court order requiring the closure of the *Azadlig* premises.

6. Mr. Sakit Zahidov, a journalist with *Azadlig* known for his satirical articles, was condemned on October 4, 2006 to three years in prison for "possession of drugs for purposes of personal use", on the basis of presumably fabricated charges.

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**BELARUS****Sentencing of four members of the NGO “Initiative Partnership”<sup>7</sup>**

On February 21, 2006, Messrs. Nikolay Astreyko, Tsimofey Dranchuk, Aleksandr Shalayko and Ms. Enira Bronizkaya, members of the NGO “Initiative Partnership”, were arrested in their Minsk offices by agents of the State Security Committee (*Komitet Gosudarstvennoi Bezopasnosti* - KGB) after they announced the creation of an organisation aimed at monitoring the presidential election on March 19, 2006.

On March 1, 2006, General Stepan Sukharenko, head of KGB, declared on television that the organisation’s members were preparing fraudulent exit polls and were planning a violent uprising after the holding of the election.

On March 2, 2006, they were charged with “organising and running an organisation that infringes the rights of citizens” (Article 193.2 of the Criminal Code) and placed in custody at the KGB centre. During their detention, they were allowed only limited contact with their lawyers.

After an *in camera* hearing on August 4, 2006, the Minsk Central District Court sentenced Messrs. Astreyko and Dranchuk to two years and one and a half years’ imprisonment respectively and Mr. Shalayko and Ms. Bronizkaya to six months in prison for the “illegal organisation of activities by an association or foundation, or participation in its activities” (Article 193.1 of the Criminal Code).

On August 21, 2006, Ms. Bronizkaya and Mr. Shalayko were released after serving their respective sentences. Messrs. Astreyko and Dranchuk were held in detention at the labour camp of Chklovsk (Mogilvov region) and at the labour camp No. 1 in Minsk.

On September 15, 2006, the Minsk Court of Appeal upheld the sentence against Messrs. Astreyko and Dranchuk.

On November 17, 2006, Mr. Astreyko was released from jail for “good behaviour” after completing one third of his sentence. The remaining 15 months of his term were commuted to a community service order.

On December 14, 2006, the Observation Commission of the

7. See Urgent Appeal BLR 001/0806/OBS 100.

Executive Committee of the Fruzenski district in Minsk ordered the early release of Mr. Dranchuk, who was freed on December 26, 2006.

### **Ongoing harassment of *Viasna* members<sup>8</sup>**

#### **Arrest of several *Viasna* representatives**

On the eve of the presidential elections of March 19, 2006, several members of the human rights NGO *Viasna* were arrested in a wave of pre-emptive arrests which targeted over 300 civil society representatives and opposition activists.

On March 15, 2006 for instance, Messrs. **Viktor Sazonov** and **Vasily Levchenko**, *Viasna* representatives in Grodno and Orcha respectively, were arrested and sentenced to seven days of administrative detention for “light hooliganism” for “uttering insults in public” as set out on the charge sheet. On the same day, Mr. **Igor Lednik**, a *Viasna* representative in Borisova, was arrested after meeting with Russian journalists and sentenced to ten days of administrative detention for “light hooliganism” by the Minsk Central District Court.

On March 16, 2006, Mr. **Valeri Putitski**, *Viasna* representative in Retchitza, was arrested and sentenced to seven days in administrative detention under the same charges. On the same day, Mr. **Vladimir Govcha**, *Viasna* representative in Baranavitchi, was arrested and required to pay a 620,000 roubles fine (about 240 euros) for “violating the rules relative to the organisation of gatherings” (Article 167-1 of the Code of Administrative Offences). He was released later that day.

Finally, on March 17, 2006, Mr. **Aleksandr Dergatchev**, *Viasna* representative in Smorgon, was arrested and condemned to five days in administrative detention for “obstruction of a police officer” (Article 166 of the Code of Administrative Offences).

#### **Ill-treatment and ongoing harassment of Mr. Vladimir Vyalichkin**

On March 17, 2006, Mr. **Vladimir Vyalichkin**, president of the Brest section of *Viasna*, was abducted by individuals in plain clothes while he was monitoring polling stations in the Brest region ahead of the presidential election. Mr. Vyalichkin was violently beaten and insulted for two hours and then taken to the Brest police station,

8. See Annual Report 2005.

where he was accused of “light hooliganism” for “uttering insults in public” according to the charge sheet.

The Leninski District Court in Minsk sentenced him to five days in administrative detention and to a consecutive term of seven days for allegedly “insulting a guard”.

The charges brought against Mr. Vyalichkin on September 29, 2004 for “activities carried out within an unregistered organisation” (Article 167-10 of the Code of Administrative Offences) were dropped in 2006 as they had lapsed under the statute of limitations.

#### Warning against Mr. Ales Bialiatski

On April 17, 2006, the *Prokuratura* of the Sovietski district in Minsk communicated a formal warning for “slander” (Article 400 of the Criminal Code) to Mr. **Ales Bialiatski**, *Viasna* president, following an interview with the human rights movement Charter 97, in which he condemned the responsibility of the government and the President for the violent dispersal of a peaceful demonstration in celebration of Freedom Day on March 25, 2006<sup>9</sup>.

### Judicial harassment against the Helsinki Committee for Human Rights<sup>10</sup>

#### Ongoing judicial proceedings and new procedure to dissolve BHC

Following an investigation carried out between August 2003 and January 2004 by the representatives of the Tax Inspectorate of the Moskovski district in Minsk, the Belarusian Helsinki Committee (BHC) was accused of tax evasion in relation to funds received from the European Union (EU) between 2000 and 2002 under the auspices of the Programme for Technical Assistance to the Commonwealth of Independent States (TACIS). It was ordered to pay 385,000,000 roubles (about 138,000 euros) by the Tax Inspectorate.

On June 23, 2004, the Minsk Economic Court annulled that decision. However, following an appeal filed by the vice-president of the Supreme Economic Court (SEC), BHC was sentenced on December

9. Freedom Day celebrates the anniversary of the independence of the Belarusian People's Republic which was proclaimed on March 25, 1918.

10. See Annual Report 2005 and BHC.

20, 2005 to pay 160 million roubles (about 70,000 euros) in tax arrears and fines.

On May 24, 2006, pending BHC's appeal, the Ministry of Justice launched proceedings to dissolve the organisation, which was accused *inter alia* of breaches of tax law and non-conformity with its own statutes.

On June 23, 2006, BHC leaders applied for the suspension of those proceedings pending the examination of their appeal in the first of these cases.

In September 2006, the SEC rejected the appeal lodged by BHC, which again appealed against that ruling on the basis of technical irregularities.

On September 16, 2006, in spite of the new appeal, the Ministry of Justice applied to the Supreme Court to allow the continuation of the dissolution proceedings.

On November 1, 2006, the Minsk Economic Court made an order in the first case requiring the confiscation of a part of BHC's assets, which were estimated at 255,000 roubles (about 95 euros). This amount was to be deducted from the global sum of 160 million roubles in tax arrears and fines. On December 5, 2006, the authorities seized a computer, a printer and a fax machine from the BHC offices in application of the fine.

On November 28, 2006, the Supreme Court decided to adjourn the hearing on the dissolution of BHC until 2007. No further information was provided as to a precise date of hearing.

#### Harassment and legal proceedings against Ms. Tatsiana Protsko

On March 17, 2004, proceedings for "tax evasion" (Article 243-2 of the Criminal Code) were launched against Ms. **Tatsiana Protsko**, BHC president, and Ms. **Tatsiana Rutkevitch**, BHC chief accountant, in relation to the organisation's alleged failure to pay taxes amounting to 70,000 euros. Those proceedings were dropped in 2005 for lack of evidence in the constitutive elements of the offence.

On March 1, 2006, the proceedings were reopened against Ms. Tatsiana Protsko. However, it was closed again on March 28, 2006, on the decision of the Government Committee of the Department of Financial Investigations to drop the criminal charges.

In addition, Ms. Protsko was arrested and searched at Minsk airport on May 12, 2006, as she was on her way to Berlin (Germany), where the Green Party had invited her to present a report on the human rights situation in Belarus. A copy of that report, a videotape on the presidential elections and other documents on the human rights situation in Belarus were seized and her authorization to leave the country was confiscated. She was thus unable to travel to Germany.

### **Arbitrary detention of Ms. Ekaterina Sadovskaya<sup>11</sup>**

On July 25, 2006, Ms. **Ekaterina Sadovskaya**, president of the regional human rights movement *Vetché* in Pskov, was arrested and placed in a psychiatric hospital. Following a medical examination, she was deemed legally sane and was transferred to Minsk Prison No. 1.

On October 23, 2006, Ms. Sadovskaya was convicted and sentenced by the Leninski District Court to two years' imprisonment for "insulting the person of the President" (Article 368-2 of the Criminal Code). She was also ordered to pay four million roubles (about 1,500 euros) in damages to the judges of the Kirov Court in the Mogilyov region for "threats and contempt of court" (Articles 389 and 391 of the Criminal Code).

The first set of charges referred to a draft letter dated January 21, 2006 that was found during a search at her home, in which Ms. Sadovskaya requested an independent psychiatric assessment of the Belarusian President's health. The second set of charges related to a claim by the judges of the Kirovksi District Court in the Mogilyov region that they had received threatening letters from Ms. Sadovskaya. However, experts were unable to give conclusive evidence that the letters had been printed from her computer.

On December 22, 2006, the verdict was confirmed on appeal by the Minsk Court. Ms. Sadovskaya was still detained at the Gomel prison as of the end of 2006.

11. See *Viasna*.

### Harassment of Mr. Oleg Voltchek<sup>12</sup>

On August 20, 2006, Mr. **Oleg Voltchek**, former president of the human rights organisation Legal Assistance to the Population and legal advisor to Mr. Alexandre Kozulin, an opposition candidate in the 2006 presidential elections who was sentenced to five years and a half in prison, was held at the border between Belarus and Poland. He was on his way to the Netherlands to meet with representatives of the Dutch government and civil society to discuss the situation of human rights and political prisoners in Belarus. A book on the inquiry into the disappearance of Mr. Yuri Zakharenko, former Minister for Home Affairs, in May 1999, and three copies of a book entitled *The 2006 Presidential Elections in Belarus: Facts and Commentaries* were confiscated.

On October 17, 2006, Mr. Voltchek was sentenced by the Okriabrski District Court in Grodno to a 1,550,000 roubles fine (about 575 euros) for “violating the rules of the economic policy on the transport of goods at borders” (Article 193-5 of the Code of Administrative Offences). This decision was based on a conclusion reached by the head of the KGB, who claimed that the books seized represented “a threat to the country’s interests”. In November and December 2006, the Grodno Regional Court and the *Prokuratura* both rejected Mr. Voltchek’s appeal against his conviction.

On September 2, 2006, Mr. Voltchek was again held at the border between Belarus and Poland while on his way to meet with journalists in Germany. Two copies of the aforementioned book were again seized. Mr. Voltchek was charged on the basis of Article 193-5 of the Code of Administrative Offences and was found guilty by the Oktiabrski District Court in Minsk on December 7, 2006. However, no sentence was imposed as the charges had lapsed under the statute of limitations. On December 18, 2006, Mr. Voltchek appealed against his conviction and against the court order prohibiting the book that had been seized by the authorities.

12. *Idem*.

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**BELGIUM****Violent dispersal of a peaceful gathering<sup>13</sup>**

On July 4, 2006, a group of demonstrators including parliamentarians, journalists, trade unionists and members of associations defending illegal immigrant's rights were violently jostled by police forces during a sit-in on front of a police station in Brussels. Among the demonstrators, Mr. **Axel Bernard**, a lawyer for the Union for the Defence of Illegal Immigrants (*Union de défense des sans-papiers* - UDEP), and Mr. **Manuel Lambert**, legal counsel of the Belgian Human Rights League (*Ligue des droits de l'Homme belge* - LDHB), were hit by the police while several other demonstrators were dragged along the ground.

Demonstrators were protesting against the forcible removal by the police of illegal immigrants who had taken refuge in the Church of Anderlecht, and who were subsequently transferred to detention centres, despite the provisional agreement reached between the Church and immigrants' rights organisations which provided that they could stay in the church until July 21, 2006.

Four persons, including Mr. Bernard and a member of the Coordination and Initiatives For and With Foreign Refugees (*Coordination et initiatives pour et avec les réfugiés étrangers* - CIRE), were subsequently detained in custody. A complaint was also lodged against Mr. Bernard for "assault and battery against a police officer". Although the Brussels Public Prosecutor's office immediately closed the case and ordered Mr. Bernard's release, he was held in detention for several hours.

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**GEORGIA****Ongoing harassment of HRIDC<sup>14</sup>**

On February 1 and 2, 2006, representatives of the Ministry of the Interior came to the Human Rights Information and Documentation Centre (HRIDC) in Tbilisi and demanded to "know more about the organisation's activities".

13. See Closed Letter to the Belgian authorities, July 11, 2006.

14. See Annual Report 2005 and Urgent Appeal GEO 001/0206/OBS 013.

On February 7, 2006, Major Tengiz Tkebuchava, from the Counter-Terrorism section of the Ministry of the Interior, called Mr. **Ucha Nanuashvili**, HRIDC executive director, to inform him that Mr. Gia Gabuniale, head of the section, wished to “familiarise himself” with the organisation’s operations.

After Mr. Nanuashvili requested that an official summons justifying the request be provided to him, Mr. Tkebuchava demanded that he present himself immediately at the Ministry and threatened to have him brought by force if necessary. Mr. Nanuashvili refused to comply with the demand.

### **Arbitrary detention and judicial proceedings against Mr. Azer Samedov<sup>15</sup>**

On March 31, 2006, Mr. **Azer Samedov**, president of the Caucasus Centre for the Protection of Conscience and Religious Persuasion Freedom (CCPCRPF) and an Azerbaijani national who immigrated to Georgia, was arrested in Tbilisi by officers of the anti-terrorist section of the Ministry of the Interior, on request of the Azerbaijani authorities. Mr. Samedov had left his country for Georgia following the troubles in the aftermath of the 2003 presidential election, which he had monitored.

He was accused of “participating in mass disorder” (Article 220 of the Azerbaijani Criminal Code) and “resistance to State representatives” (Article 315) in relation to these troubles, which are punishable by a sentence of five to seven years’ imprisonment.

On April 2, 2006, the Tbilisi Court upheld the legitimacy of Mr. Samedov’s detention in the capital’s Investigative Prison no. 5 for a two-month period. Mr. Azer Samedov appealed the ruling and was released on bail on April 14, 2006 following international pressure, but the charges against him remained pending.

On April 17, 2006, Mr. Samedov submitted a petition for asylum to the Georgian authorities and the United Nations High Commissioner for Refugees (HCR).

On August 18, 2006, his request for political asylum with the Minister for Refugees was rejected. The Minister declared that Mr. Azer Samedov sought to obtain political asylum to “develop a political

15. See Urgent Appeals GEO 002/0406/OBS 043 and 043.1.

platform directed against Azerbaijan”. Mr. Samedov appealed against that decision. The Court held that his appeal was admissible during a preliminary hearing on October 31, 2006.

On August 21, 2006, the HCR granted him a pass valid until December 21, 2006, which was subsequently extended until February 20, 2007.

### **Attack against the offices of the Public Movement “Multinational Georgia”<sup>16</sup>**

On June 7, 2006, the offices of the Public Movement “Multinational Georgia” (PMMG), which promotes the rights and integration of minorities in Georgia, were broken into by unidentified individuals who stole several hard disks containing documentation, including a draft alternative report on the implementation of the Convention for the Protection of National Minorities prepared by the organisation, and which was intended to be sent to the UN and the Council of Europe, as well as documents analysing the authorities’ policy on minorities.

In the two weeks prior to the robbery, PMMG staff and partner organisations had been repeatedly contacted by State representatives who were trying to obtain a copy of the alternative report. Faced with refusal, the officials had said that they would obtain the report through other means.

An inquiry was opened and a ten-member special investigation unit was established. However, no outcome of the investigation had yet been made public at the end of 2006.

Moreover, during March 2006, the cars of Mr. **Arnold Stepanian**, president of the organisation, and of the PMMG press officer were forced open while parked in front of the association’s headquarters. Work documents were stolen.

### **Arbitrary detention of members of the Egalitarian Institute<sup>17</sup>**

On June 29, 2006, Messrs. **Irakli Kakabadze**, **Zurab Rtveliashvili**, **Lasha Chkhartishvili**, **Jaba Jishkariani** and **Davit Dalakishvili**,

16. See Urgent Appeal GEO 003/0606/OBS 080.

17. See Urgent Appeals GEO 004/0606/OBS 085 and 085.1.

members of the Egalitarian Institute, were arrested on the order of the Tbilisi Court of Appeal, while demonstrating outside the Court to call for the release of Messrs. Shalva Ramishvili and David Kokhreidze, co-founders and shareholders of the independent television channel *TV 202*. They had been sentenced to four and three years in prison respectively on March 29, 2006 in respect of charges of “extortion” which were most likely fabricated.

The five members of the Institute were sentenced by the Court of Appeal without a hearing to 30 days in administrative detention, on the charge of “disorder in a Court” (Article 208 of the Code of Criminal Procedure). They were detained in the pre-trial detention centre of the Ministry of the Interior.

They were released on July 29, 2006 after completing their sentence.

On December 29, 2006, the Georgian Young Lawyers’ Association (GYLA) filed a complaint with the European Court of Human Rights (ECHR).

On August 8, 2006, Mr. Lasha Chkhartishvili was again arrested as he was leaving a television show and held in custody in the Tbilisi police department. He was accused of insulting the Court and two individuals during a demonstration calling for the fair trial of the police officers indicted for the murder of a 19-year-old man in November 2004. He was charged with “light hooliganism” (Article 166 of the Criminal Code).

On August 9, 2006, at the end of a trial marred with irregularities, Mr. Chkhartishvili was convicted and sentenced to two days in detention by the Regional Administrative Court of Tbilisi. The verdict was upheld without a hearing by the Tbilisi Court of Appeal.

Finally, on the evening of September 27, 2006, Messrs. Irakli Kakabadze, Jaba Jishkariani, David Dalakishvili and **Levan Gogichaishvili**, another member of the Egalitarian Institute, were arrested in the premises of the Anti-Drug Centre in Tbilisi as they were protesting against the harassment of the Institute’s members and the lack of independence of the judiciary, particularly the Court of Appeal. They were also calling for an impartial investigation into the murder of Mr. Sandro Gorgvliani, a young banker whose death was allegedly linked to several high-ranking officials within the Ministry of the Interior. All four of them were detained in a pre-trial detention centre until they appeared before the Administrative Chamber of the Tbilisi Court on September 29, 2006.

They were released on that day after paying a 15 laris fine each (about seven euros).

### **Threats against Ms. Lela Bekauri<sup>18</sup>**

On September 21, 2006, Ms. **Lela Bekauri**, a member of the Rustavi section of the Georgian Young Lawyers' Association (GYLA), was insulted and threatened by an unidentified man, who told her on the phone that he "would find her anywhere". A few hours earlier Ms. Bekauri had, during a press conference held by GYLA in Rustavi, condemned the irregularities marring the electoral campaign of Ms. Lela Aptsiauril, a candidate for the majority party in Rustavi, who had allegedly distributed vouchers worth 37 kilowatts of electricity.

On October 20, 2006, the local police department opened a criminal investigation into these allegations, following the complaint lodged by GYLA.

### **Judicial proceedings against Mr. Giorgi Getsadze<sup>19</sup>**

In November 2006, Mr. **Giorgi Getsadze**, a member of the Ombudsman's office for Human Rights, was charged with "fraudulent activities in the examination of a case" (Article 145 of the Criminal Code) on the basis of a tapped phone conversation between himself and a colleague regarding his visit to Prison no. 8 of Geguti.

On November 1, 2006, Mr. Getsadze had visited the prison and questioned several people in the context of his investigation into allegations of money trafficking between the guards and the prisoners made by a former employee of the prison. According to the charges, Mr. Giorgi Getsadze was accused of offering money to the prison staff in exchange for information. The charges are punishable by a sentence of one to three years' imprisonment or restriction of freedom through placement in a correctional centre.

Since early 2006, the Human Rights Ombudsman's office has denounced numerous cases of human rights violations within prisons to the Public Prosecutor.

As of the end of 2006, the charges against Mr. Getsadze remained pending.

18. See Urgent Appeal GEO 005/1006/OBS 115.

19. See Urgent Appeal GEO 006/1106/OBS 141.

## Ongoing harassment of GHM

### Defamation campaign and judicial proceedings against GHM<sup>20</sup>

On January 20, 2006, during an interview with *Radio Omega*, Mr. Anastassios Kanellopoulos, head of the Appeals Prosecutor's office, announced the opening of a preliminary investigation following the protests of Patras residents who alleged that six Roma families were dumping litter in a river in the Makrigianni district. Mr. Kanellopoulos indicated that he would identify those responsible for such acts and their accomplices, and implicitly suggested that such persons might include members of the Greek Helsinki Monitor (GHM), an organisation known for its work on behalf of the Roma people. Several weeks earlier, GHM had requested that the Prosecutor open an investigation into a series of illegal evictions, assaults and acts of discrimination against the Roma people.

On June 26, 2006, Mr. Kanellopoulos stated before the heads of the neighbourhood associations in favour of the evictions, that a criminal investigation was underway against everyone who had supported and defended the rights of the six Roma families. He specifically mentioned GHM and two judges who had quashed several decisions ordering the eviction of the Roma from Makrigianni and Riganokampos in 2005.

On July 5, 2006, Mr. Kanellopoulos, referring to the case pending before the court, claimed that "GHM had incited the Roma people to breach the law".

In late 2006, GHM had still not been summoned nor questioned in relation to these two pending cases and the investigations announced by the Prosecutor remained pending.

On September 27, 2006, GHM lodged a complaint against Mr. Lambros Sofoulakis, president of the Patras Court, and Mr. Anastassios Kanellopoulos for "defamation", "abuse of power", and "racist remarks against the Roma people" that had been reported by the press. An investigation was opened and Mr. Yannis Halilopoulos, president of the Greek Gypsy Union as well as representatives of the

20. See Open Letter to the Greek authorities, March 2, 2006.

human rights department of the Socialist Party (*Panellínio Sosialistikó Kínima* - PASOK) and of the coalition of the Left and Progressive Parties (*Synaspismos*) were interrogated.

As of the end of 2006, the investigation remained pending.

#### Defamation against Messrs. Theodore Alexandridis and Panayote Dimitras<sup>21</sup>

On March 2, 2006, Mr. **Theodore Alexandridis**, GHM legal counsel, filed a complaint against Mr. Spyros Demartinos, the mayor of Patras and a member of Parliament, who had accused him, during a press conference on December 22, 2005, of “preventing a Roma from destroying his shelter” and of discouraging Roma people from introducing requests for allowances and benefits.

After a preliminary investigation, the Athens Prosecutor’s office referred the case to the court and scheduled a hearing for October 30, 2006. However, as the accused appealed the referral, the hearing was cancelled and the trial suspended.

As of the end of 2006, the charges remained pending.

In August 2006, Mr. Spyros Demartinos further criticised Mr. **Panayote Dimitras**, GHM spokesman, and accused him of “preventing Roma people from finding adequate housing”, implying that Mr. Dimitras was trying to make a profit from the fact that the Roma peoples were poorly housed.

On August 13, 2006, GHM had issued a press release indicating that, according to the official data sent to the European Committee of Social Rights in November 2004, only 44 out of the 344 applications for housing allowances had been acceded to and only a minority of the Roma in Patras had benefited from such allowances.

On September 8, 2006, Mr. Demartinos accused GHM and Mr. Dimitras of inciting Roma peoples to going back to living in camps.

On November 8, 2006, Mr. Dimitras was accused by the Prefect of Achaia of “repeatedly ridiculing the country by criticising the authorities’ attitude towards the Roma people” during a meeting on the housing of asylum-seekers.

Finally, the Prosecutor decided to examine the two complaints lodged by and against Mr. Alexandridis in late 2005. Indeed, on

21. See Annual Report 2005.

October 13, 2005, Mr. Alexandridis had filed a complaint with the police against the parents of pupils who had assaulted him and several Roma children during a protest against those children's expulsion from their school in Aspropyrgos, near Athens. The president of the Parents' Association had subsequently filed a complaint against Mr. Alexandridis for "libel" and "defamation". As of the end of 2006, no date had been set for the hearing of these charges.

### **Threats against Mr. Yannis Halilopoulos<sup>22</sup>**

On August 25, 2006, the authorities threatened to arrest Mr. **Yannis Halilopoulos**, president of the Greek Gypsy Union, while he was filming the eviction of Roma people from Patras.

Furthermore, on September 26, 2006, the municipal authorities prevented Mr. Halilopoulos from attending a meeting between the mayor and deputy-mayor of Patras and the representative of the Council of Europe Human Rights Commissioner on the grounds that he was not an official representative of the Roma communities.

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## **KYRGYZSTAN**

### **Proceedings against Mr. Maxim Kuleshov<sup>23</sup>**

On December 20, 2005, the head of the Regional Department of Internal Affairs in the town of Tokmok filed a complaint for "defamation" and "insults" against Mr. **Maxim Kuleshov**, head of the association World-Light of Culture and coordinator of the Tokmok Resource Centre for Human Rights. Mr. Kuleshov was accused of publicly threatening and insulting the employees of the Ministry of Home Affairs during a campaign entitled "Tokmok against torture - Helping to stop torture" held on December 2, 2005 in Tokmok park.

On January 6, 2006, the hearing was postponed *sine die*, due to the absence of the plaintiff. On February 27, 2006, the Court decided to drop the charges against Mr. Kuleshov as the plaintiff had missed three hearings in a row without any valid reason.

22. See GHM.

23. See Kyrgyz Committee for Human Rights (KCHR).

On the night of July 31 to August 1, 2006 a window of the headquarters of World-Light of Culture was broken. On August 1, Mr. Kuleshov petitioned the Tokmok police chief to open an investigation. No response had been received by the end of 2006.

### **Judicial proceedings against members of *Spravedlivost*<sup>24</sup>**

In March 2006, Mr. Ali Mageev, chief inspector of the Regional Department of Internal Affairs in Jalal-Abad, brought charges against Ms. **Valentina Gritzenko**, president of the regional board of the human rights NGO *Spravedlivost* (“Justice”), which provides legal assistance, Mr. **Mahamatjan Abdujaparov**, a lawyer for the organisation, and Mr. **Abdumalik Sharipov**, author of the information newsletter *The Law For All* published by the organisation.

This complaint followed the January 2006 publication of an article entitled “Women beaten, even when pregnant”, in which Mr. Abdumalik Sharipov had denounced the acts of violence perpetrated by police officers, in particular Mr. Ali Mageev, against several women, including Ms. Narghiza Turdyeva, whose testimony he recounted. Mr. Ali Mageev initiated a claim for one million sums (about 20,000 euros) from each of the accused and required 157,000 sums (about 3,200 euros) in damages in respect of the publication of the article.

On June 20, 2006, during the preliminary hearing, Ms. Turdyeva, the main witness, was insulted by a number of pregnant women who had come in support of Mr. Mageev. After Mr. Abdumalik Sharipov brought these incidents to the judges’ attention during the June 21 hearing, Mr. Ali Mageev requested that charges be initiated against Mr. Sharipov for “defamation” and “insults”.

The hearing was suspended and the trial postponed on medical grounds as Ms. Turdyeva was then eight months pregnant.

The charges remained pending as of late 2006.

### **Assault against Mr. Edil Baisalov<sup>25</sup>**

On April 12, 2006, Mr. **Edil Baisalov**, president of the Coalition for Democracy and Civil Society, was hit on the back of the neck by an unidentified man in Bishkek and was taken to hospital suffering

24. *Idem.*

25. *Idem.*

from concussion. On April 8, 2006, he had led a demonstration against organised crime.

By the end of 2006, despite the launch of an investigation into alleged “hooliganism with the use of violence” (Article 234-3-2 of the Criminal Code) by the Bishkek Prosecutor on April 13, 2006, none of his attackers had been identified or arrested.

### **Ongoing harassment of KCHR<sup>26</sup>**

#### Ongoing denial of legal recognition

In spite of repeated statements by Mr. Tursunbek Akun, chair of the Presidential Commission for Human Rights, no action was taken in 2006 regarding the request for registration introduced by the Kyrgyz Committee for Human Rights (KCHR), despite the fact that all of the required documentation had been provided.

KCHR has been deprived of its legal status since November 2003, when former members of the Committee close to the government established an organisation bearing the same name and aimed at discrediting the activities of the independent KCHR. The organisation has still not been able to annul the registration of the surrogate organisation, a prerequisite to the re-registration of the organisation.

#### Acts of harassment against Mr. Ramazan Dyrlydaev

On April 20, 2006, Mr. **Ramazan Dyrlydaev**, president of KCHR, was summoned to appear before the Pervomaiski Regional Court in Bishkek in relation to the examination of an appeal filed by Mr. Eliseev, a former KCHR member now close to the government, who had lodged several complaints against Mr. Dyrlydaev that were closed on December 20, 2005 as no offence was constituted. As he was travelling abroad at the time, he was unable to attend the hearing. No further developments in this case were reported as of the end of 2006.

Following the publication of an article entitled “Kyrgyz special services continue to pursue the opposition” on a website called *Central Asia* on September 11, 2006, Mr. Dyrlydaev received phone calls threatening him with physical violence for over one month.

26. See Annual Report 2005.

### Ongoing harassment of Ms. Aziza Abdyrasulova<sup>27</sup>

On April 20, 2006, an unidentified man, who introduced himself as a friend of one of her acquaintances, came to the office of Ms. **Aziza Abdyrasulova**, a lawyer and president of the human rights NGO *Kylym Shamy* (“Candle of the Century”), and asked her to help him to find a job with an NGO. The young man then asked questions regarding the organisation’s sources of funding and partners.

Ms. Abdyrasulova later realised that the license plate of his car indicated that he was an officer of the national security services.

Subsequently, on April 25, 2006, Ms. Abdyrasulova received a visit from the chief-lieutenant of the criminal police of the home affairs department of the Sverdlovsk region in Bishkek, who asked her “who [was] the leader of her party”. Ms. Abdyrasulova replied that her association was a non-political human rights organisation. He then questioned her in relation to the organisation’s funding and informed her that all NGOs were to be subjected to regular audits on the order of Mr. Marat Kajypov, Minister for Justice.

Those visits occurred in the aftermath of a debate between the President of the Republic and civil society on April 19, 2006, during which Ms. Aziza Abdyrasulova was considered to have raised “disturbing” issues, in particular regarding the government’s human rights policy.

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## MOLDOVA

### Abduction, ill-treatment and threats against Mr. Maxim Belinschi<sup>28</sup>

On March 14, 2006, Mr. **Maxim Belinschi**, legal counsel for the Moldova Helsinki Committee for Human Rights (MHC) in Chisinau and head of the MHC project “Monitoring and Promotion of Human Rights in the Transnistria Region”, was abducted by three individuals who identified themselves as officers of the self-proclaimed Ministry of Security for Transnistria.

