



/ AMERICAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



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/ ARGENTINA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Acts of harassment against Mr. Horacio Meguira¹

On February 18, 2007, unknown persons forced their way into the offices of Mr. **Horacio Meguira**, a member of the Committee for Legal Action (*Comité de Acción Jurídica* - CAJ) and a lawyer specialising in labour rights, founder and Director of the legal department of the Argentina Workers' Federation (*Central de Trabajadores de la Argentina* - CTA), in Buenos Aires.

The assailants destroyed the door of the CAJ, went directly to the office of Mr. Meguira, who was absent at that time, and stole his computer hard disk and the fax machine with records of all the documents sent and received stored in its memory. No other valuable object was stolen and no other office was entered.

An enquiry into this incident has since been opened but, as of the end of 2007, those responsible had still not been identified.

Abduction and ill-treatments against Mr. Carlos Leiva²

On March 2, 2007, Mr. **Carlos Leiva**, Head of the branch of the Unemployed Workers' Movement (*Movimiento de Trabajadores Desocupados* - MTD) in the Lanús district, was abducted by three unknown persons while he was on his way to a meeting of delegates of MTD - "Darío Santillán" Popular Front in the Constitución area, in Buenos Aires.

Mr. Leiva was then taken to a disused hangar, where he was tied to a chair and interrogated about his activities. His aggressors questioned him about the "chiefs" of his organisation and about those "responsible" for its campaigns, indicating that if he wanted to be a guerrilla member, his face "would appear on a flag like Santillán's" (referring to a colleague of Mr. Leiva, Darío Santillán, a young activist who was killed in the district of Avellaneda in 2002).

After a long interrogation, during which his kidnappers referred to his movements in the days leading up to his kidnapping, one of them forced Mr. Leiva to kneel down and told him he would be "the second one to disappear", adding that they had received the order to "wipe him out". Then they pointed a gun at his temple several times.

Seven hours later, Mr. Leiva was abandoned by his kidnappers in the Barracas suburbs. He managed to return to Lanús thanks to the help of several passers-by.

An investigation was opened into these events but had not been completed by the end of 2007. Furthermore, Mr. Leiva has been given no measure of protection.

Threats against Mr. Pablo Gabriel Salinas³

On April 9, 2007, Mr. **Pablo Gabriel Salinas**, a human rights lawyer, found an anonymous letter at his office, in Mendoza, containing threats and insults against him and his family and referring to his activities "in defence of imprisoned criminals".

On the next day, Mr. Pablo Salinas lodged a complaint with the Mendoza Prosecutor and filed a case with the Inter-American Commission on Human Rights (IACHR) in order to obtain measures of protection.

As of the end of 2007, Mr. Salinas had no specific information regarding the outcome of these proceedings.

1./ See Urgent Appeal ARG 001/0207/OBS 022.

2./ See Urgent Appeal ARG 002/0307/OBS 025.

3./ See Urgent Appeal ARG 003/0407/OBS 039.

Mr. Pablo Salinas regularly condemns the poor conditions of detention and the use of torture and ill-treatment in prisons of Mendoza province. He also defends victims of police brutality, extrajudiciary executions and other human rights violations committed by members of the security forces.

Arbitrary detention of Mr. Víctor Raúl Paiba Cossios⁴

On April 17, 2007, Mr. **Víctor Raúl Paiba Cossios**, a Peruvian lawyer who has the status of political refugee in Chile since 1992, President of the Committee for Peruvian Refugees in Chile (*Comité de Refugiados Peruanos en Chile*), and a member of the Assembly of Social Organisations and NGOs working on HIV/AIDS (*Asamblea de Organizaciones Sociales y ONG con trabajo en VIH/SIDA - ASOSIDA*), was arrested at Buenos Aires airport by Interpol officers, on the basis of an international arrest warrant issued by the Peruvian authorities. He was arriving from Chile where he had taken part in the Fourth Latino-American and Caribbean Forum on HIV/AIDS, to which he had been officially invited. He was taken to the Complex n°1, near Ezeiza, in Buenos Aires.

On May 11, 2007, Mr. Paiba Cossios was released. On May 14, 2007, he left Argentina for Chile, after Argentina declared that it would recognise his refugee status if he left the country within 72 hours following his release.

In the framework of his activities with the Committee, Mr. Paiba Cossios had started in 2006 proceedings against the Peruvian President, Mr. Alan García Pérez, for offences of lese humanity he would have committed during his first term in office (1985-1990). In the same year, the Peruvian Government had made an extradition request to Chile regarding Mr. Paiba, for “terrorism”. On April 9, 2007, the Chilean Supreme Court had rejected this request.

Acts of harassment against two NGOs⁵

On June 26, 2007, at around 8.00 p.m., two armed persons entered the premises of the Committee for the Defence of Health, Professional Ethics and Human Rights (*Comité de Defensa de la Salud, la Ética Profesional y los Derechos Humanos - CODESEDH*), in Buenos Aires. A computer containing evidence and archives relating to an ongoing trial dealing with events that took place during the dictatorship was stolen, together with a videotape and various personal belongings.

In addition, on July 2, 2007, swastikas were painted on the walls of the Centre of the Human Rights Professionals (*Centro de Profesionales por los Derechos Humanos - CEPRODH*), similar to those represented in the Holy Cross Church, where the founder members of the Mothers of the May Square Movement (*Madres de Plaza de Mayo*) had been illegally confined during the dictatorship.

An investigation was opened but, as of the end of 2007, those responsible had still not been identified.

4./ See Open Letter to the authorities, May 11, 2007.

5./ See Urgent Appeal ARG 004/0707/OBS 078.

/ BOLIVIA

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Acts of harassment against APDHB members⁶

In December 2006, the Santa Cruz Civil Committee (*Comité Cívico Pro Santa Cruz*)⁷, which opposed the adoption by the Constituent Assembly of a voting system based on absolute majority rather than a majority of two-thirds of the votes, threatened people and organisations that had not supported the strike that had followed the announcement of this decision, 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 to be members of the Santa Cruz Youth Union (*Unión Juvenil Cruceñista*), the armed faction of the Santa Cruz Civil Committee.

Similarly, in the night of December 7, 2006, 22 gunshots were fired at the headquarters of ALAS, an NGO that works to support peasants and indigenous communities rights.

On December 10, 2006, several individuals who were 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 protecting APDHB members.

Furthermore, on December 15, 2006, following the failure of the above-mentioned 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.

Between December 15 and 16, 2006, around one hundred people, including the Deputy Prefect of the Ñuflo de Chávez province, his driver and the brother of the President of the Santa Cruz Civil Committee, violently attacked the offices of the Paikoneka Indigenous Federation of San Javier (*Central Indígena Paikoneka de San Javier - CPI-SJ*), setting fire to them, thereby destroying archives dating back over 20 years. They then threatened its leaders, forcing them to take refuge in neighbouring communities. Later, in Concepción, another town in Santa Cruz, this group of people 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 also set fire to 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 - ACISIV*), stating that this act was in revenge for the San Julián blockades.

Similarly, another group of individuals, including the Mayor of Ascención de Guarayos, the Deputy Prefect of Guarayos province, the President of the Ascención de Guarayos Civil Committee, the leader of the parallel Ascención de Guarayos Peasants' Association, and the Mayor and former Mayor of Urbichá went to Ascención de Guarayos, claiming that the "*collas*"⁸ had to disappear from the town and that they would all be expelled. 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 - COPNAG*), and attacked several persons.

On January 7, 2007, using financial problems as a pretext, the authorities suspended the police protection that had been granted to APDHB members since December 2006 who, fearing for their

6./ See Annual Report 2006 and Open Letter to the authorities, January 24, 2007.

7./ The Santa Cruz Civil Committee is a far-right citizen committee gathering landowners in particular, and which committed racist acts on several occasions.

8./ Name given to the indigenous population of the Andean high-plateau, and used in a pejorative way to designate the Camba people of eastern Bolivia.

safety, had to leave their offices and go into hiding. Mr. Adalberto Rojas was also forced to leave his home, as he feared for his own safety and the safety of his family.

On January 16, 2007, Mr. Adalberto Rojas went to the Santa Cruz Law Courts to report these events. He was then threatened and insulted.

On January 21, 2007, several members of the Santa Cruz Civil Committee entered the APDHB offices and threatened its staff, announcing that they would come back with weapons and that they would sell the premises. Ms. **Fabiana Aguilar**, the APDHB Secretary, was also insulted and threatened. The APDHB lodged a complaint to the Prosecutor's office. As of the end of 2007, no further information regarding this complaint could be obtained.

/ BRAZIL

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Status of the investigations into the assassination of several human rights defenders⁹

Status of the investigation into the murder of Messrs. Erastótenes de Almeida Gonçalves, Nelson José da Silva and João Batista Soares Lages

On March 22, 2007, the Federal Prosecutor refused to grant the request for habeas corpus filed on November 28, 2006 by Mr. Norberto Mânica, a major industrial farmer suspected of being behind the assassination of Messrs. **Erastótenes de Almeida Gonçalves**, **Nelson José da Silva** and **João Batista Soares Lages**, three lawyers for the Brazilian Ministry of Labour, in Unaí, in the State of Minas Gerais.

On July 17, 2006, Mr. Norberto Mânica had been placed in detention after being accused of obstructing the enquiry, then released on November 28, 2006 after the Fifth Chamber of the High Court of Justice of the State of Minas Gerais had granted his request for habeas corpus. However, the Regional Federal Court had ruled against the request and annulled the High Court decision.

The three civil servants had been killed on January 28, 2004 while investigating a case of slavery. One of them - Mr. Nelson José da Silva - had fined Mr. Mânica for failing to respect working conditions on his property. On August 13, 2004, one month after the arrest of six suspects, Mr. Mânica had been arrested and charged with having threatened the three civil servants in December 2003. He had been identified as the person who had ordered their assassination.

On August 30, 2004, the Federal Prosecutor of the State of Minas Gerais had charged all seven persons, as well as another suspect, Mr. Humberto Ribeiro dos Santos, with “involvement in the death of the three lawyers and the driver of the delegation”.

On December 10, 2004, the Ninth Federal Court of Belo Horizonte (State of Minas Gerais) had ruled that all defendants (except for Mr. Ribeiro dos Santos) would be tried before a popular jury for “homicide” and “forming a criminal group”.

As of the end of 2007, Mr. Norberto Mânica remained in detention.

Sentencing of Mr. José Dutra da Costa's murderer

On April 18, 2007, the Court of Second Instance confirmed the 29-year prison sentence pronounced against Mr. Welington Jesus da Silva by the Court of First Instance on November 13, 2006 for the murder of Mr. **José Dutra da Costa**, former President of the Marabá Rural Workers' Union (*Sindicato dos Trabalhadores Rurais - STR*), in Rondon do Pará, who was killed on November 21, 2000.

In addition, the Rondon do Pará judge decided to lift the charges against Mr. José Décio Barroso Nunes, the landowner (*fazendeiro*) suspected of ordering the killing. Several organisations, including the Pastoral Land Commission (*Comissão Pastoral da Terra - CPT*), appealed against this decision.

Sentencing of the person who ordered the assassination of Sister Dorothy Mae Stang¹⁰

On May 15, 2007, Mr. Vitalmiro Bastos de Moura, *alias* Vida, who ordered the murder of Sister **Dorothy Mae Stang**, a missionary representing the Pastoral Land Commission (CPT) and an activist for the National Movement for Human Rights (*Movimento Nacional de Direitos Humanos - MNDH*), who had been assassinated on February 12, 2005 in the State of Pará, was sentenced by the State Court of Justice at Ciudad Velha to 30 years' imprisonment.

However, in accordance with Brazilian legislation on prison sentences of more than 20 years, Mr. Vitalmiro Bastos de Moura's sentence will be re-considered during his trial before the Court of Second Instance, which was scheduled for June 5, 2008.

9./ See Annual Report 2006.

10./ See Press Release, May 22, 2007.

Status of the enquiry into the attack on an MST settlement

In 2007, three years after the attack on the settlement of the Landless Rural Workers' Movement (*Movimento dos Trabalhadores Rurais Sem Terra - MST*), known as the Promised Land, in Jequitinhonha Valley (Minas Gerais), during which five MST members had been killed, the victims' lawyers succeeded in changing the place of jurisdiction of the trial to Belo Horizonte instead of the municipality of Jequitinhonha. This change was obtained because of the political and economic influence Mr. Adriano Chafick Luedy, the *fazendeiro* who had ordered 18 gunmen to attack the encampment, could have.

In January 2005, Mr. Chafick Luedy had been arrested for the first time, before being released in April 2005 on the order of the High Court of Justice. He had been arrested again at the request of the Prosecutor, after continuing to threaten and harass the inhabitants of the settlement.

As of the end of 2007, the families continued to be threatened and the date of the next hearing had still not been scheduled.

Progress in the trial for the murder of Mr. Rossini Alves Couto

The opening of the trial for the murder of Mr. **Rossini Alves Couto**, a member of the Prosecutor's office of the State of Pernambuco and a fervent human rights defender, who had been killed on May 10, 2005, was set for April 4, 2008. The defendants, Messrs. José Ivan Narques de Assis, a former military police officer, and Silvonaldo Leobino da Silva, a trader, face sentences of more than 20 years in prison.

On May 24, 2006, an investigation into the murder had been opened by the Homicide Department and the Public Prosecutor in Pernambuco.

Death threats against Mr. Erwin Krautler¹¹

In December 2006, Mr. **Erwin Krautler**, Bishop of the Xingu region, a human rights activist in the State of Pará and President of the Indigenous Missionary Council (*Consejo Indigenista Misionero - CIMI*), received telephone death threats. The author of these threats told him that he would be killed on December 29, 2006 during a mission he was due to carry out in Gurupá municipality, in the region of Marajó.

On December 26, 2006, the Pará Federal Prosecutor requested the federal police to open an investigation into these acts.

On January 3, 2007, Mr. Krautler lodged a complaint with the Altamira federal police and was placed under police protection.

These threats followed several denunciations made by Mr. Krautler concerning the authors of sexual abuses, child prostitution in the region, and the impunity of the authors of Sister Dorothy Stang's murder¹².

Mr. Krautler continued to receive threats throughout 2007 and was still under police protection at the end of the year. However, it had not been possible to obtain further information concerning progress in the enquiry and the complaint filed by Mr. Krautler.

Ongoing judicial proceedings against Mr. Jaime Amorim¹³

As of the end of 2007, the judicial proceedings against Mr. **Jaime Amorim**, a member of the National Coordination of the MST in the State of Pernambuco, remained pending.

On August 21, 2006, Mr. Amorim had been arrested by police officers as he was returning from the funeral of a worker killed in the township of Moreno and was on his way to the funeral of another worker. A warrant for his arrest had been issued on July 4, 2006 by the Fifth Criminal Court in the Recife Jurisdiction, Pernambuco, within the framework of charges for "disobedience, incitement to commit a crime, assaulting an officer and involvement in a demonstration" in front of the American

11./ See Urgent Appeal BRA 001/0107/OBS 005.

12./ See above.

13./ See Annual Report 2006.

Embassy in Recife, Pernambuco, in November 2005. The warrant stated that Mr. Amorim should be detained on the basis that “he (...) represented a risk to the peace and security of upstanding citizens”, because he had failed to appear at a hearing for which he had been summoned on that date and because he appeared not to have a “permanent address”. However, Mr. Amorim, who has lived in the city of Caruaru for several years and regularly attends meetings with the authorities, had never been informed of judicial proceedings against him.

On August 22, 2006, MST - Brazil and the organisation “Terra de Direitos” had lodged a request for habeas corpus before the Pernambuco Court to obtain the immediate release of Mr. Amorim. The Court had immediately overruled this request, without pronouncing a judgement on the merits of the case. Two days later, both organisations had filed a further request with the Brasilia High Court of Justice, which had been accepted on the grounds that the warrant for pre-trial detention was illegal, as there was insufficient proof that Mr. Amorim presented a danger to public order.

Following this decision, Mr. Jaime Amorim had been released on August 28, 2006, after spending eight days in the detention centre of Abreu and Lima, in the Recife Region.

However, on September 6, 2006, after examining the merits of the request for habeas corpus, the Pernambuco Justice Court ordered Mr. Jaime Amorim to be taken into custody, but the order was not implemented.

On September 12, 2006, MST-Brazil and Terra de Direitos had filed a second plea for habeas corpus with the Brasilia High Court of Justice, which granted this request on September 15, 2006 on the grounds that the new warrant was illegal. A third warrant had been issued by the Fifth Penal Court in Recife on September 20, 2006, this time on the grounds that Mr. Amorim had failed to appear at the hearing on September 12, when witnesses had been questioned by the court. During the hearing, all witnesses would have stated that Mr. Amorim had not committed any of the acts of which he was accused during the November 2005 demonstration in front of the American Embassy and that he had not organised the demonstration. MST-Brazil and Terra de Direitos had then filed a third plea for habeas corpus with the Brasilia High Court of Justice, which had been accepted on October 18, 2006, finding that the third warrant was illegal and groundless.

Judicial harassment and arbitrary detention of several Mapuche leaders

Ongoing arbitrary detention of Mrs. Juana Calfunao Paillalef¹⁴

At the beginning of July 2007, Mrs. **Juana Calfunao Paillalef**, *lonko* (a traditional chief) of the “Juan Paillalef” Mapuche community, in Cunco commune, Temuco, and her husband, Mr. **Antonio Cadin Huentelao**, were acquitted during the hearing before the Temuco Court for the charges of obstructing the road between the towns of Los Laureles and Pucón, in April 2006.

On July 31, 2007, Mr. Sergio Moya, the Temuco Prosecutor, publicly announced the verdict following the closing of investigations into the incidents that had occurred at the Temuco Court in November 2006¹⁵. At the same time, he withdrew the charges against the mother of Mrs. Juana Calfunao, Ms. Mercedes Paillalef, who was granted measures of protection, as well as the charges of “threats against the authorities” made against Mrs. Juana Calfunao.

