

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de l'Homme

THE OBSERVATORY
for the Protection
of Human Rights Defenders

EL OBSERVATORIO
para la Protección
de los Defensores de Derechos Humanos

The Observatory - Newsletter No. 30 ***October 2004***

ALGERIA – Obstacles to freedom of demonstration / Arrests / Ill-treatment and Releases **October 5, 2004 – DZA 001 / 0301 / OBS 018.5** **October 7, 2004 – DZA 001 / 0301 / OBS 018.6**

Several people were arrested and ill-treated on October 5, 2004, as they were gathered in front of the Presidential Palace to begin a march towards the United Nations headquarters in Algiers. They wished to express their disagreement regarding a proposal by the National Commission on Human Rights to compensate the families of disappeared persons and thus close up the cases.

Ms. Cherguit Djedjigha and **Ms. Fatma Boucherf Zohra**, vice-presidents of SOS-disparus, were amongst those arrested, among a total of about 30 people as of October 5 in the afternoon. Moreover, many of the protesters were ill-treated by the police and taken into custody in worrying health condition. All those who had been arrested were eventually released in the night following the arrests.

AZERBAIJAN – Restrictions on Freedom of Movement **October 12, 2004 – AZE 003 / 1203 / OBS 068.1**

On October 6, 2004, **Mr. Ilgar Ibrahimoglu** – coordinator of the Centre for the Protection of Conscience and Religious Freedoms (DEVAMM) and Secretary General of the International Religious Liberty Association (IRLA Azerbaijan) – was prevented from departing to the OSCE Human Dimension Implementation Meeting, which took place in Warsaw, Poland, from October 4 to 15.

On April 2, 2004, after four months in detention, Mr. Ibrahimoglu was given a five-year suspended sentence – based on unreliable evidence and testimonies – for being arguably responsible for "troubles to public order" as he monitored the turbulent elections in October 2003. However, the court decision did not contain any item limiting his departure from the country, and demanded only the notice of the appropriate bodies concerning a change of residence. Despite the fact that he did not need to do so, he had informed about his departure to the conference in written form appropriate structures of the Ministry of Justice on October 5, 2004.

BAHRAIN – Threats and Acts of Harassment / Legal proceedings / Arrests **October 1, 2004 – BHR 001 / 0704 / OBS 054.2** **October 28, 2004 – BHR 001 / 0704 / OBS 054.3** **October 29, 2004 – BHR 001 / 0704 / OBS 054.4**

Following a declaration of the Minister of Labour and Social Affairs, Dr. Majeed Al-Alawi, on September 29, 2004, concerning an order he had issued the night before to dissolve the Bahrain Center for Human Rights (BCHR) to come into force that same day, new threats were brought out against the organisation. Indeed, on September 30, 2004, Mr. Majeed Al-Alawi had a statement published in the Bahraini newspaper *Al-Wasat* threatening to take punitive measures against board members of BCHR if they kept trying to breach his order of dissolution. In particular, he referred to the ongoing campaign for the rehabilitation and release of BCHR's executive director, **Mr. Al-Khawaja**, carried out by

members corresponding with the media and other NGOs abroad, as “messages [creating] a chaotic atmosphere”.

On October 25, 2004, Mr. Al-Khawaja’s request to be released on bail was denied for the third time at a court hearing. His supporters organized a protest on October 28, which resulted in several arrests, including that of two members of the National Committee for Martyrs and Victims of Torture in Bahrain, its spokesman **Mr. Abdul Rawf Al-Shayeb** and a board member, **Mr. Mahmud Ramadan**. On the same day, Mr. Al-Khawaja’s wife received a phone call, summoning her to the police station and threatening to arrest her if she failed to conform with this order.

COLOMBIA – Harassment and Stealing of Information
October 6, 2004 – COL 014 / 0904 / OBS 068.1

Mr. Efraín Cruz Gutiérrez, legal assistant at the Corporación Colectivo de Abogados “José Alvear Restrepo” (CCAJAR) and a fourth-year law student at the Universidad Nacional, has been subjected to acts of harassment.