Mr. Belinschi was kidnapped in front of the Tiraspol Court (Transnistria), where he was due to observe the trial of Ms. Mishina, president of the movement “Power to the People! For Social Justice”,

27. *Idem.*

28. See MHC.

who was accused of organising an illegal demonstration against inflation on March 2, 2006.

Mr. Belinschi was forced into a car where he was muzzled with his hands tied and was threatened with a weapon. He was taken outside of the town to the banks of Nistru River and interrogated on his activities and his presence at Ms. Mishina's trial. His replies were recorded. His kidnappers threatened him that if he ever came back to the region, he would be killed or his family would be subjected to acts of reprisals.

### **Harassment and threats against members of *Dignitas*<sup>29</sup>**

On August 17, 2006, Transnistria police and security officers searched the home of Mr. **Ghenadie Taran**, head of the human rights NGO *Dignitas* in Slobodzia, without a warrant. Several documents related to his activities as well as his mobile phone were seized. He was then taken to the security headquarters in Tiraspol where he was held incommunicado for two days. He was forced to sign a statement asserting that he would cease his human rights activities. He was subsequently released on the night of August 19, 2006.

On August 18, 2006, Messrs. **Igor Ivanov**, **Yuri Zatyka** and **Alexandru Macovenco**, all three members of *Dignitas*, were taken to the security headquarters in Tiraspol under the pretext that they were to "assist the police in the solving of a crime". They were then threatened and questioned. Before being released, they had to sign a statement in which they committed not to criticise Transnistria or its administration and to stop their human rights activities, on pain of bearing "the consequences". They were released at the same time as Mr. Taran.

Two weeks later, Mr. Taran was again arrested and taken to the Slobodzia police station, where he was questioned about his activities. He was released a few hours later.

In the following two weeks, 18 members of the organisation, whose addresses appeared in the directory seized at Mr. Taran's home, were interrogated at their homes and were forced to agree to put an end to their activities within the organisation.

29. See MHC and *Dignitas*.

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**RUSSIAN FEDERATION****Implementation of restrictive legislation against NGOs<sup>30</sup>**

Amendments to three Russian laws relative to non-profit organisations came into force on April 17, 2006<sup>31</sup>. They drastically restricted the potential activities of international or foreign NGOs in the country, strengthened registration procedures for national NGOs and strengthened the powers of the State to interfere in their activities. These amendments illustrate the strategy that the Russian authorities have implemented for several years to increase their control over independent civil society<sup>32</sup>.

On April 15, 2006, Decree no. 212 on “measures aimed at implementing certain provisions of the Federal laws regulating activities of non-governmental organisations” entered into force, after it was signed by the government. It establishes the list of documents required for NGO registration and for the communication of their narrative and financial reports. It also lists the documents that must be submitted in relation to the formation of an organisation’s management. The mechanisms to control the activities of NGOs have not yet been decided upon. Under this decree, all national and foreign NGOs must provide their annual and financial reports for the past year to the registration services by April 15, while foreign and international NGOs must comply with this obligation every three months.

In addition, representatives of international and foreign NGOs were required to file their requests for re-registration before October 17, 2006 and to convey their provisional operational programmes for 2007 prior to October 31, 2006, or their activities would be suspended. Many international or foreign NGOs were denied legal recognition as a result of the tedious administrative procedures required by law, as well as the often pernicious attitude of the registration services which prevented them from complying with all mandatory requirements within

30. See Annual Report 2005 and Press Release, January 20, 2006.

31. Those laws are: Federal Law no. 7 of January 12, 1996 on non-profit organisations, Federal Law no. 82 of May 19, 1995 on public associations, and Law of July 14, 1992 on closed territorial administrative entities.

32. For a detailed description of those amendments, see Annual Report 2005 and Explanatory Note of January 20, 2006.

the legal time frame<sup>33</sup>. As a result, the activities of several NGOs, such as the Dutch organisation Teaching Russian Justice Initiative<sup>34</sup>, were suspended, pending a re-examination of their case.

Finally, the federal registration and tax services are entitled to collect any information on all registered organisations before the entry into force of the above amendments, until January 1, 2008.

## **Repression of human rights defenders - Moscow**

### **Assassination of Ms. Anna Politkovskaya<sup>35</sup>**

Ms. **Anna Politkovskaya**, a journalist with the Russian biweekly newspaper *Novaya Gazeta*, was assassinated on October 7, 2006. Her body was found in the lift of her building in Moscow. Ms. Politkovskaya had been subjected to threats and reprisals as a result of her activities in the past years, in particular following her publications on Chechnya and North Caucasus.

In 2000, she had been arrested by Russian soldiers in the Chatoi region (Chechnya) for breaching a particularly restrictive regulation imposed on journalists. In February 2001, she had been detained for three days by Russian soldiers in the village of Khatuni (Chechnya) where she had been threatened with rape and death. In 2004, she was also poisoned while flying to Ossetia to participate in negotiations with the hostage-takers of the Beslan school.

Her assassination occurred as *Novaya Gazeta* was due to publish an article she had written on the use of torture in Chechnya, which directly incriminated Mr. Ramzan Kadyrov, the pro-Russian Prime Minister of Chechnya.

On October 8, 2006, the Public Prosecutor, Mr. Yuri Tchaika, opened an inquiry into her assassination. Despite the establishment of an expert group, no result had been made public by the end of 2006.

### **Smear campaigns and threats against several defenders<sup>36</sup>**

#### *Defamation campaign against human rights organisations*

On January 22, 2006, during a broadcast entitled “Special

33. See Centre for the Development of Democracy and Human Rights.

34. See above.

35. See Press Release, October 16, 2006.

36. See Press Releases, January 16, February 3 and October 17, 2006.

Correspondent” on the State television channel *Rossya*, Mr. Sergei Ignatchenko, official representative of the Federal Security Bureau (FSB), accused several human rights NGOs, including the Moscow Helsinki Group, the Nizhnyi Novgorod Committee Against Torture, the Centre for Democracy and Human Rights and the Eurasia Foundation, of being financed by the British intelligence services and of working in their pay. These accusations were reiterated on January 23, 2006, on the two State television channels *Rossya* and *Pervy kanal*. The organisations mentioned denied the accusations and indicated that the funds they received were connected to specific legal projects.

The Moscow Helsinki Group filed a complaint for “libel” against the two channels. The next hearing was scheduled for January 22, 2007.

### *Threats against defenders*

On March 31, 2006, members of Parliament affiliated to the Liberal-Democratic Party of Russia (LDPR, far-right party) published a list of “enemies of the Russian people”, namely: Ms. **Liudmila Alekseevna**, president of the Moscow Helsinki Group; Mr. **Alexandre Verkhovski**, president of the *Sova* Centre of analytical data; Ms. **Svetlana Gannushkina**, a board member of the Memorial Human Rights Centre and president of the Civic Assistance Committee (CAC); Mr. **Sergey Kovalyov**, president of Memorial; Mr. **Valeri Borchov**, a member of the executive board of the Russian office of the International Association for Religious Freedom and of the International Non-Governmental Platform on War Crimes and Crimes against Humanity Perpetrated in Chechnya; Ms. Anna Politkovskaya; Mr. **Alexandre Brod** and Mr. **Vladimir Novitzki**, members of the Moscow Bureau for Human Rights; Mr. **Evgueni Prochetchkin**, a member of the Moscow Anti-Fascist Centre; Mr. **Yuri Samodurov**, director of the Sakharov Museum; and Ms. **Natalya Taubina**, president of Public Verdict, an NGO which provides legal assistance.

The document was released in reaction to the publication of a list of “100 neo-fascists” compiled by Mr. Marat Gelman, the owner of a contemporary art gallery, which was made public on March 24, 2006, and included the names of some LDPR members, such as Mr. Nikolai Kurianovitch, a Member of Parliament.

On October 22, 2006, Mr. Nikolai Kurianovitch sent a letter to Mr. Serguey Sobyenin, head of presidential services, requesting the exclusion of Ms. Svetlana Gannushkina from the Presidential Commission for the Promotion of Civic Society and Human Rights of which she was a member. The letter accused her of “protecting foreign criminal groups” and “discrediting the President in the eyes of the population”.

In a letter sent to the Public Prosecutor, Mr. Kurianovitch also requested that the activities of CAC and Ms. Gannushkina be controlled.

Furthermore, in August 2006, a list of 89 persons considered as “traitors to the Nation” or “friends of foreigners” was published on the website of an ultra-nationalist group called “The Russian Will”. The list included the addresses and personal details of the persons concerned, and explicitly called for their physical elimination. This list included the names of several human rights defenders, including Mr. Sergey Kovalyov and Ms. Gannushkina, who also received death threats by phone.

In a letter to the FSB and the *Prokuratura*<sup>37</sup> dated August 27, 2006, Ms. Gannushkina requested that the people in charge of the website be charged with “terrorism” and “incitement to carry out extremist activities” (Articles 205 and 280 of the Criminal Code).

This request was dismissed on October 25, 2006 by the National Security Service, which stated that the threats were not explicit as the website had few visitors and was hosted abroad.

The website was closed on August 28 and reopened on November 20, 2006.

On October 30, 2006, the *Prokuratura* informed Ms. Gannushkina that on October 25, 2006 the Prosecutor for the central Moscow administrative district had opened an investigation into the alleged “death threats or attacks on physical integrity” (Article 119 of the Criminal Code) made against her only.

On November 1, 2006, responding to a letter from Ms. Ella Pamfilova, president of the Presidential Commission for the Promotion of Civil Society and Human Rights, the *Prokuratura* refused to open an investigation into alleged “incitement to extremist activities”, “terrorism” and “incitement to carry out a terrorist act or

37. The *Prokuratura* includes investigating officers and prosecutors under the supervision of the Public Prosecutor.

public support to terrorism” (Article 205-2 of the Criminal Code), on the basis of a psycho-linguistic examination of the statements contained on the website “The Russian Will” carried out by the Institute of Ethnology and Anthropology of the Academy of Sciences.

By the end of 2006, the *Prokuratura* was still reportedly investigating the threats against Ms. Gannushkina.

### Obstacles to freedom of peaceful assembly

#### *Arrests of several defenders during a demonstration*<sup>38</sup>

On February 1, 2006, police forces dispersed a peaceful demonstration organised by Memorial and the All-Russia Public Movement “For Human Rights” in front of the FSB headquarters in Moscow to denounce the authorities’ control over civil society organisations. Some twenty people were arrested, including Mr. **Oleg Orlov**, president of the executive board of the Memorial Human Rights Centre, Mr. **Alexandre Gurianov**, a member of Memorial, Mr. **Valentin Gefter**, a member of Memorial and head of the Human Rights Institute, Mr. **Lev Ponomarev**, executive director of the All-Russia Public Movement “For Human Rights”, as well as Ms. **Elena Riabinina** and Mr. **Bakhrom Khramroyev**, both CAC members.

They were taken to the Mechanski district police station in Moscow and released a few hours later. The organisers of the demonstration were subsequently fined one thousand roubles (30 euros) while the participants were fined 500 roubles (15 euros). They were all acquitted on appeal, except for Ms. Riabinina who had not appeared at the first hearing.

#### *Crackdown on a rally in commemoration of the Beslan massacre and sentencing of Mr. Lev Ponomarev*<sup>39</sup>

On August 29, 2006, the prefecture of the Moscow central district rejected the notification of a gathering scheduled for September 3, 2006 in Lubyanka Square in Moscow. The event was organised in commemoration of the second anniversary of the Beslan massacre and called for those responsible, including political and police authorities,

38. See Human Rights Online Research Centre (HRO).

39. See Annual Report 2005 and Urgent Appeal RUS 003/0906/OBS 112.

to be brought to justice. The prefecture suggested that the rally take place at a different place or time under the pretext that other meetings were already scheduled there.

On September 1, 2006, Messrs. Lev Ponomarev and Evgeny Ikhlov, head of the information service of the All-Russia Public Movement “For Human Rights”, lodged a complaint with the Taganski District Court in Moscow challenging that decision.

The gathering was maintained on September 3, 2006, as the organisers considered that the reasons advanced by the authorities were not valid. Upon arrival at Lubyanka Square, the demonstrators were surrounded by a large number of police officers. 13 people were arrested by members of the Special Forces and detained for several hours at the nearest police station.

On September 26, 2006, Mr. Lev Ponomarev was condemned to three days in prison by the Moscow Court no. 370 for organising a demonstration “without prior official authorisation” and was required to serve his sentence immediately.

On November 20, 2006, following an appeal filed by Messrs. Lev Ponomarev and Evgeny Ikhlov, the Taganski District Court acknowledged the invalidity of the decision banning the rally.

#### Obstacles to freedom of association

##### *Acts of harassment against HRO<sup>40</sup>*

On January 10, 2006, the federal registration services (under the authority of the Ministry of Justice) refused to register the modifications made to the board of directors of the Human Rights On-line Research Centre (HRO), which brings together twelve Russian human rights organisations, including the Moscow Helsinki Group, the Centre for the Reform of Criminal Jurisdictions, the Union of the Committees of Soldiers’ Mothers and the Association for the Defence of the Rights of Disabled Persons. HRO was denied registration on the grounds that the Ministry considered as illegal the decision taken by HRO on November 2, 2004 to appoint permanent board members.

40. See HRO and the Inter-Regional Association of Human Rights Organisations *Agora*.

On January 25, 2006, the federal registration services requested the closure of HRO under the pretext that the organisation had not provided its annual reports between 1999 and 2005. The request was dismissed by the Basmany District Court in Moscow on April 10, 2006.

*Official warning against Memorial*<sup>41</sup>

On February 26, 2006, the *Prokuratura* issued a written warning to Memorial and its executive director, Ms. **Elena Zhemkova**, for violating the “Law on countering extremist activists”.

The warning followed the publication on Memorial’s website of an analysis of four leaflets edited by *Hizb-Ut-Tabrir*, a Muslim organisation banned in Russia. This analysis had been requested by Ms. Svetlana Gannushkina to verify the legal basis of dozens of criminal investigations launched since autumn 2004 against Russian citizens prosecuted for keeping, reading or publishing *Hizb-Ut-Tabrir*’s four leaflets.

The *Prokuratura* based its warning on the conclusions of a “socio-psychological” study which was never made public or presented to Memorial and the authors of which were never identified. Memorial had to withdraw the analysis from its website within three days and replaced it with an explanation of the case and a brief summary of its conclusions.

*Fiscal harassment of the International Protection Centre*<sup>42</sup>

On July 17, 2006, following an audit carried out by the Tax Inspectorate from November 25, 2005 to June 8, 2006, the International Protection Centre, which provides legal assistance to people appealing to the European Court of Human Rights (ECHR) and other international legal bodies, was accused of tax evasion in relation to funds received from 2002 to 2004, and was ordered to pay 4,600,000 roubles (135,000 euros) in tax arrears and fines by the Tax Inspectorate.

On July 31, 2006, the Centre challenged this decision to the Moscow Tax Inspectorate no. 9 and stressed that the sums received

41. See Annual Report 2005 and Open Letter to the Russian authorities, March 14, 2006.

42. *Idem*.

were not taxable income, in accordance with domestic legislation. On August 29, 2006, the Tax Inspectorate decided to pursue the investigation before rendering its final decision, which was still pending by late December 2006.

*Denial of re-registration of the Teaching Russian Justice Initiative*<sup>43</sup>

On November 15, 2006, the federal registration services informed the Dutch human rights organisation Teaching Russian Justice Initiative that its Moscow office<sup>44</sup> had been denied re-registration, on the grounds that the documents presented for its registration were not signed by competent authorities and included various errors. This decision was based on the provisions of the new Law on NGOs<sup>45</sup>.

Since then, the organisation has submitted a revised version of its documentation in order to re-register. The statute of its Moscow office remained uncertain as of the end of 2006.

## **Repression of human rights defenders - Saint-Petersburg**

Assassination of Mr. Samba Lampsar and investigation into the assassination of Mr. Nikolai Girenko<sup>46</sup>

On April 7, 2006, Mr. **Samba Lampsar**, a student and an active member of the NGO African Unity, was assassinated by an unidentified individual in Saint-Petersburg, while returning with several other members of the organisation from a weekly celebration of intercultural friendship between Russians and foreigners. His assailant was waiting in a doorway next to the club where the meeting was held, and suddenly stood in the students' way shouting nazi slogans. As the students tried to run away, he shot in their direction and killed Mr. Lampsar before escaping. The alleged murder weapon, decorated with a swastika and the inscription "White Power", was found nearby.

43. See HRO.

44. This Dutch organisation is also registered as a Russian organisation in Nazran, Ingushetia. It has been providing legal assistance to people in Chechnya since 2001, in particular in their appeals to the ECHR.

45. See above.

46. See Urgent Appeal RUS 001/0406/OBS 048.

An investigation was opened by the State Prosecutor for “hate crime” under Article 105-2 of the Criminal Code.

On May 24, 2006, the *Prokuratura* announced that criminal investigations had been launched against 13 people for various offences, including crime. It subsequently turned out that this group - whose leaders, Mr. Alexei Voyevodine, already sentenced to three years in prison for participating in the extremist group Mad Crowd, and Mr. Dmitri Borovikov, killed during his arrest on May 18, 2006, were suspected of being responsible for Mr. Samba Lampsar’s murder - was also suspected of being involved in the assassination of Mr. **Nikolai Girenko**, chair of the Minority Rights Commission of the Saint-Petersburg Scientific Union and president of the Ethnic Minority Rights Association, on June 19, 2004<sup>47</sup>.

Investigations into both murders were still pending by the end of 2006.

#### Attack against Mr. Dmitri Dubrovski<sup>48</sup>

On November 15, 2006, Mr. **Dmitri Dubrovski**, a professor at the European University of Saint-Petersburg and a specialist in inter-ethnic relations, was threatened and assaulted by two youths on his way home, after attending a conference on tolerance at the Smolny Institute of Free Arts and Sciences. Mr. Dubrovski pressed charges the following day.

No investigation had been launched as of late December 2006.

#### Continued threats against Mr. Ruslan Linkov<sup>49</sup>

In 2006, Mr. **Ruslan Linkov**, a member of the Democratic Russia Association and former assistant to the democratic party member of Parliament, Ms. Galina Starovoitova, who was assassinated in November 1998, again received death threats by email and telephone.

In April 2005, numerous threats against Mr. Linkov had already been published on nationalist websites and on the Saint-Petersburg news website.

47. See Annual Report 2005.

48. See Memorial Saint-Petersburg.

49. See Annual Report 2005.

As a result Mr. Linkov had repeatedly appealed to the police and the *Prokuratura*. Two investigations were finally opened in June and October 2006 and were still pending in late 2006.

### **Repression of human rights defenders - Region of Nizhnyi-Novgorod**

#### **Sentencing of Mr. Stanislav Dmitrievski<sup>50</sup>**

On January 11, 2006, Mr. Vladimir Demidov, Prosecutor for the Nizhnyi Novgorod region, publicly asserted that Mr. **Stanislav Dmitrievski**, editor-in-chief of the newspaper *Pravozaschita* and executive director of the Russian-Chechen Friendship Society (RCFS), who was being prosecuted for “incitement to hatred or hostility”, would be convicted. Mr. Demidov further added that his office was going to “push for the recognition of his criminal responsibility” and that public authorities should “allow no attempt to destabilise the situation”.

On February 3, 2006, Mr. Dmitrievski received a suspended sentence of two years in prison and four years of probation for “incitement to racial hatred” by the Sovetsky District Criminal Court (Nizhnyi-Novgorod). Although the trial was held *in camera*, some observers were present, including one mandated by the European Union. He was also prohibited from changing his address and ordered to report regularly to the local authorities.

Mr. Dmitrievski was condemned after *Pravozaschita*, a joint publication of RCFS and the Nizhnyi-Novgorod Society for Human Rights (NNSHR), released statements by Mr. Akhmed Zakaev and Mr. Aslan Maskhadov, two Chechen separatist leaders, calling for a peaceful resolution of the Russian-Chechen conflict.

On April 11, 2006, the appeals lodged by Mr. Dmitrievski and the Prosecutor, who considered the verdict too lenient, were dismissed by the Nizhnyi-Novgorod Regional Court.

#### **Ongoing judicial proceedings and dissolution of RCFS<sup>51</sup>**

##### *Fiscal harassment*

On January 27, 2006, the criminal proceedings initiated in

50. See Annual Report 2005 and Press Releases, January 16 and February 3rd, 2006.

51. See Annual Report 2005 and Press Release, October 16, 2006.

September 2005 against RCFS for “failure to pay taxes” (Article 199-1 of the Criminal Code) were suspended on the decision of the frauds department of the Nizhnyi-Novgorod Tax Inspectorate which ruled that no offence was made out on the facts.

On November 16, 2006, the Tax Inspectorate submitted a request to the Court of Arbitration to reopen the proceedings. This request was initially acknowledged by the Court, before being dropped by the Tax Inspectorate pending the final verdict regarding the dissolution of the organisation.

### *Dissolution*

On October 13, 2006, the Nizhnyi-Novgorod Regional Court ordered RCFS closing down on the basis of Article 19 of the Federal Law on NGOs which provides that “a person who was sentenced under the Law on countering extremist activists cannot be the co-founder of an organisation”, in reference to Mr. Dmitrievski’s conviction. Furthermore, the court based its decision on Article 15 of the Law on countering extremist activities, which provides that “if the head or a member of an NGO makes a public statement in which he or she calls for an extremist act or if he or she is sentenced for an extremist act, his or her organisation must publicly disapprove those facts within the following five days [...]; failure to do so by the organisation will be considered as an extremist act”.

On October 19, 2006, RCFS appealed this decision to the Supreme Court.

The next hearing was scheduled for January 23, 2007.

## **Repression of human rights defenders - Dagestan**

Acts of torture and ongoing harassment against Mr. Osman Bolyev and members of *Romachka*<sup>52</sup>

On November 15, 2005, Mr. **Osman Bolyev**, president of the human rights organisation *Romachka* (“Daisy”), had been arrested and charged with “illegal purchase, detention or carrying of weapons” (Article 222-1 of the Criminal Code) after federal services found, in his car, a grenade which had presumably been planted there by the

52. *Idem.*

policemen. Mr. Bolyev had been remanded in custody and ill-treated during his detention.

He was released on February 13, 2006.

On February 21, 2006, the hearing was postponed due to his health condition. Mr. Bolyev had been subjected to ill-treatment and acts of torture at the Khassaviourt police station right after his arrest. However, the authorities refused to open an investigation into this matter.

On May 18, 2006, Mr. Bolyev was ultimately acquitted. However, on the following day, the judge of the Khasavyurt Court who rendered the decision in the case was dismissed from his position. The *Prokuratura* of Dagestan lodged an appeal against his acquittal, which had still not been examined as of the end of 2006.

On June 13, 2006, new judicial proceedings were initiated against Mr. Bolyev for “illegal purchase, possession or carrying of weapons” and for “participation in an armed group” (Article 208-2 of the Criminal Code).

Mr. Bolyev consequently decided to leave his country in mid-July and took refuge abroad.

However, by late December 2006, FSB agents interrogated *Romachka* representatives and accused Mr. Bolyev of being involved in a case of money laundering, after Mr. Bolyev made a public statement during the presentation of the Peace Nobel Prize in Oslo (Norway) on December 10, 2006.

The Ministry of Justice for Dagestan and the FSB also initiated an audit of the organisation’s accounts. No result of this audit had been made public as of the end of 2006.

## **Repression of human rights defenders - Ingushetia**

Ongoing acts of harassment against CCNS<sup>53</sup>

On August 2, 2004, proceedings had been initiated by the *Prokuratura* of Ingushetia against the Chechen Committee for National Salvation (CCNS) to request that the extremist character of its press releases be recognised.

Although those proceedings were deemed groundless in October 2004, the Supreme Court for Civil Matters of Ingushetia ruled on

53. See Annual Report 2005.

February 10, 2005 that the appeal brought against this decision by the *Prokuratura* was admissible. The case was remitted to the Nazran Regional Court.

On April 28, 2006, the *Prokuratura* requested that a psychological assessment of the CCNS press releases incriminated be carried out by the University of Kabardino-Balkari, although CCNS had already provided the Court with the conclusions of a psycho-linguistic assessment carried out by the same university and which had stated that the press releases did not contain extremist elements.

Since then, the hearings have been constantly adjourned and the case remained pending in late 2006.

#### Violent crackdown on a peaceful gathering, arrests and sentencing of several defenders<sup>54</sup>

On October 16, 2006, the forces of the Ministry of the Interior for Ingushetia dispersed a rally held in the memory of Ms. Anna Politkovskaya<sup>55</sup> in Nazran, on the grounds that it had not been officially authorised. Police officers grabbed the demonstrators' placards featuring pictures of Ms. Politkovskaya and threw them to the ground. Ms. **Ekaterina Sokerianskaya**, a collaborator with Memorial's office in Nazran, was injured and had to be taken to hospital with a broken nose.

On October 16, 2006, several organisers of this gathering, including Mr. **Albert Khantygov**, Ms. **Fatima Yandieva**, Ms. **Zoya Muradova** and Ms. **Zarema Mukucheva**, Memorial representatives, and Mr. **Magomed Mutsolgov**, an officer of the Association of Families and Friends of Disappeared Persons *Machr* ("Peace"), were arrested and taken to the police station. They were not allowed to talk to their lawyers for nine hours. Furthermore, Ms. **Tamara Tzechoeva**, a lawyer, was violently pushed away by the police officers.

On the night of October 16 to 17, 2006, a judge convicted and fined Ms. Yandieva, Ms. Muradova and Ms. Mukucheva, in the absence of their lawyers, to a 500 roubles fine each (15 euros) for "violating the regulations in relation to the organisation of a meeting".

54. See Press Release, October 17, 2006.

55. See above.

On October 31, 2006, Mr. Albert Khantygov, Ms. Yandieva, Ms. Muradova and Ms. Mukucheva were discharged by the judge of Nazran for lack of evidence. However, Mr. Magomed Mutsolgov was convicted for “violating the rules in relation to the organisation of a meeting” (Article 20-2 of the Code of Administrative Offences) and sentenced to a 1,000 roubles fine (30 euros). He appealed that ruling on November 10, 2006. The Nazran Court upheld the verdict on December 20, 2006.

Their lawyers subsequently submitted a request to the general *Prokuratura* and to the Russian delegate for human rights requesting the instigation of judicial proceedings against the police officers who had denied the detainees access to their lawyers. The general *Prokuratura* opposed the request in late November 2006, before opening an investigation in early December 2006, following an appeal against its decision.

As of the end of 2006, there was still no outcome from the investigation.

Furthermore, following a complaint lodged against police forces, Ms. Ekaterina Sokerianskaya was interrogated in relation to her injuries by an investigator of the Nazran *Prokuratura* on October 31, 2006. However, during the medical examination, the doctors who had obviously been subjected to pressure, indicated that she had broken her nose two weeks earlier. Ms. Sokerianskaya therefore had to drop her complaint.

## **Repression of human rights defenders - Chechnya**

### **Threats against Ms. Lida Yusupova<sup>56</sup>**

On October 12, 2006, Ms. **Lida Yusupova**, a lawyer, member of the Memorial Centre in Grozny, laureate of the Martin Ennals Award for Human Rights Defenders in 2004 and of the Rafto Prize in 2005, received a phone call threatening her with death by an individual who spoke Chechen and told her “You’re pleased to be a nominee for the Nobel Peace Prize? Presuming you’ll still be alive then!”

56. See Press Release, October 16, 2006.

### Defamation campaign against Mr. Timur Aliev<sup>57</sup>

On October 13, 2006, *NTV*, one of the main pro-governmental Russian television channels, broadcast a show entitled “Humanitarian Question” during which members of humanitarian and human rights organisations were assimilated to terrorists. In particular, Mr. **Timur Aliev**, coordinator for Chechnya of the Institute for War and Peace Reporting (IWPR) and editor-in-chief of the independent newspaper *Chechen Society*, was presented as a collaborator of Mr. Chamil Bassayev, the former Chechen military leader assassinated in July 2006.

### Acts of harassment against the Grozny section of RCFS<sup>58</sup>

On the morning of December 25, 2006, three individuals in camouflage outfits arrived at the Grozny section of the Russian-Chechen Friendship Society (RCFS) and asked questions about the organisation’s activities. The individuals presented themselves as members of “Ramzan Kadyrov’s service”, the pro-Russian Prime Minister of Chechnya, but refused to disclose their exact identity or present documents attesting to their exact role. They also asked when the section’s director, Mr. **Danilbek Apayev**, would return to the office. However, they did not return at the time indicated by an officer of the organisation.

### Repression of human rights defenders - Bashkiria

#### Suspension of the activities of the NGO International Standard<sup>59</sup>

On October 18, 2006, the registration services of Bashkiria submitted to the Regional Supreme Court a request for the dissolution of the organisation International Standard, which provides legal support to persons whose rights have been violated by the authorities. The organisation was accused of failing to present all of the documents required by the registration and tax departments in 2005, and of not communicating its change of address to those departments. This notification followed controls carried out by the Tax Inspectorate, the *Prokuratura*, and the Ministry of Justice since March 2006.

57. See Press Release, October 17, 2006.

58. See RCFS.

59. See *Agora*.

On October 20, 2006, Ms. **Natalya Karaeva**, head of the organisation, again sent all the organisation's activity reports since 2005.

On November 24, 2006, the Supreme Court of Bashkiria dismissed the registration department's request for dissolution on grounds of technical irregularities, arguing that such a procedure should have been initiated in the District Court. The following day, the registration department decided to suspend the organisation's activities for one month. On November 29, 2006, a revised and amended version of the NGO statutes was sent to the registration department, which had not delivered any response by the end of 2006.

### **Repression of human rights defenders - Region of Sverdlovsk**

#### **Arbitrary arrest of Mr. Vladimir Chakleïne<sup>60</sup>**

On March 17, 2006, Mr. **Vladimir Chakleïne**, president of the Sverdlovsk regional office of the All-Russia Public Movement "For Human Rights", was arrested for the "verification of information" during a rally convened in front of the Sverdlovsk Court in Ekaterinburg, which he had organised in support of Mr. Mikhail Trepachkine, a lawyer arbitrarily sentenced to four years in prison on April 15, 2005. Mr. Chakleïne was taken to the Ekaterinburg police station where he was charged with "administrative offence" (Article 20-2-2 of the Code of Administrative Offences). He was then led to the Verkh-Istski District Court in Ekaterinburg. His trial was adjourned to March 30, 2006 due to his health condition.

On March 21, 2006, Mr. Chakleïne wrote to the judge and the Prosecutor of the Sverdlovsk region, the Mayor of Ekaterinburg, and the human rights officer of the Sverdlovsk region, to denounce the irregularities which occurred during his arrest.

On May 6, 2006, Mr. Chakleïne was sentenced to a 1,000 roubles fine (about 30 euros).

#### **Arrest and acts of violence against Mr. Vassili Melnitchenko<sup>61</sup>**

On October 22, 2006, Mr. **Vassili Melnitchenko**, president of the Kamychlov Centre for Social Initiatives, head of the local section of

60. See All-Russia Movement "For Human Rights".

61. See All-Russia Movement "For Human Rights" and HRO.

the All-Russia Public Movement “For Human Rights” and a journalist for the human rights publication *Popular Power Territory*, was violently beaten by Mr. Alexei Gaan, a former investigator to the Prosecutor’s office and four bodyguards. A few days before, Mr. Gaan had been dismissed from his position after Mr. Melnitchenko denounced his involvement in cases of corruption. Mr. Melnitchenko had to be urgently hospitalised and was diagnosed with a concussion.