On August 7, 2007, Mrs. Juana Calfunao Paillalef and her sister, Ms. **Luisa Ana Calfunao**, began a “dry” hunger strike¹⁶ in order to draw attention on the rights of the Mapuche people and to call upon Chile to ratify the International Labour Organisation (ILO) Convention No. 169. On August 17, Mrs. Juana and Ms. Luisa Ana Calfunao decided to continue their hunger strike, but to resume drinking.

On October 9, 2007, Mrs. Juana and Ms. Luisa Ana Calfunao ended their hunger strike due to the serious deterioration of their health.

On October 31, 2007, the Temuco Criminal Court sentenced Mrs. Juana Calfunao Paillalef to three years’ imprisonment for “undermining the authority”, following the incidents that had taken place during the hearing on November 15, 2006. Mrs. Calfunao had indeed been accused of having tried to assault the attending prosecutors and of having spat at one of them. Her sentence was termed “moderate”, and included her suspension from public office for the term of her punishment. An additional 540 days’ imprisonment was added because of her prior criminal record, a sentence considered as “minimal”, but which nevertheless meant her suspension from office. Furthermore, Mrs. Calfunao was accused of having removed and destroyed her legal records, for which she was also sentenced to a fine of 1,000 pesos.

As at the end of 2007, Mrs. Juana and Ms. Luisa Ana Calfunao were still detained in Temuco prison.

Ongoing arbitrary detention of Messrs. Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil and Ms. Patricia Roxana Troncoso Robles¹⁷

As of the end of 2007, Messrs. **Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil** and Ms. **Patricia Roxana Troncoso Robles**, four Mapuche leaders

14./ See Annual Report 2006 and Urgent Appeals CHL 001/0705/OBS 056.7 and 056.8.

15./ On November 15, 2006, the Temuco Court of Appeal had upheld Mrs. Juana Calfunao Paillalef’s conviction for “public disorder”, subsequent to her confrontation with gendarmes in January 2006. When the verdict was announced, several indignant members of the “Juan Paillalef” Mapuche community had started to protest noisily. The gendarmes then physically attacked Mrs. Juana Calfunao in the court, provoking a violent confrontation between the gendarmes and the Mapuche, some of whom physically attacked court representatives. Mrs. Calfunao had then been placed in detention on charges of “threats against the authorities, unknown damage, slight injury and the theft of one of the enquiry files” [relating to the confrontation between Mrs. Calfunao and gendarmes in January 2006]. Mrs. Juana Calfunao Paillalef had additionally been accused of “threats” against one of the prosecutors. On November 20, 2006, the Temuco Oral Criminal Court had sentenced Mrs. Juana Calfunao to 150 days in detention for “public disorder”.

16./ A dry hunger strike means that the hunger strikers refrain from eating and drinking.

17./ See Annual Report 2006 and OMCT Urgent Appeal CHL 181207.

who were sentenced on August 21, 2004 to ten years and one day in prison for “terrorist arson”, were still being held in Angol prison.

On October 10, 2007, Mr. Florencio Jaime Marileo Saravia and Ms. Patriciana Roxana Troncoso Robles began a hunger strike to call for the release of all Mapuche political prisoners, the demilitarisation of the conflict zones in the Araucanía region and, in general, for an end to the repression of the Mapuche communities.

On December 14, 2007, Mr. Marileo Saravia decided to end his hunger strike, due to the serious deterioration of his health and because the Minister of the Interior had indicated willingness to set up negotiations.

On January 30, 2008, the Chilean Government announced that Ms. Patricia Troncoso and Mr. Florencio Marileo had obtained the right to leave the prison at weekends. After this announcement, Ms. Troncoso ended her hunger strike.

Ms. Patricia Roxana Troncoso Robles and Messrs. Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia and Juan Carlos Huenulao Lielmil had already led a hunger strike during their detention in March 2006, demanding the immediate release of all Mapuche political prisoners and the reopening of their respective trials by an independent and impartial court.

On May 13, 2006, the Mapuche leaders had signed an agreement with the penitentiary authorities, in which they had pledged to end their strike until the end of discussions on the bill intended to replace Decree N° 321 of 1925. On May 17, 2006, the bill had finally been approved, but not adopted, by the Senate Human Rights Commission.

/ COLOMBIA

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Summary executions and enforced disappearances

Assassinations and enforced disappearances of trade unions and peasants leaders

Assassination of Ms. Carmen Cecilia Santana Romaña¹⁸

On February 7, 2007, Ms. **Carmen Cecilia Santana Romaña**, the wife of Mr. **Hernán Correa Miranda**, the first Vice-President of the United Confederation of Workers (*Central Unitaria de Trabajadores* - CUT), was murdered at her home, in Apartadó (Antioquia department). Ms. Romaña was a member of the Claims Committee of the National Union of Workers in the Agricultural Sector (*Sindicato Nacional de Trabajadores del Sector Agrario* - SINTRAINAGRO).

On the previous day, several organisations, including CUT, SINTRAINAGRO, the National Movement for the Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado*), the “José Alvear Restrepo” Lawyers’ Collective (*Colectivo de Abogados José Alvear Restrepo* - CCAJAR), the Manuel Cepeda Vargas Foundation, the Foundation Committee for Solidarity with Political Prisoners (*Fundación Comité de Solidaridad con los Presos Políticos* - FCSPP), the Permanent Committee for Human Rights (*Comité Permanente por los Derechos Humanos* - CPDH) and the Colombian Commission of Jurists (*Comisión Colombiana de Juristas* - CCJ), had received threats from a supposed paramilitary group calling itself the “New Generation of Black Eagles”, declaring that they would attack members of the families of opposition leaders.

Assassination of Mr. Francisco Puerta¹⁹

On May 14, 2007, Mr. **Francisco Puerta**, a peasant leader and former Coordinator of the Humanitarian Zone in the district of Miramar, was shot dead in front of the Apartadó bus terminal by two men, who were apparently belonging to a paramilitary group. The murderers then left without being challenged, despite the presence of several police officers at the site.

Assassination of Mr. Leonidas Silva Castro²⁰

On November 2, 2007, Mr. **Leonidas Silva Castro**, President of the sub-directorate of the Teachers’ Trade Union of North Santander (*Asociación Sindical de Institutores Nortesantandereanos* - ASINORT), in Villacaro municipality, in the north of Santander, was killed in front of his home in the Prados del Norte district. Indeed, after returning home after attending the inauguration of the 13th ASINORT Departmental Olympiads with the Villacaro township delegation, he stayed in the street by himself in order to repair damage to his vehicle. At the same moment, several men drove up in a car and fired several shots at him. He was driven urgently to the Saint José clinic, where he died a few seconds later.

As of the end of 2007, the enquiry into this assassination remained pending.

Assassination of Mr. Jairo Giraldo Rey²¹

On November 3, 2007, Mr. **Jairo Giraldo Rey**, President of the sub-directorate of the National Union of Workers in the Fruit, Agro-industrial, Hotel and Tourist Industries of the Grajales Group

18./ See Urgent Appeal COL 003/0207/OBS 016.

19./ See Urgent Appeal COL 010/0507/OBS 045.

20./ See Open Letter to the authorities, November 16, 2007.

21./ *Idem*.

(*Sindicato Nacional de Trabajadores de la Industria Frutera, Agroindustrial, Pecuaria, Hotelera y Turística del Grupo empresarial Grajales - SINALTRAFRUIT*), was murdered in Torro municipality, in the Valle del Cauca department.

As of the end of 2007, the enquiry into this assassination remained pending.

Assassination of Ms. Mercedes Consuelo Restrepo²²

On November 7, 2007, Ms. **Mercedes Consuelo Restrepo Campo**, a teacher at the “Hernando Botero O’Byrne” Education Institute and a member of the sub-directorate of the Education Workers’ Unique Union of Valle del Cauca (*Sindicato Único de Educadores del Valle*), was killed in front of the San Juan Bosco school buildings, located in the San Vicente de Cartago district of the Valle de Cauca department. Two men on a motorbike would have shot five times at Ms. Mercedes Consuelo Restrepo Campo. She died immediately.

As of the end of 2007, the investigation into this assassination remained pending.

Assassination of Mr. José Jesús Marín Vargas²³

On November 22, 2007, Mr. **José Jesús Marín Vargas**, a member of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de la Industria de Alimentos - SINALTRAINAL*), was killed by unknown persons who shot at him while he was on his way between his workplace, the “Comestible de la Rosa” factory, a Nestlé subsidiary, and his home in the Los Naranjos neighbourhood of Dosquebradas municipality (Risaralda department). The Public Ministry later announced that his murder might be a crime of passion.

As of the end of 2007, the preliminary enquiry into this assassination remained pending.

Assassinations and enforced disappearances of civil society members

Assassination of Mr. Freddy Abel Espitia²⁴

On January 28, 2007, Mr. **Freddy Abel Espitia**, President of the Committee for Displaced Persons in Cotorra (*Comité de Desplazados de Cotorra*), was murdered by unknown persons.

Assassination of Ms. Yolanda Izquierdo²⁵

On January 31, 2007, Ms. **Yolanda Izquierdo**, Head of the People’s Housing Organisation (*Organización Popular de Vivienda - OPV*), was murdered in Montería, Córdoba department, while she was opening the door to her house in the Rancho Grande neighbourhood to welcome home her husband, Mr. Francisco Torreglosa. Two men on a motorbike rode around them and exchanged words with them before firing at them, immediately killing Ms. Izquierdo. Her husband was seriously wounded and was taken to the town clinic.

Ms. Izquierdo was the head, together with Mr. Manuel Argel, a farmer, of a group of small farmers whose lands had been seized by the paramilitary. The peasants had filed a complaint based on the “Law of Justice and Peace” and had intervened during the trial of Mr. Salvatore Mancuso, former Head of the United Self-Defence Groups of Colombia (*Autodefensas Unidas de Colombia - AUC*).

On January 25, 2007, Ms. Izquierdo had filed a complaint because of death threats she had received since December 2006. During the following days and up to her assassination, Ms. Izquierdo had gone to the Prosecutor’s office to seek protection from the authorities, which had replied that it would take a week to consider her request.

22./ *Idem*.

23./ See Urgent Appeal COL 023/1107/OBS 146.

24./ See Urgent Appeal COL 002/0207/OBS 013.

25./ *Idem*.

*Assassination of Mr. Dairo Torres Sepúlveda*²⁶

On July 13, 2007, the bus in which was travelling Mr. **Dairo Torres Sepúlveda**, Coordinator of the Alto Bonito Humanitarian Zone and leader of the San José de Apartadó Peace Community, was intercepted by two paramilitaries on the road from Apartadó to San José, close to the Mangolo police station. The latter ordered Mr. Torres Sepúlveda to step down from the vehicle, threatening him with knives, and ordered the driver of the vehicle to drive on. The two paramilitaries then immediately executed Mr. Torres Sepúlveda.

On the previous day, the two men had uttered threats against the Peace Community.

Arbitrary detentions

Arbitrary detention of civil society members

*Arbitrary detention of Mr. Jesús Javier Dorado Rosero*²⁷

On February 13, 2007, in Pasto, Mr. **Jesús Javier Dorado Rosero**, Director of the Permanent Committee for the Defence of Human Rights (CPDH) in Nariño department and a member of the executive board of the Nariño Magistrates' Union (*Sindicato del Magisterio* - SIMANA), was arrested by agents of the Administrative Department for Security (*Departamento Administrativo de Seguridad* - DAS), then taken to the Prosecutor's office, before being released two weeks later.

In addition, since November 2006, the CPDH has received information regarding the existence of a plan from the paramilitary to assassinate Mr. Dorado Rosero. After numerous complaints, which were not followed up for a long time, the Public Ministry finally granted Mr. Dorado Rosero emergency transport and a DAS escort unit. However, the latter refused that these protection measures be provided by DAS agents, as he did not trust them. He then asked to be able to choose his own escort but, as of the end of October 2007, no response to his request had been received.

*Release of Mr. Príncipe Gabriel González Arango*²⁸

On April 4, 2007, Mr. **Príncipe Gabriel González Arango**, Coordinator of the Santander branch of the Foundation Committee for Solidarity with Political Prisoners (FCSP), was released after being acquitted by the Eighth Criminal Court of Bucaramanga, on March 30, 2007.

On January 4, 2006, Mr. González Arango had been arrested and transferred to Bucaramanga, to the premises of the Unified Action Group for the Freedom of Colombia (*Grupo de Acción Unificado para la Libertad de Colombia* - GAULA), before being charged the next day with "rebellion". He had then been placed in detention at the "modele prison" in Bucaramanga, awaiting trial.

*Arbitrary detention and judicial proceedings against ACVC members*²⁹

On September 29, 2007, Messrs. **Andrés Gil**, Coordinator of the headquarters of the Cimitarra Valley Peasants' Association (*Asociación Campesina del Valle Cimitarra* - ACVC) in Barrancabermeja, **Oscar Duque**, founder and leader of the ACVC, and **Evaristo Mena**, a member of the ACVC and of the "La Poza" Road Assembly for Local Action (*Junta de Acción Comunal de la vereda "La Poza"*), were arrested during two simultaneous operations carried out by DAS agents and members of the military forces, in Cantagallo (Bolívar) and Barrancabermeja (Santander) respectively. They were then brought to the headquarters of the Nueva Granada battalion in Barrancabermeja.

On the same day, in Barrancabermeja, around 50 army soldiers, supported by DAS agents, broke into the ACVC regional offices and arbitrarily detained five people who were in the apartment, which is used as a residence for ACVC members and peasants of the Cimitarra river valley. Mr. **Mario**

26./ See Urgent Appeal COL 013/0707/OBS 080.

27./ See Annual Report 2006 and Urgent Appeal COL 004/0207/OBS 019.

28./ See Annual Report 2006 and Urgent Appeal COL 001/0106/OBS 004.1.

29./ See Urgent Appeal COL 019/1007/OBS 122.

Martínez, ACVC Director, a member and a leader of the Magdalena Medio communities, was also arrested at his home and taken to DAS premises in Barrancabermeja.

The four defenders arrested were then taken to the Bucaramanga “model prison”, where they remained in detention as of the end of 2007. In addition, they were accused of “rebellion”.

On October 5, 2006, soldiers of the national army, apparently belonging to fifth brigade units, had already arbitrarily arrested Mr. Duque in La Concepción. He had been released several days later.

The ACVC acted as interlocutor with the national Government in July 2007, when agreements were signed to resolve the humanitarian crisis in the region. Nevertheless, these arbitrary detentions and the judicial proceedings against ACVC leaders seem to be part of a strategy to make the organisation illegitimate.

Threats, harassments and assaults

Threats, harassments and assaults against trade unions and peasants leaders

Harassment and threats against Mr. Iván Montenegro³⁰

On March 7, 2007, Mr. **Iván Montenegro**, a leader of the United Confederation of Workers (CUT), was approached by two men of military appearance during an event organised by CUT in the town of Cali. The two men told him that he was “a member of the guerrilla”, that he “was spending too much time in the mountains” [where the guerrilla members take refuge] and that his house was “a meeting point” for the guerrilla.

On March 14, 2007, two other persons approached him in the Poblado I district and repeated the same accusations, adding that they were watching all his movements. The scene was repeated several hours later, the unknown individuals this time asking Mr. Montenegro for the names of “other guerrilla members” as well as for the date of the next meeting with his “friends of the mountain”.

Lastly, on March 16, 2007, as he was on his way to CUT headquarters in Bogotá, Mr. Montenegro was approached by two persons who knew his name and asked where he was going.

At the end of July 2007, Mr. Montenegro had to leave Colombia for safety reasons.

Death threats against several leaders of SINALTRAINAL³¹

On September 25, 2007, while they were about to enter the Bucaramanga office of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de la Industria de Alimentos - SINALTRAINAL*), Messrs. **José Domingo Flóres**, leader of SINALTRAINAL, **Nelson Pérez**, President of SINALTRAINAL - Bucaramanga, and **Luis Eduardo García**, also a SINALTRAINAL leader, discovered an envelope containing death threats, designating them as military targets.

This followed the three men’s participation in the Forum organised by the Santander Public Services Association (*Asociación Santandereana de Servidores Públicos - ASTDEMP*) and in a public hearing in Bogotá held at the International Labour Organisation’s Special Administrative Services and Decongestion Centre (*Centro de Servicios Administrativos Especializados de Descongestión de la Organización Internacional del Trabajo*), following a summons from the Criminal Judge of Valledupar Court. Mr. Luis Javier Correa Suarez and other SINALTRAINAL members were to give evidence against members of the paramilitary who were suspected of being responsible for the assassination, in 2005, of Mr. Luciano Enrique Romero Molina, a member of SINALTRAINAL.

On September 27, 2007, while he was in the Los Andes neighbourhood of the town of Floridablanca (Santander), Mr. **Andrés Damián Flóres Rodríguez**, aged sixteen, the son of Mr. José Domingo Flóres, was forced to climb into a van with three armed, masked men who were equipped with a radio transmitter. The three men then beat him, following orders that came via the radio and threatened M. José Domingo Flóres with death.

On October 12, 2007, Messrs. Luis Javier Correa Suárez and Luis Eduardo García again received death threats from the Black Eagles, transmitted in an envelope addressed to Mr. Nelson Pérez.

30./ See Urgent Appeal COL 009/0407/OBS 034.

31./ See Urgent Appeals COL 020/1007/OBS 125 and 125.1.

On December 6, 2007, Mr. José Domingo Flóres found an envelope in the garage at his home in the Los Andes neighbourhood in Floridablanca, which contained a message with death threats against him and his family, signed by the Black Eagles.

On the next day, a second envelope was discovered in the SINALTRAINAL offices in the town of Bucaramanga. This time, the threats were made against Messrs. Luis Eduardo García and **Luis Javier Correa Suárez**, also a SINALTRAINAL leader, and stated that the latter would be killed during the month of December.

