

Steadfast in Protest

OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS

FIDH / OMCT

Steadfast in Protest

ANNUAL REPORT 2005

Foreword by
Louise Arbour

FOREWORD

In 1948, by adopting the Universal Declaration of Human Rights, the member states of the United Nations established the basis for an international system of human rights, which has become a source of hope for people the world over. Nevertheless, without the men and women, the activists, the journalists, lawyers, doctors, union leaders, intellectuals, most often only simple citizens, who denounce attacks on the dignity of human beings and ensure respect for our rights, this system would be nothing more than an empty promise.

Human rights defenders are the instrument of the implementation of the international system for the protection of human rights. They are the guardians of our fundamental freedoms. Without defenders, human rights would not exist. They are the conscience of the international community forbidding us to avert our eyes. They give us the means and the will to act.

In 1998, the members states of the United Nations, through the Declaration on Human Rights Defenders, unanimously recognised the fundamental role played by the men and women engaged in pursuing the values and basic objectives of the United Nations, at the heart of which we find human rights as the essential component of development and international security.

Nevertheless, eight years after the adoption of this Declaration, we must acknowledge that increasingly, far from improving, the situation of human rights defenders has in fact been deteriorating in many countries, especially following the tragic events of 11 September 2001. Evidence from many cases in this report indicates an increasing number of attacks against freedom of association, assembly and expression. Day in and day out, human rights organisations are being banned, their meetings and seminars prohibited, their reports seized and their offices ransacked. Many defenders live in an atmosphere of fear and unrelenting insecurity. They are being followed, watched, threatened, arrested, taken to court and condemned for their activities. Some lose their jobs; others have to flee their homes to avoid torture and death.

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Today few defenders receive due recognition and appreciation for their work. Most of them continue to suffer from harsh retaliation and persecution for the vital work that they undertake. In 2005, the number of human rights defenders who were assassinated and violently attacked has once again risen. In most cases, these aggressive acts remain unpunished, opening the way to more violations and increasing the vulnerability of these defenders.

Support from programmes such as the Observatory for the Protection of Human Rights Defenders, created by FIDH and OMCT, gives visibility to actions by men and women who, with meagre means, and often anonymously, stand steadfast by the victims in their battles. The Observatory is an indispensable link in ensuring that the international community never forgets the men and women who are fighting to defend our rights.

The strength of human rights defenders stems from their faith in their fight, their perseverance, and their solidarity beyond borders which makes them part of a community whose efforts are devoted to ensuring respect for the rights of us all. International solidarity, through local, regional and international human rights networks and mechanisms, whether it stems from the civil society or is intergovernmental, constitutes the best protection against attacks targeting defenders.

The Office of the High Commissioner for Human Rights and the United Nations mechanisms for protecting human rights defenders are part of this community. We remain determined to maintain staunch and far-reaching actions for the protection of the men and women who contribute every day to the promotion of human rights, be they economic, civic, social, cultural or political.

Mrs. Louise Arbour
United Nations High Commissioner for Human Rights

TESTIMONIALS

“Every day, the Observatory gives human rights defenders the strength to carry on their action”

Lida Yusupova



“The action of the Observatory is essential. By presenting to the entire world the human rights violations committed against defenders, the Observatory helps to provide us a real protection. Every day, it gives human rights defenders the strength to carry on their action”.

Lida Yusupova, coordinator of the Memorial office in Grozny, Chechnya



“I warmly thank you for agreeing to activate the Observatory’s programme in order to get me out of the highly insecure situation and to escape the death threats I have faced in my country. My greatest wish is that you enjoy the required support to pursue your task of promoting a fairer world based on the respect of human dignity. Because at this right moment, thousands of defenders still need your support throughout the world”.

Paul Nsapu, chairman of the League of Electors (LE),
Democratic Republic of Congo



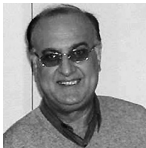
"We have always deemed that the Observatory's activities contribute to the fact that people enjoy all their rights without fear of assassination, enforced disappearance, arbitrary detention or torture. Its actions work as a signal sent to the perpetrators of human rights violations. The support of the Observatory and the international community was especially valuable to me as it obliged the Salvadorean authorities to acknowledge my situation".

Miguel Rogel Montenegro, director of the Human Rights Commission in El Salvador



"It is particularly important for us to see our names appear in the Observatory's report, as it enables both national and international communities to be informed and alerted about the general insecurity context in which human rights defenders daily operate in Côte d'Ivoire. This creates an undeniable pressure on the authorities so that they respect human rights and fundamental freedoms in the future".

Amourlaye Touré, director of the Ivorian Movement for Human Rights (MIDH)



"Thank you so much for your long-lasting solidarity. I particularly valued it while I was detained last year and it doubtlessly played a great part in my acquittal in June 2005. When you live under an authoritarian and obscurantist regime, in a society paralysed with fear, the sole thought that you are not alone, forgotten in your cell, brings you a saving light and strength. Thanks to your support and that of others, I was able to carry on my commitment to human rights in Syria, along with all my CDF colleagues. Thank you very much to the whole team of the Observatory".

Aktham Naisse, chairman of the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF)



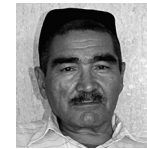
"I thank you all for your solidarity. I highly appreciate your reaction capacity, which testifies to our common fight for human rights defenders, wherever they live, to be respected for their action and to freely operate, without fear of being prosecuted and persecuted".

Myriam Reyes, legal counsel of Mapuche community members in Chile



"I would like to underline the Observatory's support and solidarity for raising awareness of the fight of human rights defenders in my country. This assistance is crucial to us, so that the primacy of international human rights law be concretely implemented and that we all, in Tunisia and elsewhere, be given the right to hope".

Souhayr Belhassen, deputy chairwoman of the Tunisian League for Human Rights (LTDH)



"The situation of Uzbek human rights defenders was particularly critical this year. I am extremely grateful for your support through advocacy, back-up before international institutions and assistance to my family. I wish you will be able to pursue and enhance your action in favour of all activists in the world who, like in our country, are repressed due to their commitment to human rights and fundamental freedoms".

Tolib Yakubov, chairman of the Human Rights Society of Uzbekistan (HRSU)



“AMDH thanks the Observatory for its ceaseless alert and assistance action in favour of the legal recognition of our association by the authorities, which was granted this year, as well as for its support to human rights defenders in their daily fight for freedom”.

Fatimata M'Baye, chairwoman of the Mauritanian Association for Human Rights (AMDH)



“The Observatory has stood by my side and behind my family ever since we started fighting for justice to be done in the case of my husband’s disappearance and death. You played an essential part in this call for justice and truth. Numerous cases involving the State’s responsibility in human rights violations, including acts of torture, are currently pending. Regrettably, most victims of these violations drop the proceedings they initiated against their torturers, due to the pressure they are subjected to and which is intense, sometimes even unbearable”.

Angkana Wongrachen, wife of Somchai Neelaphajit, a lawyer, disappeared on 12 March 2004 in Thailand.

INTRODUCTION

“In this world of ours, what could answer the terrible obstinacy of crime, if not the obstinacy of testimony?”

Albert Camus¹

Defending human rights: urgent commitment, dangerous action

In 2005, human rights defenders continued to act in a national and international context dominated by: the multiplication of extraordinary measures taken on behalf of the fight against terrorism, the failure of democratic transition in many countries, the persistence of conflicts and serious violations of international humanitarian law (attacks, rapes, acts of torture, massacres, etc.), the resurgence of religious extremism and intolerance and increasing inequality due to the abusive effects of globalisation, etc.

And yet... there are men and women who, regardless of the danger they face, persist in denouncing the violations they have witnessed, convinced that law – international human rights law – will triumph over violence and arbitrariness.

What can one say about the Colombian lawyers, who, despite death threats against themselves or their families, continue to denounce abuses committed by the paramilitary and the guerrillas in their country? How can one pay tribute to these women in Zimbabwe who continue to protest in favour of social rights, although they know that they may be subjected to ill-treatment? What about the Nepalese defenders who are at risk of being arrested and tortured for denouncing abuses resulting from the security measures adopted by the authorities? And the

1. Non official translation. See *Actuelles*, Volume 2. Paris, Gallimard, 1953, p.19.

Russian and Chechen activists who boldly challenge President Putin's statements on "normalisation" in Chechnya, thereby incurring the wrath of the government? And not forgetting the Iranian lawyers who are detained or threatened by an increasingly authoritarian regime bent on curtailing freedoms.

Once again, this list is long of the women and men who risked everything in order to promote and defend human rights. Even though the legitimacy of their action is increasingly recognised by the international community, the repression they are subjected to continues and indeed is growing. Techniques of repression are becoming more and more widespread, while the authors of such violations enjoy complete impunity.

Control and marginalisation of independent civil society

Once again, in 2005, many States have made extensive use of legislation in order to toughen conditions for NGO registration, to facilitate their suspension or dissolution, or to limit their access to foreign financing. States such as the Russian Federation, Belarus, Sudan, India and Nepal have again taken numerous initiatives in that direction, despite vigorous protest from both the national civil society and the international community.

These attempts to control civil society were accompanied by moves to ostracise independent NGOs. The efforts of the Tunisian authorities to prevent the organisation of the Citizen's Summit on the Information Society, which was to be held in Tunisia on 16 and 17 November 2005 on the occasion of the World Summit on the Information Society, are perfect examples of these efforts. In July 2005, the Libyan government also banned the NGO Forum that was to take place just before the African Union Conference of Heads of State and Government in Sirte, on the grounds that there was not enough hotel accommodation for the defenders.

At the same time, numerous States approved pseudo-NGOs set up within government circles. In that respect, the criteria for granting NGO observer status with the African Union, which were adopted at the above-mentioned Sirte Conference, favour the participation of GONGOs².

2. Governmental Non-Governmental Organisations.

Finally, among the many methods employed to marginalise independent organisations, smear campaigns have become the instrument of choice for certain leaders. Such campaigns, carried out with the help of pro-government media, were organised in particular in Azerbaijan, the Russian Federation, Congo-Brazzaville, the Democratic Republic of Congo (DRC), Togo, Tunisia, Colombia and Mexico.

Human rights defenders and the fight against impunity

In 2005, human rights defenders involved in the fight against impunity were more than ever subjected to acts of retaliation. Such a situation is hardly surprising, considering the increasing success of defenders' actions in this area: the opening of inquiries into several cases before the International Criminal Court (ICC); the commencement of trials pursuant to the work of the Truth and Reconciliation Commission (CVR) in Peru; the ruling of the Spanish Supreme Court that Spanish courts have jurisdiction over crimes against humanity committed in Guatemala and could thus bring their perpetrators to justice; the trial of those suspected of being involved in the Beach massacre in Congo-Brazzaville; the first judgments against Russia by the European Court of Human Rights for crimes committed under the responsibility of the State in Chechnya, etc.

Thus, Sister Dorothy Stang was assassinated in Brazil for having fought against the impunity of the large landowners; in Peru, defenders involved in the work of the CVR were regularly threatened; in the Central African Republic, victims of international crimes were threatened after having participated in a seminar on the jurisdiction of the ICC. This was also the fate of the families of victims in Algeria and Cuba, for instance.

Human rights defenders in times of internal crisis and armed conflict

Defending human rights during political or armed conflict is extremely dangerous.

Thus, defenders in Côte d'Ivoire, Sudan, Nepal, Colombia, Iraq, the Palestinian Occupied Territories, and in Chechnya have operated in a climate of permanent insecurity, and several of them have been assassinated.

The situation has also been particularly dramatic in countries undergoing a difficult political transition, such as the DRC, Ethiopia

and Togo. Defenders, considered without reason as members of opposition parties, were the victims of retaliatory measures from those in power.

Defenders of economic, social and cultural rights

Defenders of economic, social and cultural rights are often considered to be obstacles to economic growth, as they call for the respect for human rights in the framework of sustainable development.

Trade union leaders are the primary victims of repression in many countries of Asia, Latin America, North Africa and the Middle East. In this respect, Colombia holds the sad world record for the number of trade union activists assassinated.

Defenders of indigenous communities and of environmental and land rights are not spared violence exercised by vested interest groups in Latin America and Asia.

Such is particularly the case in China, where persons fighting for the rights of farmers, against the corruption embedded in real estate projects, and against forced evictions in large cities, are victims of violent repression. The authorities almost systematically repress, at times very violently, any attempt to set up independent trade unions.

Finally, many acts of violence are perpetrated against defenders fighting xenophobia in the Russian Federation, while those who defend minority rights are still subjected to harassment in Turkey, and also in Georgia. Furthermore, defenders of sexual minorities continue to be subjected to repeated acts of harassment and intimidation; there are also cases where their lives are threatened, such as in Africa (Uganda), in Latin America (Guatemala, Jamaica, Mexico) and in Asia (China).

Regional and international protection

In response to these acts of violence, regional and international mechanisms have been set up to protect human rights defenders. By drawing the attention of the international community to the risks being run and the measures to be taken to protect the women and men fighting alongside the victims, the Observatory has helped to make people aware of what is at stake.

After six years of remarkably rigorous and extensive activity, Ms. Hina Jilani's mandate as Special Representative of the Secretary General of the United Nations on Human Rights Defenders is com-

ing to an end. Much has been achieved, yet much remains to be done: two reasons to not only renew the mechanism, but also to strengthen it with increased resources for fulfilling its mission.

It is also to be hoped that the new Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples' Rights (ACHPR), Ms. Reine Alapini-Gansou, appointed in December 2005 during the 38th session of the ACPHR, will be able to play the same role vis-à-vis the African States.

The fact remains, however, that intergovernmental bodies, governed by their Member States, will tend to privilege the reason of the State at the expense of human rights. For instance, while the Special Unit on Human Rights Defenders of the Inter-American Commission on Human Rights (IACHR) plays a very important role, in particular through the attribution of precautionary measures for the protection of defenders, the practical impact of such measures often appears to be somewhat limited.

As for the European Union (EU), while increasing attention is given to the issue of repressive action taken against human rights defenders, both in the declarations of the Presidency of the EU and in the resolutions passed by the European Parliament, the implementation of the EU Guidelines – an essential component of human rights policies – needs to be widened and strengthened.

Human rights defenders confronted with all-out repression

The Observatory's 2005 Annual Report describes the cases of 1,172 defenders and obstacles to freedom of association in about 90 countries. It also analyses the trends of repression aimed at defenders and strategies used by a certain number of protagonists, beginning with States, to punish them for their action³.

These statistics, presented at the end of this report, show a variety of means of repression: assassinations, forced disappearances, acts of torture, ill-treatments, death threats, arbitrary arrests and detentions, judicial proceedings, adoption of restrictive legislation, etc⁴.

3. The 2005 Annual Report contains an analysis of the situation of human rights defenders in each region of the world. These analyses are followed by a compilation of all cases dealt with by the Observatory in 2005, with updates of the cases listed in the 2004 Report.

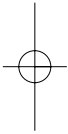
4. See statistics p.476.

INTRODUCTION

These cases do not, however, represent an exhaustive list of the acts of repression to which defenders are subjected. The cases presented are the result of effective mobilisation and support action undertaken by the Observatory on the basis of information received from FIDH and OMCT member or partner organisations.

The various chapters of this report unfortunately show that no continent is immune from the phenomenon of repression against defenders, and that increased mobilisation is more than ever necessary in order to save what lies at the heart of human rights: respect for the dignity of all.

AFRICA



SITUATION OF HUMAN RIGHTS DEFENDERS

In 2005, the situation of human rights defenders in Africa deteriorated, whilst, at the same time, the United Nations and the African Commission on Human and Peoples' Rights (ACHPR) recognised "the important contribution of human rights defenders in promoting human rights, democracy and the supremacy of law in Africa"¹, and required African States to guarantee fundamental rights to human rights defenders. The situation worsened especially in the *Democratic Republic of Congo (DRC)*, *Ethiopia*, *Sudan* and *Togo*, and remained extremely alarming in *Zimbabwe*.

By denouncing serious violations of human rights and international humanitarian law still being perpetrated in Africa, defenders were seen as "causing disturbance". As a consequence, efforts to hinder their work once more increased this year: restrictions on freedoms of expression, assembly and demonstrations through the adoption of repressive legislation (*Gambia, Sudan*), ill-treatments and acts of violence (*Chad, Niger, Sudan, Tanzania, Togo, Uganda, Zimbabwe*), even assassinations (*DRC, Sierra Leone*), judicial proceedings, arbitrary arrests and detentions (*Cameroon, Chad, DRC, Djibouti, Eritrea, Ethiopia, Kenya, Mauritania, Niger, Sudan, Zimbabwe*), threats, defamation campaigns and other acts of harassment (*Cameroon, Central African Republic, Chad, Congo-Brazzaville, Côte d'Ivoire, DRC, Djibouti, Ethiopia, Niger, Nigeria, Rwanda, Senegal, Somalia, Sudan, Togo, Zimbabwe*).

In addition, the perpetrators of these violations generally remained unpunished due to judicial systems lacking independence, which in turn often impeded the administration of justice, and thus prevented authors of violations from being sanctioned. Furthermore, pressure was frequently exercised on witnesses and defenders who called for justice.

1. ACHPR Resolution on Defenders, December 2005.

Human rights defenders in situations of conflict and political crisis

Within the context of serious conflicts and political crisis that continued to characterise the African continent this year, widespread insecurity created an environment in which it was extremely risky for defenders to carry out investigations. Their denunciations and protective efforts were also increasingly considered as being opposed to the government or to one of the parties to the conflict. As a result, defenders became more and more victims of repressive measures.

In *Côte d'Ivoire*, those who denounced violations of human rights or international humanitarian law committed by parties to the conflict, which started in September 2002, were severely threatened, such as the members of the Ivorian Movement for Human Rights (MIDH).

In the *DRC*, delays in reuniting the army and disarming the rebel movements led to increased insecurity throughout the country, especially in the Ituri and the Kivu regions. Furthermore, political tension was heightened by the government's decision to extend the transition period, a decision that was sharply criticised by civil society. In this context, two defenders were assassinated, Mr. Pascal Kabungulu Kibembi, executive secretary of the human rights organisation Heirs of Justice, who was shot dead during the night of 30-31 July 2005 in Bukavu, and Mr. Polycarpe Mpoyi Ngongo, one of the main leaders of the National Election Observation Network (RENOSEC) for the Eastern Kasai region, who was killed in Mbuji-Mayi on 9 November 2005.

In *Ethiopia*, several demonstrations aimed at challenging the victory of the Ethiopian People's Revolutionary Democratic Front (EPRDF – the ruling party) in the legislative elections of 15 May 2005 ended in a bloodbath. At least 75 people were killed and about 200 were wounded, mostly from gunshots, during two waves of repression in May and November 2005. Defenders who sought to denounce these violations were subjected to serious acts of reprisal. By the end of 2005, some defenders were still in prison, and the whereabouts of several other activists remained unknown. Some of them, such as Mr. Mesfin Woldemariam, former president of the Ethiopian Human Rights Council (EHRCO), were accused of "high treason" and "genocide", crimes that carry the death sentence.

In *Sudan*, the abduction and murder, on 8 October 2005, of members of the African Union mission to Sudan, who had been sent to

observe the ceasefire between rebel movements, the government and its militia in the Darfur region, were symptomatic of the growing risks faced both by peace-keeping forces and humanitarian aid workers. These events led to a - temporary but sizeable - reduction in staff sent to the area by aid organisations, which raised concerns for the civilian population. Furthermore, the authorities increasingly refused to grant visas to international NGOs trying to investigate into human rights violations in the field. Thus, between September and November 2005, national security forces at Nyala airport refused entry to over twenty expatriates on the grounds that they had not transmitted a copy of their travel documents. Local staff of these NGOs was also targeted, e.g. on 29 September 2005, three members of the Sudanese Social Development Organisation (SUDO) were attacked and kidnapped during several days by members of the Sudan Liberation Army (SLA).

In *Togo*, following the presidential elections on 24 April 2005 and the official announcement of Mr. Faure Gnassingbe's victory, violent conflicts broke out in Lomé between the police and demonstrators who had questioned the election results. The United Nations estimated that about 500 people had died since the beginning of the crisis². During the worst period of violence, the authorities did everything possible to deter all denunciation. In particular, human rights defenders were prevented from observing the elections by the police and some of them were not even granted access to prisons and hospitals. Despite these obstacles, defenders managed to inform the international community about the national authorities serious human rights violations before, during and after the elections, and were regularly threatened, intimidated and harassed, which in turn endangered their safety and forced many of them to go into hiding or exile.

Restrictions on freedom of expression

Numerous States continued to apply particularly pernicious strategies to discredit and weaken independent NGOs that dared to criticise them, especially through defamation campaigns orchestrated at the highest levels. Thus, in September 2005, Mr. Pacifiq Isoiebeka,

2. The National Investigation Commission set up by the Togolese authorities estimated this figure at about 150.

Minister of the Economy, Finance and Budget of *Congo-Brazzaville*, called members of the “Congolese Coalition Publish What You Pay”³, “enemies of the Republic”, “madmen” and “a subversive group acting against the interests of the nation”. The Coalition members had just sent a letter to the International Monetary Fund (IMF) requesting that the debt reduction for Congo-Brazzaville be linked with the establishment of genuine economic transparency. Likewise, because of their support for victims in the “Disappeared of the Beach” case, the Congolese Observatory for Human Rights (OCDH) was presented several times in the pro-governmental media as an enemy of the nation that was “selling the country to foreign powers”. Several para-governmental organisations were created to discredit OCDH activities.

In the *DRC*, in an atmosphere of great political tension related to the transition period, a violent defamation campaign was launched to discredit Mr. Paul Nsapu, president of the League of Electors because of his commitment to civil society organisations overseeing the respect of public freedoms and his refusal to participate in governmental institutions in charge of the transition process. Furthermore, ASADHO/Katanga was dubbed “a corrupt organisation that works against the interests of Katanga province [and whose goal is] to plunge the province into misery (...)”, after the organisation denounced the authorities’ lack of political will to sanction Congolese militaries who had violated human rights in Kilwa in October 2004.

In *Senegal*, Mr. Joe Ramaka Gaye, author of a film on the assassination in 1993 of Mr. Boubakar Sèye, former vice-president of the Constitutional Council, was interrogated by the Criminal Investigation Division (DIC) during an entire day, and his film was banned in Senegal. Mr. Abdoulatif Coulibaly, a journalist and author of a book published in 2005 on this murder, was also subjected to judicial harassment for supporting the hypothesis that Mr. Sèye had been killed for political reasons. Furthermore, violations of freedom of expression were recorded, in particular against journalists of *Sud Communication*.

3. The Coalition is composed of the following seven NGOs: the Justice and Peace Commission, the Meeting for Peace and Human Rights, the Christians’ Action for the Abolition of Torture, the Niosi Foundation, the Association for Human Rights, the Incarcerating Universe and the Congolese Human Rights Observatory.

In *South Africa*, in October 2005 President Thabo Mbeki repeatedly expressed doubts about the independence of the NGOs by inquiring as to whether or not they were being manipulated by foreign donors, thus undermining their credibility and legitimacy⁴.

In *Togo*, a smear campaign was launched in June 2005 against LTDH and FIDH after a joint mission to Togolese refugee camps in Benin. The mission, according to the media, was carried out by the “dangerous, subversive FIDH and its Benin-Togolese sidekicks”, with LTDH being a “criminal-in-chief”.

Furthermore, some States spoke with open hostility against human rights defenders. For instance, the Minister of Justice of *Zimbabwe*, who, on 14 September 2005, in order to justify the adoption of a law restricting freedoms of movement and expression, indicated to the Parliament that the purpose of the law was to prevent national NGOs from informing regional and international organisations of human rights violations committed by the authorities⁵.

In addition to defamation campaigns run as a form of direct retaliation for denunciations made by defenders, some States continued to use other tactics to curtail their freedom of expression.

In the *Central African Republic*, several victims of sexual violence who testified at a conference on the competence of the International Criminal Court, organised in September 2005 by FIDH and the Central African Human Rights League (LCDH), together with the United Nations Peace-building Office in the Central African Republic (BONUCA), were seriously threatened and ordered not to publicly report on human rights violations in their country.

In *Chad*, Mr. Tchanguiz Vathankha, editor of *Radio Brakoss*, an independent radio station in Moissala that regularly broadcasts programmes on farmers’ rights and is especially critical of local authorities, was arrested in September 2005. He was finally released at the end of November 2005, but was forbidden to talk to the media.

In *Congo-Brazzaville*, Mr. Alain Akouala, Minister of Communication, threatened on several occasions to suspend *Radio France*

4. See Good Governance Learning Network, a network of NGOs working to promote democracy and freedom of expression.

5. See Intervention by Zimbabwe Lawyers for Human Rights (ZLHR), 38th ACHPR session, November – December 2005, Banjul (Gambia).

Internationale (RFI) broadcasts because of its “commitment to human rights”. In October 2005, he also prohibited the media from broadcasting statements by the public schools teachers’ unions that had been on strike since 3 October 2005. He went to the studio of *Radio Congo* and national television *Télé Congo* to check that his order had been obeyed⁶.

In the *DRC*, Mr. Modeste Shabani, director of *Sauti ya Mkaaji (Farmer’s Voice)*, an associative radio station in Kasongo, Maniema province, stopped broadcasting in 2005, after he had been violently beaten by soldiers who accused him of “being too involved in human rights issues”⁷.

In the *Gambia*, it remained extremely difficult to denounce human rights violations. Defenders, who often acted individually, carried on their activities in a climate of fear. Furthermore, the circumstances surrounding the assassination of Mr. Deida Hydera, a journalist who had criticised the adoption of two restrictive press laws, signed secretly in December 2004 by Mr. Yahya Jammeh, President of the Republic, had still not been established by the end of 2005. Those two laws, made public on 22 February 2005, were amended by the Parliament to further curtail freedom of the press by increasing sanctions in case of “defamation, sedition and dissemination of false news”.

In *Sierra Leone*, Mr. Harry Yansaneh, former editor-in-chief of the independent journal *For di people* and a member of the National League for Human Rights and of the Amnesty International section in Sierra Leone, was attacked in his newspaper office in Freetown on 10 May 2005 and died from his injuries in July 2005.

In *Sudan*, two leaders of the Dutch section of Doctors Without Borders (MSF) were arrested in May 2005 after a report listing 500 rape cases in the Darfur region was published. They were accused of “publishing false news” and “spying”. In addition, after having published a press release in August 2005 denouncing arbitrary arrests, the Sudan Organisation Against Torture (SOAT) was subjected to judicial proceedings and accused *inter alia* of “disclosing military information” and “dissemination of false information”.

In *Togo*, several journalists, working for private and independent media and who had condemned serious human rights violations

following the presidential elections, were threatened. The offices of several media were temporarily closed and many independent radio stations, such as *RFI*, *Radio Nostalgie*, *Radio Maria* and *Peace FM*, were forbidden to broadcast during one month. Furthermore, the offices of *Radio Lumière* were set on fire and Mr. François Zinsou, director of the station, had to flee after being accused of inciting rebellion. Lastly, Mr. Jean-Baptiste Dzilan, *alias* Dimas Dzikodo, an independent journalist, member of LTDH and the association Journalists for Human Rights (JDHO), was violently beaten in October 2005 in Lomé.

Obstacles to freedom of association

Several States in Africa continued to obstruct independent civil society through various acts of intimidation and by subjecting legal recognition of independent NGOs to certain conditions, thus hampering their activities.

Civil society in *Guinea Bissau*, for instance, was being gradually sealed off. The authorities adopted numerous intimidation measures so as to discourage activists who tried, independently, to defend human rights.

Furthermore, defending human rights in *Equatorial Guinea* was impossible as freedoms of association and expression were systematically repressed.

In *Rwanda*, representatives of the independent civil society have been muzzled since the authorities, for the last few years, have been applying a strategy that has isolated and silenced independent NGOs through infiltration, pressure, threats of reprisals, etc. Thus, former members of the League for the Promotion of Human Rights in Rwanda (LIPRODHOR), who were unable to leave the country in July 2004 when the authorities had threatened to dissolve the organisation, remained intimidated in 2005.

In *Sudan*, the Organisation of Humanitarian Voluntary Work Act, a presidential decree on the activities of humanitarian organisations, was signed on 4 August 2005. The bill, which by the end of 2005 had still to be examined by the Parliament, aims at controlling the activities of independent NGOs by imposing extremely restrictive registration conditions and empowering the authorities to suspend, close and/or dissolve them at will. Furthermore, authorisation from the authorities is required in order to receive foreign funds.

6. See OCDH.

7. See Annual Report 2004.

In *Tanzania*, several associations were refused legal recognition by virtue of the law on NGOs adopted in November 2002, which entered into force in 2004 and was amended in April 2005⁸. This law provides sanctions (fines, imprisonment) against members of NGOs that have not been registered, although reasons for refusing registration to NGOs are not clear. Furthermore, the authorities, via the NGOs Coordination Board and the National Council for NGOs, have considerable power to interfere in the associations' activities.

Nonetheless, two positive developments in 2005 concerning freedom of association should be pointed out: indeed, legal recognition was granted to the Mauritanian Association for Human Rights (AMDH) and to the Togolese League for Human Rights (LTDH), respectively on 8 June and 9 October 2005, after more than ten years of existence and numerous applications for registration.

One may hope that the transitional government, in the hands of the Military Council for Justice and Democracy (CMJD), will respect *Mauritania's* promise to respect human rights, in particular freedoms of association and expression.

Obstacles to freedoms of assembly and demonstration

In 2005, freedoms of assembly, demonstration and of peaceful gatherings were often denied throughout the continent.

In *Cameroon*, several demonstrations were violently repressed. In particular, Mr. Djontou Mouafo, president of the Association for the Defence of Students' Rights in Cameroon (ADDEC), was arrested several times in 2005 for having organised demonstrations. By the end of 2005, he was still facing judicial proceedings. In addition, three members of the Southern Cameroon National Council (SCNC) were arrested in October 2005 while peacefully demonstrating to promote the right to self-determination for the inhabitants of the English-speaking part of Cameroon. As of late 2005, they were still in the Koumbo prison, and no date had yet been set for a hearing⁹.

8. These amendments led to the creation of a third level of registration for the NGOs, which, henceforth, may register with the local authorities while previously there was only a regional and a national level.

9. See ACAT-Littoral.

In *Côte d'Ivoire*, the presidential decree of March 2004 outlawing the organisation of marches was extended, in June 2005, to 31 December 2005.

In the *DRC*, demonstrations in January and June 2005, which were organised throughout the country to protest against the extension of the transition period, were seriously repressed, leading to the death of several participants in June 2005. In addition, during that same period, six human rights defenders who protested against the imprisonment of Mr. Golden Misabiko, ASADHO/Katanga honorary president, were arrested, ill-treated and seriously threatened by officers of the National Intelligence Agency (ANR), in Lubumbashi.

In *Kenya*, several peaceful marches were violently dispersed by the police force in Nairobi in June and July 2005, in relation to the constitutional review under process.

In a positive development, in *Nigeria*, the Federal High Court of Abuja declared the Public Order Act, which required prior official authorisation for all demonstrations, as unconstitutional.

In *Togo*, meetings of human rights defenders were seriously disrupted during the post-electoral period. In May 2005, about fifty members of the Youth of the Rally of the Togolese People (RPT, ruling party), and members of the Togolese armed forces (FAT) burst into the offices of LTDH and threatened to kill its members, interrupting a press conference that was held to present a report entitled *Terror strategy in Togo (II): a short but bloody reign*.

In *Zimbabwe*, freedoms of assembly and demonstration continued to be systematically violated. For instance, Mr. Lovemore Madhuku, president of the National Constitutional Assembly (NCA), was arrested in Harare in August 2005 during a demonstration in favour of the adoption of a new constitution. He was charged with "inciting riots, disorder and intolerance". Similarly, the peaceful assemblies organised in 2005 by Women of Zimbabwe Arise (WOZA) in order to stand up for the rights of women and protest against hunger and degrading living conditions were systematically and violently dispersed. Furthermore, Mrs. Netsai Mushonga, coordinator of the Women's Coalition, was arrested in November 2005 for having organised a training session on the use of peaceful means in conflict resolution. She was charged with "organising a political meeting without informing a regulatory authority".

Defenders of economic, social and cultural rights

Denouncing violations of economic, social and cultural rights was sometimes a challenge, not only because of the scope of the task, but also because of the threats and acts of harassment that might be triggered by such actions.

Thus, an international fact-finding mission, sent by the Observatory from 20 to 28 August 2005 in *Djibouti*, recorded serious obstacles to trade union freedoms¹⁰. Indeed, some unions were not recognised and, for others, conditions were not conducive to free elections. Furthermore, a new Labour Code, adopted by the Council of Ministers in November 2004 and before the Parliament for approval in 2006, introduced a system of authorisations for creating a trade union¹¹. Between 24 and 26 September 2005, the National Police Forces (FNP) arrested over 160 persons, including trade union leaders and unionists following a general strike of Djibouti harbour workers from 14 to 17 September 2005. Twelve trade union leaders, who were arrested and imprisoned, were dismissed or given early retirements. On 2 October 2005, the Djibouti Court of First Instance ordered their release. The Djibouti Public Prosecutor, however, appealed this decision.

In *Eritrea*, Messrs. Tewelde Ghebremedhin, Minase Andezion and Habtom Weldemicael, three trade unions leaders, have been held incommunicado since March 2005 for having urged action on their workplaces to denounce the worsening in workers' living standards. By the end of 2005, no information was available on their situation.

In *Liberia*, a strike organised by the employees of the Liberia Agriculture Company (LAC) was forcibly repressed in March 2005. In mid-April 2005, Mr. Adolphus Wesseh, president of the LAC trade union, was dismissed from his job and accused of inciting social rioting, although he had not organised the strike. His wife was also dis-

missed and their four children were expelled from their school at LAC. By the end of 2005, the case was still pending before the Buchanan Industrial Tribunal¹².

In *Niger*, according to the international fact-finding mission sent by the Observatory from 19 to 25 June 2005, the situation of economic and social rights defenders worsened in 2005. Five activists were arrested in March after having participated in a civil society protest against the high cost of living, and charged with "plotting against the authority of the State and provoking unarmed rioting". In addition, in October 2005 an attempt was made to assassinate Mr. Nouhou Arzika, one of the five activists. Furthermore, defenders who denounced slavery in Niger were subjected to acts of retaliation. The case of two Timidria leaders imprisoned in June 2005 illustrates this trend.

In *Somalia*, Mr. Omar Faruk Osman, secretary general of the National Union of Somali Journalists (NUSOJ), and Mr. Mohamed Barre Haji, president of the Supreme Council, received death threats between 22 and 28 August 2005, on the eve of the general assembly of their trade union. Similarly, on 2 September 2005, four hooded militia members, armed with machine guns, burst into the home of Mr. Ali Moallim Isak, a member of the NUSOJ executive committee, who was not at home at that time¹³.

Defenders of the rights of homosexuals were increasingly targeted in *Uganda*, where, on 5 July 2005, lawmakers voted an amendment to the Constitution making same-sex marriage an offence liable to judicial proceedings.

In *Zimbabwe*, about 200 trade unionists of the Zimbabwe Congress of Trade Unions (ZCTU), including its secretary general, were arrested in November 2005 during demonstrations against poverty and anti-democratic abuses. The systematic repression against ZCTU members forced many trade unionists to leave their homes and go into hiding.

10. See Conclusions of the international fact-finding mission sent by the Observatory to Djibouti, 20-25 August 2005.

11. The new Code, *inter alia*, stipulated in article 219 that unions must obtain authorisation from the Ministries of Home Affairs, Employment and Justice and from the Labour Inspection Office and the Public Prosecutor. At the request of these Ministries, the Public Prosecutor can dissolve a trade union by an administrative decision, which cannot be appealed.

12. See Report of the FIDH international fact-finding mission, "Ballots not bullets"! Will human rights be respected in Liberia?, January 2006.

13. See Reporters Without Borders (RSF) Press Release, 5 September 2005.

Mobilisation for regional and international protection for human rights defenders

United Nations (UN)

During the 61st session of the UN Commission on Human Rights (UNCHR) from 14 March to 22 April 2005, Mrs. Hina Jilani, the Special Representative of the Secretary General on Human Rights Defenders, presented a report on her visit to Angola from 16 to 24 August 2004. She emphasised that “applicable laws in the field of freedoms of expression, information and association continue to demonstrate numerous weaknesses” and also noted that “the capacity to carry out human rights defence activities is seriously impeded by the lack of independent media and the fact that the action of human rights defenders are associated with political opposition”. She strongly recommended that “human rights defenders be allowed to effectively contribute to the preparation, monitoring and conduct of the process of the election planned for 2006”¹⁴.

Mrs. Hina Jilani visited *Nigeria* from 3 to 12 May 2005. The conclusions of her visit will be presented at the next session of the Commission in 2006. In a press release of 12 May 2005, she stated, *inter alia*, that although the situation of human rights defenders significantly changed since the end of the military rule in 1999, “a lack of adequate openness and transparency prevent human rights defenders from performing their monitoring and advocacy functions with facility and security”. She also stressed that trade union leaders and journalists were particularly targeted by repressive actions from the government, and expressed her concern about obstacles to freedom of assembly and freedom of association. In particular, she noted that “the Public Order Act has been repeatedly used to deny permission for public gatherings”. Mrs. Jilani made special mention of defenders of women’s rights, and of economic, social and cultural rights, who were particularly vulnerable in Nigeria. In her report to the 61st session of the UNCHR in April 2005, Mrs. Jilani noted that 13% of her official communications in 2004 concerned cases in Africa.

By the end of 2005, she had not yet received any answers to her requests to visit *Chad, Kenya, Mozambique, Togo, Zambia and Zimbabwe*.

14. See UN document E/CN.4/2005/101/Add.2.

Furthermore, at its 61st session, the UNCHR expressed its concern, with reference to the situation in the *DRC*, “at reports of violations of human rights [...], including in the eastern part of the Democratic Republic of the Congo”, and urged “all the parties, including non-signatories of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 September 2002, [...] to allow free and secure access to all areas in order to permit and facilitate investigations of the presumed serious violations of human rights and international humanitarian law”¹⁵.

Concerning the situation in *Sudan*, the Human Rights Commission requested the Sudanese authorities “to cooperate fully with the relevant bodies and mechanisms of the African Union and the United Nations, especially those competent in the field of human rights, and with the humanitarian aid organisations”¹⁶.

Moreover, in her press release dated 31 May 2005, the UN High Commissioner for Human Rights, Mrs. Louise Arbour, expressed “serious concern over the arrest [on 30 May 2005] in Khartoum, Sudan, of the country head of the Dutch section of MSF over a March report on rape in the Darfur region of the country”, and “called on the Government of Sudan to ensure that human rights and humanitarian workers are permitted to work freely and without fear of retaliation”.

In a press release dated 11 July 2005, Mr. Kofi Annan, UN Secretary General, said he was “shocked by the assassination of Mr. Abdulkadir Yahya Ali”, in Mogadishio, *Somalia*¹⁷.

Finally, at its 35th session (Geneva, Switzerland), from 7 to 25 November 2005, the Committee Against Torture examined the initial report from the *DRC*. In its conclusions and recommendations, the Committee stressed that it “had noted, with concern, reprisals, serious acts of intimidation and threats against human rights defenders, in particular, against those who denounced acts of torture and ill-treatments”, and recommended that the State “take measures to efficiently ensure that all persons denouncing acts of torture or ill-treatments be protected against all acts of intimidation and against all adverse consequences that might result from this denunciation”,

15. See UN document E/CN.4/RES/2005/85.

16. See UN document E/CN.4/RES/2005/82.

17. See Press Release SG/SM/9997 AFR/1211.

“encourag[ing] the State Party to strengthen its cooperation with civil society in preventing torture”¹⁸.

African Union (AU)

On 1 and 2 July 2005, the Criteria for granting observer status and for a system of accreditation within the AU were adopted at the 7th ordinary session of the Executive Council and ratified at the Conference of Heads of State and Government at their 5th ordinary session on 4-5 July 2005 in Sirte, Libya. The criteria cover NGOs registered in AU member States if the majority of the NGO's management is composed of African citizens and if the NGO is devoted to regional or continental activities. This automatically excludes international NGOs from obtaining observer status. Furthermore, in application of these criteria, “the basic resources of such NGOs shall substantially, at least two-thirds, be derived from contributions of its members”. This provision contradicts the budgetary realities of African NGOs, which can only stay effective and independent if they receive third party funding from private foundations, the State or governmental institutions. Thus, the way AU observer status is granted favours the participation of Governmental non-governmental organisations (GONGOS).

Libya's refusal, in July 2005, to allow the NGO Forum to be held prior to the Sirte Conference of State and Government Heads, on the pretext that no hotel facilities were available for the defenders, constitutes another cause for concern about the participation of human rights defenders in AU decision-making bodies. The same scenario might be repeated before the next AU Conference, which is to be held in Khartoum, Sudan, in January 2006.

Furthermore, although new bodies that recently joined AU, such as the Commission for Peace and Security and the Peace and Security Council, consult defenders more often before making decisions on the situation of human rights in Africa, very few make specific reference to the respect for the rights of human rights defenders.

18. Non official translation.

African Commission of Human and People's Rights (ACHPR)

During the 37th and 38th ACHPR sessions, held in Banjul, Gambia, respectively from 27 April to 11 May 2005 and 21 November to 5 December 2005, the Observatory provided a written and an oral intervention on the agenda item devoted to the situation of human rights defenders in Africa. Mobilisation spurred by the Observatory contributed to securing the renewal of the mandate of the Special Rapporteur on Human Rights Defenders within ACHPR, the mandate of Mrs. Jainaba Johm being due to end in November 2005. At the end of the session, the Commission adopted a resolution appointing Mrs. Reine Alapini-Gansou (Benin) as Special Rapporteur for Human Rights Defenders for two years. The resolution additionally recognised “the crucial contribution of the work of human rights defenders in promoting human rights, democracy and the rule of law in Africa” and reaffirmed the “commitment of the ACHPR in the promotion and protection of the rights of human rights defenders.”

On 5 September 2005, during that same session, prompted by the defenders who attended the NGO Forum, ACHPR adopted several urgent resolutions condemning human rights violations in certain countries in Africa, especially human rights defenders. Regarding police repression of demonstrations in *Ethiopia* and arbitrary arrests and detentions of opposition party members, journalists and representatives of civil society, ACHPR called for the immediate release of human rights defenders. ACHPR also urged “the Ethiopian government to guarantee, at all times, freedom of opinion and expression as well as the right to hold peaceful demonstration and political assembly”, and requested that “the Ethiopian government guarantees, in all circumstances, the physical and psychological integrity of human rights defenders in compliance with international instruments especially the Declaration on Human Rights Defenders adopted by the UN General Assembly in December 1998”.

ACHPR expressed its concern at “the continuing human rights violations and the deterioration of the human rights situation in *Zimbabwe*, the lack of respect for the rule of law and the growing culture of impunity, and urged the government to respect fundamental rights and freedom of expression, trade unions and meetings by repealing or amending repressive legislation, such as the “Access to Information and Protection of Privacy Act, the Broadcasting

Services Act, and the Public Order and Security Act (POSA)”.

Despite the exceptionally critical situation of human rights defenders in Africa in 2005, Mrs. Jainaba John, former Special Rapporteur on Human Rights Defenders, did not report on her activities.

African Court of Human and Peoples' Rights

By the end of 2005, the African Court of Human and Peoples' Rights (African Court), created through an additional protocol to the African Charter of Human and Peoples' Rights that entered into force on 25 January 2004, had still not been established. This delay was the result of a decision made in July 2004 by the AU Conference of Heads of State and Government “to merge the African Court with the African Court of Justice into a single court”. This merger decision was opposed by many NGOs because of the differences in the two courts' mandates, operating methods and methods of submitting cases to those two Courts¹⁹. At their meeting in Sirte, the AU Conference of Heads of State and Government, in July 2005, finally opted for the immediate establishment of the African Court. They also decided that the judges would be elected and a Court headquarters would be selected in January 2006. Thus, in 2006, defenders and victims will hopefully be able to submit cases of human rights violations committed by the State Parties to the African Court of Human and Peoples' Rights.

International Organisation of the Francophonie (OIF)

At the 5th conference of the international NGOs of the International Organisation of the Francophonie (OIF), held in Ouagadougou, Burkina Faso, on 12 and 13 September 2005, the participants called upon the States of the Francophone community to fully respect the commitments they made, through the Bamako Declaration regarding democracy, rights and freedoms, as well as to implement the action programme appended to this Declaration. This programme notably aims at “giving a stronger support to the field initiatives and projects developed by NGOs and related to the nurturing of human rights, democracy, good governance and peace (...)” as well as “supporting the activities of networks and INGOs at national, regional and

international level” (Chapter III.5). Moreover, the OIF action programme plans to “provide support to human rights defenders by relying on existing structures and instruments” (Chapter IV.3). The participants also encouraged the OIF Human Rights and Democracy Delegation to pursue its efforts in order to strengthen cooperation with NGOs in assessing human rights situations, especially the rights of human rights defenders in the Francophone region.

Furthermore, the final Act of the International Francophone Symposium, called “Bamako +5”, held in Bamako, Mali, from 6 to 8 November 2005, emphasised the need to maintain the integrity of the Bamako Declaration, to respect the commitments therein, to strengthen the process for evaluating human rights situations and to apply sanctions in case of violations of these rights. It was also suggested that OIF “draw up a human rights defenders protection policy” and that the Francophone community guarantee standards on the protection of the right of association.

European Union (UE)

In its resolution dated 24 February 2005 on *Togo*, the European Parliament, *inter alia*, “condemns the decision to forbid public demonstrations for a period of two months” and “calls for the right to demonstrate peacefully and engage in political campaigning to be guaranteed, and for those responsible for killings and other human rights violations perpetrated against demonstrators who protested against the military coup d'état to be tried and punished”²⁰.

In its resolution on *Sudan*, dated 12 May 2005, the European Parliament “urges that, in the reconstruction of Sudan, close attention be paid to freedom of assembly and expression, and to the presence of independent media”. The Parliament “condemns the ongoing violence, terror and widespread rape occurring in Darfur, including abduction of NGO workers” and also “condemns the violence, intimidation and harassment taking place within IDP camps in Darfur, and the refusal of access for some international NGOs to IDP camps”. It “insists that international NGOs must be guaranteed unrestricted access to all areas of the country, including IDP camps.” The Parliament firmly condemns the repressive measures against Mr. Adam Ibrahim

19. See Annual Report 2004.

20. See European Parliament Resolution on Togo, P6_TA-PROV(2005)0057.

Mudawi and “urges the EU to put intensive pressure on the Sudanese authorities to immediately release and put a stop to the systematic harassment of Dr. Adam Ibrahim Mudawi”²¹.

Furthermore, on 18 July 2005, the Presidency of the European Union made a statement condemning the assassination, on 10 July 2005, of Mr. Abdulkadir Yahya Ali, a peace and reconciliation defender in *Somalia*, stating: “the European Union expresses its deep concern that this and other concurrent acts of violence could create further tensions within the peace process”²².

Furthermore, the European Union decided to strengthen its human rights defenders support actions in Africa as part of its Africa strategy, adopted by the European Council on 15-16 December 2005.

In addition, under article 96 of the Cotonou Agreement²³, the EU initiated or pursued consultations with *Togo* and *Mauritania* in 2005, demanding that they both respect fundamental freedoms, in particular freedoms of association, of assembly and of demonstration and also that pressure, harassment and threats against human rights defenders be brought to an end.

At the 9th ACP-EU Parliamentary Assembly, which took place in Bamako, Mali, from 16 to 21 April 2005, the members of Parliament adopted an emergency resolution on the human rights situation in Darfur, *Sudan*, notably requesting that all parties to the conflict cease all threats directed at NGOs and human rights defenders working in the area and that all parties respect all defenders’ rights.

21. See European Parliament Resolution on Sudan, P6_TA(2005)0178.

22. See Declaration by the EU Presidency, 11257/1/05 REV1 (Presse 194) PO 77/05.

23. The development programme, which was further elaborated in the framework of the Africa Caribbean Pacific/European Union (ACP-EU) Agreement, signed at Cotonou on 23 June 2003 and revised on 27 June 2005, is notably based on a systematic and formal dialogue on human rights, democratic principles and the rule of law, including respect for the rights of human rights defenders. Article 96 of this Agreement provides for a consultative procedure in case of serious human rights violations committed by a State Party, allowing notably for economic aid to be conditioned upon the respect of certain human rights commitments.

Civil society

A regional conference on the defenders of human rights in East Africa and in the Horn of Africa took place from 30 October to 4 November 2005 in Entebbe, Uganda, on the initiative of the East and Horn Africa Human Rights Defenders Project. At the conference, more than sixty NGOs signed a Memorandum of Understanding, establishing the Network of Human Rights Defenders in East Africa and in the Horn of Africa. The General Assembly of this Network also adopted a Declaration on Human Rights Defenders in East Africa and in the Horn of Africa urging governments of the region to recognise the role of human rights defenders and to adhere to the international mechanisms that exist for their protection.

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

BURUNDI

Attacks against several members of CIRID¹

In January 2005, a senior official of the Muramvya province, belonging to a former rebel movement, publicly threatened Mr. **Déo Hakizimana**, president of the Independent Centre for Research and Initiatives for Dialogue (*Centre indépendant de recherches et d'initiatives pour le dialogue* – CIRID), while he was chairing a CIRID meeting on mine-clearing. A Bujumbura officer also declared that the case of Mr. Hakizimana “could easily be dealt with”.

Furthermore, in February 2005, Mrs. **Françoise Niyonzima**, Mr. Hakizimana’s assistant, was physically assaulted by a member of the armed forces from the Bujumbura Officers’ Training College while sitting in a café close to her home. She required substantial medical treatment, and for a week was unable to work. The soldier apparently acted in the framework of a group of political agitators belonging to the party of the former President, Mr. Jean-Baptiste Bagaza. The main leader of the group, also owner of the café, was arrested by the police. Mrs. Niyonzima lodged a complaint, and the case was dealt with the Bujumbura Police Commander, Mr. Wakana; it was then transferred to the Bujumbura Public Prosecutor’s office. By the end of 2005, the case was still pending.

In addition, on 26 April 2005, Mr. Déo Hakizimana’s residence was fired on from several directions while the main members of his organisation, whom he had invited to his home, were in the garden. After a pause, a mortar shell fell on the windscreen of Mr. Hakizimana’s car, destroying it completely. The attack might have been perpetrated by people who wanted to take advantage of the confusion caused by the initial firing, attributed to the National

1. See Independent Centre for Research and Initiatives for Dialogue (CIRID).

Liberation Forces (*Forces nationales de libération* – FNL, a rebel movement).

Mr. Déo Hakizimana received several pieces of shrapnel, including some in the right thigh, and Mrs. Françoise Niyonzima was severely injured, as was Ms. **Edith Ndimurwanko**, CIRID accountant. By the end of 2005, no enquiry had been initiated into these events.

In the past, CIRID had received threats several times, in particular in December 2004, following a vast campaign against anti-personnel mines in Burundi, organised with the help of UNICEF (United Nations International Children's Emergency Fund) and the Swiss mine-clearing Foundation.

CAMEROON

Continued harassment of MDDHL and its members²

In 2005, members of the Movement for the Defence of Human Rights and Freedoms (*Mouvement pour la défense des droits de l'Homme et des libertés* – MDDHL) were continually harassed and intimidated.

Of the numerous judicial proceedings that involved MDDHL at the end of 2004, two ended in acquittals and the others were still pending.

Acquittal of Messrs. Blaise Yacoubou and Aminou Mohamadou

Messrs. **Blaise Yacoubou** and **Aminou Mohamadou**, MDDHL members, had been prosecuted since September 2004 for “disturbing the functioning of a public service” (Article 185 of the Criminal Code), following a dispute they had with Mr. André Dimbeng, head of the Ndoujoula district, while they were investigating alleged human rights violations in this district in April 2003. The hearing, first scheduled for 29 September 2004 before the Maroua Court of First Instance, was postponed until 22 December 2004 then until 26 January 2005. On those two occasions, Mr. Patrick Herzig, a Swiss

2. See Annual Report 2004 and report of the judicial observation mission sent by the Observatory and LSDH (Geneva section), *Cameroun – Harcèlement judiciaire contre les membres du MDDHL*, October 2005.

lawyer commissioned by the Observatory and the Geneva section of the Swiss League for Human Rights (*Ligue Suisse des droits de l'Homme* – LSDH), was unable to obtain a visa.

On 26 January 2005, Mr. Jean de Dieu Momo, a defence lawyer mandated by the Observatory, called for the hearing to be postponed. This request was supported by the National Commission for Human Rights and Freedoms (*Commission nationale des droits de l'Homme et des libertés* – CNDHL), which wanted to intervene before the Cameroonian authorities in order to obtain authorisation for Mr. Herzig to attend the hearing.

The latter was postponed until 23 February 2005 and then to 23 March 2005 when Mr. Herzig had obtained a visa and was able to attend. The court recognised the defendants' innocence and dismissed the case as unfounded.

The Elise Monthé case

On 10 December 2003, Mrs. Elise Monthé had entered the MDDHL premises in Maroua, after declaring that she was the wife of the association's president, Mr. **Abdoulaye Math**. She had threatened to accuse him of rape if he tried to throw her out and then physically assaulted him. Mr. Math had lodged a complaint for “destruction of property” and “assault and battery”. Mrs. Monthé had lodged a complaint for “swindling” after having changed its grounds three times.

On 27 April 2005, the two cases were examined by the Maroua Court of First Instance. Mrs. Monthé was ordered to pay a fine of 25,000 CFA francs (38 euros) while Mr. Math was sentenced to five months in prison and a fine of 3 million CFA francs (4,570 euros) in damages to be paid to Mrs. Monthé.

Mr. Momo, Mr. Math's lawyer, appealed the decision before the Court of Appeal. By the end of 2005, the date for the hearing had not been set yet.

The Semdi Soulaye case

MDDHL had filed three suits against Mr. Semdi Soulaye, a former member of the MDDHL Executive Board.

- The first case, for “aggravated breach of trust” and “unauthorised possession of another person's property” was finally heard on 26 January 2005 after several postponements. At that hearing, Mr.

Momo pleaded lack of jurisdiction and requested that the case be sent to the Public Prosecutor's office, which had, erroneously, charged the defendant with "issuing not-sufficient-fund cheques". Mr. Soulaye was actually being accused of drawing money from the bank on the MDDHL cheques that he was not authorised to sign. The judge refused to hear Mr. Momo, and dismissed the case against Mr. Soulaye for lack of evidence. Mr. Momo did not appeal the decision.

- At the end of 2005, the second complaint against Mr. Soulaye and the managing director of the Crédit du Sahel bank, filed with the Public Prosecutor on 5 December 2003, for "forgery, use of false documents and aggravated breach of trust", was being investigated, but no date had been set for the hearing. MDDHL had accused the bank's managing director of having illegally withdrawn funds from the MDDHL account with the assistance of Mr. Soulaye.

- The third complaint, for "usurpation of title, assault and blackmail", was initiated through a direct summons dated 5 January 2004. After the first hearing on 14 January 2004, the case was postponed until 22 December 2004, then 26 January 2005. At that hearing, the court found Mr. Soulaye not guilty of "usurpation of title, assault and blackmail". He was, however, found guilty of "libel" and ordered to pay a fine of 1,200 CFA francs and 25,000 CFA francs in damages (38 euros) to MDDHL.

On his side, Mr. Soulaye had filed two complaints against MDDHL:

- The first complaint, for "breach of trust", had been lodged in December 2003. Mr. Soulaye claimed that half the money that Amnesty International had sent for the MDDHL president's travel to France in 2002 should have been paid to him. On 26 January 2005, after the hearing had been postponed several times, the judge acquitted Mr. Math on the basis of a letter from Amnesty International asserting that the money was meant for him alone.

- The second complaint, for "unfair dismissal without compensation", had been lodged on 29 September 2003. In April 2004, the Maroua Court of First Instance had ordered MDDHL to pay 3,320,255 CFA francs (5,071 euros) to Mr. Soulaye. On 6 April 2004, MDDHL had filed a request to suspend the application of the decision.

On 29 November 2004, although the appeal was still underway, a bailiff had seized the MDDHL properties. Part of the electronic

equipment had been returned on 1 December 2004.

On 6 December 2004, the Court of Appeal had confirmed the decision of the Maroua Court and MDDHL brought the case before the Supreme Court of Appeal. The MDDHL properties had been seized again on 15 December 2004.

In January 2005, Mr. Momo filed two complaints to "oppose the order to pay the fixed amount" and to "obtain an order for the suspension of seizure and the restitution of property seized". On 6 December 2005, the trials were adjourned for deliberation until 16 December 2005, when they were rescheduled, respectively, for 7 February 2006 and 5 January 2006. On 5 January 2006, the Court ordered that the seized properties be returned.

The Ahmadou Ahidjo Jamot / CAMTEL case

By the end of 2005, the MDDHL complaint against Mr. Ahmadou Ahidjo Jamot, representative of CAMTEL, the national telecom company, for "abuse of authority" after the association's phone lines were cut in December 2002, had still not been investigated. Since the defendant did not appear in court, the hearing before the lower chamber of the Maroua Court of First Instance was postponed several times. The hearing, scheduled for 14 December 2005, was then adjourned until 2 February 2006.

Conviction of Mr. Zra Kodji Mamoudou

On 15 May 2005, Mr. **Zra Kodji Mamoudou**, head of the Mokolo section of MDDHL, was summoned to appear before a judge to answer to a complaint lodged by Mr. Mathieu Boykette for "violation of domicile". Mr. Kodji Mamoudou had taken a photo of Mr. Boykette's son who had been chained by his father in the courtyard of their house for more than 48 hours.

On 14 June 2005, Mr. Kodji Mamoudou was found guilty of "publishing ambiguous images" and "violation of domicile" and was given a three-month prison term, suspended for three years, and ordered to pay a 10,000 CFA francs fine (15 euros), 30,000 CFA francs (45 euros) in damages to Mr. Boykette and 43,012 CFA francs (65 euros) for judicial costs. The day after the ruling, Mr. Zra Kodji Mamoudou turned to the Court of Appeal, which confirmed the sentence on 9 August 2005.