Mr. Melnitchenko filed a complaint when he left the hospital on October 24, 2006. However, no proceedings had been initiated against Mr. Gaan by the end of 2006.

On November 15, 2006, Mr. Melnitchenko was summoned to the Prosecutor’s office and accused of harassing Mr. Gaan.

On December 27, 2006, he was further arrested upon his arrival in Ekaterinburg and taken to the Kamychlov regional police station, where he was placed under arrest for 48 hours and accused of “heavy extortion” (Article 159-4 of the Criminal Code). He was arrested after addressing the Civil Chamber of the Russian Federation on the issue of the illegal appropriation of farmlands by organised criminal groups.

He was released later that day following intense mobilisation by civil society organisations and the State representative for human rights.

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## SERBIA

### Sentencing of Ms. Natalija Lazić<sup>62</sup>

On July 7, 2006, the Belgrade District Court upheld the verdict of the Second Municipal Court that had convicted Ms. **Natalija Lazić**, a nurse, for “defamation” and sentenced her to pay a fine of 50,000 Serbian dinars (about 645 euros) on March 13, 2006. She was also ordered to repay the court and Prosecutor expenses (25,000 and 5,000 dinars respectively). Ms. Lazić had been sued on July 21, 2005 by Mr. Miodrag Radovanović, also known as Deimbacher, in connection with a statement she had made during the show “Ključ” on RTS channel on May 16, 2003, in which she had denounced the involvement of Mr.

62. See Humanitarian Law Centre (HLC), and Press Release, October 31, 2006.

Radovanović in sexual abuses perpetrated against a ten-year old Roma boy on November 15, 2002 in the town of Veliko Gradište.

During the first trial, Ms. Lazić had been convicted after only one hearing and the Court had refused to hear the witnesses called by her lawyer, including representatives of the Humanitarian Law Centre (HLC) and of the Office of the High Commissioner for Human Rights.

### **Defamation campaign against YUCOM<sup>63</sup>**

On September 3, 2006, in an article entitled “Silence! The Committee is listening to you”, Ms. Ljiljana Smajlovic, editor-in-chief of the newspaper *Politika*, questioned the financing of the Yugoslav Committee of Lawyers (YUCOM), implying that it was funded by US sponsors, and presented the organisation’s activities as contravening freedom of information.

On September 8, 2006, Ms. **Biljana Kovacević-Vuco** and Mr. **Milan Antonijević**, YUCOM president and executive director respectively, requested that Ms. Ljiljana Smajlovic publish an official rectification to the article, which was issued by *Politika* on September 12, 2006. Ms. Kovacević-Vuco was also targeted by smear campaigns in the weekly *NIN* in August 2006, which presented her and Ms. **Sonja Biserko**, president of the Helsinki Committee for Human Rights, as “children of communism”.

### **Intimidation against Ms. Natasa Kandić, Ms. Sonja Biserko and Ms. Biljana Kovacević-Vuco<sup>64</sup>**

On September 4, 2006, Mr. Sinisa Vucinic, president of the nationalist radical party, declared in a letter published in the daily *Kurir* and entitled “Women in the line of fire” that Ms. **Natasa Kandić**, HLC executive director, Ms. Sonja Biserko and Ms. Biljana Kovacević-Vuco’s lives were in danger. He stated that “the three women [were going to] be abducted and killed by foreign special services in such a way that the international community would blame the crime on Serbian authorities, in response to their support to Mr. Martii Ahtisaari”. In the letter, Mr. Vucinic also “advised” the three women

63. See YUCOM.

64. See Helsinki Committee for Human Rights.

“to immediately cease their activities and seek asylum in a safer place”.

This followed a controversy emanating from the misinterpretation of statements made on August 8, 2006 by Mr. Martii Ahtisaari, UN Special Envoy in charge of the negotiations on the status of Kosovo. Mr. Ahtisaari had declared that “the policy implemented by Slobodan Milosevic had to be taken into account in decisions concerning Kosovo” and that “every Nation had to bear the price of the actions taken by its past leaders”. The ensuing controversy resulted in an upsurge of nationalist statements, some of which directly targeted at the three women, known to be in favour of the prosecution of those responsible for war crimes.

On September 11, 2006, the Prosecutor ordered the opening of an investigation into those statements.

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## SLOVENIA

### **Acts of harassment against members of the Helsinki Monitor of Slovenia**

Judicial proceedings against Ms. Neva Miklavcic-Predan<sup>65</sup>

Ms. **Neva Miklavcic-Predan**, president of the Helsinki Monitor of Slovenia (HMS), remained under prosecution in four criminal cases, facing a total sentence of six years and three months in prison.

– In January 2005, Ms. Neva Miklavcic-Predan had been informed that the Prosecutor of the Ljubljana district had requested the initiation of proceedings against her in 2004 for “defamation” (Articles 171/1, 2 and 3 of the Criminal Code). The proceedings followed a complaint filed in 2003 by the Union of Veterans of the Slovenian War of Independence, a pro-governmental organisation, in relation to the organisation by Ms. Miklavcic-Predan of a press conference on May 28, 2003, during which it was stated that the Vic/Holmec case and the assassination of three soldiers of the Yugoslav national army in 1991 could be considered war crimes. Two hearings in this case were held on February 14 and April 4, 2006 before the Ljubljana District Court.

65. See Urgent Appeals SVN 001/0406/OBS 040 and 040.1.

On May 30, 2006, Ms. Miklavcic-Predan was discharged for lack of evidence. However, on July 13, 2006, Mr. Nikolaja Hodzic, District Prosecutor, lodged an appeal that was subsequently supported by the State Prosecutor on October 17, 2006.

On June 27, 2006, Mr. Janez Jansa, Prime Minister, requested that repressive measures be taken against Ms. Neva Miklavcic-Predan and her organisation and accused her of being “mentally-ill”, of “blackmailing the government” and disseminating “absurd and pathological lies”.

– In August 2005, Ms. Miklavcic-Predan had also been accused of “corruption” for allegedly offering a bribe of 2,000 Deutschmarks (about 1,020 euros) during a phone call with an officer of the Ministry of the Interior in order to obtain Slovenian nationality for a Roma. Ms. Miklavcic-Predan expressed her wish to conduct her own defence through “passive resistance”, i.e. by refraining from attending the hearings, communicating with the Court or benefiting from legal counsel, as she was convinced that the procedures initiated against her were politically motivated.

On November 4, 2005, the judge rejected the request to initiate proceedings against Ms. Miklavcic-Predan. However, on May 24, 2006, the court consented to prosecute Ms. Miklavcic-Predan after the District Prosecutor appealed his ruling. Ms. Miklavcic-Predan was liable to a sentence of three years’ imprisonment.

The date of the next hearing was still undetermined by the end of 2006.

– A third procedure had been initiated in October 2005 by the judge of the Ljubljana Local Court, who had declared herself offended by Ms. Miklavcic-Predan’s remarks and intention to resort to passive resistance. She was accused of committing a “criminal attack on honour and reputation” (Article 169-1 of the Criminal Code), amended by Article 178-2 which provides that proceedings are to be initiated when the charges under Article 169-1 are made against a State body or representative or a military officer in the exercise of his/her functions. No hearing had yet been scheduled in this case by the end of 2006.

– Finally, on July 27, 2006, a new procedure was opened on the request of the District Prosecutor for “attack on the dignity of the Republic of Slovenia” (Article 174 of the Criminal Code), after HMS organised a press conference on July 11, 2006 in reaction to the defamatory remarks of the Prime Minister against Ms. Miklavcic-Predan following her acquittal in the Vic-Holmec case. A day after the press

conference, Ms. Miklavcic-Predan was summoned to appear before the criminal police department. An association of veterans had filed a complaint, which accused her of making statements attacking the dignity of Slovenia in an interview with the British daily *The Independent* on April 11, 2006.

#### Acts of intimidation against HMS and its members

In 2006, several members of the Committee received phone calls threatening them and aiming at dissuading them from carrying out their activities within the organisation.

Furthermore, on June 28 and November 7, 2006, HMS received warning of the potential confiscation of its equipment to repay the expenses of the Ministry of Justice in a trial initiated by the organisation against the Ministry regarding the forced eviction of a family on January 8, 1999. HMS had never been informed of the verdict and appealed against the warning.

Finally, on October 30, 2006, the Ministry of the Interior refused HMS renewal of its statute as an association of general interest, under the pretext that the organisation did not run projects in favour of public interest.

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## TURKMENISTAN

### **Death in detention of Ms. Ogulsapar Muradova and arbitrary detention of Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev<sup>66</sup>**

On June 16, 2006, Mr. **Annakurban Amanklychev**, an independent journalist and member of the Bulgaria-based Turkmen Helsinki Foundation (THF), was arrested while working on a documentary with two French production companies on the deterioration of the health and education systems in Turkmenistan and on the personality cult of the President of the Republic.

On June 18, 2006, Mr. **Sapardurdy Khajiev**, a THF member, and Ms. **Ogulsapar Muradova**, a reporter for *Radio Free Europe / Radio Liberty (RFE/RL)* and a former THF member, were arrested at their homes.

66. See Urgent Appeals TKM 001/0806/OBS 103, 103.1 and 103.2.

On June 19, 2006, several official representatives, including the President of the Republic and the Minister for National Security, publicly accused them of “conspiring with foreigners to destabilise the State”.

All three of them were held incommunicado for over two months, during which they were subjected to ill-treatment.

On August 25, 2006, Ms. Ogulsapar Muradova, Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev were sentenced by the Azatlyk District Court in Ashgabat to six and seven years in prison and seven years in a high-security prison respectively. They were convicted of “illegal possession of ammunitions” (Article 287-2 of the Criminal Code) on the basis of statements by police officers who allegedly found weapons in Mr. Amanklychev’s car. They were never notified of the charges against them.

The trial was held *in camera* and lasted only a few minutes. The lawyers were denied access to the Court, as they were turned back by soldiers just before the hearing when trying to meet their clients. In addition, the Court and the nearby streets had been cordoned off by armed soldiers in order to prevent the defendants’ relatives and lawyers from accessing the Court.

The three defenders appealed against their conviction on August 29 and 30, 2006.

On September 14, 2006, Ms. Ogulsapar Muradova’s relatives were informed of her death. During the identification of the body in the morgue, the authorities declared that she had died from natural causes although her whole body bore visible marks of violence.

The circumstances of Ms. Muradova’s death remained unclear in late 2006 and it is feared that her death was the result of acts of torture or ill-treatment.

Furthermore, since that date, Ms. Muradova’s relatives have been constantly harassed by the authorities. For instance, police officers attempted to dissuade her children from attending her funeral and placed their houses and movements under constant surveillance. They were forbidden any contact with foreign countries and their telephone lines were cut.

## Harassment of IHD members

### Ongoing judicial harassment of four IHD executives<sup>67</sup>

– On September 22, 2006, Ms. **Eren Keskin**, president of the Istanbul section of the Human Rights Association (*Insan Haklari Dernegi* - IHD), was charged with “denigrating the Turkish identity” (Article 301 of the Criminal Code) by the Prosecutor’s office of the Kartal district in Istanbul. This followed an interview with the German daily *Der Tagespiegel* on June 24, 2006, in which Ms. Keskin had expressed her opinion on the influence of the Turkish army over the government.

Charges remained pending by the end of 2006.

– On November 14, 2006, Ms. **Kiraz Biçici**, IHD vice-president, and Mr. **Ridvan Kizgin**, head of the IHD branch in Bingöl, were sentenced to a six-month prison sentence term for “denigrating the Turkish identity” (Article 301 of the Criminal Code), a sentence later commuted to a fine of 1,350 Turkish liras (about 900 euros). They had been charged on October 7, 2003 following the publication of a press article by Ms. Biçici denouncing phone calls and threats made against Mr. Kizgin by the Bingöl Gendarmerie Command.

They appealed the verdict to the Yargitay Court of Appeal but it had still not been examined as of the end of 2006.

– Furthermore, on August 24, 2005, Mr. **Doğan Genç**, a member of the IHD executive board, was charged with “attacking the honour and reputation of a person” (Article 482 of the Criminal Code) by the Prosecutor’s office of the Beyoğlu district in Istanbul, on the basis of a complaint filed by Mr. Ali Suat Ertosun, a member of the Court of Appeal and former general director of the penitentiary administration. This followed the publication of a report in which Mr. Genç denounced the failure of the measures taken by Mr. Ali Suat Ertosun as general director of the prisons system.

The last hearing in this trial was held on October 30, 2006 before the Second Peace Criminal Court. The charges remained pending as of the end of 2006.

67. See Annual Report 2005 and IHD.

In 2005, Ms. Eren Keskin, Ms. Kiraz Biçici and Mr. Doğan Genç had faced harassment and death threats from an ultra-nationalist armed group. No inquiry had been launched into these acts by the end of 2006.

#### Arbitrary detentions and ill-treatment of several IHD members<sup>68</sup>

In late March 2006, several human rights defenders were arrested following violent incidents between the Kurdish population and security forces in several provinces in south-eastern and eastern Turkey, after Kurdish rebels were killed while fighting with the army in Mus-Bingol on March 24, 2006.

– On March 29, 2006, Mr. **Resit Yaray**, director of the IHD section in Batman, and Mr. **Mursel Kayar**, a member of that section, were arrested and placed in detention at the Batman Security Centre, where they were beaten by police officers.

On April 2, 2006, after appearing before the Public Prosecutor of Batman, Messrs. Yaray and Kayar were charged with providing “assistance and support to illegal organisations” (Article 220-7 of the Criminal Code) and placed in detention in the town’s prison.

On June 30, 2006, the Observatory mandated an observer to their trial. The hearing was adjourned to August 15, 2006 and subsequently to September 13, 2006.

Messrs. Resit Yaray and Mursel Kayar were released on November 7, 2006 but the charges against them remained pending. The next hearing was scheduled for February 20, 2007.

– On March 29, 2006, Mr. **Necdet Atalay**, former spokesman for the Diyarbakir Democracy Platform, secretary general of the Machine Engineers’ Association and a member of the Diyarbakir section of IHD, was arrested and placed in detention in the town’s D-type prison<sup>69</sup>.

He was charged with providing “assistance and support to illegal organisations” for attending the funerals of Kurdish rebels. He was released on July 20, 2006 after a hearing attended by the Observatory,

68. See Urgent Appeals TUR 001/0406/OBS 045 and 045.1, Conclusions of the Judicial Observation Missions of June 29 and 30, 2006 and July 13, 2006, and Press Release, July 19, 2006.

69. D-type prison, a high-security prison, was built for political prisoners in Diyarbakir in 2003.

as a result of the lack of “sufficient evidence”. However, he remained under prosecution. After the hearing was again adjourned until October 10, 2006 and subsequently to December 12, 2006, the next hearing was scheduled for March 6, 2007.

– On March 30, 2006, Mr. **Mecail Ozel**, a member of the IHD branch in Diyarbakir, was arrested and placed in detention in Ofis, Diyarbakir district. His family was not notified of his arrest until April 3, 2006. On April 4, 2006, Mr. Ozel appeared before the Diyarbakir Criminal Court, which ordered his detention in the Diyarbakir prison for providing “assistance and support to an illegal organisation”. He was released in August 2006 but the charges against him remained pending. The next hearing was scheduled for January 11, 2007.

– On April 2, 2006, Messrs. **Hüseyin Cangir** and **Erdal Kuzu**, president and secretary general of the Mardin section of IHD respectively, were arrested by the Kiziltepe Gendarmerie for attempting to prevent several attacks of the security forces against civilians. Messrs. Kuzu and Cangir were severely beaten during their four-hour custody, including by a military doctor.

– On April 4, 2006, Mr. **Ali Öncü**, spokesman for the Diyarbakir Democracy Platform and president of TES-Is, one of the most important workers’ union in the country, and Mr. **Edip Yasar**, a member of the IHD section in Diyarbakir and president of *Tum Bel-Sen*, a union of municipal civil servants, were arrested and placed in detention by the anti-terrorist section of the security forces.

On April 5, 2006, they appeared before the Attorney General and the judge of Diyarbakir, who ordered their transfer to the Diyarbakir D-type prison. Messrs. Öncü and Yasar were charged with providing “assistance and support to illegal organisations”.

Mr. Ali Öncü was released on July 13, 2006 following a hearing attended by the Observatory, on the basis of the decision of the Sixth Criminal Court of Diyarbakir, after the Prosecutor substituted the initial charges with those of “propaganda in favour of an illegal organisation” (Article 220-8 of the Criminal Code).

However, the charges against him remained pending as of the end of 2006 and the next hearing was scheduled for March 6, 2007 before the Fourth Criminal Court in Diyarbakir.

Mr. Edip Yasar, whose case was joined with that of Mr. Necdet Atalay, was released on grounds of a lack of “sufficient evidence” on

July 20, 2006, after a hearing attended by the Observatory. The next hearing in this trial was scheduled for March 6, 2007.

Judicial proceedings against IHD members in south-eastern Turkey<sup>70</sup>

*Judicial proceedings against Mr. Anatolia Mihdi Perinçek*

In 2006, Mr. **Anatolia Mihdi Perinçek**, IHD head for the eastern and south-eastern regions, was charged with “propaganda in favour of an illegal organisation”, after ensuring, along with several other human rights defenders, the security of a police officer during his release in January 2006, after he was abducted in October 2005 by members of the Kurdish Workers’ Party (*Kongra-Gel* - PKK).

Furthermore, in 2006, Mr. Perinçek was sentenced to a year and a half in prison for “violently resisting law-enforcement officers” (Article 32-1 of Law 2911 relating to meetings and demonstrations), after he protested against the assassination of ten prisoners in the Ulucanlar prison in Akara. Mr. Perinçek appealed this decision. By the end of 2006, the appeal remained pending before the Yargitay Court of Appeal.

*Judicial proceedings against Ms. Reyhan Yalcindag<sup>71</sup>*

Following the publication of a press release on March 5, 2005 on an IHD report on human rights violations released in January 2005, Ms. **Reyhan Yalcindag**, IHD vice-president, was charged with “propaganda in favour of an illegal organisation” by the Office of the Prosecutor in Diyarbakir.

In addition, following the publication of a press release on May 2, 2005, denouncing the ill-treatment inflicted on six children accused of disrespecting the Turkish flag, Ms. Yalcindag was charged with “attempting to influence the course of justice” (Article 288 of the Criminal Code).

The charges remained pending as of the end of 2006.

70. See Annual Report 2005.

71. *Idem*.

## Harassment of HRFT members<sup>72</sup>

### Acquittal of Messrs. Mustafa Cinkilic and Mehmet Antmen

Mr. **Mustafa Cinkilic**, a lawyer and a member of the Adana section of the Human Rights Foundation of Turkey (HRFT), and Mr. **Mehmet Antmen**, a doctor working with this section, were under prosecution since 2004 for “concealment of evidence” and “falsification of official documents”, following the drafting of a medical report on the health status of Mr. Sükrü Boyav, who had been detained for two years in an E-type prison<sup>73</sup> where he was subjected to ill-treatment during his detention. On the basis of this report, Mr. Boyav had lodged a complaint with the Prosecutor’s office against the penitentiary administration and the prison guards.

On September 16, 2004, Messrs. Cinkilic and Antmen had been questioned on this report and stated that they were unable to provide the original document. The police had then placed them in detention and requested an arrest warrant on the grounds of “obstructing” the investigation. The Court rejected this request and ordered their release.

The trial started on July 11, 2005 before the Adana Criminal Court no. 11 and a hearing was held on October 4, 2005.

On January 31, 2006, the Court decided to initiate proceedings against the police officers accused of the ill-treatment against Mr. Boyav.

A hearing was held on May 11, 2006. The proceedings remained pending as of the end of 2006.

On November 29, 2006, Mr. Mustafa Cinkilic and Mr. Mehmet Antmen were acquitted as it was found that the charges were not properly constituted.

### Judicial proceedings against Mr. Alp Ayan and Mrs. Günseli Kaya

On February 13, 2004, Mr. **Alp Ayan** and Ms. **Günseli Kaya**, HRFT members, had been sentenced by the Aliaga Criminal Court of First Instance to 18 months in prison for “using violence to resist and oppose law-enforcement officers” (Articles 32-1 and 32-3 of Law 2911 relative to meetings and demonstrations) following their participation in the funeral, on September 30, 1999, of Mr. Nevzat Ciftci,

72. *Idem.*

73. Prisons built in 2000, where the detainees are placed in solitary confinement.

a prisoner killed shortly before a military operation in the Ulucancar prison in Ankara. Sixty-nine people had been arrested and fourteen of them, including Mr. Alp Ayan and Ms. Günseli Kaya, were placed in pre-trial detention for four months.

The charges against them remained pending as of the end of 2006.

#### Judicial proceedings against Mr. Yavuz Önen

On September 24, 2003, the Prosecutor's office in Izmir petitioned the Supreme Court of Appeals to overturn the ruling of the Izmir Criminal Court of First Instance discharging Mr. **Yavuz Önen**, HRFT president. He had been sentenced on March 27, 2001 to one month in prison and a fine, a sentence later commuted to a significant fine, for expressing his indignation regarding the proceedings initiated against Ms. Kaya and Mr. Ayan in an article published in the daily *Cumhuriyet* on January 19, 2000.

The procedure was still pending as of the end of 2006.

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## UZBEKISTAN

### Dissolution of LAS<sup>74</sup>

In December 2005, the Ministry of Justice had accused the Legal Aid Society (LAS) of violating the 1999 Law on NGOs, after "noting" minor offences in its charter. These charges were brought following an audit of the organisation's activities and administrative documentation, after Ms. **Nozima Kamalova**, LAS president, participated in the OSCE Human Dimension Implementation Meeting in Warsaw (Poland) in September 2005. On that occasion, Ms. Kamalova had denounced the Andijan massacre.

The organisation's closure was confirmed in appeal on December 29, 2005 and the organisation is now forced to carry out its activities in extremely precarious conditions, without any legal registration.

74. See Annual Report 2005.

## Acts of harassment against several HRSU members

Ongoing arbitrary detention of Messrs. Khabibulla Okpulatov, Abdusattor Irzaev, Norboy Kholjigitov and Nassim Isakov<sup>75</sup>

Several members of the Human Rights Society of Uzbekistan (HRSU) who had been condemned in 2005 remained detained as of late 2006:

– Mr. **Norboy Kholjigitov**, head of the Ishtikhanskii district section of HRSU, sentenced on October 18, 2005 to ten years in prison by the Samarkand Regional Criminal Court on the basis of six charges. He remained detained in Prison 64/49 in Karshi.

– Mr. **Khabibulla Okpulatov** and Mr. **Abdusattor Irzaev**, members of the Ishtikhanskii district section of HRSU, sentenced on the same day to a six-year prison term by the Samarkand Regional Criminal Court. Their place of detention remained unknown as of the end of 2006.

– Mr. **Nosim Isakov**, a member of the HRSU section in Djizak, sentenced on December 20, 2005 to eight years in prison by the Djizak Court for “extortion” and “hooliganism” (Articles 165 and 277 of the Criminal Code) after denouncing corrupt practices in Djizak. He was detained in Karshi prison. During his trial, Mr. Isakov had reported being subjected to ill-treatment while in custody.

Ill-treatment of the Pardaev brothers  
and arbitrary detention of Mr. Uktir Pardaev<sup>76</sup>

On March 24, 2006, Messrs. **Uktir** and **Sharov Pardaev**, brothers and members of the HRSU section in Djizak, were arrested and beaten by representatives of the police forces after being taken to the police station as witnesses to another arrest. Thanks to the mobilisation of local civil society, they were released a few hours later. However, Mr. Sharov Pardaev had to be taken to hospital because of the blows he had received.

On June 27, 2006, Mr. Uktir Pardaev was again arrested by officers of the Djizak department of the Ministry of the Interior. He was sentenced on June 29, 2006 to four years’ imprisonment by the Djizak

75. See Annual Report 2005 and Association “Human Rights in Central Asia”.

76. See Annual Report 2005 and Open Letter to the Uzbek authorities, June 30, 2006.

Criminal Court in respect of a charge of “injury to a third party” (Article 105-2 of the Criminal Code).

In late 2006, Mr. Pardaev remained detained in labour camp no. 64/73, in the Tchimkurgan village, Zafarabadski district (Djizak).

**Arbitrary detention and acts of torture  
against Mr. Azam Formonov and Mr. Alicher Karamatov<sup>77</sup>**

On April 29, 2006, Messrs. **Azam Formonov** and **Alicher Karamatov**, heads of the regional HRSU branch in Syrdaria and in Mirzaabad (Syrdaria region) respectively, were arrested and detained at the Khavast prison. Their first month of detention was spent incommunicado in the custody centre no. 13 of Khavast where they were subjected to torture. Shortly prior to their arrest, Mr. Formonov had been ordered to pay a 47,000 sums fine (about 33 euros) for “tax evasion” on the grounds that he had allegedly breached commercial laws by using equipment lent by the International Helsinki Federation for Human Rights (IHF).

During his arrest, police officers searched his house, which served as the section’s headquarters, and seized his computer and photocopier after violently hitting his wife, Ms. **Ozoda Yakubova**. Relatives of Messrs. Formonov and Karamatov were subsequently subjected to numerous threats and acts of harassment.

On June 15, 2006, Messrs. Formonov and Karamatov were sentenced to nine years in prison by the Yanghuier Court of the Syrdaria region for “extortion of money” (Article 165 of the Criminal Code). These charges were brought on the basis of a statement made after their arrest by a wealthy oil exporter of the Zaaminsk region, which accused Messrs. Azam Formonov and Alicher Karamatov of extorting 600,000 sums from him (about 420,000 euros).

On July 7, 2006, Mr. Karamatov was transferred to Karshi penitentiary colony no. 49.

On July 18, 2006, their sentence was upheld on appeal, although the case had not yet been officially referred to the Court. Following the hearing, Messrs. Formonov and Karamatov were transferred to penitentiary colony no. 71 in the Karakalpakie region, in the west of the country, where detention conditions are known to be extremely

<sup>77</sup> *Idem*.

harsh and frequently leading to the death of detainees.

Mr. Azam Formonov also remained under prosecution in respect of the arson attack on his house in November 2005, which he was accused of having started himself in order to draw the attention of the international community.

#### Arbitrary detention and release of Mr. Yadgar Turlibekov<sup>78</sup>

On June 16, 2006, the home of Mr. **Yadgar Turlibekov**, president of the Kashkadarinsk regional section of HRSU, was searched without warrant, for four hours, by 30 militiamen and members of the National Security Services (NSS). Hard disks and documents were seized and Mr. Turlibekov was placed in custody in the Bukhara prison.

Mr. Yadgar Turlibekov was initially accused of “defamation”, “libel against the government”, “libel against the President of the Republic” and “preparation or distribution of material constituting a threat to public security and order” (Articles 139, 140, 158 and 244-1 of the Criminal Code). He was finally convicted by the Karshi Court on October 9, 2006 and sentenced to a three-and-a-half year prison sentence for “extortion” (Article 165 of the Criminal Code). The trial was held *in camera* and his lawyer was prevented from representing him during the hearings. The verdict was upheld by the Kashkadarinsk Regional Court of Appeal.

On December 24, 2006, Mr. Turlibekov, benefiting from an amnesty initiated by the Parliament on November 30, 2006, was released from the Tavaksai prison in the Tashkent region, where he had been detained since his conviction. However, the authorities refused to return his passport, which he had still not recovered as of late December 2006.

#### Reprisals against Messrs. Tolib Yakubov and Abdujalil Boymatov<sup>79</sup>

On July 12, 2006, Mr. **Tolib Yakubov**, HRSU president, was summoned by the Djizak security services for the date of July 15, 2006, under the pretext that he was subpoenaed as a witness in a judicial case against Mr. Mamarajab Nazarov, a member of *Ezgulik*<sup>80</sup>.

78. *Idem*.

79. See Annual Report 2005.

80. See above.

Fearing arrest and in light of the many acts of reprisals against him and his colleagues, Mr. Yakubov decided to leave the country immediately, together with Mr. **Abdjalil Boymatov**, a member of the HRSU secretariat, also summoned to appear before the court on July 15, 2006.

On August 3, 2006, Mr. Tolib Yakubov and Mr. Abdjalil Boymatov were arrested by the police in Almaty (Kazakhstan). As he had obtained a visa for France, Mr. Yakubov was released after five hours of questioning. Mr. Boymatov was placed in custody and released on August 14, 2006. He was able to leave Kazakhstan on August 18, 2006 after receiving a visa from the Republic of Ireland.

Mr. **Olim Yakubov**, Mr. Tolib Yakubov's son, had also been forced to seek exile abroad in February 2006 due to fears for his safety.

#### Arbitrary detention and ill-treatment of Mr. Ikhtior Khamroev<sup>81</sup>

On July 23, 2006, Mr. **Ikhtior Khamroev**, a student and son of Mr. **Bakhtior Khamroev**, head of the HRSU section in Djizak, was insulted and severely beaten by a group of young men, in the street near his house.

On August 2, 2006, Mr. Ikhtior Khamroev was arrested and charged with "hooliganism" (Article 177 of the Criminal Code) after over eight hours of questioning in the absence of his lawyer.

On September 23, 2006, he was convicted and given the maximum sentence of three years in prison.

On October 30, 2006, the verdict was upheld by the Djizak Regional Court and subsequently by the Supreme Court on November 22, 2006.

In November 2006, while in detention, Mr. Khamroev received two disciplinary warnings aimed at preventing him from benefiting from the amnesty adopted by the Uzbek Parliament and scheduled to enter into force on November 30, 2006.

On December 10, 2006, Mr. Ikhtior Khamroev was transferred from penitentiary colony no. 64/73 in the Tchumurgan village to penitentiary colony no. 64/78 in the Zafarabadski district.

Furthermore, on December 26, 2006, Mr. Khamroev requested a prison guard to be granted access to a doctor and to inform the camp

81. See Urgent Appeals UZB 002/0806/OBS 095, 095.1 and 095.2.

director of his health condition. On the following day, he was handcuffed and violently beaten by the camp employees before being held incommunicado for the rest of the day. As his health deteriorated, he was transferred to the Zafarabad hospital. However, he was taken back to the camp without having been examined.

On January 5, 2007, Mr. Khamroev was transferred to the Djizak hospital, where the doctor diagnosed him with a stomach ulcer. However, on the next day, after talking to the labour camp director, the doctor declared that Mr. Khamroev only had gastritis. He was taken back to the camp the same day.

### Ill-treatment of Mr. Bakhtior Khamroev<sup>82</sup>

On August 1 2006, Mr. Bakhtior Khamroev was arrested by officers of the Djizak anti-terrorist unit and taken to the town's police station no. 2 where he was detained for three hours. He was given a summons signed by the examining judge of the Djizak police to be questioned on an article co-written with Mr. Tolib Yakubov about women who had brought charges against Mr. Mamarajab Nazarov<sup>83</sup>.

On August 8, 2006, Mr. Bakhtior Khamroev was again summoned to be interrogated as a witness in the case involving his son.

