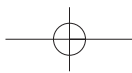
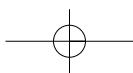
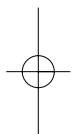
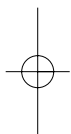
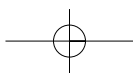


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THE SITUATION OF HUMAN RIGHTS DEFENDERS

Latin America is the «continent» with the highest number of assassinations of human rights defenders. The observation made by the Special Representative of the UN Secretary General on Human Rights Defenders, also applies to 2003. The report presented by the Representative to the UN Commission on Human Rights in March 2003 listed thirteen countries where human rights defenders have been executed and six of these were in Latin America¹. Twenty-two countries were cited for cases of defenders receiving death threats and suffering other threats and ordeals, and ten were in the Americas. Of the fifteen countries where the offices and/or homes of the defenders were attacked, burgled or searched without warrants, six were in Latin America. And six American countries out of eleven were cited for legal or bureaucratic harassment of defenders².

These figures confirm the data collected by the Observatory on the extent and severity of violations of human rights defenders in the Americas, with the case of Colombia being the major concern. The situation of defenders is made even worse with the impunity enjoyed by the offenders perpetrating these offences, despite the fact that North and South America is one of the regions where human rights are best guaranteed through both national legislation and the high level of ratification of international and regional treaties on human rights.

The Fight against Terrorism and the Erosion of Rights

Since the attacks of 11th September 2001 in the United States, new anti-terrorism measures have been adopted, «old» laws deemed «no

¹ Argentina, Brazil, Colombia, Honduras, Mexico and Peru.

² See UN document, ref: E/CN.4/2003/104.

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longer applicable» or incompatible with the new circumstances of the fight against terrorism, have been revised and in many cases have led to greater restrictions on rights for both individuals and groups. This has provided conditions likely to worsen the situation and lead to violations of basic rights.

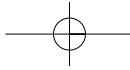
The international campaign against terrorism and the defence of «national security» have only too often been used as an alibi for campaigns against civil society, with a whole range of abuses targeting defenders who are often seen as terrorists. *Colombia* stands as a symptomatic example of this.

On 8th September 2003³, President Álvaro Uribe Vélez gave a speech during human rights week, when the new commanding officer of the air force was sworn into office. In a quite pernicious way he divided the NGOs defending human rights into three categories: the «theoretical» NGOs, the so-called «respectable» NGOs, which must be protected by the State, and a third group presented as follows: NGOs whose members are «writers and political wheelers and dealers who ultimately serve terrorism and who cowardly are hide behind the human rights flag». These NGOs therefore should not receive any protection from the State. He concluded his address by encouraging the new air force commander, General Lesmez, to ignore human rights in the bid to defeat terrorism.

This speech was given at a time when the president had been criticised for his first year in power, the criticism coming from the eighty Colombian NGOs in the «Plataforma Colombiana Democracia y Desarrollo» and published in a book entitled *El embrujo Autoritario* on 8th September; criticism was also expressed in the report by the United Nations Development Programme (UNDP). These statements denigrating the work done by human rights defenders is part of a broader strategy where, in the name of the fight against terrorism, public authorities release themselves of their obligation to respect human rights, thus giving blanket approval for any attacks on defenders.

In addition, new anti-terrorist legislation, voted by the Congress in Bogotá on 10th December 2003, granted judicial powers to the army and

³ See Compilation of cases below.



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allowed the police to detain suspects and conduct searches without any warrants, to intercept mail and tap telephone calls. This new legislation stirred up a strong reaction, particularly from defenders and the director of the office of the United Nations High Commissioner on Human Rights in Colombia, but has not yet been presented to the Constitutional Court. This new legislation legalising arbitrary detention of defenders is of particular concern as there was an increase in their detentions in 2003 and they are now covered by a legal framework.

In *Chile*, the authorities have used new anti-terrorist legislation to arrest and charge leaders of the Mapuche communities who have been opposing foreign logging companies.

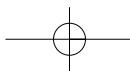
In the *United States*, reasons of national security have been cited to justify decisions to refuse visas to Latin American defenders wishing to travel to the UN headquarters in New York and the Organisation of American States (OAS) in Washington, breaching their international diplomatic obligations. At the October 2003 session of the Inter-American Commission on Human Rights (IACHR), concern was expressed about the difficulties encountered by petitioners, victims, witnesses and/or experts applying for visas, some of which have even meant that certain hearings have had to be cancelled. The Commission noted that it would be approaching the United States so that such obstacles, which have a serious impact on the protection of the users of the human rights, system did not occur again in the future⁴.

Defenders in a Situation of Armed Conflict, post-Conflict or in a Situation of Widespread Violence

In certain countries that are suffering the effects of armed conflict or widespread violence, e.g. Colombia and Guatemala, human rights defenders are on the front line, victims of harassment and violence.

In *Colombia*, more than fifty years of widespread violence have developed into an internal conflict, engendering human rights violations (abduction, torture, rape, summary execution, internal displacement of populations and exile), to a level that far surpasses all other situations

⁴ IACHR press release, n° 30/03, § 3.



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worse than anywhere else in the region. Defenders, whether rural farmers, indigenous people, political or community leaders, journalists, trade unionists, members of NGOs or lawyers supporting their cause⁵, live in a constant climate of fear and insecurity: some have been assassinated by paramilitary groups after accusations of being the political branch of allegedly subversive groups or of collaborating with such groups, while others, to a lesser extent, have gone missing, apparently taken by guerrilla groups who reject their critiques.

The intention of using national security needs to restrict constitutional guarantees for the most basic human rights is quite flagrant in Colombia. One past example occurred four days after Uribe took office on 7th August 2002, when emergency measures - under provisions in Articles 213 and 214 of the Constitution, covered by Law 137 passed in 1994 - were decreed. Dated 12th September 2002, the decree on public security measures, involving greater power and prerogatives for both army and police, included provisions restricting the right to assemble or demonstrate, and authorising arrests, house searches and telephone tapping without a warrant. The decree was subsequently quashed by the Constitutional Court, on 25th November 2002.

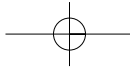
But President Álvaro Uribe Vélez did not admit defeat and since then has been waging the battle in Parliament, where he holds a majority, to bring about a constitutional reform granting the army powers normally held by police investigators, including authorisation to arrest and search without a warrant signed by a judge⁶. Organisations from Colombian civil society, international NGOs and the highest United Nations authorities have called on the Colombian State to abandon the reform; this was the recommendation of the High Commissioner on Human Rights⁷ and the UN Commission on Human Rights in the declaration on 25th April 2003, speaking on human rights in Colombia⁸

5 Joint Report by the Observatory and Avocats sans Frontières/France, following an international mission of inquiry, *Colombia: Administration of Justice or Impunity?*, March 2003.

6 See compilation of cases below.

7 Report by the UN High Commissioner on Human Rights on Colombia, document E/CN.4/2003/13, 24th February 2003.

8 It must be noted that the terms of this declaration were negotiated with the Representative, the Plenipotentiary Minister (Colombia), Carlos Franco.



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and expressly urging the Colombian State not to transfer judicial power to the armed forces and to withdraw the draft legislation. Despite these recommendations, as was explained above, on 10th December 2003, the anti-terrorist law was passed by the legislative authority.

In *Guatemala*, the situation of defenders has remained extremely preoccupying. The peace agreements which put an end to 36 years of civil war are proving difficult to implement, particularly those on socio-economic issues and the agrarian situation, fuelling fears that the situation of human rights in the country could deteriorate. In 2003, defenders were trapped in a highly polarised electoral campaign and continued to be victims of acts of persecution and violence perpetrated by members of paramilitary groups⁹. Many civil servants, either judicial or responsible for human rights (Prosecution Office on Human Rights), have also been targets for assassinations, threats and office break-ins¹⁰. The deputy public prosecutor on human rights in Chimaltenango was assassinated, and no fewer than 16 of the 31 deputies, as well as the prosecutor, received threats¹¹. These attacks may also have been planned by paramilitary type organisations.

On 23rd January 2003, the special UN representative stated in a press release announcing the publication of her report on Guatemala, after investigations between 26th May and 1st June 2002, on defenders, that «Principal targets of violations are human rights defenders involved in efforts to obtain the truth about past violations and defenders involved in the promotion of economic, social and cultural rights and the rights of indigenous peoples [...]. Journalists and religious leaders are at times also targeted». She added that «the involvement of clandestine structures and groups in attacks against defenders and allegations of their links with state security forces is a matter of serious concern that must be addressed by the Government on an urgent basis»¹².

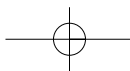
In *Haiti*, while celebrating the bicentenary of independence, political violence is spreading. In a country already in the grips of a general

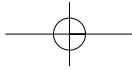
⁹ See Compilation of cases below.

¹⁰ *Idem*.

¹¹ Press release, dated 27th August 2003, the IACHR condemned the illegal raid perpetrated by persons unknown on the offices of the Prosecutor responsible for human rights, n° 25/03.

¹² United Nations document, E/CN.4/2003/104/Add.2.





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political, economic and social crisis, president, Jean-Bertrand Aristide is attempting to gag all protests. On 5th December 2003, a demonstration by students and academics from the Autonomous University of Haiti was violently repressed by known pro-government groups with backing from the police.

Criminalisation of Social Demonstrations and Defenders

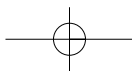
While 2003 saw a number of demonstrations arising with the worsening socio-economic situation in a number of countries, most did not reach the level of the protests that had shaken Argentina, Uruguay, Paraguay and El Salvador in 2002.

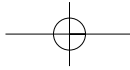
However, in *Bolivia*, rather than dialogue, a disproportionate use of violence was the path chosen, with brutal repression of the demonstrations and a death toll of more than 80 in September and October 2003. The movement was in protest against the export of Bolivia's natural gas by Chile.

In *Peru*, on 27th May 2003, after three weeks of strikes in public services (health and education) and the agricultural sector, the Peruvian government had no hesitation in implementing emergency measures, under Article 137 of the Constitution, the fruit of the highly controversial 1993 reform of the constitution by President Fujimori. This restriction of public freedom and the increasing militarisation of the social conflict left one student dead and fifty injured. More recently, on 20th November 2003, the anniversary of the Convention on the rights of the child, a peaceful demonstration by around 150 children and teenagers living and/or working in the streets of Lima, was brutally repressed by the police. The young people were calling for proper involvement in public debate and proper consideration in civil society. Thirteen children and adults were arrested; some of the adults reported they had been the victims of ill-treatment before being released¹³. An investigation into the events was opened on 9th December 2003, and is being conducted by a lawyer working with a public defender.

In *Argentina*, the economic revival in 2003, after the financial crisis which had shaken the country, raised great hopes for the population,

13 OMCT PER 031203.CC/ESCR.





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but the social climate remained very fragile. On 20th December 2003, while the «*piqueteros*» were demonstrating to mark the second anniversary of the Argentinazo (19th-20th December 2001), a bomb exploded in the crowd, injuring around twenty people.

In *Venezuela*, to a background of conflict and acute social tension, human rights defenders experienced great difficulty in carrying out their work and also ran the risk of being exploited for political purposes.

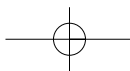
In *Ecuador*, the re-emergence of the White Legion (Legión Blanca) is cause for concern. In July 2001, the White Legion had threatened a number of organisations recognised at the international level for their commitment to human rights and had endeavoured to discredit a number of defenders and their families. In February 2003, more death threats targeted a number of organisations working on social issues and the defence of basic liberties, passing them off as «military targets», attacking indigenous and left-wing civil servants considered as «former subversives» and described as «revolutionary reds»¹⁴.

In *Cuba*, the situation of many human rights defenders is a major source of concern. In June 2003, the Cuban High Court confirmed the rulings handed down by the first court with 15 to 25 year sentences for dissidents arrested between 18th and 26th March 2003, on conspiracy charges under Law 88 for the protection of national independence and the economy in Cuba. Many of these detainees were involved in the Varela project and are internationally recognised human rights defenders; for example, Marcelo Lopez and Marcelo Cano, active figures in the Cuban Commission for Human Rights and National Reconciliation (CCDHRN – Comisión Cubana de los Derechos Humanos y de la Reconciliación Nacional)¹⁵. The Observatory intervened, denouncing these hearings which were held without any due guarantees to a fair and equitable trial resulting in sentences designed solely as sanctions to punish the exercise of fundamental liberties, including primarily freedom of expression, opinion and association¹⁶.

¹⁴ See Compilation of cases below.

¹⁵ *Idem*.

¹⁶ *Idem*.



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More Attacks on Defenders of Economic, Social and Cultural Rights

With globalisation and the privatisation of the economy, as well as greater inequality causing more and more violations of economic, social and cultural rights, the responsibility of private parties, in particular the most powerful corporations and multinationals, is increasingly clear, although it takes none of the primary responsibility away from States and their obligation to protect human rights¹⁷. Those who express critiques against economic policies seen as negative for certain sectors of the population or for the environment, whether they be State policies or the policies of trans-national corporations, are often seen as not acting in the interests of the nation, or even as terrorists, and find themselves victims of official or disguised repression; this is the case of those who fight for the right to employment, for land rights or for the protection of the environment in *Honduras, Chile, Ecuador, Mexico, Bolivia* and *Colombia*.

The situation in *Colombia* is symptomatic of the repression targeting trade unionists. According to statistics published by the National Trade Union School, between 1st January and 15th May 2003, 29 trade unionists were assassinated, 99 received death threats, twelve escaped deadly attacks and three were abducted. With violence prevailing throughout the country, the paramilitary leader, Carlos Castaño, was able to make the following statement: «Trade unionists, for example, stop people from working. That is why we kill them»¹⁸. People directly affected by these exactions include those attempting to exercise their rights to collective bargaining or negotiation, as in the case of conflict between major multinationals and their opponents. The number of trade unionists assassinated was lower than in 2002, but the number of cases of arbitrary detention has shown a serious increase.

In Central America, particularly *Guatemala* and *Nicaragua*, trade union leaders have been constantly threatened and harassed.

¹⁷ Work by the UN Sub-Commission on the promotion and protection of human rights led to standards being adopted covering the responsibility on human rights of trans-national and other companies; UN document E/CN.4/Sub.2/2003/12/Rev.2.

¹⁸ Weekly magazine: *Semana*, 12th June 2001.

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The defence of the environment is behind a number of conflicts in the Americas, and specifically in the countries around the Amazon basin and in Central America. One of many examples is *Honduras*, where defenders have been harassed, threatened and assassinated because of their committed stand against logging and the construction of a hydro-electric dam¹⁹.

The land itself is cause for conflict and violence. Indigenous leaders defending their land have often become targets for public authorities wishing to conduct projects affecting these communities, targets for companies wishing to take their land or underground resources, and for latifundistas or even small farmers in search of land to clear. The small farmers or those without land are often victims of pressure exerted by large landowners and corporations.

The report by the Observatory on *Landless people and their defenders in the State of Pará*²⁰ shows the reality of the situation in *Brazil* where there have been thousands of such victims over decades, including many defenders fighting for their rights²¹. In *Ecuador*, leaders of the Saracuya people received death threats in February 2003, because they had refused to surrender their land to the Argentine oil company, Compañía General de Combustibles (CGC), supported by the government, even though they had been offered financial and material compensation. The Inter-American Commission on Human Rights (IACHR) granted protective measures to the Saracayu community on 5th May 2003. On 16th October 2003, the petitioners reported to the IACHR that the protective measures granted in their favour had been violated. The Ecuadorian government had ordered the arrest of a number of community leaders and the military occupation of the sector. On 5th December 2003, a demonstration in support of the community was stifled by a group of armed men, with links to the company CGC: demonstrators were allegedly arrested, struck with sticks, wood and machetes and shots were apparently fired. The government allegedly refused to intervene, arguing that it

¹⁹ See Compilation of cases below.

²⁰ Report of the mission of judicial observation of the Observatory, *Landless people and their defenders in the State of Pará*, May 2003.

²¹ See Compilation of cases below.

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was an internal problem between indigenous communities and did not involve the State.

In *Mexico*, there have been many indigenous victims with land claims. Lawyers and human rights defenders in charge of the Agua Fría case²² were insulted and harassed and received death threats²³. In the course of a dispute on the current registration of traditional native lands, a lawyer from the Centre for Legal Studies and Social Investigation (Centro de Estudios Jurídicos e Investigación Social, CEJIS) was attacked in *Bolivia* in March 2003²⁴.