Arbitrary detention and judicial proceedings against Messrs. Alhadji Djafarou, Pierre Zra and Oumarou Deli

On 17 June 2005, Messrs. **Alhadji Djafarou, Pierre Zra and Oumarou Deli**, MDDHL members, were arbitrarily held in the Mokolo prison for having denounced, in December 2003, the appointment of Mr. Abdouramane as the assistant to the village chief. Mr. Abdouramane had been accused of violations against the village population.

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

By the end of 2005, the file had still not been transmitted to the Court of Appeal and the case was still pending.

Absence of judgement on the attack on Mrs. Christine Siamta

By the end of 2005, the Yagoua Court had not yet pronounced its verdict concerning the complaint lodged in 2003 by Mrs. **Christine Siamta**, head of the Yagoua section of MDDHL. Mrs. Siamta had been subjected to ill-treatment by Mr. Kedi Basile, local chief officer of the Cameroon National Water Company, whom she had denounced to the Public Prosecutor for “abuse of authority” and “contempt of users”. After the assault, Mrs. Siamta had to spend one month in the hospital and lost use of two of her fingers.

Judicial proceedings against Mr. Adama Mal-Sali³

On 4 May 2005, Mr. **Adama Mal-Sali**, MDDHL representative at Balaza-Lawane, appeared before the Maroua Court of First Instance, following a complaint lodged by Mr. Amadou Adoum Haman, head of the Balaza-Lawane canton, for “libel and defamatory denunciation”. The complaint was lodged after Mr. Adama Mal-Sali, on 23 April 2005, denounced the actions of Mr. Amadou Adoum Haman towards him and towards his opponents (to avoid having the violations he committed reported, the head of canton forbade all villagers from working with Mr. Adama Mal-Sali).

3. See Urgent Appeal CMR 002/1205/OBS 130.

In the absence of the plaintiff, the case was rescheduled for 1 June 2005, when it was postponed again to 3 August 2005 and then to 12 October 2005. On 23 November 2005, the plaintiff’s lawyer appeared for the first time. Since he was not familiar with the case, he requested that it be postponed until 28 December 2005, when it was rescheduled for 1 February 2006.

Furthermore, on 15 December 2005, the Public Prosecutor of the Maroua Court of First Instance, Mr. Koue Kaokamla, summoned Mr. Adama Mal-Sali and threatened him, saying “never write again, because next time I see any of your writings, I’ll have you thrown in prison”.

On 30 November 2005, Mr. Mal-Sali had helped Mrs. Zakiatou Ousmana, a citizen, to lodge a complaint with Mr. Koue Kaokamla against Mr. Amadou Adoum Haman for “abuse of authority” and “swindling”. The authorities in charge of this case were apparently contacted by Mr. Amadou Adoum Haman in order to intimidate and exercise pressure on Mr. Adama Mal-Sali.

Judicial proceedings against Messrs. Alhadji Mamat and Alhadji Mey Ali⁴

On 25 July 2005, on behalf of the Association of District Inhabitants, Mr. **Alhadji Mamat**, chief of Sao district in Afadé (north-east Cameroon), lodged a complaint with the police commander in Makary against the Sergeant Enama Pantaleon for “torture and complicity in torture” against the local population.

On 29 July 2005, Mr. **Alhadji Mey Ali**, president of the NGO *Organe de la société civile – OS_civile*, filed a complaint with the head of the *Gendarmerie* in the Far North province in Maroua regarding “acts of torture and cruel treatment” inflicted by Sergeant Enama Pantaleon and his children against the inhabitants of the district.

Following these two complaints, Messrs. Alhadji Mey Ali and Alhadji Mamat were summoned on 11 August 2005 before the Kousseri Court of First Instance for “slandering denunciation and defamation”.

On 25 August 2005, their hearing was postponed until 1 September 2005, then to 22 September 2005 on the grounds that the case had

4. See Urgent Appeals CMR 001/0805/OBS 075, 075.1 and 075.2.

not yet been placed on the Court's agenda. In the absence of Mr. Alhadji Mamat, the court again postponed the case, this time until 13 October 2005, so that he could appear in court. On that day, however, the hearing was adjourned again until 12 January 2006.

Continued harassment of members of ACAT-Littoral⁵

In 2005, the members of the Christians' Action for the Abolition of Torture in Douala (*Action des chrétiens contre la torture* – ACAT-Littoral) continued to be subjected to recurrent harassment and intimidation.

On 18 March 2005, Mrs. **Madeleine Afité**, manager of ACAT-Littoral, was stopped by a police patrol on her way home from attending a training seminar on "Human Rights in the Administration of Justice in Cameroon", in Yaoundé. By the end of 2005, the computer that was confiscated on that occasion had still not been returned.

Furthermore, on 2 November 2005, two officers from the State Security Office came to the ACAT-Littoral head office to talk to Mrs. Afité about a complaint that she had lodged in 2004 against Police commissioner, Mr. Firma Abanda, after she had been questioned in the special police station (*commissariat spécial*), in Douala. The two officers requested to see the receipt for legal recognition of ACAT and threatened to ban all activities of the organisation. They also made it clear that the movement of all ACAT members was being watched.

Mrs. Afité was hindered in carrying out her activities on several occasions, being regularly prevented from entering the Douala central prison to visit the prisoners.

Continued harassment of Mr. Sylvanus Shukila Binla⁶

On 18 April 2005, Mr. **Sylvanus Shukila Binla**, member of the Cameroon House for Human Rights (*Maison des droits de l'Homme du Cameroun* – MDHC), was arrested after protesting against the bad treatment a police officer inflicted on passengers on a bus in which Mr. Binla was traveling. He was immediately taken to the Bonabéri police station where he spent several hours before ACAT lawyers managed to obtain his release.

5. See Annual Report 2004.

6. *Idem*.

CENTRAL AFRICAN REPUBLIC

Threats against victims of international crimes⁷

On 19 September 2005, FIDH and the Central African League for Human Rights (*Ligue centrafricaine des droits de l'Homme* – LCDH), jointly with the United Nations Peace-building Office in Central Africa (*Bureau d'appui des Nations unies pour la consolidation de la paix en République centrafricaine* – BONUCA), organised a seminar to analyse the International Criminal Court (ICC) jurisdiction in the Central African context, after the national authorities referred the situation in the country to the ICC Prosecutor in December 2004⁸.

Since they participated in this seminar, at least four victims of international crimes – who wished their names not to be mentioned for fear of further intimidation – were subjected to direct and phone threats. Some of them were notably threatened with death and bodily harm, and they were all intimidated to dissuade them from cooperating with FIDH and from carrying out their "useless" activities against impunity. These victims were also approached by the authorities who tried to convince them to resign their membership of the Organisation for Compassion and Development of Families in Distress (*Organisation pour la compassion et le développement des familles en détresse* – OCODEFAD), which was created in December 2004 and gathers over 800 victims of international crimes committed since 2001, including rape, sexual and gender violence that come under the ICC jurisdiction.

7. See Urgent Appeal CAF 001/0905/OBS 086.

8. The Central African authorities referred to ICC after serious international crimes were perpetrated during the 2002 coup attempt against former President Mr. Ange Félix Patassé, in particular by Congolese mercenaries at Mr. Jean-Pierre Mema's command.

CHAD

Defamation campaign and dismissal threats against Mr. Dobian Assingar⁹

On 9 March 2005, Chadian Prime Minister, Mr. Pascal Yoadimnadj, requested the Platform of Human Rights Associations (*Collectif des Associations des droits de l'Homme* – CADH) to remove Mr. **Dobian Assingar**, honorary president of the Chadian League for Human Rights (*Ligue tchadienne des droits de l'Homme* – LTDH), from his position as a CADH representative with the Group for Oil Resources Control and Surveillance (*Collège de contrôle et de surveillance des ressources pétrolières* – CCSRP). CADH argued that the Minister's demand was illegal and thus ignored it.

This request was submitted after Mr. Assingar, in a statement made on *Radio France Internationale (RFI)* on 2 March 2005, denounced as discriminatory the Law n°001/PR/99 on the management of petroleum revenues.

At the same time, pro-governmental media widely relayed the statements of the Prime Minister, who notably underlined “Mr. Assingar's profound ignorance of oil revenues management mechanisms”.

Death threats, arbitrary arrest and harassment of several defenders¹⁰

Mr. **Kagmbaye Mapideh**, CADH president, and Mr. **Gedeon Nekarmbaye**, head of the Krim Krim section of the Chadian Association for Non-Violence (*Association tchadienne pour la non-violence* – ATNV), were regularly harassed by Mr. Paul Bedmbaye Naim, Krim Krim district chief (*chef de canton*), after they denounced his illegal deduction of 10% of the individual compensations paid to local peasants for the destruction of their properties by oil companies.

On 3 February 2005, Mr. Nekarmbaye was arbitrarily arrested and released two days later, after he agreed to pay an expensive fine. On 11 March 2005, Messrs. Nekarmbaye and Mapideh received a threatening letter from Mr. Bedmbaye Naim, stating that he did not “need

any advice from CADH” and that he had “the power of life and death over all citizens in his district”.

Furthermore, Mr. Nekarmbaye was arrested again on 14 March 2005, along with Messrs. **Gabriel Banyo**, **Denis Diongoussou** and **Christian Djeratar**, three CADH members. All four were released on the next day.

Furthermore, Mr. **Evariste Mbaïoundaguelem**, president of Krim Krim section of the Chadian Association for the Defence and Promotion of Human Rights (*Association tchadienne pour la défense et la promotion des droits de l'Homme* – ATPDH), and Mr. **Patrice Mbaïhoudou**, president of the local ATNV section and vice-president of the Krim Krim section of ATPDH, were beaten by Mr. Bedmbaye, respectively in May and June 2005, after having opposed his aforementioned deduction.

Mr. Mbaïhoudou subsequently filed a complaint with the Krim Krim subprefecture. The opening hearing, scheduled for 23 June 2005, was postponed until 11 July 2005 because of the absence of the subprefect, acting as a representative of the peace and justice judge in Krim Krim.

On 22 August 2005, Mr. Gedeon Nekarmbaye was again attacked and threatened with death at the Krim Krim police station by Messrs. Bedmbaye Naim and Issaka Djos, a retired military officer.

On 23 August 2005, the Public Prosecutor summoned Messrs. Mapideh and Nekarmbaye, along with the district chief, to carry out an investigation into the threats they had been subjected to by the Krim Krim authorities. Messrs. Mapideh and Nekarmbaye, however, refused to appear.

In October 2005, Mr. Mbaïhoudou was once again subjected to acts of intimidation by the district chief that compelled him to drop the complaint.

Attack against Mrs. Delphine Kemneloum Djiraibe¹¹

On 24 May 2005, Mrs. **Delphine Kemneloum Djiraibe**, a lawyer and former ATPDH president, was attacked after she participated in the trial aimed at cancelling the results of the referendum amending the Constitution adopted on 31 March 1996. After she left the

9. See Open Letter to the Chadian authorities, 22 March 2005.

10. See Urgent Appeal TCD 001/0705/OBS 048.

11. See Annual Report 2004.

N'Djamena Supreme Court that day, Mrs. Kemneloum Djiraibe was followed by two men riding a motorbike who crashed into her car as she was getting out of her vehicle in front of her office. The two assailants then insulted and threatened her before fleeing upon passers-by's intervention.

Detention and release of Mr. Tchanguiz Vathankha¹²

On 25 September 2005, Mr. Tchanguiz Vathankha, an Iranian refugee living in Chad for the past 30 years, founding member and director of the Association for the Protection of Nature and Environment (*Association pour la protection de l'environnement et de la nature* – APEN), and editor-in-chief of *Radio Brakoss*¹³ in Moissala, was arrested and taken to the N'Djamena central police station on the order of the Minister of Immigration and Public Security, Mr. Routouang Yoma Golom, who threatened him with deportation.

On 9 November 2005, the administrative chamber of the Supreme Court declared Mr. Vathankha's detention illegal on the grounds that his custody had exceeded the 48-hour time limit, and requested his release by the Ministry. The request introduced by the journalist's lawyer for suspending the deportation order, however, was not acknowledged by the Court, which considered it groundless since the government had not taken any concrete measures to expel him yet.

On 14 November 2005, the Minister of Immigration issued a deportation order against Mr. Vathankha, who was released on 29 November 2005 after being notified of a ban from leaving N'Djamena and from contacting the media.

Mr. Vathankha had been previously arrested by the local police on 9 February 2004, and subjected to torture and ill-treatments while in detention in the Moissala prefecture until his release on 11 February 2004. In addition, *Radio Brakoss* had been closed down on the order of the Bahr Sara (South) prefect from 11 to 16 February 2005. Furthermore, when the new Minister for Communications had visited

12. See Annual Report 2004 and Urgent Appeals TCD 002/1105/OBS 118 and 118.1.

13. Mr. Vathankha created *Brakoss* community radio station to popularise nature and environment protection issues. The station regularly broadcasts critical programmes, notably denouncing the human rights violations perpetrated by the Chadian authorities – most particularly those committed against rural populations by traditional, military and administrative authorities.

Radio Brakoss in September 2004, a high-ranking officer from the Chadian army who accompanied the Minister had publicly threatened Mr. Vathankha with death.

By the end of 2005, Mr. Vathankha was still at risk of being deported.

Continued harassment of Mr. Allahissem Ibn Miangar¹⁴

Mr. Allahissem Ibn Miangar, announcer for the radio station *FM Liberté*, created by independent human rights NGOs and for which it has become the principal communications link in Chad, had been forced to go into hiding in September 2004 following constant acts of intimidation and harassment. By the end of 2005, Mr. Ibn Miangar had still been unable to resume his activities and was living outside the country.

CONGO-BRAZZAVILLE

Intimidation and defamation campaign against persons involved in the “Disappeared of the Brazzaville Beach” case¹⁵

At the “Disappeared of the Brazzaville Beach” trial before the Brazzaville Criminal Court¹⁶, where fifteen persons were accused of “genocide”, “war crimes” and “crimes against humanity”, the victims' families, the witnesses and their families were subjected to pressure and intimidation, especially by the bodyguards of the defendants and by certain persons in the audience, in particular young, armed men in plain clothes.

14. See Annual Report 2004.

15. See Annual Report 2004 and Report of the FIDH-OCDF judicial observation mission, *Procès des “Disparus du Beach de Brazzaville”*, December 2005.

16. In May 1999, several hundred Congolese used a human corridor, placed under the auspices of United Nations High Commissioner for Refugees (UNHCR), to return to their country after having taken refuge in DRC during the 1998-1999 civil war. They were kidnapped at the Brazzaville Beach river port by members of the presidential guard and executed within the presidential palace of Sassou Nguesso.

On 5 December 2001, FIDH, the French League of Human Rights (*Ligue française des droits de l'Homme* - LDH) and OCDH launched legal proceedings before the Court of Meaux (France) against Mr. Denis Sassou Nguesso, President of the Republic of Congo, Gen. Pierre Oba, Minister

One of the witnesses, who escaped from the Beach scene but wished to remain anonymous, was threatened by armed persons who came to his parents' home to kidnap him. He has been in hiding ever since.

Furthermore, on 26 July 2005, at a press conference, Mr. Gabriel Entcha Ebia, Minister of Justice, declared that Mr. **Ambroise Hervé Malonga**, a lawyer representing the civil parties, was an "enemy of the nation". Mr. Malonga had, *inter alia*, walked out of the courtroom on 25 July 2005 and, on TV, called the trial a "parody".

In addition, Mr. **Roger Bouka Owoko**, executive director of the Congolese Observatory of Human Rights (*Observatoire congolais des droits de l'Homme* – OCDH), was threatened in the courtroom on 28 July 2005 by an armed security officer who said: "We know you, do whatever you want, no one will be sentenced. If they are, we'll see to it that you get blown away". Mr. Bouka had already received an anonymous call in June 2005 threatening OCDH with reprisals if the organisation continued to help the families of the disappeared.

In 2005, OCDH was targeted by slander and intimidation campaigns in pro-governmental media, especially by the weeklies *Les Dépêches de Brazzaville*, *Le Choc* and *Le Coq*. Moreover, special organisations were created to bring disrepute upon OCDH and the families of the disappeared, e.g. the Pan-African Thomas Sankara Association (*Association panafricaine Thomas Sankara* – APTS), whose president is the head of the Congolese Human Rights Federation (*Fédération congolaise des droits de l'Homme* – FECODO), a government ally that regularly contacts the media to denounce OCDH work in the Beach case and presents OCDH as an enemy of the nation that "sells the country to foreign powers". Similarly, the

of the Interior, Public Security and Territorial Administration, Mr. Norbert Dabira, Inspector General of the Armed Forces who resides in France, and Gen. Blaise Adoua, Commander of the Republican Guard, known as the Presidential Guard. By the end of 2005, the case was still under examination. As progress was being made in the investigation in France in terms of finding out where responsibility lies in this case, the Congolese authorities had the case brought to trial in Brazzaville (21 July 2005). On 17 August 2005, the Brazzaville Criminal Court decided to acquit the fifteen defendants, without denying that it had not been possible to establish the truth about the circumstances in which more than 85 persons disappeared during the 1999 event. The existence of "crimes" was implicitly recognised since the *Cour d'assises* (Criminal Court) ruled that the State had "civil" responsibility for the exactions and was to pay 10 million CFA francs (approx. 15,000 euros) to each victim's family.

National Association for the Defence of Migrants and Women (*Association nationale pour la défense des migrants – et des femmes* – ANADEM-F), is a government ally that strives to show that the Beach massacres never occurred and to discredit the families of the disappeared. Finally, in July 2004, Mr. William Mbossa, a journalist at *Les Dépêches de Brazzaville*, had created the Association for the Defence of the Interests of the So-called Disappeared of the Beach (*Association pour la défense des intérêts des prétendus disparus du Beach*) to confuse public opinion on the reality of the Beach disappearances.

COTE D'IVOIRE

Continued threats against MIDH¹⁷

On 10 January 2005, persons who introduced themselves as police officers entered the Abidjan offices of the Ivorian Movement for Human Rights (*Mouvement ivoirien pour les droits humains* – MIDH), accompanied by Mr. Ted Azduma Manamassé, a former member of the organisation. These "officers" threatened the persons in the office and confiscated their cell phones. At the request of Mr. **Amourlaye Touré**, MIDH president, who had been alerted by one of his colleagues, officers from the local police station came and arrested the aggressors. The defendants were supposed to be taken to the Public Prosecutor's office the next day, but were all released during the night.

MIDH lodged a complaint. By the end of 2005, the legal proceedings were still pending.

In addition, a slander campaign was launched against MIDH after the organisation had published a report, on 26 January 2005, denouncing the serious human rights violations perpetrated by the parties to the conflict¹⁸. On 28 January 2005, Mr. Blé Goudé, director of the Pan-African Congress of Young Patriots (*Congrès panafricain des jeunes patriotes* – COJEP), loyal to Mr. Laurent Gbagbo, President of the Republic, reacted to this report in an interview on *Radio Côte d'Ivoire*, saying that it was provocative and encouraging the Ivorians

17. See Annual Report 2004 and Urgent Appeals CIV 001/0205/OBS 009 and 009.1.

18. See report published jointly with FIDH entitled *La reprise des hostilités en Côte d'Ivoire en novembre 2004. Un obstacle à la réconciliation, à la paix et au développement*, January 2005.

“not to react”. The next day, Mr. Touré received an anonymous letter warning MIDH members that they should consider themselves “on the way to hell”. The authors of the threatening letter accused MIDH of “only worrying about the fate of the people in the north” and indicated that MIDH should “repair the injustice done to the dead in the west of the country”. Mr. Touré was informed that the MIDH head office might be targeted with a “punitive expedition” and that an attack against him was being prepared.

On 21 March 2005, Mr. Touré received more threats by email from people who indicated that they were monitoring his movements and spying on him. The e-mail reads: “In our next letter (if you are still alive!) we will give you the list of your gang and the holes where you seem to be hiding in [...]”. MIDH members were accused of being foreigners and descendants of immigrants and were threatened with “extermination”.

On the night of 23 to 24 July 2005, Mr. Touré’s home was attacked by members of the Ivorian defence and security forces who shot a bullet against the gate during a raid they were carrying out in his neighbourhood. While leaving, they declared that they would return later.

MIDH and its president were also targeted by a defamation campaign after Mr. Touré, on 27 September 2005, had spoken on the German public radio *Deutsche Welle* about the situation in Côte d’Ivoire after 30 October 2005¹⁹, and about the need to secure the electoral environment. Mr. Pascal Affi N’Guessan, president of the Ivorian Popular Party (*Front populaire ivoirien* – FPI), the ruling party, accused MIDH of being a “ramification of G7”, the coalition of Ivorian opposition parties.

On 25 October 2005, a member of COJEP compared the MIDH activities to those of an armed rebellion and threatened to lodge a complaint against the organisation for “collusion” during a conference on human rights in a period of crisis, organised by the Ivorian Association for the Development of Rights (*Association ivoirienne pour le développement des droits*).

By the end of 2005, there was still no reaction to the complaint lodged by MIDH in 2003 following the attack on the association’s headquarters by three armed men who had violently beaten an employee.

19. Elections were supposed to be held on that date, but were cancelled by President Gbagbo on 27 September 2005 and are to be held by 31 October 2006.

DEMOCRATIC REPUBLIC OF CONGO

Repression of human rights defenders – Kinshasa

Serious threats against Mr. Paul Nsapu and continued harassment of LE members²⁰

On 14 and 17 January 2005, Mr. Paul Nsapu, president of the League of Electors (*Ligue des électeurs* – LE), received anonymous, threatening phone calls after private television channels broadcast several of his statements criticising the management of the electoral process by the authorities, as well as the government’s intention to extend the transition period.

On 16 June 2005, Mr. Bahati Lukwebo, a member of the Parliament and representative of the People’s Party for Reconstruction and Democracy (*Parti du peuple pour la reconstruction et la démocratie* – PPRD, ruling party), accused Mr. Nsapu, in an interview on the *Horizon 33* TV channel, of “working in the pay of the opposition”. Similar threats were reiterated on 24 June 2005 subsequent to Mr. Nsapu screen appearance in the “Grand Lisolo” TV show on *Horizon 33*.

In early July 2005, Mr. Nsapu received another phone call threatening him with death if he did not suspend his activities for the promotion of democracy and in favour of a transparent electoral process.

At about the same time, Mr. Kanga Bongo, a PPRD member, publicly declared that if Mr. Nsapu had participated in the demonstration organised on 30 June 2005 against the extension of the transition period – during which several demonstrators were killed –, “he would have been killed without mercy”.

These acts of retaliation were linked with Mr. Nsapu’s involvement in civil society organisations advocating for international crimes to be punished and fundamental freedoms to be respected, as well as his persistent refusal to play an active role in the transitional governmental institutions such as the Independent Electoral Commission (*Commission électorale indépendante* – CEI). Mr. Nsapu publicly expressed his stands in favour of human rights and fundamental freedoms in the framework of his various prominent positions: he is the spokesperson for the consultation platform between civil society and the

20. See Annual Report 2004 and Urgent Appeal RDC 006/0905/OBS 078.

CEI since 2004, a senior coordinator of the National Network for Election Observation (*Réseau national d'observation des élections – RENOSEC*) since May 2005 and leader of the Observation Network for Demonstrations and Public Liberties (*Réseau d'observation des manifestations et des libertés publiques*) since June 2005. He particularly criticised the CEI functioning in a RENOSEC report published in March 2005 and in several LE analyses relating to the electoral process.

Due to these threats and the general context of insecurity for human rights defenders in the DRC, Mr. Nsapu had to leave the country in July 2005. Since then, his family and colleagues have been subjected to constant acts of intimidation.

On 18 July 2005 for instance, Messrs. **Sabin Banza**, LE vice-president, and **Guillaume Kabeya**, LE training coordinator, received threatening phone calls from anonymous individuals who declared they were particularly targeting Mr. Nsapu.

On that same day, an anonymous phone call informed Mrs. **Bénédicte Kapinga Tshiswaka**, spouse of Mr. Nsapu, that she was followed, insinuating that “they were aware of all of her movements”. Two armed men also visited her at her home and threatened her, stating they were acting on the order of the authorities.

On 29 August 2005, LE received several anonymous phone calls by persons introducing themselves as security services agents, who insulted and threatened Mr. Nsapu and his family with death. Security services also warned Mr. Sabin Banza against any further contact he might have with Mr. Nsapu.

Mrs. Nsapu received another anonymous threatening phone call on 15 September 2005, the author of which declared that her husband’s “dirty job had to stop”. Three agents of the National Intelligence Agency (*Agence nationale de renseignements – ANR*) came to her house later that day to question her. On 16 September 2005, the three officers came back to interrogate one of her children.

On 1 December 2005, an unidentified individual called Mrs. Nsapu again and questioned her about her relationship with Mrs. **Mimi Tshiswaka**, a former colleague of Mr. Polycarpe Mpoyi, RENOSEC coordinator in the Eastern Kasai region who was murdered on 9 November 2005²¹. After Mrs. Nsapu answered that Mrs. Tshiswaka

was her sister, the person calling declared as follow: “I was just checking, we already know anyway that it’s through you that Mrs. Mimi conveys information to Mr. Paul [Nsapu]. We’ll pay you a visit in a couple of days”.

Moreover, security services operating at the country’s borders were reportedly ordered to arrest Mr. Nsapu, shall he attempt to come back to the DRC.

At the same time, the authorities continued to constantly discredit LE and its activities in 2005, in particular with the diplomatic missions in Kinshasa. LE was notably accused on several occasions to be responsible for the difficulties encountered by CEI in organising and preparing elections in the hinterland. Following this campaign, several institutions refused to grant any financial support to the association, as was the case of the fund administered by the United Nations Development Programme (UNDP), allotted to civil society in the framework of the Support Programme to the Electoral Process in the DRC (*Appui au processus électoral au Congo – APEC*). Although LE submitted a request for funding on 26 October 2005, it did not receive any subsidy for developing its civic education programme, as its file was mysteriously “lost” by APEC.

Lastly, Mr. **Kabamba Kabamba**, LE member, and his wife, Mrs. **Justine Bilonda**, both arbitrarily detained in June 2004, after Mr. Kabamba had published an article denouncing the suspicious circumstances of the failed coup against the ruling power in the DRC in the local press, were still hiding at the end of 2005.

Obstacles to freedom of demonstration²²

- Mrs. **Yvonne Ambutshi Dende**, LE member, was arrested on 10 January 2005 while participating in a demonstration protesting against the possible postponement of the elections, which was fiercely repressed by members of the armed forces.

- A demonstration protesting against Mr. Pascal Kabungulu Kibembi’s assassination²³ and the flight of two senior officers of the army suspected in his murder was organised on 5 August 2005.

21. See below.

22. See Urgent Appeal RDC 005/0805/OBS 059.1.

23. See below.

Demonstrators were forced to turn back as police forces, armed with tear-gas grenades, fired gunshots in the air to disperse the march. Participants were notably planning to deliver a memorandum denouncing Mr. Kabungulu's killing and increasing retaliation against human rights defenders to the Head of State, the vice-President of the Republic in charge of the political, defence and security commission, as well as to the chief of the United Nations Mission in the DRC (*Mission des Nations unies en République démocratique du Congo – MONUC*).

Several human rights defenders who took part in this demonstration were called in for questioning by the police and taken to the Kasa-Vubu police station in Kinshasa, where they were intimidated and threatened with torture. Among these activists were notably: Mr. **Naupess Kibiswa**, a trade unionist and executive secretary of the Kinshasa Civil Society; Mr. **Floribert Chebeya**, president of the Voice of the Voiceless (*Voix des sans voix – VSV*); Mr. Sabin Banza; Mr. **Robert Ilunga Numbi**, president of the Nelson Mandela Association for the Defence of Human Rights (*Association des Amis de Nelson Mandela pour la défense des droits de l'Homme – ANMDH*); Mr. **Ambroise Tshibanda**, member of the Black Gowns Association of Human Rights Lawyers and Defenders (*Association des avocats et défenseurs des droits de l'Homme Toges Noires*); Mr. **Fidel Badibanga**, member of Women and Families at the Crossroads (*Carrefour des femmes et des familles – CAFEF*); Mr. **Jean-Jacques Benameyi**, president of the League for the Defence of Tenants (*Ligue pour la défense des locataires – LILOC*); Ms. **Zouzou Bouzoune**, LE member; Ms. **Julie Zenga**, member of Women as Partners for Peace in Africa (WOPPA); Messrs. **Aaron Kalukumbi** and **Flavien Mbaka**, VSV members; Messrs. **Steve Omekungu** and **Henry Lukula**, members of the Platform of Youth Solidarity Organisations in Congo-Kinshasa (*Collectif des Organisations des jeunes solidaires du Congo-Kinshasa – COJESKI*); Ms. **Marie-Noëlle Lukusa**, member of the Provincial Network of Human Rights Organisations in Congo in South-Kivu (*Réseau provincial des organisations des droits de l'Homme du Congo – REPRODHO/Cinshasa*); as well as Ms. **Afi Musungayi**, a journalist for the *Radio Télévision du Dieu Vivant (RTDV)*. All these persons were released a few hours later.

Ongoing harassment of VSV members²⁴

On 30 June 2005, the premises of the Voice of the Voiceless (VSV) were surrounded by numerous members of the Military Detection of Anti-Patriotic Activities (*Détection militaire des actions contre la patrie – DEMIAP*) and ANR services. One of these agents came later to the VSV office pretending he was a victim of torture, and fled as soon as he was recognised as a member of the intelligence services.

VSV was further targeted by a defamation campaign launched in November 2005 after the association was referred the case of former officers of the Zaire Armed Forces willing to come back from their exile in Congo-Brazzaville. This campaign was orchestrated by the State Security Committee, which accused VSV of being a political organisation operating in the pay of the opposition and international human rights NGOs.

Continued judicial harassment of Messrs. Robert Ilunga Numbi, Rodolphe Mafuta, Kally Kalala and Lems Kalema²⁵

On 7 June 2004, Mr. Robert Ilunga Numbi, Mr. **Rodolphe Mafuta**, president of Bana Kulamu, and Messrs. **Kally Kalala** and **Lems Kalema**, president and member of Bana Matonge, two associations for the defence of citizens' rights in the city of Kinshasa, had been arrested and accused of "inciting the people to revolt" and of "malicious destruction" (Article 112 of the Criminal Code). These arrests had followed a complaint lodged by Mr. Martin Matabia Hayala, a businessman accused by the two aforementioned associations of erecting a private construction on public land in the Matonge II district of Kinshasa.

Messrs. Numbi Ilunga, Mafuta, Kalala and Kalema had been released on bail on 16 June 2004. By the end of 2005, however, their judicial proceedings were still pending.

Serious threats against JED members²⁶

On 10 December 2005, Mr. **Donat M'Baya Tshimanga**, president of the association Journalists in Danger (*Journalistes en Danger –*

24. See Urgent Appeal RDC 005/0805/OBS 059.1.

25. See Annual Report 2004.

26. See Urgent Appeal RDC 008/1205/OBS 128.

JED), Mr. Tshivis Tshivuadi, JED secretary general, Mr. Charles Mushizi, in charge of the Central Africa department, and Mrs. Esther Banakayi, director of the DRC department of the association, received a message on their mobile phones threatening them and their families if they did not put an end to their activities. Although the calling line was reportedly opened shortly before, the telecommunications company was unable to identify the authors of these threats.

The day before, JED had published its 8th Annual Report, which notably underlined the increasing violations of human rights and fundamental freedoms – in particular the freedom of the press – in the DRC. This report also called on the authorities to establish an independent investigation commission to carry out a thorough investigation into the assassination of Mr. Franck Ngyke, a journalist, and his wife, who were killed in the night of 2 to 3 November 2005 by unidentified armed individuals.

Several JED members, including Messrs. Tshivis Tshivuadi and Donnat M'baya Tshimanga, had already been threatened with death via emails in April 2005, after Mr. Tshivuadi expressed his concern about the upcoming elections on *RFI*.

Repression of human rights defenders – Eastern Kasai

Assassination of Mr. Polycarpe Mpoyi Ngongo²⁷

On 9 November 2005, Mr. Polycarpe Mpoyi Ngongo, one of the leading coordinators of the RENOSEC section in Eastern Kasai, was knocked over dead by a car of the Rapid Response Police Squad (*Police d'intervention rapide* – PIR), which suddenly deviated from its course to hit him. While on his way to the office on his moped, Mr. Mpoyi Ngongo received a phone call and pulled over to answer it, as he was crashed into. The calling number was later found to be unknown.

For the last three days before Mr. Mpoyi Ngongo was killed, PIR agents were constantly on guard in front of his house in Mbuji-Mayi. On 7 November 2005, he was also followed by PIR officers and he then told his colleagues that he did not feel safe anymore.

In the presence of the Eastern Kasai provincial Governor, Mr. Kanku Kabengela, who first arrived on the scene, Major Israël Kantu,

special services commander, arrested three human rights defenders who came to observe the legality of the police procedure. These three persons were released without charges a few hours later, and subsequently subjected to constant pressures by local authorities until late 2005.

In addition to his involvement in the RENOSEC activities, Mr. Mpoyi Ngongo advocated for the promotion of human rights and civic education with the Centre for Popular Training and Education (*Centre d'études et de formation populaire* – CEFOP), and was a member of the Christian Inspired Network for Human Rights and Civic Education Organisations (*Réseau d'organisations des droits humains et d'éducation civique d'inspiration chrétienne* – RODHE-CIC). He was more particularly investigating into the possible involvement of the authorities in the assassination of Mr. Leonard Mukendi Kabongo, a lawyer at the Mbuji-Mayi Bar, who was killed in the night of 30 to 31 October 2005. The enquiry into Mr. Mukendi Kabongo's death was still under way in late 2005.

Several human rights defenders were further threatened and intimidated after they publicly denounced and condemned the murders of Messrs. Polycarpe Mpoyi Ngongo, Pascal Kabungulu Kibembi²⁸ and Leonard Mukendi Kabongo: Mr. Charles Mfwamba Mukendi, CEFOP director, Mr. Denis Ilounga Kabeya, ANMDH coordinator, Mr. Charles Kabashadi Mwanan, ACAT coordinator, Mr. Jean Pierre Kahutu, president of the Defensive for Human Rights (*Défensive des droits de l'Homme* – DDH), Sister Albertine Mbuyi Kalolo, president of the Catholic Justice and Peace Commission in Mbuji-Mayi diocese, Father Claité Nshimba, president of the Prisons' Brotherhood (*Fraternité de prison*), Mr. Hanania Mutombo, president of the Lawyers for Human Rights (*Avocats des droits de l'Homme* – ADH), Mr. Philippe Kasonga Lutonga Muloji, ASADHO/Mbuji-Mayi president, Ms. Régine Mbuyi Kalonji, coordinator of the International Catholic Child Bureau (*Bureau international catholique de l'enfance* – BICE), and Mrs. Mimi Tshiswaka, were notably followed by security services on numerous occasions.

27. See Press Release, 16 November 2005.

28. See below.

Repression of human rights defenders – Katanga

Ongoing harassment of ASADHO / Katanga members

*Attack and intimidation of Messrs. Amigo Ngonde and Golden Misabiko*²⁹

On 16 May 2005, Mr. **Amigo Ngonde**, president of the African Association for the Defence of Human Rights (*Association africaine de défense des droits de l'Homme* – ASADHO), and Mr. **Golden Misabiko**, honorary president of the ASADHO section in Katanga, went to the campus of the University of Lubumbashi in order to investigate into rumours that a military commando was about to attack the campus in the night of 16 to 17 May 2005.

On their way back home, Messrs. Ngonde and Misabiko realised that they were being followed by an unidentified vehicle, which soon overtook them and blocked the road. Three armed men – one of whom attended their meeting with the University chief education officer – attempted to force them out of the car until Messrs. Ngonde and Misabiko finally managed to drive away. When their assailants realised that they would not be able to follow them, they started to shoot at the car. Messrs. Ngonde and Misabiko finally took refuge at the office of the United Nations Mission in the DRC (MONUC).

*Abduction of Mr. Misabiko, arbitrary detention and ill-treatment of several human rights defenders*³⁰

On 2 June 2005, Mr. Golden Misabiko was abducted in Lubumbashi by three armed officers of the ANR/Katanga while dropping off his daughter at school. Mr. Misabiko was roughly questioned by ANR officers about his human rights activities and blamed for “destabilising” the regime and prejudicing its leaders. He was then taken to the lockup of the provincial direction, where he spent several hours on a chair before he was brought to another room where he could sleep on a sofa. He was further not allowed to eat for over 24 hours.

On 3 June 2005, several human rights organisations, including the Centre for Human Rights and Humanitarian Law (*Centre des droits*

de l'Homme et du droit humanitaire – CDH), and the Human Rights Action against Impunity (*Action contre l'impunité pour les droits de l'Homme* – ACIDH), organised a peaceful gathering to call for Mr. Misabiko's release. While demonstrating in front of the office of the provincial direction, six human rights defenders were beaten by the security forces and ANR officers and then taken to the ANR detention compound. They were: Mr. **Timothée Mbuya**, ASADHO/Katanga publishing director, Mr. **Hubert Tshiswaka**, ACIDH executive director, Mr. **Peter Kaodi**, ACIDH publishing director, Mr. **André Murefu**, member of the NGO Dag's Friends for Human Rights (*Amis de Dag pour les droits de l'Homme*), Mr. **Emmanuel Impula**, ACIDH member, and Mr. **Séraphin Kapenda**, CDH member. They were forced to sleep on the floor and to fix the sun during two hours non-stop under the threat of being whipped, and were kicked by officers aiming their guns at them. Messrs. Mbuya, Tshiswaka, Kaodi, Murefu, Impula and Kapenda were then locked up in a humid cell, which had previously been sprayed with an unidentified irritating product, and were denied visits by their lawyers and families.

Together with Mr. Misabiko they were released without charges in late evening on 3 June 2005.

*Defamation campaign and demonstration against ASADHO*³¹

On 7 July 2005, Mr. Donatien Nyembo Kimuni, press officer of Mr. Urbain Kisula Ngoy, governor of the Katanga province, held a threatening speech targeting ASADHO/Katanga, broadcast by the *National Congolese Radio Television, Katanga Station (Radio Télévision Nationale Congolaise, Station du Katanga* – RTNC/Katanga). Mr. Nyembo Kimuni notably declared that “ASADHO/Katanga [was] (...) involved in politics and [aimed] at weakening regional leaders and dividing the population. This association [should] now be considered as such by everyone and severely treated; (...) this corrupt organisation [worked] against the interests of the Katanga province (...) and solely [aimed] at reducing the population to penury, (...) whereas the support it benefits from the international community destabilises the whole region. It can't go on like this, we have to react!”

29. See Urgent Appeal RDC 002/0505/OBS 034.

30. See Urgent Appeals RDC 002/0505/OBS 034.1, 034.2 and 034.3.

31. See Urgent Appeals RDC 003/0705/OBS 049 and 049.1.

These threats followed the publication of an ASADHO/Katanga press release on 1 July 2005, denouncing the authorities failure to punish the members of the Congolese armed forces who had perpetrated lootings, rapes and executions against civilians in Kilwa on 18 October 2004.

Moreover, about 300 persons demonstrated against the ASADHO /Katanga activities on 13 July 2005, with the moral and financial support of Mr. Kisula Ngoy, Mr. Kaseba Makunko, Lubumbashi mayor, and the Anvil Mining company, which was accused by ASADHO/Katanga to be involved in the Kilwa massacre. Demonstrators gathered for about an hour in front of the association's headquarters, and chanted slogans affirming that ASADHO was a "tribal organisation working against the interests of the Katanga province" and that they would "come back to ransack the office if the association continued to harass the Anvil Mining company". The demonstrators' banners also stated that ASADHO was "corrupt", and that its members "should be careful" as this was "the last warning". During the whole time, ASADHO members were prevented from leaving their office. In spite of their phone calls, the security forces refused to intervene.

Harassment of Solidarité Katangaise

*Serious threats against Mr. Jean-Claude Muyambo Kyassa*³²

From late April to early May 2005, Mr. **Jean-Claude Muyambo Kyassa**, president of *Solidarité Katangaise*, CDH honorary director and president of the Lubumbashi Bar, was threatened with arrest, abduction and death because of the activities of the association in favour of civic education and "citizens' political awareness". These threats followed Mr. Muyambo Kyassa's statements against the potential postponement of the elections scheduled for 30 June 2005, and for which he had been accused of "inciting the population to rebel". In late April 2005, he was reportedly informed that the security forces were preparing an attack against him.

In addition, ANR officers prevented Mr. Muyambo Kyassa from going to Kinshasa on 5, 12 and 21 May 2005, without any official reason.

32. *Idem*.

Solidarité Katangaise closed down

On 21 May 2005, Mr. Urbain Kisula Ngoy issued a provincial decree banning *Solidarité Katangaise* from operating in the region and ordered the closure of the association on the ground that "its activity [was] not legally authorised".

Yet, on 18 July 2004, *Solidarité Katangaise* had submitted a request for legal recognition with the Minister of Justice, which, on 11 August 2004, had provisionally authorised the association to operate until an official order recognising its legal personality was issued. According to Article 5 of Law n° 004/2001, however, legal personality shall automatically be granted if the Ministry does not respond to the request within six months.

Moreover, according to the law, the governor is merely enabled to suspend – and not to ban – the activities of an association, and this only in cases of "breach of the peace" and "indecent behaviour" committed by the association.

Solidarité Katangaise could resume its activities in late 2005, after that, on 14 December 2005 the administrative chamber of the Court of Appeal declared the provincial order illegal, null and void.

Judicial proceedings against GANVE³³

In October 2004, the Mining Company of Katanga (*Société minière du Katanga – SOMIKA*) had lodged a complaint for defamation against the Evangelical Group for Non-Violence (*Groupe évangélique pour la non-violence – GANVE*), which had previously published, on 4 October 2004, a press release denouncing the risks of pollution at the pumping station of the Congolese National Water Distribution Company (*Régie congolaise de distribution d'eau – REGIDESO*)³⁴.

On 11 January 2005, the Kenya Katuba (Lubumbashi) Peace Court ordered GANVE to pay 339,000 euros in damages and sentenced Mr. **Jean-Marie Kabanga**, GANVE member, to a 36 euros fine. Both Mr. Kabanga and the association appealed against these decisions, and the proceedings were still pending by the end of 2005.

33. See Annual Report 2004.

34. Indeed, SOMIKA is established in a zone that was declared unsuitable for building development in 2000, close to the ground water of Kimilolo feeding into this pumping station, which provides drinking water for 70% of the population in Lubumbashi.

Besides, in a letter dated 13 December 2004, the Deputy Minister for Mines, Mr. Cirimwami Muderhwa, had ordered the SOMIKA to cease its operations at the Kimilolo site. Yet, by the end of 2005, SOMIKA had not abided by this order and resumed its activities on the Kimilolo site.

Repression of human rights defenders – Orientale Province

Attacks, serious intimidation and harassment of leaders of the Lotus Group

*Harassment of Mr. Dismas Kitenge Senga*³⁵

In the night of 2 to 3 July 2005, some armed individuals broke into the house of Mr. **Dismas Kitenge Senga**, president of the Lotus Group (*Groupe Lotus*), a human rights association based in Kisangani. They stole valuable goods, fired gunshots in the air, and threatened Mr. Kitenge's family to come back if he did not give up his "political activities". Members of the Special Presidential Security Group (*Garde spéciale de sécurité présidentielle* – GSSP), who were posted a few meters away from the house, did not intervene.

These events followed public statements made by Mr. Kitenge during meetings with local authorities, in which he denounced the human rights violations perpetrated by GSSP members during the violent dispersal of a demonstration on 30 June 2005, when five to ten persons died and many others were wounded.

Mr. Kitenge lodged a complaint against one or several unknown persons with the Kisangani police and the Kisangani Court. By the end of 2005, it still had not been examined.

In the night of 22 to 23 September 2005, Mr. Kitenge's house was burnt down by several unidentified men who first vainly tried to force the front door open before breaking the windows and setting the curtains, furniture and some paper documents on fire. On 16 September 2005, Mr. Kitenge had taken part in a press conference on human rights violations committed by GSSP members in Kisangani. His declaration had been widely broadcast by several public and private local radios stations (including *RNTC*, *Amani* and *Radio-Télévision Pêcheurs d'Hommes*) in the following days.

35. See Urgent Appeals RDC 004/0705/OBS 051 and 051.1.

Harassment of Messrs. Gilbert Kalinde, Adan Baku and Guy Tchanda

Messrs. **Gilbert Kalinde**, **Adan Baku** and **Guy Tchanda**, three members of the Lotus Group's steering committee, were systematically tailed by security service in 2005. Security agents and GSSP members posted at checkpoints in Kisangani outskirts searched their luggage every time Messrs. Kalinde, Baku and Tchanda tried to get in or out of the city, arguing they "[were] selling information on the DRC to western powers".

*Acts of torture against Mr. Alois Olemu Ekili and obstacles to the activities of the Lotus Group section in Opala*³⁶

On 23 May 2005, Mr. **Alois Olemu Ekili**, programme officer of the Lotus Group section in Opala, was subjected to torture in Yambetsi, his native village, by Civil Security members commanded by Mr. Simplicie Akanis, administrator of the Territory. He was notably whipped during three hours with his arms and legs tied up, and blamed for organising public information sessions on the on-going political process in the country. Mr. Olemu Ekili decided to resign from his position at the Lotus Group and put an end to his human rights activities.

On 21 November 2005, Mr. **Marc Koya Osoko**, president of the Lotus Group section in Opala, was further prevented from holding a conference on the draft Constitution. Indeed, Mr. Alan Koy, community leader of Yapando (Opala Territory), argued that regional authorities of the Orientale Province had not yet authorised civil society organisations to develop popularisation programmes on this matter, and thus refused to allow such an event. Mr. Koy also threatened the Opala section to ban their activities if they did not abide by this decision. The Lotus Group then referred the case to the Province governor who reportedly assured that the community leader would soon be instructed to lift this measure. Yet, by the end of 2005, local authorities maintained a tight control over the Lotus Group section in Opala.

In addition, the complaint filed by the Lotus Group with the military justice department (*auditorat militaire*) of the Kisangani garrison

36. See Annual Report 2004.

son force in November 2004 had still not been examined by the end of 2005. This action had been filed against the Commander-in-chief of the Armed Forces of the DRC (*Forces armées de la RDC – FARDC*) in Yate, 200 km from Kisangani, after Mr. Koya Osoko had been subjected to ill-treatment by FARDC officers in 2004.

Arbitrary arrest of Messrs. Willy Loyombo, Cyrille Adebu and Théophile Gata³⁷

On 22 November 2005, Mr. **Willy Loyombo**, president of the Non-Governmental Organisation for the Settling, Literacy and Promotion of Pygmies (*Organisation non gouvernementale pour la sédentarisation, l'alphabétisation et la promotion des pygmées – ODAPY*) and member of the Lotus Group, Mr. **Cyrille Adebu**, head of the Common Organisation of Ecologists and Nature Lovers (*Organisation concertée des écologistes et amis de la nature – OCEAN*), and Mr. **Théophile Gata**, forestry adviser of the National Support Centre for Development and Popular Participation (*Centre national d'appui au développement et à la participation populaire – CENADEP*, a Kinshasa-based NGO), were arrested in Yate by Colonel Désiré Lobo. At the time of their arrest, Messrs. Loyombo, Adebu and Gata were leading a popularisation mission on the Forestry Code as well as a training programme on autochthonous Pygmy populations' customary and traditional rights concerning the exploitation of the forests -both of these programmes sponsored by the Rainforest Foundation. All three were accused of "spying aimed at organising another rebel movement in the Orientale Province" and subjected to an intensive questioning for several hours. Mr. Loyombo, in particular, was accused of "subversion" for his stances expressed in the media, where he persistently denounced the massive human rights violations perpetrated in the Eastern DRC and criticised the authorities for their little -if non-existent- recognition of Pygmies' customary rights in industrial forest exploitation. Messrs. Loyombo, Adebu and Gata were released without charges after they paid a ten dollars fine.

In addition, on 25 September 2005, Mr. **Egide Loyombo Afanatike**, father of Mr. Willy Loyombo, was subjected to ill-treatment when local police, commanded by Mr. Akanis (Territory admin-

istrator), came to his home, tied him up, and whipped him. Mr. Loyombo Afanatike was further threatened and his house was searched without a warrant.

Intimidation of Mr. Pierre Kibaka Falanga³⁸

Mr. **Pierre Kibaka Falanga**, executive secretary of the Justice and Liberation Group (*Groupe Justice et Libération*), was subjected to heavy pressures by the High-Uele district authorities, while he was in Isiro (High Uele district) within the framework of the Group's programme for human rights education in secondary schools of the Orientale Province. On 17 June 2005, the district superintendent ordered the security services to arrest Mr. Falanga for inciting the students to civil disobedience. Mr. Falanga could avoid the arrest after the school teachers' intervened in his favour.

Continued harassment of Justice Plus members³⁹

Mr. **Joël Bisubu**, training officer at Justice Plus, an NGO based in Bunia (Ituri district), received several threats after a report of Human Rights Watch (HRW), entitled *The Curse of Gold*, had been released on 2 June 2005. Both Mr. Bisubu and HRW received threatening letters from the Nationalist and Integrationalist Front (*Front des nationalistes et intégrationnistes – FNI*), a rebel group controlling Ituri goldfields. Mr. Bisubu was notably accused of conveying to HRW background information and material for the report.

In addition, unidentified individuals claiming they had lost their job following the release of this report called Justice Plus on several occasions in August 2005, and blamed the association for collaborating with an international human rights organisation.

Following other anonymous calls threatening him with death on 23 and 24 September 2005, Mr. Bisubu was forced to leave Bunia for more than a month.

Furthermore, on 6 December 2005, Messrs. Bisubu, **Christian Lukusha**, Justice Plus research officer, and **Aime Magbo**, Justice Plus member, were condemned by the Bunia Court of First Instance to a

37. *Idem.*

38. See Lotus Group.

39. See Annual Report 2004.

fine compensating a six-month imprisonment term, and to an additional six-month jail sentence if they did not pay for the trial expenses. Messrs. Bisubu, Lukusha and Magbo had been indicted with “harmful involvement” in December 2004 by the public prosecution, after a Justice Plus report had been released. All three appealed against the ruling with the Kisangani Court of Appeal respectively on 10, 12 and 15 December 2005.

Lastly, since December 2004 Justice Plus members had been banned from visiting the Bunia prison compound, following an order issued by the Prosecutor. Thanks to the MONUC human rights section mediation, the association was finally authorised to resume its visits to the detainees in August 2005.

Repression of human rights defenders – Kivu

Assassination of Mr. Kabungulu Kibembi⁴⁰

Mr. **Pascal Kabungulu Kibembi**, executive secretary of the human rights NGO Heirs of Justice (*Héritiers de la justice*) and vice-president of the Great Lakes Regional League for Human Rights (*Ligue des droits de la personne dans la région des grands lacs – LDGL*), was murdered in his home, in Bukavu. Three armed men in uniform broke into his house and shot him in front of his family. Mr. Kabungulu died of his wounds a few minutes after he was rushed to the hospital.

He had reportedly been threatened on several occasions shortly before his death.

Four military officers were suspected of being involved in his killing: Messrs. Gaston Sangba, S2 Captain of the 105th brigade, Patrick Liaka Makolo, Captain Gaston’s escort commander, Bosco Labama, FARDC Lieutenant in charge of security at the 105th brigade, and Isa-Balimwacoa, 1st Sergeant, were arrested on 4 August 2005 and detained on remand in Bukavu central prison. On that same day, however, three armed military officers threatened the prison guards with their guns and released the four officers.

Soon after their flight, authorities set up a joint investigation commission composed of representatives of the Katanga Governorate, the 10th Military Division, the military justice department, national police

and MONUC. Following civil society’s mobilisation, the four above-mentioned officers were arrested again on 15 August 2005.

Messrs. Sangba, Makolo, Bosco and Isa-Balimwacoa appeared before the Military Court on 28 November 2005 and were indicted with “conspiracy”, “murder and assassination” and “concealment of military ammunitions”. By the end of 2005, the four suspects were still detained in Bukavu central prison awaiting trial. In the course of the proceedings, Mr. Wandjo Nakiliza, an intelligence agent, and Mr. Jean-Marie Katula, a student, were also arrested and charged with “perjury” and “irreparable imputations” after they accused Mr. **Maurice Bahati Masheka Namwira**, administration and finance officer of Heirs of Justice, of being behind Mr. Kabungulu’s murder.

Furthermore, on 12 December 2005, Mr. Didace Kaningini, *ad interim* governor who was removed from office on 10 December 2005, and Mr. Thierry Ilunga, 105th brigade commander in charge of security in Bukavu and its outskirts, were both arrested and placed in detention in Bukavu central prison. That same day, the Military Court indicted them with “murder” and “forming a criminal conspiracy”. Upon hearing the charges, Mr. Ilunga tried to grab a gun and to shoot at the presiding judge. On the next day, however, he was released on bail following heavy pressures by administrative and military authorities of the South Kivu province. Mr. Kaningini was similarly released on 14 December 2005.

On 21 December 2005, the Military Court finally declared that the case did not come under its jurisdiction and referred it to the Bukavu Military Court of the high military justice department (*auditorat militaire supérieur*). By the end of 2005, the Court had not yet scheduled any date for the opening hearing of the trial.

In addition, from 8 to 10 December 2005, Mr. **Roger Muchuba**, a lawyer and member of Heirs of Justice, received several anonymous phone calls threatening him with death following his repeated demands to the South Kivu judicial administration to carry out a thorough investigation into Mr. Pascal Kabungulu’s death. He was also questioned about the murder for over 24 hours by military officers at the same period.

40. See Urgent Appeals RDC 005/0805/OBS 059 and 059.1.

Closure of the Chirezi Foundation, arbitrary arrest and harassment of its members⁴¹

On 5 October 2005, ANR agents came to the Chirezi Foundation (*Fondation Chirezi* – FOCHI) headquarters in Uvira (North Kivu), on the orders of Major Chirimwami. They were looking for Mr. **Floribert Kazingufu**, FOCHI coordinator and editor-in-chief of the association's newsletter *Le Cor*, who was not in the office at the time of their visit. ANR officers then seized all the equipment they could find, including all documents and the car of the Foundation. They also arrested Messrs. **Philippe Bebe**, human rights awareness senior programme officer, and **Dieudonné Babunduzi**, FOCHI member and brother of Mr. Kazingufu, both present in the office. They were detained for two days in the ANR premises in Uvira. Local authorities reportedly accused Mr. Kazingufu of “undermining State security” and “destabilising the regime” through the activities of the Foundation, which gathers and conveys information on human rights violations perpetrated in the Kivu province.

On 5 October 2005, Mr. Kazingufu was forced to leave Uvira for fear of being arrested and was still hiding by the end of 2005.

Three days later, FOCHI resumed its activities and re-opened its headquarters. The equipment and documents that were confiscated, however, had still not been returned by late 2005.

Serious threats against Mr. Guy Kajemba⁴²

On 26 March 2005, Mr. **Guy Kajemba**, member of the Provincial Network of Human Rights Organisations in Congo (*Réseau provincial des organisations des droits de l'Homme du Congo* – REPROD-HOC), who was hiding in Goma for two weeks, was forced to leave the city after he was threatened with arrest and death by the North Kivu governor and security officers. Kivu authorities accused Mr. Kajemba of conveying information to the National Network of Human Rights Organisations in the DRC (*Réseau national des organisations de droits de l'Homme en RDC* – RENADHOC) to facilitate the release of a report on the human rights situation in Kivu that was published in Kinshasa in March 2005.

41. See Urgent Appeal RDC 007/1005/OBS 101 and Letter to the HCR, 15 November 2005.

42. See Annual Report 2004.

Repression of human rights defenders – Lower Congo

Attack against Mr. Jacques Bakulu⁴³

On 25 September 2005, Mr. **Jacques Bakulu**, parish priest, coordinator of the Centre for Community Promotion and Management (*Centre de promotion et d'encadrement communautaire* – CEPECO) in charge of the focal point of the Network for Natural Resources (*Réseau ressources naturelles*) advocating for the protection of forest ecosystems, was attacked in his home in Boma when unidentified individuals burnt his house down. Mr. Bakulu lodged a complaint against one or several unknown persons with the public prosecution in Boma. By the end of 2005, the perpetrators of this attack had still not been identified. These events were likely to be related to Mr. Bakulu's statements in the defence of customary and traditional rights of local communities in forest industrial exploitation.

DJIBOUTI

Arbitrary dismissal and harassment of Mr. Hassan Cher Hared⁴⁴

On 25 May 2005, Mr. **Hassan Cher Hared**, secretary of the Postmen's Trade Union of Djibouti (*Syndicat des Postiers de Djibouti*), secretary for International Relations at the Djibouti Workers' Union (*Union des travailleurs djiboutiens* – UDT), and employee at the Post Office, was dismissed by Mr. Hillyeh Hassan Guirreh, general director of the Djibouti Post Office. Mr. Cher Hared was dismissed without advance notice for “aggravated professional mistakes, absenteeism and disobedience”, after being suspended for eight days. In his notification letter, the general director qualified Mr. Cher Hared's militancy in favour of union rights as “irresponsible behaviour”.

Mr. Cher Hared was dismissed following observations he had made on the financial management of the Post Office, deploring its unlawful expenditures. Mr. Cher Hared had also made statements in favour of economic, social and cultural rights on 1 May 2005, World Labour Day.

43. See Lotus Group.

44. See Urgent Appeal DJI 001/0605/OBS 042.

Having received this notification of dismissal, Mr. Cher Hared lodged three complaints against the general director of the Post Office for “embezzlement of part of the salaries, psychological harassment and abuse of power”. By the end of 2005, no follow-up had been made regarding these complaints.

On 21 June 2005, Mr. Cher Hared lodged a complaint with the Social Labour Court against the Djibouti Post Office, in order to be reinstated. By the end of 2005, this complaint was still being examined.

Furthermore, on 22 August 2005, Mr. Cher Hared was verbally assaulted by Mr. Hassan Guirreh while on the premises of the Post Office. He was held at the police station for two hours and was released thanks to the intervention of an Observatory mission that was in Djibouti at that time.

The next day, Mr. Cher Hared was forbidden access to the Post Office by security guards who said they had been given verbal orders to this effect by the director. He was taken to the police station where he was held again for two hours. In the meantime, after receiving the letter from Mr. Hillyeh Hassan Guirreh, the police officers informed him that he had been restored to his position and had been assigned to Balbala in the outskirts of Djibouti. Although Mr. Cher Hared is receiving his salary, he does not have a defined job. Furthermore, his transfer won't become legal until a decision is made to cancel his dismissal. By the end of 2005, discussions were underway between the Postmen's Trade Union and the Ministry on his official reintegration, with full rights.