On August 18, 2006, Mr. Bakhtior Khamroev was attacked in his home, in Djizak, while meeting with two representatives of the British embassy in Uzbekistan, who had come to inquire about the human rights situation in the region.

Five women and a man stormed into his apartment, insulted him and accused him of being a traitor who invited "spies" in his home. After Mr. Khamroev managed to make them leave, they remained outside the building, violently hammering the door. They also cut the telephone and electricity connections. After Mr. Khamroev called the police on his mobile phone, some 20 women entered into the flat at the same time as the police officers. Four representatives of the Djizak town also arrived at that very moment and told Mr. Khamroev that he had to stop his human rights activities.

Mr. Khamroev was hit on the head with a metal object and had to be taken to hospital. However, the doctors who treated him refused to

82. *Idem.*

83. See above.

open a medical record, thus preventing him from obtaining evidence and addressing his case to the police.

#### Arbitrary detention of Mr. Jamshid Karimov<sup>84</sup>

On September 12, 2006, Mr. **Jamshid Karimov**, an HRSU member and a journalist for the Institute of War and Peace Reporting (IWPR), disappeared while on his way to the hospital to visit his mother.

He was secretly detained in a psychiatric hospital in the Samarkand region, for six months on the basis of an order of the Djizak Court. The possible extension of his detention should be examined by the Samarkand courts once his term is served.

#### Continued harassment of members of *Ezgulik*<sup>85</sup>

##### Ill-treatment of Ms. Gavkhar Yuldasheva

On January 3, 2006, Ms. **Gavkhar Yuldasheva**, a member of the human rights NGO *Ezgulik* in the Djizak district, was arrested and beaten as she was about to meet representatives of foreign embassies. She was taken to the regional department of the Ministry of the Interior, where she was subjected to acts of violence, the effects of which she still suffers to date. She was subsequently released on an unknown date.

##### Arbitrary detention of Messrs. Dilmurad Muhitdinov, Mussajon Bobojanov, Akbarali Oripov and Nurmuhhammad Azizov

On January 12, 2006, Messrs. **Dilmurad Muhitdinov**, president of the Markhamat section of *Ezgulik*, **Akbarali Oripov**, a member of *Ezgulik*, **Mussajon Bobojanov**, an *Ezgulik* member and president of the local political organisation *Birlik*, and **Nurmuhhammad Azizov**, president of the HRSU branch in Andijan, appeared before the Tashkent Court for “infringing on the President’s life” (Article 158-3 of the Criminal Code), “undermining constitutional order” (Article 159-3), “preparing and distributing material constituting a threat to public order” (Article 244-1.3) and “belonging to an extremist religious organisation” (Article 244-1).

84. See HRSU.

85. See Annual Report 2005 and Urgent Appeal UZB 001/0306/OBS 026.

That same day, Mr. Dilmurad Muhitdinov received a five-year prison sentence. Messrs. Akbarali Oripov, Mussajon Bobojanov and Nurmuhammad Azizov were convicted and received a three-year suspended sentence. They were subsequently released.

Messrs. Dilmurad Muhitdinov and Mussajon Bobojanov had been arrested on May 28, 2005 following the Andijan events. Messrs. Akbarali Oripov and Nurmuhammad Azizov had been arrested on June 2, 2005 during searches at their homes led by officers of the Ministry of the Interior department in Markhamat, in the Andijan region.

As of the end of 2006, Mr. Muhitdinov's place of detention remained unknown.

#### Arbitrary detention of Mr. Rassul Khudainazarov

On January 12, 2006, Mr. **Rassul Khudainazarov**, former president of the *Ezgulik* section in Angren, was sentenced by the Angren Court of the Tashkent region to nine and a half years in a penitentiary colony for "fraud" and "extortion" (Articles 168-1 and 277-2 of the Criminal Code). During the trial, Mr. Khudainazarov declared that he had been ill-treated while in custody.

Mr. Khudainazarov had been arrested on June 21, 2005 and placed in custody in Angren. He was accused of extorting money from an officer of the special police forces of the Okhangaronski Mountains.

As of the end of 2006, his place of detention remained unknown.

#### Arbitrary detention and release of Mr. Arabboi Kadirov

On May 24, 2006, Mr. **Arabboi Kadirov**, head of *Ezgulik* for the Pop district, in the Namangan region, was arrested at his home on suspicion of "falsification of documents". The police, in possession of arrest and search warrants, seized his computer and various documents related to his activities.

On November 13, 2006, Mr. Arabboi Kadirov was discharged by the Namangan District Court.

#### Arbitrary detention and ill-treatment of Mr. Mamarajab Nazarov

On June 22, 2006, Mr. **Mamarajab Nazarov**, a member of *Ezgulik* in the Djizak region, was arrested after a complaint was lodged by two women who had violently hit him in late May 2006.

On July 19, 2006, Mr. Nazarov was sentenced to three and a half years in prison for “extortion” and “hooliganism” (Articles 168 and 277-3 of the Criminal Code) by the Djizak Criminal Court.

As of the end of 2006, Mr. Nazarov remained detained in the Samarkand prison.

#### Detention of Mr. Isroiljon Kholdarov

On July 4, 2006, Mr. **Isroiljon Kholdarov**, head of the *Ezgulik* branch in the Andijan region, was arrested in Kyrgyzstan where he was seeking political asylum. On July 12, 2006, the Kyrgyz authorities announced the arrest of five Uzbek citizens, including one who was wanted in Uzbekistan in connection with the Andijan events. Furthermore, the authorities declared that the five men, including Mr. Kholdarov, were suspected of participating in armed uprisings in southern Kyrgyzstan.

Mr. Kholdarov was subsequently extradited to Uzbekistan.

By the end of 2006, Mr. Kholdarov’s case had still not come before a court and he was presumed to be detained in the Tashkent prison no. 64/18.

#### **Arbitrary detention of Mr. Saidjahon Zaynabitdinov<sup>86</sup>**

On January 5, 2006, during a preliminary hearing of his trial *in camera*, the Tashkent Court sentenced Mr. **Saidjahon Zaynabitdinov**, president of the Andijan-based human rights organisation *Appeliatsia* (“Appeal”), to seven years’ imprisonment for “defamation” and “preparation or distribution of material constituting a threat for public security and order” (Articles 139 and 244-1 of the Criminal Code).

Mr. Saidjahon Zaynabitdinov had been arrested on May 21, 2005 after denouncing the human rights violations perpetrated during the Andijan events and speaking with international media.

Mr. Saidjahon Zaynabitdinov remained in detention in the Tashkent Prison as of the end of 2006.

86. See Annual Report 2005.

### **Arbitrary detention and ill-treatment of Ms. Mukhtabar Tojibaeva<sup>87</sup>**

On March 6, 2006, the Dustobod Court in Tashkent condemned Ms. **Mukhtabar Tojibaeva**, president of the “Ardent Hearts’ Club”, a human rights NGO based in Margilan, in the Fergana Valley, to an eight-year prison sentence on the basis of 17 charges mainly referring to economic offences, including “defamation” (Article 139.3 of the Criminal Code) and “belonging to an illegal organisation” (Article 244), following a trial marred by numerous irregularities. She had been arrested on October 7, 2005.

On July 7, 2006, Ms. Mukhtabar Tojibaeva was transferred from her cell in the Tashkent detention centre to the psychiatric section for the mentally-ill and drug-addicts of the women’s detention centre of the Mirabad district in Tashkent, where she was forced to undergo medical treatment.

On July 13, 2006, during one of the rare visits from her lawyer, Ms. Tojibaeva had her hands tied and was extremely weak. She reported that she had been denied access to appropriate medical treatment and that the prison authorities refused to allow her to receive food parcels. Since then, Ms. Tojibaeva was denied any other visits and no official reason was given for her transfer to the psychiatric section, in spite of her lawyer’s requests.

On August 15, 2006, Ms. **Dilafruz Nurmatova**, one of Ms. Tojibaeva’s lawyers, announced publicly that she was no longer her defence lawyer as a result of the authorities’ constant pressure and fears for her and her family’s safety. After visiting Ms. Tojibaeva on July 13, 2006, she had received several warnings, was unable to access the internet café where she used to work, and was threatened with death by a political leader of the Fergana region who had also advised her colleagues not to contact her anymore.

As of the end of 2006, Ms. Tojibaeva remained detained in the women’s detention centre of the Mirabad district in Tashkent.

87. See Annual Report 2005, Urgent Appeals UZB 001/0306/OBS 026, 026.1 and 026.2, and Open Letter to the Uzbek authorities, June 30, 2006.

## Harassment and ill-treatment of several dozens of human rights defenders<sup>88</sup>

Acts of reprisal against Mrs. Elena Urlaeva and her husband<sup>89</sup>

On several occasions, including on January 2 and May 13, 14, 16, 17 and 25, 2006, Mrs. **Elena Urlaeva**, president of the Society for the Protection of Human Rights and Freedom of the Citizens of Uzbekistan (SPRFCU) and a member of the opposition party *Ozod Dekhonlar*, was placed under house arrest.

On January 4, 2006, Mrs. Elena Urlaeva was briefly arrested while demonstrating against the detention of Ms. Nadira Hidoyatova, coordinator of the opposition movement “Solar Coalition”.

On March 15, 2006, Mr. **Mansur Urlaev**, Mrs. Elena Urlaeva’s husband, was attacked by unidentified individuals. He lost consciousness and had to be taken to hospital with a broken nose. Mr. Urlaev had already been arbitrarily detained and placed in detention in psychiatric institutions on several occasions.

On May 25, 2006, police officers forced open the door of Mrs. Urlaeva’s apartment and violently beat her as well as Mr. **Abdullo Tajiboi Ugly**, a member of the Initiative Group for Independent Defenders of Uzbekistan, Mr. **Akhmat Chamairdanov**, president of the human rights and environmental organisation *Tchichik-Darya*, and Ms. **Shokhida Yuldasheva**, a member of the SPRFCU regional section in Kashkadarynsk.

Mrs. Urlaeva had already been targeted by many acts of reprisals in 2005. In particular, she had been placed in detention in a psychiatric hospital for two months, where she had been forced to undergo medical treatment for alleged schizophrenia.

Detention in psychiatric hospital of two SPRFCU members

On March 17, 2006, Ms. Shokhida Yuldasheva and Ms. **Lydia Volkobrun**, both SPRFCU members, were arrested and held in detention in a psychiatric hospital in Karshi and Tashkent respectively, after the publication of a letter denouncing the reprisals led by the authorities against members of the Muslim community.

88. See SPRFCU.

89. See Annual Report 2005.

Ms. Yuldasheva was violently jostled when arrested. During her detention, she was also subjected to psychological pressure from a police officer who spent two days in her room and threatened to kill her and disguise her death as suicide if she attempted to file a complaint.

In addition, Ms. Yuldasheva was forced to undergo medical treatment for schizophrenia. She was released on April 6, 2006.

On May 25, 2006, Ms. Yuldasheva was again arrested when police officers stormed into Mrs. Urlaeva's home, and placed in the psychiatric section of the anti-tuberculosis hospital for the Kitabski district (Kashkadarynsk).

As of the end of 2006, no further information had been made available as to her situation.

#### Judicial proceedings against 14 defenders<sup>90</sup>

On August 14, 2006, Mr. Constantin Stepanov and Ms. Olga Krasnova, former HRSU members and members of the pro-government Committee for Social Monitoring, filed a complaint for "defamation" against 14 defenders who had denounced the reprisals carried out against them by these two persons.

Their trial started in September 2006 before the Civil Court of the Mirzo-Ulugbekski district in Tashkent. The following six defenders had previously been excluded from the complaint: Mrs. Urlaeva, considered as legally incapable, Mr. **Gavkhar Aripova**, a member of the Independent Commission for Research and Study on Armed Conflicts, Mrs. **Marina Tegvoryan** and Mr. **Yuldach Nasirov**, who were not summoned, Mr. **Zakir Yahin**, who died from natural causes, and Mr. **Satyvoldy Abdullaev**, who had dropped his complaint after being pressured to do so.

However, Mr. Tolib Yakubov, Mr. Abduljalil Boymatov, Ms. Lydia Volkobrun, Mr. **Yuri Konoplev**, SPRFCU vice-president, Mr. **Evgeny Arhipov**, Ms. **Olga Barycheva**, Ms. **Nina Gorlova** and Ms. **Kunduz Nichanova**, SPRFCU members, remained indicted.

Mr. Tolib Yakubov and Mr. Abduljalil Boymatov were liable to a 10,000,000 sums fine (about 4,300 euros) and the other defenders to a 500,000 sums fine (215 euros). Both Mr. Yakubov and Mr. Boymatov were being prosecuted *in absentia*.

90. See HRSU.

Three hearings were held on November 8 and 30 and December 14, 2006. The judge then adjourned the hearing until December 26, 2006 after the defendants left the tribunal in protest against the presence at the hearing of Mr. Mikhail Ordzimov, president of the Independent Organisation for Human Rights in Uzbekistan (controlled by the government), who had regularly intervened in other trials involving human rights defenders.

Proceedings remained pending as of the end of 2006.

On November 14, 2006, a second complaint was filed by Mr. Constantin Stepanov and Ms. Olga Krasnova against Ms. Lydia Volkobrun, Mr. Yuri Konoplev, Mr. Abduljalil Boymatov, Mrs. Elena Urlaeva and Ms. Kunduz Nishanova. They were accused of “belonging to unregistered organisations”. The trial was also held before the Civil Court of the Mirzo-Ulugbekski district and remained pending as of late 2006.

Since 2004, Mr. Konstantin Stepanov and Ms. Olga Krasnova lodged several complaints against human rights defenders, including two against Mr. Tolib Yakubov.

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## UNITED KINGDOM

### Status of the inquiry into the assassination of Ms. Rosemary Nelson<sup>91</sup>

On October 20, 2006, an assessment on the status of the inquiry into the murder of Ms. **Rosemary Nelson**, a lawyer and a member of the Committee on the Administration of Justice (CAJ), was presented to the Panel of Inquiry established in November 2004 following lengthy proceedings aimed at initiating a public investigation into her assassination.

Ms. Nelson had been killed on March 15, 1999 in Lurgan, Northern Ireland.

On April 19, 2005, the chair of the Panel had opened a preliminary inquiry into her death under the new Inquiries Act<sup>92</sup>, the conclusions of which were to be made public on January 16, 2007.

91. See Annual Report 2005.

92. According to the law, public inquiries are overseen by the government, which appoints - and may remove - each member of the inquiry panel. The government may also restrict public access

On October 25, 2006, during the third procedural hearing of the Panel, its chair decided to postpone the preliminary hearing and announced that they would not start until September 2007, as the conclusions of the inquiry were not yet finalised.

### **Status of the inquiry into the murder of Mr. Patrick Finucane<sup>93</sup>**

On May 23, 2006, Mr. Kenneth Barrett, a former paramilitary loyalist who had been sentenced on September 16, 2004 to 22 years in prison, after confessing his involvement in the assassination of Mr. **Patrick Finucane**, a human rights lawyer murdered in his Belfast home in 1989, was released in accordance with the provisions of the Belfast Agreement.

This peace agreement, also known as the “Good Friday Agreement”, was concluded in Belfast (Northern Ireland) on April 10, 1998. It provides, *inter alia*, for the principle of anticipated freedom for prisoners sentenced for “terrorist offences ” perpetrated before the agreement was adopted.

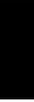
In spite of the increasing number of calls for the opening of a public inquiry into the assassination of Mr. Patrick Finucane, no inquiry panel had been set up by the end of 2006.

to inquiry evidence and testimonies, and may decide, in “the public interest”, not to publish the inquiry’s findings.

93. See Annual Report 2005.



NORTH AFRICA / MIDDLE EAST





## SITUATION OF HUMAN RIGHTS DEFENDERS<sup>1</sup>

The year 2006 has been the deadliest year since the beginning of the second Intifada in the North Africa and Middle East region, which has been marked by the escalation of the Israeli-Palestinian conflict, the war in Iraq, and the Israeli offensive in Lebanon.

States in the region continued to implement repressive policies aimed at limiting the freedoms of association, assembly and expression. Although some improvements could be welcomed, especially in *Kuwait*, these rights remained extremely restricted, when not non-existent, in other Persian Gulf countries (*Oman, Saudi Arabia, United Arab Emirates*) as well as in *Libya*. Besides, while several countries in the region maintained their repressive state of emergency laws (*Algeria, Egypt, Syria*), others passed new legislation further infringing fundamental freedoms in 2006, often in the name of the war on terrorism (*Bahrain, Jordan*).

In this context, human rights defenders operating in the region faced high levels of insecurity and various forms of repression: assassinations (*Iraq*), arbitrary detentions and judicial proceedings (*Algeria, Bahrain, Israel, Lebanon, Libya, Morocco, Syria, Tunisia, Yemen*), infringements to the freedom of movement (*Israel and Occupied Palestinian Territories, Syria, Tunisia*) and numerous other acts of harassment.

### **Infringements to freedom of association**

In 2006, several States continued to undermine freedom of association by resorting to legislative or administrative measures to prevent the creation of independent organisations or impede the existing ones from carrying out their activities freely.

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

In *Bahrain*, the Bill on “Protecting Society from Terrorist Acts”<sup>2</sup> was signed into law by the King on August 14, 2006, and is likely to lead to intensified acts of repression. Indeed, this law, which has been strongly criticised by civil society and the international community, could be widely used to prevent human rights defenders from freely organising, creating associations and operating. Article 1 of the Law notably defines a terrorist act as “threatening national unity”, without any further articulation. Any person suspected of having committed such an offence may be detained for 15 days without judicial review or formal charges being brought, even solely on the basis of “secret evidence” (Articles 27 and 28). Moreover, Article 6 could be used to proscribe numerous associations, as it provides that any organisation aiming at “preventing any of the State enterprises or public authorities from exercising their duty” and at “undermining national unity” shall be considered a “terrorist organisation”. It is further feared that Bahraini authorities will exploit the vagueness of these provisions to criminalise human rights organisations’ activities, in a country where political life is deeply influenced by sectarian divides, whether actual or supposed.

In 2006, *Egyptian* authorities increased their control over independent civil society, including international and foreign NGOs. For instance, the spokesperson for the Ministry of Foreign Affairs declared on June 5, 2006 that the International Republican Institute (IRI), an American organisation for the development of democracy, had to suspend its activities in the country until it was granted the required authorisation by the Ministry of Justice<sup>3</sup>. Yet, associations must go through very long and often discouraging bureaucratic procedures in order to register. This process remains even more difficult for associations working in the field of human rights or promoting democracy. Indeed, up until now, Egyptian authorities have rarely acknowledged registration requests, in particular when filed by foreign or international NGOs, or have denied them all together through a very flexible interpretation of the 2002 Law No. 84 on Associations, which provides for legal prohibition of NGOs involved in “political

2. This Bill was approved by Parliament on July 16, 2006, and by the Consultative Council on July 22, 2006.

3. See Carnegie Endowment for International Peace.

activities". On December 24, 2006, employees of the Shubra Al-Khima city council and members of the police raided the headquarters of the Ahalina Centre - an organisation that provides assistance to disadvantaged populations in Shubra Al-Khima - in order to close the centre down, in accordance with a resolution issued by the Qalubia Governor and accusing Ahalina of "incitement to uprisings". These events took place after Ahalina published a press release on December 11, 2006 denouncing the shortage of necessary commodities in poor and disadvantaged neighbourhoods, thereby refuting the Governor's recent statements<sup>4</sup>.

Although the situation of NGOs operating in *Kuwait* was generally better than in other Persian Gulf countries, due in particular to the independence of civil society and the room for manoeuvre granted to associations, very few organisations were reported to be working for the promotion and protection of human rights. In 2006, the Kuwait Human Rights Society was one of the few registered associations operating in this field<sup>5</sup>.

In *Lebanon*, a positive step was welcomed with the registration of the Lebanon-based Palestinian Human Rights Organisation (PHRO) in February 2006, after many unsuccessful requests over the past few years. However, the association has faced various obstacles in opening a bank account since then, and accessing their funds granted by donors has been regularly challenged. These obstacles severely hindered PHRO members' activities in 2006.

In *Libya*, human rights organisations remained unable to operate freely and all non-governmental organisations continued to be prohibited in 2006. Only associations protecting professional interests - or that do not carry out "political activities" - were authorised<sup>6</sup>. Any activist disregarding these restrictions and seeking to organise clandestinely or to affiliate with international organisations may face imprisonment, or even the death penalty (Articles 206 and 208 of the Criminal Code). In 2006, the Kadhafi Development Foundation, run by the ruler's son, was thus one of the few organisations officially promoting human rights in the country.

4. See International Freedom of Expression eXchange (IFEX) and the Arabic Network for Information on Human Rights (HRInfo), December 29, 2006.

5. See Kuwait Human Rights Society.

6. See Law No. 71 of 1972 and Law No. 9 of 2003.

In *Morocco*, the Royal Consultative Council on Saharawi Affairs presented a plan for an extension of the autonomy of Western Sahara to the King on December 5, 2006. After several years of internal conflict, this plan could potentially encourage greater consideration of the rights of the populations living in the region, and therefore of the activities of organisations working for their protection. However, local human rights associations continued to face numerous obstacles in 2006. For instance, Moroccan authorities have repeatedly denied registration renewal to the Sahara section of the Moroccan Forum on Truth and Justice (FMVJ) since it was dissolved in June 2003<sup>7</sup>.

In 2006 in *Oman*, no improvement could be reported with regards to the recognition and respect of fundamental freedoms, in particular freedom of association. Although national legislation provides for certain rights, such as freedoms of expression and assembly, the authorities did not loosen their tight control over civil society and no independent human rights organisation was reported to have been registered.

In *Qatar*, the entry into force of the Constitution in June 2005 enabled the introduction, for the first time in national legislation, of provisions recognising and guaranteeing fundamental rights and freedoms, such as freedom of association. The National Human Rights Committee (NHRC), in its report published in March 2006, expressly enjoined the government to amend the Law on the Formation of Associations and Unions, and encouraged civil society to establish forums to promote human rights. However, no independent organisation operating in the human rights field has yet been recognised, despite numerous requests filed by activists and civil society<sup>8</sup>.

Although *Tunisian* authorities have officially repeated their commitment to the development of civil society and the association scene, claiming that over 8,000 associations currently operate in the country, a large number of independent human rights organisations were still denied legal recognition in 2006, such as the National Council for Liberties in Tunisia (CNLT), the International Association for the Support of Political Prisoners (AISSP), the Association Against Torture in Tunisia (ALTT), the Tunisian Centre for the Independence of Justice and Lawyers (CIJA), the Rally for an International

7. See Annual Report 2005.

8. See ICFTU.

Alternative for Development (RAID-Attac Tunisie), the Tunisian Journalists' Union (SJT) and the Observatory for the Freedoms of the Press, Publishing and Creation (OLPEC). Moreover, the authorities have relentlessly sought to prevent the congress of the Tunisian League for Human Rights (LTDH) from being held since August 2005. This is clear evidence of the government's will to stifle the organisation. In spite of several external signs of "good behaviour", such as the planned celebration of a "National Associations' Day" or the funding of so-called independent organisations - which remain closely linked to the government -, the authorities seem to have refused to even consider relenting its pressure on civil society.

In the *United Arab Emirates*, the ruling power continued to prevent human rights defenders from establishing independent organisations in 2006. In this regard, the registration of the Emirates Human Rights Association with the Ministry of Labour and Social Affairs on February 5, 2006 is to be cautiously welcomed. Indeed, this organisation, the official agenda of which is to "respect and ensure respect of human rights according to the laws of the State and the Constitution", is fully funded and run by the authorities, as are the dozen of other officially recognised organisations<sup>9</sup>. In addition, the registration request filed in March 2004 by a group of intellectuals to create an independent human rights organisation had still not been acknowledged as of late 2006<sup>10</sup>.

### **Obstacles to freedom of expression**

In 2006, denouncing human rights violations remained extremely difficult in the absence of fundamental freedoms, and repression by the authorities was notably carried out through arbitrary arrests and detentions, judicial proceedings, as well as multiple obstacles to the freedom of movement of defenders.

In *Algeria*, President Bouteflika's decision, on May 3, 2006, to grant a pardon to journalists indicted for "serious insults towards State representatives", "offences against the President of the Republic" or "abuse, defamation and insults against State institutions" only applied

9. See Carnegie Endowment for International Peace.

10. See Annual Report 2005.

to journalists who had been “definitively” convicted, thus reducing the scope of this measure. Indeed, the majority of the journalists currently on trial are facing appeal procedures that often remain pending for months if not years. As a result, most journalists prosecuted for having denounced human rights violations in the country are still at risk of being convicted and sentenced, such as Mr. Ghoul Hafnaoui, head of the Algerian League for the Defence of Human Rights (LADDH), who faces charges of “defamation” and “contempt of official State institutions” since 2004.

At the same time, the government targeted defenders fighting impunity and calling for the accountability of perpetrators of human rights violations, and particularly those who criticised the adoption of the Charter for Peace and National Reconciliation<sup>11</sup> on September 29, 2006. On May 12, 2006 for instance, Mr. Amine Sidhoum, a lawyer and member of SOS-Disappeared, was threatened during the 39<sup>th</sup> Session of the African Commission of Human and Peoples’ Rights (ACHPR) by a member of the Algerian delegation who attempted to deter him from addressing the Commission. Moreover, Mr. Sidhoum has been under prosecution for several months for “passing an unauthorised item into a detention facility”, as is Ms. Hassiba Boumerdassi, a lawyer and a member of the Association of the Families of Disappeared Persons in Algeria (CFDA).

In *Bahrain*, the authorities continued to severely ban all statements and press releases issued by organisations denouncing human rights violations in the country. As such, the websites of about twenty civil society organisations, including the Bahrain Centre for Human Rights (BCHR), have been or remain inaccessible in the country since October 2006, a month before the parliamentary elections<sup>12</sup>. Furthermore, the website of the Arab Network for Human Rights Information (HRinfo), which publishes human rights protection

11. The adoption of this Charter constitutes an additional step towards the normalisation of impunity of those responsible for human rights violations committed during the conflict that has devastated the country since 1992, in particular members of armed groups, State militias or security forces. The acts of torture, enforced disappearances, assassinations, etc. of human rights defenders committed in this context would remain unpunished, maintaining a climate of intimidation and fear among civil society.

12. See Bahrain Centre for Human Rights (BCHR).

documents defending prisoners of conscience and freedom of expression, has been inaccessible in Bahrain since December 2006<sup>13</sup>.

In *Egypt*, civil society and representatives of the highest State authorities strongly criticised the restrictive amendments to the Press Law adopted by the National Assembly on July 10, 2006, which make it a criminal offence to libel public officials. Indeed, these new amendments provide that any journalist found guilty of “having published false information, defaming the President [...] or insulting State institutions [...] and armed forces is liable to a five-year prison sentence”. These provisions are likely to offer new opportunities for the authorities to justify legal actions against journalists voicing views critical of the ruling power or denouncing human rights violations in the country<sup>14</sup>. Furthermore, the 1992 State of Emergency Law, which was officially extended until 2008 on April 30, 2006, maintains significant limitations on the enjoyment of fundamental freedoms, in particular freedom of expression, which remained severely restricted. In April 2006 for instance, Messrs. Mahmoud Mekki and Hesham Bastawisi, two magistrates and both vice-presidents of the Supreme Court of Appeals, were targeted by a disciplinary procedure for “denigrating the judicial apparatus” and “issuing press statements on political affairs”, after they had denounced the numerous irregularities (intimidations, violence against voters and judges monitoring the elections, fraud etc.) that marred the 2005 parliamentary elections<sup>15</sup>. Although no official sanctions was brought against them, Mr. Bastawisi was later denied a promotion.

In *Kuwait*, a positive step was taken with the adoption of a new Press Law that was unanimously passed by Parliament on March 6, 2006. This Law notably prohibits the arrest and detention of journalists until the Supreme Court has convicted them. Although it provides for a two-week suspension of activities during police investigation, it also precludes the closing down of newspapers and publications that have not yet been convicted. This prohibition shall however be lifted if a journalist is charged with religious offences, criticising the Emir, or inciting the population to overthrow the government - all offences

13. See Reporters Without Borders (RSF), January 10, 2007.

14. See Egyptian Organisation for Human Rights (EOHR).

15. See FIDH Press Release, April 28, 2006.

liable to a one-year prison term and a fine ranging from 13,000 euros to 53,000 euros<sup>16</sup>.

In *Lebanon*, defenders who denounced the involvement of the State and security forces in human rights violations were repeatedly harassed and intimidated in 2006. For example, the headquarters of the NGO Support for Lebanese Detained Arbitrarily (SOLIDA) in Dora was burgled during the night of October 4 to 5, 2006, a day before a SOLIDA report on abuses perpetrated by military intelligence services during questionings led in the premises of the Ministry of Defence was due to be launched at a press conference. In early 2006, Mr. Ghassan Abdallah, executive director of PHRO, an association that fosters dialogue between Palestinians and Lebanese, was subjected to defamatory accusations, libel and death threats by non-State armed groups on several occasions in early 2006<sup>17</sup>.

In *Libya*, even though civil society did not enjoy the slightest margin for action in 2006, the authorities have shown, as they have done over the past two years, a slight opening to international organisations investigating human rights abuses. For instance, Reporters Without Borders (RSF) was able to visit the country from September 13 to 17, 2006 to assess the situation in relation to freedoms of expression and of the press<sup>18</sup>. Moreover, this policy of relative conciliation coincided with the launching of the Internet and of several Arabic and foreign satellite television channels. However, Internet access remained very limited and no independent press organ or radio station was reported to operate in the country.

In *Saudi Arabia*, Article 39 of the Basic Law (*Nizam*) provides that journalists must be “courteous and just”, and that their remarks must not potentially “offend the dignity and rights of the person to whom the comments are directed”<sup>19</sup>. More generally, defenders are forbidden to express any criticism of the Royal family, the government or Islam. In such a context, the announcement by the government, in 2006, that the country was considering becoming a party to the International Covenant on Civil and Political Rights, which guarantees freedom of expression, is to be cautiously welcomed. Indeed, up until now, the

16. See RSF.

17. See Annual Report 2005.

18. See RSF.

19. See Human Rights Watch (HRW).

Saudi State has always entered numerous reservations to the treaties it ratified, in particular on provisions that could be deemed contrary to the Shari'a.

In *Syria*, the extension of the state of emergency declared in 1963 continued to legitimatise the repression by the authorities of any activity, statements or meetings in favour of the promotion and protection of human rights. In this regard, a new wave of massive arrests was carried out in May 2006 following the signature of the Beirut-Damascus/Damascus-Beirut Declaration, a petition gathering the signatures of over 500 Syrian and Lebanese intellectuals and human rights defenders. The Declaration notably called for the standardisation of relations between Syria and Lebanon, the adoption of a new democratic Constitution and respect for fundamental rights. Dozens of human right activists, journalists or political opponents were subsequently arbitrarily arrested and detained or taken to court. This was the case for Mr. Anwar Al-Bunni, a founding member of the Human Rights Association in Syria (HRAS), Mr. Michel Kilo, president of the Organisation for the Defence of Freedom of Expression and of the Press, Mr. Nidal Darwish, a board member of the Committees for the Defence of Freedoms and Human Rights in Syria (CDF), and Mr. Ghaleb Amer, a board member of the Arab Organisation for Human Rights.