Ongoing Impunity

It is more than apparent that in most cases of harassment, threats, assassinations and disappearance against human rights defenders, impunity prevails, despite the fact that certain countries have set up governmental mechanisms and independent bodies responsible for investigating violations of human rights.

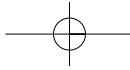
In *Colombia*, reforms carried out or planned by the government chosen by President Alvaro Uribe Vélez in August, 2002, far from improving the situation of human rights in the country, are likely to suspend some of the legal guarantees previously protecting the Colombian people and making the situation even more difficult for anyone speaking out against human rights violations²⁵. Given the widespread violence prevailing in the country, these reforms reinforce the impunity for these offenders even greater. Furthermore, the administrators of justice in Colombia, members of the Fiscalía human rights unit, employees of the related Technical Investigation Body, trial lawyers and public defenders, are regularly victims of threats and harassment. They have been threatened, physically attacked and some have been murdered because of their work which deals with sensitive cases of violations of human

22 In May 2002, 26 natives were assassinated. After extreme pressure from public opinion, Mexican authorities arrested at least 26 members of neighbouring communities. Some of these say they were forced to confess and that they were tortured.

23 See Compilation of cases below.

24 *Idem*.

25 Joint Report by the Observatory and Avocats sans Frontières/France, following an international mission of inquiry, *Colombia...*, *op.cit.*



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rights, including those committed by private groups and members of the police. A number of them have had to abandon their work and have chosen exile because of the threats; no effective protection measures have been implemented by the Colombian government, despite repeated demands from the Inter-American Commission on Human Rights.

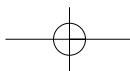
In *Mexico*, a number of disturbing blows have undermined efforts to promote human rights, e.g. the dismissal of the Under-Secretary of State on Human Rights, Mariclaire Acosta, a decision by the Minister of Foreign Affairs, Luis Ernesto Derbez, and the lack of progress made by the special prosecutor appointed to investigate violations of human rights committed under previous governments; these examples show the degree of difficulty human rights defenders face up in their struggle.

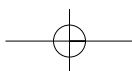
In *Venezuela*, members of the Committee for Families of Victims (Comité de Familiares de Víctimas del 27 de Febrero, COFAVIC) are encountering more and more threats and intimidation, showing that the Venezuelan authorities have not enforced the protective measures as required by the Inter-American Commission on Human Rights.

In *Guatemala*, on 13th March 2003, the government, the ombudsman for human rights and a large number of organisations from civil society agreed to set up a Commission to investigate illegal groups and clandestine security systems (Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad, CICIACS). The Commission will have three commissioners, one appointed by the Guatemalan government, another by the UN and the third by the OAS, and will investigate illegal armed groups and clandestine security system operating within the country, focusing special attention on human rights defenders, judges, witnesses and other representatives of civil society. The commission offers hope for civil society, but is still only a plan. The UN, after a recent mission to assess the project, has not yet stated its position as to whether and how it will be involved.

2003 did see certain advances in the fight against impunity, in particular in Argentina, Peru and Brazil.

In *Argentina*, President Nestor Kirchner succeeded in having the Chamber of Deputies vote the cancellation of the «Final Point» and «Due Obedience» laws; and this is a key step in the fight against impunity, so that those responsible for war crimes and crimes against humanity will finally be brought to trial and judged.





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In *Peru*, the report by the Truth and Reconciliation Commission published on 28th August 2003, which was a major turning point on the road to truth and peace for the country, has been a victory for human rights defenders. But it will only be a total victory once the mechanisms required to implement the recommendations of the commission have been set up.

In *Brazil* in May 2003, two large landowners were found guilty by a people's jury and sentenced to 19 years and 10 months for the contract killing of João Canuto de Oliveira, president of the farm workers' union in Rio Maria, in the state of Pará, and defender of land rights, who was assassinated on December 18th, 1985²⁶. However, despite the tough sentence, these two large landowners have been left free, under the terms of the «Fleury» law, passed on 22nd November 1973. The trial, which would never have been held without the perseverance and tenacity of the defence lawyers of the farmers and the Brazilian associations, is still one small step towards the fight against impunity, which prevails in the country.

Mobilisation for Regional and International Protection of Human Rights Defenders

Civil Society

On 31st March 2003, the Martin Ennals Award for Human Rights Defenders²⁷ was awarded to Mr. Alirio Uribe Muñoz, president of the «Jose Alvear Restrepo» Lawyers' Collective (Colectivo de Abogados «Jose Alvear Restrepo») in Colombia.

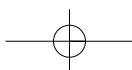
At a regional level, the third Latin American consultation for human rights defenders is scheduled for 2004. Previous consultations were held in Mexico in June 2001²⁸ and Guatemala in July, 2002²⁹; they were an

²⁶ Report of the mission of judicial observation of the Observatory in May 2003, *Landless people and their Defenders in the State of Pará*, May 2003.

²⁷ The prize is awarded by a jury made up of the main international NGOs, including OMCT, FIDH, SIDH, HRW, AI and CIJ.

²⁸ The first consultation was organised by the non-governmental *ad hoc* committee for the protection of human rights defenders (Colombia), the national network of civil human rights organisations «All human rights for all» (Mexico), the International Service for Human Rights and Amnesty International.

²⁹ The second consultation was organised by the non-governmental ⇨



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opportunity for a dynamic exchange of views between defenders in the Americas, analysing the challenges and dangers they have to deal with, as well as deciding on strategies to be implemented in partnership with both the Special Unit on defenders set up by the IACHR in late 2001 and the regional representative of the UN High Commissioner for Human Rights in Latin America and the Caribbean³⁰. The Observatory is part of the committee in charge of following-up on the previous consultations and preparing the consultation for 2004.

International Bodies

At the session of the UN Commission on Human Rights held in Geneva from 17th March to 25th April 2003, the Special Representative of the UN Secretary General on Human Rights Defenders presented her report on the mission she had carried out in Guatemala from 27th May to 1st June 2002. The Regional representative of the UN High Commissioner for Human Rights in Latin America and the Caribbean, Roberto Garetón, entered the case of human rights defenders as a key point on his agenda.

More than half the complaints covered by the Committee on Freedom of Association of the International Labour Organisation (ILO) are lodged against Latin American governments charged with violations of trade union rights. Guatemala, Cuba, Venezuela and Colombia were singled out for special study at the annual conference of the ILO by the Committee on the Application of Standards. The conference called on the governments of Cuba, Guatemala and Venezuela to agree to missions where the ILO would have direct contact, for the purpose of helping these countries deal with serious violations of trade union rights. The government of Colombia was urged to take all necessary measures

⇒ 29 *ad hoc* committee for the protection of human rights defenders (Colombia), the national human rights movement (Guatemala), the national network of civil human rights organisations «All human rights for all» (Mexico), the International Service for Human Rights and Amnesty International. The Observatory took part in the meeting.

³⁰ The Observatory is part of the committee in charge of following-up on the previous consultations and preparing the third consultation. It is primarily responsible for coordinating and sending information to regional and international parties.

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to put an end to insecurity: the proposal to send a mission of inquiry or to draw up a «special paragraph» on this was rejected.

At the 118th session of the IACHR, the Commission expressed concerns on the situation of human rights defenders in this part of the world. It took special note of the fact that since the previous session, «many such defenders have been assassinated, while others have been subject to constant threats and harassment in the conduct of their job³¹».

The situation of human rights defenders, and more generally, the situation of every person exercising his or her civil and political rights, has been the subject of close study for the IACHR, and especially in Colombia, Guatemala, Haiti and Cuba. For Colombia, heading the list of IACHR concerns, the Commission was disturbed to note reports of violence and harassment targeting defenders, trade unionists, social leaders and journalists. The IACHR also noted that Cuba was the only country in the Americas that «does not have a democratic form of government» and that the Cuban state «continues to pursue a repressive policy, particularly against groups or individuals seeking to exercise their political rights³²».

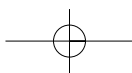
In a statement released on 9th December 2003, concerning student demonstrations in Port-au-Prince on 5th December, the Commission recalled that all Haitians had the right «to full and free exercise of their right to freedom of expression and the right of assembly, in a non-violent fashion in accordance with the law and the Inter-American norms for the protection of human rights³³».

The Observatory applauds the establishment of the Special Unit on Defenders set up within the IACHR in December 2001, but is disappointed to note that thus far no reports have been released nor missions conducted. The report drawn up by the Unit is scheduled for publication in 2004, after approval by the Annual General Assembly.

31 IACHR release n° 30/03, § 10.

32 *Ibid.*, § 19.

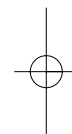
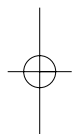
33 IACHR release n° 33/03.



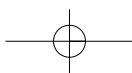
THE SITUATION OF HUMAN RIGHTS DEFENDERS

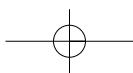
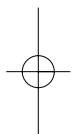
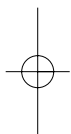
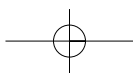
European Union

The European Parliament has addressed the question of human rights defenders in two resolutions on Cuba. The European Parliament thus called attention to «the numerous arrests, imprisonments and severe sentences after summary trials affecting more than 70 dissidents and human rights activists, as well as the resumed use of the death penalty³⁴».



³⁴ Resolution, European Parliament on Cuba, P5_TA-PROV(2003)0374.





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BOLIVIA

Aggression against CEJIS members³⁵

On 13th March 2003, Mr. **Cliver Rocha**, lawyer in charge of the Regional Unit of the Centre for Legal Studies and Social Research (CEJIS, Centro de Estudios Jurídicos e Investigación Social) in Riberalta and Director of the Indigenous Union of the Amazonian region of Bolivia (CIRABO, Central Indígena de la Región Amazonica de Bolivia) was assaulted as he was leaving the Riberalta court. He was savagely beaten and threatened with death by Alex Ribert Rejas, a landowner, following a hearing opposing the Ribert Rejas family to the «Esperanza» community of the Tacana indigenous people. He managed to escape with the help of his sister. The CEJIS lodged a complaint on the basis of the certificate drawn up by the Criminal Investigation Department's (PTJ, Policia Tecnica Judicial) attending physician and was also to file a complaint with the Public Prosecutor, the Human Rights Permanent Assembly and the department of the Ombudsman. At the end of 2003, the trial is ongoing.

On 25th September 2003, Mr. **Cesar Blanco**, lawyer for the CEJIS, was also assaulted by Mr. José El Hage, a member of a family of contract

³⁵ See Urgent Appeal BOL 001/0303/OBS 014 and Annual Reports 2001 and 2002.

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killers from the region, simply because he had been involved in a trial initiated by the community of independent people of the Earth from Origen Monte Verde, versus his brother Mr. Alberto El Hage. Mr. Blanco lodged a complaint. At the end of 2003, the case is pending.

On 12th November 2003, about 3 p.m., some 150 individuals burst into the regional office of the CEJIS in Trinidad. The assailants were looking for Mr. **Javier Aramayo**, regional director of the CEJIS, so as to attack him physically. These facts have also been included in a complaint submitted to the Department of the Public Prosecutor which, at the end of 2003, is being processed.

CEJIS lawyers and members are constantly being subjected to threats and assaults because they offer legal support to the recognition of the land rights of indigenous people and the authorities fail to take the necessary measures to punish those responsible for these acts. Mr. **Leonardo Tamburini** is a case in point. He is a CEJIS lawyer and a defender of Chiquitanos indigenous rights, and survived an attempted assassination in 2001 and was further subject to grave threats in 2002; the perpetrators have not been prosecuted.

Break in and burglary of the APDHB offices³⁶

On 19th October 2003, unidentified individuals got into the offices of the Human Rights Permanent Assembly of Bolivia (APDHB, Asamblea Permanente de Derechos Humanos de Bolivia) in La Paz and stole video cassettes, a DVD, a VHS player, and a portable computer. Apparently, these intruders attempted to copy the data on the APDHB's computer hard disks. The APDHB lodged a complaint with the Criminal Investigation Department (PTJ, Policia Tecnica Judicial) in Bolivia. It would seem that this theft relates to the work performed by the APDHB in the difficult circumstances Bolivia experienced in September 2003. From 15th September 2003 and into October 2003, social protests took place throughout the country to expose the gas export arrangements. These demonstrations were brutally crushed by the police, leading to a large number of casualties. The APDHB worked

³⁶ See Urgent Appeal BOL 002/1003/OBS 054.

especially hard to ensure a negotiated solution to the conflict and to report grave violations of human rights. In particular, they held important information on violations perpetrated by the police during the crack down on social unrest.

BRAZIL

Intimidation of members of the Global Justice Centre³⁷

On 11th January 2003, returning from a mission to collect information on summary executions carried out in the State of Paraíba, the research workers of the **Global Justice Centre** (Centro Justiça Global) found that the flat in which they had been staying had been broken into. Two portable computers as well as research documents had been stolen. Other more valuable goods like a computer, a television set and other office equipment was not taken.

The next day, 12th January 2003, two members of the Centre were making a call from a telephone box when they noticed two suspicious men in a vehicle parked opposite them. Frightened, they fled and the vehicle sped away. In the face of such acts of intimidation, the Global Justice Centre lodged a complaint with Dr. Nilmaria Miranda, Human Rights Secretary of the State of Paraíba. He appealed to the government to set up an enquiry into the facts immediately. At the end of 2003, the enquiry had given no results.

These acts of intimidation seem to be linked to enquiries undertaken by the Centre on acts carried out by armed groups in the State of Paraíba, within the framework of a Global Justice general project on summary executions in Brazil. Violent acts against the civil population have increased in the State of Paraíba and the organizations fighting for the conviction of the perpetrators of these violations are particularly exposed to acts of intimidation aimed at deterring them from continuing their enquiries. The Global Justice Centre had already received

³⁷ See Urgent Appeal BRA 001/0103/0BS 002.

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threats several times because of its work of exposing human rights violations. Hence, on 23rd September 2002, the Inter-American Commission on Human Rights (IACHR) had taken measures to protect members of the Global Justice Centre and the member of parliament for the State of Paraíba, Mr. Luis Albuquerque Couto, Itambé municipal councillor, Mr. Manoel Becerra de Mattos and the Prosecutor, Mrs. Rosemary Souto Mayor de Almeida. They had all reported violent acts perpetrated by armed groups in the States of Pernambuco and Paraíba to the Parliamentary enquiry commission on narcotics trafficking.

The trial of those behind the assassination of Mr. João Canuto de Oliveira³⁸

On 22nd and 23rd May 2003, the trial of two large-land owners, Mr. Adilson Carvalho Larandeira, former mayor of Rio Maria, and Mr. Vantuir Gonçalves de Paula, charged with having ordered the assassination of Mr. **João Canuto de Oliveira** took place. The latter, chairman of the Trade Union of Rio Maria rural workers, State of Pará, and defender of land rights, was assassinated on 18th December 1985. The «Canuto» case is symbolic of the predicament of human rights defenders who are struggling for the cause of peasants in this region of Brazil and who are constantly subject to threats, harassment and violence. In this context, the Observatory sent a judicial observation mission charged with verifying the trial proceedings which attracted great public support. The hearings complied with Brazilian procedural rules and went on without incident. Nonetheless the observers reported restrictions in public access to the court room, especially since hundreds of people had travelled to the capital of the State of Pará to attend the hearings. Some of them had come from 800 kilometres away. The two defendants were sentenced to 19 years and 10 months in prison. However, the judge released them pending possible appeals, invoking the fact that they were first time offenders pursuant to the «Fleury» Act (22nd November 1973). In accordance with the Act, a convicted person

38 See Press Release of 30th May 2003 and the report of the Observatory's judicial observation mission *Landless people and their defenders in the State of Pará*, May 2003

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who is a first offender may remain free pending appeals. As of the end of December 2003, the appeal was before the appeal judge, Mrs. Albania Lobato Bermerguy, who will hand down a ruling.

The enquiry and the judicial investigation process have lasted for 18 years and have been marked by the disappearance of witnesses, the absconding of persons to be questioned in the enquiry and repeated delays in the procedure. These incidents have been condemned by the Inter-American Commission on Human Rights (IACHR). Assassination of trade union leaders and peasants has gone on ever since and there have been some 400 deaths, including Mr. João Canuto.

The Observatory noted with satisfaction that the peoples jury declared the defendants guilty without a shadow of a doubt. However, it expresses its concern at the decision to release the convicted men despite the seriousness of the offences and the length of the sentences, and the risk that they may abscond and new threats be made against some witnesses who are still at risk. Mr. Olinto Vieira enjoys permanent protection while Mr. Sebastiao Vieira has none and is under constant threat.