These incidents occurred after, on the morning of December 6, 2007, Messrs. José Domingo Flóres and Luis Eduardo García had distributed an announcement to employees of the Carepa (Antioquia) Coca Cola plant, honouring the memory of Mr. Isidro Segundo Gil, Secretary General of the SINALTRAINAL sub-directorate, who had been killed in 1996 in the same factory, together with a list of Coca Cola and Nestlé employees who were members of SINALTRAINAL and who had also been killed.

Threats, harassment and assaults against civil society members

Attack on the headquarters of the League of Displaced Women³²

On January 20, 2007, the headquarters of the Turbaco League of Displaced Women (*Liga de Mujeres Desplazadas de Turbaco*) were attacked.

Burglary in the offices of the Civil Society Permanent Assembly for Peace³³

On January 22, 2007, the Bogotá headquarters of the Civil Society Permanent Assembly for Peace (*Asamblea Permanente de la Sociedad Civil por la Paz*) was violently attacked by unknown persons. The latter stole the central computer containing all the information relating to the Citizens' Peace Initiative (negotiations on the resolution of social and armed conflicts, cease-fire agreements, the promotion of humanitarian agreements, etc.), for which the Assembly had been subjected to intimidation and threats. The organisation's archives contained, in particular, documents and complaints filed against paramilitary groups, calling for their crimes to be brought to light and for compensation for victims.

Kidnapping of Ms. Katherine González Torres³⁴

On February 13, 2007, Ms. **Katherine González Torres**, the sister of Ms. **Sandra Gutiérrez Torres**, a member of the Popular Women's Organisation (*Organización Femenina Popular - OFP*), was kidnapped while she was on her way to work.

On March 12, 2007, Ms. González Torres was found after being abandoned with her eyes blindfolded by her captors, near the bus terminal in Barrancabermeja (department de Santander).

She had been held in a cold, dark place and subject to harassment. She was nevertheless able to eavesdrop on several of her kidnappers' conversations, during which reference was made to the OFP and the media coverage given to her disappearance.

In December 2006, the OFP had received an e-mail of which authors had threatened the organisation's members and declared that their families would be targeted.

Ongoing acts of harassment against CPDH members³⁵

On February 15, 2007, whilst Ms. **María P. Cardona Mejía**, Ms. **Cármen Teresa Palmarrosa Bruges**, Mr. **Wilson Ferrer Díaz** and Mr. **Orlando Corredor Uyubán**, members of the Permanent Committee for Human Rights (CPDH) - Santander, were on their way from Barrancabermeja to

32./ See Urgent Appeal COL 002/0207/OBS 013.

33./ See Urgent Appeal COL 001/0107/OBS 009.

34./ See Urgent Appeals COL 005/0207/OBS 020 and 020.1.

35./ See Annual Report 2006.

Bucaramanga after giving a training session on human rights, international humanitarian law and protection mechanisms at the Barrancabermeja penitentiary centre, they were arrested by members of the road police who were wearing identification jackets that did not correspond to their vehicle registration plates. Two of them were wearing civilian clothes. The CPDH vehicle was driven by DAS officials who immediately showed their official papers to identify themselves and explained their passengers' "mission". The police did not consider this sufficient and proceeded to carry out a complete search of the vehicle and check the identity papers of all the passengers, without providing any explanation for this procedure.

In answer to the questions asked by Ms. Carmen Teresa Palmarrosa Bruges, a CPDH lawyer, Sergeant Major Galeano, the only officer clearly identified by the CPDH members, replied in a dry and authoritarian manner, confirming that he held an order to search the vehicle from the Judicial and Investigation Police Unit (*Servicio de Investigaciones Judiciales e Inteligencia Nacional* - SIJIN). He then ordered the vehicle passengers to follow him to the police station, which the passengers refused to do. Subsequent to a telephone call made by the Sergeant Major, three men in plainclothes arrived in a white van and started to talk to the uniformed police. After some time, all the men returned to their vehicles and left without giving any explanation to the CPDH members.

Death threats made against several NGOs by the FARC³⁶

In February 2007, the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* - FARC-EP) threatened several human rights organisations with being designated as "military targets" if they did not "support the popular movement calling for the resignation of Uribe, to pave the way for the formation of a new government". These organisations included the Cauca Regional Indigenous Council (*Consejo Regional de Indígenas del Cauca* - CRIC), the North Cauca Association of Indigenous Municipal Councils (*Asociación de Cabildos Indígenas del Norte del Cauca* - ACIN) and the Colombian Range Integration Committee (*Committee de Integración del Macizo Colombiano* - CIMA).

Likewise, on March 20, 2007, several organisations in Nariño department received e-mail threats from the "New Generation" paramilitary group, accusing them of being "terrorists under the cover of human rights". The organisations threatened were: the Indigenous Unity of the Awá People (*Unidad Indígena de Pueblo Awá* - UNIPA), the CPDH-Nariño, the International Organisation for Migrations (*Organización Internacional de Migraciones* - OIM), the Foundation for Development and Peace (*Fundación Desarrollo y Paz* - FUNDEPAZ), the Tumaco Diocese Pastoral Commission, the Support for Victims of Socio-Political Violence through Psychological Rehabilitation (*Apoyo a Víctimas de Violencia Sociopolítica pro Recuperación Emocional* - AVRE), the FCSPP, the Movement for the Defence of the Rights of the People (*Movimiento por la Defensa de los Derechos del Pueblo* - MODEP) and the National University Federation (*Federación Universitaria Nacional* - FUN).

In June 2007, several members and leaders of human rights organisations in Nariño again received death threats from the "New Generation" group, designating them as military targets. These threats took the form of condolences and the NGOs and their officials were further described as "communist collaborators" and "defenders of narco-terrorists". The following persons were directly targeted in particular: Ms. **Ana Victoria Muñoz**, from OIM; Mr. Javier Dorado, CPDH Director; Mr. **William Girón Cruz**, from the Tumaco Pastoral Commission; Mr. **Gabriel Bisbicus Pascal**, from UNIPA; Mr. **Jesús Arciniegas**, from FUNDEPAZ; Ms. **Martha Melo Delgado**, a lawyer at CPDH - Nariño and a member of FUN and MODEP; Mr. **Harold Montufar**, an activist against landmines and in favour of mine-clearing in civilian zones; and Ms. **Gloria Amparo Camilo**, from AVRE.

Death threats and assassination attempt against Ms. Jahel Quiroga Carrillo³⁷

On March 30, 2007, the Corporation for the Defence and Promotion of Human Rights "REINICIAR" (*Corporación para la Defensa y Promoción de los Derechos Humanos* "REINICIAR") was informed of a plot to assassinate Ms. **Jahel Quiroga Carrillo**, the Director of REINICIAR, which

36./ See Urgent Appeals COL 007/0407/OBS 030 and 030.1.

37./ See Annual Report 2006 and Urgent Appeals COL 008/0407/OBS 033, COL 022/1107/OBS 140 and 140.1.

would have been commissioned by the “Capital Block” paramilitary group that operates in Bogotá. REINICIAR, of which members, including Ms. Quiroga Carrillo, have been provided with precautionary measures of protection by the Inter-American Commission on Human Rights (IACHR) since March 2002, filed a complaint with the authorities. As of the end of 2007, it had not been possible to obtain further information regarding the progress of this complaint.

In addition, on the morning of November 6, 2007, REINICIAR members noticed that individuals had entered the organisation’s premises in the centre of Bogotá during the weekend, when they discovered the locks of several offices had been forced, the safe had been opened and discovered a black bracelet in the shape of an eight in one of the drawers. The appropriate authorities were immediately informed of the incident.

REINICIAR members, with the assistance of the Technical Investigation Unit (*Cuerpo Técnico de Investigación* - CTI), were able to establish that several items had been stolen: two mobile phones, the sum of 2,700,000 COP (around 1,039 euros) in cash and a file from the Prosecutor’s office concerning the enforced disappearance of Ms. María Eugenia Castañeda, an activist from the Patriotic Union, in September 1985, in which members of the public forces appeared to be involved. However, no money was stolen apart from the money in the safe.

On November 26, 2007, three unknown persons fired three shots from a grey van with tinted windows at the building in Bogotá where Ms. Jahel Quiroga Carrillo lives. A few minutes later, a police patrol arrived at the scene but made no search for proof of the incident. The inhabitants of the residential zone in Bogotá where Ms. Jahel Quiroga Carrillo lives subsequently found shells from the bullets that had been fired, which were identified as coming from a calibre 9 mm weapon, generally used by the armed forces and manufactured by the Colombian military industrial company “INDUMIL”.

Threats against the San José de Apartadó Peace Community³⁸

On May 9, 2007, three women belonging to the San José de Apartadó Peace Community were arrested by paramilitaries in El Mangolo. The three men, armed and equipped with radios, introduced themselves as members of the “Black Eagles”, and declared that they were going to kill them. They then took them to the police station on the outskirts of Apartadó, where they checked the identity of their hostages by radio, and were told that they were not the three “wanted” women. The three men took photographs of their three victims, threatening them with death, adding that they had received orders “to assassinate the members of the Community [...] in coordination with the police and the army, who had given them names”.

After being insulted and threatened again by the three men, the three members of the Community were released.

Death threats and harassment against NGO members in South Bolívar³⁹

On May 12, 2007, members of the European Network of Fraternity and Solidarity with Colombia (*Red Europea de Hermandad y Solidaridad con Colombia*) and the Agro-Mining Federation of South Bolívar (*Federación Agrominera del Sur de Bolívar* - FEDEAGROMISBOL) received death threats by e-mail, targeting international organisations “supporting the communities of South Bolívar”. The message accused the NGOs of working for narco-terrorists, making particular reference to Mr. **Teofilo Manuel Acuña**, President of FEDEAGROMISBOL, as being one of the NGO officials involved in this “conspiracy”.

Mr. Acuña had been arrested on April 27, 2007, following a complaint for “fabricated legal action” lodged by the Nueva Granada battalion, affiliated to the fifth brigade of the national army, then released on May 5 by order of the Simiti Public Prosecutor. The captain of the above-mentioned battalion had declared at the time of the arrest that “the worst bandit of South Bolívar, who stole 500 million pesos from [the NGO] Social Action to support the guerrilla”, had been arrested.

38./ See Urgent Appeal COL 010/0507/OBS 045.

39./ See Urgent Appeal COL 011/0507/OBS 051.

Shortly before these events, on April 28, 2007, two international visitors who were accompanying three local leaders had been intercepted by the Nueva Granada battalion on the San Luquitas path, San Pedro Frio, in the town of Santa Rosa.

Likewise, on April 29, 2007, members of the same battalion had watched three members of the European Network of Fraternity and Solidarity with Colombia.

The battalion stated that it was responsible for the security of the multinational corporation Anglo Gold Ashanti, which, via its subsidiary company Kedahda, had taken over land belonging to the small miners of South Bolivar, despite the latter's refusal to give up their land.

Death threats against CJL⁴⁰

On May 25, 2007, members of the Liberty Judicial Corporation (*Corporación Jurídica Libertad - CJL*) in Medellín found a letter in front of the door of the organisation headquarters, threatening them with being designated as "military targets" if they did not give up their activities in support of human rights and the fight against impunity.

These events followed the publication, in March 2007, of a report entitled *Ejecuciones extrajudiciales: Caso oriente antioqueño (Extrajudicial executions: the case of East Antioquia)*, prepared by the Colombia - Europe - United States Coordination (*Coordinación Colombia - Europa - Estados Unidos*) and the Seeds of Freedom Collective (*Semillas de Libertad*). In this report, CJL members had denounced the assassinations of 110 individuals carried out by the fourth brigade of the army.

Acts of harassment against the "Yira Castro" Legal Corporation and Mr. Rigoberto Jiménez⁴¹

On June 22, 2007, the headquarters of the "Yira Castro" Legal Corporation (*Corporación Jurídica "Yira Castro" - CJYC*) were broken into and several important work documents were stolen.

In addition, on July 24, 2007, several members of the organisation received death threats by e-mail.

On July 30, 2007, the National Coordination of Displaced People (*Coordinación Nacional de Desplazados - CND*), an organisation that defends the rights of displaced people, received an e-mail from the paramilitary group "Bosa Black Eagles", affirming that Mr. **Rigoberto Jiménez**, a CND leader, and CJYC members had been designated as military targets. Mr. Rigoberto Jiménez had already received death threats on July 12, 22 and 26.

On October 15, 2007, Ms. **Blanca Irene López**, a lawyer and a CJYC member, likewise found a handwritten message at her home in Bogotá, announcing that she would die on December 24.

These incidents form part of the general context of threats against CJYC members that intensified between July and October 2007, despite the measures of protection granted by the Inter-American Commission on Human Rights (IACHR) on August 21, 2007, at the request of the CJYC and the CCAJAR.

Acts of harassment against Mr. Héctor Torres⁴²

On July 31, 2007, members of the "Black Eagles" paramilitary group burst into the home of Mr. **Héctor Torres**, President of the Human Rights and International Humanitarian Law Commission in Bajo Ariari (*Comisión de Seguimiento a los Derechos Humanos y El Derecho Internacional Humanitario del Bajo Ariari*), in Villavicencio city, while the latter was absent. The paramilitaries apparently indicated that the purpose of their visit was to carry out a "political enquiry". After threatening the persons present with their weapons, four men went upstairs, looking for Mr. Torres. The inhabitants of the house were then able to inform the neighbours, who called the police. On the same day, a complaint was filed with the Villavicencio Rapid Reaction Unit of the National Prosecutor General (*Unidad de Reacción Inmediata de la Fiscalía General de la Nación - URI*). As of the end of 2007, it had not been possible to obtain information regarding the progress of this complaint.

40./ See Urgent Appeal COL 012/0507/OBS 057.

41./ See Urgent Appeals COL 014/0807/OBS 091 and COL 021/1007/OBS 130.

42./ See Urgent Appeal COL 014/0807/OBS 091.

In addition, on December 26, 2007, SIJIN officials, accompanied by a national police patrol, arrested Mr. Héctor Torres in the Bosa neighbourhood of Bogotá. Mr. Torres was charged with rebellion and organised crime. Shortly after being placed in detention, Mr. Torres was transferred to Villavicencio province, in the south of Bogotá. He was released the next morning after a judge ruled that his detention was illegal.

On December 28, officers who appeared to be SIJIN members followed Mr. Torres from his house in Bosa as far as Bogotá, where he was going to a meeting of human rights organisations.

On several occasions, Mr. Torres had denounced to judiciary bodies the recurrent violations of human rights and humanitarian law carried out by the law enforcement bodies and the paramilitaries against the communities of Bajo Ariari and of the Güejar River, which occurred in the framework of the implementation of the “Patriotic Plan”.

Judicial proceedings against Mr. Armando Pérez Araújo⁴³

Several legal proceedings have been opened against Mr. **Armando Pérez Araújo**, a lawyer specialised in the defence of the rights of populations affected by the mining industry, especially indigenous peoples and peasants of African origin in the department of La Guajira. Mr. Pérez Araújo was prosecuted, *inter alia*, by Ms. Carmen Frías, Public Prosecutor of the Section of La Guajira, for “insult and slander”, following an article published in *La Guajira Grafica*, a local newspaper of Riochacha, in which he had accused Ms. Frías of being “corrupt” and “mediocre”, after he was sentenced to 37 days in prison in 2001. He had been sentenced after denouncing the activities of La Guajira mining companies.

As of the end of 2007, it had not been possible to obtain further information concerning the status of these judicial proceedings.

Kidnapping of Ms. Juana Padilla Mena and Mr. Rodrigo Rodríguez Córdoba⁴⁴

On August 30, 2007, guerrilla members of the 34th Front of the Revolutionary Armed Forces of Colombia (FARC) raided the Tanguí Community in Choco department and entered the house of Ms. **Juana Padilla Mena**, one of the founders of the High Community Council of the Integral Peasants’ Association of the Atrato (*Consejo Comunitario Mayor de La Asociación Campesina Integral del Atrato* - COCOMACIA). Once in the house, the assailants forcibly detained her, together with Mr. **Rodrigo Rodríguez Córdoba**, a community leader and laic missionary of Quibdó diocese and Ms. Juana Padilla Mena’s brother.

On September 4, 2007, Ms. Juana Padilla Mena and Mr. Rodrigo Rodríguez Córdoba were released, after being detained for more than five days.

Threats against Mr. Andrés Gutiérrez Baldovino⁴⁵

On September 10, 2007, the headquarters of the Franciscan Foundation “Santo Tomás Moro”, which defends the rights of the poor and of displaced persons in the city of Sincelejo and more generally in the department of Sucre, received a phone call from persons who identified themselves as members of the “Black Eagles” paramilitary group. They accused Mr. **Andrés Gutiérrez Baldovino**, a member of the Foundation, of being a FARC informer, and declared that he would become a “military target” if he refused to attend a confrontation with the other informers who had denounced him.

On September 12, 2007, Mr. Andrés Gutiérrez Baldovino was obliged to leave his hometown, fearing for his safety and that of his family. He settled in another Colombian city and the acts of harassment ceased.

In addition, after Mr. Gutiérrez Baldovino lodged a complaint, the authorities established a security plan for him and the Franciscan Foundation “Santo Tomás Moro”. However, this plan was implemented only in the initial weeks and has since been abandoned.

43./ See Urgent Appeal COL 015/0807/OBS 098.

44./ See Urgent Appeals COL 016/0907/OBS 109 and 109.1.

45./ See Urgent Appeal COL 017/0907/OBS 110.

Furthermore, during the same day, the same paramilitary group called on several occasions the home of Mr. **Alfonso Henríquez**, a member of the “Montes de María” Foundation, which, like the Franciscan Foundation “Santo Tomás Moro”, works on behalf of displaced populations in the dioceses of Magangue, Cartagena and Sincelejo.

Death threats against Messrs. José Manuel Gómez and José Ramiro Orjuela Aguilar⁴⁶

On September 11, 2007, Mr. **José Manuel Gómez**, a CPDH member, received a letter by e-mail threatening him with death and signed by the Black Eagles.