Arbitrary detention and dismissal of several UTP leaders⁴⁵

Following a general strike of employees of the port of Djibouti, from 14 to 17 September 2005, some 156 strikers and 12 trade union leaders were arbitrarily held in police custody from 24 to 26 September 2005.

During the night of 24 to 25 September 2005, Messrs. **Ali Ibrahim Darar, Moustapha Abchir Egueh, Mohamed Ahmed Ali, Koulimiyeh Houssein, Wahib Ahmed Dini, Osman Galab Bouh, Ahmed Abdallah Houmed, Houssein Djama Bareh and Djibril Houssein Awaleh**, leaders of the Port Workers Union (*Union des tra-*

vailleurs du port – UTP), were arrested by the police while trying to enter the port. They were held at the Nagad detention centre where they were notified of their dismissal for “obstructing freedom to work”.

They were held in the offices of the criminal police until 28 September 2005 when they appeared before the Public Prosecutor who ordered their detention in the Gabode prison.

As a reaction to these arrests, the port workers went on strike again on the night of 24 to 25 September 2005. The national police forces (*Forces nationales de police* – FNP) arrested 110 strikers and union leaders and held them in the Nagad police school. FNP arrested other strikers on 25 September 2005.

Messrs. **Kamil Mohamed Ali** and **Ibrahim Moussa Sultan**, also UTP leaders, and Mr. **Ali Ahmed Aras**, UTP secretary general, were arrested, respectively, on 26 and 28 September 2005, in their homes. They were taken to the criminal police station. Messrs. Mohamed Ali and Moussa Sultan were notified of their dismissal and Mr. Ahmed Aras was given an early retirement.

On 2 October 2005, Messrs. Mohamed Ali, Moussa Sultan and Ahmed Aras were accused of “unlawful assembly” and “inciting rebellion” at the Court of First Instance of the Lower Criminal Court. The Court dismissed the case for lack of evidence.

The same day, the same court acquitted and released Messrs. Ali Ibrahim Darar, Moustapha Abchir Egueh, Mohamed Ahmed Ali, Koulimiyeh Houssein, Wahib Ahmed Dini, Osman Galab Bouh, Ahmed Abdallah Houmed, Houssein Djama Bareh and Djibril Houssein Awaleh who had been accused of “threats to commit an offence, the aforesaid threats being materialised through repeated public assembly” and “participation in gatherings on a public thoroughfare that could disturb public order”.

However, on 3 October 2005, the Prosecutor's office introduced an appeal against those two decisions. The hearing before the Court of Appeal of Djibouti, scheduled for 7 December 2005, was postponed to 14, then 21, then to 28 December 2005. On that date, the decision was adjourned for deliberation until 4 January 2006, when the twelve trade union members were given a suspended prison term from one to two months.

Furthermore, all of the strikers and trade unionists who were arrested by FNP on 25 September 2005 at the port of Djibouti or in their

45. See Urgent Appeals DJI 002/0905/OBS 084 and 084.1, and Press Release, 22 December 2005.

homes were released, without being charged, on 26 and 27 September 2005. Thirty-six of them, however, including Messrs. Ali Ibrahim Darar, Moustapha Abchir Egueh, Mohamed Ahmed Ali, Koulmuyeh Houssein, Djibril Houssein Awaleh and Messrs. **Mohamed Ahmed Mohamed, Samira Hassan Mohamed, Mohamed Abdilahi Dirieh** and **Mohamed Abdillahi Omar**, also trade union leaders, were not able to resume their posts because of the dismissal of which they were notified on 24 September 2005.

Arrest and arbitrary detention of Mr. Jean-Paul Noël Abdi⁴⁶

On 14 December 2005, Mr. **Jean-Paul Noël Abdi**, president of the Djiboutian Human Rights League (*Ligue djiboutienne des droits humains* – LDDH), was arrested when he was on his way to responding to a summon from Commander Wabéri of FNP. Mr. Noël Abdi was transferred to the Nagad transit centre and then to the Police school in that same town. At no time did he receive a warrant for arrest. He was released late in the evening following the mobilisation of several national and international organisations on his behalf before the authorities. While in custody, the judicial police interrogated Mr. Noël Abdi about his public statements and the joint FIDH/LDDH press release on the brutal repression exercised by the security police that caused the death of at least six residents of the Arhiba district of Djibouti-city, who were trying to oppose the destruction of their houses by the public authorities on 30 November 2005.

ERITREA

Arbitrary detention of three trade union leaders⁴⁷

On 30 March 2005, Mr. **Tewelde Ghebremedhin**, president of the Food, Beverages, Hotels, Tourism, Agriculture and Tobacco Workers Federation, an affiliate of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied

46. See LDDH Press Release, 14 December 2005.

47. See Urgent Appeal ERI 001/0505/OBS 032, and Closed Letter to the Eritrean authorities, 23 November 2005.

Workers' Federation (IUF), and Mr. **Minase Andezion**, secretary of the Textile and Leather Workers' Federation, were arrested by the police.

On 9 April 2005, Mr. **Habtom Weldemicael**, president of the Coca Cola Workers Union and member of the Food and Beverage Workers' Federation Executive Committee, was also arrested for having allegedly urged industrial action to protest against worsening living standards of the workers.

By the end of 2005, no information concerning the place or conditions of detention, or the possible charges brought against them, was available. The three trade unionists were allegedly held incommunicado, without access to their lawyers, and thus incurred the risk of being tortured or ill-treated.

ETHIOPIA

Continued pressure against members of EHRCO⁴⁸

After the announcement that the Ethiopian People's Revolutionary Democratic Front (EPRDF) had won the legislative elections of 15 May 2005, violent conflicts broke out in the main cities (Addis Ababa, Gondar, Awassa, Dessie and Nazareth) between the police and youth demonstrators who questioned the validity of the election results.

Arbitrary detention and judicial proceedings against Messrs. Chernet, Birhanu and Hailemariam⁴⁹

On 8 June 2005, the police were authorised to take severe measures against demonstrators in Addis Ababa; 26 people were killed and about a hundred were wounded.

On 9 June 2005, the police arrested Mr. **Tadesse Chernet**, who had been commissioned by the Ethiopian Human Rights Council (EHRCO) to make an inventory of human rights violations commit-

48. See Annual Report 2004, Urgent Appeals ETH 001/0605/OBS 040, 040.1, 040.2, Press Release, 15 June 2005, and the international fact-finding mission report, *Ethiopia: Human Rights Defenders under pressure*, April 2005.

49. Cf. Urgent Appeals ETH 001/0605/OBS 040, 040.1, 040.2 and Press Release, 15 June 2005.

ted during the demonstration. His whereabouts were unknown for several days. His family was finally able to visit him at the Zeway prison on 23 June 2005.

Furthermore, on 13 June 2005, Mr. **Tsegu Birhanu**, head of the Monitoring and Investigation Department of EHRCO, and Mr. **Yared Hailemariam**, his assistant, were arrested while leaving the EHRCO offices in Addis Ababa. On 9 June 2005, the police had searched Mr. Hailemariam's home. Messrs. Birhanu and Hailemariam were followed by the police during their investigations, which included visiting hospitals to take pictures of the deceased and wounded demonstrators.

Their whereabouts were unknown until 25 June 2005, when they received a visit from the International Committee of the Red Cross and their families at the Zeway prison.

On 4 July 2005, Messrs. Chernet, Birhanu and Hailemariam were released on bail following a third court hearing before the Temporary Federal Court of Zeway. They were formally charged with "trying to overthrow a legitimate government by force". By the end of 2005, charges against them were still pending.

Furthermore, in November 2005, after a new wave of demonstrations denouncing the results of the elections, the police killed at least 34 people. During these events, Messrs. Chernet and Hailemariam were put on a list of 58 persons being sought by the authorities for their alleged role in the November 2005 events.

Arbitrary detention and judicial proceedings against Messrs. Bekele, Degu and Kebede⁵⁰

On 14 June 2005, Messrs. **Tesfawe Bekele** and **Seifu Degu**, respectively president and vice-president of EHRCO section in Dessae, and Mr. **Chane Kebede**, member of EHRCO, were arrested at the Dessae school and taken to the municipal prison. Mr. Bekele and Mr. Degu had been observers during the election process.

On 23 June 2005, Messrs. Bekele, Degu and Kebede were released on bail. They were charged with "trying to overthrow a legitimate government by force". By the end of 2005, the judicial proceedings were still pending.

50. *Idem*.

On 25 October 2005, Mr. Tesfawe Bekele was arrested again. He was released on bail on 28 October 2005.

Finally, Mr. Seifu Degu was arrested again on 4 November 2005, together with Messrs. **Mekonen Bezu** and **Reta Chanie**, teachers and members of EHRCO. Messrs. Bezu and Chanie turned themselves over to the police after their wives had been arrested in their stead. As of late 2005, they were still in prison in the vicinity of Dessae and their families were not allowed to visit them.

Continued harassment of Mr. Woldemariam⁵¹

On 1 November 2005, Mr. **Mesfin Woldemariam**, former EHRCO president, was arrested in his home as part of a new wave of arrests of political opponents, human rights defenders and journalists. On 7 November 2005, Mr. Woldemariam and other defendants appeared before the Federal High Court of Addis Ababa that ordered them to be detained for an additional fourteen days so that the police could carry out their investigation.

On 21 November 2005, during the second hearing, the court denied bail and ordered them to be held under administrative detention for another 10 days. On 28 November 2005, Mr. Woldemariam went on a hunger strike.

On 1 December 2005, Mr. Woldemariam and 129 other people, including leaders of the Coalition for Unity and Democracy Party (CUDP), journalists and NGO members, were handed over to the Federal High Court of Addis Ababa since their period of detention was about to end. The judge ordered the Prosecutor to present the charges against these persons within 15 days. On 21 December 2005, they were formally accused of "conspiracy", "armed insurrection", "attempts to upset constitutional order", "high treason" and "genocide", offences punishable by 25-years in prison or death.

Furthermore, Mr. Woldemariam and Mr. **Birhanu Nega**, president of the Ethiopian Economic Association, were still facing charges for having encouraged the students to "demand respect of their rights by rioting rather than through legal means" (Art. 32-1 and 480 of the Criminal Code) as well as for colluding with the Ethiopian Democratic League (EDL), an organisation considered illegal at that

51. See Annual Report 2004 and Open Letter to the Ethiopian authorities, 5 January 2006.

time (but which has been registered since) so as to “create a clandestine party in order to change the Constitution by illegal means” (Art. 32-1 and 250 of the Criminal Code). Having been arrested on 8 May 2001 after making a public statement in support of academic freedom and respect for human rights at a seminar held at the University of Addis Ababa, they had been released on 5 June 2001 following their hunger strike. Since that time, the hearings for their trial have been systematically postponed.

Harassment of several members of EHRCO

In the framework of the repressive measures introduced after the November 2005 demonstrations, plainclothes security men were constantly surveying the house of Mr. **Gashu Wondimagegne**, member of EHRCO, and interrogated his mother.

Mrs. **Demissie Elfinesh**, a teacher and member of the EHRCO Executive Committee, had to pay heavy fines for not coming to school during the week of protests, although her school had been closed during that period. Furthermore, she received an anonymous letter warning her that a “final action” would be taken against her by the higher authorities, but the nature of such action was not specified.

Assault and arbitrary detention of Mr. Daniel Bekele⁵²

On 16 October 2005, Mr. **Daniel Bekele**, member of the Executive Committee of the Network of Ethiopian NGOs and policy, research and advocacy manager for ActionAid Ethiopia, an international NGO dedicated to the fight against poverty, was attacked by two unknown, armed men in Addis Ababa while in his car. One of the men asked him “who are you to criticise the ruling party?”, then they hit him violently in the eyes and on the head with the butts of their pistols. The assailants ran away when several people came to help him.

Mr. Bekele lodged a complaint at the nearest police station. ActionAid Ethiopia also lodged a complaint with the Federal Police Commission. However, by the end of 2005, the investigation had still not been opened.

On 1 November 2005, security forces arrested Mr. Bekele again, as part of the new wave of arrests of political opponents and activists. By

52. See Urgent Appeal ETH 002/1005/OBS 098.

the end of 2005, he remained in detention, although no charges had been brought against him.

Continued pressure against EFJA⁵³

In December 2003, the government had decided to suspend the activities of the Ethiopian Free Press Journalists' Association (EFJA) on the grounds that EFJA had not submitted its audited financial accounts to the Ministry of Justice. The members of the EFJA Executive Committee, more specifically, Messrs. **Kifle Mulat**, president of EFJA, **Taye Woldesmiat Belachew**, vice-president, **Sisay Agena**, treasurer, **Tamiru Geda**, public relations manager, and **Habtamu Assefa**, accountant, had also been prohibited “from carrying out any further activities within EFJA”. On 24 December 2004, the Federal Court of First Instance had ruled that the suspension of EFJA and its senior officers had been illegal.

On 3 March 2005, the Federal High Court rejected the appeal from the Ministry of Justice and confirmed the ruling of 24 December 2004.

However, on 13 October 2005, Messrs. Mulat, Belachew, Agena and Assefa were arrested by the police and questioned for several hours by members of the Criminal Investigations Department (CID) in Addis Ababa. The interrogation focused on EFJA activities, especially the publication of its press releases that CID members qualified as illegal, maintaining that they had not been informed of the December 2004 Court's verdict. Moreover, Mr. Kifle Mulat's name was put on the list of persons being sought by the authorities for their alleged role in the November 2005 events⁵⁴.

In addition, on 21 November 2005, members of the security forces besieged the EFJA offices and confiscated computers and documents. By the end of 2005, none had been returned.

Finally, on 29 November 2005, the police arrested Mr. Sisay Agena after his sister, Mrs. **Aboneshe Abera**, had been held for three days and had been subjected to ill-treatment in order to obtain information on his whereabouts. On 21 December 2005, he would have been charged during the trial of 129 persons for their alleged role in the riots of June and November 2005. Mr. Mulat apparently was also charged *in absentia* during the trial.

53. See Annual Report 2004.

54. See above.

Continued harassment of ETA members⁵⁵

On 25 September 2005, Mr. **Teferi Gessese**, treasurer of the Ethiopian Teachers' Association (ETA) and secretary general of the Addis Ababa Teachers' Association, which belongs to ETA, was arrested and taken to the Gulele Sub-City Police Department, where he was forced to fill out an identity form and was photographed. He was allegedly subjected to ill-treatment during his detention.

On the same day and at the same time, Mr. **Kassahun Kebede**, president of the Addis Ababa Teachers' Association, was questioned at his home by five men who took him to the second police station of Addis Ababa. He was also forced to fill in a form and was photographed before being released three and a half hours later.

The next day, Mr. **Tamrat Tesfaye**, member of the Executive Committee of the Addis Ababa Teachers' Association, along with nine other members of this association, was subjected to similar treatment.

GAMBIA

Adoption of restrictive legislation on freedom of the press⁵⁶

On 28 December 2004, Mr. Yahya Jammeh, President of the Republic, had secretly signed the Newspaper Amendment Act and the 2004 Criminal Code Amendment Bill. The first enactment invalidates registration of all media in the country and obliges them to re-register with the Registrar General's office, which is under the authority of the Ministry of Information, within two weeks after the Act takes effect. This law also imposes a fivefold increase in the sum that newspaper owners have to pay for their licence, with their homes being taken as collateral in case of non-payment. The second law does away with fines and stipulates that all press offences (libel, whose definition has been expanded, sedition, dissemination of false news and improper remarks) will be punishable by prison terms of six months to three years. The authorities can also confiscate any publication deemed "seditious" without legal authorisation.

55. See Annual Report 2004.

56. *Idem*.

The promulgation of these two laws was made public on 22 February 2005.

Furthermore, on 23 June 2005, the National Assembly adopted an amendment to the Criminal Code to increase the minimum prison sentence from six months to one year for the aforementioned offences and to re-establish the "option of a fine" as an alternative for prison terms in cases of "defamation" and "sedition". The fines are very steep, from 50,000 dalasis (1,460 euros) to 250,000 dalasis (7,300 euros). By the end of 2005, the new law had not yet taken effect.

Lack of results in the investigation into the assassination of Mr. Deida Hy dara⁵⁷

Mr. **Deida Hy dara**, a journalist, the Gambia correspondent for *Agence France Presse* (AFP) and Reporters Without Borders (*Reporters sans frontières* – RSF), and co-owner of the newspaper *The Point*, was assassinated during the night of 16-17 December 2004 while driving two of his colleagues home. Mr. Hy dara was killed by three shots in the head, fired point-blank by unidentified individuals. Mr. Hy dara was especially well-known for his commitment to freedom of the press and human rights, and had published two articles in his newspaper, just a few days before his death, criticising the adoption of the two aforementioned laws.

The investigation was originally to be carried out by Mr. Landing Badjie, the chief police inspector, who noted that Mr. Hy dara had received threats before the killing and said that he was to be following definite leads in the case. Mr. Badjie was accused of corruption and imprisoned in February 2005.

The investigation was then turned over to the National Intelligence Agency (NIA), which published a report on 3 June 2005 supporting the theory that Mr. Hy dara's murder was a "settling of personal scores" by a jealous husband or else was connected to "embezzlement of funds" by his associate, who was also a childhood friend. The report also mentioned the possibility that the assassination had been committed by someone who disapproved of Mr. Hy dara's articles, but did not pursue this theory. However, it did stress strictly personal aspects of Mr. Hy dara's life and the quality of his

57. *Idem*.

work, especially mentioning that he “strayed from the rules of ethics governing his profession”.

By the end of 2005, the perpetrators of this crime had still not been identified.

KENYA

Arbitrary arrests, ill-treatment and judicial proceedings against several human rights defenders⁵⁸

On 18 June 2005, Mr. **Ojiayo Samson** and Mr. **Mithika Mwenda**, members of the Yellow Movement of the Multi-Sectoral Forum (MSF), an organisation pressing for a people-driven constitutional review process, were arrested and beaten while participating in a demonstration in Maua. Mr. Samson was held in solitary confinement at the Njiru police station while Mr. Mwenda was admitted to the Maua Hospital, where he was chained to his bed and kept under police guard.

On 21 June 2005, Mr. Samson and Mr. Mithika Mwenda were released on bail. The two men were accused of “offensive conduct conducive to a breach of the peace in a public place”, “disorderly conduct in a police building” and “refusing to permit finger prints to be taken”. Their trial started on 26 September 2005. By the end of 2005, the case was still pending and the hearings were scheduled for 15 February and 19 March 2006.

Furthermore, on 16 July 2005, Mr. **Hussein Khalid**, programme coordinator of Muslim for Human Rights, a project of the Kenya Human Rights Commission (KHRC), and Messrs. **Ahmed Farid**, **Lucas Fondo**, **Alex Nziwi**, **Teddy Mwabire** and **Hassan Greeve**, programme members, were arrested during a demonstration in front of the Sand and Sun Hotel in Mombasa where several members of the Parliament were meeting to prepare a constitutional reform project. On 18 July 2005, they were charged with “organising illegal demonstrations” and released on bail. After four hearings, the case was referred to the Mombasa Constitutional Court for “interpretation”, since the police had confirmed receipt of formal prior notification that the demonstration would be held. The next hearing was scheduled for 10 March 2006.

On 19 July 2005, several human rights NGOs, political opposition parties and other members of civil society organised a protest march to the Parliament in Nairobi to defend the supremacy of the Constitution and the rule of law. The police violently dispersed the demonstration by firing teargas and water cannons. Messrs. **Ojiayo Samson**, **Ole Kina**, **Fred Odhiambo**, **John Odada** and **Sheikh Ahamad**, members of the Yellow Movement-MSF, were taken into police custody and charged with “taking part in an illegal demonstration”. They were released the same day without being charged.

During a similar demonstration on 20 July 2005, one person was killed and at least two others were seriously injured, one of them being Mr. **Otieno Ombok**, a human rights activist. Eight people were arrested, including Mr. **Steve Musau**, coordinator of the KHRC Release Political Prisons Lobby Group, and Mr. **Kariuki Mithamo**, associate of the Group. They were released on bail on the same day, but remained charged with “disturbing public order” and “organising illegal demonstrations”. The hearing for their trial was scheduled for 19 January 2006.

On 21 July 2005, Mr. **Cyprian Nyamwamu**, executive director of the Executive Council of the National Convention Assembly – Reform Movement (NCEC), a coalition fighting for political reforms in the country, Mr. **Kepta Ombati**, national coordinator of the NGO Youth Agenda and a NCEC member, Messrs. **Paul Angwenyi**, **Evans Owiti**, **Kelly Musyoka** and **Koitamet Ole Kina**, members of Bomasa Katiba Watch (BKW), Mr. **Elkanah Odemba**, convenor of BKW, and Mr. **Sheik Ahamad** were arrested while on their way, together with other demonstrators, to protest against the separation of the population from the Constitutional review process in front of the Parliament building. After being held two days incommunicado, they were released on bail on 22 July 2005, but remained charged with “causing disturbance to public order” and “holding illegal demonstrations”. By the end of 2005, the case was still pending.

58. See Urgent Appeals KEN 001/0705/OBS 047 and 0471.

MAURITANIA

Judicial proceedings and provisional release of several members of the Association of Detainees' Families⁵⁹

On 4 January 2005, Mrs. El Moumne Mint Mohamed Elemine, Mrs. Raky Fall, Mrs. Khadjetou Mint Maghlah, Mrs. Teslem Mint Oumar, Mrs. Fatimetou Mint Khaya, Mrs. Mariem Fall Mint Chenouve, Mrs. Meye Mint Hamady and Mrs. Fatma Mint Hamady, members of the Association of Detainees' Families (*Collectif des Familles de détenus*), were released on parole by the Public Prosecutor's office of the Trarza Regional Court. The women's lawyers had applied for their release on that date since the one-month warrant of commitment for the women had expired on 30 December 2004.

They had been held in the women's prison in Nouakchott since 21 and 22 November 2004, the opening day of the "trials against the putschists", the alleged perpetrators of the attempted coup d'Etat of 8 and 9 June 2003. These women, mostly mothers, sisters and wives of the accused, were charged with being caught in the act of "distributing tracts" and "death threats".

The charges lodged against the eight women and against Mrs. Mariem Mint Neyni, also a member of the *Collectif*, who had been released on parole on 5 December 2004, had not yet been dropped by the end of 2005.

Arbitrary detention and judicial proceedings⁶⁰

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

On 16 March 2005, he was transferred to the Rosso civil prison, Trarza region, and accused of "offences against national security". He was held in a 3x3 meter prison cell with six other prisoners, some of whom were considered as "very violent". He was allowed neither medical care nor access to a doctor.

59. See Annual Report 2004 and Urgent Appeal MRT 001/1104/OBS 089.3.

60. See Urgent Appeals MRT 001/0305/OBS 020 and 020.1.

In connection with this case, Mrs. Aïchetou Mint El Hadar, a teacher, and Mrs. Moya Mint Boya, wife of an opposition senator and seven months pregnant, both active members of the NGO SOS-Slavery (*SOS-Esclaves*), were arrested on 13 March 2005 and held in the Nouakchott women's prison. They were accused of "complicity in offences against national security".

Although the Prosecutor tried to block the request for their release, Mr. Diabira Bakary, Minister of Justice, ordered the release of the two women, pronounced by the Court of Appeal on 14 April 2005. However, the judicial proceedings against them were still pending at the end of 2005.

Continued pressure against Mr. Mohamed Ahmed Ould El Hadj Sidi⁶¹

On 25 April 2005, Mr. Mohamed Ahmed Ould El Hadj Sidi, a lawyer and legal adviser to the association SOS-Slaves and an active member of the Mauritanian Association for Human Rights (*Association mauritanienne des droits de l'Homme – AMDH*) and of the High Education Teachers' Union (*Syndicat des enseignants du supérieur*), was arrested as part of a large police operation against eleven religious leaders and intellectuals on the grounds that they belonged to a terrorist group. Mr. Ould El Hadj Sidi was taken to the Nouakchott police school, where he was held until 13 May 2005. During his detention he was allowed neither contact with his lawyer, nor with a doctor, nor was he allowed to receive any family visits. No charges were brought against him.

Mr. Ould El Hadj Sidi has been targeted by the Mauritanian authorities since the beginning of the "putschists trial" in November 2004, during which he defended several of the accused. He was also supposed to go to Jordan on 27 April 2005 to attend a conference of the young Arab lawyers unions as the representative of the Mauritanian Section of this union.

61. See Annual Report 2004 and Urgent Appeal MRT 002/0505/OBS 030.

NIGER

Retaliation against defenders of social and economic rightsArbitrary arrest and judicial proceedings against five activists⁶²

On 15 March 2005, Mr. **Nouhou Mahamadou Arzika**, president of the National organisation for Consumers' Defence (*Organisation nationale de défense des consommateurs*) and head of the Niger Quality-Equity Coalition Against High Cost of Living (*Coalition Qualité-Equité contre la vie chère au Niger*), was arrested after having participated in a demonstration organised by the Coalition earlier that day. The demonstrators notably petitioned for the Law amending the October 2004 Budget Act for 2005 fiscal year, adopted on 4 January 2005, to be repealed. This law notably introduced a 19% value added tax (VAT) on staple convenience good in a general context of poverty increase in Niger.

Mr. Arzika, who was detained along with 46 other demonstrators at the Niamey central police station, was finally released on 19 March 2005.

The Nigerian authorities further banned another demonstration scheduled for 22 March 2005 on the occasion of the World Water Day. When notified of this decision, the Coalition called on the population to observe a general strike action throughout the country. This general strike, the announcement of which was extensively relayed by national press and media, was widely followed and most shops remained shut down that day, as well as all services stopped. Several persons were arrested, in particular in Maradi, Tahoua and Agadez. On 24 March 2005, the Coalition, still forbidden to demonstrate, called the population to prayer as a new peaceful protest against the aforementioned law. Following those calls, *Alternative FM* radio station received a legal warning for "disseminating statements aimed at stirring up social unrest, in particular calls to collective prayers to overthrow the government". On 29 March 2005, police officers illegally closed down the radio station, which could resume its activities on 5 April 2005 on the order of the court ruling.

62. See Open Letter to the authorities of Niger, 25 May 2005, and Conclusions of the international fact-finding mission sent by the Observatory to Niger from 19 to 25 June 2005.

On 25 March 2005, Messrs. Arzika, **Marou Amadou**, president of the National Coordination of Independent Thought and Orientation Committee for the Safeguard of Democratic Achievement (*Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques* – CROISADE) and executive secretary of the Quality-Equity Coalition, and **Moustapha Kadi**, treasurer of the Coalition and president of SOS-Kandadji (a consumers' defence association), were arrested at the Coalition's headquarters located in the CROISADE office in Niamey. The police also searched the office as well as the three men's houses, and seized numerous documents that had not been returned by the end of 2005.

After Mr. **Moussa Tchangari**, president of the *Alternative Niger* press group and president of the Democratic Coordination of Niger Civil Society (*Coordination démocratique de la société civile au Niger* – CDSCN), made a statement on *RFI* condemning this wave of arrests, he was arrested by police forces and his office was searched.

On 27 March 2005, Mr. **Issa Kassoum**, secretary general of the National Teachers' Union of Niger (*Syndicat national des enseignants au Niger*) and CDSCN coordinator, was also arrested after he criticised these events. Messrs. Tchangari and Kassoum had both joined the Coalition's activities and participated in the 15 March demonstration.

On 29 March 2005, Messrs. Arzika, Amadou, Kadi, Tchangari and Kassoum were charged with "plotting against State security, causing unarmed gatherings [and] forming an undeclared organisation" and placed in detention in five different prisons all located far away from Niamey – respectively in Daylâina, Say, Tillabéry, Koutoukalé and Filingué.

All five men were released on 7 April 2005. The charges pressed against them, however, remained pending by the end of 2005.

Assassination attempt against Mr. Nouhou Mahamadou Arzika⁶³

On 26 October 2005, Mr. Nouhou Mahamadou Arzika was subjected to an assassination attempt while he was on a meeting with a representative of the US embassy in Niger at the headquarters of the Quality-Equity Coalition Against High Cost of Living.

63. See Urgent Appeal NER 002/1005/OBS 104.

In the late morning, an individual entered his office and announced that Mr. Moussa Dan Foulani, a businessman close to the seat of power, wanted to talk to him. Soon after, Mr. Dan Foulani burst into the room with a gun and declared: “you fool, this is your last day, you won’t be able to insult people anymore because I’m going to kill you”. He then tried to shoot at Mr. Arzika without success, as his gun was jammed, and then ordered two persons armed with bludgeons that had come with him to kill Mr. Arzika. The two individuals started to beat him, while Mr. Dan Foulani kept the neighbours trying to help Mr. Arzika at a distance. Mr. Arzika finally managed to escape thanks to a colleague’s intervention as one of the aggressors attempted to strangle him.

Mr. Arzika immediately filed a complaint for assassination attempt with the Niamey police station.

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

Mr. Dan Foulani was summoned by the examining magistrate on 21 December 2005, and placed in detention at the Kollo detention centre (30 km away from Niamey) right after the hearing. By the end of 2005, his two accomplices were still on the run.

On 22 and 23 December 2005, Mr. Arzika was also called in by the examining magistrate to be heard on Mr. Dan Foulani’s complaint and his own. Although the charges were insufficient, he was accused of “complicity in defamation and insults” and released on bail. Mr. Arzika appealed against the judge’s order. By the end of 2005, the two cases were still pending.

Mr. Dan Foulani, who has a history of hostility against defenders of economic and social rights, was also subjected to several other proceedings, in particular by Mr. **Mamane Abou**, publishing manager of *Le Républicain* newspaper, who filed a complaint after he had been assaulted by Mr. Dan Foulani on 11 August 2005. Mr. Abou had issued several articles on public fund management denouncing the illegal allocation of public contracts, in particular to Mr. Dan Foulani.

Harassment of CROISADE members

CROISADE headquarters closed down⁶⁴

On 10 May 2005, CROISADE headquarters, which also shelter the Platform of Organisations for the Defence of Human Rights and Democracy (*Collectif des organisations de défense des droits de l’Homme et de la démocratie* – CODDHD) and the Quality-Equity Coalition, were closed down as the association was unable to pay the rent that was suddenly increased by 120%. On that day, the owner of the premises required CROISADE president and staff to leave the office in order to close it down. The association had still not been able to find another place to rent by the end of 2005.

Furthermore, Mr. Marou Amadou, CROISADE president, has been prevented from practicing as a lawyer since December 2002, when he had been banned from taking his oath of office after judicial proceedings – which were still pending before the Supreme Court of Appeal in 2005 – had been initiated as a retaliation against his activities of defence of human rights.

Detention and judicial proceedings against Messrs. Oumarou Souley and Abdoul Razak Amadou Guirey⁶⁵

On 8 August 2005, Mr. **Abdoul Razak Amadou Guirey**, deputy secretary general of the Gaya section of CROISADE, was arrested after he publicly denounced the arbitrary arrest and detention of Mr. **Oumarou Souley**, head of the Gaya section. Mr. Souley had been sentenced to a two-month imprisonment term and a 25,000 CFA francs (38 euros) fine on 26 July 2005, following a complaint for “slander” lodged by the director of the district hospital.

Mr. Amadou Guirey was indicted with “discrediting a court’s decision” on 9 August 2005, and condemned on 16 August 2005 to a three-month suspended prison sentence by Mr. Hamza Guiré, the very same judge who previously sentenced Mr. Souley. Mr. Amadou Guirey was released that same day.

Mr. Souley was released on 5 September 2005 after serving his term.

64. See Open Letter to the authorities of Niger, 25 May 2005 and Conclusions of the aforementioned investigation mission.

65. See Urgent Appeals NER 001/0805/OBS 067 and 0671.

Harassment of Timidria and arbitrary arrest of two of its leaders⁶⁶

On 28 April 2005, Mr. **Ilguilas Weila**, president of the national Executive Committee of Timidria, an association fighting against slavery in Niger, and Mr. **Alassane Bigga**, deputy secretary general of the Timidria regional section in Tillabery, were arrested by the search squad of the national police force (*gendarmérie*) of Niamey, along with Messrs. **Mohamed Ag Almouner**, mayor of Inatès – a rural district with 10,000 inhabitants in the Tillabery region – and a former member of Timidria, **Ihibi Allad**, vice-mayor of Inatès, **Mohamed Algou**, technical adviser to the government's general secretariat, and **Arrisal Ag Amdagh**, leader of the Tahabanatt nomadic community in Inatès.

Messrs. Almouner, Allad, Algou and Ag Amdagh were released on 3 May 2005.

On 4 May 2005, Messrs. Weila and Bigga were taken to the Niamey civil prison. Initially accused of “forgery” and “fraud attempt”, they were officially indicted with “fraud attempt” to the prejudice of “foreign donors” by the Niamey Regional Court on 5 May 2005.

The arrests of these five defenders were related to two letters that Timidria had received from Mr. Ag Amdagh in September 2004, requesting the association's support to the “socio-economic rehabilitation of 7,000 slaves in Inatès”. Upon reception of this request, Timidria developed two rehabilitation programmes that were later submitted for funding to NGO Anti-Slavery International, and decided to organise a slave liberation ceremony on 28 February 2005.

Timidria informed the National Commission for Human Rights and Fundamental Freedoms (*Commission nationale des droits de l'Homme et des libertés fondamentales* – CNDHFL) of this campaign and asked for its sponsorship. The Commission then decided to send an investigation mission of its own in order to “check the information relating to the decision of the leader of the Tahabanatt nomadic community (Inatès) on the planned liberation of 7,000 slaves in 19 of the community's tribes”.

Following this investigation mission organised from 15 to 18 February 2005, CNDHFL suggested to Timidria and Anti-Slavery to

rename the ceremony as the “campaign for public awareness and popularisation of the law criminalising slave practices”⁶⁷, but did not circulate its report. After Timidria and Anti-Slavery agreement, the event was held on 4 and 5 March 2005. However, the local populations seem to have been submitted to pressure to dissuade them from participating in the ceremony, during which CNDHFL president, Mr. Garba Lompo, further declared that “any attempt to free slaves in the country [remained] illegal and unacceptable”, and that “any person celebrating a slave liberation [would] be punished under the law”.

The CNDHFL mission report was publicly released on 28 April 2005 only, the day Messrs. Weila and Bigga, were arrested. According to this report, CNDHFL concluded that “there [was] no such slave practices in the region” and that “these rumours were an all made-up conspiracy (...), aiming in secret at cheating the donors by tarnishing the image of the country”. CNDHFL also recommended to “arrest all protagonists”, “disband Timidria” and “to freeze the bank accounts of the association, which received a colossal amount of money -over a billion CFA francs- through financial arrangements for the Programme for the rehabilitation of 7,000 ‘fake’ slaves”⁶⁸. In the report published after the “public awareness campaign day”, CNDHFL president, Mr. Lompo, further recommended “the Ministry of the Interior to ensure a more regular monitoring of NGOs and associations activities in the country”, called for “the revision of the provisions of Order n°84-06 and the Law on NGOs, in particular those providing for the violations of their statutes” and called on the authorities to “punish the protagonists behaviour in this slave liberation matter”.

After two requests for their release on remand were dismissed, Messrs. Weila and Bigga were set free on 18 June 2005, the day before an Observatory's delegation arrived in the country⁶⁹.

By the end of 2005, the charges pressed against them had not been dropped.

67. On 5 May 2003, a law criminalising slavery came into force for the first time in the country (Law amending the provisions of Law n° 61-027 of 15 July 1961 establishing the Code of Criminal Procedure).

68. Anti-Slavery addressed a letter to the Head of State of Niger on 6 May 2005 to deny this information, notably stating that “no funding could be gathered, and thus allocated to this association”.

69. See above.

66. See Open Letter to the authorities of Niger, 25 May 2005 and Conclusions of the aforementioned investigation mission.

Infringements to the independence of CNDHLF⁷⁰

On 29 July 2005, the Council of Ministers of Niger adopted a decree renewing the mandate of the National Commission for Human Rights and Fundamental Freedoms (CNDHLF), without prior consultation with independent human rights associations. On this occasion, two members of the pro-governmental Organisation for Development based on Human Capital of Niger (*Organisation nigérienne pour le développement du potentiel humain à la base – ONDPH*) and Citizens' Human Rights Movement (*Mouvement citoyen des droits de l'Homme – MCDH*) were appointed as representatives of civil society at the CNDHLF office.

Independent human rights associations were thus ousted of the appointment process, in violation of the Law of 20 April 2001 amending the provisions of Law n°98-55 of 19 December 1998 relating to the CNDHLF mandate, composition and functioning. Article 3 of this law stipulates in particular that the Commission's composition "shall comprise two representatives nominated by human rights associations". It also contravened the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights, adopted on 20 December 1993 by the United Nations General Assembly⁷¹.

After thirteen independent associations referred the case to the Supreme Court on 9 September 2005, the Court's administrative chamber ordered the repeal of the provisions relating to the appointment of the two aforementioned NGOs' representatives in the Commission on 28 December 2005.

The Law of amending the provisions of Law n°98-55 had already restricted the right of independent human rights associations to be represented in CNDHLF, in particular reducing their number from three to two.

70. See Open Letter to the authorities of Niger, 12 August 2005.

71. According to these Principles, "the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of representatives of non-governmental organisations responsible for human rights [...]".

NIGERIA

Harassment of Mr. Chidi Odinkalu⁷²

On 2 August 2005, agents of the State Security Service (SSS) besieged the Open Society Justice Initiative (OSJI) offices in Abuja. Although these agents did not present any warrant, they declared they were ordered to arrest Mr. **Chidi Odinkalu**, OSJI Africa programme director and coordinator of the campaign for the indictment of Mr. Charles Taylor, former President of the Republic of Liberia, before the Special Court for Sierra Leone. When they realised Mr. Odinkalu was not at the office, the SSS officers ransacked the premises and detained the OSJI staff members as hostage for several hours. Mr. Odinkalu was then summoned *in absentia* for questioning at the SSS headquarters.

In October 2005, the SSS general director once again called in Mr. Odinkalu and threatened him with judicial proceeding for "subversion".

In addition, Mr. Odinkalu was briefly detained at Murtala Mohammed airport on 21 November 2005 as he was about to leave the country.

Reports confiscated⁷³

On 14 October 2002, the Lagos customs office had impounded 2,000 copies of the report published by OMCT and the Centre for Law Enforcement Education, Nigeria (CLEEN), entitled *Hope Betrayed? A Report on Impunity and State-Sponsored Violence in Nigeria*.

CLEEN had then lodged a complaint against the customs services with the Federal High Court in Lagos which, after numerous adjournments, declared on 6 October 2004 that the confiscation and non-distribution of the reports "[were] unconstitutional, null and void". The Court had also ordered the Nigerian customs office to pay compensation of five million naira (3,000 euros) and either return the 2,000 copies of the report within seven days, or pay an additional compensation of four million naira (2,400 euros).

By the end of 2005, the compensation had not been paid yet nor the reports returned, whereas CLEEN had still not received the additional compensation for the non-restitution of the reports.

72. See Urgent Appeal NGA 001/0805/OBS 065.

73. See Annual Report 2004.

RWANDA
Ongoing harassment of LIPRODHOR members⁷⁴

The former members of the League for the Promotion of Human Rights in Rwanda (*Ligue rwandaise pour la promotion et la défense des droits de l'Homme* – LIPRODHOR) who stayed in the country in spite of the threats of disbandment for “propagating the ideology of genocide” that had targeted their association in June 2004, continued to be harassed in 2005.

For instance, Mr. **Boniface Hakiziyaremye** was arrested in February 2005, being accused of “propagating divisionism” and detained for four months at the Bougarama police station. He was released in June 2005 and put on probation with an obligation to report to the police station every Friday and a ban from leaving the Cyamugu province.

Similarly, Mr. **Mérari Muhumba**, who has also been forbidden to leave the Cyamugu province since November 2004, was called in for questioning by the police on several occasions in 2005 and interrogated about “the LIPRODHOR ideology of genocide”.

Mrs. **Antoinette Mukamutoni** was also regularly and seriously threatened by intelligence services, who thoroughly questioned her about “the part she played in the destabilisation of Rwanda”. As a result, Mrs. Mukamutoni had to leave the country in June 2005.

SENEGAL
Continued harassment of ONDH members⁷⁵

Mr. **Boukounta Diallo**, a lawyer and president of the National Organisation for Human Rights (*Organisation nationale des droits de l'Homme* – ONDH), along with several of his colleagues, were subjected to harassment for defending the rights and cause of Mr. Idrissa Seck, former Senegalese Prime Minister, detained in the Rebeuss prison compound in Dakar for “undermining State defence and secu-

urity”. Mr. **Djiby Diallo**, another of Mr. Seck’s lawyers, was similarly accused of “illegally removing a document from prison”; 283 lawyers jointly decided to defend Mr. Seck’s case.

Since the proceedings started in July 2005, the defence counsels have regularly been prevented from confidentially meeting with their client by administrative agents of the prison who refused to leave the room during consultations. Several lawyers further reported that the prison guards often carried out humiliating and degrading searches at the entrance of the compound. The defence counsels also stated that they were subjected to intimidations and pressures, in particular when the High Court Examining Commission gave them strict injunctions to limit witnesses’ hearings to passive assistance.

SIERRA-LEONE
Assassination of Mr. Harry Yansaneh⁷⁶

On 10 May 2005, Mr. **Harry Yansaneh**, former editor of the independent *For di people* newspaper, as well as a member of the National League for Human Rights and of the Amnesty International section in Sierra Leone, was violently assaulted and beaten in his Freetown office. Several of his aggressors were relatives of Mrs. Fatmata Hassan, a member of the Parliament for the ruling Sierra Leone People’s Party (SLPP).

In spite of intensive medical care, Mr. Yansaneh’s health dramatically deteriorated a few weeks later, and he died on 28 July 2005.

On 1 August 2005, Mrs. Fatmata Hassan was summoned by the Criminal Investigations Department (CID) of the national police to make a statement on the circumstances surrounding Mr. Harry Yansaneh’s death, following a complaint he lodged shortly after his aggression with the Freetown central police station.

On 26 August 2005, according to the conclusions of the investigation requested by the government and carried out by the coroner, Mr. Yansaneh’s death was “unlawful and illegal” and should as such be qualified as “involuntary manslaughter”. In pursuance of the coroner’s conclusions, an arrest warrant was issued against Mrs. Fatmata

74. *Idem.*

75. *Idem.*

76. See Urgent Appeals SLE 001/0805/OBS 061, 061.1 and 061.2.

Hassan, Mr. Reginald Bull, a security guard of the building housing *For di people*, and Mr. Olu Campbell, who was present during the attack. All three were arrested that same day and placed in detention. CID further requested Messrs. Ahmed Komeh and Bai Bureh Komeh, and Mrs. Aminata Komeh, Mrs. Hassan's children, to be immediately extradited from United Kingdom for their alleged involvement in Mr. Yansaneh's manslaughter.

On 30 August 2005, however, Mrs. Hassan, Mr. Bull and Mr. Campbell were released on bail on the order of the High Court of Sierra Leone.

On 7 November 2005, during a press conference convened by the Sierra Leone Association of Journalist (SLAJ), the General Prosecutor stated that he had not been transmitted the coroner's investigation report, and that he could thus not take judicial proceeding against the suspects.

SUDAN

Obstacles to freedom of association⁷⁷

On 4 August 2005, Mr. Omer Hassan Ahmed Elbashir, President of the Republic, signed a provisional presidential decree titled "Organisation of Humanitarian Voluntary Work Act". This bill, which includes serious restrictions to the freedom of association in Sudan, provides in particular for an increased control over and interference with local and international NGOs carrying out human rights and humanitarian activities.

By the end of 2005, this provisional decree, submitted to the Parliament, had still not been examined. In addition, Sudanese civil society addressed a memorandum to the Constitutional Court of Sudan in late September 2005, in order to denounce the unconstitutional provisions of the decree. However, the composition of the Court, established by the Peace Agreements reached in January 2005, had still not been defined by late 2005, *de facto* suspending any decision on the decree.

Registration requirements / Rejection and cancellation of registration

The provisional decree provides for the appointment, by the President of the Republic, of a "General Registrar of Organisations", which shall "register, renew and cancel registration of the federal civil society organisations and INGOs [international non-governmental organisations]". The General Registrar shall be entitled to "request any information or data concerning the work of any of [these] organisations and to examine the records thereof to ensure that procedures and actions taken are consistent with this Act". He will "form administrative investigation committees, whenever it is necessary to investigate violations committed with respect to this Act and regulations there under [...] by any civil society organisation, INGO or individuals belonging to the same".

NGOs will have to apply for registration with the General Registrar. The provisions of the decree notably stipulate that "any federal national civil society organisation" seeking registration should be composed of a minimum of 30 members. However, the Minister of Humanitarian Affairs or the General Registrar "may [...] approve registration of organisations which have less than 30 members", which gives the government a large discretionary power to decide which organisations shall or not be registered.

The registration of any civil society organisation might further be rejected: "a) if the statute [of the organisation] contradicts the provisions of this Act or the general policies set in connection with the voluntary and humanitarian work; [...] c) if the competent or technical specialised authorities do not approve the registration".

The registration of any federal national civil society organisation or foreign voluntary organisation might also be cancelled by the General Registrar if, "after the necessary investigation he is convinced that: [...] b) the civil society organisation or the INGO violated the provisions of this Act or its regulations, or violated the provisions of any other applicable law or the general policies of the State in the field of voluntary humanitarian work; c) if the founding members have ceased activities for a year".

The vagueness of the terms used in both the conditions for rejection and cancellation raises justified fears that some organisations might see their registration arbitrarily denied or cancelled.

77. See Open Letter to the Sudanese authorities, 7 November 2005.

The text foresees that “non-governmental organisations, unions, associations, national semi-governmental organisations and INGOs existing before the commencement of this Act shall rectify conditions thereof for registration pursuant to this Act in 90 days as from the date of issuance of this Act [...]”

Sanctions against NGOs

The General Registrar would be entitled, “following the conduct of the necessary investigation, in case of any violations to the provisions of this act or regulations there under and upon approval by the Minister [of Humanitarian Affairs], to inflict any of the following penalties: [...] b) issue a warning; c) suspend the activities of the organisation for any period he deems appropriate; d) dissolve the executive committee and form a transitional steering committee for a period not exceeding one year; e) cancel registration; f) expel INGOs from Sudan; g) confiscate the property, funds and assets of the organisation or charity institution following confirmation of indictment or charge against the same by a competent court”.

The General Commissioner for Humanitarian Work, who is at the head of the Humanitarian Aid Commission also established by the Decree and assigned by the President of the Republic, may “upon approval by the Minister, inflict the following penalties [...]: a) expel any foreigner appointed in any INGO or assigned tasks therein; b) dismiss any member of any national organisation or charity organisation upon recommendation of the competent authorities; c) prohibit any member from practising any kind of public voluntary activity for a period which he deems appropriate; d) refer any individual to a competent court on crimes and offences with respect to public funds obtained in an unlawful and suspicious manner; e) confiscate funds and properties illegally obtained by a member following confirmation or indictment or charge by a competent court”.

Finally, in case of final cancellation of registration of an organisation, “all the assets and properties of the organisation whether fixed or mobile” shall also “go to the Ministry of Humanitarian Affairs”.

Impediments to NGOs' foreign funding

According to the draft law, “no registered civil society organisation shall, under this Act, receive funds or donations from outside the

country or from any foreign person inside the country or from any other body unless upon verification of the source of funds and approval by the Minister to this effect”.

Repression against SUDO members⁷⁸

Ongoing judicial harassment of Mr. Ibrahim Adam Mudawi⁷⁹

On 24 January 2005, Mr. **Ibrahim Adam Mudawi**, president of the Sudan Social Development Organisation (SUDO), was arrested at his home in Kondoua (North Kordofan) along with one of his friends, Mr. **Salah Mohammed Abdalrahman**. Initially detained at the security forces headquarters in Umm Ruwaba city, they were both transferred to the security forces offices in Al-Obied.

On 19 February 2005, Mr. Mudawi went on hunger strike demanding to be charged or released. He was subsequently charged with attempting to commit suicide and taken to the Alfaisal clinic in central Khartoum.

Mr. Mudawi was released without charges on 12 March 2005.

Mr. Salah Mohammed Abdalrahman's whereabouts remained unknown until 17 March 2005, when he was finally announced to be detained in Kober prison, in Khartoum North. He was released without any official charge on 11 August 2005. In late 2005, Mr. Salah Mohammed Abdalrahman was receiving regular medical care at the Amel Center for Treatment and Rehabilitation of Victims of Torture, a member association of the Sudan Organisation Against Torture (SOAT), for the after-effects of the ill-treatment he suffered from during the detention. The Amel Centre was subjected to repeated attacks, intimidation and harassment in 2005.

On 8 May 2005, Mr. Mudawi was arrested again in the northern part of Khartoum by members of the National Security and Intelligence Agency (NSA), along with Mr. **Yasir Saleem**, a photographer at SUDO documentation unit, and Mr. **Abdullah Taha**, Mr. Mudawi's driver. On 10 May 2005, all three were placed under investigation and transferred to custody of the General Prosecutor in charge of Crimes Against the State at the Northern Khartoum deten-

⁷⁸ *Idem*.

⁷⁹ See Annual Report 2004, Urgent Appeals SDN 001/0104/OBS 001.1, 001.2 and Open Letter to the Sudanese authorities, 7 November 2005.

tion centre (“Altanfeezi” centre). Mr. Mudawi and Mr. Yasir were indicted with “spying” (Article 53 of the Criminal Code), a charge carrying the death penalty, and “entering and photographing military areas and activities” (Article 57).

On 11 May 2005, Mr. Taha was released and the charges pressed against him were dropped.

On 12 August 2005, the General Prosecutor seized all computers of Mr. Mudawi’s private firm as evidence.

Mr. Mudawi and Yasir were respectively released on 12 and 17 May 2005. In late November 2005, however, the charges pressed against them had still not been officially dropped.

Abduction of several SUDO members⁸⁰

On 29 September 2005, three members of the Sudan Liberation Army (SLA) attacked the vehicle of Messrs. **Salah Idris Mohamed**, SUDO coordinator in Alfashir, Mr. **Ahmed Abakar Musa**, SUDO accountant, and Mr. **Salim Mohamed Salim**, SUDO coordinator in ZamZam refugee camp (South Darfur), in ZamZam compound. The three SUDO members were then abducted and detained until 6 October 2005. In addition, their aggressors stole four million Sudanese Pounds (159 euros) from Mr. Abakar Musa.

Arbitrary arrest and detention of Mr. Mohamed Ahmed Alarbab⁸¹

Mr. **Mohamed Ahmed Alarbab**, a lawyer and human rights defender, was arrested in Khartoum on 1 October 2005, while investigating into the arrest of several persons involved in the 18 May 2005 riots in the Soba Aradi area of Khartoum⁸².

80. See Open Letter to the Sudanese authorities, 7 November 2005.

81. See Urgent Appeal SDN 002/1005/OBS 096 and Open Letter to the Sudanese authorities, 7 November 2005.

82. On 18 May 2005, police forces entered the Soba Aradi Area of Khartoum under the government decision to relocate Internally Displaced Persons from Darfur and South Sudan. Violence erupted during this operation, and the ensuing riot killed 14 persons including police officers, civilians and two children. Following these events, hundreds of people were arrested on the street in Soba Aradi; from 27 June to 3 July 2005, 59 of them appeared before the courts on charges of rioting, and 31 of the defendants including six children were found guilty. Adults were sen-

While questioned at the Mayo police station, Mr. Alarbab was denied access to his lawyer and contact with his family, and was reportedly severely beaten and threatened.

Two days later, he was transferred to the Kalakla police station, where representatives of the United Nations Mission in Sudan (UNMIS) were allowed to visit him on 8 October 2005.

Mr. Alarbab was accused of “participating in the commitment of a criminal act” (Articles 21 and 24 of the 1991 Criminal Code), “murder” (Article 130), “crimes against the constitutional system” (Article 50), “crimes against the State” (Article 51), “public nuisance” (Article 77), and “sheltering a criminal” (Article 107). By the end of 2005, Mr. Alarbab was still detained at Kalakla police station.

Continued repression against SOAT⁸³

Intimidation and judicial proceedings against SOAT and its members⁸⁴

In late August 2005, the Sudan Organisation Against Torture (SOAT) was informed that the authorities had initiated several judicial proceedings following the publication of a SOAT press release on the wave of arrests operated in Khartoum, Juba and Malakal from 1 to 3 August 2005. The association was allegedly accused of “disclosing military information” (Article 59 of the Criminal Code), “dissemination of false information” (Article 66), “breach of public peace” (Article 69) and “public nuisance” (Article 77).

By late 2005, however, SOAT had still not been officially notified of these charges.

Ongoing harassment of Messrs. Faiçal Elbagir Mohammed and Nagmeldin Nagib⁸⁵

Mr. **Faiçal Elbagir Mohammed**, a journalist and SOAT member, correspondent for RSF in Sudan and leader writer for the newspaper

tenced to imprisonment and the six children to 20 lashes each. Persons who remained detained on remand – some of them charged with murder – were denied access to their lawyers and visits of their families ever since they were placed in detention.

83. See Annual Report 2004.

84. See Open Letter to the Sudanese authorities, 7 November 2005

85. See Annual Report 2004.

Aladdwaa, whose activities have been regularly watched and controlled since 2001, continued to be subjected to persistent harassment by security services due to his stand in favour of human rights and freedom of expression.

On 17 April 2005, Mr. Elbagir Mohammed was intimidated and threatened following his contribution to a press conference convened by the Arab Union of Journalists and during which he publicly criticised the censorship regime and infringements to the freedom of the press in Sudan. At the end of the conference, NSA officers dragged him out of the hotel where the event had been held, insulted and questioned him, and attempted to take him to the police station. Mr. Elbagir argued that the officers had no warrant and refused to follow them. On the next day, however, NSA officers came to the *Aladdwaa* office to threaten the newspaper's management, and Mr. Elbagir's weekly editorial was withdrawn from the publication.

Furthermore, in September 2005, the *Alwattan* newspaper published slandering statements against Messrs. Elbagir and **Nagmeldin Nagib**, director of the Amel Center for Treatment and Rehabilitation of Victims of Torture and chairman of the Khartoum Centre for Human Rights and Environmental Development. They were accused, in an article written by an NSA officer, of embezzling funds and funneling them to the leaders of the Communist Party.

Lastly, on 29 November 2005, Mr. Elbagir was contacted by NSA officers who summoned him to convey the names of all the persons scheduled for participating in a round-table entitled "Promotion of freedom of expression and civil society participation in the development of democratic media in Sudan", an event that Mr. Elbagir was organising at that time. As he refused to abide by their order, NSA officers came to the round-table with a video camera and filmed all participants.

Arbitrary arrest and detention of two MSF representatives⁸⁶

On 30 May 2005, Mr. **Paul Foreman**, director of the Dutch section of Doctors Without Borders (*Médecins Sans Frontières*), was arrested in Khartoum and brought before the General Prosecutor in

charge of crimes against the State, who charged him with "disseminating false information" (Article 66 of the 1991 Criminal Code), "omission to produce document or deliver statement" (Article 96) and "spying against the country" (Article 53), a criminal offence liable with death. These charges were pressed after the publication, in March 2005, of a report detailing 500 rape cases in Darfur in the course of four months and a half.

The government had reportedly requested, through the Humanitarian Aid Commission (HAC), the publication of this report to be suspended on the grounds that the information it circulated was "false" and that "these kinds of erroneous reports damaged the image of the country". The authorities had further demanded that MSF-Holland hand over all medical documentation and evidence of the allegations put forward in the incriminated report. MSF-Holland had refused to name its sources or to share its medical files, arguing the mandatory respect of doctor-patient confidentiality.

On 31 May 2005, Mr. Foreman was released on a 4,000 US dollars (3,200 euros) bail. After four hours of questioning, he was further notified that he was banned from leaving Sudanese territory until his trial.

That same day, Mr. **Vincent Hoedt**, MSF regional coordinator in Darfur, was also arrested in Nyala, South Darfur, and transferred to Khartoum. He was released on a 4,000 US dollars (3,200 euros) bail after a few hours, and similarly banned from leaving the country.

On 19 June 2005, all charges pressed against Messrs. Foreman and Hoedt were dropped.

Administrative sanctions against NRC⁸⁷

In May 2005, the Norwegian Refugee Council (NRC), which had coordinated humanitarian and medical assistance in the Kalma refugee camp since 2004, was ordered to suspend its activities and leave the camp. The organisation's licence to operate in the country was finally renewed for another three months, until it expired on 22 August 2005. By the end of 2005, the renewal of this authorisation had still not been granted, as HAC decided to adjourn its decision on the matter.

In addition, national security officers brought to the NRC headquarters a letter from HAC informing that two of the organisation's

86. See Urgent Appeals SDN 001/0605/OBS 038, 038.1 and Open Letter to the Sudanese authorities, 7 November 2005.

87. See Open Letter to the Sudanese authorities, 7 November 2005.

protection officers were to leave the Darfur region within 72 hours for having allegedly falsified their travel permits.

Arbitrary detention of Messrs. Nour Eldin Mohamed Abdel Rahim and Bahr Eldin Abdallah Rifa⁸⁸

No reliable information on the whereabouts or possible release of Messrs. **Nour Eldin Mohamed Abdel Rahim**, a Fur *omda* (tribal leader) in Shoba, and **Bahr Eldin Abdallah Rifa**, a Fur *omda* in Jabal, was available in 2005. The two *omdas* had been arrested in May 2004 by security forces in Kabkabia (North Darfur), after participating in a meeting about human rights violations in the Kabkabia region with local authorities and representatives of the Red Cross. During this meeting, Messrs. Abdel Rahim and Abdallah Rifa had provided the representatives of the Red Cross with information on the existence of mass murders and graves, as well as other serious human rights violations against the civilian population of the region.

TANZANIA

Attack against Messrs. Kidanka and Bukuku⁸⁹

On 10 September 2005, Mr. **Christopher Kidanka**, head of the information department of the Legal Human Rights Centre (LHRC), went to the Ukonga district, in Dar es Salaam, along with several journalists, to cover the forcible expulsion of many inhabitants of the neighbourhood by prison guards. Upon their arrival in the area, heavily armed prison guards surrounded them and ordered them to hand over their cameras.