On October 1, 2004 in the morning, Mr. Gutiérrez was followed by a jeep from the moment he left the facilities of the Fiscalías Locales in downtown Bogotá until his arrival at CCAJAR’s office. The car’s plate number was later identified by the Secretaría de Tránsito as an official vehicle, registered at the municipality of Ubaté, Departamento de Cundinamarca.

On September 15, 2004, someone had broken into Mr. Efraín Cruz Gutiérrez’s residence and stolen his personal computer and fax machine, whereas other more valuable and easily reachable objects remained untouched. The items robbed contained information related to his work at CCAJAR.

COLOMBIA – Assassination
October 15, 2004 – COL 017 / 1004 / OBS 079

Social leader **Teresa Yarse**, director of the Asociación de Mujeres de las Independencias (AMI) in Medellín, Antioquia, was assassinated on October 6, 2004. Ms. Yarse was near her residence as she was shot by suspected members of the paramilitary group that controls the neighbourhood Comuna 13, in Medellín, where the AMI office is located.

AMI is a women’s organization that not only promotes women’s rights and leadership but also fights against the poor condition in which the inhabitants of Comuna 13 live.

COLOMBIA – Grave threats and Harassment / Extra-judicial execution
October 29, 2004 – COL 018 / 1004 / OBS 082

Several social leaders and human rights defenders in the Arauca region have received serious threats to their lives and personal integrity. Most recently, a flyer signed by members of the AUC (Autodefensas Unidas de Colombia) came out on October 22, 2004 in the municipality of Saravena. The paramilitaries, who claimed to be part of the AUC’s “Arauca Winners Block” (“Bloque Vencedores de Arauca”) in the leaflet, accused heads of several trade unions and social organizations of being “an obstacle to society” for their opposition to government’s policies and urged them to leave Arauca as soon as possible.

The following organizations were explicitly targeted in the flyer: Asociación Nacional de Trabajadores Hospitalarios (ANTHOC), Asociación Juvenil y Estudiantil Regional (ASOJER), Asociación Comunal de Juntas (ASOJUNTAS), Asociación de Educadores de Arauca (ASEDAR), Empresa Comunitaria de Acueducto y Alcantarillado (ECAAS), Central Unitaria de Trabajadores (CUT), Asociación Nacional de Usuarios Campesinos (ANUC), Cooperativa (COOPECARNES), Sindicato de Trabajadores de la Alcaldía Municipal (SIDEMS), Organización Sindical del personal administrativo y de servicios de los planteles educativos in Arauca (SINTRENAL), and Sindicato de la Electricidad de Colombia (SINTRAELECOL).

ECUADOR – Search and Robbery / Death threats
October 19, 2004 – ECU 001 / 0204 / OBS 008.1

On October 13, 2004, the president of the indigenous rights organization CONAIE (Confederación de Nacionalidades Indígenas de Ecuador), **Mr. Leonidas Iza**, received a call on his mobile phone of an unidentified person who threatened to kill him and his entire family.

On the following day, the offices of CONAIE's headquarters in Quito were broken into, searched and robbed during the night. Several computers containing relevant information to the indigenous movement were then taken away. Moreover, the police escort who – due to previous attacks and threats received – was in charge of protecting CONAIE's headquarters and its members was strangely absent that night.

INDIA – Arbitrary Arrests and Subsequent Release
October 12, 2004 – IND 002 / 1103 / OBS 061.1

Mr. Henri Tiphagne, executive secretary of People's Watch-Tamil Nadu, was arrested in Cuddalore, Tamil Nadu, on October 11, 2004, along with 13 other human rights defenders and 2 bystanders at the venue of a training session on torture. Both the activists and bystanders were held at the Cuddalore NT Police Station for over 7 hours before being released on bail.

They were gathered that morning to conduct a training programme of the Campaign Against Torture and they were arrested as they were about to start. In the afternoon they were going to organise a press meeting to discuss police excesses and abuse, in particular those carried out by Superintendent of Police Mr. Prem Kumar.

Neither at the time of their arrest, nor during their detention were they informed about the legal provisions under which they had been arrested. In a custody memo the registered cause of arrest was that the campaigners had obstructed a computer class for women at the town hall with no further precision. Later on, People's Watch was officially notified that the defenders had been held for crime No.716/2004, under sections referring to rioting, assault or use of criminal force, disobedience to an order lawfully promulgated, and criminal intimidation, which contradictorily does not allow for a release on bail.