On March 12, 2005, Mr. José Manuel Gómez had been forced to leave his hometown, Barranquilla, because of the harassment to which he had been subjected by intelligence organisations and paramilitary groups. He had been denounced as belonging to the “José Antequera Urban Front” (*Frente Urbano José Antequera* - RUJA) of the FARC. The acts of harassment continued when he moved to Bogotá to flee the pressures and he had then had to leave Colombia to protect his life. The acts of harassment resumed when he came back on March 28, 2007.

Similarly, on the night of September 12, 2007, as Mr. **José Ramiro Orjuela Aguilar**, a legal advisor and also a CPDH member, was on board of a vehicle assigned to him for security reasons, heading to the SIJIN premises, in Bogotá, to look for a person who was detained there, his bodyguards noticed that they were followed by two taxis. The two taxis parked close to his vehicle during the forty-five minutes that Mr. Orjuela Aguilar spent at SIJIN. As he set off on the road again, he noticed that the two vehicles were still following him and he therefore went to the offices of the Administrative Department for Security (DAS) to report that he was being followed. When checked out by a DAS patrol, one of the two taxi drivers identified himself as a SIJIN agent. When Mr. José Ramiro Orjuela Aguilar tried to ask the man for an explanation, he was threatened and insulted, and the taxi driver denied he was following him. The DAS agents let the driver go, saying that he could not be accused of anything illegal.

Death threats against Mr. Hollman Morris⁴⁷

On September 26, 2007, Mr. **Hollman Morris**, an independent journalist and Director of the television programme *Contravía*, known for his stand on the human rights situation in Colombia, received an e-mail in which a paramilitary group called the Patriotic Front told him he had won a coffin in a raffle, with the epitaph “for a guerrilla, an informer and an anti-patriot”.

On the next day, Mr. Hollman Morris received a new e-mail signed by the same paramilitary group and with his photograph marked with an “X” and the text “4, 3, 2, here we go”. After receiving these death threats, Mr. Hollman Morris was forced to leave the country with his family in order to protect his life and theirs.

In the past, Mr. Morris had already been the subject of death threats on several occasions because of his human rights activities.

Defamation campaign against the Antioquia Prosecutor’s office and members of the Supreme Court of Justice⁴⁸

On October 8, 2007, the office of the President of the Republic accused the Antioquia Prosecutor’s office of corruption after, during a meeting on October 4, 2007 between the Prosecutor’s office and Mr. José Orlando Moncada Zapata, *alias* “Tasmania”, a member of the paramilitary held in prison, Mr. Zapata accused President Uribe Vélez and other citizens of commissioning the attack in 2003 against the paramilitary member Alcides de Jesús Durango.

Defending himself against such an accusation, President of the Republic Alvaro Uribe Vélez stated in a press release dated October 8, 2007 that he had received a letter from Mr. Moncada Zapata, in which the latter accused the civil servants of the Technical Investigation Unit (CTI) of the Antioquia

46./ See Urgent Appeal COL 018/0907/OBS 116.

47./ See Annual Report 2006 and Urgent Appeal COL 010/0606/OBS 065.1.

48./ See Press Release, October 24, 2007.

Prosecutor's office and members of the Supreme Court of Justice "of having contacted Mr. Zapata with the intention that he would accuse the President and other persons, in return for benefits".

The President of the Supreme Court, Mr. Cesar Julio Valencia, denied these accusations and stated that they constituted an attempt to obstruct justice in the framework of the investigation aiming at establishing links between the paramilitary and around 30 Congress members close to President Uribe.

Smear campaign against human rights defenders⁴⁹

On October 17, 2007, President Alvaro Uribe Vélez declared to magistrates of the Inter-American Court of Human Rights during its 31st extraordinary session, which took place in Bogotá from October 17 to 20, that "every time members of the guerrilla and their followers sense they can be defeated, they resort to denunciations of human rights violations".

These declarations, which discredit human rights activities, could represent a risk for human rights defenders in Colombia and recall the declarations also made by President Uribe to the European Parliament in Strasbourg on February 10, 2004, stating that "human rights should not be used to cover up terrorist action".

Death threats against Ms. Yolanda Becerra Vega and acts of harassment against Ms. Jackeline Rojas Castañeda and Mr. Juan Carlos Galvis⁵⁰

On November 4, 2007, at around 7.30 am, two masked men in plain clothes entered the home of Ms. **Yolanda Becerra Vega**, President of the Popular Women's Organisation (OFP) in the town of Barrancabermeja. Once inside, they physically assaulted her, pushing her against the wall and hitting her, and intimidated her by pointing a gun at her, saying: "this son of a bitch of a story is over, you have 48 hours to leave, if not we'll wipe out your family and you won't escape". The men stayed for about fifteen minutes, during which they destroyed and knocked over her personal belongings.

On the same day, the door giving direct access to the apartment where Ms. **Jackeline Rojas Castañeda**, a member of the OFP board of directors, and Mr. **Juan Carlos Galvis**, national Vice-President of SINALTRAINAL, live was blocked, preventing the residents from leaving.

49./ *Idem*.

50./ See Open Letter to the authorities, November 6, 2007.

/ COSTA RICA

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Judicial proceedings against the principal trade union organisations and acts of harassment against Mr. Dennis Cabezas⁵¹

On January 15, 2007, Mr. Marco Nuñez Arias, a Member of Parliament from the parliamentary group “Libertarian Movement” (*Movimiento Libertario*), filed a complaint with the Prosecutor General of the Republic against the leaders of the principal trade unions in Costa Rica. Mr. Nuñez Arias called in particular for these organisations to be sanctioned for having filed a complaint against Costa Rica with the International Labour Organisation (ILO) for non-respect of the national and international instruments regarding labour rights.

As of the end of 2007, it had not been possible to obtain further information regarding the progress of this complaint.

Furthermore, in the week of March 12, 2007, Mr. **Dennis Cabezas**, President of the Costa Rican Workers’ Movement Federation (*Central del Movimiento de Trabajadores Costarricenses - CMTC*), was prevented from attending a meeting to resolve a dispute between the Ministry of Agriculture and Farming and several unions, for which he had been appointed the official union representative. The Minister of Agriculture and Farming and the Chairman of the board of the National Farming Council refused his attendance, thus limiting the union side’s negotiating powers.

51./ See Urgent Appeal CRI 001/0307/OBS 028.

Release of Mr. René Gómez Manzano⁵²

On February 8, 2007, Mr. **René Gómez Manzano**, a lawyer and Vice-President of the Assembly for the Promotion of Civil Society (*Asamblea para la Promoción de la Sociedad Civil - APSC*), was released from the prison where he had been detained for 19 months.

On July 22, 2005, Mr. Manzano had been arrested, together with thirty other people, on the eve of a peaceful demonstration that was planned to take place in front of the French Embassy to condemn the “standardisation” of relations between the European Union and Cuba and to obtain the release of political prisoners.

At no time during his detention was Mr. Manzano informed of the charges against him and he never appeared before a court.

Ongoing acts of harassment against members of the Cuban Foundation for Human Rights

Ongoing detention of Mr. Virgilio Mantilla Arango and end of the house arrest of Ms. Ana Peláez García⁵³

As of the end of 2007, Mr. **Virgilio Mantilla Arango**, a member of the Cuban Foundation for Human Rights (*Fundación Cubana de Derechos Humanos*), remained in detention.

Following his arrest on March 4, 2002 during a peaceful protest against the attack on Mr. Jesús Álvarez Castillo, an independent journalist, on the same day, he had been sentenced in April 2004 to seven years in prison for “damage to the image of the Cuban President”, “opposition and disobedience to public authority” and “incitement of public disorder”.

Ms. **Ana Peláez García**, also a member of the Cuban Foundation, had been sentenced in the same circumstances to three years’ house arrest. Her sentence therefore came to an end in 2007.

Ongoing acts of harassment against Mr. Juan Carlos González Leiva⁵⁴

In March 2007, the home of Mr. **Juan Carlos González Leiva**, President of the Cuban Foundation for Human Rights and Executive Secretary of the Council of Rapporteurs on Human Rights in Cuba (*Consejo de Relatores de Derechos Humanos de Cuba*), was surrounded by State security and national police vehicles, accompanied by a number of paramilitaries of the Rapid Reaction Brigade. He was thus prevented on several occasions from leaving his home and receiving visitors.

In addition, on August 26, 2007, Mr. Juan Carlos González Leiva was arrested and beaten by several members of the military as well as by members of State security at the “Amalia Simoni” hospital in Camagüey. Messrs. **Luis Esteban Espinosa Echemendía**, an independent journalist, and **Eisy Marrero Marrero**, a member of the Council of Rapporteurs on Human Rights in Cuba, were also arrested and physically assaulted. The three men were arrested when they came to interview the adopted son of Mr. José Antonio Mola Porro, a political prisoner.

The three men were subsequently placed in detention in the hospital wing reserved for prisoners and tuberculosis patients. When the agents tried to search Mr. González Leiva, the latter refused, arguing that such a search could only be carried out in a police station. A little while later, police officers arrived and demanded that Mr. González Leiva gave them his video camera. The latter replied that he agreed to give them the videotape but refused to hand over the video camera. A dozen policemen then

52./ See Annual Report 2006.

53./ *Idem*.

54./ See Press Release, March 21, 2007 and Urgent Appeal CUB 001/0807/OBS 103.

threw him on the floor and beat him. They subsequently dragged him to their vehicle. As he resisted, they violently hit him on the car.

Messrs. González Leiva, Espinosa Echemendía and Marrero Marrero were then driven to Avellaneda police station, and placed for three hours in a cell of which floor was covered with urine and excrement. The three men were finally released, the policemen arguing that they had made a “mistake”. Mr. González Leiva got his video camera back, as well as his four videotapes.

As of the end of 2007, tight surveillance of Mr. González Leiva continued, especially of his telephone calls and visits.

On April 26, 2004, Mr. González Leiva had been sentenced to four years’ house arrest for “damage to the image of the Cuban President”, “opposition and disobedience to public authority” and “incitement of public disorder” after being arrested on March 4, 2002 during the peaceful protest against the attack made on Mr. Jesús Alvarez Castillo on the same day.

Arbitrary detention of Mr. Juan Bermúdez Toranzo⁵⁵

On November 21, 2007, Mr. **Juan Bermúdez Toranzo**, national Vice-President of the Cuban Foundation for Human Rights, was arrested by officers of the national police and State security, who burst into his home in the municipality of San Miguel del Padrón, where several activists of the Cuban Foundation for Human Rights were fasting to demand the freedom of all Cuban political prisoners. More than 30 police officers took part in this operation and partly destroyed the interior and furniture in the home. Mr. Juan Bermúdez Toranzo and his two-year-old son were dragged in their underwear from his apartment into the street and thrown into a patrol vehicle.

The following people were also arrested at the same time: Mr. **Osmar Osmani Balmán del Pino**, delegate of the Cuban Foundation for Human Rights in the San Miguel del Padrón municipality, Mr. **José Luis Rodríguez Chávez**, Vice-President of the Cuban Foundation for Human Rights in Havana, and Mr. **William Cepero**, President of the Cuban Foundation for Human Rights in Habana Vieja municipality. These people were then brought to the eleventh police unit in San Miguel del Padrón in Havana and placed under investigation.

Furthermore, five families, including women and children, who were present when the incidents took place were brutally beaten by the police officers. Mr. **Yordis Ferrer**, a pastor of the Pentecostal Evangelical Church who was also at the home of Mr. Juan Bermúdez Toranzo, was also arrested while he tried to defend Ms. **Nery Castillo**, Mr. Juan Bermúdez Toranzo’s wife. He was taken to the eleventh police unit in San Miguel de Padrón with the other activists of the Cuban Foundation for Human Rights.

As of the end of 2007, Mr. Juan Bermúdez Toranzo was still being held at the Valle Grande prison, in the city of Havana, where he had been transferred on November 30, 2007, and charged with “verbally attacking the authority” (the national revolutionary police). The accusations against him refer to him as a “dangerous person”.

Ongoing acts of harassment against the Ladies in White⁵⁶

In 2007, the Ladies in White (*Damas de Blanco*), an organisation gathering the wives and families of Cuban political prisoners, continued to be subjected to constant acts of harassment.

On December 9, 2007 for instance, while around thirty women dressed in white and carrying gladiolus flowers were ending a peaceful march through the streets of Havana, watched by a security unit, they were surrounded by dozens of “official” demonstrators near the University of Havana. These demonstrators followed the Ladies in White to the home of Ms. **Laura Pollán**, shouting revolutionary slogans and insults at the Ladies in White.

55./ See Urgent Appeal CUB 002/1107/OBS 155.

56./ See Annual Report 2006.

Ongoing acts of harassment against Ms. Martha Beatriz Roque Cabello⁵⁷

In 2007, Ms. **Martha Beatriz Roque Cabello**, President of the Assembly to Promote Civil Society (APSC) and a member of the Institute of Independent Economists, continued to be the target of repeated acts of harassment.

As an example, on April 17, 2007, Ms. Roque Cabello was the target of threats and acts of harassment by telephone made by a man who said that he belonged to the security forces.

Ms. Roque, who was sentenced to 20 years in prison in March 2003 for “acts against the independence or territorial integrity of the State” had been conditionally released on July 22, 2004 for health reasons.

57./ *Idem.*

/ ECUADOR

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Ongoing judicial proceedings against Mr. Wilman Alfonso Jiménez Salazar⁵⁸

On June 19, 2007, exactly one year after his arrest, Mr. **Wilman Alfonso Jiménez Salazar**, a member of the Programme for the Protection of Human Rights Defenders of the Regional Foundation for Human Rights Counselling (*Fundación Regional de Asesoría en Derechos Humanos* - INREDH), of the Orellana Human Rights Committee and of the Angel Shingre Network of Community Leaders (*Red de Líderes Comunitarios Angel Shingre*), presented to the Quito Defender of the People a claim concerning the anti-constitutional nature of Article 145 of the National Security Act, used to judge civilians in military courts and tribunals. On that occasion, the Defender of the People undertook to analyse Mr. Jiménez Salazar's request and issue a report on his detention. If the report goes in his favour, Mr. Jiménez will bring to the Constitutional Court his question on the constitutional issue.

On June 19, 2006, as Mr. Jiménez Salazar was observing the violent dispersal of farmers occupying the premises of the Perenco oil company of Punino-Payamino (Amazonian province of Orellana) in protest against the harmful environmental repercussions of the company's activities, he had been beaten and detained for four hours by the police, before being taken to the provincial civilian hospital. He had later been transferred to the criminal investigation department of the police.

Mr. Jiménez Salazar had been held in solitary confinement until the next day, when he had been 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" fourth division of the army had reportedly told them that "human right defenders incited the population to rise against the companies".

On July 6, 2006, Mr. Jiménez Salazar had been released after the Orellana Provincial Governor paid his bail to "calm down" the intense social mobilisation calling for his release. As the Military Court does not have jurisdiction over civilians, his case had been referred to the Criminal Court of the city of Coca, which charged him with "terrorism" and "sabotage".

As of the end of 2007, the charges against him remained pending.

58./ *Idem.*

/ GUATEMALA

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Assassinations, assassination attempts and enforced disappearances

Ongoing enforced disappearance of Mr. Oscar Humberto Duarte Paíz⁵⁹

As of the end of 2007, Mr. **Oscar Humberto Duarte Paíz**, 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 Administration Team of the Public Medical Clinic (*Equipo para la Administración de la Clínica Médica Popular*), was still reported missing. In addition, the investigation into his disappearance had not progressed, notably owing to the refusal of the Public Prosecutor to deal with the matter.

On May 24, 2006, Mr. Oscar Duarte had been abducted by six armed men on leaving the Sanjuaneros conference room - a meeting room reserved for the Sanjuaneros community organisations. His disappearance had followed the intervention, on May 6, 2006, of ASIDECQ members as mediators, during an incident between the community and the police.

On June 10, 2006, the vehicle used in Mr. Duarte's abduction had been again seen by association leaders in front of the Sanjuaneros conference room. One of the passengers, heavily armed, had stepped out of the car to inspect the place.

Lack of investigation into the assassination of Mr. Harold Rafael Pérez Gallardo⁶⁰

As of the end of 2007, the Public Prosecutor's investigation into the assassination of Mr. **Harold Rafael Pérez Gallardo**, a lawyer working in the legal office of the NGO Casa Alianza Guatemala, which was opened in 2006, had made no progress.

Mr. Pérez Gallardo had been shot dead on September 2, 2005. He was defending cases initiated by Casa Alianza Guatemala, in particular cases of illegal adoptions, trafficking and murders of street children.

Lack of investigation into the murder of Mr. Jonathan Valente Barrios Mérida⁶¹

At the end of 2007, the investigation into the causes of the death of Mr. **Jonathan Valente Barrios Mérida**, a friend of the son of Mr. **Mario Corado Solórzano Puac**, founder and President of the Richard Solórzano Foundation⁶², had made no progress. Mr. Jonathan Valente had been assassinated on January 31, 2006 while the three men were sitting in front of the Solórzano home, by persons in a vehicle that most probably belonged to the national police reserve and special forces.

Later, the Public Prosecutor had accused Mr. Jonathan Valente of belonging to a gang of "maras" and to be a contract killer, hinting that his assassination was in fact an extrajudicial execution.

Shortly before, Mr. Mario Corado Solórzano Puac had lodged a complaint with the Inter-American Commission on Human Rights (IACHR) against the State of Guatemala, accusing the national police

59./ *Idem.*

60./ *Idem.*

61./ *Idem.*

62./ The Richard Solórzano Foundation was established by Mr. Mario Corado Solórzano in order to obtain justice for the assassination of his son on March 10, 2003, to which the organisation owes its name. After being confronted with numerous obstacles, he filed a complaint with IACHR to press charges against the State of Guatemala for the impunity in Richard Solórzano's assassination. The IACHR judged the case to be admissible, and since then Mr. Solórzano has undertaken a series of actions with a view to provide the required information.

and the Public Prosecutor of Coatepeque of omission and dereliction of their duties in the case of his other son, Richard Solórzano. At the end of 2007, the complaint lodged with IACHR was still pending.