The position of people who defend the landless is precarious. Their lives are in jeopardy and they come under attacks aimed at discrediting them and bringing their action, which is carried out within a perfectly legal framework, into disrepute.

For instance, in June 2003, the offices of the Redenção Rural Workers Trade Union were ransacked, and important documents, containing inter alia, information on slavery in Brazil, were purloined. This attack took place several months after a similar burglary at the offices of the Landless Movement (MST, Movimento dos Sem Terra) in Marabá, when two computers containing many files were stolen. Furthermore, **Henri Burin des Roziers**, a lawyer, was subject to a slanderous campaign led by the sitting judge of Rio Maria, Roberto Cezar Oliveira Monteiro, because of his work in defence of the landless.

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COLOMBIA

Summary executions

Assassinations/attempted assassination of trade unionists³⁹

Attack on Mr. Alirio Rueda⁴⁰. On 12th January 2003, Mr. **Alirio Rueda**, chairman of the Oil Industry Workers Trade Union (USO) in Barrancabermeja, escaped gunfire shots when in a vehicle travelling from Bucaramanga to the oil port. At Patio Bonito, 80 kilometres from Barrancabermeja, paramilitaries had placed a roadblock but the occupiers of the vehicle decided not to stop. The paramilitaries fired at the vehicle but nobody was hurt.

Assassination of Mr. Juan Antonio Bohorquez Medina⁴¹. On 20th February 2003, on the road running between Alban and Bituima, in the department of Cundinamarca, the Trade Union leader of Bituima, Mr. **Juan Antonio Bohorquez Medina**, a member of the Union of the Federation of Teachers of Colombia (FECODE - CUT) was kidnapped. His body was found in the Alban jurisdiction where he worked.

Assault on Mr. Elber Alberto Granja⁴². On 20th February 2003, Mr. **Elber Alberto Granja**, former chairman of the SINTRAMUNICIPIO workers union and head of the Vijes Action Council, in the department of Cauca, escaped from an assault when he was in his garden. An armed individual fired on him from the street, but a young person passing by disturbed him. Mr. Alberto Granja immediately lay on the ground and was able to escape unharmed.

Assassination of Mr. Marco Tulio Diaz⁴³. On 15th June 2003, Mr. **Marco Tulio Diaz**, former Chairman of the Workers Trade Union (USO) in Tibù and chairman of the National Association of Pensioners of the Colombian Oil Industry (ECOPETROL), was assassinated in his

39 Incomplete list of serious cases where Trade Union leaders were involved.

40 See Colombia Special Appeal December 2002-January 2003.

41 See Colombia Special Appeal February 2003.

42 See Colombia Special Appeal February 2003.

43 See Colombia Special Appeal June-November 2003.

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mother's home. His brother was seriously wounded. Mr. Marco Tulio Diaz had worked for more than twenty years for ECOPETROL.

Assassination of Mr. Alberto Marquez⁴⁴. On 15th July 2003, Mr. **Alberto Marquez**, member and leader of the Tolima Agricultural Workers Union (SINTRAGRITOL) and of the Association of Indigenous Leaders of Tolima (ACIT) was assassinated along with his body-guard, Mr. Nelson Castiblanco, in Natagaima, by the Tolima paramilitary group. Mr. Alberto Marquez had received many death threats from paramilitary groups in the region which forced him to be constantly on the move with his family. He earned recognition for his work on behalf of the indigenous and peasant rural population.

Assassination of Mrs. Zuly Codina Pérez⁴⁵. On 12th November 2003, Mrs. **Zuly Esther Codina Perez**, national leader of the Health and Social Security Trade Union (SINDESS), was assassinated in Santa Marta, in the Magdalena department, on her way to her work at the Santa Maria Central Hospital.

Assassination of Mr. Carlos de la Rosa Elles⁴⁶. On 30th November 2003, Mr. **Carlos de la Rosa Elles**, treasurer of the Atlantic Transport Undertaking Workers Trade Union (SINTRAATLANTICO), affiliated to the CUT, was assassinated in Barranquilla. This assassination should be placed in the context of a conflict of recognition between the trade union and the Atlantic Transport Company.

Assassination of Mr. Severo Bastos⁴⁷. On 14th December 2003, Mr. **Severo Bastos**, former employee of the Colombian Institute for Agrarian Reform (INCORA), member of SINTRADIN, the trade union of the employees of said institute, Arauca section, of which he was the alternate representative, was assassinated by heavily armed hired assassins, in the town of Rosario, Norte de Santander, a place he had been living in for some time. The employees of this trade union are particularly under threat. On 16th November 2003; Mr. Mario Sierra, alternate treasurer of this trade union was assassinated. In 2002 and

44 *Idem.*

45 *Idem.*

46 *Idem.*

47 See Urgent Appeal COL 009/1203/OBS 069.

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2003, Messrs. **Rodrigo Gambos**, **Jairo Vera Arias** and **Mario Sierra Anaya**, directors of the SINTRADIN sector were also assassinated.

Assassination of representatives of civil society.

*Assassination of Mrs. Miryam Castano de Caldono*⁴⁸. On 24th January 2003, Mrs. **Miryam Castano de Caldono**, leader of the peasants' association «The Conquest» was assassinated in Cajibío, Cauca department. She was active in promoting human rights and had taken part in training courses organized in the region by Justice and Peace. After taking one of the children who lived in her house, three armed men got onto her plot of land and shot at her five times.

*Assassination of Mr. José Absalo Achury*⁴⁹. On 11th May 2003, after having received telephone threats related to his work as an attorney, Mr. **José Absalo Achury**, defender of political prisoners in Colombia left Bogotá for the estate of members of his family in Granada, in the Meta Department. He stayed there until 15th May 2003 practicing his profession. On 16th May, Mr. Absalo Achury went to a friend's house to attend a meeting. On returning home, he was approached by six men travelling in a van and on two motorbikes. After stabbing him several times, these men broke into his car and took it to the road that leads to San Martín. There was no news of Mr. José Absalo Achury, from the 16th, the day he disappeared, until 28th May when his body was found in the rural area of San Juan de Arama. His body bore traces of torture and of bullet wounds to the head. This case has been passed to the department of human rights in Bogotá and to the Villaviciencio Support Unit. As of the end of December 2003, the enquiry had produced no results.

*Assassination of Mr. Jairo Roberto Moncayo Pascuaza*⁵⁰. On 16th September 2003, Mr. **Jairo Roberto Moncayo Pascuaza**, leader of the student movement and member of the Permanent Committee for the Defence of Human Rights (CPDH, Comité Permanente de Defensa de Derechos Humanos) in Nariño, was assassinated in Pasto, by two men on a moped. Mr. Moncayo Pascuaza figured on the programme of the

48 See Colombia Special Appeal February 2003.

49 See Colombia Special Appeal May 2003.

50 See Colombia Special Appeal June-November 2003.

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Ministry of the Interior for the protection of trade unionists, social leaders and human rights defenders. He worked with communities who had been forcibly displaced and took part in projects to strengthen and support human rights in particular in cooperation with the Vice-President of the Republic, Redepaz and the Ombudsman.

*Assassination of Mrs. Esperanza Amaris Miranda*⁵¹. On 16th October 2003, about 7.30 p.m., three armed paramilitaries in a public service vehicle arrived in front of Mrs. **Esperanza Amaris Miranda**'s domicile in the Versalles district. After having intimidated her, they forced her to get into the vehicle. Five minutes later she was shot down opposite the Camilo Torres Restrepo school and her body was thrown out onto the road. Mrs. Amaris Miranda was a member of the team of the Women's House of the Popular Women's Organization (OFP, Organización Femenina Popular) located in the Primero de Mayo district of Barrancabermeja. She had lodged a complaint with the judge's office concerning threats made against her by paramilitary groups. According to the information obtained in December 2003 on the enquiry, only the driver of the public service vehicle, in which Mrs. Amaris Miranda was abducted, has been arrested. Furthermore, following threats directed at Mrs. Amaris Miranda's family, her children have been moved to another region. The OFP informed the judge of these threats.

*Assassination of an indigenous leader*⁵². On 12th August 2003, Mr. **Reinaldo Perdomo**, a human rights defender from Ariari and a community leader in the region, was assassinated by an armed man who shot him three times in the head. Mr. Perdomo had been displaced since 2002 because of military action in Ariari.

51 See Urgent Appeal COL 006/1003/OBS 053.

52 See Colombia Special Appeal June-November 2003 and Open Letter to President Alvaro Uribe of 2nd September 2003.

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Arbitrary Detentions

Arbitrary detentions of trade unionists

*Arbitrary detention of Mr. Policarpo Camacho and Mrs. Gloria Holguin*⁵³. On 8th January 2003, Mr. **Policarpo Camacho** and Mrs. **Gloria Holguin**, leaders of the Agricultural and Animal Rearing Unitary Trade Union Federation (FENSUAGRO), were detained in Calacará, Quindío department, after their flat had been searched. In the course of the search, copies of the weekly newspaper VOZ, trade union newsletters and other documents related to their trade union work were stolen. Since then they have been in custody in the Armenia district.

*Arbitrary detention of Mr. Hernando Hernandez*⁵⁴. On January 15th 2003, the office of the judge general of the Nation issued an arrest warrant for suspected links with the guerrilla for Mr. **Hernando Hernandez**, International Affairs Secretary of the Workers Trade Unions (USO).

*Arbitrary detention of Mr. Hermes Vallejo Jiménez*⁵⁵. On 12th August 2003, Mr. **Hermes Vallejo Jiménez**, a member of the Association of small and medium sized Tolima farmers (ASOPEMA), was arrested in Bogotá. As of the end of December 2003, Mr. Vallejo Jiménez is being held in Picalena de Ibagué prison.

*Arbitrary detention of leaders and members of FENSUAGRO*⁵⁶. On 17th August 2003, several members and leaders of the Trade Union Federation FENSUAGRO were arrested in Chalán, Colosó and Ovejas in the department of Sucre during an operation conducted jointly by the police, the marine infantry and the judge's office which involved arresting 156 people.

*Arbitrary detention of several trade unionists*⁵⁷. On 21st August 2003, during a military operation, hundreds of soldiers and police officers from the Administrative Security Department (DAS) and the Public

53 See Colombia Special Appeal December 2002-January 2003.

54 *Idem*.

55 See Colombia Special Appeal June-November 2003 and Open Letter to President Alvaro Uribe of 2nd September 2003.

56 *Idem*.

57 *Idem*.

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Prosecutor, accompanied by masked individuals, entered dozens of houses in Saravena (Arauca), and proceeded to detain 42 persons, 28 of whom were still in prison on 27th August. At least 16 human rights defenders, reporters and leaders of social movements were arrested including: Mr. **José Murillo Tobo**, Chairman of the «Joel Sierra» Human Rights Regional Committee in Arauca⁵⁸; Mr. **Alonso Campino Bedoya**, leader of the Central United Organisation of Colombian Workers (CUT), Arauca section and member of the «Joel Sierra» Human Rights Regional Committee. Both were entitled to protection under the measures adopted by the Inter-American Human Rights Commission; Mr. **William Jiménez**, leader of the Public Workers Union of the district (SIDEM); Mrs. **Blanca Segura**, Chairman of the National Trade Union of Education Workers (SINTRENAL) and Mr. **Jairo Machado Durán**, chairman of the Community Action Council of the Libertadores de Saravena district.

*Arbitrary detention of Mrs. Amparo Arciniegas*⁵⁹. On 24th August 2003, Mrs. **Amparo Arciniegas**, secretary general of the Tolima section of the Agricultural Workers Trade Unions (SINTRAGRICOL) was detained in the Tolima department, during a military operation which took place in the Coello, Cajamarca and Anaime districts when 58 persons were arrested including a number of social and trade union leaders.

*Arbitrary detention of Mr. Rudy Robles Rivero*⁶⁰. On 14th October 2003, Mr. **Rudy Robles Rivero**, secretary general of the Agricultural Workers Union (SINDEAGRICULTORES) was arbitrarily detained in Colosó, department of Sucre. In December 2003, he was still in the Vega prison, in Sincelejo, in Sucre. On 15th September 2002, Mr. Robles had already been arrested by the army in the department of Sucre, in the Chalán municipality⁶¹. Furthermore, on 23rd October 2003, Mrs. **Yorman Rodriguez**, wife of Mr. Rudy Robles Rivero, was stopped and questioned by the police between Tolù Viejo and Colosó. During lengthy questioning, the police officers attempted to sexually abuse her, and physi-

58 See below.

59 See Colombia Special Appeal June-November 2003.

60 *Idem*.

61 See Annual Report 2002.

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cally and psychologically illtreated her and insisted that she «cooperate with the authorities». They kept the mobile phone she had on her and which had been given to her husband Mr. Ruddy Robles Rivero, under the Ministry of the Interior protection programme for social leaders. On 28th July 2003, Mr. Rudy Robles had read a report on the human rights situation in the Montes de María region in front of the «verification commission» composed of non-governmental organizations, Government and United Nation's representatives .

*Arbitrary detention of Mr. Eduardo Hernández Cabrera*⁶². On 14th October 2003, Mr. **Eduardo Hernández Cabrera**, trade union leader of public enterprises in the Espinal district of the department of Tolima, disappeared. Mr. Eduardo Hernández Cabrera was approached by strangers who were apparently members of the Unified Action Group for Personal Freedom (GAULA), composed of Administrative Security Department (DAS) agents, of the Technical Enquiry Corps (CTI), the judge's office and the military forces to prevent and fight kidnappings. In November 2003, it was established that he was being held at the Ibagué prison. The same day, in Villavicencio, in the department of Meta, his sister, Mrs. **Rocío del Pilar Hernández Cabrera** was also detained.

Arbitrary detentions and accusations against members of civil society

*Arbitrary detention of the chair of the CPDH, Arauca section*⁶³. On 3rd March 2003, Mrs. **Teresa Cedeño Galíndez**, chairperson of the Permanent Committee for the Defence of Human rights (CPDH, Comité Permanente de Defensa de Derechos Humanos) and member of the «Eduardo Umaña Mendoza» National Association of Attorney Defenders was arrested in Bogotá and subjected to inhuman and degrading treatment by members of the national police force. The national police issued an arrest warrant against her based on the «state of emergency» clauses enshrined in the new police code, whereby a person may be detained for 24 hours. Mrs. Cedeño had protested against acts carried

⁶² See Colombia Special Appeal June-November 2003.

⁶³ See Colombia Special Appeal March-April 2003 and Urgent Appeal COL 002/0803/OBS 037.

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out by the national police which fall within the powers of the Technical Enquiry Corps (CTI).

On 4th March 2003, Mrs. Cedeño was released after strong pressure from members of her family, human rights organizations, civil servants from the Vice Presidency of the national police, the United Nations and other bodies. On 30th July 2003, Mrs. Cedeño was again arrested in Bogotá and charged with «procedural fraud».

Up to 1st August 2003, the defence had not been informed of the precise charges being pressed against the lawyer, nor the facts which gave rise to the charges. Several hours before her arrest, Mrs. Cedeño had gone to the Ministry of Foreign Affairs to make a speech before representatives of the Colombian State in charge of implementing protection measures. In her address, she had denounced the persecution of lawyers defending human rights in the department of Arauca by members of the Support Unit of the judge of the Nation's office, military commands and security bodies.

On 1st August 2003, the lawyer was taken into hospital. On 2nd August, she was transferred to the «El buen pastor» national women's prison. On 6th August 2003, the judge's office issued confirmation of the charges against Mrs. Cedeño and ruled that she could be released on bail on 8th August. As of the end of 2003, Mrs. Cedeño's case is pending.

On 29th October 2002, the Inter-American Commission on Human Rights (IACHR) had decided to grant Mrs. Cedeño protection measures, in the light of the constant threats which she had been subjected to by the paramilitaries in her region who accuse her of defending guerrilleros.

*Arbitrary detentions of an OZIP leader*⁶⁴. On 26th September 2003, during a highly mediatized military operation, Mr. **Arcadio Mutumbajoy**, Vice-chairman of the Indigenous Organization of the Putamayo Area (OZIP, Organización Zonal Indígena de Putamayo) and 18 other indigenous people and peasants, accused of being members of the guerrilla forces (FARC, Fuerzas Armadas Revolucionarias de Colombia), were arrested. Before he was detained, Mr. Arcadio Mutumbajoy had learned that he was on the list of persons charged, and hence he decided to immediately report to the judge's office in Mocoa,

64 See Colombia Special Appeal June-November 2003.

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where he received assurances that no procedure had been instigated against him. Previously, Mr. Mutumbajoy had been threatened by the FARC who had accused him of being a military informer.