The guards then violently assaulted and hit Mr. **Mpoki Bukuku**, a journalist for the British daily *The Citizen*, who had refused to abide by their order.

Mr. Kidanka, who tried to give him assistance, was also severely beaten, notably with rifle butts. The wardens then arrested several people, including Messrs. Kidanka and Bukuku, and locked them up

88. See Annual Report 2004.

89. See Observatory's statement to the 38th Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia, November 2005.

for two hours in a car parked in the sun, without providing them any water or medical care, although their wounds were profusely bleeding.

Messrs. Kidanka and Bukuku lodged a complaint at the police station, and a commission – composed of four policemen and four prison guards – was established and tasked with carrying out a thorough investigation and publishing a report within two weeks. The Dar es Salaam Resident Magistrate Court heard the case on 21 September 2005; five prison senior officers and the four prison guard indicted for “assault” pleaded not guilty and were all released on bail. They were notwithstanding banned from leaving the city.

By the end of 2005, the enquiry commission had still not published its report, and none of the aggressors had been formally sanctioned.

TOGO

Continued pressures and threats against LTDH members⁹⁰

On 28 April 2005, whereas the situation in Togo was particularly tense in the aftermath of the presidential election, around 30 militiamen of the Rally of the Togolese People (*Rassemblement du peuple togolais* – RPT, ruling party) burst into the house of Mr. **Adote Ghandi Akwei**, president of the Togolese League for Human Rights (*Ligue togolaise des droits de l'Homme* – LTDH), in order to intimidate and scare him.

The LTDH headquarters were further surrounded by a dozen of heavily armed soldiers on 3 and 4 March 2005, thus preventing the association's staff from entering their office for two days.

At the same time, the LTDH phone lines were disrupted and bugged, whereas members of the Platform of Togolese Civil Society Associations (*Collectif des associations de la société civile du Togo*), led by LTDH, were impeded from going to work and subjected to serious threats, as were other members of the LTDH local sections in Tsevié, Aneho, Kpalimé, Atakpamé, Sokodé, Wawa, Kpele and Dapaong. Several of these defenders received anonymous phone calls threaten-

90. See Annual Report 2004, Press Release, 27 April 2005 and Urgent Appeals TGO 001/0505/OBS 029 and 029.1.

ing them with death and noticed unidentified individuals prowling around their homes, whereas other activists were threatened with dismissal in the framework of their professional activities. As a result of these pressures, many LTDH members and their families were forced to leave the country or to go into hiding, such as was the case of Mr. Akwei's relatives.

On 13 May 2005, LTDH facilitated a press conference to launch the updated version of its report entitled *Terror strategy in Togo (II): a short but bloody reign*, which had previously been presented to the United Nations Commission on Human Rights. The event, however, was disrupted by Mr. Dominique Begbessou, national RPT youth coordinator, and Mr. Claude Vondony, general secretary of the Togolese Movement for the Defence of Human Rights (*Mouvement togolais de défense des droits de l'Homme*), a pro-governmental NGO, who burst into the LTDH premises along with fifty militiamen, while a vehicle of the Togolese Armed Forces (*Forces armées togolaises* – FAT) was on patrol around the association's headquarters. Mr. Begbessou hit Mr. **Estri Clumson-Eklu**, LTDH vice-president, in the face, and the assailants threatened LTDH members with death before leaving.

Lastly, in June 2005, LTDH and FIDH were subjected to a defamation campaign in *La Dépêche* newspaper, after an international investigation mission visited several Togolese refugee camps in Benin⁹¹. Considered as a "criminal plot against the Togolese State", this mission allegedly uncovered the "treacherous and subversive scheming of FIDH and its Beninese and Togolese accomplices". The refugees who accepted to testify with the mission delegation were qualified as "fake refugees but genuine storytellers (...) reciting nonsense" in order to collect the financial aid initially allocated to "the real refugees" or to go abroad. LTDH was further described as the "chief criminal", and FIDH delegates as "human rights mercenaries (...)" whose hatred towards Lomé is no longer a secret".

91. The international fact-finding mission sent to Benin by FIDH, LTDH and the League for the Defence of Human Rights in Benin (*Ligue pour la défense des droits de l'Homme au Bénin* - LDDH) from 17 to 24 June 2005 compiled a register of human rights violations committed in Togo in the post-electoral period from 24 to 28 April 2005, mostly based on testimonies of Togolese refugees in Benin.

The government had previously launched a similar campaign in June 2004 and compared LTDH members to "delinquents" following the publication of the FIDH report on the human rights situation in the country on 8 June 2004.

Attack against Mr. Jean-Baptiste Dzilan⁹²

On 9 October 2005, Mr. **Jean-Baptiste Dzilan**, *alias* Dimas Dzikodo, an independent journalist and member of LTDH and of Journalists for Human Rights (*Journalistes pour les droits de l'Homme* – JDHO), was attacked while riding his motorbike on his way home in Gbonvié neighbourhood in Lomé.

A dozen of unidentified and heavily armed individuals followed him in cars and on mopeds before knocking him down of his bike. His aggressors then brutally beat him, sprayed tear-gas right in his face and tried to force him to swallow a "pill" that caused him several burns and a serious mouth parching. Mr. Dzilan had to be rushed to hospital, where he received cares until 21 October 2005.

By the end of 2005, he was still suffering from the after-effects of the poisoning, in particular from hyper-leucocytosis (an increase in the number of white blood cells) as his left kidney was seriously affected by the poison, which could not be identified.

In addition, the complaint for assault and assassination attempt against a person or persons unknown that Mr. Dzilan lodged with the Criminal Investigation Central Department (*Direction centrale de la police judiciaire* – DCPJ) had still not been transmitted to the examining magistrate by the end of 2005. However, an official enquiry was opened by the Ministry of Information.

Moreover, Mr. **Ebem-Ezer Dzilan**, Jean-Baptiste's brother and a witness of the attack, was intimidated when he was making his statement at the DCPJ headquarters. Mr. Ebem-Ezer Dzilan was handcuffed and threatened by the superintendent who tried to make him testify that the attack was a mere set-up organised by his brother himself.

On 2 October 2005, a week before the attack against Mr. Jean-Baptiste Dzilan, a group of official agents had spent the night in an unregistered vehicle parked in front of his house. According to Mr.

92. See Urgent Appeal TGO 002/1005/OBS 090.

Ebem-Ezer Dzilan, the same car was used on the day of the attack.

Mr. Dzilan had already been subjected to torture and ill-treatments in June 2003, after he had been arrested in a cyber-café in Lomé, where he was scanning pictures of victims of police violence perpetrated during the presidential election on 1 June 2003. He had been detained for four days before being released without charges.

UGANDA

Assault against SMUG president's house⁹³

In the night of 20 July 2005, the house of Mrs. **Victor Juliet Mukasa**, president of the Sexual Minorities in Uganda (SMUG), a prominent NGO advocating for the rights of homosexuals in the country, was attacked by members of a local community council in the outskirts of Kampala, where Mrs. Mukasa lives. Although they did not present any search warrant, these individuals seized several documents relating to the association's activities.

SMUG advocates for the promotion and the respect of all rights enshrined in the Ugandan Constitution and international human rights instruments for lesbian, gay, bisexual and transgender persons – in particular the right to live free from any discrimination.

Another lesbian activist who was staying at Mrs. Musaka's place the night of the raid was arbitrarily arrested and detained by local officials. She was later transferred to the police station, where she was subjected to humiliating and degrading treatments. She was released without charges under the condition that she would come back to the station on the next day along with Mrs. Musaka.

By the end of 2005, Mrs. Musaka still feared for her safety.

93. See Press Release of the International Gay and Lesbian Human Rights Commission (IGLHRC), 13 October 2005.

ZIMBABWE

Deportation of COSATU mission⁹⁴

On 2 February 2005, a mission of the Congress of South African Trade Unions (COSATU), represented, in particular, by Mr. **Zwelinzima Vavi**, the Congress' secretary general, was expelled from Zimbabwe. Police forces disrupted a meeting between the COSATU delegation and members of the Zimbabwe Congress of Trade Unions (ZCTU), which had started a couple of hours before at the ZCTU headquarters, and expelled COSATU representatives.

During the planned two-day mission, COSATU delegation was to discuss the obstacles hampering ZCTU activities. Similarly, on 26 October 2004, another COSATU mission had been expelled from Zimbabwe, a few hours only after a seminar organised at the ZCTU headquarters had been disrupted by police forces who attacked the premises⁹⁵.

Ongoing pressures against WOZA members⁹⁶

Infringements to freedom of assembly

On 31 March 2005, numerous activists of Women of Zimbabwe Arise (WOZA), including women carrying babies, were arrested in African Unity's Square in Harare, where they had organised a prayer for the peace after the parliamentary ballot was held that day. Some were forced to lie on the ground and beaten with sticks by anti-riot police officers who then trampled on their bodies.

Thirty WOZA members had to receive medical care and nine of them had to be hospitalised. Several women were further taken to the Harare central police station, where they had to spend the night in an open courtyard. They were denied access to a lawyer, food and sanitary facilities. They were all released on the next day, after they paid a fine for "impeding public traffic".

94. See Open Letter to the Zimbabwean authorities, 9 February 2005.

95. See Annual Report 2004.

96. *Idem*.

Arbitrary arrest and threats against Mrs. Emily Mpfu and Mrs. Zodwa Nkiwane

On 28 May 2005, Mrs. **Emily Mpfu** and Mrs. **Zodwa Nkiwane**, WOZA members, were arrested in Bulawayo during the forcible dispersion of a peaceful demonstration protesting against hunger and the high prices of food on the market. They were then forced into a car and driven in the bush outside of the city. During the whole drive, police officers **Levison George Ngwenya** and **Jospeh Hlongwane** threatened them with death. The two women's whereabouts remained unknown until 29 May 2005, when they were reported to be held at Queens Park police station.

On 30 May 2005, Mrs. Mpfu and Mrs. Nkiwane appeared before the judge and were subsequently released, after being notified that they would be summoned again in the future if necessary. The hearing, scheduled for 22 September 2005, was then postponed until 19 October 2005, when they were both discharged.

Arbitrary detentions and ill-treatment

On 18 June 2005, twenty WOZA members, including Mrs. **Jennifer Louis Williams**, and Mrs. **Magodonga Mahlangu**, the association's leaders, were arrested while protesting against the governmental programme of illegal buildings and premises clearance "Operation Murambatsivina". Mrs. Williams' house was further searched without a warrant, whereas WOZA members living on their sales were informed that their selling licence would not be renewed.

In addition, Mrs. **Siphiwe Maseko**, WOZA member, was reportedly randomly designated for being tortured at the Police Internal Security and Intelligence (PISI) head office. Mrs. Maseko was notably beaten with sticks on the back and the soles of her feet by PISI officers who threatened and intimidated her so as she would enumerate the WOZA leaders' and donors' names. She was released after two days and had to receive medical care.

Whereas their demonstration was considered as illegal, the twenty women were indicted with "impeding public traffic", a charge liable with an up to three-month prison sentence or a fine, and released on bail on 20 June 2005. On 11 July 2005, however, the Bulawayo Provincial Magistrates Court ruled that "women demonstrating, and therefore moving, could not possibly block the sidewalk" and acquitted them.

On the International Day of Peace, on 21 September 2005, WOZA called for two demonstrations in Harare and Bulawayo. Thirteen members were arrested in Bulawayo while chanting slogans outside the central police station. They were detained all night, after refusing to plead guilty and pay a fine. In the same time in Harare, three WOZA activists were assaulted by security forces while on their way to the city hall. One of them was reportedly brutally beaten with bludgeons.

Both these demonstrations were violently disbanded by the police.

Continued harassment of ZimRights⁹⁷

At about noon on 19 July 2005, three police officers intimidated the security guard of the ZimRights headquarters in Harare, and ordered him to let them in to search the office, without giving any legal motive for their visit. The three officers then inspected the premises, indicating that they had been "assigned to work at the ZimRights premises for some times", without specifying whom such an order emanated from. They also went to the International Socialist Organisation (ISO) office, sheltered by ZimRights, where they found Mr. **Briggs Bomba**, ISO member, who was working alone in the office at that time. The policemen announced they would stay overnight to "protect people", while ushering intimidating messages over their walkie-talkies. Mr. Bomba, scared, did not dare to leave his office.

On the next morning, the three officers eventually left the premises, but notified the building caretaker that another police team would come - a threat that has not been carried out ever since.

On 25 July 2005, ZimRights lodged a complaint with the Harare police station.

Arbitrary arrest and judicial proceedings against Messrs. Lovemore Madhuku and Bright Chibvuri⁹⁸

On 4 August 2005, the National Constitutional Assembly (NCA), a grouping of independent NGOs, organised a demonstration calling for the adoption of a new Constitution. Participants gathered in

97. See Annual Report 2004 and Urgent Appeal ZWE 001/0705/OBS 053.

98. See Annual Report 2004 and Urgent Appeal ZWE 002/0805/OBS 068.

front of the Harare international conference centre, where the Parliamentary Committee on Legal Affairs was holding a public consultation meeting on planned amendments to the Constitution, considered by civil society as further hindrances to fundamental freedoms.

The police riot squad dispersed the demonstration and arrested Mr. **Lovemore Madhuku**, NCA president, along with Mr. **Bright Chibvuri**, a journalist for *The Worker*, a newspaper published by ZCTU. Messrs. Madhuku and Chibvuri were charged with “organising a gathering conducting to riot, disorder or intolerance”, and released on bail on 5 August 2005. No date had been set for the hearing of their trial by the end of 2005.

Infringements to GALZ freedom of expression⁹⁹

On 5 August 2005, a group of unidentified men approached the stand held by the Gays and Lesbians of Zimbabwe (GALZ) at the Zimbabwe International Book Fair and stated that the association was not allowed to be part of the Fair. After threatening GALZ activists, the three individuals started packing away the stand. In spite of the GALZ requests for assistance, the police officers and security guards patrolling the Fair refused to intervene. The activists, willing to avoid any violence, then decided to leave.

Ten years ago, GALZ had been illegally prevented by the government from attending the Zimbabwe International Book Fair. In 1996, however, the Supreme Court had ruled that the association was fully entitled to participate in such an event.

Abduction and ill-treatment of Messrs. Officen Nyaungwe, Claris Madhuku, Sozwaphi Masunungure, Isaiah Makatura and Wilson Shonhiwa¹⁰⁰

On 25 October 2005, Messrs. **Officen Nyaungwe, Claris Madhuku, Sozwaphi Masunungure, Isaiah Makatura and Wilson Shonhiwa**, five field officers of the Mass Public Opinion Institute, were abducted by a group calling themselves “the war veterans”, in the “Beatrice” farming community outside Harare. The five officers were

conducting a field research programme on the perception of democracy in Africa known as the “Africa Barometer”.

Messrs. Nyaungwe, Madhuku, Masunungure, Makatura and Shonhiwa were then presented to the local community as “enemies of the national interests” and severely beaten with glass bottles and sticks. Their aggressors were soon joined by an officer of the national army, and confiscated their IDs. When they realised that Mr. Claris Madhuku was related to Mr. Lovemore Madhuku, they beat him up anew for “his brother’s sins”.

The five field officers had to be hospitalised at the Avenue Clinic in Harare upon release.

On 29 October 2005, Messrs. Nyaungwe, Claris Madhuku and Masunungure, along with Messrs. **Alec Muchadehama and Rangu Nyamurundira**, two lawyers and members of the Zimbabwe Lawyers for Human Rights (ZLHR), went to the Ushewokunze co-operative, in the outskirts of Harare, in order to identify their assailants. Although they could easily recognise the leader of the “war veterans”, his arrest was prevented by the hostility of the co-operative workers and leaders, in particular that of Mr. Kunze, secretary general of the Zimbabwe African National Union-Patriotic Front (ZANU-PF, ruling party) for the Southern Harare region. Mr. Kunze and his supporters threatened Messrs. Nyaungwe, Madhuku and Masunungure with further attacks and accused them, along with their two lawyers, of supporting the Movement for Democratic Change (MDC, opposition party) and spreading unrest in the region. The limited police force present on the site could neither react nor arrest the assailants.

On 10 November 2005, the police came back to arrest Messrs. John Peter Chiko, Clerkson Duma and Alfred Mudoti, who were charged with “common assault” and released awaiting trial before the Mbare Magistrate Court. The Court postponed the hearing until March 2006 in order to enable the police to carry out its investigation.

Arbitrary detention, ill-treatment and judicial proceedings against trade unionists¹⁰¹

On 8 November 2005, some 200 trade unionists, including Messrs. Lovemore Matombo and **Wellington Chibebe**, ZCTU secretary

99. See IGLHRC Press Release, 5 August 2005.

100. See Urgent Appeal ZWE 003/1005/OBS 102.

101. See Urgent Appeal ZWE 004/1105/OBS 108.

general, were arrested in Harare, Bulawayo, Gweru, Mutare, Masvingo and Chinhoyi during peaceful demonstrations called for by ZCTU throughout the country to denounce poverty and repeated disregard for good governance and democracy.

Whereas the unionists detained were denied access to their lawyers during their questioning on 9 November 2005, members of the Central Intelligence Organisation (CIO) were reported to have attended several interrogation sessions. A few hours later, 119 ZCTU activists were charged with contravening Section 19(1) (b) of the Public Order and Security Act (POSA), which provides that “any person who, acting together with one or more other persons present with him in any place or at any meeting performs any action, utters any words or distributes or displays any writing, sign or other visible representation that is obscene, threatening, abusive or insulting, intending thereby to provoke a breach of the peace or realising that there is a risk or possibility that a breach of the peace may be provoked shall be guilty of an offence”.

In addition, Mr. **Mlamleli Sibanda**, ZCTU spokesperson, Mr. **Last Tarabuku**, a journalist at *The Worker*, Mrs. **Thabitha Khumalo**, secretary of the ZCTU women’s advisory council, and Mr. **Leonard Gwenzi**, head of the organising department, were reportedly arrested and detained for a few hours in Harare, after they photographed an army truck patrolling around the demonstrators.

Mr. **Reason Ngwenya**, member of the ZCTU regional section in Bulawayo, and Mr. **Dzavamwe Shambari**, vice-president of the section, who had informed the authorities of the holding of the demonstration, were arrested on 7 November 2005. Mr. **Percy Mchijo**, head of the ZCTU regional office in Bulawayo, was further arrested on 8 November 2005. Finally, four members of the Students’ Executive Council (SEC), namely Mr. **Garikai Kajauro**, SEC secretary general, Miss **Colleen Chibango**, vice-president, Mr. **Mfundo Mlilo**, information and publicity secretary, and Mr. **Wellington Mahohoma**, legal secretary, were arrested on 9 November 2005 along with two other student leaders. All six were taken to St Mary police station and accused of inciting the students to participate in the ZCTU demonstrations.

Arbitrary detention of and judicial proceedings against Mrs. Netsai Mushonga¹⁰²

Mrs. **Netsai Mushonga**, coordinator of the Women’s Coalition, an umbrella body gathering women’s rights associations in Zimbabwe, was arrested on 8 November 2005 for having convened a working session in a local hotel. This training, sponsored by the NGO Women Peacemakers International, aimed at familiarising women with non-violent methods in dispute settlement and conflict resolution.

Mrs. Mushonga was formally indicted with “organising a political meeting without informing a regulatory authority”, i.e. the police, on 10 November 2005.

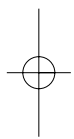
She was released on that same day and notified that she would be summoned to appear before the court once the police investigation closed. By the end of 2005, the proceedings were still pending.

The case of Gabriel Shumba *versus* the Government of Zimbabwe before the ACHPR¹⁰³

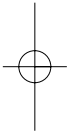
On 2 December 2005, the case of Mr. **Gabriel Shumba**, a lawyer working for the Zimbabwe Human Rights Forum, *versus* the Government of Zimbabwe was heard before the African Commission on Human and Peoples’ Rights (ACHPR) in Banjul, The Gambia. Mr. Shumba, who had been arrested along with other MDC members in January 2003, had been tortured by national security agents while in detention. Although the Harare High Court had dismissed the charges pressed against him for “treason” for lack of evidence in February 2003, Mr. Shumba had been forced into exile and continued to receive threats even after his case was closed. During the hearing, Mrs. **Loice Matanda-Moyo**, representative of the Zimbabwean Government and director of Public Prosecutions, declared that Mr. Shumba was still subjected to judicial proceedings for activities relating to “treason” in the country, even though no arrest warrant had been issued against him. By the end of 2005, the Commission had not hand over its decision on the case yet.

102. See Urgent Appeal ZWE 005/1105/OBS 109.

103. See Annual Report 2003.



AMERICAS



SITUATION OF HUMAN RIGHTS DEFENDERS

In Latin America, the defence of human rights remains an extremely dangerous commitment. In 2005, in this region more than in others, human rights defenders continued to face a very high level of violence and insecurity because of their work to promote and protect fundamental freedoms.

This year again, defenders and their families were thus subjected to many kinds of acts of repression: assassinations (*Argentina, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Venezuela*), enforced disappearances (*Colombia, Mexico*), acts of torture (*Colombia*), assaults and death threats (*Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Paraguay, Peru*), arbitrary arrests, detentions, and judicial proceedings (*Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Mexico, Peru, Venezuela*), as well as acts of harassment and surveillance (*Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Peru, Venezuela*). Furthermore, some countries, such as *Chile* and *Colombia*, increasingly invoked national security laws to sanction their actions. Finally, human rights defenders were targeted by defamation campaigns orchestrated at the highest levels of the State (*Argentina, Colombia, Cuba, Mexico*), which in some cases had direct consequences on their personal safety. In most cases, these violations were committed by private and paramilitary groups, often with the complicity of security forces members acting with State approval.

The lack of genuine political will to sanction perpetrators of violations against defenders continued to characterise the region in 2005. This situation encouraged violations against defenders and raised serious doubts about the commitments made by some governments in the region to comply with their obligations, the first of which is to ensure the protection of defenders.

Fighting against impunity and defending human rights in situations of conflict and post-conflict

In Latin America, human rights defenders fighting against impunity for current or past crimes were again victims of acts of reprisal, particularly in conflict and post-conflict situations.

In *Argentina*, for instance, lawyers seeking justice for victims of the violations committed during the last military dictatorship were again subjected to acts of harassment, as in the case of members of the Ecumenical Movement for Human Rights (MEDH), who were regularly threatened.

In *Brazil*, defenders who denounced serious human rights violations perpetrated by the “death squads”, linked to State agents, were victims of political assassinations and repeated acts of harassment¹. Several lawyers and members of the Brazilian branch of the Christians’ Action for the Abolition of Torture (ACAT – Brazil) were thus intimidated in March 2005 after having actively participated in the trial of two members of the military police, who were accused of homicide, concealment of bodies and abuse of power regarding the assassination of two young men.

In *Chile*, after the arrest of the former President of Peru, Mr. Alberto Fujimori, on 6 November 2005, many cases of harassment and threats were reported against people working to combat impunity for violations for which the former President would be responsible, and campaigning for his extradition to Peru.

In 2005, *Colombia* remained once more one of the most dangerous countries in the world for human rights defenders who denounced the government’s policy on security and human rights in the context of the current armed conflict. While all parties to the conflict (security forces, paramilitaries and guerrillas) were guilty of violations of human rights and international humanitarian law, the paramilitaries were responsible for most of the assassinations, enforced disappearances, torture and other violations against defenders campaigning against impunity. However, this situation was concealed by the coverage underlining the violations committed by the guerrillas. In this context,

1. In Brazil, the “death squads”, which are linked to organised crime and often composed of policemen and former police officers, commit extra-judicial executions of common-law suspects, sometimes carrying out “social cleansing” operations.

it is extremely worrying that the Law 975 of 2005 (the so-called “Justice and Peace Act”), adopted by the Colombian Congress on 21 June 2005 and ratified by the government in July 2005, which is supposed to facilitate the “demobilisation” of paramilitaries supported by the army and other illegal armed groups, in fact guarantees for impunity and oblivion for crimes committed by paramilitaries and other illegal armed forces during the Colombian civil war. Furthermore, there is good reason to fear that these violations will increase prior to the parliamentary and presidential elections, respectively scheduled for March and May 2006.

In *Ecuador*, human rights defenders and members of the opposition were especially exposed to a climate of insecurity at the beginning of 2005 because of their opposition to the unconstitutional reform of the judiciary initiated by the authorities in December 2004. Had the reform been implemented, it would have increased the climate of impunity prevailing in Ecuador². Defenders were victims of different kinds of harassment, such as physical assaults or death threats.

In *Guatemala*, the situation of human rights defenders worsened in 2005, mainly in connection with their work to strengthen the rule of law and to combat impunity. Thus, the National Human Rights Movement (MNDH) recorded 214 cases of violations against defenders between 1 January and 21 October 2005 (compared to 122 cases in 2004), 37% of which were committed against defenders combating impunity³. Over the past four years, an alarming number of assaults, break-ins and threats were reported, targeting NGOs, civil servants working in the field of justice, legal experts and witnesses involved in cases of human rights violations. This situation was mainly a consequence of the past armed conflict⁴, in particular because of the persistence of parallel security groups, which continued to be the primary perpetrators of attacks against defenders. This problem was exacerbated by a lack of political will to combat these groups and a lack of adequate measures

2. The protest movements against this reform led to the dismissal of the President Mr. Lucio Gutiérrez, on 20 April 2005.

3. See Unit for the Protection of Human Rights Defenders of the National Human Rights Movement (MNDH), *Informe preliminar sobre la situación de los defensores en Guatemala, de 1 de enero hasta 21 octubre de 2005*, October 2005.

4. Guatemala went through almost twenty years of armed conflict and dictatorship, during which 300,000 people were killed between 1980 and 1996.

of protection. The obstacles put to the appointment of a Commission for the Investigation of Illegal Groups and Clandestine Security Organisations (CICIACS) exemplify the general climate of impunity enjoyed by the perpetrators of violations against defenders⁵.

In *Haiti*, the transitional government failed to stem the violence that led to the death and injury of dozens of people, a situation that put defenders in even greater danger. Furthermore, the past two years showed that lawyers and journalists were targeted when they called for an end to impunity⁶. For example, on 3 October 2005, Mr. Guyler C. Delva, secretary general of the Haitian Journalists' Association (AJH) and a *Reuters* correspondent, and Mr. Meroné Jean Wilkens, a journalist at *Radio Métropole*, were assaulted by security agents working for the President, Mr. Boniface Alexandre, while they attended the trial of two journalists arrested on 9 September 2005⁷. Furthermore, members of humanitarian organisations and of the United Nations were not safe either, as sadly illustrated by the assassination, on 20 December 2005, of Mr. Marc Dourgue, a Canadian citizen employed by the United Nations Stabilisation Mission in Haiti (MINUSTAH)⁸. In addition, this climate of insecurity could worsen as the 2006 elections approach.

In *Mexico*, human rights defenders were threatened with death and intimidated because of their public denunciation of violations committed by the police and their repeated requests for past abuses to be sanctioned. This was especially the case of defenders campaigning for justice for the "disappeared" of the 1970s and for those killed in the massacres at Aguas Blancas, Guerrero State, in 1995⁹, and Acteal, Chiapas State, in 1997¹⁰.

5. See Annual Report 2004. In 2003, the United Nations proposed the establishment of a CICIACS, which was mandated to investigate illegal armed groups and clandestine security organisations that enable them to operate in Guatemala.

6. See United Nations Document E/CN.4/2005/101, 2004 Annual Report of the Special Representative of the Secretary General on Human Rights Defenders.

7. See Press Release by the Lawyers' Committee for the Respect of Individual Freedoms (CARLI), 6 October 2005.

8. See CARLI Press Release, 21 December 2005.

9. On 28 June 1995, 17 farmers on their way to a meeting were killed by police officers in the municipality of Coyuca de Benítez, Aguas Blancas valley, Guerrero State, and many others were injured.

10. On 22 November 1997, in Acteal, Chiapas State, 45 indigenous people from the Tzotzil community, mostly women and children, were massacred by paramilitary groups affiliated to the Institutional Revolutionary Party (PRI), in power at the time.

In *Paraguay*, harassment of and death threats against journalists denouncing illegal practices by the security services and corruption were recurrent. For instance, in September 2005, Mrs. Mariana Ladaga, a correspondent for the newspaper *La Nación*, in the city of Ciudad del Este, received death threats at her workplace, after she denounced searches without a warrant and other offences committed by agents from the National Anti-Drugs Secretariat (Senate).

In *Peru*, human rights defenders involved in the work of the Truth and Reconciliation Commission (CVR), set up in 2001 to identify those responsible for human rights violations perpetrated in Peru between 1980 and 2000, were frequently defamed and threatened. For example, when the Commission released its report in August 2003 and the trials of the presumed perpetrators of violations began in 2005, defenders were subjected to acts of reprisals. Mr. Salomon Lerner Febres, chairman of the Commission, was himself threatened in August 2005. According to the National Human Rights Coordination (CNDDHH)¹¹, 46 defenders, witnesses, victims and their relatives, judges and prosecutors in Peru were threatened and harassed between January and October 2005, because of their investigations into crimes and human rights violations in Peru committed in the past two decades.

Criminalisation of social protest

Obstacles to the freedom of demonstration

In some countries in Latin America, peaceful assemblies or demonstrations organised in protest against government policies deemed contrary to human rights, or against the excesses of globalisation were violently repressed.

In *Argentina*, during the celebration of the Third People's Summit and the Fourth Summit of Heads of State of the Americas in Mar del Plata at the beginning of November 2005, several dozens of participants were arrested and detained. They were demonstrating, among other things, against the lack of consultation of civil society in the implementation of the Free Trade Area of the Americas (FTAA) and

11. See CNDDHH Report, *Amenazas y Acciones contra Defensores de Derechos Humanos, Testigos, Agraviados y Operadores de Justicia, en el Perú - 2005*, October 2005.

the presence of President George W. Bush. In addition, judicial proceedings against numerous workers who demonstrated after losing their jobs during the economic and financial crisis in 2001 (*piqueteros*), as well as against numerous people who have taken part in social movements since then, remained pending by the end of 2005.

In *Bolivia*, on 29 September 2005, a march organised by civil society to demand military secrecy to be lifted in the trial of Mr. Gonzalo Sánchez de Lozada, former President of the Republic of Bolivia, and his collaborators, Messrs. Carlos Sánchez Berzaín and Jorge Berindoague, accused of being responsible for the massacre of more than 65 people who had demonstrated against the privatisation and export of hydrocarbons in October 2003, was cracked down by the police.

In *Cuba*, human rights defenders, independent journalists and all pro-democracy activists continued to be continually subjected to persecutions aimed at sanctioning their freedom of demonstration. Thus, on 13 and 22 July 2005, about fifty people were arrested in Havana for taking part in a peaceful demonstration against the government and for demanding the release of political prisoners. They were all charged with “disrupting public order” under the Law on the Protection of National Independence and the Cuban Economy (*Ley de Protección de la Independencia Nacional y la Economía de Cuba*), charges for which the defendants could face up to three years’ imprisonment. By the end of 2005, these people remained in detention. In addition, the “ladies in white”, i.e. spouses, friends and relatives of prisoners of conscience who regularly demonstrate in favour of their release, were not able to travel to Brussels (Belgium) to receive the Sakharov Prize 2005 of the European Union, which they were awarded on 14 December 2005.

In *Guatemala*, government policies on civil society demonstrations in favour of the protection of human rights became tougher in 2005. Indeed, numerous NGO leaders who had organised such events were accused of having allegedly committed crimes during these demonstrations, such as causing severe injuries to third parties, breaking and entering, unlawful detention, sedition, acts of terrorism etc¹². Furthermore, serious incidents occurred during the demonstrations

12. See Unit for the Protection of Human Rights Defenders of MNDH, *Guatemala: La criminalización de los derechos de manifestación y reunión. Nueva amenaza a la defensa de los derechos humanos*, 15 April 2005.

against the ratification of the Central American Free Trade Agreement (CAFTA) with the United States in March 2005. For instance, on 10 March 2005, the police dispersed a march with tear gas and blue-tinted water in order to be able to identify the demonstrators and arrest them. On 14 March 2005, several people were injured and one person killed when several demonstrations organised in several towns throughout the country were violently dispersed.

Use of the judicial system and defamation campaigns against human rights defenders

In 2005, several countries in Latin America continued to use a whole range of legislative methods to criminalise the legitimate activities of awareness-raising, information and denunciation in the field of human rights and social justice. This trend was even more strengthened in the framework of the prevailing “fight against terrorism”, which sometimes only served as a pretext for sanctioning human rights defenders. Moreover, in several countries in the region, the authorities themselves initiated campaigns to discredit and defame human rights defenders, accusing them of murder, corruption, terrorism or even involvement in criminal or subversive activities. Such defamatory statements affected the legitimacy of the activities of human rights defenders and gave a free hand to the perpetrators of violation against them.

Thus, in *Brazil*, defending the rights of communities victims of social exclusion was often associated with the defence of delinquents, notably due to omni-present discrimination of these communities by most of the media and the public sector.

In *Cuba*, defending human rights was still not recognised as a lawful activity; it was rather associated with acts of treason against national sovereignty, and countless human rights defenders were in turn sentenced to heavy penalties for voicing their opinions. Moreover, defenders and their families were constantly subjected to acts of harassment, intimidation, threats, insults and violence from hostile crowds, often instigated by the authorities and their civil “rapid-response brigades” (*Brigadas de Respuesta Rápida*).

In *Chile*, the government continued in 2005 to resort to the Law against Terrorism no 18.314 in order to fight against the leaders and members of the Mapuche community who claimed the right to their

ancestral land and who peacefully demonstrated against logging companies. By the end of 2005, several leaders and defenders of the rights of the Mapuche were thus detained under this law dating from the period of General Pinochet's dictatorship, and which is contrary to international standards that guarantee the right to a fair trial. They were sentenced to five to ten years' imprisonment. Another thirty or so fled the country to escape similar sentences.

In *Colombia*, countless cases of arbitrary detentions and "arranged" judicial proceedings proved that judicial instruments were used to legalise the harassment of human rights defenders. Numerous defenders were thus accused of rebellion. In some cases, this method even went as far as to disguise assassinations of human rights defenders by the military by clothing them in guerrilla uniforms, so that they could then declare that they were killed in action. In 2005, this situation was officially confirmed in a report published by the Human Rights Unit Prosecutor about the murder, in July 2004, of Messrs. Héctor Alirio Martínez, Jorge Eduardo Prieto Chamusero and Leonel Goyeneche Goyeneche, union leaders in Arauca. Human rights defenders also remained regularly accused by members of the government and President Álvaro Uribe himself of being terrorists or accomplices of terrorists, or even of having links with illegal armed forces, as was the case of leaders of the Peace Community of San José de Apartadó. Such a context could only affect the credibility and legitimacy of human rights defenders and *de facto* condoned violations against them.

In *Mexico*, the President of the Human Rights Commission of the State of Oaxaca, Mr. Sergio Segreste Ríos, stated in March 2005 that "radical groups are forming a network [...] in order to transform the Commission into a body that is subjected to blackmail and that responds to specific interests", referring to human rights and pro-democracy movements.

In *Venezuela*, senior government officials denounced on several occasions the activities of some human rights organisations. For instance, on 1 November 2005, during a press conference as well as in the official journal of his Ministry, Mr. Jess Chacón, Minister of Home Affairs and Justice, announced before the media that two criminal investigations were being brought against the coordinator of the Venezuelan Prison Observatory (OVP), an organisation for the defence of prisoners' rights and the improvement of the prison system.

Defenders of economic, social and cultural rights increasingly targeted

In 2005, the Americas continued to be the scene of numerous acts of violence and judicial persecution against defenders of trade union rights, the right to land, the right to a healthy environment as well as of minorities' and indigenous peoples' rights.

Trade unionists

The Americas region, which is rife with strong inequality, remained the region with the highest number of murders and death threats of trade unionists in 2005, while the activities of trade unions were still often repressed.

In *Argentina*, workers of self-governing companies who were organised in trade unions were particularly stigmatised. For instance, union members of the province of Neuquén were described by Mr. Luis Manganaro, Minister of Security and Labour of the province, as "illegal troops" in December 2004, while he labelled the sectors that were opposed to the local government as "delinquents".

The situation of trade union leaders and their families remained extremely precarious in *Colombia*, where defending the rights of workers and peasants was often considered as a subversive activity, or sometimes even as linked with the guerrilla. Union leaders continued to be victims of assassinations and death threats from paramilitary groups and of arbitrary arrests by the Administrative Security Department (DAS). Moreover, numerous union leaders were subjected to judicial proceedings and arbitrary detentions with no evidence of any accusation against them. According to the National Union School of Colombia (ENS), from 1 January to 10 July 2005, 29 unionists were assassinated, 205 were victims of death threats, four were victims of attempted murder, 25 were subjected to harassment, four were kidnapped, 44 were arbitrarily arrested and ten were forced to leave their homes and workplaces because of the threats they had received¹³. Furthermore, three Colombian trade unions federations,

13. See ENS report, *Violaciones a la Vida, a la libertad y a la integridad de los trabajadores sindicalizados en Colombia del 1 de enero al 10 de junio de 2005. Area de Derechos humanos y Laborales*, 25 August 2005.

the Colombian Trade Unions' Confederation (CUT), the Confederation of Colombian Workers (CTC) and the General Confederation of Workers (CGT), denounced the existence of a plan for the elimination of the workers' movement allegedly backed by the government¹⁴.

In *Guatemala*, fighting for social justice remained extremely dangerous. Thus, 68 cases of attacks against unionists were recorded by June 2005¹⁵. Moreover, almost all these acts of violence went unpunished. On 7 December 2005, Mr. Joviel Acevedo, secretary general of the Union for Workers in Education of Guatemala (STEG), was dismissed by the Minister of Education because of his social activism¹⁶. On 13 December 2005, Mr. Alfonso Ramírez García, secretary general of the Union of Independent Traders, was attacked in a park in the town of Esquipulas. He was hit with three bullets in the neck and the back¹⁷.

In *Honduras*, trade unionists were also victims of repression, as was the case of several activists of the Centre of Employers' Unions of La Venta de Gualaco (CEPAVEG) in the Olancho region, who were demonstrating against the construction of a hydro-power plant (ENERGISA) and who were subjected to threats and acts of harassment.

Defence of the rights of the landless, minorities and indigenous peoples

In many countries in Latin America, the ongoing problems related to land use and the extraction of natural resources were the cause of grave violations against indigenous and peasant communities. These violent acts were often caused either by landowners or large multinationals who, often backed by local authorities, did not hesitate to violate the rights of these communities for the sake of their own projects. As a consequence, the men and women who tried to help these populations, including by providing them with legal aid, were subjected to acts of reprisal.

14. See CUT, CTC and CGT Report before the 93rd annual conference of the World Labour Organisation, Colombia: *El Aniquilamiento del Sindicalismo por la Norma y la Práctica*, May-June 2005. This report is based on ENS data and the Colombian Jurists' Commission (CC).

15. See 93rd annual conference of the World Labour Organisation, Committee for the Implementation of Standards, 10th Session, 7 June 2005, Statement of the Workers' Group.

16. See Grupo de Apoyo Mutuo (GAM) Press Release, 9 December 2005.

17. See International Confederation of Free Trade Unions (ICFTU) Press Release, 21 December 2005.

In addition, defenders of sexual minorities were often in the front line, being victims of repeated acts of harassment and intimidation, when their lives were not at stake (*Guatemala, Jamaica, Mexico*).

In *Bolivia*, human rights defenders continued to be regularly harassed because of the legal and humanitarian aid they brought to indigenous populations and peasants when claiming their right to land¹⁸. This was in particular the case in the province of Santa Cruz where, for instance, the Centre for Legal Studies and Social Investigation (CEJIS) was assaulted by several landowners in January 2005. The latter threatened those who were in the office, looted the IT equipment from the office and then burnt it in the street.

In some *Brazilian* States, activists campaigning for the protection of indigenous peoples' rights, for rights of landownership and against slavery were often assassinated. In particular, ongoing acts of violence perpetrated by private militias that were hired by some landowners (*fazendeiros*) remained extremely preoccupying. Although national programmes for the protection of human rights defenders and for peace in rural areas were set up, the fact that instigators of acts of violence against human rights defenders still went unpunished posed an obstacle to the improvement of defenders' security¹⁹. For instance, although a programme for the protection of human rights defenders was set up by the State of Pará, Mrs. Irma Dorothy Stang, representative of the Pastoral Commission for Land and an activist of the National Movement for Human Rights, was assassinated on 12 February 2005. In addition, the corruption that pervaded the police and local judicial systems, mainly because of landowners, only exacerbated the level of persecution of defenders of the rights of landless peasants, the latter being often held on remand and/or abusively accused of crimes that they never committed²⁰. Furthermore, women or homosexual human rights defenders were often victims of acts of

18. See Conclusions of the report of the international fact-finding missions of the Observatory sent to Bolivia from 19 to 27 September 2004 and from 30 July to 7 August 2005.

19. See OMCT, the Latin-American and Caribbean Committee for the Defence of Women's Rights (CLADEM), the *Yves de Roussan Centre* for the defence of children and adolescents (CEDECA/BA) and the Inter-American Foundation for the Defence of Human Rights (FIDDH), *Alternative Report to the UN Committee on Human Rights*, October 2005.

20. See Report of the FIDH international fact-finding mission carried out in Brazil from 29 May to 3 June 2005, *Human Rights Situation in the State of Pará*, October 2005.

defamation, intimidation and criminalisation. Thus, women defenders were constantly threatened within a wider context of gender discrimination. They were often subjected to violations of their specific rights; for instance, a female human rights defender was raped by criminals she had denounced²¹. Likewise, homosexual human rights defenders were often stigmatised, in addition to the discriminations that they already suffered because of their sexual orientation.

In *Chile*, not only were leaders of the Mapuche community victims of a quasi-systematic criminalisation, but they also continued to be subjected to acts of reprisal, harassment and violence²².

In *Colombia*, members of indigenous communities and their leaders, who also own the ancestral culture of these indigenous peoples, remained victims of countless violations, such as extra-judicial executions, massacres, forced displacements, etc. Peasants' movements leaders continued to be threatened because of their activities. Thus, the body of Mr. Orlando Valencia, a man of Afro-Colombian origin from Curvaradó, a member of the Community Councils of Jiguamiandó and Curvaradó, as well as a fervent defender of the biodiversity and life in his community, and was found on 24 October 2005. Peasants of peace communities also continued to be victims of paramilitary groups. For instance, eight members of the Peace Community of San José de Apartadó were assassinated in August 2005.

In *Ecuador*, defenders of workers' and indigenous peoples' rights were targeted, in particular in relation to the petroleum-extracting operations run by private international companies. For example, in October 2005, several lawyers dealing with the lawsuits initiated by the indigenous communities of Siona, Secoya, Cofán and Waorani against Texaco, now known as the Chevron Corporation, because of the company's petroleum operations on their land for the last 26 years, were threatened. In addition, in June 2005, Mr. Andrés Arroyo Segura, an environmentalist, was murdered for opposing the construction of a weir in the Los Rios region.

21. See Report of Justiça Global and Terra de Direitos, *Na Linha de Frente: Defensores de direitos humanos no Brasil, 2002-2005*, December 2005.

22. See above.

In *Guatemala*, according to the National Human Rights Movement, 43% of human rights defenders who were victims of multiple acts of harassment in 2005 were defenders of economic, social and cultural rights. For instance, several defenders of indigenous peoples' rights in the Sololá district were subjected to reprisals in 2005. In addition, some defenders were victims of judicial harassment, such as Mrs. Vasquez, indigenous mayor of Sololá, who was accused by the criminal investigation services of "sedition", "terrorism", "breach of the Constitution" and "activism within illegal groups" for denouncing the mining activities in her region.

In *Honduras*, defenders of the peasants' movement were also regularly persecuted. On 24 May 2005, Mr. Edickson Roberto Lemus, secretary general of the National Headquarters of Rural Workers (CNTC), was assassinated in El Progreso, Yoro. In July 2005, several members of *Vía Campesina*, an international movement that coordinates small-and-medium-sized associations of peasants, agricultural workers, rural women and indigenous communities in Tegucigalpa, were victims of harassment. These reprisals also targeted defenders of indigenous peoples' rights. Thus, during the night of 7 November 2005, the home of Mr. Wilfredo Guerrero, president of the Committee for the Defence of Land of the Community of San Juan, was subjected to arson and the documents related to his work for the community were all destroyed.

In *Jamaica*, activists fighting for the rights of people living with HIV/AIDS as well as gays and lesbians were also regularly threatened and subjected to harassment, and did not receive any protection. The authorities themselves were sometimes the instigators of such attacks. Moreover, the impunity of the perpetrators of these acts of violence largely encouraged such acts against those defenders, who were particularly threatened. For example, the body of Mr. Steve Harvey, defender of the rights of people living with HIV/AIDS, was found the day before World AIDS Day, on 30 November 2005. He was allegedly attacked by four men who kidnapped him before killing him with two bullets in his back and in his head. Mr. Harvey had been working with Jamaica AIDS Support for Life (JASL) since 1997, defending the interests of people living with HIV/AIDS and marginalised because of their illness²³.

23. See International Gay and Lesbian Human Rights Commission (IGLHRC).

Finally, in *Mexico*, numerous defenders of the right to land and environmentalists were victims of multiple acts of violence, especially in the region of Sierra de Petatlán in the State of Guerrero. The leaders of the Ecological Organisation of Sierra de Petatlán (OESP) suffered constant repression, including judicial proceedings, by the “*caciques*”, i.e. influential people working in the exploitation of forest areas and against whom the environmentalists protest. In addition, Mrs. Lydia Cacho Ribero, president of the Victim Crisis Centre – Integral Centre for Support to Women (CIAM) in Cancún, Quintana Roo, continued to be subjected to acts of harassment because of her work in the defence of women’s rights.

Mobilisation for regional and international protection of human rights defenders

United Nations (UN)

During the 61st session of the UN Commission on Human Rights (UNCHR), held in Geneva (Switzerland), which took place from 14 March to 22 April 2005, Mrs. Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, presented her report for 2004²⁴. She mentioned in her report that 32% of the communications she sent in 2004 dealt with cases concerning the region of the Americas. She underlined, in particular, the situation of defenders in *Brazil, Colombia, Ecuador, Guatemala, Haiti and Mexico*.

In addition, the authorities of *Mexico* and *Venezuela* responded favorably to her requests to visit their countries.

During the session, the Chairman of the Commission on Human Rights made a statement on the human rights situation in *Colombia*, which was adopted by the Commission by consensus. The Commission expressed “its concern at reports about the growing number of arbitrary detentions that can lead to stigmatisation of and threats towards the members of civil society who have been detained”. The Commission encouraged “the Government to ensure that the programmes for the protection of human rights defenders and other vulnerable groups are comprehensive and effective”. The Commission also reaffirmed “its particular concern regarding the climate of hostility existing around the work of human rights defenders, [and] the

24. See UN Document E/CN.4/2005/101.

Commission also encourage[d] the Government to ensure that all public servants at all levels show due respect to the individual and collective work carried out by human rights defenders. The Commission call[ed] upon the Government to ensure that no public statements are made that may endanger their lives, integrity and security”.

On 20 July 2005, the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Mr. Rodolfo Stavenhagen, expressed his concern about criminal proceedings against Mapuche leaders in *Chile*, who were sentenced for “terrorism” in cases concerning conflicts with landlords and logging companies²⁵. In particular, he denounced the criminalisation of social and political claims made by indigenous peoples. The guarantees of a fair trial were not always granted to indigenous peoples, who in addition were victims of physical and psychological violence when in custody. The Special Rapporteur also denounced the anti-terrorist law, enacted by General Pinochet and still in force, which authorises periods of detention under remand for several months and enables the State witnesses to remain anonymous.

During the 60th session of the UN General Assembly held in New York, United States, in September 2005, Mrs. Hina Jilani presented her fifth report to the General Assembly²⁶, in which she reiterated the deterioration of the situation of human rights defenders in *Guatemala*.

Finally, Mrs. Hina Jilani visited *Brazil* from 5 to 20 December 2005²⁷. During that period, she met the Brazilian President, several Ministers and civil servants working for security forces, as well as members of civil society and human rights organisations. The report of her visit will be presented at the next session of the Commission on Human Rights in 2006.

Organisation of American States (OAS) and the Inter-American Commission on Human Rights (IACHR)

During its 122nd period of regular sessions in March 2005, the Inter-American Commission on Human Rights (IACHR) pointed

25. See Press Release, 20 July 2005. Unofficial translation.

26. See UN Document A/60/339.

27. See UN Press Release, 1 December 2005.

out conditions of human rights defenders in *Bolivia, Cuba, Ecuador, Haiti, and Venezuela* (in particular, the climate of hostility faced by human rights organisations, especially human rights defenders who attended IACHR hearings and those who work in the border areas of the country)²⁸. The Commission was also informed of the failure of Member States to enforce precautionary measures to protect defenders. The Commission stressed the binding nature of these measures and, in particular, their importance when it comes to saving defenders.

On 4 March 2005, subsequent to their meeting at the OAS headquarters in Washington, DC, United States, which took place during the week of 28 February 2005, the Special Rapporteur on Freedom of Expression of the African Commission on Human and Peoples' Rights (ACHPR), Mr. Andrew Chigovera, and the IACHR Special Rapporteur for Freedom of Expression, Mr. Eduardo Bertoni, made a joint declaration that highlighted that “journalists and other media workers, as well as human rights defenders, are frequently the targets of threats, assaults, and assassination in many countries in both Africa and the Americas. These crimes have a chilling effect on freedom of expression that is exacerbated when governments fail to investigate such crimes thoroughly and to bring the perpetrators to justice”²⁹.

During the 35th ordinary session of the OAS General Assembly held in Fort Lauderdale, United States, from 5 to 7 June 2005, the Member States adopted a resolution on defenders in the Americas³⁰. In its resolution, the General Assembly, “concerned that situations persist in the Americas that directly or indirectly prevent or hamper the work of individuals, groups, or organisations working to promote and protect human rights and fundamental freedoms; considering that Member States support the work carried out by human rights defenders and recognise their valuable contribution to the promotion, observance, and protection of human rights and fundamental freedoms in the Americas, and to the representation and defense of individuals, minorities, and other groups of persons whose rights are

28. See IACHR Press Release n° 8/05, 11 March 2005.

29. See IACHR Website, <http://www.cidh.org/relatoria/showarticle.asp?artID=394&IID=3>.

30. See OAS document AG/RES. 2067 (XXXV-O/05), *Human Rights Defenders: Support for the Individuals, Groups, and Organisations of Civil Society Working to Promote and Protect Human Rights in the Americas*.

threatened or violated; [...] underscoring that the work of human rights defenders has a decisive impact on the consolidation of democratic institutions and the enhancement of national human rights systems”, resolved to “recognise that, in view of their specific role and needs, women human rights defenders should be accorded special attention to ensure that they are fully protected and effective in carrying out their important activities; to condemn actions that directly or indirectly prevent or hamper the work of human rights defenders in the Americas; to encourage human rights defenders to continue to work selflessly for the enhancement of national human rights systems for the consolidation of democracy, in accordance with the principles contained in the United Nations Declaration on Human Rights Defenders”. The Assembly also invited “the IACHR to conclude as soon as possible its comprehensive report on the situation of human rights defenders in the Americas, in keeping with resolution AG/RES. 1842 (XXXII-O/02)”.

Subsequent to her visit to *Guatemala*, from 18 to 21 July 2005, Mrs. Susana Villarán, Rapporteur for Guatemala and IACHR Vice-President, expressed her concern over the increase in acts of violence, in particular those targeting social and indigenous leaders and human rights activists. The Rapporteur was pleased with the declaration made by the government on 17 July 2005, which acknowledged the difficulties faced by defenders. The Rapporteur expressed her concern with regards to the high number of illegal searches carried out at defenders' offices and homes, as well as of death threats, physical abuses, abductions, and even murders. The Vice-President especially underlined the threats and physical abuse suffered by members of NGOs that promote women's rights³¹.

At its 123rd period of regular sessions (17-21 October 2005), IACHR acknowledged “the important work carried out by human rights defenders in the Hemisphere [...] and reminded Member States of their obligation to offer all the necessary guarantees”. In particular, the Commission pointed out the condition of defenders in: *Colombia*, since the enacting of Law 975 of 2005 (Justice and Peace Act); *Cuba* (in particular violations of trade union rights and freedom of speech); *Ecuador* (in particular defenders of economic, social and

31. See IACHR Press Release No. 28/05, 21 July 2005.

cultural rights); and *Venezuela*. During the session, the Commission heard the conclusions of the first consultation of Central America on human rights defenders, which took place in August 2005³². The consultation highlighted that in 2004, defenders became a primary target for defamation campaigns aimed at intimidating them and discrediting their work. In particular, defenders in Central America were increasingly threatened, intimidated and murdered. The Commission expressed its concern over the increasing number of abusive fiscal and administrative audits defenders were submitted to³³.

European Union (EU)

In a resolution on *Guatemala*, adopted on 7 July 2005, the EU Parliament, considering that, “between January and May 2005 there were 76 attacks on human rights activists, the total number of attacks or threats against such activists over the first year of the present parliamentary term being 122”, called on the government of Guatemala to “recognise the legitimacy of the work of human rights activists and ensure their protection, and investigate the recent cases of attacks on the headquarters of social organisations”³⁴.

Moreover, during its 2,678th meeting, held on 3 October 2005, the EU Council adopted several conclusions on *Colombia*, after the approval of the Justice and Peace Act. In particular, the Council underlined the importance of guaranteeing the safety of persons, organisations and institutions, including defenders working to promote and protect human rights, and the protection of minorities’ and indigenous peoples’ rights within the framework of the new Law³⁵.

Furthermore, the European Union, through a declaration adopted by the Council on 7 November 2005, strongly condemned the murder of the Colombian human rights defender Mr. Orlando Valencia. EU called on the Colombian government to prosecute the perpetrators, to guarantee fundamental rights and to take the necessary measures to ensure the protection of human rights defenders.

32. See above.

33. See IACHR Press Release No. 35/05, 28 October 2005.

34. See EU Parliament Resolution on Guatemala, P6_TA-PROV(2005)0304.

35. See Press Release 12514/05 (Presse 241).

On 14 December 2005, the EU awarded the 2005 Sakharov Prize for freedom of thought to the “Ladies in white”, the wives and close relations of political prisoners in Cuba. The president of the EU Parliament deplored and criticised the attitude of Cuban authorities, which did not allow the women to leave their country to receive the prize.

International Labour Organisation (ILO)

From 24 to 29 October 2005, the International Labour Organisation (ILO) carried out a high-level tripartite visit in *Colombia*, on the government invitation, in the framework of two ILO monitoring mechanisms. The participants of the visit, Mr. Paul van der Heijden, president of the ILO Committee on Freedom of Association, and Messrs. Edward E. Potter and Luc Cortebeeck, respectively employer and employee members, vice-presidents of the Commission on the Application of Standards, observed that “the acts of violence committed against trade unionists remain unpunished and several obstacles of judicial or practical nature impede the full exercise of trade union freedom”³⁶.

Civil Society

The first meeting of 43 human rights defenders from Central America took place in Antigua, Guatemala, from 31 August to 2 September 2005. Defenders from Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama discussed and analysed the situation of human rights defenders in the region, which is characterised by, *inter alia*, the criminalisation of social and human rights movements³⁷. In particular, the participants underlined the worsening of violations in relation with the imposition of free trade agreements, but also pointed out the development of network strategies used to implement protection mechanisms.

At the 5th International Colloquium on Human Rights, held in Sao Paulo (Brazil) from 8 to 15 October 2005, civil society members in

36. See World Confederation of Labour (WCL) *Recommendations on Impunity and Labour Relations Formulated by the High-Level International Labour Organisation Tripartite Visit*, 29 October 2005. Unofficial translation.

37. See OAS Document CP/CAJP-2308/05.

Africa, Asia, the Caribbean and Latin America adopted a resolution calling for the respect of freedoms of expression, association and assembly. The resolution called in particular for pressure to be applied on the governments of *Colombia*, *Nepal* and *Zimbabwe* in order to put an end to the harassment suffered by human rights defenders and to abrogate laws that limit freedoms in those countries.

From 16 to 18 November 2005, 110 members of 42 organisations representing farmers, indigenous peoples and women of Guatemala, Canada and Europe met in San Lucas Tolimán, Guatemala, to participate in an international conference on the right to food and international cooperation for Guatemala, organised by the Copenhagen Initiative for Central America (CIFCA). The conference was also aiming at assessing the conditions for human rights defenders working in rural areas. A panel on human rights defenders' protection in *Guatemala* was created to that end. The final declaration called on the authorities of Guatemala "[...] to acknowledge the legitimate work of human rights defenders, to ensure their protection and to investigate and prosecute the perpetrators of these acts", and asked international cooperation agencies "to support civil society initiatives aimed at an effective protection of human rights defenders".

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

ARGENTINA

Threats against several human rights defenders in Neuquén province¹

In a speech to the police in December 2004, Mr. Luis Manganaro, Security and Labour Minister of Neuquén province, qualified workers belonging to labour unions as "irregular troops" and labelled the sectors that were opposed to the provincial government as "delinquents". In particular, Mr. **Mariano Mansilla**, director of the Neuquén province section of the Committee for Legal Action (*Comité de Acción Jurídica – CAJ*), was accused of "inciting crime", because he had supported the mobilisation of labour unions. Mr. Manganaro added that Mr. Mansilla should "be put in jail" and that he hoped that Mr. Mansilla would not remain free "much longer". By the end of 2005, Mr. Mariano Mansilla had not received any new threats.

In addition, on 6 March 2005, the wife of a worker at the Zanon company was kidnapped for several hours and brutally tortured. Her kidnapers warned her that their action was a message to "all of the labour union members".

Finally, in March 2005, Mrs. **Nara Oses**, children's rights ombudswoman, working in particular on a phenomenon called "gatillo facil"², received several death threats by telephone. The provincial government also tried to dismiss her.

1. See Open Letter to the Argentinean authorities, 18 March 2005.

2. Literally, "trigger-happiness", which refers to the quasi-systematic use of firearms by police as a means of repression, particularly of young criminals.

Assassination of Mrs. Alejandra Galicio³

On 7 April 2005, Mrs. **Alejandra Galicio**, a member of the AIDS and Civil Rights Action Centre (*Centro de Acción en SIDA y Derechos Civiles* – CASDC) and of the National Coordination in favour of the Rights to Sexual Diversity (*Coordinación Nacional por los Derechos de la Diversidad Sexual* – CONADISE), was killed by the police in Bahía Blanca, Buenos Aires Province.