On February 9, 2006, the Quetzaltenango Public Prosecutor had granted protection measures to the Solórzano family, following the request made by Mr. Solórzano to the justice of the peace, passed on by the Coatepeque Human Rights Prosecutor. At the end of 2007, the precautionary measures were still in force, but not applied.

Furthermore, at the end of 2007, no investigation had been carried out neither on the acts of intimidation and threats against Mr. Mario Solórzano in 2006, nor concerning his attempted assassination. Mr. Solórzano ceased to be threatened in 2007.

Impunity in the assassination of Mr. Antonio Ixbalan Cali and his wife⁶³

As of the end of 2007, no progress had been reported in the investigation into the assassination of 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, Ms. **María Petzey Co**, who were shot dead on April 5, 2006 by four men in their home in Valaparaíso, in the Chicacao region.

Impunity in the assassination of Ms. Carmen Sagastume⁶⁴

More than a year and a half after the assassination of 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), the investigation had not succeeded, as of the end of 2007, in identifying a suspect, and was still underway.

On August 18, 2006, Ms. Sagastume had been assassinated at her home.

Impunity in the assassination of Mr. William Noe Requena Oliveros⁶⁵

As of the end of 2007, no progress had been reported in the investigation into the assassination of Mr. **William Noe Requena Oliveros**, a delegate of the Unity for Popular and Trade Union Action (*Unidad de Acción Sindical y Popular* - UASP) and an executive of the God's Gift Association (*Asociación Regalito de Dios*), in the municipality of Villa Nueva.

On October 31, 2006, Mr. Requena Oliveros had been found dead in Peronia, municipality of Villa Nueva, where his 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.

Assassination of Mr. Pedro Zamora⁶⁶

On January 15, 2007, Mr. **Pedro Zamora**, Secretary General of the Union of Workers of the Quetzal Port Company (*Sindicato de Trabajadores de la Empresa Portuaria Quetzal* - STEPQ), in Puerto Quetzal, was assassinated during an armed attack against his vehicle, as he was returning home with his two sons. Around a hundred bullets were fired in the direction of his vehicle, around 20 of which hit the trade union leader. Mr. Zamora had received repeated death threats several days before the killing.

63./ See Annual Report 2006.

64./ *Idem*.

65./ *Idem*.

66./ See Urgent Appeal GTM 001/0107/OBS 004.

During the attack, Mr. Zamora tried to protect his children by pushing them on the floor, but one of them was injured all the same. After firing, the assailants approached the vehicle and fired point blank at Mr. Zamora, which is the method generally used by paramilitary groups and the armed forces.

An investigation was opened only one month after the event and was still underway at the end of 2007. Many serious mistakes were made, however, in the handling of the scene of the crime.

Mr. Pedro Zamora had been particularly active during the negotiations of the Collective Agreement on Working Conditions (*Pacto Colectivo de Condiciones de Trabajo*), and in the ongoing struggle to obtain reinstatement of a group of workers unduly sacked.

Early in 2006, the union had lodged a complaint with the Public Prosecutor and the Defender of Human Rights concerning acts of harassment against members of the organisation, without any measures being taken to protect them.

Assassination of Mr. Israel Carias Ortiz⁶⁷

On February 6, 2007, Mr. **Israel Carias Ortiz**, a leader of the Integral Peasant Association for the Development of the Achiotes (*Asociación Campesina Integral de Desarrollo Achiotes*), and his two young sons were shot dead, on their way back from Zacapa.

Mr. Ortiz had gone to purchase medicine for his mother, who was seriously ill. She died on learning of the death of her son and grandchildren.

Mr. Ortiz had lodged a complaint on several occasions for acts of harassment and threats, without getting any reaction from the authorities.

At the end of 2007, although those responsible for the murder had been identified, no warrant for their arrest had been issued and the investigation remained pending.

Sentencing of Ms. Meregilda Súchite's murderer⁶⁸

On March 29, 2007, Mr. César Pérez González, an employee of the Comprehensive Security Services (*Servicios Integrales de Seguridad - SIS*), a company operating in Banrural de Esquipulas, was found guilty of the murder of Ms. **Meregilda Súchite** by the First Criminal Court for Drug Trafficking and Offences against the Environment in Chiquimula, and sentenced to 27 years' imprisonment.

On April 2, 2006, Ms. Súchite, leader of the Tuticopote Abajo community, in the Olopa region, department of Chiquimula, and a member of the Women's Network of the Observatory for Human Rights, 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, had been assassinated with six bullets and four machete blows, as she was on her way to church with her husband.

Assassination of the son and the mother of Ms. Edith Corrado Gómez⁶⁹

On June 3, 2007, Mr. **José Corrado Gómez**, the son of Ms. **Edith Corrado Gómez**, a member of the Awareness-Raising Team of the Association of Ixqik Women (*Asociación de Mujeres Ixqik*) in Péten, and grandson of Ms. **María Cristina Gómez**, in charge of the Pastoral for Women for the Santa Ana and Chal communities, was assassinated by two armed men in the family shop in Chal (department of Petén). He died immediately.

One of the murderers then targeted Ms. Edith Corrado, wounding her in the arm. Ms. María Cristina Gómez, wanting to protect her daughter, was shot several times, and died immediately.

These events, which led to no investigation, took place on the eve of a meeting between the Ixqik Association and the office of the Human Rights Prosecutor, which aimed in particular at denouncing the acts of harassment against its members, including several anonymous threatening phone calls.

For instance, on June 1, a man pretending to be drunk had stood in front of the home of Ms. **Olga Urízar**, a member of Ixqik, and had threatened to throw a bomb inside.

67./ See Urgent Appeal GTM 003/0207/OBS 018.

68./ See Annual Report 2006 and Urgent Appeal GTM 002/0406/OBS 047.1 (circulated under GTM 004/0407/OBS 047.1).

69./ See Urgent Appeal GTM 007/0607/OBS 062.

Assassination of Mr. Marco Tulio Ramírez Portela⁷⁰

On September 23, 2007, Mr. **Marco Tulio Ramírez Portela**, Secretary for Sports and Culture of the executive committee of the Izabal Union of Banana Workers (*Sindicato de Trabajadores Bananeros de Izabal* - SITRABI), and brother of the SITRABI Secretary General, was assassinated as he was leaving his home in Izabal to go to work. He was intercepted by several heavily armed men wearing hoods, who shot at him with heavy calibre guns, practically in front of his wife and children.

The Public Prosecutor opened an investigation, and the preliminary police enquiry revealed a possible implication from the local authorities, and the complicity of a private security firm. However, at the end of 2007, no arrest warrant had been issued.

Furthermore, in July 2007, members of the Guatemala army had illegally searched the SITRABI headquarters, and had questioned the persons present at the time in order to obtain the names of the union leaders. The union subsequently lodged a complaint with the Public Prosecutor and the Prosecutor for Human Rights. Later, the Minister for Defence had held a meeting with SITRABI members, promising an “internal enquiry” on the case, but the promise does not appear to have been kept.

Threats and acts of harassment

Threats against ECAP members⁷¹

In 2007, the threats against the Community Studies and Psychosocial Action Team (*Equipo de Estudios Comunitarios y Acción Psicosocial* - ECAP) continued, despite the commitment on the part of the Government of Guatemala to implement the precautionary measures of protection granted by IACHR to ECAP and to launch investigations into all the violations committed against the organisation up to the end of 2006.

For instance, on January 10, 2007, ECAP received new threats relating to the work of the organisation in connexion with the exhumations, and in favour of the beneficiaries of the compensation granted by IACHR to victims of the Plan de Sánchez massacre. The message specified that the threats received by ECAP emanated from the Republican Front of Guatemala (*Frente Republicano Guatemalteco* - FRG), desirous of “avenging” the attacks against the former dictator Efraín Ríos Montt in Rabinal in 2003⁷².

Also, on January 23, 2007, a member of ECAP staff, who had already been victim in the past of acts of harassment, was accosted by an unidentified man on a bus travelling towards Rabinal. The man insulted him and threatened him with dire consequences if ECAP continued to go to Rabinal. He then moved to another seat, before getting off the bus at the Sumpagno stop.

On the same day, a lady ECAP staff member living in Rabinal received several phone calls from unidentified persons uttering threats against the organisation’s work in the region.

Furthermore, during the night of November 24, 2007, as she was leaving a meeting, Ms. **Amandine Fulchiron**, a member of ECAP and of the Consortium of Actresses for Change (*Consortio Actoras de Cambio*), which is made up of the National Union of Guatemalan Women (*Unión Nacional de Mujeres Guatemaltecas* - UNAMG) and ECAP, found some ladies underwear torn in front and behind on the windscreen of her car.

The threat would appear to be directly related to the Consortium’s activity, which gives support to women victims of sexual violence during the armed conflict. It came after a series of acts of intimidation perpetrated during the preceding months against other members of the Consortium, about which complaints were lodged with the Human Rights Prosecutor and the Public Prosecutor.

70./ See Open Letter to the authorities, October 2, 2007.

71./ See Annual Report 2006.

72./ On June 14, 2003, while campaigning for the Presidency of Guatemala, and as Mr. Efraín Ríos Montt was preparing to lead a political rally in Rabinal, peasants who at the same moment were participating in the exhumation of soldiers victims of the 1981 massacres attacked him with stones. Mr. Montt is mainly known for having led the military regime from 1982-1983, which committed the most atrocious human rights violations of the whole of the civil war period in Guatemala.

At the end of 2007, no enquiry had been launched on the threats and no further information on the progress of the complaint lodged with the office of the Human Rights Prosecutor was forthcoming.

Death threats against Mr. Flaviano Bianchini⁷³

On January 16 and 18, 2007, Mr. **Flaviano Bianchini**, a volunteer with the “Madre Selva” Collective, and a defender of human and environmental rights, noticed a car with tinted windows parked in front of the door of his block of flats; he was unable to identify the passengers.

In addition, on January 12, 13, 14, 16, 17, 19 and 25, 2007, Mr. Bianchini received several anonymous phone calls threatening him with death.

These events followed the publication of the report of an enquiry carried out by the Collective on the contamination of the Tzalá river, in the commune of Sipakapa, department of San Marcos, criticising the mining activities of the Marlin company (owned by Montana Exploradora, a subsidiary of Gold corporation).

Moreover, on January 19, 2007, Mr. Bianchini was tailed by an unidentified man who had camouflaged his face, in zone 2 of Guatemala City. After quite some time, Mr. Bianchini managed to throw off his pursuer.

Lastly, in response to the publication of the report, the Vice-Minister of Energy and Mines, Mr. Jorge Garcia, declared that “analyses had been carried out, which concluded that the [Collective’s] report was not in conformity with the nationally and internationally recognised protocols for collection and analysis”. He added that he was sending a copy of the report to the Public Ministry, to determine whether Mr. Bianchini could be prosecuted for having produced “a report that was not valid”.

As the Public Ministry limited itself to asking Mr. Bianchini a few questions on the various threats he had received, without any proper enquiry being launched, and as no measures of protection were granted to the victim, Mr. Bianchini finally left the country on February 10, 2007.

Harassment acts against CALDH members⁷⁴

On February 2, 2007, Mr. **José Roberto Morales**, Coordinator of the Bureau for the Rights of Indigenous Peoples of the Legal Action Centre for Human Rights (*Centro de Acción Legal en Derechos Humanos* - CALDH), was abducted as he was returning home in a CALDH vehicle. His kidnappers threatened to kill him, and abandoned him shortly after in a neighbouring district, stealing the vehicle, which contained a laptop and some documents, which were later recovered intact.

At the same time, unidentified persons destroyed the wheel rims of the personal vehicle of Mr. **Otto Navarro**, Legal Advisor to CALDH, while the vehicle was in a car park guarded by a private security firm.

At the end of 2007, no investigation had been opened into the incident.

Furthermore, on February 5, 2007, Ms. **Ángelica González**, a lawyer with the CALDH legal department, found a threatening note on her vehicle that referred to her work, her colleagues and their working hours.

The body responsible for the investigation went no further than the preliminary formalities, such as the collection of evidence and the taking of statements from the plaintiffs, and at the end of 2007 no progress was apparent.

Harassment and death threats against ICCPG members⁷⁵

In March and April 2007, members of the Institute of Comparative Studies in Criminal Sciences (*Instituto de Estudios Comparados en Ciencia Penales* - ICCPG) were on several occasions victims of acts of harassment.

73./ See Urgent Appeal GTM 002/0107/OBS 011.

74./ See Press Release, February 9, 2007.

75./ See Urgent Appeal GTM 003/0507/OBS 043.

On March 14, 2007 for instance, Messrs. **David Dávila** and **Oswaldo Samayoa**, ICCPG investigators, were followed by a vehicle as they were preparing to cash a cheque before visiting the next day the family of Mr. Tirso Román Valenzuela, reportedly the victim of an extrajudicial execution.

On March 20, 2007, the domicile of Ms. **Paola Barrios**, an ICCPG investigator on women's conditions of detention and gender violence, which is located close to a national civilian police station, was searched. Nothing was stolen, but one of her children's teddy bears was muzzled. The day before, Ms. Barrios had investigated the rape of a woman called Juana Méndez by members of the national civilian police.

On April 12, 2007, an employee of the Institute was abducted by unidentified persons, who questioned him before abandoning him in Chimaltenango. During his detention, the aggressors told him "that they knew the members of the Institute and their names", and that if they continued "meddling in other people's affairs" the aggressors, "tired of issuing warnings", would "start chopping off heads".

One week later, the Institute staff members heard shots fired close to their offices, and found a bullet in the corridor.

Lastly, on April 25, 2007, the vehicle of Ms. **Mónica Teleguario Xitay**, a lawyer working for the Institute, who was returning from a trip in connexion with the Juana Méndez case, was intercepted by armed men wearing hoods and who threatened to kill her. The aggressors said they knew where she worked, since when, and what she did. They also asked her where she was coming from, and when she answered that she was coming from the Institute they jostled her and said they knew she had been travelling. They added that they kept her under surveillance and that this was the "last warning".

These various acts of harassment and threats were the object of preliminary enquiries, which established no link between them. Since then, there have been no further threats.

Threats against PCS members⁷⁶

On May 7, 2007, in Guatemala City, a staff member of the Project Counselling Service (PCS) for Central America and Mexico was abducted and aggressed sexually by his kidnappers, who then stole his company car and the money he had with him. The victim, who prefers to remain anonymous, was abandoned at the Castillo Lara colony. About ten minutes later, another PCS staff member received threats sent from the victim's mobile phone, which the aggressors had also stolen.

On the next day, the employee who had been abducted and had lodged a complaint received death threats and insults by phone, the caller advising him to "leave things as they [were]".

Moreover, on May 17, 2007, as the national authorities were starting to investigate the threats, a further telephone threat, this time concerning the whole staff of the organisation, was received by the first victim.

A complaint concerning the two incidents was immediately lodged with the office of the Human Rights Prosecutor, the national civilian police and the Public Ministry. On the basis of the complaints, the Public Ministry, who had at first considered the matter as being a case of common robbery, referred the case to the human rights section of the Prosecutor's office. Efforts were made to find the stolen vehicle. An Identikit picture of the aggressor was produced and a reconstruction at the scene of the crime and of the sequestration was organised. Witnesses present at the time were also questioned. Nevertheless, despite PCS's insistence on the possibility of a link between the aggression and the systematic policy of harassment against the organisation, none of the bodies involved in the enquiry sought to find evidence pointing in that direction.

At the end of 2007, neither the authors of the acts nor the stolen vehicle had been found. The aggressed staff member, who went temporarily abroad in June 2007, has since returned to Guatemala. There have been no further threats, but not being satisfied with the results of the investigation, PCS has claimed damages, in order to turn its complaint into a broader case study, with a view to demonstrating the shortcomings in the way the national institutions function. A first summary document on the activity of the Public Ministry, in particular relating to the aggression, was published by PCS on January 14, 2008.

76./ See Urgent Appeals GTM 004/0507/OBS 045 and 045.1.

Death threats against FAFG members⁷⁷

On May 24, 2007, members of the Guatemala Foundation for Forensic Anthropology (*Fundación de Antropología Forense de Guatemala* - FAFG), an NGO that documents and denounces human rights violations and non-elucidated murders, were stopped by four heavily armed men on motorcycles, while travelling in a vehicle belonging to the Foundation. The unidentified men forced the occupants to lower the windows of the car by threatening them with firearms, then beat them and stole their money.

On May 25, 2007, Messrs. **Freddy Peccerely**, Director of the organisation, **José Suasnavar**, **Omar Bertoni** and Ms. **Bianka Peccerely**, all three members of FAFG, received an email threatening them with death. The authors indicated that they had received “orders to ensure that the damned FAFG director suffers”. The authors also indicated that if they “[laid hands on] his sister they would rape her and cut her up into pieces”, adding that there was a long list of people to kill, and threatening to kill Mr. Peccerely in particular.

These events occurred immediately after the press conference organised by victims and human rights organisations to announce the start of a constitutional procedure filed before the citizen’s register in connexion with the registration of Efraín Ríos Montt as candidate for the Presidency of Guatemala.

On May 28, 2007, Mr. Peccerely received another e-mail containing insults and threats, the author stating that he was keeping an eye on his sister, adding that he and his accomplices were going to rape her and torture her to death, adding that his turn would come and that all the anthropologists had “to die”.

FAFG lodged a complaint concerning these threats with the Public Ministry unit for crimes against human rights defenders. At the end of 2007, the enquiry had produced no results.

During the last six years, FAFG has received recurring threats, without any investigation being able to identify the authors. Between February 2002 and May 2007, the Unit for the Protection of Human Rights Defenders (*Unidad de Protección de Defensoras y Defensores de Derechos Humanos* - UPD-MNDH) registered 34 aggressions against FAFG.