Defenders willing to attend seminars or conferences on human rights issues abroad also faced numerous difficulties and infringements to their freedom of movement in 2006, as police forces continued to put forward "security reasons" to justify these travel bans. In addition, even when granted travel authorisation, human rights defenders were regularly questioned by the police or intelligence services upon their return to the country. As a result, several Syrian defenders were prevented from attending the Euromed Civil Forum, organised in Marrakesh (Morocco) from November 4 to 7, 2006 by the Euromed Platform<sup>20</sup>.

20. The Euromed Platform is a group of civil society actors from the whole region, which notably promotes the protection of human rights, democracy, peace and prevention of migrants' conflicts.

In *Tunisia*, Mr. Mohamed Abbou, a lawyer as well as a CNLT and AISSP member, was arrested on March 1, 2006, and remained in detention in the Kef prison as of late 2006 for having published an article denouncing the poor conditions of detention in Tunisian prisons on the Internet. Mr. Lotfi Hajji, director of the Tunisian Journalists' Union (SJT), deputy director of the LTDH Bizerte branch and an active member of the October 18 Coalition for Rights and Freedoms in Tunisia, was also arrested, questioned and briefly detained on December 18, 2006, in connection with several of his public denunciations of human right abuses.

In the *United Arab Emirates*, defenders faced constant pressure, surveillance, arrests, arbitrary detentions, and other acts of harassment. On June 17, 2006 for instance, an arrest warrant was issued for "insults against the Prosecutor" against Mr. Mohamed al-Mansoori, a human rights lawyer and chair of the Independent Jurists' Association, known for his critical views against the government's policy on human rights. Mr. al-Mansoori, who was abroad at the time, could face trial upon his return to his country<sup>21</sup>.

### **Infringements to freedoms of assembly and peaceful gathering**

In 2006, human rights defenders in the region continued to face legal and practical obstacles to their freedom of assembly. In such a context, organising peaceful demonstrations or holding internal meetings remained highly difficult, when not dangerous.

In *Bahrain*, where human rights defenders are under tight surveillance by the authorities, amendments (n°23/2006) to the 1973 Law on Public Gatherings and Processions that were signed into law by the King on July 20, 2006 further increased the number of legislative constraints. According to these amendments, demonstrations organised in public places close to airports, hospitals, shopping centres and any other location considered as "sensitive" are strictly prohibited (Articles 11 and 11bis). Organisers of such events are compelled to notify the authorities at least three days before the event is due to take place, and are held civilly and criminally responsible for any damages caused during a gathering if they fail to inform the authorities (Article 2). This text further provides for prison sentences of up to six months

21. See Amnesty International.

and/or a minimum fine of 100 dinars (200 euros) for organisers and participants of prohibited demonstrations (Article 31a). Since these amendments came into force, many demonstrations including those organised by human rights activists, in particular BCHR and the Committee of the Unemployed, have been violently repressed by police authorities<sup>22</sup>.

In *Jordan*, the House of Representatives adopted the Anti-Terrorism Bill on August 29, 2006, in spite of intense protests from civil society. This Bill was initially submitted in November 2005 following a wave of terrorist attacks in Amman<sup>23</sup>. The Prevention of Terrorism Act (PTA), which came into force on November 1, 2006, notably enhances the powers of security forces, which are by law authorised to arrest and detain any person suspected of being involved in terrorist activities. These acts, which are ill-defined, include crimes such as “breach of the peace”, “damage caused to infrastructure” or “endangering public security”. It is feared that the authorities will arbitrarily use these provisions as a basis for “legitimately” penalising peaceful gatherings or human rights defenders’ meetings. According to the PTA, terrorism-related offences are punishable by life imprisonment with hard labour unless another law provides for a more severe penalty. However, the text fails to detail the exact sentences applicable to such offences.

In *Kuwait* however, the Constitutional Court took a positive step when it ruled, on May 1, 2006, that 15 Articles of the 1979 Law No. 65 on Public Gatherings were illegal and violated several freedoms guaranteed by the Kuwaiti Constitution<sup>24</sup>.

Freedom of assembly also continued to be restricted in *Morocco*, where public gatherings are subjected to prior authorisation of the Ministry of the Interior. Indeed, several demonstrations, although approved by the authorities, were once again forcibly repressed in 2006. On July 6, 2006 for instance, the police brutally dispersed a demonstration organised in Rabat by the Moroccan Association for Human Rights (AMDH) and other human rights organisations to protest against the increasing suppression of the right to peaceful assembly<sup>25</sup>.

22. See BCHR.

23. See Amman Centre for Human Rights Studies (ACHRS).

24. See Kuwait Human Rights Society.

25. See AMDH.

In *Tunisia*, bans on meetings and sit-ins remained routine for human rights defenders. These hindrances are characterised by very large numbers of security forces surrounding the buildings or streets where meetings and demonstrations are planned to be held and high levels of harassment and violence were reported on the part of police officers. In 2006, several associations, such as LTDH and CNLT, were systematically targeted by police authorities who prevented the holding of their meetings and assemblies and regularly followed their members and their relatives.

In May 2006, following the introduction of a Bill on the creation of a national training institute for lawyers that had been drafted by the Ministry of Justice without prior consultation with lawyers and magistrates, the Bar Association organised protest sit-ins that were also violently dispersed. On this occasion, about twenty lawyers were insulted and severely beaten by the police.

Finally, on September 8 and 9, 2006, a conference on “employment, the right to work and the Euromed partnership” organised by the Spanish trade union CC.OO/Foundation for Peace and Solidarity, the Friedrich Ebert Foundation (Germany), the Euro-Mediterranean Human Rights Network (EMHRN) and the Euromed Trade Union Forum, was banned by the authorities<sup>26</sup>.

### **Human rights defenders in conflict situations**

In 2006, human rights defenders suffered heavily as a result of the ongoing conflicts in the region.

Despite the election of the *Iraqi* government in December 2005, the escalation of the conflict and the growing insecurity it generates - in particular through an increasing number of deadly, now almost daily attacks - continued to contribute to the extremely hostile climate in which human rights defenders operate. The lack of proper State structures and the ongoing chaos in several Iraqi cities put human rights defenders as well as humanitarian personnel in great danger when carrying out their activities. While defenders had to visit dangerous areas every day, they still often appeared as enemies of stability, in the pay of “colonialist” foreign powers. On March 10, 2006, the body of Mr. Tom Fox, a member of the NGO Christian

26. See EMHRN.

Peacemaker Teams (CPT), was found almost four months after he was abducted by unidentified individuals. Similarly, on December 17, 2006, over twenty staff members of the Red Crescent were abducted from their Baghdad office by an unidentified group, and were still missing by the end of 2006<sup>27</sup>.

The execution of Mr. Saddam Hussein on December 30, 2006 further intensified existing tensions. In late 2006, a great uncertainty hung over the future of human rights and their defenders in the country.

In *Israel* and the *Occupied Palestinian Territories*, human rights defenders, in particular members of foreign and Palestinian organisations, were faced with numerous infringements to their freedom of movement. For instance, staff members of the Gaza-based Palestinian Centre for Human Rights (PCHR) were banned from entering the Gaza Strip on numerous occasions in 2006; as a result of the repeated travel bans imposed by Israeli authorities, PCHR members and leaders were further prevented from attending 13 international conferences and meetings in the course of the year<sup>28</sup>.

Similarly, Ms. Catherine Richards, a British national and a volunteer for the Palestinian branch of Defence for Children International (DCI-Palestine), a non-governmental organisation promoting children's rights in Palestine, was denied entry into the Israeli territory upon her arrival at Ben Gourion airport in Tel-Aviv on January 9, 2006. On January 12, 2006, a court eventually granted her access to the Israeli territory for 30 days, during which she had to apply for a "volunteer workers' visa"<sup>29</sup>.

Furthermore, members of Israeli and Palestinian NGOs for the protection of Palestinians' rights faced multiple obstacles drawn up by the Israeli administration, which repeatedly refused to renew their work permits allowing them to enter the Occupied Palestinian Territories or the West Bank, or simply to issue these permits - even temporarily. These measures forced NGOs to carry out their activities on a day-to-day basis, in total uncertainty as to the durability of their projects.

The construction of the "Separation Wall" between Israel and

27. See International Committee of the Red Cross.

28. See PCHR.

29. See Closed Letter to the Israeli authorities, January 12, 2006.

Palestine has yet again increased infringements on the freedom of movement, preventing or making it even more difficult to access the Occupied Palestinian Territories and to report on human rights violations thus committed in ever increasing impunity.

Finally, like many Palestinian detainees in Israeli prisons, staff members of Palestinian NGOs were subjected to administrative detentions that are indefinitely extended on the basis of “secret evidence”, of which the detainees and their lawyer had no knowledge or access. As a result, Mr. Ziyad Shehadeh Hmeidan, a volunteer for the NGO *Al-Haq*, has been arbitrarily detained since May 23, 2005.

In *Lebanon*, the Israeli offensive that began on July 12, 2006 and lasted for over a month seriously undermined the improvement that had been noticed since the withdrawal of Syrian troops in April 2006. In the context of this violent conflict, human rights defenders faced great difficulties in terms of movement, communication and security, putting their safety at great risk.

### **Mobilisation for the regional and international protection of human rights defenders**

United Nations (UN)

During the second session of the Human Rights Council held in Geneva (Switzerland) from September 18 to October 6, 2006, Ms. Hina Jilani, Special Representative of the UN Secretary General on human rights defenders, presented her report on the situation of human rights defenders in *Israel* and the *Occupied Palestinian Territories*, following her visit from October 5 to 11, 2005<sup>30</sup>.

Ms. Jilani notably pointed out that the “level of harm and risk that defenders confront in carrying out their activities” was heightened as a result of security-driven laws and practices. She also underlined the fact that the “conditions of lawlessness and impunity for human rights violations have affected the security of human rights defenders, especially those who expose violations committed by security personnel”.

Ms. Jilani further noted that the weakening of the position of human rights defenders was a direct result of the “risks that they are placed under and by the impunity for violation of their right to life, liberty and physical security”, adding that “the prospects for peace and

30. See UN Document E/CN.4/2006/95/Add.3.

security in the region are being diminished by the constraints placed on freedoms in general and particularly the freedom to defend human rights”.

Moreover, on June 14, 2006, in a press release regarding the situation in *Egypt*, Ms. Hina Jilani, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, expressed alarm regarding “the excessive use of force displayed against judges, human rights defenders, journalists and civil society in general during their peaceful protests in support of the independence of the judiciary”<sup>31</sup>.

Finally, on July 25, 2006, Mr. Martin Scheinin, Special Rapporteur on human rights and counter-terrorism, urged the *Bahraini* authorities to “reconsider the new counter-terrorism bill approved [by the Parliament] on July 22, 2006 [...]”. Mr. Scheinin stressed that “a number of human rights such as freedom of association and assembly and freedom of speech” would be at risk of “excessive limitations”, as the legislation “might allow for severe or disproportionate restrictions on peaceful demonstrations by civil society”<sup>32</sup>.

#### European Union (EU)

In a statement issued on May 15, 2006 on the situation in *Egypt*, the EU Presidency denounced the repression of the protests that took place following the announcement of the extension of the state of emergency. The Presidency stressed that the “scale of the police operation and the harsh manner in which these demonstrations have been policed” were considered “disproportionate”, and expressed its concern that “many persons taking part in these demonstrations [were] arrested under the provisions of the Emergency Law, for instance without an arrest warrant”. As a consequence, the EU called on Egyptian authorities “to allow civil society activists and other political forces to express themselves freely, to permit peaceful demonstrations, [and respect] freedom of assembly”<sup>33</sup>.

31. See United Nations Office at Geneva, [www.unog.ch](http://www.unog.ch), Press Release HR06069E.

32. See UN Press Release, July 25, 2006.

33. See Declaration by the EU Presidency, May 15, 2006.

During the fifth session of the EU-*Jordan* Association Council on November 14, 2006, the EU welcomed the “set-up of an independent national human rights body, the National Centre for Human Rights (NCHR)”, “the development of the civil society sector in Jordan and the existence of a growing number of local NGOs”. Recalling the importance of NCHR work, the EU encouraged Jordanian authorities to follow up on the organisation’s recommendations and to “further [cooperate] with NGOs”<sup>34</sup>.

Furthermore, the EU considered, in a Declaration of the Presidency on May 19, 2006<sup>35</sup>, that the human rights situation in *Syria* had “substantially deteriorated”, in light of the “widespread harassment of human rights defenders, their families and peaceful political activists, in particular the arbitrary arrests and repeated incommunicado detention”. The EU also called on Syrian authorities to “fully respect freedom of expression and assembly” and to “reconsider all cases of political prisoners and immediately release all prisoners of conscience”. The European Parliament, on its part, noted on June 15, 2006, that: “in May 2006, after signing a petition for improved Syrian-Lebanese relations, [...] it was reported that several civil society activists were arrested and tortured, notably including the lawyer Anwar Al-Bunni, the writer Michel Kilo as well as others, such as Khalil Hussein, Dr. Safwan Tayfour, Mahmoud Issa, Fateh Jammous, Professor Suleiman Achmar, Nidal Darwish, Suleiman Shummor, Ghaleh Amer, Muhammad Mahfud, and Mahmoud Meri’i, and more recently Mr. Yasser Melhem and Mr. Omar Adlabi”, “whereas Anwar Al-Bunni is a lawyer specialising in human rights issues and was arrested on the streets of Damascus when he was on shortly to taking up a post as director of a human rights centre financed by the European Union”. Considering that “this wave of arrests [was] intended to be a direct reprisal for the distribution, on 12 May 2006, of a petition signed by some 500 people, calling for the normalisation of relations between Lebanon and Syria” and that “the petition was of particular importance, being a joint initiative by Syrian and Lebanese intellectuals and human rights activists and the first of its kind”, the

34. See Declaration by the EU Presidency, November 14, 2006.

35. See Declaration by the EU Presidency, May 19, 2006.

European Parliament urged “the Syrian authorities to release immediately all activists still detained for signing a petition calling for improved Syrian-Lebanese relations”<sup>36</sup>. The Parliament adopted another Resolution on Syria on October 26, 2006, urging the Council of the European Union to “draw [particular] attention to the necessary reform of the Syrian associations’ law so as to end all major restrictions as regards the activities of human rights organisations”. The Parliament also requested that the Council demand the release of all peaceful activists, in particular “the signatories of the Beirut-Damascus/Damascus-Beirut Declaration” and to lift the state of emergency<sup>37</sup>.

Regarding *Tunisia*, the European Parliament adopted a Resolution on June 15, 2006<sup>38</sup>, in which it recalled “the request made by the Commission to the Tunisian authorities, which included the immediate release of European funding allocated to projects for civil society”, and called on “the Tunisian authorities to provide explanations for the ban on the LTDH Congress and for any acts of violence against defenders of human rights and Tunisian judges”. The Parliament also called upon the EU Council and the European Commission to “take swiftly all necessary steps vis-à-vis the Tunisian authorities to ensure that European funding allocated to civil society projects is unblocked and that Mr. Mohammed Abbou is released”, and “for the activities of human rights defenders to be fully guaranteed, in accordance with the relevant EU guidelines”. Finally, it called on the Tunisian authorities to agree to a visit by the United Nations Special Rapporteur on the independence of judges and lawyers. Similarly, on June 16, 2006, the EU Presidency expressed its “concern at the events surrounding the obstruction of the 6th congress of LTDH on May 27-28, 2006 in Tunis”, and hoped “that the League will be able to resume its normal functions as soon as possible”. It also regretted “that European representatives, notably the representative of the European Parliament, Ms. Helène Flautre, have been subjected to harassment by the security forces”<sup>39</sup>.

36. See European Parliament Resolution on Syria, P6\_TA(2006)0279, June 15, 2006.

37. See European Parliament Resolution, P6\_TA-PROV(2006)0459, October 26, 2006.

38. See European Parliament Resolution on Tunisia, P6\_TA(2006)0269, June 15, 2006.

39. See Declaration by the EU Presidency, June 16, 2006.

### Civil society

The Eminent Jurists Panel appointed by the International Commission of Jurists (ICJ) held a sub-regional hearing on terrorism and human rights in *Algeria, Morocco* and *Tunisia*, in Rabat (Morocco), from July 3 to 7, 2006. During this public hearing, participants acknowledged that terrorist activities were too broadly defined and insisted that any measure to counter terrorism must be proportionate to the actual threat. The Panel also expressed its concern about the decrees implementing the Charter for National Reconciliation and Peace in *Algeria*, which bars any judicial proceedings against security forces for past human rights violations and criminalises public criticism of the conduct of state agents.

From September 21 to 23, 2006, the Euro-Mediterranean Study Commission (EuroMeSCo)<sup>40</sup> held its Sub-regional Seminar on “Civil Society, Human Rights and Democracy” in Maknes (Morocco). In its conclusions, the seminar recommended the establishment of a Euro-Mediterranean dialogue on freedom of expression and security-related legislation, in order to reach an agreement as to the definition of “public order” as well as to the extent such a notion might be resorted to in order to restrict fundamental freedoms.

Lastly, the Euromed Civil Forum, organised by the Euromed non-governmental Platform, took place for the first time in a southern Mediterranean country, in Marrakech (Morocco), from November 4 to 7, 2006. On this occasion, participants reaffirmed the validity of the “targets stated in the Barcelona Declaration of 1995” and insisted that the “EU should immediately implement the European guidelines on human rights defenders”. Acknowledging that “the independence of justice is one of the corner stones of any effective democratisation and economic development process”, participants also “greeted the fight of magistrates in the region, especially in *Egypt* and *Tunisia*”.

40. EuroMeSCo is a non-governmental network established in 1996 and which brings together independent foreign policy institutes originating from 35 States parties to the Barcelona Declaration, which created the Euro-Mediterranean Partnership (EMP).

HUMAN RIGHTS DEFENDERS  
IN THE LINE OF FIRE

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ALGERIA

**Harassment of the families of the disappeared and their defenders**

Acquittal of Mr. Mouloud Arab<sup>1</sup>

On March 27, 2006, Mr. **Mouloud Arab**, the father of a disappeared person, charged with the “dissemination of subversive leaflets undermining national interest” (Article 96 of the Criminal Code), was acquitted by the Court of Sidi Ahmed.

Mr. Arab was arrested on September 14, 2005, during the weekly meeting of the NGO SOS-Disappeared (*SOS - Disparu(e)s*) in front of the National Consultative Commission for the Promotion and the Protection of Human Rights (*Commission nationale consultative pour la promotion et la protection des droits de l'Homme - CNCPPDH*) in Algiers. At the time of his arrest, Mr. Arab was distributing leaflets denouncing the situation of the families of disappeared. He was released a few hours later and summoned to appear before the examining magistrate on September 25, 2005. He was facing a sentence of six months' imprisonment.

Judicial harassment of Mr. Amine Sidhoum Abderrahman and Ms. Hassiba Boumerdassi<sup>2</sup>

On May 12, 2006, Mr. **Amine Sidhoum Abderrahman**, a lawyer and member of SOS-Disappeared, received threats from a representative of the Algerian delegation to the 39<sup>th</sup> session of the African Commission on Human and Peoples' Rights (ACHPR), held from

1. See Annual Report 2005.

2. See Urgent Appeals DZA 001/0506/OBS 063, 063.1 and 063.2.

May 11 to 25, 2006, a day before his scheduled statement before the Commission. This representative attempted to deter him from addressing the ACHPR and “reminded” him that he would be “liable to three to five years’ imprisonment upon [his] return to Algeria” if he persisted in doing so. On May 13, 2006, Mr. Sidhoum thus decided not to present his oral statement to the Commission.

These threats notably referred to Article 46 of the Decree relating to the implementation of the Charter for Peace and National Reconciliation issued on February 27, 2006. Indeed, this decree provides for a prison sentence of three to five years and a 250,000 to 500,000 Algerian dinars fine (about 2,830 to 5,660 euros) for “anyone who, by speech, writing or any other act, uses or exploits the wounds of the national tragedy in order to harm the institutions of the Democratic and Popular Republic of Algeria, to weaken the State, to undermine the honour of its agents who have served it with dignity, or to tarnish the image of Algeria internationally”.

Furthermore, on August 23, 2006, Mr. Sidhoum was summoned by the examining magistrate of the Court of Sidi M’hamed who informed him that the Minister of Justice had lodged a complaint for “libel” against him. These charges followed the publication of an article in the daily newspaper *El Chourouk* on May 30, 2004. The author of this article had claimed that Mr. Sidhoum had denounced the detention of one of his clients who was being held for thirty months in Serkadji prison “as the result of an arbitrary decision by the Supreme Court”. However, at the time of Mr. Sidhoum’s alleged statements, no decision regarding the case had yet been handed down by the Supreme Court, which only delivered its judgment on April 28, 2005.

On September 18, 2006, Mr. Sidhoum appeared before the 8<sup>th</sup> Chamber of the Sidi M’hamed Court in Algiers to answer charges of “discrediting a court’s decision” and “contempt of a State institution” (Articles 144bis, 144bis (1), 146 and 147 of the Criminal Code). The Court ordered his release on bail and upheld the charges, which carry a three-to-six-year prison sentence and a 2,500 to 5,000 euros fine.

On December 9, 2006, Mr. Sidhoum appeared once again before the examining magistrate, who allegedly referred the case to the Criminal Court. By the end of 2006, however, Mr. Sidhoum had not yet received notification to appear before the Court.

In a separate case, Mr. Sidhoum was summoned by the examining magistrate of the 1<sup>st</sup> Chamber of the Bab El Oued Court on charges of “passing an unauthorised item into a detention facility” under Article 16 of the Prison Security Act and Article 166 of the Prison Regulation and Reintegration of Prisoners Code (which provides for a six-month to three-year prison sentence and a 10,000 to 50,000 dinars fine – 110 to 150 euros). In particular, Mr. Sidhoum was accused of having given his business card to one of his clients in detention.

Likewise, on September 25, 2006, Ms. **Hassiba Boumerdassi**, a lawyer and a member of the Association of the Families of Disappeared Persons in Algeria (*Collectif des familles de disparu(e)s en Algérie* - CFDA), was summoned to appear before the Bab El Oued Court under the charges of “passing unauthorised items into a detention facility” after she handed to one of her clients the minutes of his court hearing – with the prison warden’s authorisation.

These charges also fall under Article 166 of the Prison Regulation and Reintegration of Prisoners Code, Article 16 of the Prison Security Code, and Article 31 of the Law on Prison Regulation.

By the end of 2006, both lawyers were still awaiting the Court’s decisions in their respective cases.

### Conviction of Mrs. Zohra Bourefis<sup>3</sup>

On November 19, 2006, Mrs. **Zohra Bourefis**, the mother and wife of disappeared individuals and a member of the CFDA branch in Jijel, was fined 100 dinars (about 1.50 euros) by the Court of Taher. The conviction was based on Article 1 of Presidential Decree No. 86-237 of September 16, 1986, which provides that “any person offering housing to a foreigner must notify the Algerian authorities”.

Indeed, from February 7 to 9, 2006, Mrs. Zohra Bourefis and her family had welcomed in their home a French programme officer commissioned by CFDA to conduct an investigation into several disappearance cases in the region.

On February 12, 2006, one of Mrs. Zohra Bourefis’ sons was summoned to the Emir Abdelkader police station and questioned on the identity of their guest and the purpose of his stay.

3. See CFDA.

On February 14, 2006, another of her sons was called in for questioning by the Command of the Jijel Military Zone, where he was told that it was forbidden to invite “foreigners” to stay in one’s home.

Mrs. Zohra Bourefis appealed the verdict against her.

### **Legal proceedings and acts of harassment against LADDH members<sup>4</sup>**

#### **Continued harassment of Mr. Mohamed Smaïn**

By the end of 2006, the case of Mr. **Mohamed Smaïn**, head of the Relizane branch of the Algerian League for the Defence of Human Rights (*Ligue algérienne de défense des droits de l’Homme* - LADDH), remained pending before the Supreme Court after he appealed his sentencing to one year imprisonment and a 5,000 dinars (54 euros) fine and 30,000 dinars (320 euros) in damages, to each of the plaintiffs, on February 24, 2002.

Mr. Smaïn was convicted on the grounds of a complaint lodged by Mr. Mohamed Fergane, former head of the Relizane militia, and eight other militiamen, for “defamation, slanderous denunciation and reporting fictitious crimes”, after Mr. Smaïn had informed the Algerian press of a mass grave exhumation undertaken by the police authorities.

Moreover, his local council card (*fiche municipale*) acknowledging his involvement in the fight for the liberation of Algeria had not yet been returned by late 2006, although his ID documents and driver’s license, which had been confiscated at the same time in 2005, were duly returned in 2006.

#### **Ongoing judicial harassment of Mr. Ghoul Hafnaoui**

By the end of 2006, four appeals lodged by Mr. **Ghoul Hafnaoui**, a journalist and head of the LADDH section in Djelfa, challenging several decisions sentencing him to a total of eleven months in prison and a 2,262,000 dinars (24,330 euros) fine and damages, remained pending before the Supreme Court of Appeals. These convictions ensued from various complaints for “defamation”, “insulting State authorities” and “illegal removal of a document from a detention facility”, initiated by the Djelfa *wali* (prefect) and his supporters.

4. See Annual Report 2005.

### Legal proceedings against Mr. Tahar Larbi

As of the end of 2006, the appeal filed by Mr. **Tahar Larbi**, president of the LADDH section in Labiodh Sidi Cheikh, and five of his family members, against their three-month suspended prison sentence handed down on November 24, 2003, remained pending. Mr. Larbi and his relatives had been convicted following their involvement in a peaceful gathering in support of the Independent National Union of Civil Servants (*Syndicat national autonome des personnels d'administration publique* - SNAPAP) in September 2003.

Moreover, in late 2006, a complaint for ill-treatment lodged by LADDH in November 2003 regarding acts of violence committed against Mr. Larbi during his detention had still not been pursued by the authorities.

### Ongoing harassment of SNAPAP members<sup>5</sup>

By the end of 2006, Mr. **Rachid Malaoui**, SNAPAP secretary general, who was sentenced *in absentia* in November 2004 to a one-month suspended prison sentence and a 5,000 dinars fine (53 euros) by the Algiers Court of First Instance on charges of “defamation”, had still not received notification of the judgment and was thus unable to appeal the verdict. Mr. Malaoui was convicted on the basis of a complaint lodged by the secretary general of the Algerian General Workers’ Union (*Union générale des travailleurs algériens* - UGTA, a pro-governmental union) in connection with facts dating back to 2001. At that time, Mr. Malaoui had publicly condemned the takeover of the labour scene by UGTA and had denounced the repeated attacks against independent trade unions.

In addition, in December 2003 and May 2004, former SNAPAP members, backed by the Ministry of Labour, held a congress aimed at establishing another union bearing the same name. The independent SNAPAP lodged a complaint for “usurpation” and “defamation” with the Algiers Court of First Instance in June 2004. A hearing scheduled for February 9, 2005 was postponed *sine die* and no further date had been fixed as of the end of 2006.

5. *Idem*.

**Establishment of an “NGO Support Centre”<sup>6</sup>**

On October 10, 2006, the Minister for Social Development launched an “NGO Support Centre” under his auspices, which was officially established to provide training, expertise and financial assistance for NGOs.

However, the statutes of this new institution grant the Minister almost absolute powers in relation to the registration and dissolution of civil society organisations, and entitle the authorities to directly interfere with their activities and operations. The Minister for Social Development may also limit the organisations’ freedom to conduct activities abroad or to obtain funding without his prior consent.

**Ongoing repression of BCHR and its members<sup>7</sup>****Dissolution of BCHR**

On February 22, 2006, the Supreme Court of Appeals of Bahrain, in an appeal lodged by the Bahrain Centre for Human Rights (BCHR), upheld the decisions of lower courts to dissolve the organisation, which is thus banned from carrying out any of its activities.

On March 8, 2006, the Minister for Social Development issued a formal warning stating that sanctions would be carried out against BCHR if it did not cease its operations.

As its members ignored this warning, the BCHR website was blocked in Bahrain by the Batelco company, the main Internet access provider in the country, on October 26, 2006. The homepage, however, remains accessible from outside the country.

BCHR had already been closed down on September 29, 2004 as a result of a decision of the Minister for Labour and Social Affairs, who had then threatened members of the organisation with criminal sanctions if they did not comply with this dissolution order. In spite of these threats, BCHR members had publicly announced, on January 6, 2005, that they were resuming their activities.

6. See BCHR.

7. See Annual Report 2005.

On January 31, 2005, the High Court had further dismissed a civil complaint against the Ministry of Labour and Social Affairs lodged by BCHR on October 12, 2004. This decision was upheld by the Administrative Court on April 14, 2005.

#### Lack of investigation into acts of harassment against Mr. Nabeel Rajab

As of the end of 2006, the two complaints for “harassment” filed with the Public Prosecutor in June and July 2005 by Mr. **Nabeel Rajab**, BCHR vice-president, had not yet been addressed. These two complaints notably referred to numerous anonymous letters and SMS messages sent on May 18, 2005 to his home, to the Bahraini authorities and to staff members of his private company, that were accusing him of “espionage” and “treason”.

Prior to these events, Mr. Rajab had participated in several meetings of the UN Committee Against Torture in Geneva, Switzerland, on May 11 and 13, 2005, to which he had submitted an alternative report on torture in Bahrain.

#### Judicial proceedings against Mr. Abdulrauf Al-Shayed

Following the 2006 dissolution of the BCHR and the subsequent announcement that the organisation was determined to resume its activities, the members of three civil society committees supported by BCHR - the National Committee for Martyrs and Victims of Torture, the Committee of the Unemployed and the Committee for Adequate Housing - were regularly called in for questioning by the police, such as Mr. **Abdulrauf Al-Shayed**, spokesperson for the National Committee for Martyrs and Victims of Torture.

On July 1, 2006, Mr. Al-Shayed was convicted *in absentia* for his alleged “involvement in a prostitution network”, sentenced to one year in prison and subsequently released on bail. In particular, he was accused of engaging in a fraudulent marriage with an Uzbek citizen in 2003, so that she could legally reside and work in Bahrain, and of acting as her procurer.

Mr. Al-Shayed, who has since then taken refuge abroad, filed a complaint for “impersonation” and appealed against the verdict. However, the Court rejected his appeal *in absentia* and ordered his arrest.

### **Lack of verdict in the proceedings initiated by GFBTU<sup>8</sup>**

By the end of 2006, the Supreme Court of Appeals had failed to render its verdict in the appeal lodged by the General Federation of Bahrain Trade Unions (GFBTU) against the decisions of the High Court and of the Court of Appeal, which held that the complaint initiated by GFBTU in June 2004 did not fall within their jurisdiction. This complaint questioned the legality of a circular addressed to all ministerial departments by the Bureau of Civil Service in 2003, which prohibited the creation of unions within ministries.