By the end of 2005, the perpetrators of his murder had not been identified yet.

Acts of vandalism against SERPAJ headquarters⁴

The Peace and Justice Service (*Servicio de Paz y Justicia* – SERPAJ) headquarters in Buenos Aires was burgled on 9 November 2005. Six computers containing important data were stolen, as were documents on the Third People's Summit in Mar del Plata. Two pieces of furniture were also destroyed.

SERPAJ and its chairman, Mr. **Adolfo Perez Esquivel**, Nobel Peace Prize laureate, had played a key role in organising the Anti-Summit to the Summit of the Americas⁵, which took place in Mar del Plata from 1 to 5 November 2005 and brought together more than ten thousand people.

SERPAJ lodged a complaint and called for an investigation into these events.

Arbitrary detention of Mrs. "Fernanda"⁶

On 1 December 2005, Mrs. "Fernanda", a member of the Association of Argentinean Prostitutes (*Asociación de Mujeres Meretrices Argentinas*), was arrested by the police in Santa Fé. She was detained at the police station overnight, ill-treated, and released the following morning. Mrs. "Fernanda" filed a complaint with the help of her association's lawyer.

3. See International Gay and Lesbian Human Rights Commission (IGLHRC), *2005 Summary of the cases on Latin America and the Caribbean*, January 2006.

4. See Urgent Appeal ARG 001/1105/OBS 112.

5. Meeting of the Heads of State of the Organization of American States (OAS) Member States.

6. See IGLHRC, 2005 Summary above-mentioned, January 2006.

Threats against several MEDH members⁷

On 5 December 2005, the word "rats" and an arrow pointing to the door to their offices were painted on the wall of the lawfirm of Mr. **Pablo Gabriel Salinas**, Mr. **Alfredo Ramón Guevara Escayola**, and Mrs. **María Angélica Escayola**, lawyers for families of the disappeared in the Mendoza province and members of the Ecumenical Movement for Human Rights (*Movimiento Ecuménico por los Derechos Humanos* – MEDH). On 20 November 2005, similar messages threatening Mr. Alfredo Ramón Guevara had already been painted on the office walls.

Furthermore, on 10 December 2005, Mr. **Rodolfo Yanzón**, a lawyer and a member of several human rights organisations, including MEDH and the Argentinean League for Human Rights (*Liga Argentina de Derechos Humanos* – LADH), received a threatening phone call at home.

These events seemed to be a reaction to actions carried out by these lawyers, who are involved in the fight against impunity in Argentina. In particular, they filed an appeal against a decision of the first federal judge of Mendoza, Mr. Walter Berto, who, on 17 November 2005, declared himself incompetent to judge the crimes against humanity committed in the province during the dictatorship.

Mrs. María Angélica Escayola and Messrs. Alfredo Ramón Guevara and Pablo Gabriel Salinas also conducted preliminary investigations into numerous cases and led campaigns on the situation of delinquent minors, massively detained in highly precarious conditions or left to themselves in the streets of Mendoza. They also denounced those violations before the Inter-American Commission on Human Rights (IACHR).

MEDH members had already been harassed in the past years.

Lack of investigation into the arbitrary arrest of ATE secretary general⁸

During the night of 4 to 5 July 2004, Mr. **Juan Eduardo Riquel**, secretary general of the section in Castelli (Chaco province) of the Association of Civil Servants (*Asociación de Trabajadores del Estado* –

7. See Urgent Appeals ARG 002/1205/OBS 123 and ARG 003/1205/OBS 125.

8. See Annual Report 2004.

ATE), had been arrested in Castelli after having attempted to help members of the Toba community who had been assaulted by the police during a folk festival.

The police had taken Mr. Riquel to the police station without any warrant and beaten him. After having received medical care in a hospital, Mr. Riquel had managed to go home thanks to the assistance of doctors who had not informed the police of his recovery. However, judicial proceedings had been opened against him by the provincial police, who had additionally threatened him during his arrest. On that occasion, police officers, including Corporal Juan Carlos Samaniego, had reproached Mr. Riquel of having filed a complaint with the Public Prosecutor.

By the end of 2005, those responsible for the arrest and ill-treatment of Mr. Riquel had not been brought to justice. As for Mr. Riquel, he was still facing charges for “assault and resisting the authority”.

BOLIVIA

Ongoing harassment against CEJIS and its members⁹

Since 2003, the lawyers and members of the Centre for Legal Studies and Social Research (*Centro de Estudios Jurídicos e Investigación Social* – CEJIS) have been subjected to attacks and threats due to the legal support they provide to those fighting for the recognition of indigenous peoples’ land rights.

Thus, on 5 January 2005, a group of over 30 people led by members of the Association of Agricultural and Forestry Producers (*Asociación de Productores Agrícolas y Forestales* – ASAGRI), including Mr. Ernesto Yarari Tirina, Mr. Arturo Vidal and Mr. Alberto Guiese, broke into the CEJIS offices in Riberalta, in Beni province. These heavily armed men threatened CEJIS members with death, plundered the offices, took material and computers, pulled out telephone lines and seized the mobile phones of those present to prevent them from

calling for help. Then, they proceeded to burn all of this material and documents in the street, while yelling insults against the defenders of farmers and indigenous communities that claim their rights to land. They also threatened Mr. **Cliver Rocha**, head of CEJIS, who, due to the death threats and attacks to which he has been subjected in the past, had left Riberalta and was therefore not present in the premises. Following these events, Mr. Lucio Méndez Camargo, sub-prefect of Vaca Díez province, requested that CEJIS offices be closed until 13 January 2005.

On 7 January 2005, Mr. Arturo Vidal Tobias, ASAGRI president, made public a note in which he threatened the social organisations supporting the farmers and indigenous communities of Vaca Díez – specifically referring to CEJIS, the Dutch Service for Development and Cooperation (SNV), the Institute for Man, Agriculture and Ecology (*Instituto para el Hombre, Agricultura y Ecología* – IPHAE) and the Centre for Research and Promotion of Farmers (*Centro de Investigación y Promoción del Campesinado* – CIPCA) – and asked them to leave the region before the end of January 2005. Mr. Vidal Tobias also threatened to forcibly expel those living in private properties in accordance with agreements negotiated by the National Institute for Agrarian Reform (*Instituto Nacional para la Reforma Agraria* – INRA).

On 15 April 2005, a preventive detention order was issued against Mr. Ernesto Yarari Tirina by the second examining judge of civil and family affairs, following a criminal procedure initiated by CEJIS for “crime incitement, illegal entry, violation of the fundamental rights to work, threats, complicity in theft and destruction of documents”. On 20 June 2005, Mr. Yarari was arrested by the judicial technical police (*Policía Técnica Judicial* – PTJ) and charged with theft and illegal entry into the CEJIS premises in Riberalta. By the end of 2005, he was still detained in the Riberalta prison.

In October 2005, Bolivia committed itself before IACHR to make effective the precautionary measures of protection, granted by IACHR on 11 March 2005 in favour of CEJIS members and the Miraflores indigenous community.

9. See 2004 Annual Report, Urgent Appeals BOL 001/0303/OBS 014.1 and 014.2 and Conclusions of the international fact-finding mission of the Observatory sent to Bolivia from 19 to 27 September 2004 and from 30 July to 7 August 2005.

Judicial proceedings against and remand in custody of Mr. Francisco José Cortés Aguilar¹⁰

By the end of 2005, Mr. Francisco José Cortés Aguilar, leader of the Association of Rural Workers and Inhabitants (*Asociación de Usuarios del Campo* – ANUC-UR), in Arauca (Colombia), and a peasants' and indigenous peoples' rights defender, remained detained on remand, while his health deteriorated due to poor conditions of detention. Moreover, a number of irregularities continued to mar the proceedings to which he was subjected, and his lawyers remained victims of regular threats and harassment.

Accused of “belonging to the Colombian guerrilla and of drug trafficking”, Mr. Cortés, who had gone into exile with his family to Bolivia in order to flee the threats from paramilitary organisations in Colombia, had been arrested on 10 April 2003 by the police in La Paz.

On 6 December 2004, after twenty months of remand in custody in the San Pedro de La Paz prison and in the Chonchocoro high security prison, where he had been placed in solitary confinement, the Fifth Criminal Court of La Paz had ordered his release on bail.

Even though his bail was paid thanks to international solidarity, the Prosecutor appealed against this decision on 10 January 2005 with the Supreme Court. Since then, while waiting for his judgement, Mr. Cortés was placed by order of the Court under house arrest in the Alto San Pedro neighbourhood of La Paz.

At the beginning of 2005, several Colombian citizens and a Peruvian national with refugee status of the United Nations High Commissioner for Refugee (UNHCR) were forced to leave Bolivia after the Bolivian police threatened to arrest them if they did not denounce Mr. Francisco Cortés.

In August 2005, the United Nations Working Group on Arbitrary Detention declared that the detention of Mr. Francisco Cortés Aguilar was arbitrary and urged the Bolivian government to adopt the necessary measures to remedy this situation¹¹.

10. See Press Release, 17 January 2005, Colombia Special Appeal July-August 2005, Open Letter to the Bolivian Authorities, 29 November 2005 and Conclusions of the aforementioned international fact-finding mission.

11. See United Nations Document, Opinion 12/2005 (Bolivia).

On 16 November 2005, the National Refugee Commission of the Bolivian Ministry of Foreign Affairs (*Comisión Nacional del Refugiado* – CONARE) granted Mr. Cortés a political refugee status, thereby implicitly condemning his detention on remand.

However, by the end of 2005, proceedings against Mr. Cortés were still pending and he remained under house arrest.

Moreover, Mr. Cortés' lawyers, as well as members of the Colombian Campaign for the Release of Mr. Francisco Cortés, were victims of acts of intimidation and death threats, like Mrs. **Sandra Gamboa**, a member of the “José Alvear Restrepo” Lawyers' Collective (*Colectivo de Abogados “José Alvear Restrepo”* – CCAJAR), who was followed and filmed by the Bolivian intelligence services during her stay in La Paz, where she went in March-April 2005 to observe the conditions of detention of Mr. Cortés Aguilar.

Harassment and judicial proceedings against several MST members¹²

On 7 May 2005, groups of armed men working for property owners in the State of Santa Cruz attacked men, women and children of the Pueblos Unidos community of the Landless Workers' Movement (*Movimiento Sin Tierra* – MST). However, this assault was perceived as an attack by MST members themselves, and on 10 May 2005, the Prosecutor of Obispo Santiestevan province lodged a complaint with the judicial technical police of the town of Montero against, among others, Messrs. **Silverio Sarsari**, **Silverio Vera**, **Ponciano Sullka Churqui**, **Juan Cala**, **Aurelio Arnez** and **José Mondaque**, MST leaders, for “armed rebellion against the security and sovereignty of the State”, “belonging to a criminal organisation”, “criminal association”, “kidnapping and privation of freedom” and “attempts against freedom of work”.

On 11 May 2005, eleven landowners, including Mr. Rafael Paz Hurtado and Mr. Hermógenes Mamani Nogales, accused some MST members of allegedly violently expelling them from their lands with the Prosecutor of Santa Cruz. In particular, they formally accused Mr. Silverio Vera, Mr. Ponciano Sullka, Mr. Silverio Sarsari and eight other MST leaders of the region, of among others, “attempted

12. See Conclusions of the aforementioned international fact-finding mission.

murder” and “terrorist activities”. They also accused Mr. **Carlos Vigo** and Mr. **Julio Martel**, members of Bibosi, a human rights NGO, of being MST accomplices.

On 22 June 2005, Mr. Ponciano Sullka Churqui was arrested at home and accused of having incited the seizure of lands through his participation in a programme of the *Intégration de San Pedro* radio station. Despite his health condition, Mr. Ponciano Sullka Churqui, who had just been operated for cancer, was refused any kind of medical treatment. He was detained on remand in the Montero prison.

Attack on a peasants’ demonstration¹³

On 1 June 2005, the Unique Union Federation of Peasants’ of Santa Cruz (*Federación Sindical Única de Trabajadores Campesinos de Santa Cruz*), the Regional Federation of Women Peasants of Santa Cruz “Bartolina Sisa” (*Federación Departamental de Mujeres Campesinas de Santa Cruz “Bartolina Sisa”*), the Union Federation of Colonisers of Santa Cruz (*Federación Sindical de Colonizadores de Santa Cruz*) and members of the Coordination of Indigenous Peoples (*Coordinadora de Pueblos Étnicos*) of Santa Cruz, decided to organise a peaceful march to Santa Cruz de la Sierra in order to denounce the attempted murders and assaults against peasants and indigenous peoples in the region, and to urge Parliament to nationalise hydrocarbons. Upon their arrival to Santa Cruz, they were attacked by members of the “Youth Union Cruceñista”, led by Mr. Jorge Holberg, who insulted and hit them, seriously injuring over 20 men and women.

Harassment and threats against several APDHB members¹⁴

In 2005, Mr. **Adalberto Rojas**, president of the Santa Cruz section of the Permanent Assembly for Human Rights in Bolivia (*Asamblea Permanente de Derechos Humanos – APDHB*), was harassed, threatened and insulted by people linked to the Santa Cruz Civil Committee, the town’s neighbourhood association. He was also

subjected to several defamation campaigns in the media and by provincial authorities due to his activities as a human rights defender.

Furthermore, on 27 August 2005, while the trial against the Bolivian armed forces before IACHR started¹⁵, Mr. **Sacha Llorenti**, APDHB national president, received a death threat because of his activities in favour of the fight against impunity.

In 2003, APDHB members and its headquarters had already been subjected to harassment.

Violent repression of a demonstration¹⁶

On 29 September 2005, the police forcibly dispersed a protest march organised by civil society, in particular APDHB and the Association of Family Members Killed for the Defence of Gas (*Asociación de Familiares Caídos por la Defensa del Gas*). The protesters marched in the direction of the U.S. Embassy in La Paz where they planned to request that legal papers be served to Mr. Gonzalo Sánchez de Lozada, former President of the Republic of Bolivia, and his collaborators Mr. Carlos Sánchez Berzaín and Mr. Jorge Berindoague, summoning them to testify in an investigation against them into the massacre of over 65 persons who had demonstrated against the privatisation and export of hydrocarbons in October 2003. They also demanded to lift the veil of military secrecy during the trial. The law enforcement agents sprayed the protesters with tear gas.

Break-in at OJM headquarters¹⁷

On 8 November 2005, the headquarters of the Legal office for Women (*Oficina Jurídica de la Mujer – OJM*), in Cochabamba, were broken into. Mrs. **Julietta Montaña**, OJM director, lodged a com-

13. *Idem*.

14. See Annual Report 2003 and Conclusions of the aforementioned international fact-finding mission.

15. APDHB lodged a complaint against the Bolivian State with the IACHR for human rights violations during the troubles of 12 and 13 February 2003. Indeed, on 13 February 2003, four military had shot in the direction of the San Francisco building in La Paz, killing a nurse, Mrs. Ana Colque, and the building’s porter, and injuring the doctor Mrs. Carla Espinoza. These four military were accused of “murder” (Article 251), “serious injuries” (Article 279) and “extremely serious injuries” (Article 271). These crimes are liable with up to 10 years’ imprisonment.

16. See Press Release, 4 October 2005.

17. See Conclusions of the aforementioned international fact-finding mission.

plaint. OJM is a developmental NGO founded in 1984, and specialising in the legal aspects of defending women's rights.

Assassination of Mr. Medrin Colque Mollo¹⁸

On 20 December 2005, Mr. **Medrin Colque Mollo**, a peasant leader, was assassinated by the police in the Hacienda d'El Paila in the State of Santa Cruz. By the end of 2005, those responsible for this murder had still not been identified.

BRAZIL

Assassinations of and assassination attempts against human rights defenders

Assassination of Sister Dorothy Mae Stang¹⁹

On 12 February 2005, Sister **Dorothy Mae Stang**, a missionary, representative of the Pastoral Land Commission (*Comissão Pastoral da Terra* – CPT) and an activist of the National Human Rights Movement (*Movimento Nacional de Direitos Humanos* – MNDH), was shot dead on her way to a meeting for the Esperança Sustainable Development Project (*Projeto de Desenvolvimento Sustentável* – PDS), in the State of Pará.

Sister Dorothy Mae Stang had already received death threats in the past from landowners of the region. She had been granted citizenship by the State of Pará and, on 10 December 2004, she had been awarded the Human Rights Prize of the Brazilian Bar Association (*Ordem dos Advogados do Brasil* – OAB), Pará section.

Under national and international pressure, a specialised federal police team was created to work with the police in Pará in order to identify the perpetrators of this assassination.

On 9 and 10 December 2005, the two alleged perpetrators, Mr. Rayfran das Neves Sales and Mr. Clodoaldo Carlos Batista, were respectively sentenced to 27 and 17 years of prison by the Belém Court

of the State of Pará. The two men had reportedly acted on the order of Mr. Vitalino Bastos de Moura and Mr. Dnair Freijó da Cunha, landowners who had taken over lands belonging to PDS-Esperança after violently evicting workers and their families. The two landowners were taken into custody and are to be judged in 2006.

Assassination of Mr. Rossini Alves Couto²⁰

On 10 May 2005, Mr. **Rossini Alves Couto**, a member of the Pernambuco State Public Prosecutor's office and a dedicated human rights defender, was having lunch in the city of Cupira with two friends when two men got out of their vehicle and fired on him. Mr. Rossini Alves Couto was declared dead upon his arrival at the hospital.

Assassination of Mr. João Araújo Guajajara and death threats against several leaders of the Guajajara community²¹

On 21 May 2005, Mr. **João Araújo Guajajara**, chief of the Guajajara indigenous community, was assassinated by a dozen armed men in the village of Kamihaw, Grajaú, in the State of Maranhão, where he lived. The killers also injured his son, Mr. **Wilson Araújo Guajajara**, raped his daughter, and burned down his house.

On 18 May 2005, Mr. Guajajara had lodged a complaint with the Grajaú police station concerning threats made against his community by Mr. Milton Alves Rocha, a farmer, who had ordered their eviction from the area called "Bacurizinho", in the city of Grajaú, by the end of May.

Mr. Milton Alves Rocha and his two sons were arrested on 24 May 2005, and then released on 30 June 2005 by order of the Maranhão State Court of Justice. The three men, as well as members of the indigenous community, were summoned on 14 July 2005 by the Grajaú Prosecutor.

Mr. **José Arão Marizê Lopes**, Mr. **Maruzan Kamura'y**, Mr. **Alderico Lopes**, Mr. **Wilson Araújo Guajajara**, Mr. **Edimar Mendes Guajajara** and Mrs. **Judite Marizê Lopes**, leaders of the Guajajara

18. *Idem*.

19. See Press Release, 16 February 2005.

20. See Report by Justiça Global and Terra de Direitos, *Na Linha de Frente: Defensores de direitos humanos no Brasil, 2002-2005*, December 2005.

21. See Urgent Appeal BRA 001/0705/050.

community, also received death threats from Mr. Milton Alves Rocha and his two sons all throughout 2005.

During these events, Mrs. **Maria de Jesús Fernández**, a missionary for the Missionary Indigenous Council (*Conselho Indigenista Missionário* – CIMI), was followed by one of the alleged murderers.

Assassination attempt against Mr. Cláudio Pereira da Silva²²

On 8 September 2005, Mr. **Cláudio Pereira da Silva**, president of the Quilombo Piranhas *Remanescente* community of 70 Afro-descendant families, in the city of Bom Jesus da Lapa, State of Bahia, was the victim of an assassination attempt by three *caciques*²³, Mr. Augusto Rodrigues da Silva, Mr. Sebastião Rodrigues da Silva and Mr. Inácio Rodrigues da Silva, who fired on him several times. Mr. Pereira da Silva lodged a complaint.

By the end of 2005, the investigation had not been successfully concluded and Mr. Pereira da Silva had not received any protection, despite his request to the Federal Prosecutor.

Assassination of Mr. Jair Antonio da Costa²⁴

On 10 October 2005, Mr. **Jair Antonio da Costa**, leader of the Igreja Shoemakers' Union, died as a result of the injuries he suffered by six military police officers during a demonstration organised by the trade unions of the Vale dos Sinos region, in the State of Rio Grande Do Sul. The demonstrators were protesting against the loss of more than 13,000 jobs in the State shoe industry in 2005.

Mr. Jair da Costa was identified by the six police officers as one of the leaders of the movement and was pursued, handcuffed, and beaten. Taken to the hospital by the police officers, he was declared dead upon his arrival there.

The police officers accused of having killed Mr. da Costa were: soldier José Paulo de Brito, sergeants Marcos Antonio de Souza and Alexandre Aguilar Torres, lieutenant Ademilson Gonçalves da Silva,

22. See Report by Justiça Global and Terra de Direitos, *Na Linha de Frente: Defensores de direitos humanos no Brasil, 2002-2005*, December 2005.

23. People working in the logging industry, who are very influential at the local level.

24. See Report by Justiça Global and Terra de Direitos, *Na Linha de Frente: Defensores de direitos humanos no Brasil, 2002-2005*, December 2005.

and the captain of the military brigade, Marlon Carvalho da Silva, who was in command of the operation. Arrested on 18 October 2005, they were released on 10 November 2005 following a ruling by the Supreme Court of Justice, which stated that “there [was] no concrete evidence justifying the need to keep them in custody”.

By the end of 2005, the judicial proceedings against the soldiers remained pending, but no date had been set for a hearing.

Assassination of Mr. Cláudio Alves dos Santos²⁵

On 17 October 2005, Mr. **Cláudio Alves dos Santos**, a member of the Reference Centre Against Violence and Discrimination Against Homosexuals (*Centro de Referência contra a Violência e Discriminação ao Homossexual* – CERCONVIDH), disappeared in Rio de Janeiro. Three days later, his body was found, bearing numerous marks of torture. The police subsequently opened an investigation.

CERCONVIDH has received threats on a regular basis, because of its activities in the defence of human rights.

Assassination of Mr. Pedro Laurindo da Silva²⁶

On 17 November 2005, Mr. **Pedro Laurindo da Silva**, a member of the Federation of Agricultural Workers (*Federação dos Trabalhadores na Agricultura* – FETAGRI), leader of the Marabá Union of Rural Workers (*Sindicato dos Trabalhadores Rurais* – STR) in the southwest of the State of Pará, and coordinator of the “Zumbi dos Palmares II” settlement, was assassinated by two bullets in the head. He was then on his way to STR headquarters in Marabá, where he had been staying during a seminar on violence and human rights in the State of Pará, organised by the Society for the Defence of Human Rights (*Sociedade Paraense de Defesa dos Direitos Humanos*).

During this seminar, Mr. Laurindo da Silva had denounced the acts of violence committed in May 2005 by the Marabá military police during the eviction of the families of the “Zumbi dos Palmares” settlement, who were claiming ownership of the “Cabo de Aço” Hacienda. Mr. Laurindo da Silva had also stated, in March 2005,

25. *Idem*.

26. See Urgent Appeal BRA 002/1105/115.

before the members of the National Programme for the Protection of Human Rights Defenders (*Programa Nacional de Proteção dos Defensores de Direitos Humanos*), that he had received death threats from the members of the Hacienda, which was corroborated by the testimony of other members of the community. However, he had not received any protection following his denunciations.

A plain-clothes police officer that was near the scene of the crime saw the shooter, Mr. Valdemir Coelho de Oliveira, and arrested him.

By the end of 2005, the investigation into Mr. Valdemir Coelho de Oliveira's case was closed, and the judge was waiting for the decision of the Public Prosecutor's office before deciding to prosecute him. The investigation into the persons responsible for planning the assassination was still pending.

Those behind the assassination of Mr. João Canuto de Oliveira still at large²⁷

On 23 May 2003, Mr. Adilson Laranjeira, former mayor of Rio Maria, and Mr. Vantuir de Paula, a farmer, had been sentenced to 19 years and 10 months in prison by the Belém Popular Jury Court for having ordered the assassination of Mr. **João Canuto de Oliveira**, president of the Trade Union of Rio Maria Rural Workers, in 1985. However, on the order of the judge, the convicts had been released on bail during consideration of the appeal request filed by their attorneys, under the Fleury Act (1973), which states that a first-time convict can remain free during the appeal process.

On 14 September 2004, the Court of Justice of the State of Pará (*Tribunal de Justiça do Estado do Pará – TJE*) had unanimously rejected this request. On 8 October 2004, the convicts had appealed this decision to the High Court of Justice (*Superior Tribunal de Justiça*) and the Federal Supreme Court (*Supremo Tribunal Federal*), in Brasília.

On 28 March 2005, the Supreme Court confirmed the sentence of Mr. Vantuir de Paula, but the arrest warrants against him and Mr. Laranjeira were not delivered by the TJE until 12 July 2005. On that day, the two authors of the crime, apparently warned of their imminent arrest, fled.

27. See Annual Report 2004.

The appeal filed by Mr. Laranjeira with the Federal Supreme Court was rejected in September 2005.

On 27 October 2005, a programme on the television channel *Globo*, which covers an ongoing criminal investigation each week, reported on the escape of the criminals and broadcast their pictures. Following this programme, the son of Mr. Vantuir directly threatened with death, during a meeting, Brother **Henri Burin des Roziers**, a lawyer and defender of the rights of the landless, who played a prominent role in the sentencing of the two criminals, Mrs. **Luisa Canuto**, Mr. João Canuto's sister, and Mr. **Orlando Canuto**, one of his brothers.

By the end of 2005, the two men responsible for this assassination were still at large. Furthermore, Brother Henri Burin des Roziers was still threatened, and placed under police protection.

Impunity for the assassination of three workers' rights lawyers²⁸

On 28 January 2004, unknown assailants shot dead in the head Mr. **Erastótenes de Almeida Gonçalves**, Mr. **Nelson José da Silva** and Mr. **João Batista Soares Lage**, three lawyers from the Brazilian Ministry of Labour, in Unai, State of Minas Gerais. At the time, they were on their way to the property of a major landowner (*fazendeiro*) of the State of Minas Gerais in order to investigate into a slavery case. Mr. Aílton Pereira de Oliveira, driver of the delegation, had been seriously injured, and died several hours later in the Brasília hospital.

On 25 and 26 July 2004, following a joint investigation by the federal, civil and military police in cooperation with the federal Public Prosecutor's department, six suspects had been arrested: Mr. Francisco Elder Pinheiro, who had allegedly hired the murderers; Messrs. Erinaldo de Vasconcelos Silva, Rogério Alan Rocha Rios, and William Gomes de Miranda, the men who actually carried out the assassination; as well as the alleged intermediaries who are believed to have made the payments, Mr. Hugo Alves Pimenta and Mr. José Alberto de Castro. Through a connection that was established between Mr. Pimenta and the Mânica brothers, major agricultural producers in the region, Mr. Norberto Mânica had been identified as the person responsible for the assassination of the three lawyers, one of whom –

28. *Idem*.

Mr. Nelson José da Silva – had fined him for failing to respect working conditions on his property. Mr. Norberto Mânica had been arrested on 13 August 2004, and had also been charged with threatening the three members of the Ministry of Labour in December 2003.

On 30 August 2004, the Federal Prosecutor of the State of Minas Gerais had charged these seven people, as well as Mr. Humbeto Ribeiro dos Santos, with “participating in the death of the three lawyers and of the driver of the delegation”.

On 10 December 2004, Judge Francisco de Assis Betti of the 9th Federal Court of Belo Horizonte (State of Minas Gerais) had ruled that all the defendants (with the exception of Mr. Ribeiro dos Santos) would be tried by a popular jury for “homicide” and “forming a criminal group”. Other landowners in the region may also have been involved in the assassination.

On 21 December 2004, Mr. Mânica had submitted a *habeas corpus* with the High Court of Justice, but the Court had refused to release him. On 15 August 2005, Mr. Mânica again applied for a *habeas corpus* with the Federal Supreme Court, which ruled in favour of his release on 30 August 2005. By the end of 2005, the judicial proceedings against Mr. Mânica were still pending, but he remained free.

Acts of harassment against defenders of the landless

Threats and attacks against Mr. Gilce Freire, Mr. Markus Breuss and Mrs. Naira Rois²⁹

On 28 August 2005, farmers from the Santa Helena de Minas region, acting under the orders of the landowners Messrs. Rubens, Roni and Antonio Camargo, threatened and attacked three missionaries for the Missionary Indigenous Council (CIMI), Mr. **Gilce Freire**, Mr. **Markus Breuss** and his wife, Mrs. **Naira Rois**, in the State of Minas Gerais, accusing them of organising the repossession of land by the indigenous *Maxakali* people, on 18 August 2005. The intervention of the military police prevented the situation from degenerating. Nonetheless, by the end of 2005, these three people had not been granted any protection.

29. See Report by Justiça Global and Terra de Direitos, *Na Linha de Frente: Defensores de direitos humanos no Brasil, 2002-2005*, December 2005.

Appeal hearing of three MST leaders³⁰

On 16 December 2004, at the appeal hearing of Messrs. **Ivo Ribeiro Avila**, **Sein Alceu Becker** and **Leonir Volmar de Oliveira**, three leaders of the Landless Rural Workers' Movement (*Movimento de los Trabajadores Rurales Sin Tierra – MST*) of the State of Rio Grande do Sul (RS), one of the three judges had requested a far more lenient sentence (one year and eight months of imprisonment). The lawyers of the three men had appealed against this decision before the Court of Justice.

A hearing took place on 24 June 2005. By the end of 2005, the three men were still free. However, no information could be obtained concerning the progress in their trial.

Mr. Ivo Ribeiro Avila, Mr. Sein Alceu Becker and Mr. Leonir Volmar de Oliveira had been sentenced on 7 March 2003 by Judge Andréa Rezende Russo of the Piratini Tribunal (RS) to nine years in prison and one year of special detention for the “crime of extortion through kidnapping” and “seizure of property”, after participating in the occupation of the “Rubira” agricultural property in Piratini in 1998, along with 2,000 landless farmers. At that time, a group of farmers had been arrested by the police, leading those occupying the property to hold two police officers in an attempt to peacefully negotiate the release of the farmers taken into custody.

Arrest of the person responsible for the attack on a MST settlement³¹

By the end of 2005, Mr. Adriano Chafick Luedy, the *fazendeiro* under whose orders 18 shooters had attacked, on 20 November 2004, a MST settlement known as Promised Land, in Felisburgo, Vallée de Jequitinhonha (Minas Gerais), remained detained.

At that time, five landless farmers, leaders of the settlement, were assassinated, and twenty others injured.

In January 2005, Mr. Chafick Luedy was arrested for the first time, before being released in April 2005 by order of the High Court of Justice. He continued to threaten and harass the inhabitants of the

30. See Closed Letter to the Brazilian authorities, 23 June 2005.

31. See Annual Report 2004.

settlement all throughout the year before he was arrested for a second time, at the request of the Prosecutor.

Threats and acts of harassment against several defenders

Ongoing threats against Mrs. Maria Joelma Dias da Costa³²

By the end of 2005, Mrs. **Maria Joelma Dias da Costa**, STR president and widow of Mr. **José Dutra da Costa**, former president of the Rondon do Pará STR who was assassinated on 21 November 2000, continued to be regularly harassed and threatened with death. Furthermore, the person allegedly responsible for the assassination of her husband, the *fazendeiro* Mr. José Décio Barroso Nunes, was released, although the judicial proceedings against him were still underway.

As for Mr. Wellington de Jesus da Silva, the hired murderer (*pistoleiro*), he was taken into custody awaiting sentence, which should take place as soon as the Pará Court of Justice requests a transfer of the jury to Belém.

Threats, acts of harassment and intimidation against several members of ACAT-Brazil³³

Mrs. **Isabel Peres**, coordinator of the Brazilian section of the Christians' Action for the Abolition of Torture (*Ação dos Cristãos para a Abolição da Tortura* – ACAT-Brazil), and lawyers Mssrs. **Francisco Lúcio França**, ACAT-Brazil volunteer, and **José de Jesus Filho**, were subjected to acts of intimidation following their participation in the criminal trial, held in Mongaguá, in the State of São Paulo, from 21 to 23 March 2005, of two members of the military police, Mr. Mauricio Miranda and Mr. Silvio Ricardo Monteiro Batista, who were charged with “homicide”, “concealment of a body”, and “abuse of power”.

On 21 March 2005, Mr. Lúcio França and Mr. Jesus Filho were followed by a black car in Mongaguá. On 25 March 2005, once back in São Paulo, Mr. Lúcio França noticed that he was being followed by a man, who approached him, claiming to be a police officer belonging to a death squad, and threatened him with death if he continued to

32. *Idem*.

33. See Open Letter to the Brazilian authorities, 19 April 2005.

work on the trial. He added that “someone else might take care of the contract, since he did not work alone”.

On 26 March 2005, Mrs. Isabel Peres, who was still in Mongaguá, was also followed by a black vehicle as she travelled around the city.

An investigation was opened by the police following a complaint lodged by these three persons on 19 April 2005, but by the end of 2005, it had not produced any results yet.

As of the end of 2005, these three people had not received any further threats.

Moreover, under strong national and international pressure, in April 2005 the authorities granted precautionary measures of protection to Mrs. Peres, Mr. França and Mr. Filho, which they refused due to the constraints that such measures would impose.

Harassment campaign against

Mrs. Maria Conceição Andrade Paganele Santos³⁴

All throughout 2005, Mrs. **Maria Conceição Andrade Paganele Santos**, president of the Association of Mothers and Friends of Children and Teenagers in Danger (*Associação de Mães e Amigos da Criança e do Adolescente em Risco* – AIMER), was subjected to threats and various acts of harassment because of her denunciations of physical and psychological torture against teenagers living at the São Paulo boarding house of the Federal Foundation for the Well-Being of Children (*Fundação Estadual do Bem-Estar do Menor* – FEBEM).

On 27 June 2005, Mrs. Andrade Paganele Santos was thus threatened by FEBEM staff members while she was participating in the São Paulo Civil Society Forum. She was also followed several times as she went around in the city. She lodged a complaint with the 81st police station in São Paulo, which opened an investigation. Nonetheless, by the end of 2005, the perpetrator of these threats and acts of harassment had not been identified yet.

Furthermore, after a rebellion on 17 November 2005 by the FEBEM adolescents against the ill-treatment to which they were subjected, which had led to the death of one of them, Mrs. Maria

34. See Report by Justiça Global and Terra de Direitos, *Na Linha de Frente: Defensores de direitos humanos no Brasil, 2002-2005*, December 2005.

Conceição Andrade and Mr. **Ariel de Castro**, a lawyer and representative of the National Human Rights Movement (*Movimento Nacional de Direitos Humanos*), were the victims of a large defamation campaign led by the Governor of the State of São Paulo and the president of the São Paulo section of FEBEM, accusing them of having incited the rebellion.

CHILE

Judicial proceedings and arbitrary detentions of several Mapuche leaders and activists³⁵

Arrest of Messrs. José de la Rosa Nahuelpi Millapán and Lorenzo Manuel Nahuelpi Millapán

On 4 February 2005, Messrs. **José de la Rosa Nahuelpi Millapán** and **Lorenzo Manuel Nahuelpi Millapán**, brothers and Mapuche community leaders, were arrested and charged with causing a forest fire. They were released on parole and had to report to the Traiguén police station once a month. By the end of 2005, their trial was still pending.

Judicial harassment of the Pichún Collonao's family

- Judicial proceedings against Mr. Juan Pichún Collonao and Mr. Carlos Pichún Collonao

In 2005, Mr. **Juan Pichún Collonao**, leader of the Mapuche community in Traiguén, and his brother, Mr. **Carlos Pichún Collonao**, were summoned several times by judicial authorities in the framework of an investigation into their activities opened by the Traiguén Prosecutor's office, who was investigating several forest fires in the region.

On 5 February 2005, Messrs. Juan and Carlos Pichún Collonao were summoned to appear before the Prosecutor on 8 February 2005, suspected of having participated in setting these fires. However, even though the charges against Mr. Juan Pichun were dropped, the inves-

tigation concerning his brother was still open and the charges against him were still unknown by the end of 2005.

At the end of 2004, Mr. Juan Pichún had travelled to Europe to denounce the political persecution to which his community is subjected.

- Arbitrary detention of Mr. Rafael Pichún Collonao and proceedings against Mr. Pascual Pichún Collonao

On 20 July 2005, Mr. **Rafael Pichún Collonao**, brother of Messrs. Juan and Carlos Pichún Collonao, also accused of causing a fire in 2003 with their brother, Mr. **Pascual Pichún Collonao**, was detained for failing to pay a fine of seven million Chilean pesos (nearly 11,300 euros) that he was unable not pay, following his conviction in this case. By the end of 2005, he remained detained in a prison in the south of the country.

Furthermore, Mr. Pascual Pichún Collonao was still wanted by the police. On 6 December 2005, he officially requested a political refugee status with the Argentinean authorities.

In the course of 2005, the cases of Mr. Rafael Pichún Collonao and Pascual Pichún Collonao were presented to the Inter-American Commission on Human Rights (IACHR), but by the end of 2005 it had produced no results.

- Detention of Mr. Pascual Huentequero Pichun Paillalao

Mr. **Pascual Huentequero Pichún Paillalao**, their father, who had been sentenced to five years in prison for "terrorist threat" in January 2004, was still detained in the Traiguén prison (region IX) by the end of 2005.

Annulment of the conviction and acquittal of several Mapuche leaders / Ongoing detention of some of them

On 6 April 2005, the Supreme Court of Chile repealed the verdict that had been rendered by the Temuco Criminal Court on 9 November 2004, acquitting 11 Mapuche leaders charged with "illegal terrorist association", including, among others, Mrs. **Patricia Roxana Troncoso Robles** and the *Lonkos* (traditional chiefs) Messrs. Pascual Huentequero Pichún Paillalao and **Segundo Aniceto Norín Catriman**. Following their acquittal, the office of the Public Prosecutor of Region IX Araucanía, the Undersecretary of the Interior, Mr. Jorge Correa

35. See Annual Report 2004, Urgent Appeal CHL 001/0205/OBS 012, Open Letter to the Chilean authorities, 19 April 2005 and Press Releases, 12 and 27 July 2005.

Sútil, acting as a special Prosecutor, the municipality of Temuco and the companies Agrícola Curaco S.A. and Forestal Mininco S.A., had appealed the decision with the Supreme Court, on the basis of an allegedly false evaluation of the witnesses presented by the plaintiffs.

The annulment of the decision resulting necessarily in a new ruling in the case, the Supreme Court, trying to influence the court, suggested that this new trial “should produce a completely different verdict”.

The case of the Mapuche leaders was presented to the International Court of Justice (ICJ), which was deciding on its admissibility at the end of 2005.

Furthermore, on 22 July 2005, the Temuco Criminal Court acquitted sixteen members of the Mapuche community, including Mr. Pascual Huentequero Pichún Paillalao and Mr. Segundo Aniceto Norín Catriman, in the presence of a *chargé de mission* mandated by the Observatory. They were all charged with “illegal terrorist association” under Special Act 18.314 (anti-terrorist) and accused of “illegal membership in the Arauco Malleco Coordinating Committee” (*Coordinadora Arauco Malleco* – CAM), a violent group seeking land rights for the Mapuche community.

Nevertheless, Mr. Pascual Huentequero Pichún Paillalao³⁶, Mr. Segundo Aniceto Norín Catriman, Mr. Jaime Marileo Saravia, Mr. Patricio Marileo Saravia, Mr. Juan Carlos Huenulao Lienmil, Mr. Victor Ancalaf Llaupe, and Mrs. Patricia Roxana Troncoso Robles were still detained under the anti-terrorist law as part of other judicial proceedings. Mr. Victor Ancalaf also remained in detention at the Manzano de Concepción Octava prison, in the Bio-bio region, where he was serving a five-year sentence. Mrs. Patricia Troncoso Robles, sentenced to 10 years and one day for terrorist arson of the Fundo Poluco Pidenco, was detained at the Angol prison.

36. See above.

Detention and sentencing of Mr. José Cariqueo Saravia

On 25 October 2005, Mr. **José Cariqueo Saravia**, a member of the José Guillón community, in San Ramón de Ercilla, *lonko* and spouse of the *machi* (leader) of this community, was arrested and taken to the Angol prison, charged with “terrorist arson” and belonging to CAM. He was sentenced to 10 years in prison.

Attack and arbitrary detention of Mrs. Juana Calfunao Paillalef³⁷

On 22 July 2005, the house of Mrs. **Juana Calfunao Paillalef**, leader of the indigenous Mapuche community “Juan Paillalef” in Cunco, was set on fire by unknown individuals for the third time since 1998.

These acts followed her trip to Europe between the end of June and 4 July 2005, during which she publicly denounced the political persecutions to which the Mapuche community is subjected in Chile.

In addition, on 21 December 2005, following another trip to Europe in October and November 2005, Temuco and Los Laureles special forces policemen went to the Juan Paillalef community in order to open a public road that had been blocked at Temuco by members of the community. The police used tear gas, then opened fire on the people that had gathered to protest, injuring several of them, including Mrs. Calfunao Paillalef.

On 23 December 2005, nearly 200 policemen, under orders of the captain of the “Padre Las Casas” prison, once again attacked the community, in particular with tear gas. They again destroyed Mrs. Calfunao Paillalef’s house, damaged the electrical and water generators and confiscated agricultural and communication equipment.

During this new attack, Mrs. Juana Calfunao Paillalef and her sister, Mrs. **Luisa Ana Calfunao**, were beaten in front of their children and other children from the community. They were then taken to the third police station of “Padre Las Casas”, accused of “public disorder” and “threats against security forces”.

Mrs. Calfunao Paillalef and Mrs. Luisa Ana Calfunao were released on 24 December 2005, by order of the Temuco Court of Guarantees (*Corte de garantías*) that ruled the arrest of the two women illegal.

On 4 January 2006, Mrs. Juana Calfunao Paillalef was nevertheless detained on the order of the Temuco Criminal Court, for the above-

37. See Urgent Appeals CHL 001/0705/OBS 056, 056.1 and 056.2.

mentioned charges. Considered as a “danger to society” by the court, she remained detained at the Temuco women’s prison awaiting her trial, scheduled for 13 February 2006.

Judicial proceedings against Mrs. Myriam Reyes García³⁸

On 13 November 2005, the Court of Temuco, Cautín province, officially opened an investigation on Mrs. **Myriam Reyes García**, a lawyer and public defence attorney, for “breach of her confidentiality obligation”. This investigation was launched following the publication on 18 August 2004 of a Prosecutor’s office document, in the *El Gong* online newspaper of Temuco. That document listed the amounts paid by that office to witnesses in the trial of Mapuche leaders charged with setting fire to the property of the logging company Mininco S.A (this document shows that nearly 20 millions pesos – more than 32,200 euros – were paid to ten or so witnesses)³⁹. These payments, according to the Prosecutor’s office, were meant to protect the witnesses, even though they were not facing any danger.

Mrs. Myriam Reyes García was accused of transmitting to the press this confidential document, which was found in one of the Prosecutor’s offices three months after its publication. The two lawyers working with Mrs. Reyes García were not charged, which suggests that Mrs. Reyes García was targeted because of her role as a defence lawyer of Mapuche leaders accused of terrorism, and, more generally, for her support for the rights of this community.

On 23 December 2005, the Temuco Court of Appeal suspended the prohibition placed on Mrs. Reyes García to leave the country, as well as the requirement to report to the Court of Temuco every month, based on lack of evidence brought by the Prosecutor. However, the proceedings against her were still pending by the end of 2005.

Acts of harassment against Mrs. July Palomino, Mr. Diego Carrasco and Mr. Cesar Mamani⁴⁰

Several defenders involved in the extradition request for the former President of Peru, Mr. Alberto Fujimori, arrested in Chile on 7

November 2005, were victims of acts of harassment.

Mr. **Cesar Mamani**, a Peruvian political refugee in Chile and an activist who organised several protests supporting Mr. Fujimori’s extradition, received anonymous telephone threats at his home. Additionally, since the organisation, on 20 November 2005, of a seminar on the refugees and exiles in Chile, he has been followed by a car wherever he went.

Furthermore, Mrs. **July Palomino**, also a Peruvian political refugee in Chile, constantly received anonymous threatening phone calls and was continually followed in her movements. On 30 November 2005, three individuals, who presented themselves as members of the “international police”, searched her house and filmed several documents.

That same day, Mr. **Diego Carrasco**, a lawyer who represents civil society organisations in the extradition proceedings related to Mr. Fujimori, was threatened with a firearm by several individuals who stole his computer, his cellular phone, as well as several documents, including his agenda and his address book. Earlier that day, these individuals had followed him and searched his vehicle in Santiago city centre.

COLOMBIA

Summary executions

Assassinations and forced disappearances of trade unionists and peasant leaders

*Assassination of Mr. Pedro Murillo*⁴¹. On 26 January 2005, Mr. **Pedro Murillo**, peasant leader and resident of the settlement called “Collective Territory” of Jiguamiandó (Chocó), was assassinated during a military operation by the 17th army brigade.

*Forced disappearance of Mr. Miguel Caro*⁴². On 11 February 2005, Mr. **Miguel Caro**, a member of the board of environmental health office of the municipality of El Castillo (Meta) and peasant leader in the region, where he chaired several community action assemblies,

38. See Urgent Appeal CHL 004/1205/OBS 127.

39. See above.

40. See Urgent Appeal CHL 003/1205/OBS 124.

41. See Colombia Special Appeal, January-February 2005.

42. See Urgent Appeal COL 001/0205/OBS 013 and Colombia Special Appeal, January-February 2005.

disappeared after leaving Medellín del Ariari, where he had gone for professional reasons. Mr. Miguel Caro was fearing reprisals from paramilitary forces since 11 November 2004, when he and other persons filed a complaint for corruption against several officials, including the mayor, Mr. Arvey Martínez.

On 12 February 2005, the police found Mr. Caro's motorbike, riddled with five bullets, in the vicinity of Medellín del Ariari, along with documents relating to his complaint.

*Attempted assassination and forced disappearance of two members of USO*⁴³. On 2 March 2005, Mr. **Rafael Cabarcas**, leader of the Oil Industry Workers' Trade Union (*Unión Sindical Obrera – USO*) in Cartagena (Bolívar), and one of his bodyguards, Mr. Andrés Bohorquez Ortega, were victims of an assassination attempt in Cartagena.

In addition, Mr. **Orlando Gómez Alquichire**, an engineer affiliated with USO (Putumayo), might have been kidnapped on 21 February 2005.

*Attempted assassination of Mr. Elieser Morales Sánchez*⁴⁴. On 13 March 2005, Mr. **Elieser Morales Sánchez**, member of the National Association of Hospital Workers (*Asociación de Trabajadores Hospitalarios – ANTHOC*), was the victim of an assassination attempt in the Teusaquillo district of Bogotá. One of the hired killers got out of a vehicle and attempted to force Mr. Morales to get in. Faced with resistance from Mr. Morales, the killers began to fire at him. The victim succeeded in running away and calling for help. Finally, a taxi took Mr. Morales, who was shot in the abdomen, to the San Ignacio Hospital of Bogotá. This was the fourth time Mr. Morales Sánchez was the victim of an assassination attempt.

*Assassination of Mr. Adán Alberto Pacheco Rodríguez*⁴⁵. On 2 May 2005, Mr. **Adán Alberto Pacheco Rodríguez**, treasurer of the Trade Union of the Caribbean Coast Electrical Sector Company (*Sindicato de la Empresa del Sector Eléctrico en la Costa Caribe*), was killed by

two individuals on motorbikes, who fired at him while he was on the terrace of his parents' home in the Las Palmas district of Barranquilla.

*Assassination of Mr. José María Maldonado*⁴⁶. On 17 May 2005, Mr. **José María Maldonado**, a member of the Rural Workers' Union of the region of Atlántico (*Sindicato de Trabajadores Agrícolas por el Departamento del Atlántico – SINTRAGRICOLAS*), was assassinated in the town of Ponedera (Atlántico) by two individuals on motorbikes, who were most likely members of a paramilitary group operating in the region. 15 days earlier, Mr. Maldonado had been threatened and attacked by two individuals who forced him out of his house and shot at him.

*Status of the investigation into the assassination of Messrs. Héctor Alirio Martínez, Jorge Eduardo Prieto Chamusero, and Leonel Goyeneche Goyeneche*⁴⁷. On 14 July 2005, a Prosecutor for the Human Rights Unit of the Ministry of Justice described as “a war crime and a crime against humanity” the assassinations of Messrs. **Héctor Alirio Martínez**, president of the Regional Association of Peasants (*Asociación Departamental de Usuarios Campesinos – ADUC*), **Jorge Eduardo Prieto Chamusero**, president of the National Association of Hospital Workers (ANTHOC) in Arauca, and **Leonel Goyeneche Goyeneche**, director of the United Confederation of Workers (*Central Unitaria de Trabajadores – CUT*). The Prosecutor stated that the union leaders had “not been shot down in combat but were cruelly murdered,” that they “were in a position of inferiority in relation to the soldiers” and that they were “shot in the back.” According to the Prosecutor, the soldiers acted “with criminal intent, protected by their military status and following the orders of one among them or of the person in charge of the operation.” He also stated that testimony and scientific evidence showed that the victims were killed at point-blank range and that the scene of the crime had been disguised to hinder the investigation.

43. See Urgent Appeal COL 003/0305/OBS/18.

44. See Colombia Special Appeal, March-April 2005.

45. See Colombia Special Appeal, May-June 2005.

46. *Idem*.

47. See Annual Report 2004 and Colombia Special Appeal, July-August 2005.

Messrs. Héctor Alirio Martínez, Jorge Eduardo Prieto Chamusero, and Leonel Goyeneche Goyeneche, spokespersons for organisations working for peace and justice in Arauca, were murdered on 5 August 2004. After their deaths, the authorities claimed that their execution had occurred during a military operation led by members of a mechanised battalion of the Revéiz Pizarro army based in Saravena (Arauca). The vice-president of the Republic and the spokesman for the battalion had accused the assassinated persons of belonging to a subversive movement. For his part, the Minister of Defence had asserted that they were “delinquents,” that they were armed, and that warrants had been issued for their arrest.

*Assassination of Mr. José Trinidad Torres Muñoz*⁴⁸. On 26 July 2005, Mr. **José Trinidad Torres Muñoz**, representative for the National Agrarian Coordinating Committee (*Coordinador Nacional Agrario* – CNA) and a member of the management team of the Social Integration Committee of Catatumbo (*Comité de Integración del Catatumbo* – CISCA), was assassinated in the city of Teorama (Santander).

*Assassination of Mr. Jairo González*⁴⁹. On 29 July 2005, Mr. **Jairo González**, a peasant leader and secretary general of the Small Farmers’ Union of Bolívar (*Sindicato de Pequeños Agricultores de Bolívar* – SINPABOL) was stopped by men in military uniform in the “Hobo” neighbourhood, in the village of Carmen (Bolívar). The men forced him to get out of his vehicle before killing him and burying him in a common grave.

*Forced disappearance of Messrs. Nilson Severino Franco Ortega and Emidio Prado Trujillo*⁵⁰. On 4 August 2005, Mr. **Nilson Severino Franco Ortega**, nephew of Mr. **Rafael Esquivel Ortega**, treasurer of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de las Industrias de Alimentos* – SINALTRAINAL), was stopped by four armed men, in Andalucía (Valle del Cauca), and forced to get into a vehicle with no license plates.

48. See Colombia Special Appeal, July-August 2005.

49. *Idem*.

50. *Idem*.

On the same day, Mr. **Emilio Prado Trujillo**, brother of Mr. **Carlos Prado Trujillo**, treasurer of the Barranquilla section of SINALTRAINAL, and of Mr. **Alvaro Prado Trujillo**, treasurer of the Cali section of the Steel Workers’ Union (*Sindicato de Trabajadores de la Industria Metálica* – SINTRAIME) also disappeared in Andalucía. He was approached by four armed men who told him that they “had warned [him].” According to witnesses, the men then made him get into the same car that had been used in the abduction of Mr. Nilson Severino Franco Ortega.

By the end of 2005, both men were still reported missing.

*Assassination of Mrs. Belén Hincapié Patiño*⁵¹. On 9 August 2005, Mrs. **Bélen Hincapié Patiño**, a school teacher and a member of the Antioquia Teachers’ Association (*Asociación de Institutores de Antioquia* – ADIDA), was murdered in the village of Rio Verde, municipality of Sonsón (Antioquia). In the past, Mrs. Belén Hincapié Patiño had been the victim of threats and acts of harassment on several occasions.

*Attempted assassination of Mr. Hober Mesa Rendón*⁵². On 10 August 2005, Mr. **Hober Mesa Rendón**, leader of the National Trade Union of the Employees of the Institute of Forensic Medicine and Science (*Sindicato Nacional de los Empleados del Instituto de Medicina Legal y Ciencias Forenses* – SINDEMEDILEGAL) in the municipality of Virginia (Risaralda), was the victim of an assassination attempt after the Institute received two telephone threats saying, among other things, that a reward of 10 million pesos (more than 3,600,000 euros) would be given for the killing of three officials of the Institute. Mr. Hober Mesa Rendón was driving towards Pereira when two men on motorbikes fired at him three times.

*Torture and assassination of Mr. Luciano Enrique Romero Molina*⁵³. On 11 September 2005, Mr. **Luciano Enrique Romero Molina**, leader and former human rights secretary of SINALTRAINAL and an active member of the Foundation Committee for

51. *Idem*.

52. *Idem*.

53. See Urgent Appeal COL 010/0905/OBS 082.

Solidarity with Political Prisoners (*Fundación Comité de Solidaridad con los Presos Políticos – FCSP*), was found dead, stabbed with a knife forty-seven times, in Valledupar (Cesar). Mr. Romero Molina benefited from a special protection programme of the Inter-American Commission on Human Rights (IACHR) after receiving several death threats, which had forced him, among other things, to leave his region. By the end of 2005, no investigation into this assassination had been opened.

*Assault against several ANTHOC leaders*⁵⁴. On 25 November 2005, a bomb exploded at the Maria Immaculada Hospital in Florencia (Caquetá), as several ANTHOC leaders were arriving, among them the national president of the association, Mr. **Yesid Hernando Camacho Jiménez**, Mr. **Wilson Pérez**, president of the ANTHOC section of Caquetá, and Mr. **Alfredo Castor Hurtado**, president of the section of the city of Florencia, along with other officers of the Caquetá section. Mr. **Jairo Antonio Fajardo**, president of the Association of Assemblies of Cartagena del Chaira was killed, and 39 people were injured, including the above-mentioned leaders. Later, in the course of the investigation, Mr. Antonio Fajardo was accused of planting the bomb, as he had been sentenced several times in the past, notably for “rebellion”.

*Assassination of Mr. Luis Melo Bastidas*⁵⁵. On the first of December 2005, Mr. **Luis Melo Bastidas**, president of the Farmers’ Association of Southwestern Putumayo (*Asociación Campesina del Sur Occidente del Putumayo*) and a community leader of the rural zone of the city of Puerto Asís (Putumayo), was stopped by paramilitaries, who forced him to get out of the bus on which he was travelling to Puerto Vega. On 2 December 2005, his body was discovered at the Puerto Asís garbage dump.

54. See Colombia Special Appeal, November-December 2005.

55. *Idem*.

Assassinations and forced disappearances of civil society representatives

*Assassination of Mr. Rafael Enrique Prins Velásquez*⁵⁶. On 19 February 2005, Mr. **Rafael Enrique Prins Velásquez**, city councillor for District n° 1 of the city of Managua (Bolívar), was murdered by an armed and hooded civilian while out in the street. Several days earlier, Mr. Prins Velásquez had published in his newspaper *APOCALIPSIS* some strong criticism of the poor management of city funds for transit and transportation. He had also, in another publication, denounced irregularities in the implementation of the Basic Health Care Plan (*Plan de Atención Básica en Salud – PAB*), managed by the Health Department.

*Torture and extra-judicial executions of two members of the Peace Community of San José de Apartadó and their families*⁵⁷. On 21 February 2005, Mr. **Luis Eduardo Guerra Guerra**, a leader and member of the Internal Council of the Community of Peace of San José de Apartadó (Antioquia), his spouse, Mrs. **Bellanira Areiza Guzmán**, and his 11-year-old son, **Deiner Andrés Guerra**, were all murdered. First detained by men in uniform identified as members of the 11th brigade of the Colombian army, they were then taken to the property of Mr. **Alfonso Bolívar Tuberquia Graciano**, a member of the Peace Council of the humanitarian zone of Mulatos. Mr. Alfonso Bolívar was also executed, along with his wife, Mrs. **Sandra Milena Muñoz Pozo**, his 2-year-old son, **Santiago Tuberquia Muñoz**, and his six-year-old daughter, **Natalia Andrea Tuberquia Muñoz**.

Their bodies were found and identified, after an inquiry conducted on 25 February 2005 by a commission of Peace Community members resulted in the finding of the mutilated body of a child. A judicial commission made up of members of the Attorney General’s Office (*Fiscalía General de la Nación*) and the Public Prosecutor’s office (*Procuraduría General de la Nación*) then exhumed a common grave on the property of Mr. Alfonso Bolívar Graciano, which contained the bodies of three adults and two young children in pieces. Later, three

56. See Colombia Special Appeal, January-February 2005.

57. See Urgent Appeal COL 002/0205/OBS 017 and Colombia Special Appeal, January-February 2005.

other bodies, bearing visible signs of torture, were found and identified by members of the community as those of Mr. Luis Eduardo Guerra Guerra and his family.

*Assassination of Mr. Stivenson Torres and attempted assassination of Mrs. María Socorro Abril*⁵⁸. On 24 April 2005, Mr. **Stivenson Torres**, a member of the Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos* – CREDHOS), was killed in the international district of Barrancabermeja (Bucaramanga) by presumed members of a paramilitary group.

Moreover, on 9 November 2005, five men tried to enter the home of Mrs. **María Socorro Abril**, CREDHOS vice-president and president of the Association of Displaced Persons in the Municipality of Barrancabermeja (*Asociación de Desplazados Asentados en el municipio de Barrancabermeja* – ASODESAMUBA), seeking to assassinate her.

In the past, CREDHOS members were regularly threatened with death by paramilitary groups operating with the support of the army, and several were killed. In the last few years, these groups strengthened their control over Barrancabermeja, although the city had already a strong military presence.