Threats against Mr. Sergio Fernando Morales⁷⁸

On August 13, 2007, Mr. **Sergio Fernando Morales**, Human Rights Prosecutor, was travelling in an official car when his security agents phoned him to tell him he should stop, because his vehicle seemed to be on fire. There were indeed flames coming from under the car. Shortly afterwards, when he arrived home, a message was received on his official mobile phone, saying: “She is not armoured, the vehicle is, and the armour melts in the fire and the cable catches fire, as you would have seen”.

On August 12, 2007, unidentified individuals broke a windowpane and broke into the building occupied by the central office of the Guatemala Public Prosecutor’s office (*Procuraduría de los Derechos Humanos de Guatemala* - PDH), before running away when the security agents intervened.

Already on August 4, 2007, around 12.30 a.m., unidentified individuals had tried to enter the building occupied by the main offices of the Department of Education, which is annexed to the main PDH headquarters, in Guatemala City, but were prevented from doing so by a security agent belonging to the national civilian police.

These acts of intimidation occurred in the midst the national debate on the recent adoption by the Congress of the International Commission Against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala* - CICIG), and in the context of the September 9, 2007 general elections, marked by the climate of increasing insecurity in Guatemala.

Ongoing judicial proceedings against several members of the Clermont Trade Union⁷⁹

At the end of 2007, the judicial proceedings against Messrs. **José Arturo Ramos Pérez**, **Francisco Javier López López**, **Carlos Rolando Ramos Rodríguez**, **Delfino López Alonzo** and **Alejandro López Esteban**, members of the Clermont Trade Union, affiliated to the Central General Confederation

77./ See Urgent Appeal GTM 006/0507/OBS 055.

78./ See Urgent Appeal GTM 008/0807/OBS 101.

79./ See Annual Report 2006.

of Workers of Guatemala (*Confederación Central General de Trabajadores de Guatemala - CGTG*), in San Pablo San Marcos, were still pending. They remain accused of “illegal detention, coercion and threats”.

On January 2, 2006, Ms. Silvia Eugenia Widman Lagarde de Diaz, owner of the Clermont farm and sister-in-law of the President of the Republic, had filed a complaint following the union’s opposition to the intervention of 150 members of the national police in the eviction of peasants who were occupying the farm buildings.

Breaking and entering of the premises of several NGOs

Burglary of the offices of human rights organisations⁸⁰

Between February 3 and 5, 2007, the offices that house the National Human Rights Movement (*Movimiento Nacional de Derechos Humanos - MNDH*), the Unit for the Protection of Men and Women Defending Human Rights (*UPD-MNDH*) and the Communication for Art and Peace Association (*Comunicación para el Arte y la Paz - COMUNICARTE*) were burgled. Their archives were searched and over ten computers were stolen, as well as video equipment and documentation concerning the work of the organisations, which filed complaints. In addition, as several members of the organisations were waiting in front of the building for the arrival of the authorities, they were filmed by the occupants of a vehicle passing in front of them.

At the end of 2007, the investigation into these events had not managed to identify the authors of the burglaries.

Burglary of national and international organisations⁸¹

On April 5, 2007, the headquarters of the Irish organisation TRÓCAIRE, of the Spanish Association for Cooperation with the South (*Asociación para la Cooperación con el Sur - ACSUR Las Segovias*), of the Guatemalan Collective for Local Development and Power (*Colectivo Poder y Desarrollo Local - CPDL*), and of CARE International, in Guatemala City, were burgled. Computers and videos were taken, which contained important information on the work of the four organisations, which filed complaints. No other valuable was stolen.

At the end of 2007 an investigation was in progress, but no effort had been made to establish a connexion between the four burglaries.

Burglary of ActionAid offices⁸²

On May 20, 2007, the offices of the “ActionAid” organisation, in Guatemala City, were broken into, and the thieves stole two computers containing information on the NGO citizenship programmes and human rights activities. The other valuable items were not taken. A complaint was filed, and at the end of 2007 an enquiry by the Public Prosecutor’s office was underway.

The Prosecutor’s office carried out a preliminary enquiry on the basis of the reports by the firm responsible for installing the alarm system, and on the identification of the owners of the stolen computers.

At the end of 2007, however, there had been no in-depth investigation into the burglary.

80./ See Press Release, February 9, 2007.

81./ See Urgent Appeal GTM 004/0407/OBS 032.

82./ See Urgent Appeal GTM 005/0507/OBS 052.

Death threats against Mr. Dérilus Mérius and Ms. Sanièce Petitphat⁸³

On September 8, 2007, the Human Rights Committee of Savanette (*Comité des droits humains de Savanette*) in the centre of the country⁸⁴, at the border between Haiti and the Dominican Republic, denounced the case of the rape of a 26-year-old physically and mentally handicapped young woman. The person suspected of committing the crime, Mr. Gérard Joseph, was arrested and then released by the authorities shortly afterwards. Interventions by Mr. **Dérilus Mérius** and Ms. **Sanièce Petitphat**, members of the Savanette Human Rights Committee, subsequently enabled the presumed rapist to be put in prison again on October 5, 2007.

Since then, Mr. Gérard Joseph's relatives have on several occasions made death threats against Mr. Mérius and Ms. Petitphat as well as other members of the Human Rights Committee, saying in particular that "once [Mr. Joseph] is freed he will get his revenge".

On October 16, 2007, the Mirebalais Public Prosecutor's office (in the Central department) in charge of the proceedings decided to release the suspect again.

83./ See Urgent Appeal HTI 001/1007/OBS 134.

84./ The Savanette Human Rights Committee is part of the Jeannot Succès Border Network (*Réseau frontalier Jeannot Succès* - RFJS), created in 2001, which monitors respect for human rights at the border between Haiti and the Dominican Republic and supports victims of violations in their fight for justice.

/ HONDURAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Impunity in the assassination of Messrs. **Heraldo Zúñiga** and **Roger Iván Cartagena**⁸⁵

At the end of 2007, one year after the assassination of Messrs. **Heraldo Zúñiga** and **Roger Iván Cartagena**, members of the Olancho Environmental Movement (*Movimiento Ambientalista de Olancho - MAO*), the four police officers accused of this double murder and who were placed in pre-trial detention in February 2007, had still not been tried.

On December 20, 2006, Messrs. **Heraldo Zúñiga** and **Roger Iván Cartagena** had been murdered in Guarisama, after police stopped their vehicle. On the previous day, Mr. Zúñiga had received death threats from employees of the Sazone forestry company. Before he died, Mr. Zúñiga had accused police Sergeant Juan Lanza of being paid to kill the two men by forestry developers in the region.

In addition, the precautionary measures of protection granted by IACHR in December 2006 and from which all MAO members benefited for a while, have since ended. MAO members had received threats from forestry developers in the Samalá area in May 2006 following declarations made by Mr. Manuel Zelaya, President of Honduras, who had demanded that tree-cutting in several municipalities of Olancho department should be stopped immediately, giving the forestry companies a week to dismantle their infrastructures and withdraw their teams.

Death threats against several human rights defenders⁸⁶

On June 20, 2007, Mr. **Almendarez Bonilla**, Director of the Centre for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Families (*Centro para la Prevención, Tratamiento y la Rehabilitación de víctimas de Tortura y sus familiares - CPTRT*), received a message bearing the title “Operation extermination”, which contained death threats against several human rights defenders, lawyers and journalists who were accused of being a “social nuisance”.

These threats would be related to the fight led by human rights NGOs against corruption within the General Office of Criminal Investigation and the penitentiary system. In this regard, the CPTRT has played an active part in drafting a new bill on the penitentiaries and the police, demanding that supervision of the penitentiary body and the General Office of Investigation should be carried out by civil bodies and not the police or the military.

As of the end of 2007, no investigation had been opened into these threats.

Arrest of two suspects in connection with the assassination of Mr. **Dionisio Díaz García** and ongoing threats against ASJ members⁸⁷

On January 31, 2008, Mr. Ramón Eusebio Solís Zelaya, an employee of a private security company, and Mr. César Daniel Amador Estrada, an agent with the criminal police investigation unit, who were suspected of being involved in the assassination of Mr. **Dionisio Díaz García**, the legal advisor of twelve security guards fired by the company Honduras Technical Security (*Seguridad Técnica de Honduras - SETECH*) and a member of the Association for a More Just Society (*Asociación para una Sociedad más Justa - ASJ*), were arrested after a warrant was issued by the Criminal Court at the request of the Honduras Human Rights Prosecutor.

On December 4, 2006, Mr. Díaz García had been murdered by two armed individuals on motorbikes, in Tegucigalpa. On November 29, 2006, he had supported security guards of the Intercom company during a demonstration in front of the company’s offices. The next day, he had accompanied a

85./ See Annual Report 2006.

86./ See Urgent Appeal HND 001/0607/OBS 071.

87./ See Annual Report 2006.

labour inspector to SETECH offices, in the Las Colinas neighbourhood, in order to record the unfair dismissal of an employee. He had been filmed by men who had been called by the company.

On September 19, 2006, Mr. Selvin Richard Swasey, owner of the private security company Delta Security and its subsidiary, SETECH, had gone to ASJ offices in Tegucigalpa accompanied by SETECH employees, in order to “negotiate” the proceedings faced by the company before the Tegucigalpa Court of Labour Disputes. These proceedings related to the unfair dismissal, in August 2006, of twelve security guards legally assisted by ASJ. While Mr. Swasey had been “in discussion” with Ms. **Dina Meetabel Meza Elvir**, a journalist and ASJ Projects Coordinator, the SETECH employees had photographed the premises and the organisation’s staff members. Mr. Swasey had then threatened to demand the suspension of ASJ, while one of his employees had threatened Ms. Meza Elvir with lodging a complaint for defamation against ASJ.

In addition, 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, which had been taken on September 19, 2006.

Since the assassination of Mr. Díaz García, ASJ members, including Mr. **Carlos Hernandez**, its President, and Ms. Dina Meza, continued to be regular targets of threats and acts of intimidation. On May 17, 2007 for instance, Mr. **Felix Antonio Cáceres Alvarenga**, a lawyer and ASJ member, received death threats on his mobile phone after he had worked on cases of social conflict in private security companies. In addition, during the night of September 3, 2007, the ASJ offices of the “Project Gideon”, which provides legal and psychological support for the population of Colonia Villa, were searched by unknown individuals. Finally, a request has been made for the suspension of ASJ legal status.

Assassinations, assassination attempts and enforced disappearances

Assassination of Mr. Santiago Rafael Cruz⁸⁸

On April 9, 2007, the lifeless body of Mr. **Santiago Rafael Cruz**, organiser of the “Forum on the Work of the Rural Worker” (*Foro Laboral del Obrero Campesino AC* - FLOC), a workers’ rights organisation based in the United States and affiliated with the American Federation of Labour (AFLCIO), was found in the FLOC offices in Monterrey (State of Nuevo León), with his hands and feet bound, exhibiting signs of violent blows. He would have been killed the day before.

The Prosecutor’s office of the State of Nuevo León has opened an investigation, in which legal representatives of Mr. Cruz and members of FLOC have participated. As of late 2007, the outcome of the investigation was unknown.

At the time of Mr. Cruz’ death, the FLOC-AFLCIO was investigating into cases of corruption linked to the recruitment of manpower for the American agrarian industry.

Assassination attempt against Ms. Lydia Cacho Ribeiro⁸⁹

On May 7, 2007, Ms. **Lydia Cacho Ribeiro**, President of the Victim’s Crisis Centre - Integral Centre for Attention to Women (*Centro de Crisis para Víctimas - Centro Integral de Atención a las Mujeres* - CIAM) in Cancún, Quintana Roo State, was subjected to an assassination attempt while she was in a van assigned to her by the office of the General Prosecutor of the Republic (PGR), and driven by a PGR agent, as a preventive safety measure.

While the van was in motion, the driver began to lose control of the vehicle, before managing to stop it. Upon examination it was discovered that all four wheels had been intentionally unscrewed, which could have led to a very serious accident.

Ms. Cacho filed a complaint for “assassination attempt”. As of late 2007, no suspect had been identified.

Shortly before, on May 2, 2007, Ms. Cacho had testified for the prosecution at the trial of a businessman accused of child prostitution and trafficking of children. At that hearing, the businessman in question had threatened her and his lawyer had described her as a “usurper”.

In December 2005, Ms. Cacho had been briefly detained and transferred from Quintana Roo State (south), where she resides, to Puebla State, in response to the request of the Governor of that State, Mr. Mario Marín.

In February 2006, conversations between Mario Marín and Kamel Nacif Borges, the businessman involved in the case of paedophilia, were made public, which appeared to prove their involvement in the arrest of Ms. Cacho. They would have jokingly suggested raping her during her transfer.

The arrest has subsequently been the subject of an investigation for violations of Ms. Cacho’s individual guarantees, involving the Governor, the Prosecutor General and the President of the Superior Court of Puebla, four judges and several Government officials. On November 29, 2007, the Supreme Court of Mexico delivered its verdict, holding that Ms. Cacho’s individual guarantees had not been violated, and that she had suffered “minor irregularities”, despite the report submitted to the Court on November 26, 2007. The verdict thus invalidates all charges against the Governor Mario Marín.

On January 2, 2007, the Criminal Tribunal of the Federal District had closed the suit against Ms. Lydia Cacho initiated in response to a complaint of “defamation” filed by textile businessman Mr. Kamel Nacif Borges in December 2005. This decision had followed the repeal in August 2006 of Article 214 of the Mexican Criminal Code, which criminalised any act of defamation.

88./ See Urgent Appeal MEX 003/0407/OBS 038.

89./ See Annual Report 2006 and Urgent Appeal MEX 006/0507/OBS 048.

The complaint had been filed following the publication of the book *The Demons of Eden*, in which Ms. Cacho implicated politicians and businessmen in the operation of a paedophile network, and where she mentioned the presumed involvement of Mr. Nacif Borges in one of these networks.

Assassination of Mr. Ricardo Murillo Monge⁹⁰

On September 6, 2007, the body of Mr. **Ricardo Murillo Monge**, an activist of the Sinaloa Civic Front (*Frente Cívico Sinaloense*), a non-governmental organisation that denounces, *inter alia*, cases related to public security and prison detention conditions in the golden triangle conflict zone, was found by Mexican soldiers in a van parked three streets away from the office of the Public Prosecutor of the State of Sinaloa. Mr. Murillo Monge's body had one shot in the head.

A preliminary enquiry was opened and, at the end of 2007, was under the responsibility of the Sinaloa State General Prosecutor. However, no suspect had been identified as of the end of 2007.

In addition, Mr. Murillo Monge's relatives refused the protection that had been offered to them by the State authorities, insofar as they did not want to benefit from privileged treatment, compared to the families of many other people killed in Culiacán, State of Sinaloa.

In 1993, Mr. Murillo Monge had founded the Sinaloa Civic Front together with his sister, Ms. Mercedes Murillo, and had been working since then for the defence of human rights and for the development of civil society actions. In particular, he was investigating into two cases of abuses committed by the security forces in the framework of operations led against organised crime.

Enforced disappearance of Mr. José Francisco Paredes Ruiz⁹¹

Since September 26, 2007, Mr. **Jose Francisco Paredes Ruiz**, a human rights defender and an activist of the "Diego Lucero A.C" Foundation⁹² in Morelia, in the State of Michoacán, remains missing. He had planned to leave the city of Morelia for a few days.

That day, his daughter had tried in vain to contact his cell phone until three o'clock in the morning.

On September 28, 2007, Mr. Paredes Ruiz's daughter found her father's truck open, with the windows rolled down. The stereo had been stolen, but her father's jacket and cap were on the seats. She was informed that the van had been parked at that location for two days. She also learned that her father had been seen on September 26 wearing black sports clothing and sneakers.

On September 29, a missing persons report was filed with the Public Ministry and Morelia Regional Prosecutor, after which Mr. Paredes Ruiz's family attempted to file another complaint with the office of the Michoacán Prosecutor, which was rejected for lack of competent staff. The family has therefore been forced to file a complaint in Mexico City.

On September 30, 2007, Mr. Paredes Ruiz's family seized the Deputy Prosecutor responsible for investigating organised crime in the prosecutions office of the Prosecutor General of the Republic of Mexico, to file their complaint, but received a second refusal. They were then advised to call the federal preventive police, and were connected with the national registry of missing persons, to whom they made a statement via telephone, and received a report number (734624).

In addition, the Mexican League for the Defence of Human Rights (*Liga Mexicana por la Defensa de los Derechos Humanos* - LIMEDDH) presented a complaint to the Secretary of State, the Prosecutor General of the Republic, and the National Commission on Human Rights, which promised that they would undertake the necessary actions and investigations. The Federal Prosecutor would have opened an investigation into this case. However, as of the end of 2007, no further information about this investigation could be obtained.

90./ See Urgent Appeal MEX 012/0907/OBS 112.

91./ See Urgent Appeal MEX 013/1007/OBS 123.

92./ The "Diego Lucero A.C." Foundation is a civil human rights organisation that is specialised in the fight for the lives of disappeared detainees in Mexico.

Arbitrary detentions

Arbitrary detention of Mr. Santiago Pérez Alvarado⁹³

On July 4, 2007, Mr. **Santiago Pérez Alvarado**, a lawyer and leader of the Mazahuas community, was violently arrested in the Bravo valley by four men in plain clothes, who broke a window of his car and beat him with a cross spanner crowbar. He was then taken to the local prison on the basis of an arrest warrant issued in 2000 for “aggravated robbery against the Government” and “organised delinquency”.

On the next day, the District Judge of First Instance realised that the charges against him were prescribed, and ordered his release. However, as he was being released from prison, several members of the State Security Agency (*Agencia Estatal de Seguridad - ASE*) arrested him again for another case pending in the Temascaltepec district, where he was then transferred.

During his admission to the Temascaltepec prison, he was informed that he was prosecuted for the “illegal detention” of Messrs. Angel Bravo and Hesiquio Armenta, former officials of the State Government Directorate in 1999⁹⁴.