*Arbitrary detention of members of the «Joel Sierra» Human Rights Regional Committee's Foundation and other defenders*⁶⁵. On 21st August 2003, in the framework of a military's operation during which dozens of inhabited houses in the Saravena municipality were «burgled» by some army members, members of the police of the Security Administrative Department (DAS), and of the «Public Prosecutor's Office», Mr. **José Murillo Tobo**, Chairman of the «Joel Sierra» Human Rights Regional Committee's Foundation was, among others, detained. Mr. Murillo is entitled to protection under the Inter-American Commission on Human Rights (IACHR).

In another raid, on 12nd December 2003, around 5.30 p.m. several police officers entered the «Joel Sierra» Human Rights Regional Committee's Foundation and other social organizations to carry out what they termed an «optional search» at the time a workshop on human rights within the framework of the Training School, sponsored by the «José Alvear Restrepo» Lawyers Collective was underway. Those present reportedly refused to give access to the police as they had no search warrant.

Later, around 7 p.m. an undetermined number of policemen led by Captain Buitrago returned to the building and entered the premises without a warrant, but under the pretext that they had spotted some riots coming from the Foundation building to the Police station nearby. Alleging in fragante delicto they immediately arrested everyone present. Amongst the prisoners was Mr. **Yilson Torres**, Chairman of the «Joel Sierra» Human Rights Regional Committee's Foundation and Mr. **Isnaldo González**, the Vice President of the same Committee and Mr. **Andrés Rivera**, an assistant to the Lawyers' Collective pedagogical team; Mssrs **Beimar Martínez**, **Emmanuel Riveros**, **Arnulto Duarte**, **Luis Parmenio González**, members of various sections of the «Joel Sierra» Foundation.

During the detention period, Captain Buitrago adopted a threatening and offensive attitude towards all the people held, in particular to

65 See Colombia Special Appeal June - November 2003, Open Letter to President Alvaro Uribe of 2nd September 2003 and Urgent Appeal 009/1203/OBS 069.

the co-ordinator of the pedagogical team and lawyer of the Group. He demanded her identity papers and then copied the details saying that «it was to keep him informed» and added that «this was the way he treated those who defended that kind of cause and that previous evidence existed against the organization».

Later, the prisoners were transferred to the Saravena police station, where until 10 p.m. the same day they were denied their right to legal assistance, even though a defence lawyer was pressing for an interview. Eventually, at 11.30 p.m., all the prisoners were allegedly released.

*Accusations against members of the Justice and Peace Commission*⁶⁶. On 21st August 2003, the general commandant of the military armed forces, Mr. Jorge Enrique Mora Rangel, called a press conference during which he accused the members of the Justice and Peace Commission (CJP, Comisión Justicia y Paz) of a breach of trust and the setting up of illegal groups, qualifying the Cacarica communities «FARC concentration camps administrated by an NGO called Justice and Peace». Subsequently, it was found that there were four criminal proceedings against the CJP, including two for the crime of rebellion, one for setting-up terrorist groups and another for breach of trust.

These complaints listed 15 members of the Cacarica Community Coordination and 5 members of Justice and Peace: Messrs. **Danilo Rueda, Daniel Vásquez, Ana Marià Lozano, Enrique Chimonja** and **Abilio Pena**. At the end of 2003, the persons named were freed. However, it is feared that they may be the victims of attacks given the grave accusations made against them. These proceedings rest solely on unsubstantiated evidence. Some of the witnesses involved have admitted receiving money for their testimonies.

The CJP was subject to legal proceedings in 1997 and 1999 for the presumed offence of libel and slander. Similarly, the headquarters of the CJP in Bogotá was searched in 1998. Its members received death threats on several occasions and one of them, Mr. Danilo Rueda, was followed and escaped abduction in 2002⁶⁷.

These threats and accusations may well be linked to the large volu-

⁶⁶ See Urgent Appeal COL 004/0903/OBS 046 and Annual Report 2002.

⁶⁷ See Annual Report 2002.

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me of legal work done by the CJP in the region. Indeed, the CJP is involved in the trial of the Maderas del Darién firm which is accused of illegal exploitation of natural resources in the Cacarica river basin, and has entered a claim for damages in a number of trials against military men presumed responsible for grave violations of human rights, like General Rito Alejo de Rio. As regards the first case, the Constitutional Court, in its ruling T-955/2003 of December 2003, ruled that the rights to diversity, cultural identity, property, participation and subsistence of the black communities of Caracarica are mandatory.

General Mora Rangel's statements were taken up in the press and through various media they contributed in stigmatising and discrediting the CJP both nationally and internationally. It is important to underline that an article which appeared in the American newspaper *The Wall Street Journal*, dated 14th November 2003, accuses members of the CJP of collaborating with the FARC.

The Justice and Peace Commission which works on the self-determination Communities project, life and dignity (CAVIDA, Comunidades de Autodeterminación Vida y Dignidad), is composed of religious people from the Catholic and other churches and lay missionaries. That NGO provides a presence and ongoing support to the communities of long displaced persons who live in the Cacarica area, in particular in the camps known as «God's Hope» and «New Life»⁶⁸.

Since 13th May 2003, the XVII Army Brigade has been undertaking a military operation to terrorize members of the «God's Hope» area and has already begun proceedings against their members without the latter having any defence rights. As part of this campaign, the military pressurizes the inhabitants of Turbo, Riosucio and Cacarica and offers rewards to those who testify against the Justice and Peace Commission.

68 The inhabitants of the camps were brutally removed from their lands in February 1997, during the «Genesis» operation led by the XVII Army Brigade, commanded by General Rito Alejo del Rio and supported by armed civilians (paramilitaries). This operation led to the exile to Panama, deportation to Bahia Cupica and the assassination and disappearance of more than 85 members of the communities.

Threats/Harassment/Assaults

Threats against trade unionists

Threats/Harassment against the CUT

Occupation of the offices of the CUT⁶⁹ and threats against the leaders of the CUT in Cali⁷⁰. On 10th January 2003, the officers of the Administrative Security Department (DAS) and of the Department of the Public Prosecutor occupied the offices of the Central United Organisation of Colombian Workers (CUT) in Cali.

On 12th March 2003, at a public hearing in Cali on impunity and failure to dismantle municipal enterprises of Cali (EMCALI, Empresas Municipales de Cali), department of the Cauca Valley, members of Brigade III disarmed the body-guards of the trade union leaders present and immobilized their vehicles. Without any explanation, a number of them were thus left unprotected like Mr. **Otoniel Ramirez**, chairman of the sub-department of the CUT in the region and Mr. **Ariel Díaz**, an official of the same entity and in charge of human rights. The military said that they were obeying orders from superiors and that the State authorities have never provided any explanation as to this behaviour.

Insecure position of Mr. Domingo Tovar Arrieta⁷¹ and threats against the National Executive Committee of the CUT⁷². On 28th February 2003, in a letter addressed to the State authorities, Mr. **Domingo Tova Arrieta**, a member of the National Executive Committee of the CUT and Director of the Human Rights Department who enjoyed the protection measures issued by the Inter-American Commission on Human Rights (IACHR), reported the shortcomings of the Ministry of the Interior's Protection Programme for Trade Union Leaders and Human Rights Defenders. As a sign of protest and so as to make the Colombian State responsible for what might happen to him, he announced that he was returning the bullet-proof vehicle and foregoing the body-guards.

Because of his high risk situation, Mr. Tovar had been provided with a bullet-proof car and four armed bodyguards but the transport manager

69 See Colombia Special Appeal December 2002-January 2003.

70 See Colombia Special Appeal March-April 2003.

71 See Colombia Special Appeal February 2003 and June-November 2003.

72 See Colombia Special Appeal March-April 2003.

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of the Administrative Security Department (DAS) had notified him that he would no longer be supplied with fuel for the vehicle which was supposed to protect him.

On 30th October 2003, Mr. Tovar Arrieta received an anonymous call telling him he would pay for the «loss of the referendum» with his life⁷³. He had indeed taken a very active part in the active abstention campaign in the 26th October 2003 referendum.

On 29th April 2003, the CUT received an e-mail which threatened the National Executive Committee signed «Honest Colombian politicians». This mail was probably prompted by CUT's work to defend and protect its members whose lives are under threat.

Death threats against members of the USO⁷⁴

On 6th May 2003, the Workers' Trade Unions (USO) received an e-mail signed by paramilitary leader Mr. Carlos Castaño, which accused the Union leaders of having links with subversive organizations and declaring that they were a military target. This threat included the leaders' children.

On 15th August 2003, the USO workers found at the headquarters of the Organization in Barrancabermeja a letter of condolence referring to Messrs. **Mauricio Alvarez, Victor Jaimes, Juvencio Seija** and **Elkin Menco** which contained the following message: «M.D.U. the armed Group M.D.U. (death to the USO leaders), confident of the decision taken after having carefully studied the USO leaders has ordered the killing of the first martyrs on our list: Messrs. Mauricio Alvarez, Victor Jaimes, Juvencio Seija and Elkin Menco. 14th August 2003».

These threats were made during the negotiation of the collective agreement submitted by the USO Union to the Colombian Public Oil Undertaking (ECOPEPETROL) which gave rise to the militarisation of the Cartagena and Barracabermeja refineries.

Harassment of members of the SINALTRAINAL

Accusations against members of SINALTRAINAL⁷⁵. On 6th August 2003, the prosecutor of section 61 charged Messrs. **Luis Javier Correa Suárez**,

73 See Regional analysis.

74 See Colombia Special Appeal May 2003 and Urgent Appeal COL 003/0803/OBS 040.

75 See Colombia Special Appeal June-November 2003.

Jorge Humberto Leal, Juan Carlos Galvis, Luis Eduardo García, Alvaro González, José Domingo Flórez and Edgar Alberto Páez Melo, leading members of the National Food Industry Trade Union (SINALTRAINAL) with slander and libel. The ruling was made following a complaint lodged by PANAMCO Colombia S.A. and by the Santander bottling plant (which bottles Coca Cola in Colombia).

*Attempted assassination and threats against Mr. Juan Carlos Galvis and assassination of a member of his family*⁷⁶. On 22nd August 2003, Mr. **Juan Carlos Galvis**, chairman of the CUT in Barrancabermeja and Vice chairman of SINALTRAINAL, was the victim of an attempted assassination as he left the headquarters of his trade union at Barrancabermeja. Individuals aimed their guns at the Ministry of the Interior's protected vehicle in which Mr. Galvis was travelling and forced it to stop. The body-guards showed their official papers with details of their registration with the Administrative Security Department (DAS). Despite that, these individuals opened fire before escaping.

On 25th August 2003, the Communist party adviser, Mr. David Ravelo Crespo received an anonymous death threat call and was informed that while Mr. Galvis had got away this time, next time he would not escape.

Recently, on 4th November 2003, Mr. Galvis received a number of telephone calls at his domicile. The Inter-American Commission on Human Rights adopted protection measures for Mr. Galvis.

On 3th December, about 9 p.m. in the Bosque de la Tira district of the town of Barrancabermeja, two unknown men arrived by foot at the domicile of Mr. **Jesús Rojas Castañeda**, the brother of Mrs. Jacqueline Rojas, Chairman of the Popular Women's Organization «OFP», partner of Mr. Juan Carlos Galvis, and member and militant of the Association of Municipal Educators (ASDEM). They asked for him and when he was on his way out they shot him dead in the presence of his partner. It would seem that this crime was related to a dispute between Panamco Colombia S.A., the Santander S.A Bottling plant (the Colombia Coca Cola bottling plant) and SINTRAINAL.

⁷⁶ See Colombia Special Appeal June-November 2003 and Open Letter to President Alvaro Uribe of 2nd September 2003.

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*Kidnapping and ill-treatment of the son of a SINALTRAINAL leader*⁷⁷. On 10th September 2003, at 1 p.m., **David José Carranza Calle**, aged 15, son of Mr. **Limberto Carranza**, director of SINALTRAINAL and an employee of Coca-Cola in Barranquilla (Department of Atlántico) was brutally approached by four unknown individuals wearing hoods on Boulevard Simón Bolívar (La Esmeralda shop) in Barranquilla. The four men forced David José Carranza Calle to get off his bicycle and forcibly threw him in a white van. They drove off, tortured and threatened him and demanded to know the whereabouts of his father, Mr. Limberto Carranza. At 4.30 p.m. the same day, they dumped him at Canón de la Ahuyama where he was found by a passer-by who took him to the police station.

At the time of the abduction, Mr. Limberto Carranza received a telephone call saying: «trade unionist, son of a bitch, we'll see you off and if not you, your house».

Subsequently, complaint number 2705 was lodged with the Department of the Public Prosecutor 16, Law 30/86 on public security, under number 166873.

*Harassment of Mr. José Onofre Esquivel Luna*⁷⁸. On 22nd October 2003, Mr. **José Onofre Esquivel Luna**, member of the Management Committee of SINALTRAINAL, Bulagrande section, was a victim of harassment. Two individuals driving a motorbike with no registration plates attended his domicile claiming to come from the judge's office.

On 28th October 2003, two individuals claiming to be officers from the metropolitan police of Santafé de Bogotá (SIPOL) came to his place of work and asked where he was. After checking with the judge's office, it was ascertained that no such order had been issued. Several days before the events, the name of Mr. Esquivel Luna had been included in a communiqué of the United Self-Defence Forces of Colombia (AUC, Autodefensa Unidas de Colombia) which designated him as a military target.

*Threats against Mr. Herberth Suarez*⁷⁹. On 30th October 2003, Mr. **Heberth Suarez**, Chairman of SINALTRAINAL, Cali section,

⁷⁷ See Urgent Appeal COL 005/0903/OBS 047.

⁷⁸ See Colombia Special Appeal June-November 2003

⁷⁹ *Idem*.

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received threats by telephone with the following message: «Tell this son of a bitch trade unionist that we are going to kill him». Previously, Mr. Suarez had been subject to intimidation. In September 2003, an individual claiming to be a special agent sent from Bogotá by the government, had warned him saying that he should take great care in the town of Padrera because «it was full of paramilitaries».

Harassment of members of the SINTRAUNICOL

*Death threats against Mr. Alvaro Enrique Villamizar Mogollón*⁸⁰. On 25th February 2003, a communiqué from the United Self Defence Forces of Colombia (AUC) circulated in the Industrial University of Santander (UIS) in which several persons were designated as «military targets» included the Chairman of the University Employees Union of Colombia (SINTRAUNICOL) Sub-management Unit of Bucaramanga, Mr. **Alvaro Enrique Villamizar Mogollón**. In the same communiqué, the AUC also declared that student representatives were also military targets. **Mauricio Rivera** and **Juan Lozano**, members of the higher and academic councils of the University, Mrs. **Rosmerlin Estupinàn**, member of the Executive Committee of the Colombian Association of University Students (ACEU), as well as other students, Messrs. **Mauricio Pinto** and Príncipe **Gabriel González**.

*Abduction of Mrs. Bessy Pertuz*⁸¹. On 30th September 2003, as she was leaving the National University of Colombia in Bogotá and was walking towards a taxi, Mrs. **Bessy Pertuz**, vice chairperson of SINTRAUNICOL, was abducted. For two hours she was driven round the town and advised to cease all trade union activity. Finally, she was left in a southern district of the town. Her mobile phone and floppy disks containing information on the activities of the trade union were confiscated.

Furthermore, since 26th September 2003, Mrs. Bessy Pertuz had received several telephone calls at her office from persons who did not speak or hung up as soon as they heard her voice. Mrs. Pertuz is also part of a social support network to trade unionists and of the Human Rights Department of the CUT. She is also co-ordinator and creator of the Human rights teaching post at the Universities of the departments of Valle, Nacional, Atlántico and Fusagasugà.

⁸⁰ See Special Appeal February 2003.

⁸¹ See Colombia Special Appeal June-November 2003.

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*Threats against SINTRAUNICOL and other trade union organizations*⁸².

On 26th November 2003, the national headquarters of the SINTRAUNICOL in Bogotá, received a letter dated 11th November, containing threats against the following organizations: ANTHOC, USO, UNEB, SINDESENA and SINTRAUNICOL. The text which invokes «military action» asserts that this action will hit all those who have been detected and warned: Mr. **José Múnera**, Mr. **Antonio Flórez**, Mr. **Luis Otalvaro**, Mrs. **Elizabeth Montoya**, Mr. **Norberto Moreno**, Mrs. **Bessi Pertuz**, Mr. **Luis Ernesto Rodríguez**, M. **Alvaro Vélez**, Mr. **Mario Puerto**, Mr. **Alvaro Villamizar**, Mr. **Eduardo Camacho**, Mr. **Pedro Galeano**, Mrs. **Ana Milena Cobos**, Messrs **Carlos Gonzales** and **Alirel Diaz**».