*Assassination of Mr. Julio Miguel Pérez Espitia and forced disappearance of Mr. Rafael David Torres Cerda*⁵⁹. On 19 May 2005, Mr. **Julio Miguel Pérez Espitia**, husband of Mrs. **Simona Velásquez Ortiz**, both active members of the League of Displaced Women (*Liga de Mujeres Desplazadas* – LMD), was murdered at the Tool Producing Unit (*Unidad de Producción de Implementos* – UPI), in the El Talón District of the town of Turbaco (Bolívar), by means of knives and clubs. Mr. Pérez Espitia was the night watchman at UPI, where paving stones were made for the league as part of the “I dream of a dignified life” project, the purpose of which being to resettle 95 families of displaced women. No office or factory materials were stolen.

On 1 October 2005, Mr. **Rafael David Torres Cerda**, the nephew of Mrs. **Nemecia Cerda Usuga**, a member of LMD, disappeared

while in the town of Turbaco. Mr. Torres Cerda had been participating in an LMD project in Turbaco, called “Children’s Shelter and Community Center ‘the Conquest’” (*Refugio Infantil y Centro Comunitario “La conquista”*).

*Assassination of Mrs. Maurizia Lafont and her son*⁶⁰. On 28 May 2005, Mrs. **Maurizia Lafont**, a lawyer, and her son **Carlos Enrique Gómez Lafont**, aged 18, were shot to death by unknown assailants in their apartment in Cartagena. Mrs. Lafont was well-known for her work in defending the property rights of the natives of the island of Barú, near the Caribbean port of Cartagena, where, for several years, the government developed a programme to reclaim lands in order to build a hotel complex.

*Assassination of Mr. Luis Eduardo Tangarife*⁶¹. On 5 June 2005, Mr. **Luis Eduardo Tangarife** was assassinated by armed “civilians” in the Ciudad Porfía District of Villavicencio (Meta). The attackers would have tried to question him about his intention to run for mayor of La Uribe during the next elections, with the support of the Community Action Assemblies (*Juntas de Acción Comunal*), of which he was a member.

*Forced disappearance of Mr. Iván Ernesto Egas Córdoba*⁶². On 11 July 2005, Mr. **Iván Ernesto Egas Córdoba**, son of Mr. **Ramiro Egas Villota**, chairman of the Standing Committee for the Defence of Human Rights (*Comité Permanente por la Defensa de los Derechos Humanos* – CPDH), and of Mrs. **Alba Lucy Córdoba Zambrano**, a member of the Nariño Teachers’ Union (*Sindicato del Magisterio de Nariño* – SIMANA), disappeared while he was returning from Pasto (Nariño), where he was working.

A month later, an unknown individual contacted Mr. Villota and told him that his son had been detained by the paramilitary group from the United Self-Defence Forces of Colombia (*Autodefensas*

58. See Colombia Special Appeals, March-April and November-December 2005.

59. See Colombia Special Appeals, May-June 2005 and September-October 2005.

60. See Colombia Special Appeal, May-June 2005.

61. *Idem*.

62. See Urgent Appeal COL 009/0805/OBS 071 and Colombia Special Appeal, July-August 2005.

Unidas de Colombia – AUC), in retaliation for his human rights activities. A complaint was filed at the office of the local Prosecutor.

*Assassination of Mr. Luis Sigifredo Castaño*⁶³. On 7 August 2005, in the hamlet Caño Tigre, municipality of Remèdes (Antioquia), Mr. **Luis Sigifredo Castaño**, secretary of the local assemblies of Caño Tigre, Campo Viajo and Nacoreto, and a member of the Humanitarian Action Corporation for Coexistence and Peace in Northeast Antioquia (*Corporación Acción Humanitaria por la Convivencia y la Paz del Nordeste Antioqueño – CAHUCOPANA*), was assassinated by members of the Bomboná Battalion of the Colombian army. The attackers took him by force from the property where he was working, struck him and dragged him over more than 500 meters before shooting him eight times. They then set the scene to make it appear as though there had been a battle. They dressed him with a uniform and gave him a rifle before leaving him at a nearby house, where they introduced themselves as members of paramilitary groups.

*Assassination of Mr. Jose Gregorio Mojica*⁶⁴. On 18 September 2005, Mr. **Jose Gregorio Mojica**, coordinator of the human rights programme for the Community Action Assembly of “Nuevo Jordán” (*Junta de Acción Comunal de “Nuevo Jordán”*) in the town of Tame (Arauca), was murdered at his home and in front of his family, by four hired killers.

*Assassination of Mr. Juan Jesús Zambrano*⁶⁵. On 21 September 2005, Mr. **Juan Jesús Zambrano**, leader and chairman of the Community Action Assembly of Unir I district (Kennedy), was murdered in Bogotá by two hired killers who shot him twice in the head. In the past, Mr. Juan Jesús Zambrano had been threatened by real-estate developers who did not have building permits.

*Assassination of Mr. Pedro Pérez Orozco*⁶⁶. On 4 October 2005, Mr. **Pedro Pérez Orozco**, a public defence counsel for the Atlántico

region and former member of the Atlántico section of FCSPP, was assassinated by hired killers waiting outside his home in the northern part of Barranquilla. He had also been an adviser to several social and union organisations in Barranquilla, among them SINTRAIMA-GRA, SINTRAHOINCOL, SINTRAINAL, and SINDIBA.

*Torture and assassination of Mr. Diego Gutiérrez*⁶⁷. On 13 October 2005, the body of Mr. **Diego Gutiérrez**, vice-president of the Community Action Assembly of Malavar, was found in El Castillo (Meta), bearing numerous marks of torture: his body had 14 knife wounds on the left side, his testicles and his left ear were cut off, and his teeth had been pulled out.

Human rights defenders have been increasingly repressed in the Malavar region, where there is a strong military presence, particularly by members of the 21st Battalion Vargas and of the 7th Brigade of the national army. In July 2005, soldiers from that brigade had burst into the home of Mr. **Felix Gutiérrez González**, brother of Mr. Diego Gutiérrez, and had taken him without an arrest warrant to the army headquarters in the city of Granada, where he was detained for 12 hours.

*Assassination of Mr. Eislen Escalante Pérez and serious threats against Mr. Amilkar Martínez Arias*⁶⁸. On 14 October 2005, Mr. **Eislen Escalante Pérez**, president of the Association for the Displaced Victims of the System for a New Colombia (*Asociación de Desplazados Víctimas del Sistema por una Colombia Nueva*), was shot to death by two hired killers on motorbikes as he was leaving his office in Barranquilla.

Messrs. Escalante Pérez and **Amilkar Martínez Pérez**, a member of the Kankuamos community and a member of the same association, who was present at the time of the murder, were engaged in projects of assistance to internally displaced persons and were devoted to denouncing the mismanagement of funds intended for the displaced, an activity which earned them several death threats. As a conse-

63. See Colombia Special Appeal, July-August 2005.

64. See Colombia Special Appeal, September-October 2005.

65. *Idem.*

66. *Idem.*

67. See Urgent Appeal COL 013/1005/OBS 099.

68. See Urgent Appeal COL 012/1005/OBS 097 and Colombia Special Appeal, September-October 2005.

quence, Mr. Escalante Pérez had asked for protection from the appropriate authorities, among them the Ministry of Interior, and had received in response a walkie-talkie.

Mr. Eislén Escalante Pérez had also contributed to strengthening the regional network of the Colombia-Europe-United States Coordination (*Coordinación Colombia Europa-Estados Unidos*), which coordinates human rights NGOs present in Barranquilla.

The day following Mr. Escalante Pérez' death, Mr. Martínez received new death threats on his cell phone. The threats were reported to the Prosecutor's office, which asked the Security Administrative Department (*Departamento Administrativo de Seguridad – DAS*) to provide an escort for Mr. Martínez, which Mr. Martínez refused however, because of his lack of confidence in the members of DAS.

*Extra-judicial execution of Mr. Orlando Valencia*⁶⁹. On 24 October 2005, the body of Mr. **Orlando Valencia**, an Afro-Colombian from Curvaradó, a member of the Community Councils (*Consejos Comunitarios*) of Jiguamiandó and Curvaradó and an ardent defender of biodiversity and life in his community, was found in the León River, near the city of Chigorodó. Signs indicated that his hands had been tied before his death.

Mr. Orlando Valencia had been reported missing since 15 October 2005, when he was approached by two paramilitaries on motorbikes who had followed him and had shouted, "Come with us or we'll kill you !" in the presence of some members of the "Project Support Solidarity Colombia" (PASC/Canada), residents of the region, and a lawyer from the Justice and Peace Commission (*Comisión de Justicia y Paz*). When a member of Justice and Peace tried to intervene, he was threatened by one of the paramilitaries, who then forced Mr. Valencia to get on the motorbike before starting off toward Chigorodó.

A few hours earlier, the vehicle in which ten members of the Community Councils of Curvaradó were riding, among them Mr. Orlando Valencia, had been intercepted by the national police, and the passengers were arrested and accused of belonging to the Colombian Revolutionary Armed Forces (*Fuerzas armadas revolucionarias de Colombia – FARC*), before being released a few hours later.

69. See Urgent Appeals COL 011/1005/OBS 094 and 094.1.

In September 2005, Mr. Valencia had asked for effective protection from the Colombian government in the face of the destruction of biodiversity by palm-tree-growing companies and by State and para-State agents. He had also demanded the return of lands that these companies had illegally appropriated.

Mr. Valencia was benefiting from provisional measures of protection granted by the Inter-American Court of Human Rights (*Corte Interamericana de Derechos Humanos – CoIDH*) and before his death had been scheduled to participate in an upcoming conference in Chicago on the human rights situation in Colombia.

*Assassination of Mr. Pedro Nel Valencia*⁷⁰. On 26 October 2005, Mr. **Pedro Nel Valencia**, a lawyer, was assassinated in Bogotá. Mr. Nel Valencia was involved with several court cases denouncing large-scale detentions that had taken place in the region of Arauca. Mr. **Luis Zarazar**, a judge, who was then with Mr. Valencia, was injured by the bullets the killers fired.

*Assassination of Mr. Jesus María Marulanda Pérez*⁷¹. At the end of October 2005, Mr. **Jesus María Marulanda Pérez**, head of the Humanitarian Area of "La India" (*Espacio Humanitario de "La India"*) in Magdalena Medio, was assassinated by AUC members. When his body was found, it was dismembered.

*Assassination of Mr. Arlen Salas David*⁷². On 17 November 2005, Mr. **Arlen Salas David**, leader of the Peace Community of San José de Apartadó and coordinator of the humanitarian zone of Arenas Atlas, as well as six members of that community, were attacked by the army in Arenas Atlas (Antioquia). Although Mr. Salas David was seriously wounded by a grenade, the soldiers kept firing at him and his companions, who were trying to help him. When the shooting stopped, Mr. Salas David was dead.

Following this murder, two groups of the San José Community and the Community of La Unión met with army members. The latter

70. See Colombia Special Appeal, September-October 2005.

71. *Idem*.

72. See Urgent Appeal COL 014/1105/OBS 114.

admitted to killing Mr. Salas David and threatened the members of the two communities with death, accusing them of belonging to the guerrilla movement.

Later, other soldiers fired on the hamlet of Arenas Altas, forcing the families there to hide. They also fired on the school, with a teacher and students inside, claiming they had done so because they were the target of attacks from that direction. On that occasion, a member of the community, Mr. Hernán Goez, was wounded.

*Attempted assassination of Mr. Ernesto Moreno Gordillo*⁷³. On 17 November 2005, Mr. **Ernesto Moreno Gordillo**, a member of the Colombian Association of Democratic Jurists (*Asociación Colombiana de Juristas Demócratas*), who had defended several political prisoners, was seriously wounded following an assassination attempt in Bogotá.

*Assassination of several defenders in Barrancabermeja*⁷⁴. On 18 November 2005, Mr. **Delfin Rafael Pérez Vides**, a member of the Barrancabermeja city council (Santander) and defender of the rights of the residents of the El Cerro neighbourhood, was murdered.

Two weeks earlier, Messrs. **Jorge Cala**, **Luis González**, and **Jaime Quintero**, peoples' leaders and also defenders of the rights of the residents of Barrancabermeja, were also murdered.

On 15 December 2005, members of the Barrancabermeja Prosecutor's office and the national army burst into the home of Mr. Delfin Rafael Pérez Vides' mother and threatened her.

*Assassination of Mr. Neiro Segundo Yépez*⁷⁵. On 10 December 2005, Mr. **Neiro Segundo Yépez**, leader of the Displaced Persons of Atlántico (*Desplazados en el Atlántico*), was assassinated in the village of Juan Mina (Atlántico).

*Assassination of Mr. Arturo Díaz García*⁷⁶. On 21 December 2005, Mr. **Arturo Díaz García**, *corregidor*⁷⁷ of Toche for the last nine years

73. See Colombia Special Appeal, September-October 2005.

74. *Idem*.

75. *Idem*.

76. See Colombia Special Appeals, May-June and November-December 2005.

77. The *corregidor* is a special police official, appointed - and who can be dismissed at any time - by the mayor of the locality in question.

in the city of Ibagué, capital of Tolima, was killed at his working place.

On 26 June 2005, Mr. Arturo Díaz García had been arrested, along with Mr. **José Buriticá**, vice-president of the Tolima Rural Workers' Union (*Sindicato de Trabajadores Agrícolas de Tolima - SIN-TRAGRITOL*), in the city of Cajamarca, at a time when Mr. Arturo Díaz had been denouncing threats from paramilitary groups directed at him and members of the community of the village of Toche for two months. He had later been released.

Arbitrary detentions

Arbitrary detentions of trade unionists and peasant leaders

*Arbitrary detention of Mr. Samuel Morales Flórez and Mrs. Raquel Castro*⁷⁸. By the end of 2005, Mr. **Samuel Morales Flórez**, president of the Arauca section of the United Confederation of Workers (CUT), and Mrs. **Raquel Castro**, a member of the Arauca Teachers' Association (*Asociación de Educadores de Arauca - ASEDAR*) remained in custody in Bogotá.

On 5 August 2004, Mr. Samuel Morales Flórez and Mrs. Raquel Castro had been arbitrarily arrested in Saravena (Arauca) by members of the Revéz Pizarro mechanised army battalion, which had carried out a military operation on that very day in the village of Caño Seco. Mr. Samuel Morales Flórez was a witness on that occasion to the murder of Mr. Alirio Martínez, Mr. Jorge Eduardo Prieto Chamusero, and Mr. Leonel Goyeneche Goyeneche⁷⁹. Mr. Samuel Morales Flórez and Mrs. Raquel Castro were then accused of rebellion and of being linked to terrorism.

Moreover, the family of Mr. Samuel Morales Flórez remained the victim of threats and harassment. On 29 July 2005, during his transfer from the prison of Bogotá to Saravena, where a hearing was supposed to take place, Lieutenant Luis Francisco Medina paid a visit to Mr. Samuel Morales in his cell at the Saravena police station and threatened his sisters and his wife. Moreover, his wife learned that Mr. Medina had asked the director of the hospital where she works to fire her.

78. See Annual Report 2004 and Urgent Appeal COL 013/0804/OBS 065.1.

79. See above.

Additionally, between 21 and 24 September 2005, Mrs. Omaira Morales, Mrs. Matilde Morales, Mrs. Gladis Morales and Mr. William Bustos, respectively sisters and brother-in-law of Mr. Samuel Morales Flórez, received phone threats at their homes from persons claiming to be AUC members. The callers threatened them with attacks on their families and themselves if they did not leave the area within three days. By the end of 2005, no investigation had been opened into these matters.

*Arrests of Mr. Over Dorado Cardona, Mr. Iván Castro Reinoso and Mr. Francisco Alirio Salazar*⁸⁰. On 16 January 2005, 17 teachers were arrested in the municipality of Medellín (Antioquia). Among them were Mr. **Over Dorado Cardona**, Mr. **Iván Castro Reinoso** and Mr. **Francisco Alirio Salazar**, leaders of the Human Rights Commission of the Antioquia Teachers' Association (*Comisión de Derechos Humanos de la Asociación de Institutores de Antioquia – ADIDA*). These arrests were carried out during a time of demonstrations protesting against the instituting of an admissions examination for all professionals of the various sectors in order to incorporate public education institutions. The three leaders were released the next day.

By the end of 2005, Mr. Francisco Alirio Salazar continued to be the victim of threats and acts of harassment. Moreover, he has not received his salary since 2004.

*Detention of Mr. Álvaro Manzano*⁸¹. On 24 April 2005, Mr. **Álvaro Manzano**, former president of the Cimitarra River Valley Peasants' Association (*Asociación Campesina del Valle del Río Cimitarra – ACVC*) and former city councilman, was arrested on the outskirts of Notepases by members of the New Grenada (*Nueva Granada*) battalion, on orders of Colonel Castillo, and was subjected to psychological pressure and torture for nearly two weeks.

On 6 June 2005, Mr. Manzano was once again arrested without a warrant by three armed civilians, on the order of the Bucaramanga Prosecutor, and was held in Barrancabermeja by the DAS leader. He was accompanied by Mr. Scott Nicholson, an American observer and

a member of the Montana Human Rights Network, an American organisation. Mr. Álvaro Manzano was released on 20 June 2005.

*Detention and judicial proceedings against Mr. Javier Dorado*⁸². On 26 May 2005, Mr. **Javier Dorado**, a unionist and social leader in the Cauca Valley, a teacher member of the Nariño Teachers' Union (*Sindicato del Magisterio de Nariño – SIMANA*), and a member of the Colombia – Europe-United States Coordination, beneficiary of the protection programme under the Ministry of the Interior, was arrested by agents of the Security Administrative Department (DAS), on the orders of the Prosecutor of section 11. Mr. Dorado was accused of rebellion.

*Arbitrary detention of Mr. Luis Torres Redondo*⁸³. On 25 May 2005, Mr. **Luis Torres Redondo**, director of the community of Salado⁸⁴ (Bolívar), president and legal representative of the Displaced Persons' Association of Carmen Bolívar (*Asociación de Desplazados de Carmen de Bolívar – ASODESBOL*), was arrested by members of the national army and representatives of the Technical Inquiry Corps (*Cuerpo Técnico de Investigaciones – CTI*) of the Attorney General of the Nation, following a search of his home in the Caracoles neighbourhood of Cartagena by a group of armed men who intimidated members of his family. Mr. Luis Torres was then taken to the office of the Attorney General of the Nation, where he remained in custody until 8 June 2005, accused of rebellion and of being linked to a subversive organisation. By the end of 2005, the criminal investigation was still ongoing.

*Detention and judicial proceedings against Mr. Hernando Hernández Tapazco*⁸⁵. On 1 June 2005, Mr. **Hernando Hernández**

82. *Idem*.

83. *Idem*.

84. The community of Salado is regularly subjected to persecutions and harassment from the national authorities and paramilitary groups operating in the region. In 1997, the community was the target of a massacre, which led to the displacement of over 500 families. With the help of Mr. Luis Torres and other community leaders, various agreements were reached with the national government, allowing for the return of the displaced to their community under good security conditions, but these agreements were not respected. In 2000, a paramilitary commando killed over 40 people following a "people's tribunal", after warning the population that they would henceforth be considered as being part of the guerrilla movement.

85. See Colombia Special Appeals, May-June and July-August 2005.

80. See Colombia Special Appeal, January-February 2005.

81. See Colombia Special Appeal, May-June 2005.

Tapazco, leader of the indigenous community of Emberá Chamí and a member of the human rights department of the United National Federation of Agriculture and Livestock Unions (*Federación Nacional Sindical Unitaria Agropecuaria* – FENSUAGRO-CUT), was arrested at the Federation headquarters in Bogotá.

In August 2005, his case was transferred from the Prosecutor's office in the city of Manizales to the anti-terrorism unit of the office of the Attorney General of the Nation.

By the end of 2005, Mr. Hernando Hernández Tapazco, accused of rebellion, was still in detention at the prison of Manizales (Caldas).

*Detentions of trade unionists in Tolima*⁸⁶. On 21 and 22 June 2005, during an operation carried out by the Unified Action Group for Personal Freedom (*Grupo de Acción Unificado para la Libertad de Colombia* – GAULA), by the police of the region of Tolima, and by the Prosecutor, 13 persons were arrested and accused of rebellion in Ibagué, capital of Tolima, including Mr. **Juan Bautista Acero Trujillo**, a member of the Tolima Rural Workers' Union (*Sindicato de Trabajadores Agrícolas del Tolima* – SINTRAGRITOL – FENSUAGRO) and a CUT member.

*Detention of Mr. Leodan Robeiro Rosero Morán*⁸⁷. On 25 June 2005, Mr. **Leodan Robeiro Rosero Morán**, a teacher at the Vegas Rural Co-Education Instructional Institution (*Institución Educativa Rural Mixta de Vegas*) in the city of Ricaurte (Nariño), a member of SIMANA, and president of the Association of "Anturios Silvestres" Community Centers of the Colombian Institute for Family Welfare (*Asociación de Hogares Comunitarios "Anturios Silvestres" del Instituto Colombiano de Bienestar Familiar*), was arrested in Cabildo Mayor Awá de Ricaurte on the order of the Prosecutor while in the company of three other members of the indigenous community of Awá.

*Arbitrary arrest of two student leaders*⁸⁸. On 7 September 2005, the homes of Ms. **Diana Morena**, a member of the Academic Council of

Forestry Engineering Students, and of Mr. **Germán Acosta** and Mr. **Diego F. Sierra**, former representatives of the Students' Committee for University Welfare (*Comité Estudiantil de Bienestar Universitario* – CEBU), were searched by the police in Ibagué (Tolima). Ms. Diana Morena and Mr. Germán Acosta were also arrested.

*Arrests of two members of the Federation of Peasants and Miners of South Bolívar*⁸⁹. On 8 October 2005, troops of the Nueva Granada anti-aircraft battalion of Barrancabermeja, accompanied by CTI members, burst into the town of Micoahumado and encircled the inhabitants. They also arrested Mr. **Isidro Alarcón Bohórquez**, a member of the Federation of Peasants and Miners of South Bolívar (*Federación Agrominera del Sur de Bolívar*) and director of the Peace Laboratory in the Magdalena Medio (*Laboratorio de Paz en el Magdalena Medio*), an institution supported by the European Union within the framework of the Programme for Development and Peace in the Magdalena Medio, by the diocese of Magangue, and by several regional and national human rights organisations. Mrs. **Laura Cristina Canónico**, a friend of Mr. Alarcón Bohórquez, and Mrs. **Elba María Galvis**, a member of the Federation, were also arrested.

*Arrest of Mr. Henry Oswaldo Molina García*⁹⁰. On 18 October 2005, Mr. **Henry Oswaldo Molina García**, a student leader, was arrested and taken to the offices of the Division of Judicial and Investigation Police (*Sección de Policía Judicial y de Investigación* – SIJIN) in Barranquilla, where he was brutally beaten. During his detention, he was accompanied by Ms. **Sara Melisa Pavón Menéndez**, a student. Both were victims of death threats in order to dissuade them from revealing what happened.

*Detention of Mr. Jhon Castaño*⁹¹. On 1 November 2005, Mr. **Jhon Castaño**, leader of the Union of Public Services Consumers (*Liga de Usuarios de los Servicios Públicos*), who had supported the strike by sugar cane workers in the city of Floride, in the region of El Valle, was

86. See Colombia Special Appeal, May-June 2005.

87. *Idem*.

88. See Colombia Special Appeal, September-October 2005.

89. *Idem*.

90. *Idem*.

91. See Colombia Special Appeal, November-December 2005.

arrested in Floride on the order of the Prosecutor and accused of misdemeanour rebellion. As of the end of 2005, he remained in custody.

*Arbitrary detention of Mr. Samuel Sánchez*⁹². On 13 November 2005, the home of Mr. **Samuel Sánchez**, secretary of the Quipile section of the Cundinamarca Union of Small Farmers (*Sindicato de Pequeños Agricultores de Cundinamarca – SINPEAGRICUN*) and a member of the regional assembly of the union, was searched by the police, without a warrant. After several hours of detention, he was ultimately released the same day.

*Arbitrary detention of Mr. Nicolás Arnoldo Castrillón Sánchez*⁹³. On 14 November 2005, Mr. **Nicolás Arnoldo Castrillón Sánchez**, vice-president of the Antioquia Peasants' Association (*Asociación Campesina de Antioquia*), was arrested in Bogotá by members of the national police. He was taken to the police station in the Kennedy district, then to the SIJIN facility. He was accused of "rebellion" by the Attorney General of the Nation. After interrogating him on 18 November 2005, the Prosecutor ultimately concluded that Mr. Castrillón Sánchez was innocent and, as a result, ordered his immediate release.

Arbitrary detentions of civil society representatives

*Arbitrary detention of several members of the Commission for Justice and Peace*⁹⁴. On 1 April 2005, workers at the headquarters of the Inter-ecclesiastical Commission for Justice and Peace in Bogotá (*Comisión Intereclesial de Justicia y Paz – CJP*) received a call informing them of the arbitrary arrest of Mr. **Enrique Chimonja**, Mrs. **Johana López**, Mr. **Edwin Mosquera**, Mrs. **Mónica Suárez**, and Mr. **Fabio Ariza**, members of the Commission accompanying the communities of Jiguamiando and Curvarado, in the humanitarian zones of "Nuevo pueblo", "Bella Flor Remacho", and "Nueva

92. *Idem*.

93. *Idem*.

94. See Urgent Appeals COL 005/0405/OBS 021 and 021.1 and Colombia Special Appeals, January-February and March-April 2005.

Esperanza", in the regions of Chocó and Antioquia. On 8 April 2005, members of CJP headquarters in Bogotá were informed that these persons had been released and that they were accompanied by members of the United Nations High Commission for Refugees (UNHCR) and the Diocese of Quibdó. The armed men who had arrested them had presented themselves as FARC members.

*Arbitrary detention of Mr. Ulvio Martín Ayala and Mr. Bryan Cardenas Posada*⁹⁵. On 12 May 2005, Mr. **Ulvio Martín Ayala** and Mr. **Bryan Cardenas Posada**, leaders of the Social Corporation for Community Consulting and Training (*Corporación Social Para la Asesoría y Capacitación Comunitaria – COSPACC*), were arrested in the village of El Morro in the municipality of Yopal (Casanare), while they were making a documentary on the impact on the environment of the activities of the petroleum producing company in El Morro.

Mr. Ulvio Martín Ayala was released at the beginning of October 2005, after spending 147 days in the cells of the 16th brigade of the national army in Yopal.

By the end of 2005, no information was available on the detention of Mr. Posada.

*Arrest of Mr. Ceferino Pacho Trochez*⁹⁶. On 15 May 2005, Mr. **Ceferino Pacho Trochez**, indigenous leader of the community of Yú Yic Kwé, was kidnapped from his home by soldiers present in the villages of Cisneros and Juntas, in the municipality of Dagua (Valle del Cauca). When the Governor and the representatives of the Páez ethnic group attempted to obtain information on his fate, the soldiers told them that Mr. Pacho Trochez was named on an arrest warrant, although they were unable to show it to them. The Governor then demanded that Mr. Trochez be set free, and the commandant and his subordinates attacked her, as well as the ethnic members and other persons from her community, before taking Mr. Ceferino Pacho Trochez away.

Mr. Pacho Trochez had previously been illegally detained on 18 March 2005 by soldiers wearing baklavas and who had taken his picture and fingerprints.

95. See Colombia Special Appeal, September-October 2005.

96. See Colombia Special Appeal, May-June 2005.

*Arbitrary detention of Mr. Eliécer Guzmán and Mr. Jesús Berrío and threats against the Peace Community of San José de Apartadó*⁹⁷. On 30 June 2005, Mr. **Eliécer Guzmán**, coordinator of the municipality of La Unión, near San José de Apartadó (Antioquia), was arrested on the order of the Prosecutor while returning home. The Prosecutor accused him of having ties to the guerrilla movement and asked him for personal information on members of the Community of San José de Apartadó, warning him that he was “under surveillance”. Mr. Guzmán was released after this interrogation.

On the same day, Mr. **Jesús Berrío**, a member of the Community of San José de Apartadó, was arrested by army members who were probably hiding in order to kill Mr. **Aníbal Durango**, leader and member of the same community. Mr. Berrío was released, but not without being warned that “their turn would come” for all members of the community.

*Arbitrary detention of OFP members*⁹⁸. On 7 July 2005, two motorised officers and a patrol of the national police arrested and violently assaulted members of the Popular Women’s Organisation (*Organización Femenina Popular* – OFP) in Bogotá, including Mrs. **Mongui Gómez**. Following lengthy negotiations, the OFP members were released, after being forced to sign a document in which they affirmed that they had not been victims of ill-treatment.

*Detention of Mr. Ricardo Lorenzo Cantalapiedra*⁹⁹. During the third week of August 2005, after he had several times condemned the massive and arbitrary detentions of inhabitants of the region, Mr. **Ricardo Lorenzo Cantalapiedra**, a Spanish priest from the Colombian municipality of Uribe, in Meta, was arrested in Uribe and accused of having ties to the FARC, after meeting with some of its leaders, according to the Prosecutor’s investigation.

The priest was interrogated, in the presence of the mayor of Uribe and other persons, by a Prosecutor from Villavicencio (Meta).

On 21 October 2005, Mr. Ricardo Lorenzo Cantalapiedra, who had been detained in Bogotá, was released.

97. *Idem*.

98. See Colombia Special Appeal, July-August 2005.

99. See Colombia Special Appeals, July-August and September-October 2005.

*Arrest of Mr. Eder Burgos and Mr. Braulio Canticus*¹⁰⁰. On 26 October 2005, Mr. **Eder Burgos**, judicial expert for the city council of the Awá indigenous community in Ricaurte-Camawari, Nariño, and Mr. **Braulio Canticus**, secretary of the same indigenous organisation, were arrested in the hamlet of Chucunés, in the city district of Mallama, Pie de Monte Costero region, on the order of a sergeant of the national police. The officer also confiscated a camera, a cell phone, and a planner book. The native leaders were taken to cells at the national police station in the town of Ricaurte.

They were accused of having taken part in a guerrilla incursion, on 25 October 2005, when the Awá people declared their autonomy and asked that all parties to the conflict respect their independence.

*Arbitrary detention and judicial proceedings against Mr. Rodrigo Vargas Becerra*¹⁰¹. On 8 November 2005, while Mr. **Rodrigo Vargas Becerra**, a member of the board of directors of the Valle Del Cauca section of the Permanent Committee for the Defence of Human Rights (CPDH), was returning to Cali, where he works, he was arrested by members of the Mobile Squadron for the Maintenance of Order (*Escuadrón Móvil Anti Disturbios* – ESMAD) of Cauca region. He had accompanied indigenous groups from Cauca during a demonstration demanding the return of lands from the El Japio Hacienda, in Santander de Quilichao.

Accused by ESMAD of having planted a bomb, Mr. Rodrigo Vargas Becerra was ultimately released on 10 November 2005, when it was proven that he was at the time participating in a radio broadcast in Santander de Quilichao. However, judicial proceedings against him for “injury and attack on a civil servant” remained pending by the end of 2005.

*Arbitrary detention of Mr. Diego Figueroa and Mr. William Kayapul*¹⁰². On 30 November 2005, Mr. **Diego Figueroa** and Mr. **William Kayapul**, members of the Commission for Justice and Peace (CJP), were arrested, photographed, and violently interrogated in

100. See Colombia Special Appeal, September-October 2005.

101. See Colombia Special Appeal, November-December 2005.

102. *Idem*.

Buenaventura (Valle del Cauca), by members of DAS and the national army during a monitoring operation, without apparent reason. They were released after several hours.

*Detention of Mr. Roberto Castro Barrios*¹⁰³. On 1 December 2005, Mr. **Roberto Castro Barrios**, former mayor of the village of Calamar, in the region of Guaviare, and a community leader participating in a humanitarian mission composed of members of national and international organisations and of official media entities from Calamar, was arrested by DAS members, while he was heading, along with other members of the mission, to the Vanguardia airport in Villavicencio. Mr. Castro Barrios was one of the main organisers of this mission, which aimed at gathering criticisms by the population of the effects of the *Plan Patriota*, a national plan to combat FARC and the populations allegedly supporting them.

On 19 April 2005, Mr. Castro Barrios had been detained for five days by military units of the army's 7th Mobile Brigade. Accused of "rebellion", he had been acquitted on 23 August 2005 by the court of San José de Guaviare.

Threats, harassment and attacks

Threats, harassment and attacks against trade unionists and peasant leaders

*Threats against several trade unionists*¹⁰⁴. On 10 February 2005, several union members received death threats by means of a pamphlet bearing the logo of the AUC, slid underneath the door of the Bogotá offices of the National Federation of Agrarian Cooperatives (*Federación Nacional de Cooperativas Agrarias* – FENACOA). Mr. **José Antonio Guerrero García**, general director of FENACOA, Mrs. **Edilia Mendoza**, leader of the National Association of Rural Workers and Inhabitants – Unity and Reconstruction (*Asociación Nacional de Usuarios Campesinos – Unidad y Reconstrucción* – ANUC-UR), Mr. **Everto Díaz**, president of the United National Federation of

Agriculture and Farming Unions (*Asociación Nacional Sindical Unitaria Agropecuaria* – FENSUAGRO), and Mr. **Germán Bedoya**, president of the National Agrarian Coordination Committee (*Coordinador Nacional Agrario* – CNA), were the specific targets identified in the pamphlet.

*Threats against USO members*¹⁰⁵. On 18 February 2005, the Workers Union (*Unión Sindical Obrera* – USO) was warned of assassination plans against Messrs. **Jorge Gamboa Caballero**, **German Osman Mantille**, and **Nelson Díaz Vargas**, respectively president, auditor and treasurer of USO. USO also received threats from the Capital Block (*Bloque Capital*), a paramilitary group, in February.

On 3 March 2005, following protests organised in Bogotá, Mr. **Edgar Mojica Vanegas**, USO national secretary for communications, was followed by a non-identified vehicle.

On the same day, USO offices in Cartagena received a call from a person presenting himself as a dissident member of the Central Bolívar Block (*Bloque Central Bolívar*), a unit of the AUC, who informed them that a plan was in place to assassinate USO leaders, members of other unions, and leaders of civil society organisations.

These events were part of a systematic plan to harm the trade union. In December 2001, the Inter-American Commission on Human Rights (IACHR) had already urged the Colombian government to adopt precautionary measures to protect USO members.

*Death threats against and harassment of Mr. Miguel Alberto Fernández Orozco*¹⁰⁶. Mr. **Miguel Alberto Fernández Orozco**, president of the Cauca section of the United Workers' Federation of Colombia (*Central Unitaria de Trabajadores de Colombia* – CUT) and coordinator of the Human Rights and Integration offices of the Colombian Range Integration Committee (*Comité de Integración del Macizo Colombiano* – CIMA), received death threats on 8 March 2005, the day after the public release of a report on the human rights situation in Cauca.

103. *Idem*.

104. See Open Letter to the Colombian authorities, 22 February 2005, and Colombia Special Appeal, January-February 2005.

105. See Colombia Special Appeal, January-February 2005 and Urgent Appeal COL 003/0305/OBS 018.

106. See Urgent Appeals COL 004/0305/OBS 019, 019.1 and 019.2.

On 17 October 2005, CIMA members in Popayán (Cauca) received a pamphlet from the AUC accusing them of being “terrorists” and “leftist criminals” and warning them that their “every step was being watched”.

On 18 and 19 October 2005, CIMA members in Popayán received two phone calls in which Mr. Miguel Alberto Fernández Orozco and his family were threatened, if they did not to leave the city by the end of the year.

On 1 November 2005, Mr. Miguel Alberto Fernández Orozco was arrested at CUT offices in Popoyán, then brought to a DAS station, where he was accused of having made “false accusations” (Article 435 of the Colombian Criminal Code); “false threats” (Article 347 of the Criminal Code); and of having engaged in “procedural fraud” (Article 453 of the Criminal Code).

On 8 November 2005, the Public Prosecutor in charge of the case granted parole to Mr. Miguel Alberto Fernández Orozco. The charges against him, however, were pending by the end of 2005.

*Death threats against several union leaders*¹⁰⁷. On 9 March 2005, the CUT executive committee announced that it had been informed of a possible assassination plan against the union’s leaders, specifically Mr. **Domingo Tovar Arrieta**, director of the CUT human rights department, considered as the main obstacle to the success of the Santa Fé de Ralito negotiations between the government and paramilitary groups. This plan would be carried out by members of the 17th Brigade of the army, based in Carepa and Antioquia, and the 13th Brigade, based in Bogotá.

The other union leaders who would be targeted by the plan were: Mr. Raphaël Cabarcas, leader of the Cartagena section of USO, already a victim of death threats in February 2004 and of an assassination attempt in Cartagena in March 2005¹⁰⁸; Mr. **Edgar Mojica**, head of the USO national communications office, already the victim of telephone death threats on two occasions and arbitrarily detained in October 2001¹⁰⁹; Mr. Miguel Alberto Fernández Orozco¹¹⁰;

107. See Colombia Special Appeal, March-April 2005.

108. See Annual Report 2004 and above.

109. See Urgent Appeal COL 003/0305/OBS 018, and Annual Reports 2001 and 2003.

110. See above.

Mr. **Carlos González**, of SINTRAUNICOL in the Valle region, and Mr. **Ariel Díaz**, head of the CUT-Valle human rights office and a member of the executive council (both men had already been declared military targets in 2004¹¹¹); Mr. **Jesús Tovar**, vice-president of the Atlántico section of CUT, and Mr. **Evelio Mancera**, president of the Atlántico section of SINTRAIMAGRA, who had been declared military targets by the AUC in late March 2005¹¹².

These individuals continued to receive threats by the end of 2005.

*Parole of Mrs. Luz Perly Córdoba*¹¹³. On 16 March 2005, Mrs. **Luz Perly Córdoba**, president of the Arauca Peasants’ Association (*Asociación Campesina de Arauca – ACA*), secretary general of FEN-SUAGRO – CUT and head of the human rights department of this Federation, was granted parole.

Mrs. Luz Perly Córdoba had been arrested by DAS officers on 18 February 2004 in Bogotá on a warrant from the Public Prosecutor. She was subsequently detained at DAS offices in Palo Quemao until 21 February 2004 and then transferred to the “Buen Pastor” prison in Bogotá. On 6 May 2004, she had waived her right to a public defender, citing the absence of procedural guarantees and the lack of respect for her rights. Mrs. Luz Perly Córdoba was later forced to leave Arauca for Bogotá to escape the death threats that she had received from the military and paramilitary groups. IACHR demanded that measures be taken to protect her.

At the end of 2005, Mrs. Luz Perly Córdoba and her family were forced to leave Colombia to escape the threats made against them.

*Death threats against SINALTRAINAL members*¹¹⁴. On 28 March 2005, a pamphlet was discovered at the headquarters of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de la Industria de Alimentos – SINALTRAINAL*) in Barranquilla, declaring the following members of SINALTRAINAL as military targets of the Banana Block of the AUC: **Eduardo García Pimienta**,

111. See Annual Report 2004.

112. See above.

113. See Annual Report 2004 and Colombia Special Appeal, March-April 2005.

114. See Urgent Appeal COL 006/0405/OBS 022.

Euripides Yance, Evelio Mancera, Eduardo Arévalo, Jesús Tovar, Antonio Andrade, Roberto Borja, Tomas Ramos, Adalberto Ortega, Victor Vaca, Luis Jiménez, Osvaldo Camargo, Elicen Gárces, Jorge Eliécer Sarmiento, Freddy Páez, Ramón Camargo, Germán Castaño, Antonio García and Orlando Pérez Contreras. The pamphlet was discovered as the union's Barranquilla section was preparing petitions for submission to the Coca-Cola companies of the Costa Norte. The competent authorities, including the human rights unit of the Prosecutor's office in the Atlántico region, received a formal complaint filed by CUT.

*Paramilitary operation against union and political leaders in Barrancabermeja*¹¹⁵. In April 2005, an initiative known as the "Final Operation", led by the Capital Block paramilitary group, was allegedly launched to assassinate union leaders and leftist party (political opposition) members in Barrancabermeja. This operation would have targeted well-known leaders who had signed an administrative complaint (*derecho de petición*) questioning the conduct of the city's Mayor, Mr. Edgar Cote Gravino, specifically: Mr. **Juan Carlos Galvis**, CUT president, Mrs. **Yolanda Becerra**, OFP director, Mr. **Pablo Arenales**, CREDHOS president, Mr. **David Ravelo Crespo**, a member of the Communist Party, OFP secretary and CREDHOS secretary general, Mr. **Jorge Gamboa**, president of USO, Mr. **Régulo Madero**, director of *Corporación Nación* and a member of CREDHOS, Mr. **Francisco Campos**, a member of CREDHOS, Mr. **Alirio Rueda**, USO former president in Barrancabermeja, Mr. **Ramón Rangel**, head of USO human rights department in Barrancabermeja, and Mrs. **Evangelina Marín**, head of the Barrancabermeja Teachers' Associations.

Furthermore, a list of people to be assassinated was made public on 18 November 2005. Several union leaders and human rights defenders in Barrancabermeja appeared on the list: Mrs. María Socorro Abril, Evangelina Marín and Yolanda Becerra, and Messrs. Francisco Campo, Régulo Madero, David Ravelo, Alirio Rueda, Ramón Rangel and **Álvaro Pérez Vides**.

*Threats against Mr. Diego Fernando Acosta Salinas*¹¹⁶. On 4 May 2005, Mr. **Diego Fernando Acosta Salinas**, a student and member of the Colombian Association of University Students (*Asociación colombiana de estudiantes universitarios* – ACEU), received a telephone call from a person identifying himself as an AUC member and who threatened to kill him if he did not stop his union activities.

*Several members of SIMANA declared as military targets*¹¹⁷. At the beginning of June 2006, a message was left under the door of the residence of Professor **José Arturo Guerrero Santander**, president of the Nariño Teachers' Union (SIMANA), threatening him with death and declaring him a military target, along with Messrs. and Mrs. **Arturo Guerrero**, **Alberto Narváez**, **Eric Hurtado**, **José Arévalo**, **Araceli Ibarra**, **Eduardo Romo**, **Carmen Unigarro**, **Rosaura Oviedo**, **Nelfi Castro**, **Carlos Martínez**, **Alvaro Barcenás**, **Fabio Muñoz**, **Aldo Córdoba**, **Flor Finlai**, **Carmen Meza**, **Giraldo Tutistar**, **Hernando Caicedo**, **Margota Bolaños**, **Diego Mejía** and **Martha Melo**. Most of those targeted were teachers and members of SIMANA executive board or the Standing Committee for the Defense of Human Rights in Nariño (CPDH-Nariño).

*Threats against Mr. Fabián Laverde Doncel's wife*¹¹⁸. On 3 June 2005, an envelope was delivered to Mrs. **Leidy Yohana Vallejo Vallejo**, secretary general of José Antonio Galán College and wife of peasant leader Mr. **Fabián Laverde Doncel**, coordinator of the Farming Programme of the Social Corporation for Community Advisory and Training Services (*Corporación Social Para la Asesoría y Capacitación Comunitaria* – COS-PACC). The envelope contained the following message: "Madam, if you value your life as well as that of your family, what are you doing there? ...Credit must be given where credit is due... obviously, José Antonio Galán College of Ubaté, in Cundinamarca, belongs to SINALTRAINAL, an organisation whose members and their families were victims of attacks." When Mrs. Vallejo attempted to file a complaint with the Immediate

115. See Colombia Special Appeals, March-April and November-December 2005.

116. See Colombia Special Appeal, May-June 2005.

117. *Idem*.

118. *Idem*.

Response Unit (*Unidad de Reacción Inmediata* – URI), the police officers argued that they were not responsible for investigating the matter and that a threat did not constitute an offence.

*Harassment of members of SINALTRAINAL*¹¹⁹. On 11 June 2005, 30 workers, some of whom were affiliated with SINALTRAINAL, were summoned and illegally confined by Kraft Foods Colombia, S.A. The company demanded that its workers sign a letter of resignation from their respective positions. On orders of the company, riot police allegedly beat the workers, injuring several of them.

*Threats against CUT Santander*¹²⁰. On 14 June 2005, unidentified persons left an envelope, dated 13 June and addressed as follows, at the CUT headquarters in Santander: “Certificate of death – for free, unionised companies and the guerrillas of Colombia”. It contained the following message: “The AUC Central Bolívar Block has charged the Non-Unionised Companies squad to purge the city of unionists and the servile earthworms of the guerrillas”. Two warnings, the first threatening with exile and the second with death penalty, were also addressed to four Santander CUT leaders and two members of FCSPP.

*Threats against two members of ACVC*¹²¹. In mid-June 2005, Mr. **Ramiro Ortega**, former president of the Peasants’ Association of the Cimitarra River Valley (*Asociación Campesina del Valle del Río Cimitarra* – ACVC), was threatened by the commander-in-chief of the “Calibio” battalion of the 14th brigade of the national army. Members of this battalion had met in the village of Santodomingo, in the Cimitarra River Valley, and were stealing supplies from the hamlet. Without any authorisation to do so, the army sent hooded men to seize homes in the town during the night. As a result, fifteen families were forcibly displaced from their homes.

On 13 June 2005, Mr. **César Jerez**, a member of ACVC and coordinator of the Rural Press Agency (*Agencia Prensa Rural*), was followed by DAS officers while travelling from San Pablo to

Barrancabermeja. DAS agents followed Mr. Jerez in the same truck that had been used to arrest the former president of ACVC, Mr. **Álvaro Manzano**, in June 2005¹²². This occurred after Mr. César Jerez requested a protective escort from ACVC, given the ongoing presence of paramilitary contract killers in the river port of Barrancabermeja. Mr. César Jerez had recently taken part in an activity in the Southern Bolívar Comprehensive Development Zone (*Zona de Desarrollo Integral del Sur de Bolívar* – ZDI), of which evaluation committee he is a member. The ZDI is a joint initiative of the Magdalena Medio Peace Laboratory, ACVC and 36 community action assemblies in Southern Bolívar, that benefits from the political and financial support of the European Union.

*Threats against several members of CUT Tolima*¹²³. On 6 July 2005, the secretary of the Tolima section of CUT discovered a woman taking photographs of the union headquarters in Ibagué.

In addition, Mr. **Pedro Varón Gutiérrez**, president of the Tolima section of CUT, was the victim of phone-tapping and also noticed the presence of individuals on motorcycles around his home.

Finally, leaders of CUT Tolima were declared military targets by paramilitary groups on several occasions.

*Death threats against Mr. Hernando Montoya Guevara*¹²⁴. On 2 August 2005, several pamphlets containing death threats against Mr. **Hernando Montoya Guevara** were found at the mayoral offices of Cartago (Valle). Mr. Hernando Montoya Guevara, who received precautionary measures of protection from the IACHR, was a member of the board of directors of the Union of Workers and Employees of Autonomous Public Services and Decentralised Institutes of Colombia (*Sindicato de Trabajadores y Empleados de Servicios Públicos Autónomos e Institutos Descentralizados de Colombia* – SIN-TRAEMSDDES), and is today the labour representative to the Executive Council of the Cartago Family Compensation Fund (*Caja de Compensación Familiar* – COMFAMILIAR).

119. *Idem.*

120. *Idem.*

121. *Idem.*

122. See above.

123. See Colombia Special Appeal, July-August 2005.

124. *Idem.*

Since 26 November 2001, SINTRAEMSDES has also benefited from the IACHR protection programme, which was extended to the Executive Subcommittee of Sincelejo (Sucre), in 2004, following increased threats and acts of harassment by paramilitary groups in this area of the country.

*Harassment of Mr. Marco Nieves*¹²⁵. On 18 August 2005, in Bucaramanga (Santander), Mr. **Marco Nieves**, union leader and president of the National Association of Displaced Persons of Colombia (*Asociación Nacional de Desplazados de Colombia – ANDESCOL*), was followed after having been stopped by the police, who demanded to see his identity papers. Mr. Nieves was heading to the Citizens' Rights and Displaced Persons Forum, accompanied by Mrs. **Judith Maldonado**, a member of the Luis Carlos Pérez Law Collective of Bucaramanga, when he was followed by two individuals on motorcycles who had just been speaking with two other people, one of whom was the police officer who had initially inspected Mr. Nieves.

*Harassment of union leaders in Arauca*¹²⁶. In August 2005, leaders of both civil society organisations and unions in Arauca were victims of threats and attacks, particularly Messrs. **Dionisio Fonseca** and **Oscar Álvarez**. Moreover, Mr. Dionisio Fonseca was suspended from the Arauca Electrical Energy Company (*Empresa de Energía Eléctrica de Arauca – ENELAR*) for more than a month. He was able to return to work thanks to the protection granted to him as a trade unionist.

*Acts of harassment against Mr. César Tamayo*¹²⁷. On 3 September 2005, two individuals in civilian clothes appeared at El Bramón, in the village of Ríonegro (Santander), and asked for the place of residence of Mr. **César Tamayo**, president of the Agricultural Workers' Association (*Asociación de Trabajadores Agrícolas – ASOGRAS*). On 23 April 2005, Mr. Tamayo had been the victim of an assassination attempt during a meeting with the El Bramón community. On this

125. *Idem*.

126. *Idem*.

127. See Colombia Special Appeal, September-October 2005.

occasion, two men from the Central Bolívar Block in Northern Bucaramanga had approached him and threatened him at gunpoint. The intervention of community members helped to prevent the situation from worsening.

Mr. Tamayo and his family were forced to leave the region due to the ongoing threats made against them.

*Acts of harassment against Mr. José Onofre Esquivel Luna*¹²⁸. On 12 September 2005, the home of Mr. **José Onofre Esquivel Luna**, a member of the national executive committee of SINALTRAINAL, in the town of Bugalagrande, Valle del Cauca, was watched by individuals who parked their vehicles in front of his home on several occasions. Similarly, on 19 September 2005, an armed man was noticed making rounds in front of Mr. Esquivel Luna's home.

*Threats against social movements in Barranquilla and Cartagena*¹²⁹. On 19 September 2005, the CUT human rights department was informed that State security forces were intending to conduct a series of operations against social movements in the cities of Barranquilla and Cartagena, in order to "prevent possible terrorist attacks" against the Free Trade Agreement negotiations (FTA) taking place in Cartagena.

*Acts of intimidation against Mr. Mario Jesús Castañeda*¹³⁰. On 20 September 2005, Mr. **Mario Jesús Castañeda**, head of the Huila Section of CUT, was stopped by police officers at the Neiva bus station. He was detained for one hour, during which time the police officers searched him and photocopied the documents he was carrying, which contained information on the case of a rape allegedly committed by members of a paramilitary group. Two days later, a letter threatening Mr. Mario Jesús Castañeda and signed by the Central Bolívar Block of the AUC arrived at CUT offices in Neiva.

128. *Idem*.

129. *Idem*.

130. *Idem*.

*Dismissal of the secretary general of SINTRAMINERCOL*¹³¹. On 22 September 2005, several human rights NGOs, together with social organisations and trade unions, denounced acts of intimidation by the state-owned company MINERCOL LTDA against unions and social organisations opposing its privatisation (threats, defamation, persecution, pressure, etc.). Thus, Mrs. **Lilia Rocío Castañeda**, secretary general of the MINERCOL Ltd. National Mining Company Workers' Union (*Sindicato de Trabajadores de la Empresa Nacional Minera MINERCOL Ltda – SINTRAMINERCOL*), was laid off because of her union activities.

*Harassment of several union leaders*¹³². On 12 October 2005, a Prosecutor appeared at the headquarters of the National Agrarian Federation (*Federación Agraria Nacional – FANAL*), accompanied by police officers, demanding that Mr. **Raúl Herrera**, treasurer of the Union of Small Agricultural Producers of Cundinamarca (*SINPEAGRICUN*), hand over several documents in order to, according to the Prosecutor, obtain information on his community. The Prosecutor and police officers appeared during a meeting of several union leaders at FANAL headquarters, following a day of national protest against FTA in the town of Fusagasugá (Cundinamarca). According to the Prosecutor, he interrupted the meeting because he had received information according to which “several dangerous individuals had assembled”.

On 24 October 2005, troops of the 39th battalion of the “Sumapaz” army and members of the Attorney General’s Technical Inquiry Corps (*Cuerpo Técnico de Investigaciones – CTI*) searched the home of Mrs. **Claudia Lucía Beltrán Mora**, a member of the Arbelaez section of SINPEAGRICUN, in the town of San Bernardo (Cundinamarca).

*Threats against several defenders in Valle region*¹³³. On 13 October 2005, Mr. Alexander López Maya, a Member of Parliament, received a letter at his Bogotá office containing death threats against himself and several defenders in Valle who had publicly denounced the perpe-

trators of serious human rights violations in the region. These threats mainly targeted Mrs. **Berenice Celeyta Alayón**, president of the Association for Research and Social Action (*Asociación para la Investigación y la Acción Social – NOMADESC*), Mr. **Carlos González**, president of the Valle section of the University Workers' Union of Colombia (*Sindicato de Trabajadores Universitarios de Colombia – SINTRAUNICOL*), Messrs. **Luis Hernández**, **Luis Imbachi**, **Carlos Marmolejo** and **Oscar Figueroa**, leaders of the Union of Cali State-Owned Enterprises Workers (*Sindicato de Trabajadores de las Empresas Públicas de Cali – SINTRAEMCALI*), as well as Mr. **Hernán Sandoval**, a public defender in Cali.

*Threats against ASOASP leaders*¹³⁴. On 14 October 2005, a package containing a letter signed by the AUC was delivered to the headquarters of the Agro-Environmental Association of the Town of San Pablo (*Asociación Agroambiental del municipio de San Pablo – ASOASP*), in Nariño, that contained death threats against the leaders of this association, as well as the inhabitants of San Pablo.

This threat arrived as ASOASP, in agreement with the San Pablo mayor’s office, and with the support of the Supra-regional Association of the Municipalities of Alto Patía (*Asociación Supradepartamental de municipios del Alto Patía – ASOPATIA*), was preparing for the fourth town council meeting to plan the 2006 municipal budget. The meeting was held on 23 October 2005.

*Threats and ill-treatment of Mrs. Martha Díaz Suárez and Mrs. María Paz Mancilla*¹³⁵. On 9 November 2005, Mrs. **Martha Díaz Suárez**, vice-president of the Civil Servants' Union (*Sindicato de Trabajadores Oficiales*) in Santander region, and Mrs. **María Paz Mancilla**, vice-president of the Bucaramanga section of the same union, both members of the Santander section of CUT, who were leading the negotiations regarding the claims of workers in the town of Los Santos (Santander), were beaten and threatened with death.

131. *Idem*.

132. *Idem*.

133. See Annual Report 2004 and Colombia Special Appeal, September-October 2005.

134. See Colombia Special Appeal, September-October 2005.

135. See Colombia Special Appeal, November-December 2005.

Threats, harassment and attacks against civil society representatives

*Ongoing harassment of OFP members*¹³⁶. Throughout January 2005, Mrs. **Gloria Amparo Suárez**, a member of the Popular Women's Organisation (*Organización Femenina Popular – OFP*), and other OFP project coordinators in the municipalities of Cantagallo and San Pablo, received threats.

In January 2005, a false rumour was circulated asserting that Mrs. Yolanda Becerra, president of the OFP, had been assassinated.

On 24 January 2005, the OFP premises in Barrancabermeja were placed under surveillance by two paramilitaries.

Finally, on 27 January 2005, a paramilitary entered the OFP headquarters asking to speak to the president. He was recognised by Mrs. Yolanda Becerra's security personnel and was made to leave. A few moments later, two other paramilitaries passed the headquarters on bicycles, observing the area. Furthermore, in January, four armed men appeared in the Nuevo Palmira district while Mrs. Becerra was visiting her mother there.

*Harassment of Mrs. Teresa Jesús Cedeño*¹³⁷. In January and February 2005, Mrs. **Teresa Jesús Cedeño**, president of the Permanent Committee for Human Rights (*Comité Permanente para la Defensa de los Derechos Humanos – CPDH*) in Arauca, was harassed by some AUC members. For instance, on 23 January 2005, her telephone was tapped; on 25 January, her office plaque was stolen with the aim of intimidating her; and on 23 February 2005, she was followed by an individual on a motorbike.

Since 2002, Mrs. Jesus Cedeño has benefited from provisional measures of protection requested by the Inter-American Court of Human Rights due to the constant threats from paramilitary groups operating in the region.

*Judicial proceedings, threats and harassment against members of the Justice and Peace Commission*¹³⁸. In 2005, members of the Justice and

Peace Commission (*Comisión Justicia y Paz – CJP*) continued to be the victims of numerous acts of harassment. These acts increased after CJP participated in the Inter-American Court hearing in April 2005, concerning the supplementary granting of provisional measures of protection in favour of the Jiguamiandó and Curvaradó communities.

- *Death threats against Messrs. Danilo Rueda, Abilio Peña and Rafael Figueroa*. In March 2005, Mr. **Danilo Rueda** received a written death threat accusing all CJP members of supporting narco-terrorists in the Jiguamiandó region. These threats were made after Mr. Rueda's hearing before the Inter-American Court, on 12 March 2005, during which the CJP denounced, among other things, the palm tree plantations, which were the reason for the forced displacement, and isolation of displaced people, carried out by military forces.

On 4 April 2005, Mr. Danilo Rueda was followed by a vehicle after leaving the headquarters of the NGO Justice and Life (*Justicia y Vida*).

Later that day, Mr. Rueda and Mr. **Abilio Peña** were once again followed. On the same day Mr. **Rafael Figueroa**, a lawyer, was also followed by two men, one of whom was armed, as he was leaving the headquarters of the Justice and Peace Commission. Finally, on 7 April 2005, during a day of national protest against the negotiation process initiated by President Uribe with the paramilitary forces (*Acto de Indignación Nacional*), a security agent was seen near the members of Justice and Peace.

- *Judicial harassment of several CJP members*. In 2005, the Second Special Prosecutor (*Fiscal Segunda Especializada*) with the National Human Rights Unit decided to drop the charges of rebellion, made on 14 May 2003¹³⁹, against CJP members Mr. Danilo Rueda, Mr. Abilio Peña, Mr. **Enrique Chimonja**, Mrs. **Ana María Lozano** and Father **Daniel Vázquez**, after analysis of false testimonies weakened the charges against them.

Nevertheless, on 11 February 2005, new legal proceedings for rebellion were initiated against the following CJP members: Sister **Alette La Torre**, Mrs. **Johana López**, Mr. **Wilson Gómez**, Mr. **Oscar**

136. See Colombia Special Appeal, January-February 2005.

137. See Annual Report 2003 and Colombia Special Appeal, January-February 2005.

138. See Colombia Special Appeals, January-February, March-April and May-June 2005 and Urgent Appeals COL005/0405/OBS 021 and 021.1.