Mr. Pérez Alvarado supports the peasants and indigenous peoples of the Toluca Valley in south-east Mexico State in their fight against various hydraulic or development projects that affect the ecological, cultural, social and economic environment.

In late 2007, Mr. Perez Alvarado was released. It seems that the charges against him would have been dropped.

Arbitrary detention of Mr. Manuel Olivares Hernández and 15 other members of the Chilapa Citizen Council⁹⁵

On November 8, 2007, Mr. **Manuel Olivares Hernández**, Director of the Regional Centre for Human Rights “José María Morelos y Pavon” (*Centro Regional de Derechos Humanos “José María Morelos y Pavon”*) in the State of Guerrero, was arbitrarily arrested by officers of the municipal preventive police while he was observing a peaceful protest demonstration in the municipality of Chilapa.

On the previous day, about 50 members of the Chilapa Citizen Council (*Consejo Ciudadano of Chilapa*) had demonstrated peacefully in an effort to open negotiations with the authorities of the municipal council because their requests for the construction of social infrastructure had not been met. Thereafter, the demonstrators blocked the road between Chilapa and Chilpancingo for several hours.

On November 8, 2007, when the Chilapa Citizen Council had planned to block the same road again, about 30 officers of the municipal preventive police interrupted the peaceful demonstration with excessive use of force, including beating most of the demonstrators. In addition, Mr. Manuel Olivares and fifteen other members of the Chilapa Citizen Council were arrested without justification. Mr. Manuel Olivares told the officers that he was only doing his job as a human rights defender and that he had thus not participated in the blockages. Despite his explanations, one of the police officers insulted Mr. Olivares and immediately arrested him. Following their arrest, the 16 detainees were transferred to the City Council Bar of Chilapa.

93./ See Urgent Appeal MEX 011/0707/OBS 081.

94./ In 1999, as a problem of drinkable water supply had occurred in the community of San Pedro Tenayac, in Temascaltepec, Mr. Santiago Pérez took part in the peaceful civil resistance movement of the Committee for the Defence of Natural Resources of the Temascaltepec River (*Comité por la Defensa de los Recursos Naturales del río Temascaltepec*), composed of dozens of communities from the south of the States of Mexico, Guerrero and Michoacán, opposing the construction of the El Tule dam in the area of San Pedro Tenayac. At the time, the continuation of the construction of the dam in spite of negotiations between the communities and the local and federal Governments led to the discontent of the inhabitants of San Pedro Tenayas, who prevented the workers from getting to their place of work and kept two technicians for a few hours in order to ask them for an explanation regarding the reason for the continuation of the building works. But although Mr. Santiago Pérez Alvarado provided legal support to the inhabitants and members of the Committee for the Defence of Natural Resources of the Temascaltepec River, he was not present on the day the mentioned events occurred, as he was in Mexico in order to start negotiations to settle the conflict.

95./ See Urgent Appeal MEX 014/1107/OBS 142.

According to Mr. Manuel Olivares' statements to his lawyer, his arrest would have been the result of a direct order from the Municipal Union, which would have asked the police to arrest him because he was "creating problems".

On November 9, 2007, Mr. Olivares and 15 members of the Chilapa Citizen Council were released on bail. However, they remained charged with "attacking lines of communication", "unlawful association" and "revolt".

As of late 2007, no further information had been obtained on these lawsuits.

Threats and harassments

Ongoing judicial harassment against Ms. Yésica Sánchez Maya and Ms. Aline Castellanos⁹⁶

On December 7, 2006, the Criminal Judge of First Instance of Etna district, Oaxaca, issued an arrest warrant against Ms. **Yésica Sánchez Maya**, President of the Oaxaca section of the Mexican League for the Defence of Human Rights (LIMEDDH), and Ms. **Aline Castellanos Jurado**, a member of the Consortium for Parliamentary Dialogue and Equity AC and former President of LIMEDDH, for "aggravated robbery" of the television station *Canal 9*. An arrest warrant was also issued against 35 members of the Popular Assembly of the People of Oaxaca (*Asamblea Popular del Pueblo de Oaxaca - APPO*), including Mr. **Enrique Rueda Pacheco**, leader of Section 22 of the National Union of Education Workers (*Sindicato Nacional de Trabajadores de la Educación - SNTE*).

On April 27, 2007, a second arrest warrant was issued by the same judge against Ms. Castellanos Jurado for the same charges.

On April 28, 2007, Ms. Castellanos' house in Oaxaca was broken into while she was participating in a human rights meeting of women activists in San Felipe de Oaxaca de Juárez. The burglars entered through an open window, moved all of Ms. Castellanos's personal belongings and took her passport, which contained a visa to the United States, and money. This was the third time Ms. Castellanos had been subjected to burglary, despite moving several times. In view of the lack of results in the enquiries carried out by the local police, Ms. Castellanos lodged a complaint with the General Public Prosecutor of the Republic.

Subsequently, Ms. Castellanos temporarily left Mexico out of fear for her physical integrity.

As of late 2007, Ms. Sánchez Maya continued to be the subject of an arrest warrant issued by the Tlacolula Matamoros Mixed Court in December 2006 for "fire damages", and "criminal association" without any prosecution having been initiated.

Ongoing acts of harassment against members of the Cerezo Committee

Harassment of Mr. Artemio Desiderio⁹⁷

On January 8, 2007, around 10:00 pm, Mr. **Artemio Desiderio**, a member of the Cerezo Committee (*Comité Cerezo*), an organisation working to defend the rights of political prisoners and prisoners of conscience in Mexico, was watched by an unknown man in plain clothes while he was in front of the Church of the Poor in the city of Oaxaca, in the company of a friend. The individual, who appeared agitated, spoke occasionally on the phone while looking at them.

After about half an hour, the individual left, still watching the couple of friends, and returned to watch them several times. When Mr. Artemio Desiderio's friend left, she walked in the same direction as the individual, who again watched her insistently. He then took the opposite direction to meet up Mr. Artemio Desiderio. The person, speaking on his mobile phone, continued to monitor Mr. Desiderio until the latter boarded a bus. Subsequently, Mr. Desiderio decided to quit the Cerezo Committee.

96./ See Annual Report 2006 and Urgent Appeals MEX 012/1206/OBS 149.1 and MEX 004/0507/OBS 044.

97./ See Urgent Appeal MEX 001/0107/OBS 001.

Harassment and death threats against the Cerezo brothers⁹⁸

On June 12, 2007, Mr. **Alejandro Cerezo Contreras**, one of the founding members of the Cerezo Committee⁹⁹, was watched by a man for several minutes through the digital camera mode of his cell phone, while he was going through a medical check-up at the sports medical centre of Mexico City.

Similarly, on June 20, 2007, Mr. Cerezo Contreras received a strange message on his cell phone voicemail, which had been confidentially given to him by the Federal State of Mexico as precautionary measures of protection granted by the Inter-American Commission of Human Rights (IACHR).

Then, on June 26, 2007, Mr. Cerezo received death threats by email.

These threats followed the denunciation, by the Cerezo Committee, of the arrest and enforced disappearance of Mr. Raymundo Rivera Bravo and Mr. Edmundo Reyes Amaya, two activists of the Revolutionary Popular Democratic Party - Popular Revolutionary Army (*Partido Democrático Popular Revolucionario-Ejército Popular Revolucionario* - PDPR-EPR), during the events that occurred in the city of Oaxaca in May 2007.

In addition, on July 7, 2007, while Cerezo Committee members were attending a workshop on security for human rights defenders, two men, aged between 30 and 40 years, began to watch them from a vehicle without license plates.

On September 3, 2007, Mr. Alejandro Cerezo Contreras received new death threats via the e-mail address of the Committee, directed against him and Mr. **Francisco Cerezo Contreras** and Ms. **Emiliana Cerezo Contreras**, two other founders of the Cerezo Committee. The message was also sent to the list of addresses of the Cerezo Committee of Mexico in the federal district, twice in the same day, to the Cerezo Committee in the State of Oaxaca, and to a collective support for the liberation of the Cerezo brothers in the State of Puebla. Some social and human rights organisations, journalists and people in solidarity with the Committee also received the same message.

On September 21, 2007, the Cerezo Committee received an email containing new threats against Messrs. Alejandro and Francisco Cerezo Contreras.

Since June 2007, these numerous threats appear to be linked to the attempt by authorities to establish on the one hand a relationship between members of the Cerezo Committee and the PDPR-EPR, in conflict with the Mexican State, and on the other hand a relationship between the Cerezo brothers and one of the PDPR-EPR militants who disappeared on May 25, 2007. In addition, some of the Mexican newspapers took part in this campaign of defamation against the Cerezo brothers, with the objective to create a link between them and the guerrilla.

As of late 2007, no investigation into these acts of harassment and threats had been opened.

Threats and physical assault against Ms. Melanie del Carmen Salgado López¹⁰⁰

On December 12, 2007, Ms. **Melanie del Carmen Salgado López**, a student and a member of the Cerezo Committee, was attacked outside her home by an unidentified person who pushed her against the wall by the hair and repeated “don’t be a fool”, injuring the right side of her face.

By late afternoon on the same day, Ms. Melanie del Carmen Salgado López realised that she was being watched by another unidentified person, while she was in an Internet cafe near her home with a friend. She reported this fact to a policeman on patrol, who refused to stop the suspect on the pretext that the situation was not within his jurisdiction. Ms. Melanie del Carmen Salgado López called the Cerezo Committee Mexico office to alert them to the fact that the suspect had left the scene at the sight of the police and was headed toward her home.

On December 11, 2007, as well as on the morning of December 12, Ms. Melanie del Carmen Salgado López received three phone calls from different numbers, identified by her mobile phone, to which she had not responded. She had not noticed the three messages on her answering machine until

98./ See Urgent Appeals MEX 010/0707/OBS 074 (OBS 073) and 074.1.

99./ Mr. Alejandro Cerezo Contreras, Mr. Francisco Cerezo Contreras and Ms. Emiliana Cerezo Contreras created the Cerezo Committee following the detention of their three brothers and their accomplices, who were accused of an attack against a bank in 2001. Currently, the Committee focuses mainly on the defence of political prisoners and on the denunciation of prison conditions that violate human rights in Mexican prisons.

100./ See Urgent Appeal MEX 015/1207/OBS 167.

she was leaving the Coyoacán delegation of the Public Prosecutor's office of the Federal District (*Procuraduría General de Justicia del Distrito Federal* - PGJDF), accompanied by Mr. Francisco Cerezo Contreras. She had gone to the Prosecutor's office to file a third complaint about the continuous refusal of the court to initiate criminal proceedings for the threats Ms. Salgado López suffered in May 2006, and to seek the reopening of the investigation. Thereafter, Mr. Francisco Cerezo Contreras tried to call the numbers stored in her phone, in vain. An extension of measures of protection for Ms. Salgado López was sought from the IACHR.

Death threats against Ms. Elena López Hernández¹⁰¹

On January 12, 2007, Ms. **Elena López Hernández**, a member of the Decade Solidarity Network Against Impunity (*Red Solidaria Década Contra la Impunidad* - RSDCI) in Mexico City, received two anonymous calls during which the authors insulted and threatened her with death, saying she should "see what happens to those who defend the guerrilla members", and then letting her hear the sound of two explosions.

These threats would be related to the denunciations made by the RSDCI at a press conference on January 9, 2007, on human rights violations suffered by three indigenous people, Messrs. Gerardo and Jorge Marcial Tzompaxtle Tecpile and Mr. Gustavo Robles López, arrested on January 12, 2007 and accused of "criminal association for acts of terrorism". As she did not receive any response from the authorities to the complaint filed before them or to her request for protection, Ms. López Hernández went into hiding temporarily.

In addition, on March 7, 2007, Ms. Elena López Hernández received another anonymous call from Guadalajara, during which the author said he "knew where she lived".

RSDCI members filed a complaint with the office of the PGJDF, which opened an investigation into this case. The RSDCI also addressed the PGJDF Human Rights Commission with a request for measures of protection, asking to provide her a mobile phone, codes of urgency and an alarm for Ms. Lopez Hernández' home. In November 2007, the Prosecutor's office offered Ms. Hernández provisional surveillance, which the victim refused. This refusal was not indicated in the investigation file.

On January 25, 2008, the preliminary conclusions were communicated to the complainant and her lawyers, stating that no criminal action would be undertaken due to a lack of witnesses to identify a culprit. The organisation appealed this decision.

Armed attack against Messrs. Aldo, Misael and Ildefonso Zamora¹⁰²

On May 15, 2007, Messrs. **Aldo Zamora** and **Misael Zamora**, the two sons of Mr. **Ildefonso Zamora**, environmental rights activists struggling against illegal deforestation, in the area of the national park of Zempola lagoons, were subjected to an armed attack led by four individuals, in Santa Lucia, Ocuilán department, State of Mexico. Mr. Aldo Zamora was killed, and his brother Misael was severely injured. Two of the presumed aggressors would be known for their involvement in illegal logging.

In spite of the complaint filed by the Zamora family with the Prosecutor, the latter did not go to the crime scene until the next day, and the investigation to find those responsible was only initiated two days later. On May 24, 2007, the four presumed perpetrators of the attack were presented before the court, which ordered their arrest. They subsequently went underground.

On August 1, 2007, the Prosecutor of the State of Mexico (*Procuraduría de Justicia del Estado de México* - PGJEM) announced that Messrs. Fernando Jacinto Medina and Silvestre Jacinto Medina, the two alleged murderers of Mr. Aldo Zamora, were arrested in the outskirts of Ocuilán city (State of Mexico). Nevertheless, two other suspects, Messrs. Luis and Alejo Encarnación, were still at large at the end of 2007.

Over the past few years, the Zamora brothers had taken an active part in their father's activities, by setting up eco-tourism and reforestation projects, and had worked, in particular, with the Mexican section of Greenpeace.

101./ See Urgent Appeal MEX 002/0307/OBS 026.

102./ See Urgent Appeals MEX 008/0607/OBS 058 and 058.1.

Other relatives or collaborators of Mr. Ildefonso Zamora are still subjected to threats: Mr. **Paulino Neri Carlos**, Mr. Zamora's substitute, Mr. **Nicolás Hernández Alberto**, the Secretary for town council affairs, and Mr. **Alejandro Ramírez Raymundo**, the Treasurer for town council affairs and the Chief of the Supreme Council of Tlahuica.

Harassment against members of the organisation Without Borders¹⁰³

On several occasions, members of the organisation Without Borders (*Sin Fronteras*), which provides support to migrant populations and takes an active part in the creation of more adequate migration policies, were subjected to acts of harassment by members of the National Institute on Migrations (*Instituto Nacional de Migración* - INM).

Thus, on May 20, 2007, an NGO assistant was subjected to an identity check at the Mexico DF airport as she was about to take a flight to Tapachula in order to enquire on security conditions and the situation of teenagers detained in the immigration centre of the city. After being called by a loud speaker, she went to the information desk where she was asked to follow two agents who intimidated her and proceeded to check her identity. The INM knew that this assistant was going to Tapachula in order to carry out activities of which it had been informed of and no other passenger of her flight was subjected to such a control.

A complaint was lodged with the National Human Rights Commission and with the Public Ministry. As of late 2007, the complaint with the Commission was still not registered and the investigation was long overdue, and the complaint with the Public Ministry was under way.

This was the third time in 2007 that Without Borders was subjected to acts of harassment by the INM. In March 2007, the poll card of Ms. **Fabienne Benet**, Director of Without Borders, was registered against her will in the INM premises, in an unusual way with regards to the general treatment of visitors entering the INM premises. A complaint was lodged with the Internal Control Body (*Órgano Control Interno* - OCI) and, according to the OCI, it was underway at the end of 2007. However, OCI investigations are carried out internally and do not lead to legal action, marking a major lack of transparency in the proceedings. Another complaint was filed before the Public Ministry. However, this complaint had still not been registered as of the end of 2007.

In addition, the INM has produced a report denigrating the work of Without Borders after the organisation lodged a complaint against the Institute because of restrictions on access to its lawyers at the immigration centre in Mexico DF. Without Borders complained to the National Commission on Human Rights. This complaint was pending as of the end of 2007.

Death threats against Ms. Mayem Pilar Arellanes Cano¹⁰⁴

On May 28, 2007, Ms. **Mayem Pilar Arellanes Cano**, a lawyer and a member of the Liberation Committee of November 25, which provides legal support to prisoners, and of the Collective of Lawyers who are Victims and Representatives of Victims of Arbitrary Detentions (*Colectivo de Abogados y Abogadas Víctimas y Representantes de Víctimas de Detenciones Arbitrarias*), was insulted and threatened with death on several occasions by six unknown persons, while she was on her way to the law faculty. The six aggressors also surrounded her and physically threatened her, referring to her activities, before she managed to escape.

In February 2007, Ms. Cano had already been followed by an unknown person for several hours, after she had heard the testimony of a victim of arbitrary detention, and in May her house had been kept under surveillance by an unknown person during one whole day.

In late 2007, the investigation into these death threats had not advanced and Ms. Arellanes Cano continued to be harassed, despite precautionary measures of protection granted by the IACHR.

103./ See Urgent Appeal MEX 007/0507/OBS 054.

104./ See Urgent Appeal MEX 009/0607/OBS 060.

Death threats and physical attacks against members of the “Fray Juan de Larios” Centre¹⁰⁵

In October and November 2007, members of the Diocesan Centre for Human Rights “Fray Juan de Larios” (*Centro Diocesano para los Derechos Humanos “Fray Juan de Larios”*), which assists victims of human rights violations in their search for justice, received anonymous death threats by phone calls and e-mails. Among the cases recently followed by the Centre were that of 13 prostitutes in the municipality of Castaños, victims of sexual abuses committed by members of the Mexican army, and 65 minors from Pasta de Conchos who lost their lives in the collapse of a mine due to a lack of responsibility by the corporation “Industrial Minera México”.