Threats against Mr. Walfredo Santoya Garcia⁸³

On 28th February 2003, the secretary of the trade union association of professors of the Popular University (ASPU, Asociación Sindical de Profesores de la Universidad Popular), received a call asking him to tell the professor and treasurer of the association Mr. **Walfredo Santoya Garcia**, to leave the union and that his days were numbered.

These threats should be taken seriously because on 22nd October 2001, the former chairman of the association, Mr. **Miguel Angel Vargas Zapata** and professor **Luis José Mendoza Manjarrez**, member of the National Management Council were assassinated. Mrs. **Myriam Segura Molina**, chairperson ad interim was forced into exile because of constant threats.

Threats, searches and discredit of NGOs*Campaign to discredit the work of human rights organizations conducted by the Colombian authorities*⁸⁴

On 10th April 2003, during a conference which took place in Washington under the auspices of the U.S. Army, Brigadier General,

⁸² *Idem*.

⁸³ See Colombia Special Appeal February 2003.

⁸⁴ See Press releases of 12th September 2003 and of 2nd October 2003 and Colombia Special Appeal March-April 2003.

Mr. José Aruto Camelo, executive director of the department of military criminal justice accused human rights NGOs of waging a «legal war» against the military. He even asserted the NGOs were the friends of «subversion» and that they acted within the context of a strategy orchestrated by the guerrillas.

Similarly, the Colombian Ambassador to Portugal, Mr. Plinio Apuleyo Mendoza made on many occasions unsubstantiated claims against NGOs, and in particular against Human Rights Watch, the Colombian Jurists Commission and the «José Alvear Restrepo» Lawyers' Collective.

On 8th September 2003, during the Human Rights Week and on the occasion of the installation of the new commander of the air forces, President M. Alvaro Uribe placed human rights defence organizations in three categories: «theoretical» NGOs, «respectable» NGOs which deserve State protection and the «NGOs made up of writers and political schemers who in fact serve terrorism and who, in a cowardly fashion, hide behind the banner of human rights» and who thus should not qualify for State protection.

He went on to say that: «every time a security policy is put in place in Colombia to combat terrorism and that terrorists begin to feel weakened, they immediately send their spokesman forth to invoke human rights; They have no shame or limits. They publish books in Europe full of rumour and slander. They know that their only weapon is the slander they hypocritically conceal behind Human rights». «These individuals should realize that we are determined to fight against terrorism and its perpetrators and that one of our strategies aims to isolate the terrorists and that to that end we shall not waiver in arresting all those who become accomplices by commission or omissions». «When I began to combat terrorism as governor of my province (...) lawyers' groups, terrorist spokespersons, emerged either as such or in other guises. They were not combating terrorists, but only the will of the departmental government to put an end to their activities».

This address was made at a time when the President had come under severe criticism on his first year in office from the 80 NGOs which compose the «Colombian Development and Democracy Platform» in the book *Authoritarian Bewitchment* published on the same day as well as in a report issued by the UNDP (U.N. Development Programme).

It would seem that the President places these 80 NGOs in the third category of NGOs, «NGOs of writers and political schemers who in fact

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serve terrorism and in a cowardly fashion hide behind the banner of human rights» and are the spokespersons for the terrorists. President Alvaro Uribe Vélez ended his address by urging the new commander of the armed forces to ignore human rights in vanquishing terrorism: «General Lezmez: You have become the Commander of the armed forces to vanquish terrorism. Do not allow the human rights traffickers you detain deceive you. May all the Colombian armed forces aid our great Nation to rid itself once and for all of this nightmare».

On 30th September 2003, President Alvaro Uribe Vélez made an address to the General Assembly in New York in which he drew the same distinction between good and bad NGOs and claimed «the State's right to refute biased reports». For his part, the Minister of Defence announced in Washington that the State «intended to look into the activities of thousands of organizations operating in Colombia». In the context of the previous statements and the tremendous insecurity that reigns in Colombia, such plans augur a growing criminalisation of the social sectors of the country.

The Inter-American Commission on Human Rights expressed its concern about the President's statements. On 17th September, the Commission sent a letter requesting explanations from the Minister of Foreign Affairs, Mrs. Carolina Barco.

In the current circumstances, such statements constitute an incitement to violence. Thus, on 29th September 2003, in a communiqué headed «Why do dogs bark?», the United Self-defence Groups of Colombia (AUC) of the Bolivar Central Block, in turn, profited from these stands to criminalize several Colombian and foreign NGOs.

In the communiqué, the paramilitaries welcomed the Presidents attack on «some humanitarian bodies who seem to have chosen their camp in the conflict and for whom the only people guilty of Human rights violations are the sworn enemies of the communist guerrilla and those who fight against it». Inter alia, the AUC listed the José Alvear Restrepo Lawyers' Collective, the Colombian Jurists Commission, the Regional Corporation for the Defense of Human Rights (CREDHOS, Corporación Regional para la Defensa de los Derechos Humanos) and the Popular Women's Organisation (OFP). The communiqué also listed several international organizations accused of operating like «veritable consulates acting on behalf of the Colombian terrorist guerrilla».

Threats against a member of ASFADDES⁸⁵

On 9th January 2003, a boy ostensibly sent by a paramilitary group active in the Medellín region, turned up at the domicile of Mrs. **Maria Eugenia López**, member of the Association of Families of Disappeared Prisoners in Colombia (ASFADDES, Asociación de Familiares de Detenidos Desaparecidos), Medellín section, to invite her to an appointment with «Mr. Barney», a paramilitary well known in the region. Back on 24th December 2002, a man and a woman came to the domicile of Mrs. López but, finding no one at home, left. Mrs. López has often received threats from paramilitary groups. This time, she decided to leave Medellín.

Threats against several members of the OFP⁸⁶

On 5th February 2003, the headquarters of the Popular Women's Organization (OFP, Organización Feminina Popular) hosted in Cantagallo, a meeting convened by the Ombudsman of Barrancabermeja and of Magdalena Medio to look into the threats received by the OFP from the paramilitaries in the Cantagallo district, where two female coordinators were threatened and harassed over the last two months. This meeting was attended by about fifty people from various bodies such as the Regional Ombudsman's Office, the townhall, the military and police authorities, two representatives from the UN High Commission on Human Rights, two representatives of the World Trade Union Federation, the National USO delegates, the Unitary Workers Union, the SINALTRAINAL, the International Peace Brigade, the German Delegation for Life and Peace, the Defence of Children International, the Magdalena Medio Development and Peace Programme, the Regional Corporation for the defence of Human rights (CREDHOS), the diocesan Life and Peace Commission, the Juanist sisters and the OFP district priest.

The meeting was interrupted by members of an armed group, apparently of paramilitaries, who left the premises thanks to an intervention on the part of the women and other participants at the meeting.

85 See Colombia Special Appeal December 2002-January 2003

86 See Colombia Special Appeal February 2003 and May 2003.

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However, they threatened to return in the evening to set fire to the premises of the OFP and to assassinate any leaders of the organization who happened to still be there. These threats were compounded with those already received by Mrs. **Cleotilde Moròn**, the new coordinator of the OFP in Cantagallo, Mrs. **Yolanda Becerra**, general coordinator of the OFP and Mrs. **Jackeline Rojas** coordinator in charge of the Cantagallo region. Despite these threats, the director of the OFP, announced that she would remain in office. On 10th May 2003, the paramilitaries ordered someone to go to the North West Women's House to tell the «bitch» Mrs. Yolanda Becerra «that she would get a headfull and that they were going to abduct twenty women from the OFP to shut them up».

On 26th May 2003, several men, under the orders of a paramilitary commander, arrived at Mrs. **Graciela Afaro's** home, member of the OFP and threatened her by saying that all the members of the OFP were members of the guerrilla. The OFP lodged a complaint with the judge but due to a lack of evidence the men are still at large.

On 29th May, a paramilitary who is well known in the Cerro district approached Mrs. **María Emilse Alvarado**, member of the OFP, and told her that she should «be careful because the paramilitaries have decided to kill several members of the OFP».

Search of Mr. Marco A. Nieves' domicile⁸⁷

On 7th July 2003, a search without a warrant took place at the domicile of Mr. **Marco A. Nieves**, vice chairman of the Communal Action of the Doña Liliana district, legal representative and founder of the National Association of the Colombian Displaced (ANDESCOL, Asociación Nacional de Desplazados Colombianos), located in Bogotá. The perpetrators were agents of the police intelligence unit (SIJIN, Sección de Inteligencia de la Policía), including agent Wilson Rico who was identified. During the search, ANDESCOL documents, documents of the communal action committee and of the office of the United Nations High Commissioner for Refugees (UNHCR) having to do with joint action were confiscated.

⁸⁷ See Colombia Special Appeal June-November 2003.

Harassment of a member of ANDAS⁸⁸

On 19th November 2003, when on his way to the Magdalena Medio region with his family, Mr. **Teófilo Rangel Ferreira**, a member of the National Association of Solidarity Aid (ANDAS, Asociación Nacional de Ayuda Solidaria) was intercepted by paramilitaries. The paramilitaries detained his brother for hours.

Harassment of members of PBI⁸⁹

On 9th December 2003, about 2.30 p.m., Mr. **David Raboso**, a Spanish national and Mrs. **Dorotea Timmer**, a Dutch national and volunteers of Peace Brigades International (PBI), were travelling in a vehicle clearly marked with the symbols of the organization and accompanied by a member of the San José de Apartadó Peace Community, when they were attacked by four heavily armed individuals wearing civilian clothes. In the course of the attack, two of the assailants aimed their guns at each member of the PBI and ordered them to get out of the vehicle. They forced them to hand over their mobile phones and the keys to the vehicle. The incident took place between Mangolo and Tierra Amarilla, a place already reported several times as a check point of the self-defence group and from where an economic blockade on the San José Peace Community has been run repeatedly over a long period.

Subsequently, the assailants forced the member of the Peace Community to get out of vehicle so as to talk to him. Faced with the insistence of the PBI members who explained to the armed men that they were in constant contact with the regional authorities, the assailants replied that «they knew all about that», that «it didn't matter much», and carried on insulting them. Finally, the armed men took the mobile phone away from the PBI and several million pesos which belonged to the Peace Community and which was intended for their community projects, as well as copies of the identity papers and bank-books of some members of the community.

Since August 2003, the PBI organization has been the victim of declarations and harassment in the region of Urabá. During that month,

⁸⁸ *Idem.*

⁸⁹ See Urgent Appeal COL 010/120/OBS 070.

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the media screened videos on the population of the Cacarica communities asserting these were concentration camps in which national and international visitors, like members of the PBI, prevented State security bodies from freely moving around. Hence, members of the PBI and other international humanitarian organizations such as Médecins sans Frontières France and the U.N. High Commissioner for Refugees were described as colluding with the guerrilla.

Subsequently, on 14th November, the American newspaper *The Wall Street Journal* published an article in which the Cacarica and San José de Apartadó communities were described as the political arm of the insurgents supported by members of Amnesty International and the PBI. This article was translated into Spanish and distributed in the town of Turbo during a public demonstration on 21st November 2003.

On 22nd November 2003, acts of harassment were perpetrated against a member of the PBI of Spanish nationality, while he was travelling on a public service bus on the road between Turbo and Apartadó. On that occasion, two men who said they were members of the self defence group, questioned him about whether he was a member of the Police of the International Red Cross saying «here we are the ones who impose the law» and they ordered him to get off the bus at a place called «El Tres» in the Turbo community, because they wanted to talk to him. Faced with this situation, the volunteer said he was a member of PBI.

PBI-Colombia had sent a team to the Urabá region in July 1998, in response to requests made by the Inter-congregational Peace Commission (Comisión Intercongregacional de Paz) and the Research and Popular Education Centre (CINEP, Centro de Investigación y Educación Popular). Since then, the PBI team, in the context of its international mission, regularly visits the displaced populations of the San José de Apartadó Peace Community⁹⁰.

⁹⁰ The San José Peace Community has been under constant harassment from paramilitaries, the guerrilla and the government army. From 1997, a year during which the population was declared a Peace Community, it began to undergo serious and systematic human rights violations such as massacres, selective killings, and later an economic blockade strategy in the form of verifications, thefts and illegal check points which have not ceased despite the intense militarization which is underway in the region. Because of this situation, the Inter-American Human Rights Commission has granted protection measures to that community.

*Break-in at offices of the Woman's House Corporation*⁹¹

At approximately 7.15 pm on 19th December 2003, four unknown armed men entered the offices of the Woman's House Corporation (CCM, Corporación Casa de la Mujer) in Bogotá, and forced Mrs. **Emilce Marroquín**, then pregnant, Mrs. **Myriam Pérez** and Mr. **Richard Alarcón** to lie on the floor under the armed surveillance of one of the intruders.

While the employees of the Woman's House Corporation were detained in this way, the other three intruders went directly to the second floor where the computer's hard disk (CPU or central processing unit) and terminals were located. They cut the telephone lines and removed five hard disks, containing information on the projects in which the Woman's House Corporation is involved, the organizations and women's leaders with whom the CCM works, the demonstrations in which they have taken part, database of national and international organizations with which the CCM has links, as well as accounting, financial and bank-related information.

Although there was other computer and communications equipment (printers, photocopiers, fax, laser, video) on the premises, only the CPUs and terminal were stolen.

The whole operation was over in just seven minutes. Once the intruders had left the CCM, the victims called the police from a public telephone and two police officers promptly appeared. However, the police officers failed officially to record the incident and they did not pursue an investigation based on the descriptions and the details which could have allowed the intruders to be identified and/or apprehended.

Threats against lawyers who support human rights

*The criminalization of defence*⁹². In an environment where armed conflict and the violation of common law are frequent, Colombia's lawyers are among the most exposed on the planet. They are forced to endure an insidious and unpredictable round of intimidation, threats,

91 See Urgent Appeal COL 011/1203/OBS 071.

92 See Joint International Investigation Mission Report by the Observatory and Avocats sans Frontières/France: *Colombia: Administration of Justice or Impunity?*, March 2003.

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harassment, lawsuits, disappearances, assassination, and more. Their vulnerability is exacerbated by the absence of any professional institution capable of offering them collective protection and of disseminating a culture of respect for the law and the rights of the defence. In this they are an almost unique case in the whole of Latin America, in that they have no professional order to represent them with regard to the authorities, regulate their activity, punish dereliction of professional integrity in a framework of mechanisms which ensure the independence of the defendant, and protect access to the defence which lawyers can provide. The legal profession and the right to practice law are regulated only by the high council for the judiciary, which is also responsible for promoting ethical practice and punishing unethical activity. The difficulties encountered by lawyers in enforcing respect for the mechanisms necessary for the exercise of the rights of the defence, and their own safety, are part of the stigmatization to which they are subject. The authorities, armed groups and certain sectors of society, especially the media, have no respect for the legal profession, and often are ignorant of the Basic Principles which underpin it. Article 18 of these principles, which states that the lawyer must not be identified with the case she or he is defending nor attacked for this reason, is largely unknown. All too often lawyers are the subject of threats, especially those who are defending persons indicted for their alleged participation in the armed conflict, or who accept cases related to the violation of human rights and international humanitarian law by all parties to the conflict, and most notably leaders of the armed forces. Lawyers who defend trade union members or who are involved in lawsuits concerning land disputes are also subjected regular threats. Many lawyers have been driven into exile just to ensure their survival.

*Threats against Mr. Denys Alberto Monsalve Garzón*⁹³. Due to the threats he was subjected to, Mr. **Denys Alberto Monsalve Garzón**, a lawyer with the smallholder's association of Arauca (ACA, Asociación Campesina de Arauca), Saravena section, was forced to flee Saravena and remain in hiding for 8 days.

Nothing was heard of Mr. Denys Alberto Monsalve Garzón from 7th to 15th January 2003 after he had approached a taxi to go from Saravena

93 See Special Appeal Colombia, December 2002-January 2003.

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to Pueblo Nuevo in Tame region. On his reappearance, Monsalve Garzón stated that he had learned that the paramilitaries were looking for him and he had been forced to flee. He had been receiving harassment from the Saravena police for some months, and had been arrested on several occasions and taken to the police station where he was accused of collaborating with the guerrilla forces and orchestrating «several crimes against the forces of order».