139. See Annual Report 2003.

Albarracín, Mr. Enrique Chimonja, Mrs. **María Eugenia Mosquera**, Mr. **Santiago Mera**, **Leonardo Jaimes**, Mr. Abilio Peña and Mr. Danilo Rueda. Furthermore, an attempt was also made to link the international assistant of the Canadian Project of Accompaniment and Solidarity with Colombia (*Proyecto Acompañamiento y Solidaridad con Colombia – PASC*), Mrs. **Tania Halle**, with these legal proceedings. These events followed several acts of harassment against CJP members and Community Councils by the military present near the humanitarian zones of “Nuevo Pueblo” and “Nueva Esperanza”, and also in the hamlet of La Grande.

These accusations referred to the alleged assistance given to FARC members by the Community Councils of Jiguamiandó, Curvaradó and Cacarica, as well as the alleged delivery of humanitarian aid in Costa de Oro intended to support guerrilla activities.

On 12 April 2005, the CJP received a telegram from the National Human Rights Unit of the Public Prosecutor of the Nation communicating the Prosecutor’s refusal to grant legal recognition to the CJP defence lawyer. The Public Prosecutor justified this decision by the fact that judicial proceedings were only at the preliminary inquiry stage. This decision prevented concrete charges against the accused from being known and therefore prevented them from having a fair trial.

- *Defamation campaign against CJP members.* Mrs. Johana Cabezas Arias, a lawyer, and Mr. Adán Quinto Mosquera, former Río Sucio district town council official, in the Chocó province, slandered CJP members during a press conference on 12 May 2005, in the presence of the Colombian and American military. In particular, Mrs. Johana Cabezas declared that “members of the communities of Cacarica, Truandó, Salaquí and, in general, members of the communities of the lower and middle Atrato are victims of NGOs such as Justice and Peace and CAVIDAD”.

*Acts of intimidation and threats against Mr. Manuel Denis Blandón*¹⁴⁰. On 26 February 2005, the home of Mr. **Manuel Denis Blandón**, legal representative of the Cuenca Community Council in

140. See Colombia Special Appeal, January-February 2005.

Jiguamiandó, was surrounded by a group of ten armed men wearing the emblems of the AUC and the Botijeros and Bejarano battalions of the 17th Brigade. These men then left the area after receiving orders from another army group comprising more than thirty people who crossed the Jiguamiandó river and then watched the area for several hours.

*Search of the Sumapaz Foundation headquarters*¹⁴¹. On 30 March 2005, the headquarters of the Sumapaz Foundation, a member association of the Human Rights Seeds of Freedom Collective (*Colectivo de Derechos Humanos Semillas de Libertad – CODEHSEL*) in Medellín, was searched on an order of the public Prosecutor’s department appointed with the Elite Anti-Terrorist Corps (*Comando Elite Antiterrorista – CEAT*), which would have requested the lead Prosecutor in the trial to establish possible links between the Sumapaz Foundation and the insurgent group Revolutionary People’s Army (*Ejército Revolucionario del Pueblo – ERP*).

The Foundation’s files were confiscated including its accounting files, reports on the human rights situation in the city of Medellín, victims’ testimonies and concrete cases of human rights violations. Furthermore, the computer hard disks were copied, including that of the Permanent Committee for Human Rights ‘Héctor Abad Gómez’ and of CODEHSEL, this office being the headquarters of both organisations.

During the search, Mr. **Alejandro Quiceno**, a Sumapaz Foundation employee, was arrested by the CEAT and accused of “links with ERP”. Members of the Sumapaz Foundation were also interrogated regarding their affiliation with human rights co-ordinations in the city and on a national level.

*Intimidation of and threats to CCJ*¹⁴². On 12 April 2005, the paramilitary commander Ernesto Báez gave an interview on the television channel *Radio Cadena Nacional* (RCN), in which he denied criticism from the Office of the United Nations High Commissioner for Human Rights in Colombia and from several human rights NGOs,

141. See Colombia Special Appeal, March-April 2005.

142. See Colombia Special Appeals, March-April and May-June 2005.

including the Colombian Commission of Jurists (*Comisión Colombiana de Juristas* – CCJ), which he described as “recognised enemies”, concerning the negotiation process between paramilitaries and the Colombian government.

CCJ was also the victim of a defamation campaign. In fact, on 1 May 2005, during the traditional worker’s demonstration on Labour Day, a leaflet entitled “Colombian workers’ unity and solidarity” (*Trabajadores de Colombia Unidad y Solidaridad*) was circulated with the characteristic letterhead of CCJ. In this leaflet, the CCJ requested a financial contribution from the workers of at least 20,000 pesos and informed them that they would receive a visit from the director of CCJ in the next few days. CCJ denied ownership of this leaflet.

*Threats against Messrs. Cristiano Morsolin and Javier Giraldo*¹⁴³. Mr. **Cristiano Morsolin**, a teacher, an Italian journalist, coordinator of the Independent Observatory on the Andean Region “SELVAS” (*Observatorio Independiente sobre la Región Andina*) and head of social programmes aimed at the defence of human rights in Latin America, was increasingly threatened and harassed following his denunciation of the massacre of members of the Peace Community of San José de Apartadó on 21 February 2005¹⁴⁴. In particular, he received a written threat on 7 April 2005.

Father **Javier Giraldo**, a long-standing supporter of the Peace Community, was also threatened for the same reasons.

Mr. Cristiano Morsolin had also accompanied Mrs. Gloria Cuartas, the former mayor of San José de Apartadó and general secretary of the political group “Social and Political Front”, who had publicly asserted the responsibility of the Colombian army in this massacre and was still the victim of acts of harassment and threats by the end of 2005¹⁴⁵.

*Serious threats and ongoing harassment against Mrs. Soraya Gutiérrez Arguello*¹⁴⁶. On 13 May 2005, Mrs. **Soraya Gutiérrez**

Arguello, president of the ‘José Alvear Restrepo’ Lawyers Collective (*Colectivo de Abogados “José Alvear Restrepo”* – CCAJAR), received a package at her home containing a mutilated and dislocated doll that had been burnt in certain areas and had traces of red paint. The message read in particular: “you have a very beautiful family, be careful not to sacrifice them”. The doll was moreover a direct reference to her eight-year-old daughter.

On the same day, an advert was published in the national newspaper *El Tiempo*, announcing several job vacancies at CCAJAR. Yet the Collective was not aware of this initiative. This announcement was interpreted as a serious threat against members of the Collective. The next day, another advert appeared, from an unknown source, offering security guard positions and giving the address of the CCAJAR headquarters, implying that the organisation was in danger. The date and times for the interviews coincided with those of a meeting organised at the CCAJAR headquarters about a campaign against crimes against humanity in Colombia.

*Death threats against two members of CREDHOS*¹⁴⁷. On 24 May 2005, two armed men riding a motorcycle approached a classmate of Mrs. **Georgina Morales**, a member of CREDHOS, and ordered her to warn her to leave Barrancabermeja within three days. Following these threats, Mrs. Georgina Morales found herself forced to flee Barrancabermeja.

On May 2005, a man telephoned CREDHOS to say that Mr. David Ravelo Crespo¹⁴⁸, CREDHOS secretary general and OFP secretary, was going to die. In February 2005, he had already been the victim of an assassination attempt.

In June 2005, Mr. David Ravelo Crespo and Mrs. Georgina Morales once again received death threats and have since then not returned to Barrancabermeja.

In March 2005, CREDHOS and the Centre for Investigation and Popular Education (*Centro de Investigación y Educación Popular* – CINEP) had presented a report listing nearly 170 cases of forced

143. See Urgent Appeal COL 007/0405/OBS 026.

144. See OMCT Press Release, 21 March 2005.

145. See OMCT Urgent Appeal COL 091205.

146. See Urgent Appeal COL 008/0505/OBS 033.

147. See Colombia Special Appeal, May-June 2005.

148. See above.

disappearances in Barrancabermeja between 2000 and 2003. The majority of these people were executed by paramilitaries who, according to the complaints, would have been backed by the army.

*Threats against Mrs. Sandra Milena Martínez*¹⁴⁹. On 27 May 2005, at about 3 a.m., someone knocked on the door at the home of Mrs. **Sandra Milena Martínez**, a member of the League of Displaced Women (LMD), in Barrio Paraíso, Turbaco. When attempting to see who it was, she saw a hooded man who ordered her to leave her house that day. The man also warned her that if she did not, her children would suffer the consequences. Mrs. Sandra Milena Martínez lodged a complaint against those acts.

*Judicial proceedings against Mr. Adaulfo Aurelio Palmezano Arregocés and threats to his family*¹⁵⁰. Since 3 April 2004, Mr. **Adaulfo Aurelio Palmezano Arregocés**, community leader in the Guajira region and legal representative of the Chancleta Community Council in the Barrancas municipality, has been detained in prison in Bogotá, accused of collaborating with the guerrilla group in the abduction and murder of the American citizen Mr. Frank Thomas Pescatore.

Judicial proceedings against him have somewhat progressed but not without denying him the right to a fair trial.

Members of the American Embassy participated in the trial and suggested to Mr. Arregocés that he pleads guilty to the charges he is accused of.

Furthermore, in May and June 2005, officials of the State security apparatus (police, army, DAS, SIJIN) threatened and harassed several members of his family.

*Breaking-in at the headquarters of the New Rainbow Corporation*¹⁵¹. On 29 June 2005, three armed men burst into the headquarters of the New Rainbow Corporation in Medellín (*Corporación Nuevo Arco Iris*), a member of the Propedaz network, which operates in the field of regional development and peace programmes and ini-

149. See Colombia Special Appeal, May-June 2005.

150. See Colombia Special Appeal, July-August 2005.

151. See Colombia Special Appeal, May-June 2005.

tiatives. After having scared the secretary who was alone in the office, the men stole the institution's mobile telephone and server, containing all the information relating to projects and activities carried out by the Corporation in Antioquia. Computer hardware had already been stolen at the headquarters in Ibagué in 2001, and Areminia and Bogotá in 2002. Also, in January 2003, eight associates of the New Rainbow Corporation had received death threats.

*Attacks on CORPADES*¹⁵². On 10 June 2005, the headquarters of the Corporation for Peace and Development (*Corporación para la Paz y el Desarrollo – CORPADES*) in Medellín were attacked with explosives. CORPADES is an organisation dedicated to the reinforcement of community organisation process, through artistic training, research and the development of projects, contributing to the construction of peace in Medellín.

*Death threats against Mrs. Estibaliz Madariaga*¹⁵³. On 10 July 2005, Mrs. **Estibaliz Madariaga**, a Spanish aid worker, received a death threat by email, signed by the Block Martin Llanos. The message made reference to the trip Mrs. Madariaga was to make to Colombia on 17 July 2005, and asserted that she did nothing but “denounce a bunch of lies” and that she would return to Spain “in a coffin”.

*Torture of Mr. Alexander Ustate Arrogoces*¹⁵⁴. During the week of 12 August 2005, Mr. **Alexander Ustate Arrogoces**, leader of the Chancleta hamlet Community Council, was tortured by members of the army and of the judicial police (*Seccional de la Policía Judicial – SIJIN*). They also attacked the Chancleta hamlet community in the municipality of Barrancas, Guajira region, on several occasions, in the properties of Boiaber, Suba Tabaco, Sierra Azul and the Patilla hamlet.

*Intimidation of indigenous leader Mr. Pedro Alejandrino Campeón*¹⁵⁵. On 15 August 2005, national army troops turned up in

152. *Idem.*

153. See Colombia Special Appeal, July-August 2005.

154. *Idem.*

155. *Idem.*

the sports and recreational facilities of the Iberia community, Río Sucio municipality, Caldas region, during a celebration of a Cañamomo and Lomapieta indigenous general assembly. These troops also surrounded the home of Mr. **Pedro Alejandrino Campeón**, deputy mayor of the Cañamomo and Lomapieta “municipal” councils, and a member of the directive assembly of the Indigenous Regional Council of Caldas (*Consejo Regional Indígena de Caldas* – CRIDEC).

*End of legal proceedings against several members of the FCSPP*¹⁵⁶. In August 2005 the Barranquilla seventh Prosecutor’s office decided, in the absence of proof, to abandon legal proceedings and to close the current inquiry on Mr. **José Humberto Torres**, a lawyer and a member of the Atlántico section of the Foundation Committee of Solidarity with Political Prisoners (FCSPP), Mrs. **Dolores Villacop** and Mr. **Diego Muñetón Restrepo**, also members of this section. Eight months earlier, the 2nd brigade of the army had requested the Public Prosecutor of the Nation, via an intelligence services report, that several political prisoners’ defenders be charged with revolt, abductions and agreement to commit an offence.

At the end of 2005, Mr. José Humberto Torres and Mrs. Dolores Villacop had to leave the country after having received several threats.

On 28 November 2005, Mr. **Carlos Arturo Correa**, also a member of the FCSPP, was released after having been detained for six months. He was accused of being a member of the FARC. Mr. **Hernando Hernández Tapasco**, a peasant leader, accused within the same judicial proceedings, was also released.

*Break-in at the homes of Mr. Juan Carlos Sandoval and Mr. Dewis Anaya*¹⁵⁷. On 23 September 2005, the home of Mr. **Juan Carlos Sandoval**, an academic who leads the Barranquilla section of the Permanent Committee for the Defence of Human Rights (*Comité Permanente para la Defensa de los Derechos Humanos* – CPDH), a member organisation of the Colombia-Europe-America Coordination, was broken into and burgled.

Not long prior to this, the home of Mr. **Dewis Anaya**, an academic and member of the Barranquilla District Teacher’s Association (*Asociación de Educadores Distritales de Barranquilla*), had also been burgled.

*Threats against workers in the humanitarian zone of Choco province*¹⁵⁸. In October 2005, members of the 17th military brigade announced that paramilitary troops were preparing to attack peasant communities and to kill international personnel working in humanitarian zones in the Choco province. The military made these threats in front of Canadian aid workers from the Project of Accompaniment and Solidarity with Colombia (PASC), and members of Peace Brigades International (PBI).

*Threats against indigenous leaders*¹⁵⁹. In October 2005, several leaders and members of the Association of Indigenous Councils of Northern Cauca (*Asociación de Cabildos Indígenas del Norte del Departamento de Cauca* – ACIN-CXAB WALA KIWE), received threats aimed at destabilising the joint actions of indigenous communities in this region. In particular, Mr. **Emmanuel Rozental**, ACIN communications coordinator, was anonymously accused of being an international terrorist and a CIA agent. Due to these threats, Mr. Emmanuel Rozental had to leave the country immediately.

*Intimidation and harassment of Mr. Elkin Ramírez Jaramillo*¹⁶⁰. On 29 November 2005, two uniformed police officers went to the home of Mr. **Elkin Ramírez Jaramillo**, a lawyer of the Judicial Freedom Corporation (*Coporación Jurídica Libertad*), in Medellín, Antioquia region, saying that they only wanted to question him regarding a public scandal case. The next day, two plain-clothes men from the Elite Anti-Terrorist Corps (*Comando Elite Antiterrorista* – CEAT) returned to his building asking, in particular, at what time he was generally at home. On 1 December 2005, two uniformed police officers again went to his home to make inquiries about him.

156. See Colombia Special Appeals, July-August and November-December 2005.

157. See Colombia Special Appeal, September-October 2005.

158. *Idem*.

159. *Idem*.

160. See Urgent Appeal COL 015/1205/OBS 122.

This can be added to other acts of harassment against the Judicial Freedom Corporation, which documents cases of serious human rights violations perpetrated by members of the security forces, and against other human rights organisations in Medellín.

*Threats against and harassment of Mrs. Lilia Solano and her family*¹⁶¹. On 4 December 2005, two men and a woman, all armed, presenting themselves as police officers, entered the apartment of Mrs. **Lilia Solano Ramírez**, a lecturer at the National University of Bogotá and director of the NGO Justice and Life Project (*Proyecto Justicia y Vida*). They threatened her son, who was alone in the apartment. The aggressors bound him, insulted him, locked him up and covered his eyes while they searched the premises. They took Mrs. Solano's computer hard disk as well as several important documents and two mobile phones.

In 2004, Mrs. Lilia Solano, who is also a member of the National Movement of Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado*), had already been the victim of several acts of harassment and particularly serious threats. Thus, the Central Bolívar Block of the AUC Brigades had accused her on their website of being an “ideologist of narco-guerrilla” and of “soiling the minds of students”. Fearing for her life, Mrs. Solano had to leave the country in December 2004. She returned to Colombia in February 2005.

CUBA

Sentencing and arbitrary detention of Mr. Oscar Elías Biscet¹⁶²

On 26 February 2005, Mr. **Oscar Elías Biscet**, a doctor, founder and president of the Lawton Foundation, an independent human rights organisation in Cuba, was sentenced to three years in prison for having waved a Cuban flag low as a sign of protest against abuses and human rights violations in Cuba. Accused of “insulting and disrespecting the symbols of the homeland”, of “public disorder” and

161. See Annual Report 2004 and Urgent Appeal COL 014/0904/OBS 068.2 (issued under COL 012/0904/OBS 068.1).

162. See Urgent Appeal CUB 001/1205/OBS 121.

“incitement to commit crimes”, he was detained in the Combinado del Este prison in Havana.

Since August 2005, although Mr. Oscar Elías Biscet was suffering from hypertension, chronic gastritis and hypercholesterolemia, he was refused the medical treatment he needed, because of his refusal to wear a prison uniform. By the end of 2005, his health condition had aggravated.

Mr. Oscar Elías Biscet had previously been already imprisoned and sentenced several times in the past.

Harassment and detention of members of the Cuban Foundation for Human Rights¹⁶³

Acts of harassment against Mr. Juan Carlos González Leiva

On 6 August 2005, Mr. **Juan Carlos González Leiva**, president of the Cuban Foundation for Human Rights (*Fundación Cubana de Derechos Humanos*), was arrested while attending an assembly during which new members of the organisation steering committee were to be elected. He was detained for six hours in the premises of the National Revolutionary Police of Florida in the Camagüey province. Furthermore, about fifty police officers forced the activists to leave the assembly. Mr. Juan Carlos González Leiva was then taken to his home in Ciego de Ávila, where he has been under house arrest since 26 April 2004, following his arrest during a peaceful demonstration in March 2002.

Since 6 August 2005, Mr. Juan Carlos González had been subjected to numerous acts of repression (arrests, detentions, fines, summons, threats, popular trials, surveillance both at his home and of his telephone).

In September, October and November 2005, Mr. González Leiva was, on several occasions, insulted and assaulted by groups of civilians, as well as members of military and paramilitary forces, who gathered in front of his house shouting government instructions.

By the end of 2005, Mr. González Leiva was still prohibited from seeing his family, friends and other activists and could not leave the province where he lives. He was constantly under surveillance and threatened by the State security services.

163. See Annual Report 2004 and Urgent Appeal CUB 001/0504/OBS 033.1.

Ongoing detention of Mr. Virgilio Mantilla Arango, Mrs. Ana Peláez García and Mrs. Odalmis Hernández Márquez

Among the Cuban Foundation members sentenced in April 2004, there were also Mr. **Virgilio Mantilla Arango** (seven years in prison), Mrs. **Ana Peláez García** and Mrs. **Odalmis Hernández Márquez** (three years under house arrest).

By the end of 2005, Mr. Virgilio Mantilla Arango and Mrs. Odalmis Hernández Márquez remained, respectively, detained and under house arrest, the latter being the victim of physical and psychological torture.

As for Mrs. Ana Peláez García, who was still serving her two and half year sentence under house arrest, she was the victim of harassment after refusing to work in a public company. She was also likely to be detained in the Kilo Cinco prison in Camagüey, due to her continued refusal.

Acts of harassment against Mrs. Martha Beatriz Roque¹⁶⁴

Since she was released on parole on 22 July 2004, Mrs. **Martha Beatriz Roque**, a member of the Assembly to Promote Civil Society (*Asamblea para la Promoción de la Sociedad Civil*) and of the Institute of Independent Economists, was the victim of repeated acts of harassment by security, military and paramilitaries forces, as well as by civilians, who gathered in front of her house shouting government orders and insults.

Arrested on 20 March 2003 during a wave of mass arrests of Cuban human rights defenders between 18 and 26 March 2003, Mrs. Martha Beatriz Roque had been sentenced, along with 33 of the 79 people arrested, on 7 April 2003, to twenty years in prison for “conspiracy”.

In addition, by the end of 2005, Mr. **Oscar Espinosa Chepe**, an independent journalist, and Mr. **Marcelo López**, a member of the Cuban Commission of Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional – CCDHRN*), sentenced in 2003 under the same circumstances to respectively twenty and fifteen years in prison, remained released on parole, implying that they could be arrested again (they had been released on parole on 29 November 2004 (*licencia extrapenal*) for health reasons).

164. See Annual Report 2004 and Urgent Appeal CUB 001/0403/OBS 018.1.

Release of several human rights activists / New arrest of Mr. Enrique García Morejón¹⁶⁵

Several human rights defenders who had been given heavy sentences on 26 April 2004 were released.

Thus, Mr. **Lázaro Iglesias Estrada** and Mr. **Carlos Brizuela Yera**, members of the Camagüey College of Independent Journalists (*Colegio de Periodistas Independientes de Camagüey*), sentenced to three years in prison, were respectively released on 1 August 2004 and 3 March 2005. However, by the end of 2005, Mr. Carlos Brizuela continued to be the victim of threats and acts of harassment. He was also facing the risk of being imprisoned again due to the fact that he did not cease his independent journalist activities. Although there were no concrete accusations against him, he was accused of various common offences.

As for the brothers Messrs. **Antonio** and **Enrique García Morejón**, members of the Christian Liberation Movement and supporters of the Varela project¹⁶⁶, sentenced to three years and six months in prison, were released in March 2005. However, they were summoned and threatened on several occasions by the National Revolutionary Police Unit of the Vertientes municipality, Camagüey, which opened an investigation against them, threatening to accuse them of being a “social danger”. They also received several threats of arrest “if they continued to promote the independent library and peaceful dissidence work”. On 13 December 2005, Mr. Enrique García Morejón was detained in Vertientes municipality, following an arrest warrant issued by the Court of this municipality, on the grounds that he represented a “social danger even before committing an offence”. By the end of 2005, Mr. Enrique García Morejón was still detained.

In addition, since 4 May 2005, Mr. **Delio Laureano Requeijo Rodríguez**, a member of the Cuban Foundation for Human Rights, who had been sentenced to two and a half years in prison with parole, has been in exile in Miami (USA).

165. See Annual Report 2004.

166. The Varela project (2002) calls for a referendum on freedoms of expression and association, the release of all political prisoners, modification of the electoral law and the possibility of creating companies.

ECUADOR

Harassment of several human rights defenders¹⁶⁷

At the end of 2004 and the beginning of 2005, human rights defenders in Ecuador became increasingly subjected to acts of harassment, physical aggression or death threats. These acts mainly targeted the opponents of the unconstitutional reform of the judicial power then pursued by the authorities.

On 16 December 2004, Mr. **Blasco Peñaherrera Solah**, a union leader, was the victim of an assassination attempt. On 17 December 2004, Mrs. **María Paula Romo**, a member of the youth group “Ruptura de los 25”, was threatened with death.

In addition, Mr. **Diego Guzmán Espinoza**, a civil rights activist, founding member of the Ecuador Media Observatory (*Observatorio de Medios de Ecuador*) and director of the programming of the radio *Buscolíos.com*, was also the victim of acts of harassment and death threats. On 1 March 2005, armed men burst into his office and on 2 March he received a threatening phone call.

Mr. **Orlando Pérez Torres**, a journalist for the *HOY* daily newspaper, as well as managers of *Radio Bolívar* (Quito), also received death threats.

In February 2005, Mr. **Fidel Narváez**, an engineer and technical secretary of the Inter-American Human Rights, Democracy and Development Platform (*Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo – PIDHDD*) in Ecuador and director of the Permanent Human Rights Assembly (*Asamblea Permanente de Derechos Humanos – APDH*), was harassed after he denounced these attacks.

The Public Prosecutor opened an investigation in order to clarify those acts of harassment, denounced by Messrs. Blasco Peñaherrera Sola, Diego Guzmán and the managers of *Radio Bolívar*.

167. See Open Letter to the Ecuadorian authorities, 16 March 2005.

Harassment of the Jesuit Foundation Mariana de Jesús and its director¹⁶⁸

The Jesuit Foundation Mariana de Jesús, which aims at developing social programmes, and especially its director, Mr. **Francisco Peña**, were subjected to violent acts of harassment.

On 14 February 2005, police officers, in the company of representatives of the Social Affairs Ministry, burst into the Foundation’s offices in Quito. They presented a decision of “disbandment and liquidation” from the Ministry, dated 10 February 2005, based upon several complaints and the Foundation’s presumed illegal activities. Mr. Francisco Peña and his staff were ordered to leave the premises immediately, and the Foundation’s bank accounts were frozen. In 2003, an audit conducted by the same Ministry had concluded that the Foundation was legal.

On 2 March 2005, members of the organisation received a phone call, demanding Mr. Peña’s resignation and warning that a bomb had been placed on the premises. The claim turned out to be untrue.

By the end of 2005, no enquiry had been opened into these events.

Break-in at the offices of the Ecological Action organisation¹⁶⁹

On 22 May 2005, the offices of the organisation Ecological Action (*Acción Ecológica*) in Quito were broken into. During the incident, the intruders took three hard disks and ransacked files and archives.

The damage to Ecological Action’s offices happened at a time when the organisation was starting to play an important role in the political changes implemented by Ecuador’s new Minister of Foreign Affairs, opposing fumigations on the Ecuador-Colombia border within the framework of “Plan Colombia”. Ecological Action’s reports dealing with damage caused to the region communities made this organisation particularly vulnerable to acts of harassment carried out by members of the government of former President Mr. Lucio Gutiérrez, whose administration had supported the “Plan Colombia”.

On 5 July 2005, Ecological Action’s staff was threatened with death in a message sent to one of the organisation’s mobile phones. On the

168. See Urgent Appeal ECU 001/0205/OBS 014 and Open Letter to the Ecuadorian authorities, 16 March 2005.

169. See Urgent Appeal ECU 002/0505/OBS 037.

same day, the organisation denounced the incident to the Minister of the Interior and to the Public Prosecutor.

Furthermore, in September 2005, unidentified persons presented themselves at the home of the president of Ecological Action, Mrs. **Gloria Chicaiza**, and threw stones inside her house, breaking windowpanes.

By the end of 2005, no enquiry had been opened into these events.

Assassination of Mr. Andrés Arroyo Segura¹⁷⁰

On 20 June 2005, Mr. **Andrés Arroyo Segura**, a community leader and member of the National Popular Ecologists for the Protection of Nature, Life and Dignity Network (*Red Nacional de Ecologistas Populares, en Defensa de la Naturaleza, Vida y Dignidad – REDIV-INA*), was assassinated. His body was found in the “Baba river” (Los Ríos province), in a place known as “Patricia Pilar” in the Seiba community, where there were plans to construct a dam. Mr. Arroyo had opposed the construction of this dam, claiming that it would have had a negative impact on the environment and human life. He had taken part in various meetings at a national level about the protection of the environment.

His family subsequently lodged a complaint to the Public Prosecutor and the Los Ríos area Prosecutor. The latter reportedly opened an investigation in order to identify those responsible for the murder.

Threats against Mrs. Lina María Espinoza Villegas¹⁷¹

On 20 August 2005, Mrs. **Lina María Espinoza Villegas**, a missionary from the Vicar Apostolic (*Vicariato Apostólico*) in El Coca, Orellana province, was stopped three times by military patrols, while returning from Dayuma where she had been informing the population of their rights, following the violent repression of a general strike led by employees of petrol companies on 5 August 2005. Twelve people had been arrested following the attack by armed forces against the local population.

On 22 August 2005, while in Quito observing negotiations between

the government and the local authorities on the subject, Mrs. Espinoza Villegas informed the mayor of Orellana, Mrs. Ana Rivas, of the detention of these twelve persons. On this occasion, Mrs. Ana Rivas publicly demanded that the Ecuadorian Minister of the Interior, Mr. Mauricio Gandara, suspend negotiations until the necessary measures were taken to guarantee respect for the rights of the populations involved.

As a result, between 24 and 28 August 2005, Mrs. Espinoza Villegas received six calls on her mobile phone threatening her and her family.

On 26 August 2005, during an announcement on *TeleAmazonas*, Mr. Mauricio Gandara indirectly accused Mrs. Espinoza Villegas of being an infiltrated member of the Revolutionary Armed Forces of Colombia (FARC) within the strikers, as well as in the negotiations between local and national authorities. This allegation placed her in an insecure situation, as she could be insofar assimilated to a member of the Colombian guerrilla forces.

Mrs. Espinoza Villegas lodged a complaint with the Public Prosecutor, who opened an investigation.

Threats and harassment against the FEDAEPS headquarters¹⁷²

On 13 September 2005, there was an attempted break-in at the headquarters of the Ecuadorian Foundation For Action, Study and Social Participation (*Fundación Ecuatoriana de Acción, Estudios y Participación Social – FEDAEPS*), in Quito, and the windowpanes were broken.

Threats and acts of harassment against several indigenous communities defenders¹⁷³

In October 2005, Messrs. **Ermel Chávez Parra**, **Pablo Fajardo Mendoza**, **Alejandro Ponce Villacís** and **Luis Yanza**, lawyers working on complaints lodged by the Siona, Secoya, Cofán and Waorani indigenous communities against the oil company Texaco, now known as the Chevron Corporation, were subjected to acts of harassment and threats. These complaints were in particular related to this company’s exploitation of their lands for oil extracting purposes for the last 26 years.

170. See Urgent Appeal ECU 003/0605/OBS 046.

171. See Urgent Appeal ECU 004/0905/OBS 081.

172. See IGLHRC, *Summary of 2005 cases concerning Latin America and the Caribbean*, January 2006.

173. See Urgent Appeal ECU 005/1105/OBS 111.

On 13 October 2005, an intelligence agent of the Special Forces Battalion “Ray 24”, based in Lago Agrio, Sucumbios province, presented himself at Mr. Ermel Chávez Parra’s home and insistently asked members of his family questions about his situation and his professional activity.

Furthermore, other individuals were on several occasions taken by surprise whilst observing the Amazon Defence Front in Nueva Loja offices (*Frente de Defensa de la Amazonía en Nueva Loja*), an organisation that defends the natural resources and lifestyle of inhabitants of the Amazon region.

On 14 October 2005, the human rights office in Shushufindi, where Mr. Pablo Fajardo Mendoza works, received an anonymous phone call from someone stating that a “cleansing of undesirable political elements” was going to take place in the region, and that he knew who worked in that office.

On 28 October 2005, Mr. Ponce Villacís’s office was broken into, and the computers and documents relating to the Texaco case were stolen.

Mr. Luis Yanza was reportedly closely watched and his telephone communications were placed under surveillance by the information services of the Battalion.

A request for precautionary measures of protection for these four lawyers was filed on 8 November 2005 with IACHR.

EL SALVADOR

Harassment of Mr. Miguel Montenegro¹⁷⁴

On 24 August 2005, Mr. Miguel Montenegro, director of the Human Rights Commission of El Salvador (*Comisión de Derechos Humanos de El Salvador – CEDHES*), was followed by a vehicle with tinted windows.

On 26 August 2005, another unregistered car was parked on the road where his mother lives and where he often comes.

On 29 August 2005, a man visited the homes of several of Mr. Montenegro’s relatives and requested to see him.

These acts of harassment followed Mr. Montenegro’s various state-

174. See Urgent Appeal SLV 001/0905/OBS 080.

ments denouncing fraud related to the government’s repressive policies seeking to put an end to Maras violence¹⁷⁵ in the country, which caused serious human rights violations. He made statements during radio programmes, in particular on 22 August 2005 on *La Klave* and *Chapararrastique*, and on 29 August 2005 on *Notimex*, *Radio France International* and *Radio Australia*.

GUATEMALA

Assassinations and assassination attempts

Assassination attempt and threats against Mr. Leonel García Acuña¹⁷⁶

On 7 January 2005, Mr. Leonel García Acuña, secretary general of the Workers’ Union of San Miguel Pochuta Municipality (*Sindicato de Trabajadores de la Municipalidad de San Miguel Pochuta*), Chimaltenango province, was attacked by four armed unknown men who fired at him while he was on his way to a farm in the area. The four men followed him for several minutes, threatening him with death. Mr. García Acuña was able to run to the village of San Miguel Pochuta, where several people prevented his attackers from pursuing him.

Mr. García Acuña has been receiving threats since his union was formed in December 2004. Along with the other co-founders of the union, he was fired from his job by the mayor of San Miguel Pochuta, Mr. Domingo González Noj, who stated at a meeting on 3 January 2005 that they had become his “worst enemies” since their organisation was formed. Mr. García Acuña and his colleagues lodged a complaint against the mayor with the General Labour Inspectorate and Mr. Acuña filed a complaint with the Chimaltenango Court.

By the end of 2005, no decision has been made public in the framework of those two complaints.

Assassination of Mr. Juan López Velásquez¹⁷⁷

On 14 March 2005, Mr. Juan López Velásquez, a member of the Farmers’ Unity Committee (*Comité de Unidad Campesina*), was killed

175. The Maras are groups of young delinquents spread over different regions of the country.

176. See Urgent Appeal GTM 001/0105/OBS 004.

177. See National Movement for Human Rights (NMDH), and ICFTU Press Release, 17 March 2005.

when a peaceful demonstration against the ratification of the Free Trade Agreement between the United States, Central America and the Caribbean (CAFTA) was brutally dispersed by the National Civil Police (*Policía Nacional Civil* – PNC). During that demonstration, PNC used teargas and water cannons to disperse the protesters; it also issued arrest warrants against union activists involved in this event.

Assassination of Mr. Álvaro Juárez and death threats against APDP president¹⁷⁸

On 8 July 2005, Mr. **Álvaro Juárez**, head and co-founder of the Association of the Displaced of Péten (*Asociación de Población Desarraigada del Péten* – APDP) and president of the Development Committee of the Vista Hermosa colony in San Benito, was murdered in his home by unknown people. By the end of 2005, the family, too scared, had not lodged any complaint, due to the climate of insecurity in the region.

A few days before the murder, Mr. Juárez had reported that an attempt had been made on his life, but the authorities had not reacted.

On 14 July 2005, Mr. **Francisco Javier Mateo**, APDP president, received death threats by telephone, in connection with his stance against the ratification of CAFTA.

Assassination of Mr. Harold Rafael Pérez Gallardo¹⁷⁹

On 2 September 2005, Mr. **Harold Rafael Pérez Gallardo**, a lawyer working in the legal office of the NGO *Casa Alianza Guatemala*, was shot dead by an unknown man in Guatemala City.

Mr. Pérez Gallardo was handling cases brought before the courts by *Casa Alianza Guatemala*, particularly those involving illegal adoptions, trafficking of children, murders of street children and other children's rights violations.

By the end of 2005, no investigation into these events had been launched.

178. See Urgent Appeal GTM 011/0805/OBS 060.

179. See NMDH.

Death threats and acts of harassment

Death threats and harassment against defenders of the cause of indigenous people in Sololá province¹⁸⁰

On 5 January 2005, Mrs. **Dominga Vásquez**, the indigenous mayor of Sololá and an activist against mining operations in the region, received an anonymous call threatening her because of her denunciations of abuses.

On 11 January 2005, the national police and the army forces repressed a peaceful demonstration conducted by farmers opposed to the transfer of a turbine to be used for mining activities at San Miguel Ixtahuacán, San Marcos region. Operating permits for the turbine had been given without the consent of the affected communities. Mr. Raúl Castro Bocel, a Kaqchikel Maya farmer, was killed and nearly twenty people were injured, including several police officers.

In addition, an arrest warrant was issued against Mrs. Vásquez and other community leaders, accused of having “incited the crowd” during the demonstration. In a note, the Criminal Investigation Department (*Servicio de Investigación Criminológica* – SIC) requested that these persons be charged with “threats”, “coercion”, “sedition”, “terrorism”, “militancy”, and “violation of the Constitution”. The Minister, Mr. Carlos Vielmann, also made a public statement regarding a presumed responsibility of the mayor of Sololá.

By the end of 2005, Mrs. Vásquez continued to be the victim of acts of harassment, and the governor of Sololá insulted her on several occasions.

Furthermore, on 25 March 2005, in the El Tablón community, Sololá province, Mr. **Carlos Humberto Guarquez**, a member of the Maya Foundation (*Fundación Maya* – FUNDAMAYA), an organisation promoting indigenous peoples' rights, found one of the Foundation's vehicles, which he regularly used, on fire. There were also five notes with death threats against him, Mrs. Dominga Vásquez and her husband Mr. **Alfonso Guarquez**, a journalist. Mr. Carlos Humberto Guarquez is involved in organising a cam-

180. See Open Letter to the Guatemalan authorities, 3 February 2005 and Urgent Appeal GTM 004/0405/OBS 024.

paign to alert public opinion about the environmental risks caused by mining, particularly for indigenous communities living near the mines.

In 2005, Mr. Guarquez received threats against his family on several occasions. One of his friends, Mr. **Catarino Bocel**, a member of the Association for Integral Community Environmental Development (*Asociación de Desarrollo Integral Comunitario de Saneamiento Ambiental*), of which Mr. Guarquez is a member, was also threatened by telephone.

Threats against GAM members¹⁸¹

In early 2005, Mr. **Santiago Tul Caal**, a member of the Mutual Support Group (*Grupo de Apoyo Mutuo – GAM*), was subjected to acts of intimidation.

Furthermore, on 3 February 2005, Mrs. **Sara Poroj**, manager of the GAM programme of exhumation of secret mass graves, was threatened by an armed man who went through all her documents while she was in her hotel room at Playa Grande. The man then left without taking anything. More armed men were reportedly posted in the area around the hotel.

Mrs. Sara Poroj was at Playa Grande with other GAM members to obtain authorisation to exhume bodies from a secret mass grave located in a military zone.

On 4 February 2005, Mrs. Sara Poroj and Mr. **Sergio Rivera**, another GAM member, were followed by a vehicle while they were inspecting a mass grave site on the old military base in Playa Grande. The vehicle followed them to their hotel, which was also being watched by armed men.

On 5 February 2005, while returning to Guatemala City, Mrs. Sara Poroj and Mr. Sergio Rivera were once again followed for three hours by the same vehicle.

By the end of 2005, Mrs. Sara Poroj had not received any further threats, but she continued to benefit from precautionary measures of protection.

181. See Urgent Appeal GTM 003/0205/OBS 011.

Death threats against Monsignor Alvaro Ramazzini¹⁸²

At the end of January 2005, Monsignor **Alvaro Ramazzini**, bishop of San Marcos diocese, was reportedly the target of an assassination plan, in particular because of his support for the peasants in the region. Indeed, a man allegedly offered a former member of the intelligence services \$50,000 to assassinate him, saying that he knew his schedule.

Mgr. Ramazzini and his diocese's opposition to mining development, particularly in San Marcos, his involvement in various land-related conflicts and his legal support for disadvantaged farmers and landless labourers might be the reason of such a plan.

By the end of 2005, Mgr. Ramazzini had not received any further threats, but continued to benefit from precautionary measures of protection.

Acts of harassment against CALDH members¹⁸³

Since January 2005, acts of harassment against the Legal Action Centre for Human Rights (*Centro de Acción Legal para los Derechos Humanos – CALDH*) have increased.

On 11 January 2005, the Centre's offices received a false bomb threat.

On 23 February 2005, CALDH director, assistant director and legal advisor were victims of acts of intimidation near the organisation's offices. On 27 February 2005, the legal director received death threats by telephone.

In early March 2005, CALDH spokesperson was followed, as were two members of the CALDH Programme for the Rights of Indigenous Peoples on 16 March 2005.

On 17 June 2005, a man brandished a machete on the doorstep of the house of Mr. **José Quino**, a CALDH member, terrorising his wife and children. The next day, while Mr. Quino was at the Human Rights Observatory offices (a regional office of CALDH), his car was vandalised.

On 18 June 2005, Mr. **Gustavo Adolfo Muñoz** was publicly attacked while travelling by bus. Three strangers surrounded him, sitting very close to him, threatened him with a gun and questioned him about his activities. Although the bus was full at the time, he was the only one threatened.

182. See Urgent Appeal GTM 002/0302/OBS 023.1.

183. See Urgent Appeal GTM 004/0804/OBS 064.2.

On 21 June 2005, Mr. **Luis Fernando Barrera** was threatened at gunpoint and his car, which belongs to CALDH, was stolen. His attackers did not take any of his personal belongings. It was the fourth car belonging to the organisation to be stolen in this way.

In June 2005, the private telephone line the parents of another CALDH member, Mr. **Abner Paredes**, was cut for over a week. The telecommunications company Telgua stated that “a special intervention” had been set up and that it could not provide any further information.

By the end of 2005, the threats and acts of harassment against CALDH and its members continued.

Death threats against Mr. José Ernesto Menchú Tojib¹⁸⁴

On 19 June 2005, four armed men burst into the shop of Mr. **José Ernesto Menchú Tojib**, a member of the Northern Quiché Regional Movement for Victims of Armed Confrontation (*Movimiento Regional del Norte del Quiché de Víctimas del Enfrentamiento Armado*) and the Farmers’ Unity Committee (*Comité de Unidad Campesina* – CUC). They asked his wife, Mrs. Juana Tiquiram Maldonado, and his 10-year-old daughter, Rosa Menchú, where he was. The men forced their way into the house and stole 500,000 quetzals (approximately 55 euros) and Mr. Menchú’s mobile phone, saying that they would kill him as soon as they found him. Once the attackers had left, Mr. Menchú’s wife sent him a message urging him to come back home. They then noticed that a member of the security team working for the Botrán family (which owns land and businesses in Guatemala) was watching Mr. Menchú’s house.

Those events might be related to Mr. Menchú’s participation in CUC activities opposing the Botrán family’s attempts to force farmers to leave the San Sigüan plantation. In addition, Mr. Menchú supported and worked toward the creation of an assembly aimed at forming a regional alliance between CUC and several other organisations in the same situation. He also helped with the exhumation of graves in Quiché province in order to identify the victims of earlier armed conflicts in Guatemala.

After these events, Mr. Menchú and his family had to leave their

home for several days before returning with an international escort. A complaint was filed with the Public Prosecutor, who ordered that Mr. Menchú’s home be given police protection.

On 23 June 2005, unknown individuals once again followed Mr. Menchú when he was on his way home. The next day, his home was watched for several hours.

Since August 2005, Mr. Menchú has received protection and benefited from an escort of the Coordinating Committee on International Escort in Guatemala (*Coordinación de Acompañamiento Internacional de Guatemala* – ACOGUATE).

Threats against CEIBA and its director¹⁸⁵

On 7 July 2005, a fax containing threats was sent to the headquarters of the Association for the Promotion and Development of the Community (*Asociación para la Promoción y el Desarrollo de la Comunidad* – CEIBA), in Chimaltenango, and addressed to Mr. **Mario Antonio Godínez López**, CEIBA director. The message warned the association not to organise meetings with more than twenty people and advised it to be “very careful what it planned to do for the communities and the region”.

On 16 March 2005, the day after several demonstrations against the Free Trade Agreement (*Tratado de Libre Comercio* – TLC), during which one person died and others were wounded, armed men had asked CEIBA leaders in Huehuetenango where Mr. Antonio Godínez López, abroad at that time, worked.

By the end of 2005, the investigation into these threats was still pending.

Death threats against Mr. René Muñoz¹⁸⁶

In July 2005, Mr. **René Muñoz**, a member of the rural development programme of the Coordinating Committee of NGOs and Cooperatives (*Coordinación de ONGs y Cooperativas* – CONG-COOP), which actively supports farmers’ organisations in their fight for access to land and rural development, received several telephone death threats, both at his office and at home.

184. See Urgent Appeal GTM 007/0605/OBS 045.

185. See Urgent Appeal GTM 008/0705/OBS 052.

186. See Urgent Appeal GTM 009/0705/OBS 054.

On 1 July 2005, a man identifying himself as a member of the Chamber of Agriculture called him, insulted him, and then added that “if this was a threat, [he would] already be dead”. On 4 July 2005, his wife also received threatening calls at their home.

On 5 July 2005, CONGCOOP filed a complaint with the Human Rights Prosecutor’s office, who passed it on to the Public Prosecutor’s office, requesting additional protection, such as police checks around Mr. Muñoz’s home and the CONGCOOP offices. On that same evening, Mr. Muñoz and his family found blank sheets of paper pushed under the door of their home.

On 6 July 2005, when they came back home, they found that the lock on the door had been forced and their key no longer worked.

On 11 July 2005, Mr. Muñoz’s in-laws received a call from a man asking to speak to their daughter. When they refused, the person calling said, referring to Mr. Muñoz: “We want that son of a bitch to leave!”

By the end of 2005, the investigation was still pending. The Human Rights Prosecutor offered precautionary security measures, but Mr. Muñoz did not accept them.

Death threats against STCHN leaders¹⁸⁷

On 25 July 2005, the leaders of the Union of Bank Workers at “National Mortgage Credit” (*Sindicato de Trabajadores del Banco “Credito Hipotecario Nacional”* – STCHN), affiliated with the Labour Union of Guatemalan Workers (*Unión Sindical de Trabajadores de Guatemala* – UNSITRAGUA), found a funeral wreath in their office, accompanied by two death threats.

Three days later, STCHN members went to the bank’s personnel office to meet with a representative of the Ministry of Labour in order to denounce the reprisals against the union leaders. One of the bank directors, Mr. José Fidencio García Beltetón, appeared instead of the Ministry representative, and insulted and threatened them.

On 9 September 2005, Mr. **Danilo Enrique Chea**, a union member, received a threatening telephone call.

By the end of 2005, the investigation into these threats was still pending.

187. See Urgent Appeal GTM 012/0805/OBS 062.

Attack against two OASIS members and assassination of one of them¹⁸⁸

On 17 December 2005, Mr. **Juan Pablo Méndez Cartagena**, known as “Paulina”, and Mr. **Kevin Robles**, known as “Sulma”, members of the Integral Sexuality AIDS Support Organisation (*Organización de Apoyo a una Sexualidad Integral frente al SIDA* – OASIS), were in “Zone 1” in Guatemala City when four men on motorcycles, wearing police uniforms, told them to stop and then fired at them. Paulina received two bullets in the head and died instantly. Sulma was hit by three bullets and was taken to the hospital where her condition, very serious, stabilised. As a witness of the murder of Paulina, Sulma was fearing for her safety, but the authorities did not offer her any protection.

OASIS is an NGO working on the prevention of HIV/AIDS and providing support for lesbian, gay, transgender and bisexual people (LGTB).

Break-ins at several NGOs offices

Break-in at H.I.J.O.S Guatemala offices and threats against its members¹⁸⁹

On 9 January 2005, some unidentified persons broke into the offices of the organisation Sons and Daughters for Identity, Justice and Remembrance against Silence (*Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio* – H.I.J.O.S Guatemala), in Guatemala City, just a few days after its inauguration. They methodically searched each office, then seized three computers, containing in particular information on enquiries conducted in 2004 concerning militarisation, institutional violence and the practice of torture. They also stole address books containing details of institutions and people working with the organisation at national and international levels, phone directories and personal diaries, as well as files containing information on judicial procedures and military programmes in Guatemala.

In addition, on 6 May 2005, Mr. **Francisco Sánchez Méndez**, a member of the organisation, was the victim of an abduction attempt. He also received threats on several occasions during the year.

188. See IGLHRC, *Summary of 2005 cases on Latin America and the Caribbean*, January 2006.

189. See Urgent Appeal GTM 002/0105/OBS 005.

On 12 May 2005, H.I.J.O.S offices were broken into and a computer containing information of vital importance to the organisation, together with a tape recorder and photos, were stolen.

On 13 May 2005, several members of the organisation were followed on their way to work. The next day, a car was parked opposite the home of one of the organisation's members, with the driver adopting a threatening attitude.

On 15 May 2005, three strangers once again harassed Mr. Francisco Sánchez.

On 16 May 2005, Mr. **Filiberto Celada**, another H.I.J.O.S member, was followed by a taxi when returning home. The same day, someone parked opposite the organisation's office and watched it for several hours.

From May 2005 onwards, due to the increased number of incidents involving harassment of the organisation and its members, protective measures, requested by IACHR regarding the organisation members and its collaborators in 2004, were reactivated. H.I.J.O.S and its members filed a complaint with the Prosecutor's office responsible for human rights but, at the end of 2005, no enquiry had been opened and the responsible for those burglaries and threats had still not been identified.

Break-in at CNOC offices¹⁹⁰

On 8 May 2005, the offices of the National Coordination of Rural Organisations (*Coordinadora Nacional de Organizaciones Campesinas* – CNOC), in Guatemala City, were broken into. Important documents, including rural development projects designed to help CNOC in its negotiations with the State and companies in Guatemala, disappeared. Computers containing data, activity reports and projects concerning food safety, reform of the Labour Code and alternative proposals on agriculture were also stolen.

This event occurred while the Guatemala Congress was debating the Law on land registry (*Ley de Catastro*), which was in the process of being arbitrarily modified by legislators, despite a consensus already reached by the organisations representing Guatemalan peasants and the Chamber of Agriculture.

190. See Urgent Appeal GTM 005/0505/OBS 031.

By the end of 2005, the investigation started by the Prosecutor was still pending, and organisation members had been summoned to appear before the Court to check that they were not the perpetrators of the break-in.

Break-in at the Ixqik Women's Association offices¹⁹¹

In 2005, the Ixqik Women's Association (*Asociación de Mujeres Ixqik*), based in Santa Elena, was subjected to harassment and threats, in reprisal for its activities of defence and legal support to victims of gender violence before courts in the Peten region.

On 27 October 2005, the Ixqik Women's Association organised a demonstration in Santa Elena, in the Peten region, in support of proceedings initiated by the association for rape against a man called Walter Castellanos.

Following the demonstration, unknown men forced their way into the organisation's offices on 31 October, 7 and 10 November 2005, and went through all the documents there. They also stole a camera containing pictures of the demonstration and two tape recorders, along with personal data of association members. Despite the complaints lodged by the organisation, the police did not undertake any security measures.

In addition, during November 2005, several organisation members had to change their phone numbers following intimidation. In particular, Mrs. **Juana Botzoc**, project manager, was seriously intimidated and received death threats from several people against whom proceedings were instituted.

By the end of 2005, IACHR was considering the association's request for precautionary measures of protection.

191. See Urgent Appeal GTM 013/1105/OBS 117.

HONDURAS
Assassination of Mr. Edickson Roberto Lemus¹⁹²

On 24 May 2005, Mr. **Edickson Roberto Lemus**, regional secretary of the National Office of Rural Workers (*Central Nacional de Trabajadores del Campo* – CNTC), was murdered in El Progreso, Yoro.

Following the protests against his assassination, organised by CNTC in June 2005, Mr. Mario Robert Gómez was accused of the murder by the Prosecutor before the El Progreso Court (*Juzgado de Letras Seccional de El Progreso*).

On 10 October 2005 however, the San Pedro Sula Court of Appeal suspended the case. By the end of 2005, Mr. Mario Robert Gómez remained detained on “simple” charges of “illegal weapon possession”.

By the end of 2005, Mr. Natividad de Jesús Hernández, close to the security forces and who, on 20 May 2005, had threatened Mr. Edickson Roberto Lemus with death, had neither been interrogated nor referred to the Court for investigation.

Acts of harassment against two OFRANEH members¹⁹³

On 25 March 2005, the house of Mrs. **Miriam Miranda**, head of the Fraternal Black Honduran Organisation (*Organización Fraternal Negra de Honduras* – OFRANEH), was searched by the police. Several agents of the General Direction for Criminal Investigation (*Dirección General of Investigación Criminal* – DGIC) presented an unsigned search warrant and proceeded to search her home for weapons, money and valuables. The issuing judge’s only comment was to say that it had been an error from the investigation services.

On 30 May 2005, Mrs. **Gregoria Flóres**, another OFRANEH leader, was shot at and wounded in Puerto de la Ceiba. Mrs. Flóres represented OFRANEH before the Inter-American System of Human Rights (*Sistema Interamericano de Derechos Humanos*), denouncing human rights violations in Honduras.

No police investigation was open into these events.

192. See Open Letter to the Honduran authorities, 12 August 2005.

193. *Idem*

On 21 September 2005, the Inter-American Court on Human Rights ordered the Honduran authorities to adopt provisional protective measures in favour of Mrs. Gregoria Flóres, her family, and other members of OFRANEH.

By the end of 2005, these measures had not been implemented, while the harassment of OFRANEH leaders continued. Mrs. Flóres had to flee the country to protect her life.

Threats and acts of harassment against several CEPAVEG activists¹⁹⁴

Since March 2005, several activists of the Centre of the Venta Gualaco Employers’ Union (*Patronatos de La Venta de Gualaco’s exchange* – CEPAVEG), Olancho region, who are opposed to the construction of the hydroelectric station ENERGISA, were subjected to threats and acts of harassment.

On 27 March 2005, when going back home, Mr. **Orlando Arturo Ortiz Nájera** was apprehended by three policemen, who unsuccessfully attempted to confiscate his weapon. They left, threatening to return with an arrest warrant.

On 29 March 2005, Mr. **José Gumersindo Pandilla Santos** was attacked by a policeman and detained overnight at the police station. He was released on the next day, after being made to perform cleaning duties.

On 30 July 2005, Mr. Orlando Ortiz Nájera and Mr. **Javier Pandilla Santos** were arrested and pinned to a wall by six members of the elite national police unit “Cobra” who declared that they were executing orders. Mr. Padilla and Mr. Ortiz Nájera were detained at the police station without being given the right to examine the arrest warrant, then transferred before the Catacamas Court and finally released, with no charges filed against them.

On 2 August 2005, Mr. **Wenceslao Santos Cardona** was arrested at his residence by three police officers for refusing to have the ENERGISA electricity network installed at his house. That same day, during her visit to Mr. Santos, Mrs. **María Antonia Caballero** was arrested by the police and detained for one hour. On 3 August 2005, when Mrs. Caballero was discussing with Mr. Santos the possibility to

194. See Urgent Appeal HND 001/0905/OBS 083.

lodge complaint against those acts of harassment, police officers, who were following her, arrested her on the grounds that she was at the origin of the complaint. She was taken to the Gualaco police station where the sergeant declared her arrest illegal and released her.

Finally, on 20 August 2005, two drunk police officers parked their car outside Mr. Nájera's home, handling their weapons in a threatening manner.

The Special Prosecutor for Human Rights launched an investigation into these events, following a request made by the Committee of the Families of Missing Detainees in Honduras (*Comité de Familiares de Detenidos Desaparecidos en Honduras* – COFADEH).

Attack and arbitrary detention of Mr. Feliciano Pineda¹⁹⁵

On 5 June 2005, Mr. **Feliciano Pineda**, an indigenous Vertientes community leader in Montaña Verde and a member of the Civic Counsel of Popular and Indigenous Organisations of Honduras (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* – COPINH), was attacked by paramilitaries. Shortly after being driven to the hospital, Mr. Feliciano Pineda was arrested by the police and accused of murder.

By the end of 2005, Mr. Feliciano Pineda remained detained in very poor conditions at the Gracias prison, Lempira region.

The Special Prosecutor for Ethnic Affairs opened an investigation into the role of the police and that of the authorities of the Escuela hospital in the acts of harassment against Mr. Pineda during his arrest and his stay at the hospital.

Harassment of several peasant movement's leaders¹⁹⁶

On 10 July 2005, the offices of *Via Campesina*, an international movement that coordinates organisations of small-and-medium-sized farmers and rural workers, rural women and indigenous communities in Tegucigalpa, were broken into by unidentified individuals, who stole three computer hard drives.

On 11 July 2005, Mr. **Alejandro José Pineda Gómez**, general accountant of *Via Campesina*, filed a complaint with the General Direction for Criminal Investigation (DGIC). No investigation had been opened by the end of 2005.

On 14 July 2005, the entry door to the house of Mr. **Daniel Yáñez**, a farmers' leader in El Progreso, Yoro, was forced open by unknown individuals.

In August 2005, while Mr. **Rafael Alegría**, head of *Via Campesina*, was participating in a televised forum on the show *Frente a Frente*, the host of the show, Mrs. Claudia Hernández, received a telephone call from a man threatening to kill both Mr. Rafael Alegría and Mr. **Renato Álvarez**, a journalist who was acting as moderator for the debate. Mr. Rafael Alegría then brought these threats to the attention of the Honduran Minister of Security, Mr. Oscar Álvarez, who promised to make inquiries into the origin of the call. By the end of 2005, the investigation had not made any progress.

Search of Mr. Juan Barahona Mejía's house¹⁹⁷

On 15 July 2005, the house of Mr. **Juan Barahona Mejía**, president of the Unitary Federation of Honduran Workers (*Federación Unitaria de Honduras* – FUTH) in Tegucigalpa, was searched, and the roof damaged by officers of the Criminal Investigations Unit. He filed a complaint with the Honduran Special Prosecutor for Human Rights, who launched an inquiry. The investigation was completed on 11 November 2005 and by the end of 2005 a judicial opinion had been reached (*dictamen*), but it had not been made public.

In October 2005, two men, claiming to be agents of the Prosecutor's office, asked Mr. Juan Barahona for his permission to make use of the FUTH premises. He refused and the two men left.

On 12 December 2005, the Special Prosecutor for Human Rights accused Messrs. Eduino Galdámez, Oscar Alexander Mendoza, Carlos Edgardo Suazo and Mr. Edgardo Díaz Núñez of the break-in.

195. See Open Letter to the Honduran authorities, 12 August 2005.

196. *Idem*.

197. *Idem*.

Searches of CPTRT offices and threats against its members¹⁹⁸

In January 2005, the offices of the Centre for the Prevention, Treatment and Rehabilitation of Torture Victims (*Centro para la Prevención, el Tratamiento y la Rehabilitación de las Víctimas de la Tortura* – CPTRT) were ransacked for the third time since October 2004; a computer was stolen and documents were destroyed.

On 12 September 2005, Mr. **Juan Almeyda**, director of CPTRT, was stopped by two men on a motorcycle when he got out of his car near the entrance of a clinic where he provides free medical care. In addition, during the night of 18 September 2005, several unidentified men and women made threatening phone calls to his home and his relatives' homes. Similar calls were made several times a week between October and December 2005.