Furthermore, on November 7, 2007, the judge of the Criminal Court of Monclava (State of Coahuila), Mr. Hiradier Huerta Rodriguez, accused Mr. **Raúl Vera López**, Bishop of the Diocese of Santillo, founder and President of the “Fray Juan de Larios” Centre and a member of the board of directors of the Diocesan Centre for Human Rights “Fray Bartolomé de las Casas” (*Centro Diocesano para los Derechos Humanos Fray Bartolomé de las Casas*), of “abuse of ecclesiastical power” before the Supreme Tribunal of Apostolic Vatican affairs. Indeed, the day before rendering the verdict in the case of the Castaños prostitutes, which was to be delivered by Judge Rodríguez, Bishop Vera had expressed doubts about the impartiality of the judge, who he said would protect the military.

In addition, on December 20, 2007, Ms. **Mariana Villareal Contreras**, a lawyer for the “Fray Juan de Larios” Centre, was attacked in her office by two men with their faces covered, who threw her to the ground and injured her face and neck. The attackers also ransacked the archives of the Centre, but only scattered the documents on the floor and did not take any document or valuable item.

The “Fray Juan de Larios” Centre filed a complaint for these incidents with the office of the Prosecutor General of the State of Coahuila. As of late 2007, the state of progress of the investigation remained unknown.

105./ See Diocesan Centre for Human Rights “Fray Bartolomé de las Casas”.

/ NICARAGUA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Acts of harassment against CENIDH

Aggression and threats against Mr. Denis Báez Osorio and Ms. Aura Lilia Lechuga Suárez¹⁰⁶

On January 17, 2007, Mr. **Denis Báez Osorio**, Legal Adviser to the Nicaraguan Centre of Human Rights (*Centro Nicaragüense de Derechos Humanos* - CENIDH), which follows in particular cases of intra-family violence, was insulted and assaulted while visiting a victim of domestic violence represented by the CENIDH, Ms. Martha Justina Jaime Suárez. The author of the violence, Mr. Reyes Abarca, ex-stepfather of Ms. Jaime Suarez, appeared on the other side of the street, approached Mr. Báez Osorio with a rock in his hand, and launched the rock in his direction. The rock hit the car window of Mr. Báez Osorio, but did not injure him.

Shortly after these incidents, a soldier told Ms. **Aura Lilia Lechuga Suárez**, sister of Ms. Jaime Suarez and a CENIDH member who had accompanied Mr. Báez Osorio, that it would have been better “had [Mr. Báez Osorio and herself] been killed”.

Defamation campaign against CENIDH¹⁰⁷

At the beginning of July 2007, judicial authorities launched a campaign to discredit and defame CENIDH, following its participation in the defence of an entrepreneur, Mr. Miguel Ignacio Lacayo, sentenced for deliberate omission to feed his daughter.

For instance, the Human Rights Prosecutor, Mr. Omar Cabezas Lacayo, publicly declared that he was “disgust[ed]” with the work of the organisation and affirmed that organisations such as CENIDH “were created in some areas or cities with the unique purpose of drawing the attention of journalists”. Such declarations were largely taken over in the local media.

CENIDH, which denounced in particular the violation of Mr. Lacayo’s procedural rights, was denied the right to visit him in the penitentiary centre of Tipitapa, in violation of the Law on Prisons System of Nicaragua.

Judicial harassment against nine women defenders¹⁰⁸

On October 9 and 31, 2007, Ms. **Ana Maria Pizarro**, Ms. **Juana Antonia Jiménez**, Ms. **Lorna Norori Gutiérrez**, Ms. **Martha María Blandón**, Ms. **Luisa Molina Arguello**, Ms. **Martha Munguía Alvarado**, Ms. **Mayra Sirias**, Ms. **Yamileth Mejía Palma** and Ms. **Violeta Delgado Sarmiento**, leaders of organisations for the defence of women and children that are part of several networks, including the Network of Women Against Violence (*Red de Mujeres contra la Violencia*), the Feminist Movement (*Movimiento Femenista*), the Independent Movement of Women (*Movimiento Autónomo de Mujeres*), the Coordination of Childhood and Adolescence in Nicaragua (*Coordinadora de la Niñez y Adolescencia en Nicaragua*) and the September 28 Campaign (*Campaña 28 de septiembre*), were the subject of two complaints filed with the Public Ministry by Mr. Roberto José Petray, Executive Director of the Nicaraguan Association for Human Rights (*Asociación Pro Derechos Humanos Nicaragüense - ANPDH*)¹⁰⁹, for “offences against the administration of justice”, “concealment of the crime of rape”, “criminal conspiracy” and “apology of crime”.

106./ See Urgent Appeal NIC 001/0107/OBS 008.

107./ See Urgent Appeal NIC 002/0707/OBS 076.

108./ See Urgent Appeal NIC 003/1207/OBS 173.

109./ The ANPDH is an organisation chaired by Bishop Abelardo Matta, head of the Catholic Church and leader of the anti-abortion movement in Nicaragua.

The complaint followed their action in favour of a nine-year-old girl of Nicaraguan nationality who became pregnant in 2003 following her rape in Costa Rica. Thanks to the work of these activists, the girl underwent a therapeutic abortion, but she was again raped by her stepfather two years later and became pregnant. The latter has been sentenced to 30 years in prison thanks to the DNA analysis of the baby.

In addition to these facts, the nine defenders led, in collaboration with human rights organisations such as CENIDH, a virulent campaign against the criminalisation of therapeutic abortion, resulting from the Law 603. It is indeed an exemption to an article in the current Criminal Code, which authorises the practice of therapeutic abortion.

On November 29, 2007, the nine women defenders made a formal request for obtaining a copy of the complaints against them, which the Public Ministry refused until December 14.

If the Public Prosecutor met the nine defendants, it had not yet been decided, as of the end of 2007, whether judicial proceedings would be initiated against them.

/ P A N A M A

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Assassination of Messrs. Osvaldo Lorenzo Pérez and Luigi Antonio Argüeles¹¹⁰

On August 14, 2007, Mr. **Osvaldo Lorenzo Pérez**, a Representative of the Unique National Trade Union of Workers of the Construction Industry (*Sindicato Único Nacional de Trabajadores de la Industria de la Construcción y Similares* - SUNTRACS), was shot dead by a worker hired by the Brazilian construction company Norberto Odebrecht while he was demonstrating for the reinstatement of some 100 unfairly dismissed workers.

Similarly, on August 16, 2007, Mr. **Luigi Antonio Argüeles**, another SUNTRACS trade union Representative, was shot dead by a police officer on the Island of Viveras (archipelago of San Miguel), as he headed for the construction company MAQTEC SA with a group of workers to present a formal request issued by the Mayor of Balbo ordering the company's closure for failing to comply with municipal bylaws and to demand the payment of the wages owed.

In March 2007, SUNTRACS had launched a major campaign to denounce violations of safety and health standards in order to put an end to the death and deterioration of working conditions in the sector. Messrs. Osvaldo Lorenzo Pérez and Luigi Antonio Argüeles had opposed mass dismissals and the obligation to join the "yellow" trade union SINDICOPP, controlled by Norberto Odebrecht.

110./ See Urgent Appeal PAN 001/0807/OBS 100.

Defamation campaign against members of the CNDDHH¹¹¹

On March 10, 2007, the lawyer members of the National Coordination for Human Rights (*Coordinadora Nacional de Derechos Humanos - CNDDHH*) were accused of being “communists disguised as lawyers”, “fools manipulated by senderism” and “recycled communists” by Mr. Jorge del Castillo, Head of the Government and Chairman of the Special High Level Commission for the Implementation of the Recommendations of the Truth and Reconciliation Commission (*Comisión Especial de Alto Nivel para el Cumplimiento de las Recomendaciones de la Comisión de la Verdad y Reconciliación*).

These statements were reportedly made during an interview with a journalist following the Prosecutor’s decision to close the complaints filed by the CNDDHH against President Mr. Alan García, Vice-President Mr. Luis Giampietri, and the former Minister of Interior Mr. Agustín Mantilla.

Death threats against Ms. Iskra Chávez Loiza and Ms. Evelyn Zevallos Enriquez¹¹²

On March 29, 2007, Ms. **Iskra Chávez Loiza** and Ms. **Evelyn Zevallos Enriquez**, respectively the President and a lawyer member for the Association for Life and Human Dignity (*Asociación por la Vida y la Dignidad Humana - APORVIDHA*), in the region of Cusco, received a message on their mobile phones threatening them with death.

In January 2006, Ms. Enriquez and Ms. Loiza had already received death threats.

APORVIDHA is working in particular on the assassination of 34 peasants in Lucmahuayco in 1984, whose authors reportedly belonged to the army.

Threats and assaults against the families and representatives of the victims of the Barrios Altos and La Cantuta massacres¹¹³

On December 10, 2007, the lawyers and relatives of the victims of the Barrios Altos¹¹⁴ and La Cantuta¹¹⁵ massacres were verbally assaulted by a group of individuals with masked faces as they were about to enter the premises of the Directorate of Special Operations (*Dirección de Operaciones Especiales - DIROES*) to attend the first day of the trial of former President Alberto Fujimori of Peru for human rights violations. According to the daily newspaper *La República*, the attackers were following orders from Mr. Pedro Rojas Tatare, former Colonel of the Peruvian army.

On December 14, 2007, at the end of the third hearing, Ms. **Gloria Cano**, a lawyer representing the victims of Barrios Altos and La Cantuta, and Ms. **Jo Marie Burt**, Representative of the Washington Office for Latin America (WOLA), were also verbally assaulted and threatened by Mr. Fujimori’s supporters who had managed to enter the room where the DIROES hearings were taking place.

111./ See Urgent Appeal PER 001/0307/OBS 027.

112./ See Urgent Appeal PER 001/0106/OBS 003.1.

113./ See Press Release, December 21, 2007.

114./ On November 3, 1991, fifteen people lost their lives and four others were injured following an incursion in Barrios Altos, a district on the outskirts of Lima, of a paramilitary squadron identified as the Colina Group, which consisted of members of the Peruvian armed forces. The massacre is a symbol of the human rights violations committed during the Fujimori regime and was used by the Peruvian Government to demand the extradition of the former President from Japan in 2003.

115./ On July 18, 1992, a professor and nine students from the National University of Lima, known as “La Cantuta”, were the victims of enforced disappearances after a kidnapping by a paramilitary group. The incident has become notorious for the impunity enjoyed by the kidnappers and has also served as an argument for the extradition of Alberto Fujimori from Japan in 2003.

On December 17, Ms. Gloria Cano was again verbally attacked by supporters of the former President while she was waiting to enter the premises of the DIROES. A few hours later, the relatives of the victims were insulted and called “terrorists who smell gun powder” inside the courtroom.

The families of the victims attending the trial were subjected to daily attacks and insults by Mr. Fujimori’s supporters. At no time did the section of the national police in charge of security and maintaining order in the vicinity of the DIROES intervene.

On December 18, in the early afternoon, the Association for Human Rights (*Asociación Pro Derechos Humanos* - APRODEH) received a telephone message saying “we will kill you because you are terrorists, we will kill Gloria Cano because she is a piece of trash terrorist, you are all sons of whores born evil...”. This situation was immediately brought to the attention of the district police.

Arbitrary detention of Mr. Neptalí Quispe Sánchez¹¹⁶

On December 14, 2007, the Court of Baños del Inca, chaired by Judge Luis Alegría Hidalgo, convicted Mr. **Neptalí Quispe Sánchez**, a lawyer specialising in defending peasant communities affected by mining industries and defending environmental leaders, of the crimes of “fraud” and “forgery” and sentenced him to 30 months in prison, a 30 months work ban and a fine of 5,000 new soles (about 1,103 euros) for civil damages. Mr. Quispe Sánchez was then led to the high security prison in Huacariz (Cajamarca).

The conviction followed events that took place in April 2006, while Mr. Neptalí Quispe Sánchez was an assistant to the Prosecutor’s office in Baños Inca. On April 3, 2006, Mr. Quispe Sánchez had made the mistake of failing to update the date stamp of a file from the Prosecutor’s office of Cajamarca he had received the same day, regarding a case opposing Mr. Luis José Mercado Mujica against the Yanacocha mining industry. It had recorded the date as “Friday, March 31” instead of the actual date of receipt of “Monday, April 3”. After noticing the mistake, the mining industry had complained to the Public Prosecutor, which initiated administrative proceedings against Mr. Quispe Sánchez. Following this procedure, the administrative court held that Mr. Quispe Sánchez had committed serious misconduct. He was then dismissed and a criminal investigation was opened on the same facts, even though the law prohibits a conviction of a person more than once for the same facts.

On August 25, 2006, Judge Luis Alegría Hidalgo officially initiated judicial proceedings against Mr. Neptalí Quispe Sánchez for the aforementioned crimes and Mr. Quispe Sánchez was accused of intentionally introducing a false date and time, which is why it was considered that Mr. Neptalí Quispe Sánchez “had harmed the good administration of justice [...], misled the company and damaged the image and credibility of the Public Prosecutor, in addition to the concrete harm that was caused [to the Yanacocha mining industry]”.

As of late 2007, no further information had been obtained regarding Mr. Quispe Sánchez’ detention.

116./ See Urgent Appeal PER 002/1207/OBS 171.

/ VENEZUELA

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Further acts of harassment against Mr. Humberto Prado¹¹⁷

On May 7, 2007, Mr. **Humberto Prado**, Director of the Venezuelan Prisons Observatory (*Observatorio Venezolano de Prisiones - OVP*), received anonymous death threats on his mobile phone after he gave an interview to *El Mundo* newspaper, during which he described the poor conditions of detention in a prison in Barinas. The person calling also added that Mr. Prado's family might suffer reprisals.

In addition, on July 14, 2007, Mr. Humberto Prado was publicly accused by the Minister of the Interior and Justice, Mr. Jesse Chacón, to be involved in cases of abuse and threats against detainees in the Yare I imprisonment centre in Caracas. Subsequently, Mr. Prado went to the ad hoc tribunals to inquire about these accusations. However, upon verification, it appeared that no case against him was pending. Mr. Prado then sent a letter to Minister Chacón asking for an explanation for his remarks. As of late 2007, the letter remained unanswered.

In 2005, the OVP and Mr. Humberto Prado had been victims of a smear campaign because of their work defending the rights of prisoners. Similarly, in June 2006, Mr. Prado had been publicly accused by Mr. Erling Rojas, prison director, and Ms. Mayerling Rojas, General Director for Human Rights in the Ministry of the Interior and Justice, of wanting to "destabilise the country" and of "campaigning against President Chávez", after the OVP again denounced the conditions of detention in Venezuelan prisons.

Attacks and threats against Mr. Benjamín García¹¹⁸

On November 3, 2007, Mr. **Benjamín García**, Legal Representative of the "Guardians of Justice" Committee (*Comité "Guardianes de la Justicia"*), which promotes and protects human rights in the municipality of Sucre, in the State of Portuguesa, and his son were physically assaulted by an officer of the municipal police of Sucre.

Indeed, while Mr. Benjamín García was in a commercial building with his family, an official of the municipal police in plain clothes, M. Rúben Castellanos, approached him and began to insult him, telling him: "you're in the process of denouncing us with the Prosecutor's office", "come here, so that I can hit you". He also pushed Mr. Benjamín García and grabbed him by the hair, attempting to hit him with his hands. Mr. García asked him to stay calm, because he was not paying attention to him, and to stop his disrespectful attitude.

Mr. Benjamín García was subsequently warned by people accompanying him that the police officer was hitting his son, **Daniel Antonio García**, aged 16. The officer grabbed the child by the neck, tore his shirt and then punched him in the chest until bystanders were able to separate them. The young Daniel Antonio García allegedly received blows to the arm, chest and face.

Subsequently, Mr. Benjamín García and his son filed a complaint with the Council for the Protection of Children and Adolescents and with the Prosecutor's office. The Public Prosecutor of the Republic entrusted the office of the judicial district of the State of Portuguesa to investigate the case and shed full light on the allegations. As of the end of 2007, the investigation was still ongoing and no indictment had been issued.

These acts of intimidation against Mr. Benjamín García appear to be related to a complaint filed against two officials of the municipal police of Sucre by the Guardians of Justice Committee, whose work includes denouncing abuses committed by security force officials in the municipality of Sucre.

As of late 2007, Mr. García and his relatives had not experienced further acts of intimidation or threats.

117./ See Annual Report 2005.

118./ See Urgent Appeal VEN 001/1107/OBS 143.

End of judicial proceedings against Mr. Carlos Ayala Corao¹¹⁹

On January 14, 2008, the Court of Caracas decided to direct a nonsuit in the proceedings against Mr. **Carlos Ayala Corao**, a lawyer, President of the Andean Commission of Jurists (*Comisión Andina de Juristas*), and President of the IACHR from 1998 to 1999, on the basis of a presidential amnesty decree dated December 31, 2007.

This decision brings an end to the proceedings initiated on April 14, 2005 by the Public Prosecutor, which had accused Mr. Ayala of “conspiracy” based on his alleged involvement in the drafting of the Constitution whereby the entrepreneur Mr. Pedro Carmona Estanga had tried to dissolve the Government on April 12, 2002 in a coup d’état and had appointed himself President of Venezuela. In the indictment, the Public Prosecutor had cited as evidence newspaper clippings from 2002 in which Mr. Ayala Corao was only mentioned once, and without taking into account the corrigendum made by the journalist who had admitted he had added Mr. Ayala’s name by mistake.

On July 15, 2005, the Court of Appeals for Criminal Cases in Caracas had rejected Mr. Ayala’s appeal. On July 27, 2005, the Prosecutor of the Republic had stated during a press conference that Mr. Ayala, along with other NGOs, had instigated an international conspiracy. These accusations had taken place a few days before the IACHR took action on a dispute involving Venezuela, in which Mr. Ayala was the victim’s lawyer. Mr. Ayala had filed an appeal against this decision, with hopes that his total non-involvement in the 2002 events be recognised.

119./ See Annual Report 2005.