Threats against ACADEUM lawyers

*Threats against Mers. Waldir Sinisterra and Albert Hoyos Suárez*⁹⁴. On 4th February 2003, Mr. **Waldir Sinisterra** and Mr. **Albert Hoyos Suárez**, lawyers with the Colombian defence lawyers association (ACADEUM, Asociación Colombiana de Abogados Defensores de Derechos Humanos Eduardo Umaña Mendoza), and their families received threats from the «Bloque Calima» of the United Self Defense forces of Colombia (AUC). Two individuals who identified themselves as belonging to the Calima group came to the lawyer's offices to make the threats. Sinisterra and Hoyos Suárez are known for their work in denouncing human rights violations by armed groups, and for their legal and humanitarian support of victims in Tulúa, Valle del Cauca province. This province lies in the heart of a region where peasants have been massacred and illegal executions have taken place continuously, with the security forces - army and police - making no effort to put an end to the crimes and bring those responsible to justice. Fearing for their safety, the two lawyers left town. On 26th March 2003, the Inter-American Commission on Human Rights (IACHR) invoked Article 25 of its constitution to press the Colombian government to take the necessary measures for protecting the right to live and the personal integrity of the two lawyers.

*Threats against Mr. Daniel Ernesto Prado Albarracín*⁹⁵. On 18th November 2003, on his return to his Bogotá office after an ACADEUM meeting, Mr. Daniel Ernesto Prado Albarracín, a legal adviser to ASFADDES, the Colombian association for the families of missing and imprisoned persons and a member of Colombian defence lawyers' asso-

⁹⁴ See Special Appeal Colombia February 2003 and March 2003.

⁹⁵ See Urgent Appeal COL 007/1103/OBS 064.

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ciation ACADEUM, found that a window had been broken - by gunfire, as he found a bullet on the floor. In the weeks leading up to 18th November, Mr. Prado had been followed by an unknown person and had received strange phone calls both at his office and his home. This was not the first time that Mr. Prado had been a victim of harassment, while the authorities to whom he had complained failed to take any action.

These threats against ACADEUM occurred at a time when the association was involved, together with other legal and human rights organizations, in the national and international campaign for the free exercise of the legal profession and access to justice in Colombia. The campaign took its slogan, «without lawyers there is no justice», from the increase in persecution and threats faced by those working in the legal profession⁹⁶.

Mr. Prado is entitled to protection under the interior ministry's programme for defending human rights, but has received no such protection in any tangible way, despite the dangers and threats with which he is constantly faced. ACADEUM and the «José Alvear Restrepo» Lawyers' Collective have canvassed the Inter - American Commission on Human Rights (IACHR) to order measures for the protection of Prado.

Assassination attempt and threats against CAJAR members

*Assassination attempt and threats against Mrs. Soraya Gutiérrez Arguello*⁹⁷. On 14th February 2003, Mrs. **Soraya Gutiérrez Arguello**, a lawyer with the «José Alvear Restrepo» Lawyers' Collective (CAJAR, Colectivo de Abogados «José Alvear Restrepo»), was intercepted by a vehicle from which several men armed with submachine guns emerged. Mrs. Gutiérrez managed to shake off her attackers but several shots were fired at the windscreen of her vehicle. In the days preceding the attack, Mrs. Gutiérrez Arguello had received anonymous phone calls to her home, consisting either of silence or macabre laughter. Mrs. Gutiérrez Arguello reported the incident to the national police and her vehicle was taken to the security authorities for ballistics tests.

On 20th February 2003, Mrs. Gutiérrez's housekeeper received three phone calls from a man asking where Mrs. Gutiérrez could be found.

⁹⁶ See Special Appeal Colombia May 2003.

⁹⁷ See Special Appeal Colombia February 2003.

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On 3rd March 2003, a man phoned Gutiérrez's home and asked the housekeeper what time Mrs. Gutiérrez's daughter got home from school. A few minutes later, when the housekeeper left to get the girl from school, she realized she was being followed by a taxi. Having pulled up alongside, the taxi driver asked her if she was going to get Soraya's daughter. He then parked the taxi and got out. When the girl arrived, the taxi drove off.

On the same day, the porter of the apartment building where Mrs. Gutiérrez lives told her that a man who said he worked for Cablecentro had asked which apartment number she lived in. A check revealed that Cablecentro had not sent anyone to the address in question, and that all its technicians wear a uniform. This extremely worrying development was reported to the Judge of the Nation (Fiscalía General de la Nación), who is responsible for investigating the harassment and threats to which CAJAR members are subjected. By December 2003, Mrs. Gutiérrez had still not been summoned to give testimony.

It would appear that the legal action carried out by Mrs. Gutiérrez on behalf of the communities of Bocayá department has inconvenienced the military hierarchy in the region, which would explain the threats she received.

*Threats against Mrs. Adriana Cuéllar*⁹⁸. On 24th November 2003, between 2.13 and 2.22 a.m., Mrs. **Adriana Cuéllar**, a journalist and communication officer with the action group, received three death threats on her telephone answering machine: «bigmouth... you're going to die, we're going to get your family...». On 25th November 2003, between 8.15 and 10.00 a.m., unknown individuals managed to get into her building and entered her apartment by forcing the lock. They rummaged through documents and stole a television and video but left other valuables (jewellery, appliances etc.). To these threats we can add that on 24th October, as she was walking with a lawyer from the action group, Mrs. Cuéllar was filmed and photographed by unknown individuals near the group's offices⁹⁹.

The CAJAR action group is covered by the provisional measures prescribed by the Inter-American Commission on Human Rights as a

98 See Urgent Appeal COL 008/1103/OBS 065.

99 See Urgent Appeal COL 008/1103/OBS 065.

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result of the number of death threats received by its members, some of whom have even been forced into exile for their own protection.

Mr. Alirio Uribe Muñoz, chairman of CAJAR, received the Martin Ennals Award for Human Rights Defenders in March 2003 for his work on behalf of victims and his efforts to combat the dangers which they face.

Threats against indigenous and rural community leaders

*Threats against Mr. Enrique Pertuz*¹⁰⁰. On 18th March 2003, Mr. **Enrique Pertuz**, who has denounced the rise in human rights violations in Arauca department since its classification as a rehabilitation zone, received a phone call from a person speaking on behalf of the AUC, who told him: «If you have the misfortune to run into a paramilitary road-block you will be killed». Mr. Pertuz had previously issued numerous denunciations of the selective assassination of civilians in the region and the impunity with which these crimes are committed.

*Threats against an indigenous leader*¹⁰¹. On 2nd July 2003 in Coyaima, Tolima department, a group of armed paramilitaries threatened Mr. **Abelardo Tacuma**, a member of the Chenche Zaragoza Centro indigenous council, warning him that if he did not leave the region he would pay with his life. Paramilitary groups make regular incursions into the indigenous villages of Coyaima, threatening the inhabitants and daubing AUC on the doors of houses and schools.

*Persecution of the president of ACA*¹⁰². On 29th July 2003, Mrs. **Luz Perly Córdoba**, president of the Arauca rural association (ACA, Asociación Campesina de Arauca) was harassed by paramilitaries as she was leaving division 18 of the army in Arauca, after having made a two-hour declaration before the judge. The president of the ACA had been called to testify after the arrest of ACA lawyer Apolinar Herrera on charges of insurgency on 5th July.

Paramilitaries well-known in the region followed her by car. They were escorted by a national army vehicle, which provides clear testimo-

100 See Special Appeal Colombia March-April 2003.

101 See Special Appeal Colombia June-November 2003.

102 See Special Appeal Colombia June-November 2003.

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ny to the complicity between the armed forces and the paramilitary groups which infest Arauca region. These links have been constantly denounced by community associations and unions, and even by the inhabitants of the region.

*Threats against Mr. Jorge Dicue*¹⁰³. On 28th October 2003, Mr. **Jorge Dicue**, a co-ordinator with the advisory bureau for AIC beneficiaries of the health programme for indigenous leaders of Norte del Cauca (ACIN, Asociación de Cabildos Indógenas del Norte del Cauca), was threatened by telephone by a person who told him: «We give you four days to get out of here, otherwise we send the paramilitaries to shoot you full of lead». In the following days he continued to receive telephone threats. On 4th November, unidentified individuals entered Dicue's house and went through his papers. On 4th, 5th and 7th November 2003, anthropologist Mrs. **Luz Angela Palacios**, who works on the same institution's health programme, also received telephone threats against herself and her family.

Threats against civil servants involved in human rights protection

*Safety concerns for members of the public prosecutor's office and the CTI*¹⁰⁴. The human rights unit of Colombia's public prosecutor's office was founded in 1994. Its purpose is to combat impunity by acting as a specialist unit with specific expertise for investigating the more serious violations of human rights and international humanitarian law within Colombian territory, with legal proceedings, after preparation, referred for judgement by the competent territorial jurisdictions. The members of the public prosecutor's office and the Technical Enquiry Corps (CTI) investigation committee who are involved in inquests into the actions of armed insurgents, and in particular the paramilitary groups and/or military hierarchy, find their personal safety seriously compromised. Justice activists who continue with their endeavours are exposed to threats which can take a variety of forms: the inclusion of their names on the blacklists of armed groups which regularly circulate in Colombia; threa-

103 *Idem*.

104 See Joint international investigation mission report by the Observatory and Avocats sans Frontières/France: *Colombia: Administration of Justice or Impunity?*, March 2003.

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tening telephone calls; or the inclusion in legal cases undergoing preparation of alarming information on execution orders emanating from paramilitary group informers.

*Public defenders*¹⁰⁵. Public defenders defend people who cannot afford to pay a lawyer of their choice. The mechanism was implemented by the Colombian government to fulfil its obligations under Article 14 of the International Covenant on Civil and Political Rights and Article 8 of the American Convention on Human Rights. Public defenders are practising lawyers who sign service contracts of a set term with the State, under which they agree to take on a certain number of cases in exchange for a monthly wage of \$ 600, minus a social security levy of around \$ 50.

Until 2001 the contracts were for a term of one year. They were then shortened, which puts public defenders in an extremely precarious situation. They have not been paid since October 2002, on the grounds that the funds intended for their wages have run out. The State does not seem particularly concerned about this.

*Martha Lucía Rentería threatened and harassed*¹⁰⁶. In July, August and September 2003, Mrs. **Martha Lucía Rentería**, a human rights defender and a member of Citizen Watch¹⁰⁷ from the municipality of Jamundí, in Valle Department, received threats and was harassed by men who followed her in a car on several occasions.

On 26th September 2002, two men had entered the regional office of the people's defender in Cauca Valley and demanded to know the whereabouts of Martha Lucía Rentería. When they received no answer from the staff at the reception, they entered the office of a senior civil servant and said to him in a threatening tone: «Don't worry. We'll find her today, wherever she is».

On 8th, 10th and 25th September 2003, several cars had followed Mrs. Rentería for a number of hours. Previously, on 10th August 2003,

¹⁰⁵ *Idem*.

¹⁰⁶ See Special Appeal Colombia June-November 2003.

¹⁰⁷ The Colombian institution «Citizen Watch» (*veeduría ciudadana*) is a group of citizens actively involved in monitoring State practices to ensure that they are transparent, comply with the legislation, achieve the outcomes announced, etc.

four men had followed her by car to downtown Cali and had called out her using her first name. They had opened all four doors of the car and had got out at the same time in an attempt to abduct or intimidate her. Mrs. Martha Lucía Rentería constantly receives calls on her mobile phone from different people who do not identify themselves but who demand to know who is speaking. On 29th September 2000, an attempt had already been made on her life in Jamundí. The investigation into the attack is in its preliminary phase¹⁰⁸.

CUBA

Human rights defenders jailed¹⁰⁹

On 7th April 2003, 33 of the 79 people arrested between 18th and 23rd March 2003, including several human rights defenders, were sentenced to long jail terms, ranging from 15 to 25 years. They are: Mrs. **Marta Beatriz Roque**, a member of the Assembly to Promote Civil Society and the Institute of Independent Economists, sentenced to 20 years' imprisonment; Mr. **Héctor Palacio Ruíz**, Director of the Centre for Social Studies, 25 years' imprisonment; Mr. **Marcelo López** and Mr. **Marcelo Cano Rodríguez**, respectively the spokesperson and a member of the Cuban Commission for Human Rights and National Reconciliation, sentenced to 18 and 15 years' imprisonment; Mr. **Ricardo Gonzáles**, a representative of Reporters Without Borders in Cuba, sentenced to 20 years' imprisonment, and the independent journalists Mr. **Raúl Rivero**, Mr. **Oscar Espinosa Chepe** and Mr. **Héctor Maseda Gutiérrez**. The detainees also include many dissidents involved in the Varela Project, which consists in circulating a petition calling for a referendum on electoral and political reform. The project has already been signed by 11,000 Cubans.

¹⁰⁸ See Annual Report 2000.

¹⁰⁹ See Urgent Appeal CUB 001/0403/OBS 018 and press release of 30th April 2003.

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All the persons mentioned were prosecuted for «conspiring» with the representative of the United States in Cuba, on the basis of Law 88 on the «Protection of National and Economic Independence». To protest against the sentences meted out to journalists and to demand their release, a group of activists from Reporters Without Borders gathered outside the Cuban Embassy in France on 24th April 2003. The demonstrators were dispersed violently by embassy employees and security staff. A woman, two photographers and an activist from Reporters Without Borders were injured.

On 9th May 2003, the UN Working Group on Arbitrary Detention adopted an opinion considering that their detention was arbitrary and asked for their immediate release.

In early December 2003, the persons sentenced were still in jail in conditions that fall far short of international standards¹¹⁰. Furthermore, between ten and twenty of the detainees have very serious health problems.

Human rights defenders and journalists arbitrarily detained¹¹¹

The majority of the human rights defenders and journalists detained in 2002 are still in jail, although at end-December 2003, no trial had yet been held. They are Mr. **Leonardo Miguel Bruzón Avila**, president of the Human Rights Movement, arrested on 22nd February 2002, and Mr. **Juan Carlos González Leiva**, president of the Cuban Foundation for Human Rights, arrested on 4th March 2002 together with eight other activists and two independent journalists.

¹¹⁰ See Letter to Fidel Castro Ruiz of 23rd May 2003.

¹¹¹ See Annual Report 2002.

Threats from the White Legion¹¹²

On 15th February 2003, a group called «White Legion» (Legión Blanca) issued a communiqué designating human rights defenders as «military targets» and threatening to eliminate them. The communiqué targets journalists from several alternative media, members of indigenous and farmers' organisations, the religious sector, humanitarian workers, intellectuals and teachers, trade union leaders, and left-wing parties and political movements. The White Legion also «warned» civil servants who represent indigenous people and left-wing elements in the new government, whom it labels «ex-subversives» and «red rebels».

In this communiqué, for the first time the White Legion claimed to enjoy the support of members of the national police and armed forces and the implicit support of the government through its foreign and economic policy decisions (alliance with the United States and the Colombian president, Alvaro Uribe). Unlike previous communiqués, which included the names of the members of the armed forces that had taken part in the mutiny of 21st January 2000, no military personnel are named in this new communiqué.

The White Legion first appeared in July 2001 and sent several e-mail communiqués containing death threats against representatives of Ecuadorian civil society and claiming responsibility for murders and other illegal action (raids, sabotage, etc.).

In its first communiqué, dated 30th July 2001, the group explicitly threatened the following human rights defenders: Mr. **Alexis Ponce**, spokesperson for the Permanent Assembly for Human Rights (APDH, Asamblea Permanente de Derechos Humanos), Mr. **Pablo de la Vega**, coordinator of the Human Rights Documentation Centre, Mrs **Yanet Yanez** and Mrs. **Teresa Orrego**, from the Network of Brotherhood and Solidarity between Colombia and Ecuador, Mrs. **Elsie Monje**, president of the Ecumenical Commission on Human Rights (CEDHU, Comisión Ecuéménica de Derechos Humanos), **Inés Espinosa**, executive secretary

112 See Urgent Appeal ECU 003/0108/OBS 073.01 and Annual Report 2001.

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of the Ecuadorian Front for Human Rights (FEDHU, Frente Ecuatoriano de Derechos Humanos), Mr. **Johnny Jimenez**, president of the Peace and Justice Service (SERPAJ, Servicio Paz y Justicia). These people were falsely accused of maintaining direct links with the guerrillas and Colombian «narco-terrorists" from the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN, Ejército de Liberación Nacional) and with bringing weapons into Ecuador from Colombia with the aim of destabilising democracy.