### **Harassment and end of judicial proceedings against Ms. Ghada Jamsheer<sup>9</sup>**

In 2006, all legal proceedings brought against Ms. **Ghada Yusuf Moh'd Jamsheer**, president of the Women's Petition Committee (WPC) and of the Bahrain Social Partnership for Combating Violence Against Women, were closed after the Prosecutor decided to drop some of the charges and to acquit Ms. Jamsheer in other cases.

In 2005, Ms. Jamsheer had been involved in several proceedings initiated by the Attorney General for, *inter alia*, "insulting the Shari'a judiciary", and was facing up to fifteen years' imprisonment. These charges had been brought in connection with her activities in favour of a reform of Shari'a family law and the Bahraini judiciary, the adoption of a unified Family Code, and the reinforcement of the role of the Supreme Judicial Council.

Nevertheless, in November 2006, Ms. Jamsheer was regularly followed and harassed by secret services after she gave an interview on the necessity of democratic reform in Bahrain to the US-based and Arabic-speaking *Al-Hura* television channel.

### **Registration of the Bahrain Women's Union<sup>10</sup>**

On September 16, 2006, the Bahrain Women's Union held its first general assembly after its request for registration, submitted in 2001 to the Ministry of Social Affairs, was finally accepted. This association brings together 14 women's rights organisations registered with the

8. *Idem*.

9. *Idem*.

10. *Idem*.

Ministry of Social Affairs, as well as other women's committees and independent activists.

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## EGYPT

### **Legal recognition of the Nadeem Centre for the Rehabilitation of Victims of Violence<sup>11</sup>**

In 2006, the Nadeem Centre for the Rehabilitation of Victims of Violence was finally registered and granted legal personality under the name of the Egyptian Association Against Torture (EAAT).

In July 2003, the Centre, wishing to bring its legal status in line with the 2002 Law No. 84 on associations, filed the required documents for its registration as EAAT with the Ministry of Social Affairs. However, its request was dismissed on the basis of technical irregularities and the Centre lodged an appeal challenging this decision.

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## IRAQ

### **Assassination of two trade union leaders<sup>12</sup>**

On January 25, 2006, Mr. **Alaa Issa Khalaf**, a member of the executive board of the Baghdad branch of the Mechanics' Union and of the General Federation of Iraqi Workers (GFIW), was assassinated by unidentified individuals while on his way to work.

In addition, Mr. **Thabet Hussein Ali**, director of the General Trade Union for Health Sector Workers in Iraq, was abducted on April 7, 2006 by a presumed terrorist group as he was leaving his union's headquarters in Baghdad Al-Mansour neighbourhood. His body was found the following day, riddled with gunshot wounds and bearing marks of torture.

At the end of 2006, no investigation had been initiated into either of these two assassinations.

11. *Idem.*

12. See Urgent Appeal IRQ 001/0106/OBS 010 and Press Release, May 31, 2006.

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## ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

### Situation in Israel

#### Sentencing and release of Mr. Jonathan Ben Artzi<sup>13</sup>

On January 1, 2006, the High Military Court of Appeals acknowledged the status of pacifist of Mr. **Jonathan Ben Artzi**, a student, but sentenced him to four months in a military prison - two months of which could be commuted on payment of a 2,000 Israeli shekels fine (360 euros) - effective as of February 15, 2006.

On April 21, 2004, Mr. Ben Artzi had been sentenced by the Jaffa Military Court to two months' imprisonment and a 2,000 Israeli shekels fine after he refused to serve in the army. According to the verdict, a refusal to pay the fine could entail an additional two months in prison. Mr. Ben Artzi had appealed this decision before the High Military Court of Appeals.

The hearing was adjourned until July 9, 16 then 18, 2005, when the High Military Court of Appeals suggested to commute Mr. Ben Artzi's sentence to "national service under military supervision". However, Mr. Ben Artzi refused this proposal, arguing that an alternative scheme such as national service should in no way be linked to the army.

In April 2006, Mr. Ben Artzi was released after having served his sentence.

### Situation in the Occupied Palestinian Territories

#### Arbitrary detention and release of Mr. Hassan Mustafa Hassan Zaga<sup>14</sup>

On January 11, 2006, Mr. **Hassan Mustafa Hassan Zaga**, a member of the Public Committee Against Torture in Israel (PCATI) and of the Palestinian organisation *Ansar Al-Sajeen*, which provides legal assistance to Palestinian prisoners, was arrested by the Israeli Defence Forces (IDF) at a checkpoint located between Nablus and Tul Karem, in the Occupied Palestinian Territories. He was then transferred to the

13. See Annual Report 2005.

14. See Urgent Appeals ISR 001/0106/OBS 007, 0071 and 0072.

Hawarah military detention centre, near Nablus. During a meeting with his lawyer, Mr. Zaga stated that IDF officers had beaten him during his arrest.

On January 17, 2006, the IDF Regional Commander issued a six-month detention order against Mr. Hassan Zaga under charges of “endangering the security of the region”. In a letter dated January 23, 2006, the IDF Military Prosecutor justified this order on grounds of “[Mr. Zaga’s] membership to Hamas, his international activism and the funding of various Hamas activities in the city of Nablus and its surroundings”. The Prosecutor further emphasised that he was unable to make the evidence supporting these charges public.

On February 2, 2006, the Ofer Military Court confirmed Mr. Zaga’s administrative detention, but reduced it to four months.

On May 22, 2006, the Ketziot Military Court upheld a new decision of the General Security Service (GSS) to extend Mr. Zaga’s administrative detention for an additional four months.

On September 13, 2006, a third administrative detention order of an additional four months was issued against Mr. Hassan Zaga.

However, the Ofer Military Court decided on September 20, 2006 to reduce Mr. Zaga’s administrative detention to two months, arguing that the GSS had failed to bring new evidence to legitimatise the extension order.

Mr. Zaga was released on November 5, 2006 in accordance with this decision.

#### Administrative detention of Mr. Ziyad Muhammad Shehadeh Hmeidan<sup>15</sup>

On March 12, 2006, the administrative detention order on the basis of which Mr. **Ziyad Muhammad Shehadeh Hmeidan**, a member of the Palestinian human rights NGO *Al-Haq*, detained without charge since May 23, 2005, was extended by the Israeli authorities for a period of four months.

On March 20, 2006, the Military Court of the Ansar III prison (Ketziot) upheld this decision, which was subsequently confirmed on

15. See Annual Report 2005, Urgent Appeals ISR 001/0605/OBS 039.4, 039.5, 039.6 and 039.7, and Conclusions of the Observatory Judicial Observation Mission sent on July 6, 2006.

appeal on May 10, 2006 by the Moscobiya Military Court. In accordance with this decision, Mr. Hmeidan should have been released on July 20, 2006.

On July 18, 2006 however, Mr. Ziyad Hmeidan received a letter informing him that his administrative detention was to be extended for a further four months. This order was confirmed by the Moscobiya Military Court on July 26, 2006.

On November 14, 2006, Mr. Hmeidan's administrative detention was extended for a sixth time, a decision upheld on appeal on the basis of "secret evidence" on November 20, 2006.

#### Infringements of the freedom of movement of *Al-Haq* members

On March 26, 2006, Mr. **Shawan Jabarin**, director general of *Al-Haq*, had his West Bank identity card confiscated by the local authorities of Beit El. This had serious consequences on his professional activities for several months. After repeated requests, his documents were returned in July 2006. Mr. Jabarin, who has been banned from leaving the West Bank since 2005 for no official reason, took the case to the Israeli High Court, which rejected his claim.

Similarly, on April 11, 2006, Mr. **Yusef Qawariq**, an *Al-Haq* volunteer, had his professional card seized at the Huwara checkpoint in Nablus, making his travels within the Occupied Territories all the more difficult. By the end of 2006, his card had still not been returned.

Furthermore, foreign volunteers working for *Al-Haq* were unable to obtain work permits from the Israeli authorities and were therefore compelled to leave the Occupied Palestinian Territories every three months in order to renew their tourist visas, thus running the risk of being denied entry into the Occupied Territories on each occasion.

Finally, on May 28, 2006, Ms. **Maureen Murphy**, an American national and an *Al-Haq* volunteer, was refused entrance at Ben Gourion airport, where she was in transit to the Occupied Territories. Ms. Murphy, who has been unable to return ever since, was subsequently forced to cease her activities with the organisation.

### Closure of *Ansar Al-Sajeen*<sup>16</sup>

On September 8, 2006, the offices of *Ansar Al-Sajeen* in Majd El-Kurum were assaulted and shut down by the police and the Shin Bet (Israeli general security services) on the basis of an administrative order issued by the Israeli Minister of Defence declaring the organisation illegal. During the raid, the police also seized the association's assets and material, including hundreds of files, computers and telephones.

*Ansar Al-Sajeen* referred the case to the Ministry of Defence and requested the cancellation of the administrative order dissolving the organisation. As of the end of 2006, the Ministry had not yet responded.

Other branches of the organisation were also shut down, namely in Tirah and the West Bank.

Shortly before its closure, *Ansar Al-Sajeen* had launched a campaign seeking to include the cases of 1,948 Palestinian prisoners, all Israeli citizens, in the negotiations relating to an exchange of prisoners.

On the day of the police raid, Mr. **Munir Mansour**, president of the organisation, was interrogated for an hour and a half at his home by police and Shin Bet officers who also searched his house and seized his mobile phone.

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## LEBANON

### Continued judicial harassment of Ms. Samira Trad<sup>17</sup>

On September 10, 2003, Ms. **Samira Trad**, head of the Frontiers Centre, an NGO that defends the rights of non-Palestinian refugees in Lebanon, was arrested and questioned by the General Security of the Beirut General Directorate. She was then questioned on the Frontiers Centre's statutes and a report that had been published by the organisation on Iraqi refugees seeking asylum outside Lebanon. Ms. Trad was released the following day, but was charged with "defamation against the authorities" (Article 386 of the Criminal Code) in connection with this report.

16. See Urgent Appeal ISR 002/0906/OBS 119.

17. See Annual Report 2005.

The case was initially heard on November 14, 2005, then adjourned until April 14, 2006. The hearing was further postponed on two separate occasions until November 20, 2006, when the Court stated that the proceedings did not fall under its territorial jurisdiction and thus declared it was not competent to hear the case. In late 2006, the case was remanded to the attention of the Prosecutor, who is required to decide, within a reasonable period, on whether to drop charges or bring it before another court.

### **Registration of PHRO and harassment of its members<sup>18</sup>**

In February 2006, the Palestinian Human Rights Organisation (PHRO) was ultimately granted legal recognition with the Lebanese authorities, following numerous requests for registration.

However, four different banking institutions denied the organisation the possibility of opening a bank account, making it impossible for PHRO to access or receive the funds necessary to carry out its activities.

Following numerous steps, the organisation was eventually able to open an account with one of the above banks. However, the access to the account is strictly limited as the bank, pleading financial “problems”, systematically requests all documents issued by the donors.

PHRO subsequently decided to file a complaint in relation to the numerous obstacles infringing its right to access and receive funds.

### **Charges dropped against Mr. Muhamad Mugraby<sup>19</sup>**

On April 15, 2006, the Military Supreme Court of Appeals ordered that the charges pending against Mr. **Muhamad Mugraby**, a lawyer at the Beirut Bar, be dropped. Mr. Mugraby was charged with “defamation of the army and its members” (Article 157 of the Military Criminal Code) in February 2005, in connection with statements he had made before the European Parliament in November 2003. The Court held that these statements constituted “general criticism [...] and [did not] show the intention of slandering” the army and its officers, and ruled that the Permanent Military Court, which had declared itself competent to try him on March 20, 2006, did not have the “jurisdiction to look into such cases”.

18. *Idem*.

19. See Annual Report 2005 and Urgent Appeal LBN 001/0005/OBS 0333.

However, four sets of legal proceedings initiated by Mr. Mugraby remained pending as of the end of 2006. Indeed, he lodged two separate appeals challenging the decisions of the disciplinary commissions of the Beirut Bar (dating back to 2002 and 2003) that resulted in the withdrawal of his right to exercise his profession. He also filed two legal actions with the Court of Appeal, respectively against 13 judges involved in his arrest in August 2003 and against the National Bar Association that filed the complaint that led to his arrest.

### **Harassment of SOLIDA and its members<sup>20</sup>**

On the night of October 4/5, 2006, the headquarters of the Support for Lebanese Citizens Arbitrarily Detained (*Soutien aux Libanais détenus arbitrairement* - SOLIDA) in Dora were broken into. Numerous work-related documents as well as an Internet modem were stolen.

This burglary occurred a few hours before SOLIDA was due to hold a press conference on the occasion of the launching of its report on the abuses perpetrated by military intelligence services during questionings in the detention centre of the Ministry of Defence<sup>21</sup>. The next day, soon after the departure of Internal Security Forces (*Forces de sécurité intérieure* - FSI), which had come to make a record of the robbery, three military officers came to the office and questioned SOLIDA members on these events.

On October 6, 2006, three local police officers came to enquire about the organisation's mandate. A few hours later, a SOLIDA leader was called by the general security forces on his mobile phone and questioned on the legality of SOLIDA's establishment in Lebanon and its potential "political enemies".

The FSI officer in charge of the case stressed that he could not guarantee SOLIDA members' safety as military intelligence services were "furious" about the public disclosure of these abuses.

In addition, several journalists cooperating for many years with the organisation were reportedly "dissuaded" from publishing articles

20. See Press Release, October 5, 2006.

21. This report, entitled *Le Centre de détention du ministère de la Défense : un obstacle majeur à la prévention de la torture*, describes the ongoing impunity enjoyed by perpetrators of acts of violence or torture, and draws an appalling assessment of the violations committed in the past 14 years in what SOLIDA has called "the underground prison".

relating to the burglary. Some of them further told SOLIDA members that they did not wish to comment on the reasons for their refusal.

On November 12, 2006, SOLIDA headquarters were once again visited by an individual who introduced himself as a member of the intelligence services of the Ministry of the Interior. He questioned them on the possible existence of backup files for the stolen documentation. When one of the staff members requested official identification, the man produced a badge issued by the Ministry of National Defence.

In addition, several times since August 2006 unidentified individuals have entered the home of Ms. **Marie Daunay**, SOLIDA director, in Beirut. On various occasions, Ms. Daunay found her front door unlocked, sometimes wide open, and objects moved in her house, without any apparent signs of break-in. In mid-August, the front door of her home was broken open from the inside, but no items had gone missing.

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## LYBIA

### **Administrative detention and legal proceedings against Mr. Fathi El-Jahmi<sup>22</sup>**

As of the end of 2006, Mr. **Fathi El-Jahmi**, an engineer actively involved in civil society activities, remained under house arrest in Benghazi, facing charges of “defaming the Head of State”, in retaliation for his stand in favour of democratic reforms. However, no specific court or date had yet been allocated for the examination of his case.

On April 4, 2004, unidentified members of a security group had abducted Mr. Fathi El-Jahmi from his home.

22. See Annual Report 2005.

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**MOROCCO****Continued harassment of members of Sahrawi organisations<sup>23</sup>**

Arbitrary arrests and harassment  
of several Sahrawi human rights defenders<sup>24</sup>

On March 19, 2006, at four o'clock in the morning, members of the Urban Security Groups (*Groupes urbains de sécurité* - GUS) raided the home of Mr. **Hammud Iguilid**, head of the Laayoun branch of the Moroccan Association for Human Rights (*Association marocaine de droits de l'Homme* - AMDH), and took him for questioning to one of their centres. A report denouncing human rights violations in Western Sahara, due to be published by Mr. Iguilid, was confiscated, and the latter was ill-treated during his arrest.

On March 23, 2006, Mr. **Larbi El-Moussamih**, a member of the Sahara branch of the Moroccan Forum for Truth and Justice (*Forum marocain vérité et justice* - FMVJ), an organisation still denied legal recognition, was arrested in Laayoun. He was detained and questioned for four hours by GUS members. No reason was given for his arrest.

On March 24, 2006, Ms. **Djimi El-Ghalia**, vice-president of the Saharawi Association of Victims of Gross Human Rights Violations Committed by the Moroccan State in Western Sahara (*Association sahraouie des victimes des violations graves des droits de l'Homme commises par l'Etat du Maroc au Sahara occidental* - ASVDH) and a member of the Committee of the Families of Disappeared or Former Disappeared (*Comité des proches de disparus et anciens disparus*), was arrested by the police along with her husband, Mr. **Dah Mustafa Dafa**. They were taken to the criminal investigation police department in Laayoun. At the time of their arrest, Ms. Djimi El-Ghalia and Mr. Dah Mustafa Dafa were visiting the mother of a Saharawi human rights activist, Mr. **Hmad Hammad**, in Laayoun.

They were both released without charge a few hours later.

23. *Idem*.

24. See Urgent Appeal MAR 001/0306/OBS 037.

### Royal pardon in favour of several FMVJ and AMDH members

On March 25, 2006, Mr. **Mohamed El Moutaouakil**, a member of the FMVJ national council, Mr. **Brahim Noumria**, a member of the AMDH branch in Laayoun, Mr. **Larbi Messaoud**, a member of the FMVJ Sahara branch, and Mr. **Lidri Lahoussine**, a founding member of AMDH and of the FMVJ Sahara branch, were released after being granted royal pardon.

They had all been arrested on July 20, 2005 during a new wave of arrests of Saharawi human rights defenders and sentenced on December 13, 2005 by the Laayoun Court of Appeal to ten months' imprisonment on charges of "participation in and incitement to violent protest".

### Release of Mr. Brahim Dahane

On April 22, 2006, Mr. **Brahim Dahane**, a former disappeared and ASVDH director, was granted royal pardon and subsequently released, following a request by the Royal Consultative Council for Saharawi Affairs (*Conseil consultatif royal sur les questions sahraouies*), recently established by the King. The trial of Mr. Brahim Dahane, which was due to resume on April 25, 2006, was therefore cancelled.

Mr. Brahim Dahane had been arrested on the night of October 30 to 31, 2005 by GUS members while taking part in an unprompted gathering in front of the family house of Mr. Hamdi Lembarki, who had been beaten to death by GUS members that night. At the time of his arrest, Mr. Dahane was providing information relating to the death of Mr. Lembarki to the Spanish news agency *EFE* over the phone.

On November 1, 2005, Mr. Dahane appeared before the General Prosecutor of the Laayoun Criminal Court, who ordered his transfer to the Black Prison. He was charged with "formation of a criminal group" and "membership to an unauthorised organisation".

### Arbitrary detention of and legal proceedings against Mr. Brahim Sabbar and Mr. Ahmed Sbai<sup>25</sup>

On June 17, 2006, Mr. **Brahim Sabbar**, a former disappeared and ASVDH secretary general, Mr. **Ahmed Sbai**, a member of the

25. See Annual Report 2005 and Urgent Appeals MAR 002/0606/OBS 079 and 079.1.

ASVDH coordination council and of the Committee for the Protection of Black Prison Detainees, and two other ASVDH supporters were forcibly dragged out of their vehicle, beaten and insulted by several GUS officers, at a roadblock at the entrance of Laayoun. They were returning from the town of Boujdour, where they had attended the opening of an ASVDH branch, an organisation to which Moroccan authorities still deny formal registration.

Messrs. Sabbar and Sbai were initially taken to the Hay Ahmatar police station, where they were held overnight and questioned by criminal investigation police before being transferred to the Laayoun Black Prison. On June 19, 2006, they were both indicted for “criminal conspiracy” (Articles 293 and 294 of the Criminal Code), “incitement to violence” (Article 304), “destruction of public property and obstruction of public thoroughfare” (Articles 587 and 591), “trespass to a State agent” (Article 267), “participation in armed groups” and “membership to an unauthorised association”.

Mr. Brahim Sabbar was convicted and sentenced on June 27, 2006 by the Laayoun Court of First Instance to a two-year prison term for allegedly “assaulting a police officer” during his arrest on June 17, 2006. His lawyers appealed against this decision, but no hearing had been scheduled as of the end of 2006.

On November 13, 2006, Messrs. Sabbar and Sbai appeared before the examining magistrate, who informed them that the investigation into the charges brought against them on June 19, 2006 was underway. By the end of 2006, they remained in detention at the Laayoun Black Prison.

Mr. Sabbar had previously been arrested on June 4, 2006 and detained in custody for several hours before being released without charge. The same day, the weekly newspaper *Albidaoui* had published an interview with Mr. Sabbar who called for the prosecution of those responsible for the acts of violence committed by the Moroccan State in Western Sahara, and urged the authorities to hold a referendum on the self-determination of the region.

A hearing was initially scheduled for January 9, 2007, but postponed until January 23, 2007 as the two defendants refused to appear before the Court in the absence of guarantees for their safety during their transfer.

## Continued harassment of the FMVJ Sahara branch and its members

*Continued harassment of Mr. Lahoussine Moutik*

As of the end of 2006, Mr. **Lahoussine Moutik**, chairman of the FMVJ Sahara branch, had still not received all of his severance pay and was still being denied a work certificate, in spite of several rulings in his favour by the Laayoun Courts of First Instance and Appeal. Mr. Moutik, who used to manage the Accountancy & IT department of a large company, was dismissed in February 2002 after he appeared before the *ad hoc* Commission for Western Sahara of the European Commission.

In addition, Mr. Moutik remained at constant risk of administrative sanctions, as the financial consultancy firm he created in 2002 had not yet been registered. In January 2003, the Laayoun Court of First Instance refused, on no apparent grounds, to issue a registration certificate to the trade registrar. The Agadir Administrative Court subsequently held that the case did not fall under its jurisdiction.

*Denial of legal recognition*

By the end of 2006, a decision delivered by the Laayoun Court of First Instance in June 2003 against the Sahara branch of FMVJ for “carrying out illegal and separatist activities in breach with its own statutes” had still not been legally transmitted to the office of the court registrar, although this procedure is required by law in order to appeal against a decision. The Court also banned all meetings of the section members and ordered the closure of its premises as well as the liquidation of its assets, which were to be transferred to the FMVJ executive office. As the Sahara branch had not been able to appeal this decision pending its transmission to the registrar, its headquarters and the equipment and documents within remained under seal.

In February 2006, the organisation took new steps to create a branch renamed FMVJ-Sahara, in Laayoun. By the end of 2006, however, the organisation’s members had not received the receipt of the request, which is normally acknowledged within ten days under Moroccan law.

### **Continued harassment of ANDCM<sup>26</sup>**

Legal proceedings against ten members of the National Association of Unemployed Graduates (*Association nationale des diplômés chômeurs* - ANDCM), an NGO still not legally recognised by the authorities, remained pending as of the end of 2006.

These ten members, including ANDCM president Mr. **Thami El Khyat**, had been arrested in October 2004 in Ksar El Kabir during a nationwide protest organised by the association. They appeared before the Tangier Court of Appeal on January 4, 2006.

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## **SAUDI ARABIA**

### **Refusal to register an independent human rights association<sup>27</sup>**

As of the end of 2006, a request for the registration of an independent human rights association, submitted in March 2004 by Messrs. **Al-Domainy, Al-Hamad, Al-Faleh, Al-Rahman Allahim** and nine other activists, had still not been acknowledged by the authorities.

In addition, these four activists - as well as Messrs. **Abdulrahman Alahem** and **Mohammed Saeed Tayab**, both lawyers, Mr. **Sheikh Sulaiman Al-Rashudi**, a former judge and judicial adviser, and Mr. **Najeeb Al-qasir**, a senior lecturer, remained banned from travelling abroad and addressing the national press. Their numerous requests to the authorities to lift this ban had not been responded by the end of 2006.

### **Infringements of freedom of movement and harassment of Ms. Wahija Al-Huwaidar<sup>28</sup>**

On September 20, 2006, Ms. **Wahija Al-Huwaidar**, a member of the non-governmental organisation Human Rights First Society in Saudi Arabia, was arrested at her home by police officers then taken to the Ministry of the Interior in Alkhubar (an eastern province), where she was interrogated about her human rights activities over the

26. See Annual Report 2005.

27. See Annual Report 2005 and Open Letter to the Saudi authorities, November 10, 2006.

28. See Open Letter to the Saudi authorities, November 10, 2006.

past four years. She was then allegedly forced to sign a document certifying her pledge to cease these activities. She was also threatened by the police and told that she would lose her job at Aramco, a Saudi State-owned company, if she did not honour this pledge.

In addition, Ms. Wahija Alhowaider was prevented from travelling to Bahrain, where she lives with her family, until September 28, 2006.

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## SYRIA

### **Continued harassment of CDF members<sup>29</sup>**

In 2006, Mr. **Aktham Naisse**, a lawyer and president of the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF), continued to be repeatedly harassed by the authorities. For example, in early August 2006, he was stopped by the Syrian secret services upon his arrival at Damascus Airport, as he was returning from a trip to Ireland where he had participated in an international conference on human rights defenders. His passport was confiscated for over two hours.

Furthermore, Mr. Naisse's home and office were under regular surveillance by unidentified individuals, and he was required to obtain prior approval of the authorities every time he wished to travel abroad.

Additionally, Mr. **Kamal Labwani**, a member of the CDF executive council, remained in detention in the Adra prison by the end of 2006. The next hearing in his trial, which was postponed on several occasions, had not yet been scheduled.

Mr. Labwani had been arrested on November 8, 2005 following a statement on the possible consequences that international sanctions against Syria would impose on the population. This statement had been broadcast by the American television channel *Al-Hura* in October 2005. Mr. Labwani was charged with "incitement to sectarianism" (Article 264 of the Criminal Code) and "conspiracy with a foreign State" (Article 287), which are punishable by death or life imprisonment.

29. See Annual Report 2005.

### **Arbitrary detention and release of Mr. Ammar Qurabi<sup>30</sup>**

On March 12, 2006, Mr. **Ammar Qurabi**, spokesperson for the Arab Organisation for Human Rights (AOHR), was arrested by the Syrian security forces at the Damascus International Airport. Mr. Qurabi was just returning from two conferences on human rights and democratic reforms in Syria, held in Paris (France) and Washington D.C. (United States). He was then taken to the “Palestine Section” of the military intelligence services, in Damascus, known for its harsh conditions.

Mr. Qurabi was released without charge on March 16, 2006.

### **Arbitrary detention, sentencing and release of Mr. Mohammed Ghanem<sup>31</sup>**

On March 31, 2006, Mr. **Mohammed Ghanem**, a novelist and journalist renowned for his articles denouncing human rights violations and cases of corruption in Syria on his Website *Souriyoun* (Syrians), was arrested at his home in Al-Rika by officers of the armed patrol of the Syrian Military Intelligence Department (SMID). He was immediately transferred to the “Palestine Section” of the Damascus military intelligence services.

On the same day, Mr. Ghanem was sentenced to six months’ imprisonment for “publishing false information on so-called human rights violations in Syria”, “weakening the Nation’s spirit by publishing false information on Syria’s internal situation” and “seeking to divide the Syrian homeland”.

He was released on October 1, 2006 after completing his sentence.

However, Mr. Ghanem has since then been subjected to heightened surveillance and was dismissed from his position as a schoolteacher. He filed a complaint against the Ministry of Education for “unfair dismissal”. The preliminary hearing, originally scheduled for December 18, 2006, was postponed to February 5, 2007.

30. See Urgent Appeals SYR 001/0306/OBS 028 and 028.1.

31. See Urgent Appeals SYR 002/0406/OBS 046 and 046.1.

## **Arbitrary detention and legal proceedings against several human rights defenders<sup>32</sup>**

Several Syrian and Lebanese intellectuals and human rights defenders were arrested and arbitrarily detained after initiating a petition calling for the normalization of Syrian-Lebanese relations. This petition, bearing about 500 signatures, was circulated on May 12, 2006. Among those arrested were Mr. **Michel Kilo**, head of the Organisation for the Defence of Freedom of Expression and of the Press, arrested on May 14, 2006; Mr. **Anwar Al-Bunni**, a lawyer and founding member of the Human Rights Association in Syria (HRAS) and president of the Committee for the Release of Political Prisoners, arrested on May 17, 2006; Mr. **Nidal Darwish**, a member of the Presidential Committee and of the CDF executive board, arrested on May 16, 2006; Messrs. **Mahmoud Mar'i** and **Safwan Tayfour**, human rights defenders, and Mr. **Ghaleb Amer**, a board member of the Arab Organisation for Human Rights (AOHR), arrested on May 16, 2006.

Messrs. Al-Bunni, Darwish, Kilo, Mar'i, Tayfour and Amer were charged with "weakening national feelings and stirring up racial or sectarian hatred" (Article 285 of the Criminal Code), an offence carrying a 15-year prison sentence. All were allegedly beaten while in detention in the Adra prison, which is normally reserved for convicted criminals.

On July 17, 2006, Messrs. Darwish, Mar'i, Tayfour and Amer were released on bail pending trial.

On October 19, 2006, the examining magistrate ordered Mr. Kilo to be released on bail. Although his lawyers immediately paid the required amount, this decision was not implemented as the prison alleged it had not been notified of the judge's order.

As public offices were closed on October 20 and 21, 2006, Mr. Kilo's lawyers were unable to enquire about his situation until the next day, on October 22, 2006. They were then told that a new indictment had been drawn up against Mr. Kilo on October 19, 2006, a few hours only after his release on bail had been decided, and that his file had gone "missing".

32. See Urgent Appeals SYR 003/0506/OBS 060, 060.1 and 060.2, FIDH/OMCT Press Release, May 18, 2006, and Press Release, July 28, 2006.

According to this new indictment, Mr. Kilo is now charged with “undermining national pride” (Article 285 of the Criminal Code), “disseminating false reports”, “undermining the State’s reputation” (Article 287 and 376) and “inciting religious and racial hatred” (Article 307). As of the end of 2006, Mr. Kilo was still detained in the Adra prison.

On November 20, 2006, Mr. Al-Bunni appeared before the Damascus Criminal Court. The preliminary hearing in his trial, originally scheduled for December 19, 2006, was postponed until January 21, 2007, due to the absence of government representatives.

### **Infringement of Mr. Radwan Ziadeh’s freedom of movement<sup>33</sup>**

On June 26, 2006, Mr. **Radwan Ziadeh**, director of the Damascus Centre for Human Rights Studies, was prevented from travelling to Amman (Jordan), where he was to participate in an international conference entitled “Human rights within the framework of criminal justice: current challenges and needed strategies in the Arab World” organised by the Amman Centre for Human Rights Studies (ACHRS) from June 27 to 29, 2006. Mr. Ziadeh was due to make a presentation on transitional justice in the Arab world. At the Syrian boarder with Jordan, Syrian security forces prevented him from leaving the country without giving any official reason.

On the same day, members of the Syrian political security came to Mr. Ziadeh’s home as he was already underway, and questioned his brother, in vain, about the reasons for his travel to Jordan.

### **Arbitrary detention and release of Mr. Ali Shahabi<sup>34</sup>**

On August 10, 2006, Mr. **Ali Shahabi**, a writer and professor known for his involvement in the promotion of democracy and human rights in Syria, was summoned to the Damascus security services. As Mr. Shahabi, who had been repeatedly called in for questioning over the past few months, was not coming back home, his wife went to the security services, who told her to come back a week later, without giving her further information as to her husband’s situation.

33. See Urgent Appeal SYR 004/0606/OBS 083.

34. See Urgent Appeals SYR 005/0806/OBS 099, 099.1, 099.2 and 099.3, and Press Release, January 11, 2007.

On October 16, 2006, Mr. Shahabi's relatives were eventually allowed to visit him at the Adra prison. They were then informed that they would be permitted to visit him weekly on Tuesdays.