Mr. Tiphagne had previously played a key role in having Superintendent of Police Mr. Prem Kumar convicted and made to pay a fine of Rs. 10,000 to the Gandhi Museum for human rights violations.

IRAN – Restrictions on Freedom of Movement / Legal Proceedings
October 6, 2004 – IRN 001 / 1004 / OBS 075
October 26, 2004 – IRN 001 / 1004 / OBS 075.1

Mr. Emadeddin Baghi, President of the Society for Defending Prisoners' Rights, was prevented from taking a flight from Tehran in order to attend the 2nd World Congress Against the Death Penalty that took place in Montreal, Canada, from 6 to 9 October 2004. Besides being prevented from leaving to Montreal on October 4, his passport was confiscated and has not been returned yet.

Mr. Baghi is also the editor-in-chief of a daily newspaper, *Jomhouriyat* (Republic), closed down in September 2004, in which he regularly published articles on human rights issues.

In December 2003, the Revolutionary Tribunal of Tehran pronounced a one year suspended prison sentence against Mr. Emadeddin Baghi. On October 17, 2004, the suspensive character of the sentence was lifted. The Court made its decision *in absentia*. This judgement followed the publication by Mr. Baghi of articles against the death penalty.

He had already spent three years in prison – from 2000 to 2003 – for similar charges.

Organisation for Security and Cooperation in Europe (OSCE)
Human Dimension Implementation Meeting, Warsaw
October 13, 2004 – Intervention on freedom of assembly and association

The Observatory intervened under the item dedicated to freedom of Assembly and Association in OSCE countries. The Observatory welcomed the setting up, at the end of December 2003, of a programme on freedoms of association and peaceful assembly within the Community of Independent States (CIS), within the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE. However, the Observatory drew the attention of members of the OSCE to the persistence of serious violations of human rights perpetrated against defenders in this region, on the part of national authorities or private groups.

More particularly, the Observatory expressed its concern at the strengthening of the legislative arsenal which aims to limit the exercise of freedoms of association and peaceful assembly in some countries, such as the Russian Federation, Belarus and Uzbekistan.

In its recommendations, the Observatory called upon the OSCE to strengthen the mandate of the ODIHR programme and recommended the creation of a “Focal Point” or a Special Rapporteur, whose mandate would be to: react publicly and immediately to cases of violations perpetrated against defenders; solicit, question, and answer to the States. This mechanism should also aim at assessing legislations relative to freedom of association.

PHILIPPINES – Harassment October 20, 2004 – PHL 002 / 1004 / OBS 080

Members of the Alliance for the Advancement of People’s Rights (KARAPATAN) and the Ecumenical Movement for Justice and Peace (EMJP) were subjected to acts of harassment.

On October 9, 2004, at 3:15 a.m., staff members of the KARAPATAN National Office and EMJP – as well as relatives and victims of human rights violations that were staying at KARAPATAN’s office and other families living within the compound – were awakened by a loud banging on their gate. As they looked out of their windows they saw five masked men wearing bonnets who were also shouting invectives against members of KARAPATAN, all of which lasted for about 30 minutes.

The harassers reportedly called for justice for the slain of Arturo Tabara, founder of the Revolutionary Proletarian Army (RPMP-RPA) in 1992, which merged with the Alex Boncayao Brigade (ABB) in 1997, forming the RPA-ABB; Mr. Tabara was killed by the New People’s Army on September 26, 2004.

After the men had left, the staff found flyers on the floor and posters on their gate, as well as on trees and other buildings’ entrances. These posters, signed RPA-ABB, contained messages maliciously and baselessly linking KARAPATAN to the New People’s Army.

KARAPATAN has documented human rights abuses by RPA-ABB against civilians, particularly in the Negros island’s provinces in Central Philippines.

RUSSIAN FEDERATION – Human Rights Defenders Faced with the “Dictatorship of the Law” October 12, 2004 – Release of an international investigation mission report / Press Release

Alerted by their partner organisations in Russia about the increasing difficulties they have been facing to complete their missions, the Observatory has conducted several international missions of investigation, in September and December 2003, and in May 2004.