On 20th August 2001, in its fourth communiqué, the White Legion claimed responsibility for several summary executions, in particular the murders of Mrs. **Dilva Stepp**, director of the Pro-Refugee Committee of the Ecuadorian Episcopal Conference (Comité ProRefugiados de la Conferencia Episcopal Ecuatoriana), and her driver committed on 2nd August 2001 in Honduras.

These threats can be set against a background of public declarations against human rights defenders made by the former President of Ecuador, Gustavo Noboa Bejarano, and by several senior army and police personnel. These statements, which could be interpreted as a sign of approval or impunity for acts committed against human rights defenders, have seriously endangered the safety of defenders.

After the first threats, the national police were asked to investigate. Although the public authorities had knowledge of the existence of the para-statal group, no measure has been taken to stop further action or to identify the culprits and bring them to justice. In 2002, the group was silent.

Alexis Ponce harassed¹¹³

Mr. **Alexis Ponce**, spokesperson for the Permanent Association for Human Rights (APDH, Asociación Permanente por los Derechos Humanos) continues to be harassed by the Ecuadorian authorities. On 4th December 2003, in a written document delivered to the office of the APDH, Mr. Ponce was summoned to appear before the Brigade of Crimes of the Judicial Police of Pichincha on 10th December, for alle-

113 See Annual Report 2001.

gedly destroying public property. The charge, which has been running since 2000, refers to the peaceful occupation of the Supreme Court of Justice on 21st February 2000 as part of a general movement calling for better conditions.

EL SALVADOR

CDHES office raided¹¹⁴

On 7th May 2003, unknown persons entered the office of the Human Rights Commission of El Salvador (CDHES, Comisión de Derechos Humanos de El Salvador) in San Miguel Department, which also covers La Unión, Morazán and Usulután Departments. Documents about human rights abuses, personal information about the volunteers working for the Commission, and equipment were stolen. The incident is probably connected to the activities of the CDHES, which, several weeks earlier, had successfully prevented the eviction of poor families from San Miguel, including 250 families from the El Jagüey community, where the Salvadorian armed forces want to build an Air Force base.

On 21st May 2003, in a public letter, the president of the CDHES, Miguel Montenegro, expressed his concern about the theft of documents, which endangers the lives of volunteers and witnesses. The CDHES urged the National Civil Police (PNC) to open a full enquiry to identify the culprits and bring them to justice.

At the end of December 2003, no investigation has been opened into the case.

¹¹⁴ See Urgent Appeal SLV 001/0503/OBS 022.

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GUATEMALA

Reprisals against GAM

*Assassination of Mr. Diego Xon Salazar*¹¹⁵

On 3rd April 2003, Mr. **Diego Xon Salazar**, a member of Mutual Support Group (GAM, Grupo de Apoyo Mutuo), an organisation founded by relatives of victims of human rights abuses in Guatemala, was abducted by armed men from his home in Comanchaj, in Chichicastenango Department. His body was found on 5th April. Before his abduction, Mr. Diego Xon Salazar had complained to the authorities about threats he had received. At end-2003, the outcome of the enquiry, if any, was unknown.

*GAM members harassed*¹¹⁶

On 7th April 2003, five armed men entered the home of Mr. **Mario Polanco**, a member of GAM, and Mrs. **Nineth Montenegro**, a congresswoman and GAM founder. The men arrived at the home saying they had a package for Mr. Polanco and the housekeeper opened the door. After interrogating him about Mr. Polanco's activities, they searched the house and took computer data and documents. Household appliances were also stolen, apparently to make the raid look like an ordinary robbery.

Mr. Mario Polanco had just returned from the Commission on Human Rights in Geneva, where he had denounced the human rights situation in Guatemala and the lack of protection for people who denounce the groups that continue to commit human rights abuses with impunity.

GAM filed a complaint with the Public Prosecutor's Office, the National Police, the Office of the Human Rights Prosecutor and the United Nations Verification Mission in Guatemala (MINUGUA), but there has been no enquiry and the stolen articles have not been recovered.

¹¹⁵ See Urgent Appeal GTM 001/0403/OBS 019.

¹¹⁶ See Urgent Appeal GTM 001/0403/OBS 019 and GTM 002/0603/OBS 028.

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red. Despite the presence of police officers close to his home, Mr. Polanco's security remains precarious.

*GAM harassed*¹¹⁷

On 4th June 2003, while GAM was celebrating its 19th anniversary, a group of armed men fired shots in the air outside a GAM office located in zone 12 of Guatemala City. The incident was reported to the authorities but there was no enquiry. On 10th June 2003, one of the vehicles used by GAM for its programme of assistance for disappeared persons was stolen.

Reprisals against the office of the Human Rights Prosecutor*Assassination of Mr. José Israel López López*¹¹⁸

On 11th June 2003, Mr. **José Israel López López**, a lawyer and assistant to the Office of the Human Rights Prosecutor (PDH, Procuraduría de Derechos Humanos), left his office in Chimaltenango Department to drive to Guatemala City in a vehicle belonging to the PDH. At around 8 p.m., in zone 6 of the city, he was murdered by men who shot him while he was driving. Mr. López López was a renowned criminal lawyer who had only started working for the PDH a short time before he was murdered, but who was known for his work in human rights training. The murder could be a consequence of the much more active role played by the PDH in the past year, particularly the proposal to investigate illegal groups and clandestine security apparatuses. The instigators of the crime have not been identified and at end-December 2003, the enquiry had not produced any results.

*Staff of the PDH threatened*¹¹⁹

On 19th June 2003, a group of unidentified persons attempted to enter the home of Mrs. **Thelma Peláez**, a district judge in charge of the enquiry into the murder of Mr. José Israel López López¹²⁰. She was

117 See Urgent Appeal GTM 002/0603/OBS 028.

118 *Idem*.

119 See Urgent Appeal GTM 002/0603/OBS 028.1.

120 See Urgent Appeal GTM 002/0603/OBS 028.

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warned to «be careful with her investigations». On the same day, another group of individuals came to her home posing as electricians and left the following message: «stop your investigation or you will get a surprise».

On 23rd June, a group of individuals went to the family home of the judge's driver in San Marcos and asked about his itinerary for the coming week. The driver's wife said she did not know his schedule and the individuals told her to pass on the following message: «Tell the judge to stop investigating the death of López». Mrs. Thelma Peláez considers this to be the clearest warning. She only recently joined the unit and the only case that she is investigating in her new position is that of Mr. López. Several days later, using the same strategy as before, the individuals once again entered Mrs. Peláez's home and left the following message: «Be careful with your investigation».

Mr. Sergio Morales, human rights prosecutor, asked the attorney general, Carlos de León, to take the necessary steps to guarantee the security of Mrs. Peláez and her staff.

Since January 2003, 16 of the 31 assistants to the PDH have been harassed. Four of them have received serious threats. They are Mr. **Élmer Guerra** from Jutiapa, Mr. **Waldemar Barrera** from Zacapa, Mr. **Alex Toro** from Chiquimula and Mr. **Luis Ramos** from El Naranjo in Petén. Messrs Guerra and Barrera received constant threats after denouncing human rights abuses perpetrated by the army, the National Civil Police (PNC) and the Anti-Narcotics Analysis and Information Service (SAIA). Mr. Toro, an auxiliary in Chiquimula, was threatened when he was working in Huehuetenango after denouncing abuses of migrants' rights. At end-December 2003, the outcome of any enquiries into these incidents was unknown.

PDH head office raided¹²¹

On 26th August 2003 at dawn, individuals broke into the Office of the Human Rights Prosecutor (PDH), ransacked it and took computers and diskettes. To humiliate the employees, the individuals defecated in the office.

121 See Urgent Appeal GTM 002/0603/OBS 028.2.

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These incidents could be linked to the work of the Prosecutor's Office, particularly the denunciation of the implication of government members in human rights abuses. The prosecutor is expected to publish a report on the violence during the «Black Thursday» demonstrations (24th July 2003).

Several employees have received threats, in particular the prosecutor Mr. **Sergio Fernando Morales**, who received a telephone call instructing him «don't get involved in what doesn't concern you». Similar thefts have occurred in the Offices of the Human Rights Prosecutor in Izabal, Escuintla, Petén, Baja Verapaz and Zacapa.

Staff from the investigation unit for human rights defenders pursued¹²²

On 23rd January 2003, Mrs. **Tatiana Morales Valdizon**, special prosecutor for human rights defenders, and members of the technical staff of the Public Prosecutor's Office (Ministerio Publico), were followed by several vehicles, when they were returning from the village of Chocón where they met witnesses as part of an investigation into the activities of former members of the Department of Anti-Narcotics Operations (DOAN, Departamento de Operaciones Anti-narcóticos). They managed to lose their assailants and reported the incident to the National Civil Police (PNC). The situation has caused serious concern at the Prosecutor's Office, a unit set up specially in May 2002 after the visit of Hina Jilani, Special Representative of the United Nations Secretary-General on Human Rights Defenders, whose mandate is to investigate violations committed against human rights defenders.

Members of the Rigoberta Menchú Tum Foundation threatened¹²³

Between 26th July and 8th August 2003, employees of the Rigoberta Menchú Tum Foundation (FRMT, Fundación Rigoberta Menchú Tum), in particular its director and founder, Mr. **Gustavo Meoño**

122 See Press Release of 12nd February 2003.

123 See Urgent Appeal GTM 003/0803/OBS 038.

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Brenner, were harassed by armed men in uniform from a private security agency, who stationed themselves outside the organisation's office. This surveillance reached such a point that the security agents positioned themselves in front of the office at 7 a.m., when Mr. Meoño Brenner arrived, and remained there until 7 p.m. On 6th August 2003, eight different agents took it in shifts to ensure 12-hour presence. On the same day, a complaint for intimidation was filed with the Public Prosecutor's Office, requesting an enquiry and that the people responsible be prosecuted. On 7th August, the same complaint was filed with the Human Rights Prosecutor.

On 8th August 2003 at around 7 a.m., Mrs. **Rigoberta Menchú Tum**, president of the foundation, was followed from her home to the foundation's office by a white pick-up truck, which tried to crash into her vehicle during her journey. On 10th August 2003 at around 9:25 p.m., Mr. **Francisco Menchú**, in charge of security at the foundation, was assaulted by individuals in a white taxi. The incident occurred after he had parked Mrs. Menchú's car. Two individuals got out of the taxi and placed a gun to his head and another gun in his mouth and forced him to get into the taxi. Inside the taxi, they struck him several times and attempted to take his weapon from him.

On the same day, between 9:55 p.m. and 11 p.m., Gustavo Meoño and Francisco Menchú received two anonymous telephone calls. In the first, they heard a man laughing. Two minutes later, in another call, the same voice left the following message: «Stop causing trouble because we know who you are, where you live and we'll soon be joining you».

The FRMT works to defend the rights of and development for indigenous people, to promote justice and combat impunity. In 1999, it opened a case for torture, genocide and terrorism against several Guatemalan army officers and civilians, including Efraín Ríos Montt, congressional president and former presidential candidate. The FRMT is constantly threatened and intimidated. On 29th April 2002, one of its members, Mr. Guillermo Ovalle de León, was murdered¹²⁴.

124 See Annual Report 2002.

Human rights defenders threatened¹²⁵

On 12th August 2003, an unidentified group sent a letter to several civil society organisations, discrediting and insulting the work of NGOs and threatening many defenders with death, in particular Rigoberta Menchú Tum, representatives of the Civic Front for Democracy (Frente Cívico por la Democracia) and journalists. The words of the letter were the following: «pseudo human rights organisations are leeches, inventing lies to keep their comfortable office jobs. (...) We warn you again to stop your little game because you will pay with your life and anyone who says or writes lies will die with you».

Mr. Bruce Harris trial¹²⁶

Mr. **Bruce Harris**, Regional Director of Latin American Programmes of Casa Alianza, must answer charges of defamation, perjury and slander brought by Susana Luarca de Umaña, a lawyer and the wife of the President of the Supreme Court of Guatemala, Ricardo Umaña. At a press conference in 1997, Mr. Harris spoke about several lawyers involved in dubious practices in connection with international adoptions in Guatemala. In its ruling of 10th February 1999, the Constitutional Court stated that «only journalists are entitled to freedom of expression in accordance with Article 35 of the Constitution of Guatemala» and refused the request that the trial be heard before a jury. If convicted, Mr. Harris could be sentenced to five years' imprisonment in the trial that began on 16th August 2002 in the 12th Criminal Court. In September 2002, Mr. Harris cited the incompetence of the court, an argument that was rejected.

In December 2003, the court notified its decision to proceed with the charges against Mr. Harris and set the hearing for 22nd January 2004.

Mary Robinson, former United Nations High Commissioner for Human Rights expressed her concern at the restrictive interpretation of freedom of expression used in Mr. Harris's case. The Inter-American Commission on Human Rights has taken on the case against the State

¹²⁵ See Open Letter to the Authorities of 14th August 2003.

¹²⁶ See Annual Report 2002.

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of Guatemala for violation of the right to free speech and equality before the law. The ruling is expected in early 2004.

HONDURAS

Reprisals against environmental activists*Assassination of Mr. Oscar Arturo Reyes*¹²⁷

On 18th July 2003, Mr. **Oscar Arturo Reyes**, involved with the Environmental Social Pastoral (Pastoral Social del Medio Ambiente) run by the Catholic Church in Olancho Department returned to his home around 8 p.m. A few minutes later he entered the yard, where he was shot dead by three men who fired six shots and then fled along the canal. In March 2003, Mr. Reyes had been transferred from Guata to Rosario because he had received serious threats. The murder occurred the day after a press conference on 17th July 2003 by the Committee of Families of Disappeared Detainees in Honduras (COFADEH, Comité de Familiares de Detenidos Desaparecidos en Honduras) and the Olancho environmental movement. At the press conference, a list of environmental activists to be assassinated, including Mr. Reyes, was circulated. After the conference, requests for measures to protect the people on the list were sent to the Public Prosecutor's Office, the Olancho police, the Ministry of Security, the environment secretary and the special human rights prosecutor. The Inter-American Commission on Human Rights has also been informed of the situation and requested measures of protection to protect persons in imminent danger.

The situation appeared to be the consequence of the president of Honduras's attitude to the March for Life, which began on 20th June, and of his refusal to listen to the concerns raised by the organisers of the march¹²⁸.

¹²⁷ See Urgent Appeal HDN 002/0703/OBS 035.

¹²⁸ The «March for Life» (Marcha por la Vida), which took place from 20th to 26th June 2003, was a walk from Olancho to the capital, Tegucigalpa. ⇨

*Assassination attempt against Mr. Gilberto Flores*¹²⁹

On 14th July 2003, Mr. **Gilberto Flores**, another figure involved in efforts to preserve the environment and halt deforestation and a participant in the March for Life¹³⁰, was the target of a murder attempt outside the Pastoral Social office in Juticalpa. Armed men arrived in a vehicle with tinted windows and no registration plates. They apparently withdrew because there was a three-year-old child in the vicinity.

On 20th June 2003, in La Venta, Olancho Department, the Ministry of Security withdrew Mr. Flores's police escort, which had been requested by the Organisation of American States (OAS).

*Threats against Father José Andrés Tamayo threatened*¹³¹

Father **José Andrés Tamayo**, a priest in the municipality of Salamá, Olancho Department, involved in efforts to halt deforestation, was threatened at the beginning of the year by a group of people involved in the timber trade, and was ordered to leave the country by the end of May. The mayor of Salamá apparently said on four occasions on 5th and 6th May 2003 that «Olancho's environmental problems would only be resolved by the murder of Father Tamayo». Father José Andrés Tamayo had already been threatened and harassed because of his campaign alongside rural communities from North Olancho against deforestation and logging in the region. In October 2001, a police officer aimed his gun at the priest during an environmental demonstration. Father Tamayo was also threatened by local criminals who received money to eliminate him.

⇒ 128 The «March for Life» (Marcha por la Vida), which took place from 20th to 26th June 2003, was a walk from Olancho to the capital, Tegucigalpa. The march was organised by religious groups, workers, students and human rights organisations. The participants demanded the suspension of logging in Olancho Department so that a «forestry audit» could be conducted and a plan for sustainable development of forestry resources designed. For more information, see Appeal OMCT HND 230703 ESCR of 22nd July 2003.

129 See Urgent Appeal HDN 002/0703/OBS 035.

130 *Idem*.

131 See Urgent Appeal HDN 001/0503/OBS 024.

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*Orlando Nájera threatened*¹³²

Mr. **Orlando Nájera**, a community leader and campaigner against the construction of a hydroelectric dam in Olancho Department, was intimidated by representatives of the police and local authorities. In one incident, police officers fired their guns opposite his house.