However, on October 24, 2006, during their weekly visit, Mr. Shahabi's family was informed that he had been placed in solitary confinement, without any official reason being given.

His arrest would have been linked to his efforts, in 2005, to launch a movement called "Syria for all" and a website - that was later blocked by the authorities - where he posted several articles on democracy and fundamental freedoms.

Mr. Shahabi was also among the signatories to the Beirut-Damascus/Damascus-Beirut Declaration in May 2006<sup>35</sup>.

On January 9, 2007, Mr. Shahabi was granted presidential pardon and subsequently released.

### **Sentencing and detention of Mr. Nizar Rastanawi<sup>36</sup>**

On November 19, 2006, Mr. **Nizar Rastanawi**, a founding member of the AOHR Syrian branch, was sentenced to four years' imprisonment by the Supreme State Security Court (SSSC) for "disseminating false information" and "insulting the President of the Republic". Mr. Rastanawi had been arrested on April 18, 2005 and was held in solitary confinement until August 2005, when his wife was authorised to come and visit him once a month.

### **Arbitrary detention of Mr. Aref Dalilah and release of Mr. Habib Hissa<sup>37</sup>**

By the end of 2006, Mr. **Aref Dalilah**, an economics professor and human rights defender, remained in detention. Arrested in 2001, he was sentenced to ten years in prison and deprived of his civil and political rights by the Supreme State Security Court in August 2002 for "attempting to change the Constitution by illegal means". In addition to a severe health condition from which he has suffered since the beginning of his detention, Mr. Dalilah was diagnosed with hemiplegia

35. See above.

36. See Syrian Organisation for Human Rights (SOHR).

37. See Annual Report 2005.

of his left side. The authorities allegedly denied on several occasions his request to be given proper medical care by independent doctors.

Mr. **Habib Hissa**, a founding member of HRAS, who was sentenced to five years' imprisonment under the same charges, was released in early 2006 after serving his sentence.

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## TUNISIA

### Ongoing harassment of LTDH and its members<sup>38</sup>

#### Hindrances to the holding of the LTDH Annual Congress<sup>39</sup>

On September 5, 2005, a summary judgment handed down by the Tunis Court of First Instance ordered the executive committee of the Tunisian League for Human Rights (*Ligue tunisienne des droits de l'Homme* - LTDH) to “suspend the Congress scheduled for September 9, 10, and 11, 2005” as well as “all preparatory work aimed at facilitating its convening [...] until a final decision has been made on the merits of the case [...]”. This judgment resulted from the joint petition of 22 individuals claiming to be LTDH members, but who are known to be affiliated with the Democratic Constitutional Party (*Rassemblement constitutionnel démocratique* - RCD, ruling party). At the same time, the RCD had initiated a hearing on the merits of the case before the Civil Chamber of the Tunis Court of First Instance, in order to obtain an order cancelling the convening of the Congress. Twenty out of the 22 plaintiffs subsequently withdrew their claim.

LTDH nevertheless decided to disregard the summary verdict and to hold its Congress on May 27 and 28, 2006. On April 14, 2006, it was orally instructed by the police chief of the El Omrane district in Tunis not to hold the preparatory meeting, scheduled for the following day.

38. *Idem*.

39. See Joint Open Letter of the Observatory, the Euro-Mediterranean Human Rights Network (EMHRN), the International Commission of Jurists (ICJ) and Human Rights Watch (HRW) to the Tunisian authorities, February 3, 2006, and Press Releases, April 18, May 5 and 30 and December 6, 2006.

The same day, the 20 individuals who had withdrawn their September 2005 petition against LTDH informed the organisation that they would again bring charges on identical grounds.

As of the end of 2006, the proceedings filed against the LTDH executive committee remained pending. The next joint hearings in the trials were scheduled for January 13, 2007.

### Obstacles to freedom of assembly

On April 15, 2006, members of the Greater Tunis and Northern sections of LTDH who attempted to attend a preparatory meeting to the 6<sup>th</sup> LTDH Congress were violently dispersed by the police.

On May 27, 2006, the main towns of Tunisia where LTDH branches operate were blocked by a significant deployment of police forces to prevent the members of the sections from travelling to Tunis where the Congress was due to take place. Numerous roadblocks were also set up in the streets leading to the association's headquarters.

In addition, dozens of LTDH members, such as Ms. **Khedija Cherif** and Ms. **Héla Abdeljaoued**, who tried to reach the head office were seriously and repeatedly attacked, both verbally and physically. Other human rights defenders and representatives of international institutions, who had been invited by LTDH to attend the Congress, were also assaulted and denied access to the premises. Such was the case of Ms. **Hélène Flautre**, chair of the Human Rights Sub-Commission of the European Parliament, Mr. **Abdelhamid Amine**, president of the Moroccan Association for Human Rights (AMDH), and Mrs. **Samia Abbou**. Ms. **Souhayr Belhassen**, LTDH vice-president, was slapped and insulted by plain-clothes police officers who stopped her car as she was driving several international observers back to their hotel.

In addition, several pro-governmental local and national daily newspapers, such as *Le Temps*, *Echourouk* and *Assabah*, published press releases libelling and threatening LTDH leadership. These articles were issued by self-proclaimed presidents of surrogate branches of LTDH that are not recognised by the organisation.

Finally, police forces have strictly denied access to the LTDH head office in Tunis - except for its executive members - since April 24, 2006, by setting up roadblocks in the surrounding streets and posting guards in front of the LTDH main entrance.

On December 3, 2006, a police deployment surrounded the headquarters and blocked its access, where former leaders of the organisation who had formed an LTDH support committee had arranged to meet.

#### Harassment of several LTDH branches

None of the appeals lodged by LTDH challenging summary decisions and judgments on the merits rendered against several of its branches in 2005 were examined in 2006.

Indeed, following complaints filed by LTDH members and RCD supporters, in 2004 and February 2005, the congresses of several LTDH branches (during which the merger of the sections was to be announced) were banned following summary judgments, namely relating to the following branches: Korba and Kébili; Hammam-Lif Ez-zahra and Radhès; Sijoumi, Monfleury and El Ourdia; La Goulette - Le Kram and La Marsa; Tozeur and Nefta; Bardo, El Omrane, and El Menzah; Tunis médina and Tunis bab bhar. These rulings were upheld by hearing on the merits of each case on January 5 and 26, 2005; June 15, 22 and 29, 2005; and July 9, 2005 respectively.

#### *Proceedings to prevent the creation of a second LTDH section in Sfax*

Two congresses held by the Sfax branch aimed at creating a second LTDH section were banned in January 2003, following a complaint lodged by four RCD members. This decision was confirmed by the Tunis Tribunal of First Instance in 2003 and by the Tunis Court of Appeal in June 2004.

At the end of 2006, the case remained pending before the Supreme Court of Appeals.

#### *Legal action to cancel the minutes of the Gabès section congress*

In December 2002, following the congress of the LTDH section in Gabès, a participant filed a complaint to cancel the minutes of the congress. This cancellation was upheld by the Gabès Court of First Instance in May 2003.

As of the end of 2006, LTDH was unable to appeal this decision as it had still not been officially notified of the verdict.

### *Harassment of the Monastir branch*

As of the end of 2006, appeals lodged by LTDH against the owner of the premises of its Monastir branch remained pending. In 2002, the owner had obtained cancellation of the tenancy contract that had just been signed with the LTDH section, arguing that she was not in full possession of her faculties at the time of signing.

Additionally, LTDH was never refunded for the rents it had paid at the time of the contract and was unable to contact the owner of the property.

### Continued hindrances to access LTDH funds

By the end of 2006, the second instalment of the funding granted to the LTDH by the European Union (EU) in August 2003 for modernisation, restructuring, and the development of a programme on the administration of justice under the European Initiative for Democracy and Human Rights (EIDHR), remained frozen by Tunisian authorities under Law No. 154 (1959) and a Decree of May 8, 1922 on charities “recognised of national interest”, although LTDH does not fall under this legislation.

In addition, in early November 2006, the Tunisian government returned to the United States a 15,000 dollars (12,719 euros) subsidy that was granted to the LTDH by the Fund for Global Human Rights to develop its website and which had been frozen since December 2004.

Without this funding, LTDH faces serious financial difficulties, which restricts its activities. It was notably problematic for the association’s headquarters and local sections to pay rents, and some offices had to be closed down.

### Harassment of LTDH members

#### *Infringement of Ms. Souhayr Belhassen’s freedom of movement<sup>40</sup>*

On January 26, 2006, Ms. Souhayr Belhassen had her passport stolen in Madrid (Spain), where she had been invited by the Pablo Iglesias Foundation to report on the human rights situation in North Africa. On January 28, 2006, upon her return to Tunisia, Ms. Belhassen applied for a renewal of her passport with the relevant departments.

40. See Urgent Appeal TUN 001/0406/OBS 052.

However, the authorities, advancing various administrative reasons, delayed the issuance of the document, thus preventing Ms. Belhassen from leaving the country, and from participating in international seminars and conferences on the situation of human rights defenders in Tunisia.

Following intense national and international lobbying, Ms. Belhassen's passport was renewed on April 27, 2006.

More generally, Ms. Belhassen remained under the constant surveillance of plain-clothes police officers during 2006, even when visiting her relatives.

*Arbitrary arrest and infringement of the freedom of movement of Mr. Ali Ben Salem* <sup>41</sup>

Mr. **Ali Ben Salem**, head of the LTDH branch in Bizerte and vice-president of the Tunisian Association Against Torture (*Association de lutte contre la torture en Tunisie - ALTT*), has been under house arrest without a warrant since November 9-10, 2005. Furthermore, his home, which also houses the offices of the LTDH section in Bizerte, was under a constant, significant police surveillance during 2006.

In addition, Mr. Ali Ben Salem was arrested at his home on June 3, 2006. A few hours later, he was charged with "disseminating false information likely to cause a breach of the peace and public order", and subsequently released on bail. However, a travel ban was issued against him.

On June 1, 2006, Mr. Ben Salem had signed and published a press release denouncing the ill-treatment and acts of torture inflicted to the prisoners of the Borj Erroumi prison.

On June 3, 2006, Mr. **Lotfi Hajji**, president of the founding committee of the Tunisian Journalists' Union (*Syndicat des journalistes tunisiens - SJT*) and a correspondent for *Al-Jazeera*, was arrested in Tunis and taken to Bizerte for interrogation, after circulating Mr. Ben Salem's statements. He was released a few hours later. In late 2006, an investigation into the above facts was reportedly underway.

On July 4, 2006 and the following days, only Mr. Lotfi Hajji's closest relatives were granted access to his home, which was placed under heightened surveillance following a meeting convened on the same day by the LTDH Bizerte branch. At the meeting, LTDH members

41. See Press Release, March 24, 2006 and Urgent Appeals TUN 003/0606/OBS 071 and 071.1.

had addressed the issues of the numerous infringements to their freedom of movement, the recurrent ban on their congresses, as well as the various judicial proceedings initiated against them.

*Harassment and legal proceedings against Messrs. Hamda Mezguich, Mokhtar Trifi and Slaheddine Jourchi*

A complaint lodged in December 2002 against Mr. **Hamda Mezguich**, a member of the LTDH Bizerte branch, by an LTDH member of the Jendouba branch, also a RCD supporter, on the false grounds of “violent acts” during the Jendouba congress (September 2002), had still not been examined as of the end of 2006.

Mr. Mezguich was further arrested on June 3, 2006, and released without charge after several hours in custody.

Judicial proceedings against Mr. **Mokhtar Trifi** and Mr. **Slaheddine Jourchi**, both lawyers, LTDH president and vice-president respectively, also remained pending in late 2006. They were both charged with “disseminating erroneous reports” and “failing to comply with a court decision” in March 2001 and December 2000.

**Arbitrary detention of Mr. Mohamed Abbou and harassment of his relatives<sup>42</sup>**

Mr. **Mohamed Abbou**, a lawyer and a member of the National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT) and of the International Association for the Support of Political Prisoners (*Association internationale pour le soutien des prisonniers politiques* - AISSP), has been detained at the Kef prison since March 1, 2005 for publishing an article on the Internet, denouncing the conditions of detention in Tunisia.

On March 11, 2006, Mr. Abbou went on hunger strike to protest against the conditions of his detention. He ended this hunger strike on April 15, 2006 due to a serious deterioration in his health.

On March 19, 2006, he was subjected to ill-treatment after he refused to share a cell with several convicted criminals.

42. See Annual Report 2005 and Press Releases, March 24 and 30, 2006, Joint Press Release FIDH/OMCT/Action of Christians Against Torture – France (*Action des chrétiens contre la torture - France* – ACAT-France) and Reporters Without Borders (*Reporters sans Frontières* - RSF), October 27, 2006, and Joint Press Release of the Observatory and ACAT, December 12, 2006.

In addition, Mr. Abbou's relatives were subjected to constant reprisals by the authorities. For example, on March 20, 2006, his wife, Mrs. Samia Abbou, on returning from Geneva (Switzerland), was searched upon arrival at the airport and a photograph of her husband was confiscated.

On March 23, 2006, Mrs. Abbou, her children and her mother-in-law were denied permission to visit Mr. Abbou, although the Kef prison is situated over 150 km distance from their home.

On August 16, 2006, Mr. **Slim Boukhdir**, a journalist for the daily *Al-Chourouk* and a correspondent in Tunis for the website of the *Al-Arabiya* television channels<sup>43</sup>, and Mr. **Taoufik Al-Ayachi**, a journalist for the Italy-based *Al-Hiwar* television channel, were severely beaten as they were about to visit Mrs. Samia Abbou to conduct an interview. Her house was surrounded by a large police deployment since she began a hunger strike on August 13, 2006, demanding her husband's release.

On October 24, 2006, Mrs. Abbou's house was also surrounded by police forces on the occasion of Eid. She had invited several prisoners' wives to her home to facilitate a one-day hunger strike to protest against their husbands' conditions of detention. Her guests were forcibly taken into custody by the police as they left her home in the evening. Some of them had to be hospitalised following their questioning.

On October 26, 2006, Mrs. Abbou was stopped by police officers guarding her home, in the company of her children and her lawyer Ms. **Radhia Nasraoui**, head of the Tunisian Association Against Torture (*Association de lutte contre la torture en Tunisie - ALTT*).

As Ms. Nasraoui was discussing with the police officers the denial of her access to the Abbous' home, two armed individuals on motor-cycles, possibly members of the special Black Tigers unit (*Tigres noirs*), rushed towards Mrs. Abbou in a very threatening way. Mrs. Abbou, seriously traumatised, found refuge at a friends' home.

Since these events, the street on which Mrs. Abbou lives remains closed to traffic, and residents of the neighbourhood may only access

43. Mr. Slim Boukhdir is regularly subjected to harassment since he published on the Internet article critical of the Tunisian regime.

their homes upon producing their identification. The president and members of the Tunis Bar Association, as well as Mrs. Abbou's relatives were repeatedly prevented from visiting her.

On December 7, 2006, Mrs. Samia Abbou, Mr. **Moncef Marzouki**, former LTDH president, CNLT spokesperson, and leader of the Congress for the Republic (*Congrès pour la République* - CPR, an unauthorised political party), Mr. **Samir Ben Amor**, a lawyer, and Mr. Slim Boukhdhir were physically assaulted as they were attempting to visit Mr. Abbou in the Kef prison. Police officers present at the time allegedly filmed the whole scene without intervening. Extremely shaken by these events, the activists left the prison without having the opportunity to see Mr. Abbou.

### **Violent repression of a demonstration organised by the Bar Association Council and new restrictive law on the creation of a Training Institute for Lawyers<sup>44</sup>**

On May 9, 2006, the Bar Association Council organised a sit-in in protest of the introduction of a bill, announced the day before, providing for the creation of a Training Institute for Lawyers, which had been drafted by the Ministry of Justice without prior consultation with magistrates or civil society. The bill was initially to be drafted by a mixed commission composed of the Bar Association and the Ministry of Justice, in the framework of a programme funded by the European Union in view of modernising the judiciary. In its initial version, the text had granted the Bar a significant role in the management and the elaboration of the Institute's programmes.

During the sit-in, representatives of the Bar Association Council who were moving towards the Courthouse and the Parliament were subjected to violent verbal and physical abuse by a large number of police officers who had been deployed to prevent the sit-in.

The Bill was eventually adopted on May 9, 2006 by the National Assembly and by the Senate on May 11, 2006. The Institute is due to be established in 2007.

On the day the bill was adopted, Mr. **Ayachi Hammami**, secretary general of the LTDH Tunis section, Mr. **Abderraouf Ayadi**, former member of the Bar Association and former CNLT secretary general,

44. See Urgent Appeal TUN 002/0506/OBS 059 and Press Release, May 24, 2006.

and Mr. **Abderrazak Kilani**, a member of the Bar Association and of the Tunisian Centre for the Independence of the Judiciary (*Centre tunisien pour l'indépendance de la justice - CTIJ*), were assaulted by elements of the political police in front of the Bar offices in Tunis.

Mr. Ayadi and Mr. Kilani were injured and their clothes were torn apart, while Mr. Hammami was beaten unconscious. First aid services were only allowed into the area an hour later as police forces had blocked the access to the street. Mr. Hammami and Mr. Kilani were rushed to hospital, which they were able to leave later that day.

On May 23, 2006, while the sit-in was still ongoing in front of the Courthouse, about twenty lawyers were thrown to the ground, kicked, hit with truncheons and insulted. Among them were Ms. **Saïda Garrach**, Mr. **Abderrazak Kilani**, Mr. **Ayachi Hammami**, Mr. **Samir Dilou**, an AISPP board member, and Mr. **Khaled Krichi**, an AISPP founding member and former secretary general of the Trainee Lawyers' Association (*Association des jeunes avocats*).

On that same day, the office of the president of the Bar Association was burgled, giving rise to a dispute between the police and the Association's members, who had tried in vain to prevent the assailants from ransacking the office and stealing confidential documents.

### **Continued harassment of CNLT and its members<sup>45</sup>**

On July 21, 2006, several members of the National Council for Liberties in Tunisia (CNLT) were denied access to its headquarters where an internal meeting was due to be held, by a large number of police officers in plain-clothes surrounding the neighbourhood.

The police also verbally and physically assaulted the CNLT members who approached the building. For instance, Ms. **Naziha Rjiba** (*alias Om Zied*), a CNLT founding member, communication manager of the CNLT liaison committee, and editor of the on-line newspaper *Kalima*, was hit and insulted. She was then forced into a taxi by police officers who told the driver to take her anywhere he liked, adding that she was a prostitute and that he "could do whatever he pleased with her". When Ms. Rjiba was able to return to her home, it was surrounded by plain-clothes police officers, who watched her for several hours.

45. See Annual Report 2005, Urgent Appeal TUN 004/0706/OBS 088 and Press Release, November 8, 2006.

Furthermore, police surveillance of the CNLT offices in Tunis, which has been ongoing all year, was heightened during the last three months of 2006. From October 31 to November 2, 2006, the entrance to the building was blocked by over sixty police officers deployed in the neighbourhood. On this occasion, several victims and families of prisoners were denied access to the premises, while others were harassed when leaving the headquarters. Similarly, Mr. **Sami Nasr**, a CNLT researcher, was denied access to his own office on several occasions.

Postal mail addressed to CNLT and its members continued to be intercepted in 2006. On September 10, 2006 for instance, a letter addressed to Mr. **Lotfi Hidouri**, a CNLT executive member, was intercepted by an individual usurping his identity, who asked the porter to stop delivering his mail. Likewise, on November 2, 2006, an individual pretending to be Ms. **Sihem Bensedrine**, CNLT spokesperson and editor of *Kalima*, came to collect her mail instead of her and brought the envelope back to the porter, asking him not to deliver her any mail sent from diplomatic embassies.

The Internet connexion of CNLT has been cut off since October 2005 although the organisation has continued to pay its Internet access provider.

Finally, CNLT has still not been legally recognised since December 2004.

### **Infringement of Ms. Wassila Kaabi's freedom of movement<sup>46</sup>**

On September 27, 2006, Ms. **Wassila Kaabi**, a judge and a member of the executive board of the Association of Tunisian Magistrates (*Association des magistrats tunisiens - AMT*), was prevented from leaving the country at the Tunis-Carthage airport as she was on her way to Budapest (Hungary) to attend the Congress of the International Union of Magistrates, where she was due to speak as a member of AMT.

The police claimed that Ms. Kaabi failed to produce the mandatory authorisation for magistrates to leave the territory. However,

46. See Annual Report 2005 and Urgent Appeal TUN 005/1006/OBS 117.

Ms. Kaabi was on vacation at the time and thus required no such authorisation by law. She had duly notified the Minister of Justice of her leave through registered mail with acknowledgement of receipt, on September 19, 2006.

### **Infringement of the freedom of movement and ill-treatment of several human rights defenders<sup>47</sup>**

On December 3, 2006, Mr. **Néjib Hosni**, a human rights lawyer and a CNLT founding member, Mr. Abderraouf Ayadi, Mr. **Abdelwahab Maatar**, a lawyer and a CPR member, Mr. **Tahar Laabidi**, a journalist, and Mr. Ali Ben Salem went to Sousse to visit Mr. Moncef Marzouki. Mr. Marzouki was indicted for “inciting civil unrest” following his appeal to Tunisians to peacefully protest against the limitation of their fundamental rights, in an interview broadcast by the television channel *Al-Jazeera* on October 14, 2006. He faces up to three years’ imprisonment.

After passing many police roadblocks, at which they were subjected to long identity checks, the activists were denied access to Mr. Marzouki’s home by a large number of police and intelligence officers deployed in front of his residence. On this occasion, they were insulted, threatened and jostled. Later that afternoon, Mr. Marzouki was further prevented from leaving his house to return to Tunis along with his colleagues.

### **Harassment of Amnesty International members<sup>48</sup>**

On May 21, 2006, Mr. **Yves Steiner**, a member of the executive committee of the Swiss section of Amnesty International (AI), was called in for questioning by the police while attending the general assembly of the Tunisian AI section, in Sidi Bou Saïd, a northern suburb of Tunis. He was later expelled from the country. The day before, Mr. Steiner had delivered a speech denouncing increasing human rights violations in Tunisia, in particular breaches of the right to the freedoms of expression and association.

The next day, Mr. **Hichem Ben Osman**, a member of the executive committee of the Tunisian AI section, was questioned by the

47. See Press Release, December 6, 2006.

48. See Press Release, May 24, 2006.

police at his workplace in Sousse, and was then taken to the Ministry of the Interior in Tunis where he was interrogated about the general assembly and the debates that had taken place then. He was released later that evening.

### **Infringement of Messrs. Kamel Jendoubi and Khémiais Chamhari's freedom of movement<sup>49</sup>**

Since March 2000, Tunisian authorities have refused to deliver a passport to Mr. **Kamel Jendoubi**, founder of the Euro-Mediterranean Human Rights Network (EMHRN), former president of the Two Banks Tunisians Citizens Federation (*Fédération des citoyens tunisiens des deux rives*) and founder of the Committee for the Respect of Freedoms and Human Rights in Tunisia (*Comité pour le respect des libertés et des droits de l'Homme en Tunisie - CRLDHT*), who currently resides in France.

This restriction notably prevented Mr. Jendoubi from attending his father's funeral in 2004. Repeatedly targeted by smear campaigns in Tunisia, he would also be facing charges of "disseminating false information" and "slandering the public and judicial authorities", which the authorities have repeatedly invoked in order to deny him a passport.

Mr. **Khémiais Chamhari**, former LTDH leader and co-founder of the Arab Institute for Human Rights, was held at the Tunis-Carthage Airport for over an hour by police and customs officers on October 10, 2006. Mr. Chamhari was returning, via Paris, from a trip to Europe to which he had been invited by several organisations for professional reasons.

The officers first confiscated his passport and then proceeded to a full luggage and body search next to the arrivals hall. Customs officers seized a book on the repression of civil society in Tunisia. After 80 minutes, Mr. Chamhari was finally authorised to leave the airport.

49. See Closed Letter to the Tunisian authorities, October 24, 2006 and Observatory/EMHRN Press Release close, November 15, 2006.

### Freezing of the funds of the Tunisian Association of Women Democrats<sup>50</sup>

In December 2006, the Bank of Tunisia, which holds the account of the Tunisian Association of Women Democrats (*Association tunisienne des femmes démocrates* - ATFD), froze the assets of the association and requested a certificate from the Ministry of the Interior to officially allow the association to draw down the remainder of the funds granted by the German foundation Friedrich-Naumann in May 2006 under the “Mussawat” project for gender equality in North Africa. However, under Tunisian law, it is only required that the Ministry be informed of funds received by the association, which ATFD had complied with through a letter to the Ministry in September 2006. Nevertheless, the latter had still not lifted the order freezing the asset by the end of 2006.

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## YEMEN

### Incommunicado detention and release of Mr. Ali Al-Dailami<sup>51</sup>

On October 9, 2006, Mr. Ali Al-Dailami, executive director of the Yemeni Organisation for the Defence of Human Rights and Democratic Freedoms, was arrested at Sana’a Airport by security forces and placed in detention. Mr. Ali Al-Dailami was travelling to Copenhagen (Denmark) in order to participate in a conference organised by the Danish Institute for Human Rights in cooperation with Yemeni NGOs.

Mr. Ali Al-Dailami was reportedly ill-treated while in detention. He was released without charge on November 5, 2006.

Although no official reason was given for his arrest, he was allegedly told that it was a “lesson” in retaliation for his human rights activities. Security forces also attempted, in vain, to admit that he had links with *Al-Qaeda*.

50. See *Kalima* and CRLDHT.

51. See Urgent Appeals YEM 001/1006/OBS 130 and 130.1.



## STATISTICS

# TYPLOGY AND STATISTICS OF THE REPRESSION AGAINST HUMAN RIGHTS DEFENDERS\*

STATES	Assassinations / Assassination attempts	Enforced disappearances	Ill-treatment, torture	Physical attacks / Assaults	Death threats	Arrests without detention	Arbitrary detentions**		Judicial proceedings	Sentencing		Harassment	Searches, break-ins, illegal seizure (office or home)	Defamation	Obstacles to freedom of movement	Reprisals at work (abusive layoff, forced dismissal...)	Releases		End of judicial proceedings	Number of defenders	
							Prison	House arrest		Prison	Fine						Temporary	Definitive			
<b>AFRICA</b>																					
Angola	.	.	.	.	.	.	2	.	2	.	.	.	1	.	.	1	1	1	.	.	2
Botswana	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	.	1
Burundi	.	1	2	1	2	.	6	.	4	1	.	3	1	.	.	1	3	1	.	10	
Cameroon	.	2	1	1	.	2	7	.	7	1	.	5	.	.	2	5	3	3	.	18	
Centr. African Rep.	.	.	.	.	2	.	.	.	.	.	.	5	.	.	.	.	.	.	.	.	7
Chad	.	1	.	.	2	.	3	.	1	.	1	1	.	3	.	.	3	.	.	6	
Congo-Brazzaville	.	.	.	.	.	.	.	.	2	2	2	2	.	.	2	.	.	.	.	2	
Côte d'Ivoire	.	1	.	.	1	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Djibouti	.	.	.	.	.	4	4	.	4	.	.	3	2	1	2	1	4	.	.	6	
Dem. Rep. of Congo	1	.	4	4	11	5	6	.	8	.	.	15	4	9	.	4	2	.	.	38	
Eritrea	.	.	.	.	.	.	3	.	.	.	.	.	.	.	.	.	.	.	.	.	3
Ethiopia	.	1	.	.	.	1	10	.	10	.	.	1	.	.	.	1	3	2	.	15	
Gambia	.	.	.	.	.	.	2	.	.	.	.	1	.	.	.	.	.	2	.	3	
Guinea	.	.	.	.	3	.	.	.	.	.	.	1	.	.	.	.	.	.	.	3	
Liberia	.	.	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	.	.	1	
Mauritania	.	.	.	.	.	.	.	.	3	.	.	.	.	.	.	.	.	.	.	3	
Niger	.	.	.	.	.	1	.	.	.	.	.	.	.	.	1	.	1	2	.	3	
Nigeria	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	1	
Senegal	.	.	1	3	.	.	.	.	.	.	4	.	.	.	.	.	.	.	.	4	
Somalia	.	.	.	.	.	.	1	.	.	.	.	.	.	.	.	.	1	.	.	1	
South Africa	.	.	.	.	.	4	.	.	4	.	.	.	.	.	.	.	.	.	.	4	
Sudan	1	1	.	.	.	10	5	.	5	.	8	1	.	.	.	2	4	.	24		
Tanzania	.	.	.	.	.	.	.	.	2	.	.	.	.	.	.	.	.	.	.	2	
Zimbabwe	.	2	2	1	1	11	15	.	33	.	5	6	.	.	.	.	2	18	36		
<b>Sub total</b>	<b>2</b>	<b>3</b>	<b>9</b>	<b>9</b>	<b>25</b>	<b>38</b>	<b>64</b>	<b>0</b>	<b>85</b>	<b>4</b>	<b>2</b>	<b>54</b>	<b>18</b>	<b>15</b>	<b>5</b>	<b>7</b>	<b>23</b>	<b>23</b>	<b>28</b>	<b>194</b>	



# TYPOLGY AND STATISTICS OF THE REPRESSION AGAINST HUMAN RIGHTS DEFENDERS\*

STATES	Assassinations / Assassination attempts	Enforced disappearances	Ill-treatment, torture	Physical attacks / Assaults	Death threats	Arrests without detention	Arbitrary detentions**		Judicial proceedings	Sentencing		Harassment	Searches, break-ins, illegal seizure (office or home)	Defamation	Obstacles to freedom of movement	Reprisals at work (abusive layoff, forced dismissal...)	Releases		End of judicial proceedings	Number of defenders	
							Prison	House arrest		Prison	Fine						Temporary	Definitive			
<b>ASIA</b>																					
Afghanistan	2	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2
Bangladesh	.	.	1	4	.	10	.	.	1	.	.	2	.	.	.	.	.	.	.	.	14
Burma	.	.	.	.	.	.	2	1	2	2	.	.	2	.	.	.	.	.	.	.	4
Cambodia	.	.	2	8	1	11	13	1	13	5	5	11	2	.	.	6	3	5	1	46	
China	1	3	11	4	.	7	48	10	17	7	.	24	7	.	8	1	3	9	4	74	
Fiji	.	.	.	.	2	.	.	.	.	.	.	1	.	.	.	.	.	.	.	.	2
India	.	.	3	.	.	4	5	.	4	.	2	2	1	.	1	.	2	4	2	14	
Indonesia	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2	2
Iran	1	.	.	.	.	2	35	.	21	6	6	6	.	.	.	5	4	31	1	44	
Malaysia	.	.	.	.	1	.	23	.	24	.	.	.	.	.	1	.	.	23	.	25	
Maldives	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	.
Nepal	1	.	11	35	1	30	30	.	.	.	2	2	.	.	.	.	.	30	.	103	
Pakistan	2	.	.	5	.	.	.	.	.	.	1	1	.	.	.	.	.	.	.	5	
Philippines	23	.	1	.	.	1	12	.	2	.	1	1	1	.	.	.	4	4	.	37	
South Korea	1	.	1	1	.	.	3	.	4	.	2	.	.	.	.	.	4	1	.	10	
Thailand	3	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	4	
Vietnam	.	.	1	2	2	3	8	6	.	.	18	6	.	.	.	.	.	3	1	32	
<b>Sub total</b>	<b>34</b>	<b>3</b>	<b>31</b>	<b>59</b>	<b>7</b>	<b>68</b>	<b>179</b>	<b>18</b>	<b>88</b>	<b>20</b>	<b>5</b>	<b>70</b>	<b>21</b>	<b>0</b>	<b>15</b>	<b>12</b>	<b>20</b>	<b>112</b>	<b>12</b>	<b>419</b>	
<b>EUROPE</b>																					
Armenia	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	.	1
Azerbaijan	.	.	.	1	.	2	.	.	.	.	2	.	.	5	1	.	.	.	.	6	
Belarus	.	.	1	1	.	7	5	.	14	11	3	2	3	.	2	.	1	9	2	15	
Belgium	.	.	.	2	.	.	2	.	1	.	.	.	.	.	.	.	.	.	2	1	2
Georgia	.	.	.	.	.	6	5	.	6	4	.	3	1	.	.	.	1	6	.	11	
Greece	.	.	.	.	.	.	.	.	1	.	.	.	.	2	.	.	.	.	.	0	2