On October 12, 2004 the Observatory published a report of the missions of investigation entitled: “*Russia: Human Rights Defenders faced with the “Dictatorship of the Law”*” providing evidence that the situation of human rights defenders in this country is deteriorating – through legal proceedings, declarations discrediting their work, as well as threats and physical violence – and urging the Russian government to undertake action to change this reality.

This deterioration is mainly related to the strengthening of Vladimir Putin’s power, principally in the context of the priority given to the fight against terrorism and the increase in control over civil society (control of the media, constitutional changes, etc.).

In this report, the Observatory points at indirect attacks against human rights defenders (strengthening of restrictive pieces of legislation, defamation campaigns,...), as well direct attacks, such as physical attacks, arrests, acts of intimidation, judicial proceedings against NGOs, etc. A particular emphasis is

put on the situation in Chechnya, but also in other parts of the country such as Saint-Petersburg, Krasnodar, or Tatarstan.

RUSSIAN FEDERATION – Harassment / Defamation
October 22, 2004 – RUS 006 / 1004 / OBS 081

On 19 October 2004, Mr. Viktor Alksnis, a deputy in the Duma and a member of the group “Rodina” (“Homeland”), introduced a request before the Duma, aiming at investigating into the finances of the Union of the Committees of Soldiers’ Mothers, an independent Russian NGO involved in the defence of the rights of conscripts, recruits and their relatives.

Mr. Alksnis explained his initiative to the media on October 20, 2004, in an interview on the radio “Echo of Moscow”. He accused the organisation of “weakening Russian defence ability and of enhancing the collapse of the army”. He also accused them of being “financed by the West for at least ten years” and stated that “the Committees receive orders from those who finance them”. Furthermore, Mr. Alksnis declared that the members of the Committees are not “soldiers’ mothers” but “political professionals who receive a salary, head hundreds of offices everywhere in Russia and organise propaganda activities and publications”. The deputy reiterated his accusations on NTV, one of the main Russian TV channels, in the evening of October 20. He said that the organisation received 15 million dollars a year from abroad to make “anti-army promotion and help citizens to avoid military service”.

Furthermore, during a press conference on October 22, 2004, Mr. Alksnis announced that he had introduced a complaint before the minister of justice and the attorney general, so that an investigation into the finances of the Union be opened.

Since its creation in 1991, the Union of the Committees of Soldiers’ Mothers has denounced human rights violations within the Russian Army. Moreover, it has been trying to promote a peaceful solution to the conflict in Chechnya.

UZBEKISTAN – Violent dispersal of a peaceful protest
October 28, 2004 – Open Letter to President Karimov

On October 15, 2004, 25 to 30 demonstrators representing human rights organizations and victims of human rights violations were attacked as they were gathered in front of the regional administration building (Hokimiat) in Djizak. They intended to protest against violent acts perpetrated by law enforcement bodies and regional officials against farmers. Among the protesters were the wife and children of Mr. Olimjon Turaev, a farmer who had been beaten and arrested by “militiamen” (police officers) and then charged with “hooliganism” for refusing to forcibly transport cotton on September 24, 2004.

As about 50 young men were attacking the protesters, including the children of Mr. Turaev, some militiamen arrived. Instead of protecting the demonstrators, they took Messrs. **Bahtier Hamraev** (chairman of HRSU), **Djuma Hazratov** (chairman of Arnasai regional branch of HRSU) and **Mamaradjab Nazarov** (chairman of Zarbdorskiy regional branch of Ezgulik, a human rights NGO), to militia departments. They were all released on the same day without charges.

VENEZUELA – Deprivation of liberty requested against NGO members
October 13, 2004 – VEN 001 / 1004 / OBS 076

On September 30, 2004, prosecutor Luisa Ortega Díaz requested that an order of deprivation of liberty be issued against four leading members of the civil rights NGO “Súmate”: Ms. **María Corina Machado** and Messrs. **Alejandro Plas**, **Luis Enrique Palacios** and **Ricardo Esté**. Ms. Ortega submitted her request to the Tribunal 41 in the metropolitan area of Caracas aiming at charging the activists with conspiracy, under article 132 of the Penal Code, and having them arrested.

Súmate’s activities include the monitoring of electoral processes and the publication of a critical report about the presidential recall referendum.

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