*Father Osmin Flóres threatened*¹³³

On 18th July 2003, in Catacamas, in the department of Olancho, Father **Osmin Flóres**, a priest in the environment movement who was threatened several times, was watched and harassed by armed men who parked behind the presbytery in the parish of Santo Tomás. Noticing their presence, the priest remained in the presbytery until 1 a.m., when he notified the police. One of the police officers who arrived at the scene said he saw the vehicle and considered it suspect, but since no crime had been committed he could not do anything.

CPTRT office raided¹³⁴

On 12th May 2003, the office of the Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Relatives (CPTRT, Centro de Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares), in the San Rafael district of Tegucigalpa, was burgled. The door was forced and documents and computers containing confidential information were raided. Given that no valuable items were stolen, it was probably not an ordinary burglary but rather an attempt to obtain confidential information and to intimidate the staff of the centre. The act could be linked to the CPTRT's support for Mrs. **María Luisa Borjas**, head of the Internal Affairs Unit of the National Police. In September 2002, Mrs. Borjas denounced the participation of members of the Security Ministry and the National Police in at least 20 unlawful killings of children and youths in Honduras. After these declarations, María Luisa Borjas was immediate-

132 Idem.

133 See Urgent Appeal HDN 002/0703/OBS 035.

134 See Urgent Appeal HDN 001/0503/OBS 024.

ly the target of threats and intimidation, her staff were reduced and her correspondence was intercepted. Two months later, she was suspended on the grounds that she had failed to provide proof to support her claims. The CPTRT publicly denounced the burglary of its office after informing the police. On 21 May 2003, a private company hired by the director of the CPTRT, Mr. Juan Almendarez, found that five individuals had broken into the centre.

CODEH members harassed¹³⁵

On 20th December 2003, at 11:15 a.m., three armed men entered the home of Mr. **Andrés Pavón**, president of the Committee for the Defence of Human Rights in Honduras (CODEH, Comité para la Defensa de los Derechos Humanos en Honduras). In the house were his wife, Mrs. **Ritzy Xiomara Almendarez**, his eight-year-old son and three friends of the family. After entering the house, the unknown persons threatened those present and forced them to lie face down on the floor. Then they forced open the doors of two bedrooms and rummaged through the bookshelf, dumping books all over the floor. They took a barrister's seal belonging to Mrs. Ritzy Xiomera Almendarez, who also coordinates the legal department at the central office of CODEH, personal documents belonging to Mr. Andres Pavon, the house keys and around \$ 1,500 in cash, as well as some household appliances.

The break-in lasted around seven minutes. After the incident, the criminal investigation division was called, who sent two investigators who began to take fingerprints. Although a complaint was filed that included information about the perpetrators, the enquiry has not yet made any significant progress and the police have not done everything they could to find the suspects.

In August 2002, Mr. **Santos Callejas**, treasurer of the Regional Division of CODEH and coordinator of the Children's Defender's Office in Alcadia in Másica Municipality, Atlántida, had been murdered. Mr. Callejas had denounced impunity for organised crime and violations of social and economic rights committed by large landowners. According to the police, the murder was committed by organised crime.

135 See Annual Report 2002.

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However, at end-December 2003, the suspects had not been apprehended and the police claims about them had not been verified.

MEXICO

Director of the CAPISE threatened and harassed¹³⁶

On 1st January 2003, Mr. **Ernesto Ledesma Arronte**, director and founder of the Centre for Political Analysis and Social and Economic Research (CAPISE, Centro de Análisis Político de Investigaciones Sociales y Económicas), received death threats by telephone. A male voice said «We are going to kill you, son of a bitch» after which the caller immediately hung up.

On 3rd January, when Mr. Ledesma arrived at the office of CAPISE, he noticed that the door was open, even though none of his colleagues had arrived yet. No documents were stolen, suggesting that the sole purpose of the break-in was to intimidate members of the centre. A complaint, number AL40/026/03-01 was filed with the Public Prosecutor's Office for Altos Zone and with the Office of the General Prosecutor of Chiapas State, but there has been no progress on the enquiry. CAPISE also requested provisional measures, but these were denied.

Mr. Ledesma had already been harassed in 2002. On 18th November 2002, when returning home, he had smelled a strong odour of gas and noticed that two gas taps were on. CAPISE is active in denouncing human rights abuses committed by the armed forces and paramilitary groups against indigenous communities in Chiapas State.

A member of the LIMEDDH threatened and harassed¹³⁷

On 20th January 2003, Mr. **Arturo López Magaña**, who works for the Mexican League for the Defence of Human Rights (LIMEDDH, Liga

136 See Urgent Appeal MEX 001/0103/OBS 001.

137 See Urgent Appeal MEX 001/0103/OBS 003.

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Mexicana por la Defensa de los Derechos Humanos), was arrested close to his home by officers of the national police of Playa del Carmen, in Quintana Roo State. The officers did not show a warrant for his arrest. They confiscated his vehicle, informing him that they were acting on higher orders. A complaint was filed with the Public Justice Ministry of Quintana Roo State for theft and abuse of authority. However, in December 2003, the vehicle has still not been returned to its owner.

On the next day, 21st January 2003, Mr. López Magaña received a message from Henry Boldo Osorio, chief of police and municipal traffic, asking him to «calm down» because of «instructions to harm him». A patrol of police vehicles parked close to Mr. López Magaña's home was also reported.

It seems that these threats are linked to Mr. López Magaña's environmental activism, in particular advice and support he provided to prevent the construction of a port in Playa del Carmen. In December 2002, before the incident, Mr. López Magaña had received several threats from the State judicial police because of his intervention to help the residents of Colonia Colosio legalise their land and avoid being evicted.

Members of ACAT threatened in Oaxaca¹³⁸

On 1st March 2003, an anonymous letter was found at the office of Christian Action for the Abolition of Torture (ACAT, Acción Cristiana para la Abolición de la Tortura) in Oaxaca, apparently from a member of Santiago Xochiltepec community, containing death threats against Mr. Samuel Alfonso Castellanos Pinon, a lawyer, unless he ceased representing the detainees from Teojomulco in the Agua Fría case. The letter also contained insults and threats directed at Mr. Castellanos Pinon, Mrs. **Béatrice Casas Arellanes**, a volunteer, and Mr. **Carlos Cruz Mozo** and Mr. **Inocencio López Michel**, members of the Indigenous Organisation for Human Rights in Oaxaca (OIDHO, Organización Indígena de Derechos Humanos de Oaxaca).

On the same day, at around 8 p.m. when he returned home, Mr. Castellanos noticed that he was being followed by a man who wal-

¹³⁸ See Urgent Appeal MEX 003/0303/OBS 011 and MEX 003/0303/OBS 011.1.

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ked very close to him and carried something bulky at his belt. When he came close to the bus stop, he was joined by two other men who drew attention to themselves by showing something at their belts, probably firearms.

In the Agua Fría case, in May 2002, 26 indigenous people were massacred, sparking an outcry. On the next day, the authorities arbitrarily arrested 26 members from the neighbouring communities. Since October 2002, Mr. Castellanos and Mrs. Casas have represented the defendants in the Agua Fría case. They obtained the conditional release of six detainees and appealed for ten detainees who received formal confirmation of their detention.

On 24th February 2003, five days before the threats, the appeal process reached a conclusion. On 26th February, Mr. Castellanos stated to the press that the appeal rulings did not go far enough, because the trial was full of irregularities and violations of individual guarantees. He added that he hoped the detainees would be released on those grounds.

Mr. Castellanos and Mrs. Casas denounced the acts of harassment of which they were victims to the General Prosecutor for the State of Oaxaca and to the State Human Rights Commission.

On 31st March, Alfonso Castellanos received another death threat. On the front door of ACAT's office, an anonymous message to Mr. Castellanos was found, asking him to withdraw from the defence of the detainees from Tejomulco within one month, and threatening to kill him if he did not. The message also named other people who work to defend detainees, in particular members of the OIDHO. Apparently the wording was more aggressive than the message received on 1st March and suggested that the authors knew the daily habits of the persons threatened.

Defamation and threats against organisations for the protection of women, children and youth¹³⁹

The situation of civil society organisations that defend the rights of children and youth, which have been the target of a defamation campaign, notably by religious groups, is particularly worrying. On 28th March 2003, in a paid newspaper advertisement, the Nicaraguan Committee for the Defence of Life called on the Nicaraguan president to expel Mrs. **Violeta Delgado**, the representative of the Women's Network Against Violence and Mrs. **Ana Quiroz**, representative of the Civilian Coordinating Committee (CCER, Coordinadora Civil para la Emergencia y Reconstrucción de Nicaragua), from the National Council for Economic and Social Planning (CONPES, Consejo Nacional de Planificación económica y social), on the grounds that they do not uphold the moral, ethical and cultural values of Nicaraguan society, as they are in favour of abortion and homosexuality. Mrs. Delgado and Mrs. Quiroz reported the incident to the Second Local Criminal Court in Managua. On 4th April 2003, the two women were again defamed in an editorial in the newspaper *La Prensa*.

In addition on 22nd April, Mrs. Violeta Delgado and Mr. **Bayardo Izaba Soliz**, director of defence and denunciation at the Nicaraguan Centre for Human Rights (CENIDH, Centro Nicaraguense de Derechos Humanos), were summoned to appear before the Seventh Local Criminal Court in Managua, to alleged extortion of GOTA Films. The two defenders were working to assist Nicaraguan citizens whose rights had been denied by that company.

On 25th April 2003, GOTA Films withdrew the charges against the two defenders and recognised that the defenders' work consisted in mediation and not extortion.

¹³⁹ See international investigation mission report of the Observatory: Nicaragua: *Polarización política en Nicaragua : escenario de hostigamiento a los defensores y defensoras*, November 2001.

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Maria Luisa Acosta denied justice¹⁴⁰

Mrs. **Maria Luisa Acosta**, the representative of several indigenous communities, suffered persecution and accusations in 2002, following the murder of her husband, Mr. Francisco García Valle, on 8th April 2002. Although, on 6th October 2003, the Nicaraguan Human Rights Prosecutor stated that these incidents were a violation of Mrs. Acosta's rights and recommended to the Supreme Court that it revise the complaint number 362-2002 for denial of justice, at end-2003, the criminal trial into the murder of Francisco García Valle is still open.

PERU

Members of APRODEH assaulted and threatened¹⁴¹

On 27th January 2003, a group of sympathisers of Alberto Fujimori, the former president of Peru responsible for serious human rights violations, assaulted Mrs. **Gloria Cano**, a lawyer and member of the Association for the Defence of Human Rights in Peru (APRODEH, Asociación Pro Derechos Humanos). The assault took place as Mrs. Cano was about to enter the association's office. A group of around 20 people surrounded her and verbally abused her, but the intervention of association staff made them withdraw. A few minutes earlier, the «Fujimorists» had gathered outside the office of APRODEH to demonstrate against the association's activities. They tried unsuccessfully to enter the association's office, which was defended by the staff. They then announced that the demonstration was the beginning of hostilities that they intended to carry out against APRODEH and its members.

A week before this incident, APRODEH had initiated a campaign against impunity and corruption, demanding the extradition of Fujimori

¹⁴⁰ *Idem.*

¹⁴¹ See Urgent Appeal PER 001/0103/OBS 005 and 005.1.

and the conviction of his accomplices. On 23rd January 2003, sympathisers of the former president had torn the campaign posters, had thrown them in front of the association's office and had plastered their own posters over the mural painted by artist Víctor Delfín in the association's entrance.

Mrs. Cano filed a complaint for assault with the police. Mr. Miguel Jugo, executive director of the institution, also asked the competent authorities to take the necessary measures. He said that under Mr. Fujimori's rule, at the time of the denunciation of the La Cantuta murders, the Colina group sent funeral wreaths inscribed with the names of the association's directors and made numerous threats by telephone and sent anonymous letters.

On 17th June 2003, Mr. **Carlos Bocanegra Espinoza**, a human rights activist in Tabalosos, San Martín Department, found a message on the door of his home ordering him to remove the posters calling for Mr. Fujimori's extradition and to desist from his activities with the Truth and Reconciliation Commission. According to Gloria Cano: «The authors are trying to pass themselves off as members of the Shining Path by using the hammer and sickle symbol on the poster they left at Mr. Bocanegra's home. However, we have every reason to suspect sympathisers of Mr. Fujimori, who are irritated by Mr. Bocanegra's actions».

Mr. Bocanegra cooperates with Amnesty International in collecting signatures for the extradition of Alberto Fujimori. He put up several posters for the campaign, prepared by APRODEH, in his street. He is also involved in the campaign to find the disappeared, on the initiative of the Truth and Reconciliation Commission. On 17th June, Mr. Bocanegra went to the police station and the town hall to report the incident and ask for assistance. APRODEH also asked the competent authorities to take the necessary measures.

None of the assailants has been identified and no case has been opened against them. In the case of Mrs. Cano, the authorities have granted police protection for APRODEH's office. In the case of Mr. Bocanegra, they offered their protection.

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VENEZUELA

Assassination of Mr. Joe Luis Castillo González¹⁴²

On 27th August, Mr. **Joe Luis Castillo González**, a lawyer and former coordinator of the Office of Social Action of the Episcopal Vicariate in Machiques (Oficina de Acción Social de Vicariato Apostólico de Machiques), was murdered in the Tinaquillo housing scheme in Machiques, in Zulia State. Mr. Joe Luis Castillo González was driving home with his wife and 18-month-old son, when two individuals rode up on a motorcycle and fired 13 shots into their car. Mr. Castillo González was killed and his wife and child were injured. Mr. Castillo González had worked for more than five years with his wife, also a lawyer at the Office of Social Action of the Episcopal Vicariate in Machiques. The Office is part of the «Forum for Life» and runs activities for the promotion and defence of human rights, in particular those of indigenous peoples in the region and Colombian refugees. Mr. Castillo González had also coordinated projects with the Office of the United Nations Higher Commissioner for Refugees (UNHCR) for Colombian refugees displaced from border departments to places such as Machiques, El Cruce and Río de Oro. Mr. Castillo González was planning to move shortly to Mérida State to take up a new position. On 28th August 2003, the Forum for Life asked the Public Prosecutor's Office to appoint a special prosecutor to investigate the murder.

COFAVIC members threatened¹⁴³

From the beginning of April until May 2003, several threatening and insulting e-mails were sent to the office of the Committee of the Relatives of the Victims of 27th February 1989 (COFAVIC, Comité de Familiares de Víctimas del 27 de febrero 1989). The messages accuse members of COFAVIC, in particular the director, Mrs. **Liliana Ortega**, of treason, because of their work to document violations committed bet-

142 See Urgent Appeal VEN 002/0903/OBS 043.

143 See Urgent Appeal VEN 001/0503/OBS 023.

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ween 11th and 13th April 2002, during the attempted coup, and violations perpetrated in Falcón State. For example, on 21st and 22nd May 2003, several messages arrived from a group called «Analysis Unit, Cyanide Drops» attacking the COFAVIC's work and insulting its members.

In the second half of 2003, the members of COFAVIC continued to suffer harassment and receive threats in the form of telephone calls, intimidation, insults and information published in the national media. After the increase in these threats, COFAVIC had to close its premises three times in July, August and September for fear of direct attacks.

COFAVIC has spent 14 years documenting cases to solve crimes of political violence and murders committed by para-police groups in several states of Venezuela. Its members have been harassed and intimidated since 2001, through threatening e-mails, anonymous phone calls to the organisation and to the mobile phones of its members, personal attacks and defamation in the media that liken members of the association with putschists or instigators of an international campaign against the government.

In response to this situation, on 19th April 2002 the Inter-American Commission on Human Rights had called for the adoption of urgent measures to protect Ortega Mendoza, Yris Medina Cova, Hilda Páez, Maritza Romero, Aura Liscano, Alicia de González and Carmen Alicia Mendoza. On 14th October 2002, the Commission had extended the measures for six months because of threats made between May and September 2002. On 27th November 2002, the Inter-American Court of Human Rights had adopted provisional measures to protect the persons mentioned, and had asked the State to inform the petitioners about the measures adopted and to investigate the reported incidents to find and punish those responsible. On 21st February 2003, the court issued a new resolution declaring that the State had not applied these measures effectively and asking for their application. Mrs. Lilibian Ortega received protection from the metropolitan police, but she considers it insufficient.

The threats were duly denounced, but at end-December 2003, no enquiry had been opened.