## ANNEX 1

### PARTNER ORGANISATIONS AND CONTRIBUTORS

#### International NGOs

- . Action Against Hunger
- . Agir ensemble pour les droits de l'Homme
- . Amnesty International
- . Article 19
- . Carnegie Endowment for International Peace
- . Civil Society Institute
- . Committee to Protect Journalists (CPJ)
- . Doctors Without Borders (MSF)
- . Education International (EI)
- . Global Rights
- . Human Rights First
- . Human Rights House
- . Human Rights On-line Research Centre (HRO)
- . Human Rights Watch (HRW)
- . Integrated Regional Information Networks (IRIN)
- . International Centre for Trade Union Rights (ICTUR)
- . International Commission of Jurists (ICJ)
- . International Committee of the Red Cross
- . International Crisis Group
- . International Federation for Action by Christians for the Abolition of Torture (FIACAT)
- . International Foundation for the Protection of Human Rights Defenders (Front Line)
- . International Freedom of Expression eXchange (IFEX)
- . International Gay and Lesbian Human Rights Commission (IGLHRC)
- . International Helsinki Federation for Human Rights (IHF)
- . International Lesbian and Gay Association (ILGA)
- . International Service for Human Rights (ISHR)
- . International Trade Union Confederation (formerly International Confederation of Free Trade Unions - ICFTU and World Confederation of Labour - WCL)
- . Martin Ennals Foundation
- . Norwegian Refugee Council (NRC)
- . Peace Brigades International (PBI)
- . Reporters Without Borders (RSF)

## Regional NGOs

### Africa

- . East and Horn of Africa Human Rights Defenders Project (EHAHRDP)

### Americas

- . CATTRACHAS
- . Central Latinoamericana de Trabajadores (CLAT)
- . Centro por la Justicia y el Derecho Internacional (CEJIL)
- . Comisión Latinoamericana por los Derechos Humanos y Libertades de los Trabajadores y Pueblos (CLADEHLT)
- . Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)
- . Comitê Latino-americano e do Caribe para a Defesa dos Direitos da Mulher (CLADEM)
- . Comunidad Gay Sampedrana
- . Enlace Mapuche Internacional
- . Foro nacional de VIH/SIDA
- . Grupo Arcoiris
- . Grupo KUKULCAN
- . Fundação Interamericana de Defesa dos Direitos Humanos (FIDDH)
- . Observatorio Control Interamericano de los Derechos de los y las Migrantes (OCIM)
- . One World América Latina
- . Organización Regional Interamericana de Trabajadores (ORIT)
- . Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)

### Asia

- . Asian Federation Against Involuntary Disappearances (AFAD)
- . Asian Forum for Human Rights and Development (Forum Asia)
- . Human Rights in Central Asia
- . South Asian Human Rights Documentation Centre (SAHRDC)

### Europe

- . Caucasian Institute for Peace, Democracy and Development (CIPDD)
- . Osservatorio Informativo Indipendente sulla Regione Andina e il Latinoamerica (SELVAS), Italy

### North Africa / Middle East

- . Euromed Platform
- . Euro-Mediterranean Human Rights Network (EMHRN)

## National NGOs

### Algeria

- . Association des familles de disparus en Algérie
- . Collectif des familles de disparus en Algérie (CFDA)
- . Coordination nationale des familles de disparus (CNFD)
- . Ligue algérienne de défense des droits de l'Homme (LADDH)

. SOS Disparu(e)s

**Argentina**

- . Centro de Estudios Legales y Sociales (CELS)
- . Comité de Acción Jurídica (CAJ)
- . Hijas e Hijos por la Identidad y la Justicia contra el Olvido y el Silencio (HIJOS)
- . Liga Argentina por los Derechos del Hombre (LADH)
- . Servicio de Paz y Justicia (SERPAJ)

**Azerbaijan**

- . Azerbaijani Committee of the Helsinki Citizen's Assembly
- . Centre for the Protection of Conscience and Religious Freedom (DEVAMM)
- . Human Rights Centre of Azerbaijan (HRCA)

**Bahrain**

- . Bahrain Centre for Human Rights (BCHR)
- . Bahrain Human Rights Society (BHRS)

**Bangladesh**

- . Bangladesh Rehabilitation Centre for the Victims of Torture (BRCT)
- . Human Rights Congress for Bangladesh Minorities (HRCBM)
- . ODIKHAR
- . PRIP Trust

**Belarus**

- . Helsinki Committee for Human Rights
- . "VIASNA" Human Rights Centre

**Benin**

- . Ligue pour la défense des droits de l'Homme (LDDH)

**Bhutan**

- . Peoples' Forum for Human Rights and Democracy (PFHRD),  
based in Katmandu, Nepal

**Bolivia**

- . Asamblea Permanente de Derechos Humanos de Bolivia (APDHB)
- . Asociación de Familiares de Detenidos Desaparecidos y Mártires por la Liberación Nacional (ASOFAMD)
- . Centro de Estudios Jurídicos e Investigación Social (CEJIS)

**Brazil**

- . ACAT - Brazil
- . Centro de Defesa da Criança e do Adolescente Yves de Roussan (CEDECA/BA)
- . Centro de Justiça Global (JG)
- . Conectas Direitos Humanos
- . Consejo Indigenista Misionero (CIMI)
- . Federación de los Trabajadores de la Agricultura (FETAGRI)
- . Movimento dos Trabalhadores Rurais Sem Terra (MST)
- . Movimento Nacional dos Direitos Humanos (MNDH)
- . Terra de Direitos

## ANNEXES

### **Burkina Faso**

- . Mouvement burkinabè des droits de l'Homme et des peuples (MBDHP)

### **Burma**

- . Burma Lawyers' Council

### **Burundi**

- . ACAT-Burundi
- . Association des femmes juristes du Burundi (AFJB)
- . Centre indépendant de recherches et d'initiatives pour le dialogue (CIRID)
- . Ligue burundaise des droits de l'Homme (ITEKA)
- . Observatoire de lutte contre la corruption et les malversations économiques (OLUCOME)

### **Cambodia**

- . Alliance for Freedom of Expression in Cambodia (AFEC)
- . Cambodian Association for Development and Human Rights (ADHOC)
- . Cambodian Centre of Human Rights (CCHR)
- . Cambodian League for the Promotion and the Defence of Human Rights (LICADHO)

### **Cameroon**

- . ACAT-Littoral
- . Human Rights Defence Group (HRDG)
- . Maison des droits de l'Homme du Cameroun (MDHC)
- . Mouvement pour la défense des droits de l'Homme et des libertés (MDDHL)
- . Organe de la société civile (Os\_civile)

### **Central African Republic**

- . Action by Christians for the Abolition of Torture (ACAT) - Central African Section
- . Ligue centrafricaine des droits de l'Homme (LCDH)
- . Organisation pour la compassion et le développement des familles en détresse (OCODEFAD)

### **Chad**

- . Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDDH)
- . Collectif des associations de défense des droits de l'Homme (CADH)
- . Ligue tchadienne des droits de l'Homme (LTDH)

### **Chile**

- . Centro de Documentación Mapuche, Ñuke Mapu
- . Corporación de Promoción y de Defensa de los Derechos del Pueblo (CODEPU)
- . Observatorio de Derechos de los Pueblos Indígenas

### **China**

- . China Labour Bulletin
- . Globalization Monitor
- . Network of Chinese Human Rights Defenders (CRD)
- . Human Rights in China (HRIC)

**Colombia**

- . Asamblea Permanente de la Sociedad Civil por la Paz
- . Asociación de Educadores de Arauca (ASEDAR)
- . Asociación de Institutores de Antioquia (ADIDA)
- . Asociación Nacional de Ayuda Solidaria (ANDAS)
- . Asociación Nacional de Usuarios Campesinos - Unidad y Reconstrucción (ANUC-UR)
- . Central Unitaria de Trabajadores (CUT)
- . Centro de Investigación y Educación Popular (CINEP)
- . Colombia Campesina
- . Comisión Colombiana de Juristas (CCJ)
- . Comisión Intereclesial de Justicia y Paz (CJP)
- . Comité Permanente para la Defensa de los Humanos "Héctor Abad Gómez"
- . Comité Permanente por la Defensa de Derechos Humanos (CPDH)
- . Comunidad de Paz de San José de Apartadó
- . Coordinación Colombia - Europa - Estados Unidos
- . Corporación Colectivo de Abogados "José Alvear Restrepo" (CCAJAR)
- . Corporación Jurídica Libertad
- . Corporación para la Defensa y Promoción de los Derechos Humanos (REINICIAR)
- . Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)
- . Corporación Social para la Asesoría y Capacitación Comunitaria (COSPACC)
- . Escuela Nacional Sindical de Colombia (ENS)
- . Fundación Comité de Solidaridad con los Presos Políticos (FCSPP)
- . Fundación Comité Regional de Derechos Humanos "Joel Sierra"
- . Federación Nacional Sindical Unitaria Agropecuaria (FENSUAGRO - CUT)
- . Movimiento Nacional de Víctimas de Crímenes de Estado
- . Organización Femenina Popular (OFP)
- . Organización Internacional de Derechos Humanos - Acción Colombia (OIDHACO)
- . Proceso de Comunidades Negras en Colombia (PCN)
- . Proyecto Justicia y Vida
- . Sindicato Nacional de Trabajadores de las Industrias de Alimentos (SINALTRAINAL)
- . Unión Sindical Obrera (USO)

**Congo (Brazzaville)**

- . Association pour les droits de l'Homme et l'univers carcéral (ADHUC)
- . Observatoire congolais des droits de l'Homme (OCDH)
- . Publish What You Pay Coalition
- . Rencontre pour la paix et les droits de l'Homme (RPDH)

**Congo (Democratic Republic of)**

- . Action contre l'impunité pour les droits humains (ACIDH)
- . Association africaine de défense des droits de l'Homme (ASADHO)
- . Centre des droits de l'Homme et du droit humanitaire (CDH)
- . Collectif des associations de défense des droits de l'Homme
- . Comité des observateurs des droits de l'Homme (CODHO)
- . Coordination des actions de promotion de la paix et des droits de l'Humain (CAPDH)
- . Groupe évangélique pour la non-violence (GANVE)
- . Groupe justice et libération
- . Groupe Lotus

## ANNEXES

- . Héritiers de la justice
- . Journalistes en danger (JED)
- . Justice Plus
- . Les amis de Nelson Mandela pour les droits de l'Homme (ANMDH)
- . Ligue des électeurs (LE)
- . Observatoire national des droits de l'Homme (ONDH)
- . Organisation pour la sédentarisation, l'alphabétisation et la promotion des Pygmées (OSAPY)
- . Solidarité Katangaïse
- . Voix des sans voix (VSV)

### Côte d'Ivoire

- . Ligue ivoirienne des droits de l'Homme (LIDHO)
- . Mouvement ivoirien des droits humains (MIDH)

### Cuba

- . Coalición de Mujeres Cubano-Americanas
- . Comisión Cubana de los Derechos Humanos y la Reconciliación Nacional (CCDHRN)
- . Directorio Democrático Cubano
- . Fundación Cubana de Derechos Humanos

### Djibouti

- . Ligue djiboutienne des droits de l'Homme (LDDH)
- . Union djiboutienne du travail (UDT)
- . Union des travailleurs du port (UTP)

### Ecuador

- . Asamblea Permanente de Derechos Humanos del Ecuador (APDH)
- . Centro de Documentación de Derechos Humanos "Segundo Montes Mozo" (CSMM)
- . Comisión Ecuémica de Derechos Humanos (CEDHU)
- . Confederación de Nacionalidades Indígenas del Ecuador (CONAIE)
- . Fundación Regional de Asesoría en Derechos Humanos (INREDH)

### Egypt

- . Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP)
- . Arab Program for Human Rights Activists (APHRA)
- . Egyptian Organisation for Human Rights (EOHR)
- . Hisham Mubarak Law Centre
- . Human Rights Centre for the Assistance of Prisoners (HRCAP)
- . Nadeem Center

### El Salvador

- . Comisión de Derechos Humanos de El Salvador (CEDHES)

### Ethiopia

- . Action Aid Ethiopia
- . Ethiopian Free Press Journalists' Association (EFJA)
- . Ethiopian Human Rights Council (EHRCO)
- . Ethiopian Teachers' Association (ETA)

### Gambia

- . Gambian Press Union

**Georgia**

- . Georgian Young Lawyers' Association (GYLA)
- . Human Rights and Documentation Centre (HRIDC)

**Greece**

- . Greek Helsinki Monitor (GHM)

**Guatemala**

- . Casa Alianza
- . Central General de Trabajadores de Guatemala (CGTG)
- . Centro de Acción Legal en Derechos Humanos (CALDH)
- . Comisiatura de los Derechos Humanos de Guatemala
- . Coordinación de ONG y Cooperativas (CONGCOOP)
- . Coordinadora Nacional Indígena y Campesina Aconic
- . Coordinadora Nacional de Organizaciones Campesinas (CNOC)
- . Fundación para los Derechos Humanos en Guatemala (FHG)
- . Grupo de Apoyo Mutuo (GAM)
- . Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio (HIJOS - Guatemala)
- . Movimiento Nacional por los Derechos Humanos de Guatemala (MNDH)
- . Projet Accompagnement Québec-Guatemala

**Guinea-Bissau**

- . Liga Guineense dos Direitos do Homen (LGDH)

**Haiti**

- . Centre œcuménique pour les droits humains (CEDH)
- . Comité des avocats pour le respect des libertés individuelles (CARLI)
- . Réseau national de défense des droits de l'Homme (RNDDH)

**Honduras**

- . Centro para la Prevención, el Tratamiento y la Rehabilitación de las Víctimas de la Tortura (CPTRT)
- . Comité de Familiares de Detenidos-Desaparecidos en Honduras (COFADEH)
- . Comité para la Defensa de los Derechos Humanos en Honduras (CODEH)
- . Consejo Cívico de Organizaciones Populares e Indígenas (COPINH)
- . Movimiento Ambientalista de Olancho (MAO)

**India**

- . Centre for Organisation Research and Education (CORE)
- . MASUM
- . People's Watch - Tamil Nadu (PW-TN)

**Indonesia**

- . Human Rights Working Group (HRWG)
- . Imparsial
- . The Commission for Disappearances and Victims of Violence (KONTRAS)

**Iran**

- . Defenders of Human Rights Centre (DHRC)
- . League for the Defence of Human Rights in Iran

## ANNEXES

### Israel

- . Association for Civil Rights in Israel (ACRI)
- . B'Tselem
- . Legal Center for Arab Minority Rights in Israel (Adalah)
- . Public Committee Against Torture in Israel (PCATI)

### Jordan

- . Amman Centre for Human Rights Studies (ACHRS)

### Kazakhstan

- . International Bureau for Human Rights and the Rule of Law

### Kenya

- . International Commission of Jurists (ICJ) - Kenya
- . Kenya Human Rights Commission (KHRC)

### Kuwait

- . Kuwait Human Rights Society (KHRS)

### Kyrgyzstan

- . Bureau on Human Rights and the Rule of Law
- . Kyrgyz Committee for Human Rights (KCHR)

### Lebanon

- . Association libanaise des droits de l'Homme (ALDHOM)
- . Frontiers Centre
- . Palestinian Human Rights Organisation (PHRO)
- . Soutien aux Libanais détenus arbitrairement (SOLIDA)

### Liberia

- . Foundation for Human Rights and Democracy (FOHRD)
- . Liberia Watch for Human Rights

### Libya

- . Libyan League for Human Rights

### Malaysia

- . Suara Rakyat Malaysia (SUARAM)

### Mali

- . Association malienne des droits de l'Homme (AMDH)

### Mauritania

- . Association mauritanienne des droits de l'Homme (AMDH)
- . Forum des organisations nationales de défense des droits de l'Homme (FONADH)
- . SOS Esclaves

### Mexico

- . Centro de Derechos Humanos "Fray Bartolomé de las Casas"
- . Centro de Derechos Humanos "Fray Juan Larios"
- . Centro de Derechos Humanos "Miguel Agustín Pro Juárez" (PRODH)
- . Centro de Investigaciones Económicas y Políticas de Acción Comunitarias
- . Centro Regional de Derechos Humanos "Bartolomé Carrasco Briseño"
- . Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)

- . Comité Cerezo
- . Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
- . Red Nacional de Organizaciones Civiles de Derechos Humanos  
"Todos por los Derechos Humanos"
- . Servicio Internacional para la Paz (SIPAZ)

**Moldova**

- . Moldova Helsinki Committee for Human Rights (MHC)

**Morocco**

- . Asociación de Familiares de Presos y Desaparecidos Saharauiis (AFAPREDESA), Spain
- . Association marocaine des droits humains (AMDH)
- . Forum marocain vérité et justice (FMVJ)
- . Organisation marocaine des droits humains (OMDH)

**Mozambique**

- . Liga Mocanbicana dos Direitos Humanos

**Nepal**

- . Advocacy Forum Nepal
- . Centre for Victims of Torture (CVICT)
- . National Society for Human Rights (NSHR)
- . Informal Sector Service Center (INSEC)

**Nicaragua**

- . Centro Nicaragüense de Derechos Humanos (CENIDH)

**Niger**

- . Association nigérienne de défense des droits de l'Homme (ANDDH)
- . Collectif des organisations de défense des droits de l'Homme et de la démocratie (CODDH)
- . Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques (CROISADE)
- . Comité national de coordination de la Coalition équité / qualité contre la vie chère au Niger
- . Timidria

**Nigeria**

- . Civil Liberties Organisation (CLO)
- . CLEEN Foundation

**Northern Ireland**

- . Committee on the Administration of Justice (CAJ)

**Occupied Palestinian Territories**

- . Addameer
- . Al-Haq
- . Defence of Children International - Palestine (DCI)
- . Palestinian Centre for Human Rights (PCHR)

**Pakistan**

- . Human Rights Commission of Pakistan (HRCP)

## ANNEXES

- . Human Rights Education Forum Pakistan (HREF)
- . National Commission for Justice and Peace in Pakistan

### Peru

- . Asociación Pro Derechos Humanos (APRODEH)
- . Comisión de Derechos Humanos (COMISEDH)
- . Coordinadora Nacional de Derechos Humanos (CNDDHH)
- . Fundación Ecuémica para el Desarrollo y la Paz (FEDEPAZ)
- . Instituto de Defensa Legal (IDL)

### Philippines

- . Alliance for the Advancement of People's Rights (KARAPATAN)
- . May First Labour Centre (KMU)
- . Philippine Alliance of Human Rights Advocates (PAHRA)
- . PREDA Foundation
- . Task Force Detainees of the Philippines (TFDP)

### Russian Federation

- . Agora
- . All-Russian Public Movement "For Human Rights"
- . Caucasian Knot
- . Centre for the Development of Democracy and Human Rights
- . Comité Tchétchénie, section France
- . Committee of the Soldiers' Mothers of Saint-Petersburg
- . Memorial Centre for Human Rights (Moscow, Nazran and Grozny branches)
- . Memorial Saint-Petersburg
- . Russian-Chechen Friendship Society (RCFS)
- . Sova Centre
- . Union of the Committees of Soldiers' Mothers

### Rwanda

- . Association pour la défense des droits de l'Homme et libertés publiques (ADL)
- . Collectif des ligues pour la défense des droits de l'Homme (CLADHO)
- . Réseau international pour la promotion et la défense des droits de l'Homme au Rwanda (RIPRODHOR)

### Saudi Arabia

- . Human Rights First Society - Saudi Arabia

### Senegal

- . Organisation nationale des droits de l'Homme (ONDH)
- . Rencontre africaine des droits de l'Homme (RADDHO)

### Serbia

- . Centre for Peace and Democracy Development
- . Helsinki Committee for Human Rights in Serbia
- . Humanitarian Law Center (HLC)
- . Yugoslav Committee of Lawyers (YUCOM)

### Sierra Leone

- . Forum of Conscience (FOC)

**South Africa**

Human Rights Institute of South Africa (HURISA)

**South Korea**

- . Korean Confederation of Trade Unions (KFTU)
- . Korean Government Employees' Union (KGEU)
- . MINBYUN - Lawyers for a Democratic Society

**Sri Lanka**

- . Centre for Rule of Law

**Sudan**

- . Amel Centre for Treatment and Rehabilitation of Victims of Torture
- . Darfur Relief and Documentation Centre (DHRC)
- . Khartoum Centre for Human Rights and Environment Development (KCHRED)
- . Sudan Organisation Against Torture (SOAT)
- . Sudan Social Development Organisation (SUDO)
- . The Darfur Consortium

**Syria**

- . Committee for the Defence of Human Rights and Democratic Freedoms in Syria (CDF)
- . Damascus Centre for Human Rights Studies (DCHRS)
- . Human Rights Association in Syria (HRAS)
- . National Organisation for Human Rights in Syria (NOHRS)
- . Syrian Human Rights Organisation (SHRO)

**Tajikistan**

- . Bureau on Human Rights and the Rule of Law
- . International Centre of Non-Commercial Law

**Tanzania**

- . Legal and Human Rights Centre (LHRC)

**Thailand**

- . Union for Civil Liberty (UCL)

**Togo**

- . ACAT-Togo
- . Ligue togolaise des droits de l'Homme (LTDH)

**Tunisia**

- . Association de lutte contre la torture en Tunisie (ALTT)
- . Comité pour le respect des libertés et des droits de l'Homme en Tunisie (CRLDHT)
- . Conseil national pour les libertés en Tunisie (CNLT)
- . Kalima
- . Ligue tunisienne des droits de l'Homme (LTDH)

**Turkey**

- . Human Rights Association (HRA)
- . Human Rights Foundation in Turkey (HRFT)

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### Uganda

- . Foundation for Human Rights Initiative (FHRI)

### Uzbekistan

- . Ezgulik
- . Human Rights Society of Uzbekistan (HRSU)
- . Internews Network / Uzbek section

### Venezuela

- . Comité de Familiares de Víctimas del 27 de Febrero (COFAVIC)
- . Observatorio Venezolano de Prisiones (OVP)
- . Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA)
- . Red de Apoyo por la Justicia y la Paz (REDAPOYO)

### Vietnam

- . Comité Vietnam pour la défense des droits de l'Homme (CVDDH)

### Zimbabwe

- . Media Monitoring Project of Zimbabwe (MMPZ)
- . Women of Zimbabwe Arise (WOZA)
- . Zimbabwe Human Rights Association (ZimRights)
- . Zimbabwe Human Rights NGO Forum
- . Zimbabwe Lawyers for Human Rights (ZLHR)

## ANNEX 2

### THE OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS: AN FIDH AND OMCT JOINT PROGRAMME

#### **Activities of the Observatory**

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

With this aim, the Observatory seeks:

- a) a mechanism of systematic alert of the international community on cases of harassment and repression against defenders of human rights and fundamental freedoms, particularly when they require an urgent intervention;
- b) the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- c) international missions of investigation and solidarity;
- d) a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- e) the preparation, publication and world-wide diffusion of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- f) sustained action with the United Nations (UN) and more particularly the Special Representative of the Secretary General on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;

- g) sustained lobbying with various regional and international inter-governmental institutions, especially the African Union (AU), the Organisation of American States (OAS), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States and the International Labour Organisation (ILO).

The Observatory's activities are based on the consultation and the co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by OMCT and FIDH:

"Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his compromise exercised individually or in association with others, in conformity with international instruments of protection of human rights, in favour of the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by several international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, known as the Emergency Line, is accessible through:

Email : [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)

Tel : + 33 (0) 1 43 55 55 05 / Fax : + 33 (0) 1 43 55 18 80 (FIDH)

Tel : + 41 22 809 49 39 / Fax : + 41 22 809 49 29 (OMCT)

### **Animators of the Observatory**

From the headquarters of FIDH (Paris) and OMCT (Geneva), the Observatory's Programme is supervised by Antoine Bernard, FIDH executive director, and Juliane Falloux, deputy executive director, and Eric Sottas, OMCT director, and Anne-Laurence Lacroix, deputy director.

At FIDH, the programme is run by Catherine François, programme director, and Sylvie Mostaert, programme officer, with the assistance of Isabelle Brachet, Jimena Reyes, Laura Betancur, Alexandra Koulaeva, Macha Chichtchenkova, Marceau Siviéude, Florent Geel, Stéphanie David, Marie Camberlin, Antoine Madelin, Césaria Mukarugwiza, Simia Ahmadi, Alexandra Pomeon, Gaël Grilhot, Karine Appy and Nicolas Barreto-Diaz. FIDH wishes to thank Julia Littmann and Christelle Soisnard who assisted it on this report.

At OMCT, the Observatory is run by Delphine Reculeau, programme director, with the assistance of Clemencia Devia Suarez. The OMCT also wishes to thank Laëtitia Sedou and Vivien Blot, from OMCT-Europe, as well as Anaïs Pavret de La Rochefordière, Rachelle Cloutier and Laura Platchkova, who assisted OMCT on this report.

The Observatory's activities are assisted by OMCT and FIDH local partners.

## **Operators of the Observatory**

### **FIDH**

The International Federation for Human Rights (FIDH) is an international non-governmental organisation for the defence of the rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 141 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, trial observation, mediation or training in more over hundred countries. In the past few years, FIDH has developed with its partners organisations, an action programme for economic, social and cultural rights and for the promotion of international justice and helping victims to achieve greater justice. In recent years, FIDH has also adopted legal intervention as a mode of action.

FIDH has either consultative or observer status with the United Nations, UNESCO, the Steering Committee for Human Rights (CDDH) of the Council of Europe, the International Organisation of the Francophonie (OIF), the African Commission on Human and Peoples' Rights (ACHPR), the International Labour Organisation (ILO) and the Commonwealth.

FIDH is also in constant and systematic contact with the European Union and the United Nations through its permanent delegations in

Geneva, Brussels, The Hague and New-York. Every year, FIDH facilitates the access and use of existing international mechanisms to more than 200 representatives of its member organisations, and also relays and supports their activities on a daily basis.

The International Board is comprised of: Sidiki Kaba, president; Catherine Choquet, Olivier de Schuter, Driss El Yazami, Philippe Kalfayan, Luis Guillermo Perez, secretaries general; Philippe Vallet, treasurer; and of Dobian Assingar (Chad), Souhayr Belhassen (Tunisia), Akin Birdal (Turkey), Juan Carlos Capurro (Argentina), Karim Lahidji (Iran), Fatimata Mbaye (Mauritania), Siobhan Ni Chulachain (Ireland), Vilma Nuñez de Escorcía (Nicaragua), Jose Rebelo (Portugal), Raji Sourani (Palestine), Peter Weiss (United States), Pie Ntakarutimana (Burundi), Michel Tubiana (France), Alirio Uribe (Colombia), Vo Van Ai (Viet Nam), vice-presidents.

## OMCT

Created in 1986, the World Organisation Against Torture (OMCT) is currently the largest international coalition of NGOs fighting against torture, summary executions, forced disappearances and other types of cruel, inhuman or degrading treatment. It co-ordinates the SOS-Torture network that is made up of 282 non-governmental organisations in more than 90 countries and seeks to strengthen and accompany their activities in the field. The structure of the SOS-Torture network has allowed OMCT to reinforce local activities while favouring the access of national NGOs to international institutions. Support is granted to individuals victims or potential victims of torture through urgent campaigns (notably in favour of children, women, and human rights defenders) and legal, social and medical emergency assistance. It is also more general in nature, through the submission of reports to the various United Nations mechanisms.

A delegation of the International Secretariat has been appointed to promote activities in Europe. OMCT has either consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the International Labour Organisation (ILO), the International Organisation of the Francophonie (OIF), the African Commission on Human and Peoples' Rights (ACHPR) and the Council of Europe.

Its Executive Council is composed of: Olivier Mach, president; Denis von der Weid, vice-president; José Domingo Dougan Beaca, vice-president; Anthony Travis, treasurer, Anna Biondi, Yves Berthelot, José Figueiredo, Florence Notter, Pascal O'Neill, Elisabeth Reusse-Decrey and Christine Sayegh.

The Delegates' Assembly, elected in December 2001, is composed of twenty one members. For Africa: Madeleine Afite, Innocent Chukwuma, Aminata Dieye, Osman Hummaida and Guillaume Ngefa; for Latin America: Ernesto Alayza Mujica, Helio Bicudo, Alberto León Gómez; for North America: Al Bronstein; for Asia: Joseph Gathia, Ravi Nair, Elisabeth P. Protacio and Khalida Salimi; for Europe: Panayote Elias Dimitras, Nazmi Gür, Hélène Jaffe, Tinatin Khidasheli and Frauke Seidensticker; for North Africa and the Middle East: Hassan Moosa, Radhia Nasraoui and Lea Tsemel.

### Thanks

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**A X P R O**

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*“Human rights defenders have played an irreplaceable role in protecting victims and denouncing abuses. Their commitment has exposed them to the hostility of dictatorships and the most repressive governments. [...] This action, which is not only legitimate but essential, is too often hindered or repressed - sometimes brutally. [...] Much remains to be done, as shown in the 2006 Report [of the Observatory], which, unfortunately, continues to present grave violations aimed at criminalising and imposing abusive restrictions on the activities of human rights defenders. [...] I congratulate the Observatory and its two founding organisations for this remarkable work [...]”.*

Mr. Kofi Annan

Former Secretary General of the United Nations (1997 - 2006)

The 2006 Annual Report of the Observatory for the Protection of Human Rights Defenders (OMCT-FIDH) documents acts of repression faced by more than 1,300 defenders and obstacles to freedom of association, in nearly 90 countries around the world. This new edition, which coincides with the tenth anniversary of the Observatory, pays tribute to these women and men who, every day, and often risking their lives, fight for law to triumph over arbitrariness.

The Observatory is a programme of alert, protection and mobilisation, established by the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) in 1997. It aims to establish a systematic response from the international community in the face of repression of defenders, and to end the isolation of these courageous activists.

**fidh**

International Federation for Human Rights



World Organisation Against Torture