On 19 September 2005, CPTRT office administrator in Tegucigalpa noted that the front door frame had been forced and nearly broken during an attempted burglary.

Furthermore, on 14 October 2005, Centre employees found the main door to the building open. The security guard explained that two men had tried to penetrate into the CPTRT premises. Three days later, two suspicious individuals were spotted hanging around the building.

In November 2005, CPTRT employees received direct threats by telephone. Following this event, the Public Prosecutor granted precautionary protective measures for a six-month period.

Harassment of Mr. Oscar Aníbal Puerto Posas¹⁹⁹

On 22 September 2005, an unknown individual came to the home of Mr. **Oscar Aníbal Puerto Posas**, director of the Honduran Institute for Rural Development (*Instituto Hondureño de Desarrollo Rural*), saying to his son that he was there to varnish the doors.

When Mr. Puerto Posas's wife, Mrs. Accise Assaf de Puerto, questioned the man about his presence, he refused to answer and proceeded to draw up a list of household items. He finally left the house without offering any further explanation.

198. *Idem*.

199. See Urgent Appeal HND 002/0905/OBS 087.

On 23 September 2005, Mr. Oscar Aníbal filed a complaint with the General Direction for Criminal Investigation (DGIC). By the end of 2005, the Public Prosecutor had not yet opened any investigation into the matter. On 10 November 2005, COFADEH lodged a complaint with the National Human Rights Commissioner (*Comisionado Nacional de los Derechos Humanos*), who requested additional information.

Acts of harassment against defenders of indigenous communities²⁰⁰

Judicial harassment against Mr. Eduardo Jerónimo Gómez

On 22 September 2005, the house of Mr. **Eduardo Jerónimo Gómez**, leader of the indigenous *Chortí* community, in Santa Elena, La Paz province, was broken into and the documents on the activities of a community cooperative were stolen. In the past, Mr. Eduardo Jerónimo had been on several occasions the victim of death threats because of his involvement in *Chortí* community activities.

Furthermore, by the end of 2005, he continued to be subjected to judicial proceedings, following his involvement, along with other persons similarly prosecuted, in the 5 May 2005 protest requesting a better education for children, organised in front of the Santa Elena Education Centre. Since then, he has been subjected to acts of harassment and persecution. Although he lodged a complaint with the Santa Elena police, no measures were taken to put an end to the threats against him.

Arson of Mr. Wilfredo Guerrero's house

In the night of 7 November 2005, the house of Mr. **Wilfredo Guerrero**, president of the Defence Committee of San Juan Community Lands (*Comité de Defensa de la Tierra de la Comunidad de San Juan*), was burnt down and crucial documents related to his work in favour of the community were destroyed.

200. See Committee of the Families of the Missing Detainees in Honduras (COFADEH).

MEXICO

Lack of result in the investigation into the assassination of Mrs. Digna Ochoa y Plácido²⁰¹

On 24 February 2005, Mr. Bernardo Bátiz, Mexico's Public Prosecutor, decided to conduct a new examination of the forensic evidence in the case of Mrs. **Digna Ochoa y Plácido**, head of the legal department of the Miguel Agustín pro-Juárez Centre for Human Rights (*Centro de Derechos Humanos "Miguel Agustín Pro Juárez" – PRODH*) and eminent human rights defender who were killed by an unidentified person in her office in Mexico City on 19 October 2001.

In 2003, the official investigation, led by the Public Prosecutor of the State of Mexico (*Procuraduría General de Justicia del Distrito Federal*), had concluded that it was a suicide. In June 2003, IACHR had presented the authorities with a report that revealed several loopholes in the investigation. The report had particularly pointed out the lack of rigour in the first autopsy that was performed, in addition to irregularities in the gathering, treatment and preservation of evidence, as well as the strange appearance, eighteen months after the events, of new determining information. The report had also highlighted the lack of attention given to all the different investigative leads. Despite this criticism, the case had been closed, apparently without any remedy to these shortcomings.

On 5 July 2005, Mexico's Public Prosecutor announced that after the exhumation of the body on 28 June 2005, the new autopsy had not provided any additional information. However, by the end of 2005, the case remained open.

On 20 October 2005, the results of the ballistic report by official experts were made public before IACHR by the Mexican authorities. Nevertheless, experts hired by the family proved that the autopsy report was inaccurate regarding the origin and the trajectory of the shot. They also proved that Mrs. Digna Ochoa could not have committed suicide, as her hands bore no trace of the powder that such an act should have left.

201. See Annual Report 2004.

Furthermore, by the end of 2005, Mexico was considering the withdrawal of protective measures in favour of Mrs. **Bárbara Zamora** and Mr. **Lionel Rivero**, both lawyers and colleagues of Mrs. Ochoa.

Attack against Mrs. Eréndira Cruzvillegas Fuentes²⁰²

On 15 January 2005, unknown people in a car threw bricks at the vehicle of Mrs. **Eréndira Cruzvillegas Fuentes**, director of the National Centre for Social Communication A.C. (*Centro Nacional de Comunicación Social A.C. – CENCOS*), in Oaxaca. Mrs. Cruzvillegas Fuentes, particularly involved in the defence of the rights of social leaders in the State of Oaxaca, was going home after a meeting with the Coordinating Body of the People's Indigenous Council of Oaxaca "Ricardo Flóres Magón".

By the end of 2005, the complaint lodged by Mrs. Cruzvillegas Fuentes had not been followed, and no investigation had been opened.

Threats and judicial proceedings against Mrs. Lydia Cacho Ribero²⁰³

At the beginning of 2005, Mrs. **Lydia Cacho Ribero**, president of the Crisis Centre for Victims – Integral Centre for Women Assistance (*Centro de Crisis para Víctimas – Centro Integral de Atención a las Mujeres – CIAM*) in Cancún, Quintana Roo, was subjected to threats and acts of harassment by attackers of the women who found refuge at the Centre.

In particular, in January 2005, Mr. José Ramón Hernández Castillón, a former police officer of the Torreón special anti-illegal confinement corps of the Federal Investigation Bureau (*Agencia Federal de Investigación – AFI*), whose wife and children, victims of his aggression, found refuge at CIAM, came armed at CIAM-Cancún office and threatened Mrs. Cacho Ribero and the staff with death.

Mr. José Alfredo Jiménez Potenciano, a known drug trafficker, had acted the same way in November 2004.

By the end of 2005, the investigations into the acts of harassment

202. See Urgent Appeal MEX 001/0105/OBS 006.

203. See Open Letter to the Mexican authorities, 3 February 2005, and Urgent Appeal MEX 008/1205/OBS 129.

by Mr. José Jiménez Potenciano and Mr. Hernández Castellón had not produced any results: the two men remained free and continued to threaten Mrs. Lydia Cacho.

Mrs. Lydia Cacho was also threatened with proceedings for kidnapping, following a complaint lodged with the office of the Quintana Roo State Prosecutor by the sister of Mr. Potenciano's wife.

Furthermore, since December 2004, CIAM-Cancún has received on several occasions telephone threats, after having denounced sexual abuse of children by entrepreneur Mr. Jean Succar Kuri, currently detained in Arizona, United States, and awaiting extradition. Finally, Mrs. Cacho Ribero appeared on a list of people who were subjected to an assassination order by Mr. Succar Kuri, sent by the latter to the local police.

On 28 February 2005, the Public Prosecutor of the Republic (*Procuraduría General de la República* – PGR), together with the National Commission for Human Rights (*Comisión Nacional de Derechos Humanos* – CNDH), offered Mrs. Lydia Cacho the protection of two local AFI officers.

On 6 April 2005, PGR asked the deputy director of the judiciary police of the northern zone of the State of Quintana Roo, Mr. Luis Germán Sánchez Méndez, to take the necessary protective measures in favour of Mrs. Cacho and the women and children in CIAM refuges.

Whereas Mrs. Cacho Ribero benefited, at the end of 2005, from the protection of three AFI officers, she was arrested in her office on 16 December 2005 by officers of the judiciary police of the State of Puebla, and taken to the Quintana Roo Prosecutor's office without an arrest warrant. She was denied the right to speak to her lawyer. She was then transferred to the prison of San Miguel in the State of Puebla, more than 1,500 km from Cancún, in spite of her poor health condition, following a bout of pneumonia. Once in Puebla, Mrs. Cacho learnt that the detention order had been issued by the judge of the Puebla Fifth Court, in accordance with the complaint lodged by the textiles entrepreneur Mr. Camel Nacif Borges. He accused her of "defamation", following the publication of a book denouncing the networks of prostitution entitled *The demons of Eden*, in which she mentioned his presumed membership of one of these networks.

After 30 hours of detention, Mrs. Cacho was released on bail of 70,000 Mexican pesos (more than 5,500 euros). On 23 December 2005,

the Court of Puebla judged that there were elements which allowed to judge Mrs. Cacho Ribero for "defamation" and "slander", two crimes liable to a prison sentence. However, deeming that the crimes were not serious, the Court decided that Mrs. Cacho Ribero would appear free. Nevertheless, she had to report monthly to the judge until her trial, for which no date had been determined by the end of 2005.

Mrs. Cacho Ribero decided to lodge a complaint before the State Supreme Court against the government and the Public Prosecutor's office of the state of Puebla for incompetence.

In addition, other CIAM members were harassed and threatened in 2005. On 5 December 2005, four members of CIAM were thus detained for an hour in Chamula Zinacantán by police officers from the group *Base de Operaciones Mixtas* (BOM), with the aim of searching their vehicle and filming them. The officers did not show them any warrant.

Assassination of Mr. Manuel Hidalgo Espinoza²⁰⁴

In February 2005, Mr. Manuel Hidalgo Espinoza, one of the heads of the organisation House of the People, which defends the rights to land of indigenous *Tzotziles*, was murdered in Venustiano Carranza, in the State of Chiapas.

For many years Mr. Hidalgo had been, because of his activities, subjected to acts of harassment and death threats from *caciques* (powerful people working in the forestry concern denounced by ecologists) and from paramilitaries of Alianza San Bartolomé.

Acts of harassment against the Fray Bartolomé de las Casas Human Rights Centre²⁰⁵

On 23 February 2005, members of the Fray Bartolomé de las Casas Human Rights Centre (*Centro de Derechos Humanos Fray Bartolomé de las Casas* – CDHFBC/Frayba) were denied access to the San Cristobal prison, in the State of Chiapas, by AFI policemen, allegedly because they had not received authorisation from the Special State Prosecutor.

204. See the "Miguel Agustín Pro Juárez" Human Rights Centre Report, *El derecho a defender los derechos humanos en 2005*, December 2005.

205. *Idem*.

In March 2005, three hackers searched into Frayba's electronic archives, extracted all the information and blocked several computers. The organisation lost an important part of the information it had kept with a view to the publication of its annual report. Furthermore, Frayba's headquarter was burgled on 4 April 2005.

Break-in at Tequio Jurídico headquarters²⁰⁶

On 15 March 2005, the offices of the human rights organisation *Tequio Jurídico*, in Salina Cruz, in the State of Oaxaca, were burgled and several documents and computers were stolen. In 2003, this organisation had already been broken into, but no perpetrator had been identified.

Ongoing serious acts of harassment against OESP members

Attack against Mr. Albertano Peñalosa Domínguez and assassination of two of his sons²⁰⁷

On 19 May 2005, Mr. **Albertano Peñalosa Domínguez**, a member of the Sierra de Petatlán Environmental Organisation (*Organización ecológica de Sierra de Petatlán* – OESP), and his children were ambushed whilst driving. Unknown people shot at them several times with large-bore guns. Two of his children, 9-year-old **Armando Peñalosa**, and 20-year-old **Adatuel Peñalosa**, were killed. Idalí and Isaac Peñalosa, aged 15 and 19 years old respectively, as well as Mr. Albertano Peñalosa, survived. By the end of 2005, no enquiry had been opened, and the perpetrators of these crimes had not been identified.

Moreover, an arrest warrant was issued by the Guerrero State Prosecutor's office against Mr. Peñalosa, who was accused of the murder of Mr. Abel Bautista Guillén, son of the *cacique* Mr. Bernardo Valle Bautista, which took place in May 1988 near Mayemal village.

On 30 May 2005, Mr. José Luis Luege Tamargo, Federal Prosecutor for the Protection of the Environment (*Procuraduría Federal de Protección al Ambiente* – Profepa), assured the public that "State authorities [were] investigating the ambush, but that it was

probably a matter of settling of scores between families after previous murder attempts, an unfortunate custom in Guerrero".

Release of Mr. Felipe Arreaga Sánchez²⁰⁸

On 18 September 2005, Mr. **Felipe Arreaga Sánchez**, OESP secretary, in the State of Guerrero, was released after 10 months of detention in the Zihuatanejo Centre for Social Rehabilitation.

On 3 November 2004, Mr. Felipe Arreaga Sánchez, actively involved in the fight against the deforestation of the Sierra de Guerrero, had been arrested in Petatlán by the Guerrero State Ministerial Police. In the past, he had already been subjected to harassment from the military and police authorities because of his activities. Mr. Felipe Arreaga Sánchez had been, like Mr. Peñalosa, accused of the murder of Mr. Abel Bautista Guillén, and of "criminal association". However, on the day of the crime, Mr. Felipe Arreaga Sánchez was in the village of Las Mesas, recovering from an injury to his spinal column.

In March 2005, Mr. Felipe Arreaga Sánchez was awarded the *Chico Mendes* Prize for the Protection of the Environment, a prestigious award related to the ecology on the continent.

By the end of 2005, 13 other heads of OESP remained under arrest warrants.

Enforced disappearance of Mr. Diego Bahena Armenta and Mr. Orlando Rebolledo Téllez²⁰⁹

On 5 September 2005, Mr. **Diego Bahena Armenta**, a member of OESP and of Coyuca de Catalán, as well as a former member of the Southern Sierra Farmers' Organisation (*Organización de Campesinos de la Sierra del Sur* – OCSS), was arrested along with nine other men from several Guerrero communities by military members of the 19th Infantry Battalion, based in Petatlán, and accused of holding fire-arms exclusively reserved for the army. He was presented before the Zihuatanejo Federal Prosecutor and then transferred to the Las Cruces penitentiary, in Apapulco, before being released on 13 September 2005.

206. *Idem*.

207. See Urgent Appeal MEX 004/1204/OBS 094.1.

208. See Annual Report 2004.

209. See Urgent Appeal MEX 005/1205/OBS 126.

On 8 November 2005, Mr. Diego Bahena Armenta, who lives in Zihuatenejo, in Guerrero province, disappeared, after being abducted from his workplace by eight armed unknown persons.

Subsequently, the General Prosecutor, Mr. Eduardo Murueta Urrutia, affirmed that the Ministerial Investigatory Police (*Policía Investigadora Ministerial* – PIM) was not involved in the detention or the disappearance of Mr. Diego Bahena Armenta. He also added that the latter would be associated with the Revolutionary Army of Insurgent People (*Ejército Revolucionario del Pueblo Insurgente* – ERPI).

By the end of 2005, Mr. Diego Bahena Armenta was still missing, such as Mr. **Orlando Rebollo Tález**, another OESP member, who disappeared on 14 February 2005.

Assassination of Mr. Octavio Acuña Rubio²¹⁰

On 21 June 2005, Mr. **Octavio Acuña Rubio**, one of the heads of the Queretaro Association for Sexual Education (*Asociación Queretana de Educación para la Sexualidad* – AQUESEX), was found stabbed to death at his organisation's offices in the State of Querétaro. Nothing was stolen from the premises.

AQUESEX is an NGO devoted to HIV/AIDS education and prevention, promoting the rights of homosexuals and which also fights against police brutality.

In the past, AQUESEX had been subjected to recurring acts of harassment (thefts, homophobic graffiti painted on the main door).

One week before being killed, Mr. Acuña Rubio had taken part in a Forum on Sexual Rights and had expressed fear of reprisals from the police, because of his numerous denunciations of the violations committed by members of the police.

On 24 September 2004, Mr. Acuña Rubio had lodged a complaint with the Queretaro State Human Rights Commission (CEDHQ) after verbal and physical attacks from policemen, against himself and his partner, Mr. Martin Romero, in the night of 17 September 2004.

By the end of 2005, the perpetrators of this murder had still not been identified.

210. See IGLHRC Press Release, 14 December 2005.

Assassination of two OCSS members²¹¹

Assassination of Mr. Alfonso García Rosas

On 2 July 2005, Mr. **Alfonso García Rosas**, a member of the Southern Sierra Farmers' Organisation (OCSS), was executed by a group of armed men, who removed him by force from his home in Atoyac, State of Guerrero.

Assassination of Mr. Miguel Angel Mesino

On 18 September 2005, Mr. **Miguel Angel Mesino**, an OCSS member and the brother of the organisation's director, Mr. **Rocío Mesino**, was killed 100 metres away from the municipal police station in the centre of Atoyac. His friend, Mr. **Zohelio Jaimes**, the brother of the director of the Great Coast's Coalition of Ejidos (*Coalición de Ejidos de la Costa Grande*), was injured.

In the past, several members of the Mesino family who had assumed running positions in OCSS had been imprisoned or assassinated.

Assassination of Mr. Tomás Cruz Zamora²¹²

On 18 September 2005, Mr. **Tomás Cruz Zamora**, a member of the Huamuchitos community in Cacahuatpec, opposed, as the majority of the community members, to the construction of the "La Parota" hydroelectric factory, was killed while he was taking home some thirty members of his community after an assembly of homeowners opposed to "La Parota", which took place in Aguas Calientes, Acapulco, in the State of Guerrero. Mr. Cirilo Cruz Elacio, a member of the same community, but in favour of the construction of the hydroelectric factory, threatened him, made him stop and shot a bullet in his head before running away. The attacker was immediately identified and placed under custody.

This murder took place in the context of tensions between communities and national and federal authorities over this construction, the institutions having failed to inform the inhabitants of the situation and to involve them in any of the carried out consultations.

211. See "Miguel Agustín Pro Juárez" Human Rights Centre Report, *El derecho a defender los derechos humanos en 2005*, December 2005.

212. See Urgent Appeal MEX 002/0905/OBS 085.

On 27 June 2005, two army vans arrived with the intention of intimidating Mr. Cruz Zamora. On the same day, members of the army arrested, at Aguas Calientes, two directors of the Council of Ejidos and Communities Against “La Parota” (*Consejo de Ejidos y Comunidades Opositorias a La Parota* – CECOP), Mr. **Marco Antonio Suástegui** and Mr. **Francisco Hernández**, for having protested against the construction of the hydroelectric factory. They were held in detention for 10 days.

By the end of 2005, the leaders of the community, as well as the residents in the area, were still subjected to intimidation.

Threats against three LIMEDDH members²¹³

On 30 October 2005, Mrs. **Yesica Sánchez Maya**, president of the Oaxaca section of the Mexican League for the Defence of Human Rights (*Liga Mexicana por la Defensa de los Derechos Humanos* – LIMEDDH), along with two colleagues, was threatened by the police, whilst returning by bus from San Juan Lalana, where they had held a workshop on human rights.

Eleven members of the preventive police of the State of Oaxaca stopped the bus for “straightforward routine checks”, and, without presenting a warrant, tried to make LIMEDDH president and her two colleagues get off the bus. After they refused to obey, the policemen “advised” them to stop frequenting the region, then threatened them by saying that they knew about their activities. The three members of LIMEDDH lodged a complaint, but by the end of 2005, no investigation had been opened.

These events took place in the context of tensions and violations of the rights of the inhabitants of the communities of San Lorenzo, La Esperanza, Lalana, Coapam and Oaxaca, where the population is constantly harassed (threats, acts of intimidation, thefts and even one attempted sexual assault) by groups of the “White Guards”, a parallel police force, supported by the government of the State of Oaxaca.

213. See Urgent Appeal MEX 003/1105/OBS 107.

Assassination attempt against Mr. Gustavo Jimenez Pérez²¹⁴

On 20 November 2005, Mr. **Gustavo Jimenez Pérez**, a member of the Chiapas Civil Alliance (*Alianza Cívica-Chiapas*), which aims at promoting citizens’ participation in the democratisation of society, was at home when six men attacked him with knives, pushed him and wounded his face. Believing him dead, they left him almost unconscious.

On 22 November 2005, at a press conference, Mr. Gustavo Jimenez Pérez denounced the attack he had been victim of, as well as the theft of some of his personal items. Whilst returning to his home, Mr. Gustavo Jimenez Pérez, along with Mr. Luis Gabriel Ramirez Cuevas, a member of the Alliance, and a lawyer for the “Fray Bartolomé de Las Casas” Human Rights Centre, found a man, who had clearly been searching the house and destroyed some objects. Fearing him to be armed or accompanied by other people, Messrs. Gustavo Jimenez, Gabriel Ramirez and the lawyer quickly left the house. The individual in question escaped, uttering threats all the long.

PERU

Continued threats against Professor Segundo Jara Montejo²¹⁵

At dawn on 20 December 2004, on the Prosecutor’s orders, 12 members of the Aucayacu national police, Tingo María province, Huánaco region, had entered the home of Professor **Segundo Jara Montejo**, president of the Alta Huallaga Human Rights Committee (*Comité de Derechos Humanos del Alto Huallaga* – CODAH) and executive director of the Alto Huallaga Human Rights Commission (*Comisión de Derechos Humanos Alto Huallaga* – CODHAH) in Aucayacu. They claimed to have found in the surrounding area subversive pamphlets and red fabric, supposedly indicating the presence of communist activities. Nothing compromising had been found.

On 4 February 2005, Mrs. **Rosalía Storck**, coordinator of the Northeast regional headquarters of Peru’s Truth and Reconciliation

214. See Urgent Appeal MEX 004/1105/OBS 119.

215. See Annual Report 2004 and Urgent Appeal PER 003/1105/OBS 106.

Commission (*Comisión de la Verdad y la Reconciliación* – CVR), received a message on her mobile phone, threatening Mr. Segundo Jara Montejo with death.

These events coincided with the opening of judicial proceedings, instigated by several human rights defence organisations, on human rights violations that took place in Peru between 1980 and 2000, a period known as “the era of violence”. These proceedings were the result of the work of CVR, which was created in order to determine the circumstances surrounding human rights violations committed by the Peruvian State and by armed opposition groups during this period. CVR report had been published in August 2003.

Threats and harassment against Mrs. Cristina del Pilar Olazábal, Mrs. Gloria Cano Legua, Mr. Francisco Soberón and Mr. Alejandro Silva²¹⁶

Mrs. **Cristina del Pilar Olazábal**, Prosecutor in charge of the human rights violations committed between 1980 and 2000 in the region of Ayacucho and revealed by CVR, was threatened and severely criticised by representatives of the Aprista Peruano Party – American Revolutionary Popular Alliance (*Alianza Popular Revolucionaria Americana* – APRA). These threats followed the complaints for genocide and assassinations lodged against Mr. Alan García, party leader and former President of Peru, and other members of the military, due to their alleged responsibility for the massacre of Accomarca on 14 August 1985²¹⁷.

On 7 February 2005, in an interview for *Radio Melody* published in the *Correo de Ayacucho* newspaper, former senator Mr. David Sifuentes accused Mrs. Cristina del Pilar Olazábal and Mrs. **Gloria Cano Legua**, a lawyer and head of the legal department of the Association for Human Rights (*Asociación Pro Derechos Humanos* – APRODEH) in Lima, of “using the law and the rule of law like bandits use grenades”, and stated that they had “their minds disturbed and their souls ill”.

On 1 March 2005, a complaint was lodged against Mrs. Olazábal, Mrs. Gloria Cano and Mr. **Francisco Soberón**, a member of APRODEH and executive secretary of the National Coordination of Human Rights (*Coordinadora Nacional de Derechos Humanos* – CNDDHH), by Mr. Fernando Olivera, former Justice Minister, and Mr. Julio Quintanilla, Prosecutor in another case that implicated Mr. Alan García in the 1986 El Frontón massacre. They were accused of “illicit association aimed at breaking the law” and of taking part in a conspiracy aimed at preventing Mr. Alan García from standing as a candidate in the 2006 presidential elections.

Moreover, on 1 April 2005, Mr. Francisco Soberón received an anonymous, hostile e-mail referring to “Colina Futura”, a group that executed opponents of the 1990s regime. Another threatening e-mail from the same sender had been received by APRODEH in 2003.

On 3 November 2005, the Ecumenical Foundation for Development and Peace (*Fundación Ecuménica para el Desarrollo y la Paz* – FEDEPAZ), a CNDDHH member organisation, received an anonymous phone call threatening Mr. Francisco Soberón and Mr. **Alejandro Silva**, CNDDHH deputy executive secretary, if they did not stop delivering press statements. These events occurred after the presentation by CNDDHH, on 17 October 2005, in Washington (U.S.), of a report on the existence of threats against human rights defenders, witnesses, victims, victims’ relatives, judges and Peruvian Prosecutors, because of their involvement in inquiries into the crimes and human rights violations committed in Peru over the past two decades.

Mrs. Cristina del Pilar Olazábal was also subjected to several dismissal attempts. On 13 April 2005, a senior official in the Ayacucho Public Ministry thus recommended that Mrs. Olazábal be dismissed because of a complaint lodged by Mr. García’s lawyer. On 27 May 2005, Mr. Rigoberto Parra, head of the Prosecutor’s office, presented a formal administrative request for dismissal. Mrs. Nelly Calderón, Peru’s National Prosecutor, was to make a decision on the dismissal of Mrs. Olazábal.

Mrs. Olazábal filed a complaint with the Prosecutor’s office (Ica region). Mr. Soberón and Mrs. Cano filed their complaint with the Prosecutor’s office in Lima.

216. See Urgent Appeals PER 001/0205/OBS 015 and 015.1 and PER 003/1105/OBS 106.

217 62 peasants were assassinated during the massacre led by the military member Mr. Telmo Ricardo Hurtado.

Death threats and judicial proceedings against CVR members²¹⁸

On 13 and 18 August 2005, Mr. **Salomón Lerner Febres**, former president of CVR and president of the Union of Latin American Universities and the Catholic University of Peru's Institute for Democracy and Human Rights (*Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú*), received anonymous insulting emails. On 8 September 2005, while Mr. Lerner was abroad, his secretary received a phone call threatening him with death.

Mr. Lerner, along with 12 former members of CVR, including Mrs. **Sofía Macher** and Mr. **Carlos Ivan Degregori**, had already received insulting e-mails in which they were accused of attacking the Peruvian Armed Forces (*Fuerzas Armadas Peruanas*). The messages received by Mr. Lerner, who is of Jewish origins, were also anti-Semitic and signed by an unknown group which called itself "Pachacútec".

On 5 October 2005, two former CVR commissioners received intimidating and slanderous e-mails. Some of these messages were also directed at former commissioner Mr. **Carlos Tapia**.

A complaint was lodged against Mr. Lerner and the former CVR members by retired generals José Valdivia and Wilfredo Mori, and colonels Carlos Medina, Nelson Gonzáles, Emilio Murgueytio, Wilfredo Guadalupe, Manuel Delgado and Carlos Sánchez, all mentioned in the report of CVR as perpetrators of human rights violations. The former CVR members were accused of "false publication".

In 2005, nine complaints were lodged before the General Prosecutor against the twelve former CVR commissioners in order to intimidate and paralyse the ongoing trials for human rights violations.

Harassment and threats against human rights defenders²¹⁹

- In January 2005, Mrs. **Carmen Canales**, coordinator of the Huánuco Concentration Panel for the Fight Against Poverty (*Mesa de Concentración para la Lucha Contra la Pobreza – LMCLCP*), a decision-making forum for State institutions, local governments, civil society, churches and international organisations, was threatened by e-mail.

218. See Urgent Appeals PER 002/1005/OBS 093 and PER 003/1105/OBS 106.

219. See Urgent Appeal PER 003/1105/OBS 106 and CNDDHH Report, *Amenazas y Acciones contra Defensores de Derechos Humanos, Testigos, Agraviados y Operadores de Justicia, en el Perú - 2005*, October 2005.

- On 13 January 2005, Mr. **Miguel Córdova Hurtado**, a priest of the Aucayacu parish in Huánuco, received death threats by phone, the perpetrators giving him 24 hours to leave the town.

- On 30 March 2005, the board members of the human rights organisation Peace and Hope (*Paz y Esperanza*) in the Lima region, a civil association promoting justice and development in favour of the poor people, received an anonymous threatening phone call.

- In March 2005, several unknown individuals attempted to break into the headquarters of the Association for Life and Human Dignity (*Asociación por la Vida y la Dignidad Humana – APORVIDHA – Cuzco*), a CNDDHH member organisation.

- In March 2005, Mr. **Marco Degen Dublín**, a priest in the Arapa district (Azángaro-Puno), and the workers at the Centre for Human Development – Puno (*Centro de Desarrollo Humano-Puno*) were threatened, intimidated and slandered by anonymous e-mails, phone calls and pamphlets.

- In March 2005, the employees of the Vicar of Juli, Ilave locality, along with the friars accompanying the employees of the Vicar of Juno, were intimidated and threatened. Mr. **Cristóbal Yugra Villanueva**, a human rights defender in Puno, also received threats, thought to be from relatives and supporters of the former mayor.

- In April 2005, the members of the NGO Peace and Hope in the San Martín region (*Paz y Esperanza*) received messages indirectly threatening and slandering them.

- On 18 May 2005, members of the Social Commission for Pastoral Prelacy (*Comisión Prelatural de Pastoral Social – COPREPAS*) in Sanchez Carrión, Huamachuco, Libertad region, were harassed.

- In June 2005, Mrs. **Genara Prado Agreda**, a member of the Committee for Human Rights Defence (*Comité de Defensa de los Derechos Humanos – CODEH*) in Sánchez Carrión, a CNDDHH member organisation in Libertad region, and priest **Mario Vidori**, member of Sanagoran parish and of COPREPAS Huamachuco-La Libertad, were repeatedly harassed.

- On 23 June, lawyers of the Vicar of Ayaviri – Puno, in Ituata-Carabaya-Puno, were threatened.

- On 2 July 2005, Mrs. **Paula Chui**, a lay member of the Crucero parish in the Carabaya-Puno region, was threatened and harassed.

- On 10 and 11 August 2005, Mr. **Willy Ruiz**, a Peace and Hope member in Lima, received two threatening anonymous phone

calls at his home.

- On 6 September 2005, the members of the Commission of Human Rights (*Comisión de Derechos Humanos* – COMISEDH) in Ayacucho were intimidated, after finding a lock of hair on the handle of the entrance to their offices. On the same day, Mrs. **Vivian Gala, Carla Reyes** and **Gisella Astocondor**, human rights lawyers for COMISEDH in Chinchipe, who were defending Mr. Pablo Sánchez, tortured by a police officer, were slandered and harassed.

- On 13 September 2005, three armed individuals broke into the COMISEDH headquarters in Jesús María district in Lima. They cut communication lines, burgled the premises and searched the offices of the Commission. The burglars also threatened to kill the guard. At dawn on 14 September 2005, there was another attempted burglary at the COMISEDH offices in Ayacucho.

VENEZUELA

Harassment and threats against OVP and its coordinator Mr. Humberto Prado Sifontes²²⁰

The Observatory of Prisons in Venezuela (*Observatorio Venezolano de Prisiones* – OVP) and its coordinator, Mr. **Humberto Prado Sifontes**, were victims of a defamation campaign because of their defence of the rights of prisoners, most of whom went on hunger strike to demand that the reforms aimed at the improvement of the penitentiary system, introduced on 18 November 2004, be duly implemented.

On 18 January 2005, a protest action against OVP was announced. However, only 15 people, including employees of the Ministry of the Interior and Justice, attended near OVP headquarters; two of them agreed to meet with Mr. Humberto Prado. This meeting revealed that the demonstrators did not know why they were protesting, as confirmed by one woman who explained that she had joined the group because she had been told that OVP would help her detained son.

Furthermore, on 20 January 2005, a woman called OVP to say that the Chief Prosecutor for the State of Lara intended to engage judicial proceedings against Mr. Prado for his alleged involvement in the

prisoners' demonstrations. Other persons also called to warn against a conspiracy against OVP and said that its members should "be careful". Then, on 22 January 2005, two of Miranda State's regional newspapers, *El Avance* and *La Región*, stated that Mr. Prado had encouraged the conflicts in the region's prisons.

On 1 November 2005, during a press conference and in his Ministry's official bulletin, Mr. Jess Chacón, Minister of the Interior and Justice, announced to the media that Mr. Humberto Prado Sifontes was facing two criminal investigations and accused him of having violated the rights of the prisoners of the Capital District's Yare I detention centre, when he was its director in 1997. However, by the end of 2005, Mr. Sifontes had still not been informed about any such charges nor of any judicial action against him.

These further public accusations followed Mr. Humberto's participation in IACHR hearings, during which he presented a report on the human rights situation of Venezuelan prisoners.

OVP lodged a complaint against Mr. Jess Chacón for harassment and insults towards Mr. Humberto Prado. However, by the end of 2005, no judicial inquiry had been opened.

Judicial proceedings against Mr. Carlos Ayala Corao²²¹

On 5 April 2005, Mr. **Carlos Ayala Corao**, a lawyer and president of the Andean Commission of Jurists (*Comisión Andina de Juristas*), as well as IACHR president in 1998-1999, was summoned to testify at an inquiry led by the Sixth Prosecutor with National Jurisdiction for the Public Ministry (*Fiscalía Sexta con Competencia Nacional del Ministerio Público*). He was not informed about the reason behind the summons.

The hearing was postponed until 14 April 2005, when the Public Ministry charged Mr. Ayala Corao with "conspiracy" due to his alleged participation in the writing of the Constitutional Act of the Government for Democratic Transition and National Unity (*Acta de Constitución del Gobierno de Transición Democrática y Unidad Nacional*). A businessman, Mr. Pedro Carmona Estanga, had used this Act to attempt to dissolve the government on 12 April 2002 in a *coup d'état*, and had declared himself President of Venezuela.

220. See Urgent Appeal VEN 001/0105/OBS 008.

221. See Urgent Appeal VEN 002/0405/OBS 025.

Assassination of and attempted assassination against several peasant leaders²²²

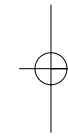
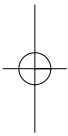
- On 19 March 2005, Mr. **Luis Enrique Pérez**, leader of the National Front of Peasants “Ezequiel Zamora” (*Frente Nacional Campesino “Ezequiel Zamora”*), was assassinated on the orders of a landowner who had threatened him with death several months earlier, along with four other peasants.

- On 23 June 2005, in the community of Sabana de Parra, Peña del Edo municipality (Yaracuy), several armed men attempted to assassinate Mr. **Braulio Álvarez**, a peasant leader and a member of the Yaracuy State Legislative Council.

- On 2 July 2005, unknown men shot at Mr. **José Gregorio Rivas**, leader of the Cieneguito Cooperative in del Edo, Zulia. Mr. Rivas was wounded by three bullets during an attack on the peasant community of Roca Firme, Sucre city, claiming land in the name of the Machado Aguilar farm.

222. See Venezuelan Programme for Education and Action in Human Rights (PROVEA), *Situación de los derechos humanos en Venezuela, Informe anual octubre 2004 - septiembre 2005*, December 2005.

ASIA



THE SITUATION OF HUMAN RIGHTS DEFENDERS

In 2005, human rights defenders in Asia continued to be subjected to numerous exactions, and their repression further increased in certain countries, in particular in *Cambodia*, where hindrances to freedom of expression multiplied, generating a hostile climate to the activities of defenders; in *Iran*, in particular since the presidential elections in June 2005; in *Nepal*, where hostilities and the state of emergency declared in February 2005 had a devastating impact on the safety of defenders; and in the *Philippines*, where defenders were increasingly victims of extra-judicial executions. In *Nepal* and the *Philippines*, like in *Indonesia* (Aceh), i.e. countries that were torn apart by armed conflicts, defenders were, indeed, in a very precarious and dangerous position.

Moreover, the earthquake and tsunami that struck the region in December 2004 had a serious impact on civil society in several countries, where numerous NGOs had their offices, files and equipment destroyed, when they did not lose members of their organisations in the disaster.

In Asia, human rights defenders remained victims of multiple violations: assassinations (*Bangladesh, Pakistan, Philippines*), forced disappearances (*Afghanistan, Nepal*), assaults and death threats (*Bangladesh, Indonesia, Nepal, Philippines*), arbitrary arrests, proceedings and detentions (*Cambodia, China, India, Iran, Nepal, Pakistan, Philippines, Republic of Korea, Thailand, Vietnam*), acts of harassment and surveillance (*Bangladesh, China, Indonesia, Iran, Nepal, Pakistan, Republic of Korea, Sri Lanka, Thailand, Vietnam*), restrictions on freedom of movement (*Iran, Nepal*). Besides, some States, such as *India* and *Nepal*, enacted national security legislation that had a negative impact on defenders' activities.

Furthermore, whereas independent human rights NGOs remained unable to exist in some countries (*Burma, North Korea, Laos, Vietnam*), in others, a few independent organisations were able to act

despite extremely restrictive legislation on the establishment of NGOs (*China, Iran*). In these countries, active defenders therefore took considerable risks for their freedom and safety.

Generally, the perpetrators of these human rights violations against defenders could most of the time act with the greatest impunity.

A repressive environment: restrictive laws on behalf of national security

Since 2001, many States, in Asia and elsewhere, have used the priority accorded to the safeguarding of national security or the war against terror as a pretext to introduce restrictive laws and regulations that are often in contradiction with their international human rights obligations. As a result, national security laws were introduced in several Asian countries, sometimes following a martial law or a state of emergency (*Nepal, Thailand*).

In *India*, although the government had decided to repeal the Prevention of Terrorism Act 2004 (POTA) in September 2004, it promulgated amendments to the Unlawful Activities (Prevention) Act 1967, which were adopted by the Parliament in December 2004 in the Unlawful Activities (Prevention) Amendment Ordinance, 2004¹, and which incorporated the main measures of POTA that were sources of abuse. Despite some improvements², new measures were included that might further erode civil liberties. Thus, the definition of “terrorist acts” remains vague, while it was the primary cause of misapplication of POTA; immunity is maintained for those involved in “any operations directed towards combating terrorism”, which is all the more alarming that security laws are often misused by the authorities, notably in the conflict regions of Jammu, Kashmir, Manipur and Assam. The law also permits unlimited interceptions of communications.

In *Indonesia*, even though the Minister of Justice and Human Rights promised on a number of occasions to amend the Anti-

terrorism Law, particularly its Article 26, which deals with the role of the Indonesian intelligence services (*Badan Intelijen Negara – BIN*), this had still not taken place by the end of 2005. Moreover, a Bill on intelligence services was under consideration, which would confer an expanded role to BIN members in law enforcement. As a matter of fact, the Bill empowers intelligence agents to “arrest” persons for up to seven days and to “detain” persons for up to 30 days without any judicial oversight or control, charge or access to a lawyer nor the opportunity to be brought before a judge. The Bill also empowers intelligence agents to arrest, detain, interrogate, search and restrict the freedom of movement of all persons “strongly suspected” of being directly or indirectly involved in activities considered as a threat to the nation, turning the intelligence services into a kind of police force with extremely wide powers, whereas the concept of “threat to the nation” remains extremely vague. This Bill is even more concerning that human rights defenders in Jakarta are regularly under pressure from BIN and civil groups related to the armed forces.

In the *Maldives*, Mrs. Jennifer Latheef, a photographer and a journalist for the daily *Minivan*, as well as a human rights activist, was sentenced on 18 October 2005 to ten years’ imprisonment for having committed a “terrorist act”, consisting of throwing a stone at a police officer on 20 September 2003 during a demonstration organised following the death by torture of five prisoners of conscience³. Mrs. Latheef always denied these allegations. Five other persons who were facing the same judicial proceedings were sentenced to eleven years’ imprisonment.

In *Nepal*, the government enacted on 13 October 2004 the Terrorist and Disruptive Activities (Control and Punishment) Ordinance 2061 (TADO), which extended for a period of six months the discretionary powers of civil servants responsible for security to arrest and detain persons⁴. On 2 August 2005, the Ordinance was again extended for a further six months. This last Ordinance, which includes numerous additional repressive measures devised by the Nepalese government, is all the more concerning that forced disappearances of human rights defenders, as well as arbitrary detentions

1. See Annual Report 2004.

2. In particular, the amended Unlawful Activities (Prevention) Act 1967 provides that persons who are arrested may only be held for a maximum of 24 hours without charge (rather than the previous 180 days); suspects may also seek release on bail, which was previously possible only after one year of detention; forced confessions are no longer admissible as evidence; the prosecution now bears the burden of proof, even though the presumption of innocent has not been completely reinstated, and independence of the judiciary has been reinforced by disposing of Special Courts set up under POTA.

3. See Press Releases of the International Freedom of Expression Exchange (IFEX), 17 and 19 October 2005.

4. See Annual Report 2004.

and acts of torture, summary and extra-judicial executions became systematic in 2005, following the declaration of a state of emergency on 1 February 2005⁵. Indeed, numerous defenders were detained under the TADO and the Public Security Act (PSA) for their presumed terrorist activities or activities supporting the Maoist uprising. Furthermore, King Gyanendra promulgated in October 2005 the Ordinance Amending some of the Nepal Act Related to Media, 2062 (Radio Act 2014, Press and Publication Act 2048, National Broadcasting Act 2049 and Defamation Act 2016). The Act on the “creation of enmity between people of different castes, religions, regions, communities, and dissemination of dissension between communities” was then replaced by the Act on the “promotion of terrorist and destructive activities”. Editors and publishers might be fined up to 100,000 Rs – approximately 1.150 euros – (previously 10,000 Rs) for defamation and for contravening Clause 14 (c) of the Press and Publication Act 1991, which prohibits acts “disrupting security, peace and order in the Kingdom of Nepal” and now includes “acts that are deemed criminal as per existing laws”.

In the *Philippines*, human rights defenders continued to be accused by government officials of being a front for terrorist organisations, making them the targets of military authorities and paramilitary forces engaged in counter-insurrection operations. In 2005, a concerning number of defenders were therefore victims of extra-judicial executions, whilst the perpetrators escaped prosecution. Furthermore, on 14 December 2005, the House of Representatives adopted, after its second reading, the Anti-Terrorism Act 2005, which contains several repressive provisions. The Bill shall be adopted after a third reading in January 2006, before it passes into law.

In *Thailand*, the Executive Decree on Public Administration in Emergency Situations, B.E. 2548, announced by the government of Prime Minister Mr. Thaksin Shinawatra on 16 July 2005, entered into force on 19 July 2005, the day after bomb attacks and an offensive resulted in three deaths in the three southern provinces of Narathiwat, Pattani and Yala, where more than 80% of the population is Malaysian or Muslim. The Decree, which confers considerable powers to the

Prime Minister, his Cabinet and the security forces, was renewed for a further three months on 19 October 2005⁶. Furthermore, even though the Decree has until now been implemented in the three southern provinces only, it might be extended to other regions of Thailand.

Defenders in times of armed conflict or military operations

In situations of conflict, extreme violence or political tension, human rights defenders found themselves to be even more targeted, as they were often considered as threats to peace and stability. Moreover, in certain countries, national human rights institutions were themselves subjected to threats, and their investigations into allegations of violations committed by members of the armed forces were seriously hampered. Therefore, one of the striking features remained the impunity of military members responsible for violations against defenders, which is to be seen as a serious threat to the promotion and protection of human rights in the region.

In Afghanistan, the situation of human rights defenders and humanitarian staff members remained precarious. Thus, the case of Mrs. Clementina Cantoni, a member of Care International, who was abducted on 16 May 2005, illustrates this highly unsafe situation.

In *Indonesia*, in spite of the signing, on 15 August 2005, of a Memorandum of Understanding between the Indonesian government and separatist rebels from the Aceh province, aiming at ending about 30 years of civil war, defenders continued to be subjected to acts of intimidation, harassment, torture, arbitrary arrests and detentions, and were often considered as endangering security, notably in the province of Nanggroe Aceh Darussalam (NAD). Defenders and NGOs members were also often accused of being members of the Free Aceh Movement (*Gerakan Aceh Merdeka* – GAM). For instance, on 27 January 2005, Mr. Farid Faqih, president of the organisation Government Watch (GOWA), was arrested in Meulaboh, Aceh, by Indonesian Air Force (TNI AU) officers, a couple of days after he asserted that the numbers of displaced people in camps had been exaggerated so that local officers could obtain more financial aid. He was accused of having stolen foodstuffs donated by soldiers' wives for

5. See below.

6. The Prime Minister can declare “emergency zones”, in which he has the power to decree curfews, prohibit public assemblies and ban publications. The Decree also authorises the Prime

Minister to request that the security forces carry out arrests and searches without a warrant, detain suspects for seven days, carry out phone-taps and forbid the carrying of arms (section 12). Section 17 of the Decree also guarantees impunity for all law and order agents.

the victims of the tsunami and was seriously beaten by some soldiers, including a captain. Although Mr. Faqih denied these accusations, he was sentenced to one year imprisonment in June 2005. Yet, he remained free while awaiting the decision on appeal by the end of 2005.

In *Nepal*, on 1 February 2005, King Gyanendra dismissed the government he had appointed on 2 June 2004 and declared a state of emergency. According to the Informal Sector Service Center (INSEC)⁷, about 300 defenders, including journalists and trade unionists, were arrested in the six months following the royal proclamation. The government also widely repressed peaceful demonstrations and gatherings. INSEC recorded 48 meetings banned between 1 February and 19 August 2005, 15 of which being subsequent to the lifting of the state of emergency on 29 April 2005. Disregard of court orders was also one of the main causes of concern following the *coup d'état*. During this same period, at least 36 political activists and defenders, who had been released as a result of court decisions, were arrested again by the security forces, 24 of them after the end of the state of emergency. The government also placed restrictions on the freedom of movement of numerous defenders, journalists, intellectuals and political leaders: several of them were prevented from leaving the Kathmandu valley, including since the lifting of the state of emergency.

Since 29 April 2005, the situation has deteriorated even further. As a matter of fact, although the government released a large number of the activists who had been arrested, they remained under surveillance and the Nepalese government continued to seek to control the activities of NGOs. Arbitrary detentions, censorship of the press and restrictions on public assemblies and freedom of movement went on. Thus, the Kathmandu District Administration Office (DAO) has prohibited all forms of protest (meetings, demonstrations, sit-ins, strikes, etc.) in the main streets of cities since 30 April 2005. Similarly, the DAO of Kavra prohibited all forms of protest in the cities of Panauti, Banepa and Dhilikhel, with effect from 1 May 2005. At the end of 2005, these restrictions had still not been lifted.

In the *Philippines*, civil society remained highly polarised. Human rights defenders continued to be particularly threatened and a large

7. See Report of the Informal Sector Service Center (INSEC), *Nepal: 200 Days of Royal Takeover, 1 February – 19 August 2005*, August 2005.

number of them were victims of extra-judicial executions carried out by the army or army-related groups. Moreover, this situation was encouraged by a general climate of impunity.

Restrictions on freedoms of expression, assembly and association

2005 was once again characterised with serious restrictions on freedoms of information, expression and assembly in Asia, notably in the name of national security⁸. Furthermore, legislation and regulations imposing a large variety of restrictions on the registration, management, activities and funding of NGOs were adopted. Such laws selectively denied legal status to NGOs critical of government policies, in turn forcing defenders to work in a situation of greater precariousness.

In *Bangladesh*, NGOs continued to be victims of reprisals because of the critical opinions that they endorsed with regard to government policies (and were as a consequence often perceived as being “pro-Awami”, the main opposition party), or because they raised issues considered by the authorities as “sensitive”⁹. The funds of some NGOs seen by the authorities as pro-Awami were blocked, sometimes for more than two years. In 2005, it was announced that some funding had been unfrozen, but these funds had in reality still not been paid to the organisations concerned by the end of the year. Moreover, Islamist groups were often responsible for assaults against defenders, which generally remained unpunished. Activists involved in the defence of the rights of women and minorities were in this regard particularly targeted.

In *Cambodia*, freedom of expression was subjected to new restrictions in 2005, as illustrated by the sentencing of Mr. Cheam Channy, a political opponent, to seven years’ imprisonment in August 2005, following an unfair trial, as well as by the arrest, on 11 October 2005, of Mr. Mam Sonando, director of a radio station and, on 15 October 2005, of Mr. Rong Chhun, member of the Cambodia

8. See above.

9. See Report of the FIDH mission, *Speaking out Makes of You a Target – Human Rights Defenders and Journalists at Risk – Grave Violations of Freedom of Expression and Association in Bangladesh*, Chapter entitled “Freedom of Association”, written in the framework of the Observatory, June 2005.

Watchdog Council (CWC). These individuals had criticised government policy regarding a border agreement with Vietnam. Arrest warrants were also issued against three other CWC members, Mr. Chea Mony, Mr. Ea Channa, and Mr. Men Nath¹⁰. This situation created a veritable climate of fear amongst defenders. Furthermore, according to the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), from January to November 2005, the authorities attempted to prevent or disperse more than 40 public gatherings, including demonstrations, public discussion forums, strikes or other union meetings¹¹.

In *China*, the authorities continued to control the Internet, especially by taking action against bloggers and websites operators, in order to limit access to information on the promotion of democracy and human rights. Thus, on 20 March 2005, the Chinese authorities announced in a decree issued by the Ministry of Information Industry (MII) their intention to close down all websites and blogs hosted in China that were not officially registered with the authorities by 30 June 2005, providing the full identity of persons managing the sites, so as to control information that could “endanger the country”. In addition, on 25 September 2005, the State Council Information Bureau and MII issued “eleven commandments” to govern blogs and websites in the country. Thus, blogs and websites shall not, *inter alia*, “spread rumours”, “damage State security”, “destroy the country’s reputation”, “libel or harm people’s reputation” or “disseminate illegal information”. Two new rules were also added, forbidding to “encourage illegal gatherings, strikes, etc, to create public disorder”, and to “organise activities within illegal social associations or organisations”. Websites that do not respect these rules are to be closed and their managers are liable with a fine of up to 30,000 yuans (3,000 euros). Moreover, several cyber-dissidents remained in prison at the end of 2005 for having distributed articles on the Internet that the authorities deemed to be “subversive” and for having circulated information critical of the authorities. Finally, the role of communication companies such as Yahoo and Google should be pointed out insofar as they adapted their services for China in order to restrict access to information. The

case of the journalist Mr. Shi Tao is in this regard exemplary, Yahoo having provided information on his email address that contributed to his conviction to ten years’ imprisonment on 27 April 2005 for having “illegally divulged State secrets abroad”.

The criminalisation of public protest also continued, and freedom to peaceful assembly was almost systematically violated. Indeed, petitioners, who are ever increasing in number, and who protest against evictions without fair compensation or against corruption, were arrested, prosecuted, and, at times, forcibly repressed.

Furthermore, the establishment of civil society organisations in China was closely controlled by the authorities: the founding members had to obtain the support of a government department or a body already approved by the government in order to be able to register with the Ministry of Civil Affairs. However, NGOs involved in issues considered by the government as sensitive did generally not succeed in obtaining this indispensable support.

In *India*, in July 2005, the government announced that the Foreign Contribution Management and Control (FCMC) Bill 2005 would replace the Foreign Contribution Regulation Act (FCRA), 1976, which was already very restrictive as regards the registration and reception of foreign funding by NGOs. The FCMC Bill not only sought to take up the restrictive provisions of the FCRA, but also to reinforce political control over NGOs. In particular, the Bill provides for the re-registering, during a period of two years, of organisations that were already registered, instead of automatically permitting those already approved organisations to receive foreign contributions (Section 11 of the FCMC); requires that organisations renew their certificates every five years; and authorises the suspension for a period of 90 days or the cancellation of a certificate of registration (Section 13). The main objective of the FCMC is to “[...] prohibit the acceptance and use of foreign contributions [...] for anti-national activities [...]” (Section 2 of the FCMC), activities which are not defined. Finally, Section 12(3) stipulates that if the director or member of the office of an organisation has been sentenced under law, or if judicial proceedings are currently underway against that person, this may be a reason to refuse to deliver a certificate of registration to the association. However, this provision is very general and, as a consequence, is likely to be used for other, abusive purposes. At the end of 2005, the Bill had still not been adopted.

10. See OMCT Urgent Appeal KHM 201005, 20 October 2005 and the Joint Press Release of FIDH, ADHOC and LICADHO, 20 October 2005.

11. See LICADHO, December 2005.

In *Iran*, recent measures taken by the administration, as well as the repression of “cyber-dissidents” and bloggers, demonstrated a will to reinforce control over the Internet. An Iranian company, Delta Global, was thus designated by the government to establish a new system for censorship of the Web, and at least four websites promoting the rights of women¹² were made inaccessible at the beginning of September 2005¹³. Furthermore, repression of freedoms of expression and association became more severe in 2005, following the presidential elections that brought an ultra-conservative regime to power, rendering human rights activities nearly impossible in the country.

In *Nepal*, 27 ordinances have been issued since 1 February 2005, half of them since the lifting of the state of emergency. Certain of these ordinances¹⁴ directly threatened the role of national and international NGOs, defenders, media and national human rights institutions. Thus, the government attempted to limit the activities and independence of NGOs, notably through amending the Social Welfare Act by ordinance on 14 July 2005, which conferred responsibility to the Ministry of Women, Children and Social Welfare to issue directives and supervise NGOs. Furthermore, on 10 November 2005, the government introduced a new Code of Conduct for “social organisations”, whereas in 2002 the NGO Federation of Nepal had already adopted a Code of Conduct that was followed by all NGOs. Henceforth, the government will be able to suspend or dissolve all NGOs that, accordingly, do not conform with the new Code of Conduct. The latter introduces a number of restrictions on the priorities and objectives of NGOs, their access to foreign funding, political affiliations of NGO staff members, places in which NGOs can work and the role of international personnel in local NGOs. The Code also requires NGOs to work with local and national government agencies and authorise the issuance of directives to NGOs or their supervision by the Social Welfare Council (SWC). Therefore, it is the very independence of NGOs that is at stake. In addition, the Code of Conduct remains very vague on the matter of the permissible

12. These websites are: www.womeniniran.org, <http://irwomen.com>, www.iftribune.com and www.womeniw.com.

13. See Press Release of Reporters without Borders (RSF), 18 October 2005.

14. In particular: National Human Rights Commission (First Amendment) Ordinance, Social Welfare (First Amendment) Ordinance, Public Service (Second Amendment) Ordinance, Terrorist and Destructive Activities (Control and Punishment) Ordinance.

restrictions on freedoms of expression and association. Indeed, Provision 8.a stipulates that “officials, members and staff of social organisation should not get involved in activities that endanger social harmony”. Furthermore, Provision 12 states that “NGOs or individuals affiliated with them should not disclose information received during their work if such information might disturb law and order, peace and security of the community, region or nation”. Such provisions could be used so as to restrain the work of defenders. Moreover, Provision 8.b, according to which members of social organisations “should not overtly or covertly get involved in activities that promote violence terror and criminal activities, jeopardising sovereignty and integrity”, could be used to harass or close organisations working in rural areas, which are often required to register with and make payments to the CPN (Maoists) in order to be able to undertake their work.

In addition, the establishment on 17 March 2005 of the High Level Human Rights Committee, the mandate of which is to advise the government on the protection and promotion of human rights, the amendment of the National Human Rights Commission Act, 1997, on 23 May 2005, by royal ordinance, and the appointment of a new president and new members of the National Human Rights Commission (NHRC) on 27 May 2005, weakened the mechanisms of human rights protection in the country. The establishment of a mechanism distinct from the NHRC (the Committee) underlines the intention of the government to weaken the Commission.

In *Pakistan*, human rights NGOs in the North-West Frontier Province (NWFP) were increasingly subjected to verbal and physical attacks over the last ten years. Indeed, the tendency to blame NGOs for the deficiencies of the State is the result of a campaign of defamation against human rights defenders, which seeks to prevent them from effectively carrying out their activities. Thus, whilst certain members of the government employed particularly strong language against NGOs leaders, no action was undertaken to identify and sanction the murderers of Mrs. Zubaida Begum, member of the Aurat Foundation of the Dir District, and her daughter, killed in June 2005¹⁵.

15. See Press Release of the Human Rights Commission Pakistan (HRCP), 12 September 2005.

In *Vietnam*, in July 2005, the government promulgated an inter-ministerial directive with the objective of strengthening the surveillance of some 5,000 “cyber-café” in the country and of tightening the control of “cyber-journalists” who, according to the authorities, “provide sensationalist news and articles while others even publish reactionary and libellous reports as well as a depraved culture”¹⁶. The directive, jointly agreed by the Ministry of Public Security and the Ministry of Culture and Information, notably draws on a decree issued in 2004, the implementation of which had not been truly effective, and which required owners of cyber-café to keep a record of all their customers for 30 days. Under the new directive, owners must also undertake six-month course to learn how to more effectively “monitor” their customers. Managers of cafés must check the identity of Internet users and prohibit them from accessing “subversive” sites. Furthermore, numerous cyber-dissidents, as for instance Messrs. Pham Hong Son, Nguyen Khac Toan and Nguyen Vu Binh, remained in prison for having distributed information on human rights on the Internet, on the basis of offences relating to “national security”, such as espionage (liable with death), or “abusing democratic freedoms in order to undermine the State interests”. The government also kept on limiting the activities of religious organisations other than those approved by the State, in particular the Unified Buddhist Church of Vietnam (UBCV), which promotes freedom of religion and, more generally, all fundamental freedoms.

Defenders of economic, social and cultural rights

Defenders of the rights of minorities and the rights to health, housing and land

In some Asian countries, defenders of the rights of minorities and the right to land remained particularly targeted, especially defenders whose work questioned social structures, economic interests and traditional or religious practices. In particular, female defenders were often the target not only of State agents but also private actors, such as religious groups and institutions, tribal chiefs etc., particularly when they were engaged in the defence of women’s rights.

16. See RSF, Press Release, 25 July 2005.

In *Bangladesh*, since the October 2001 elections, acts of harassment of minorities have increased and members of NGOs have been attacked, when not killed. Thus, in February 2005, six employees of the Bangladesh Rural Advancement Committee (BRAC) and two employees of the Grameen Bank¹⁷ were injured in bomb attacks against two BRAC offices and a branch of the Bank¹⁸.

In *China*, defenders of the rights of persons suffering from HIV/AIDS were confronted with the permanent risk of being harassed, imprisoned, or even beaten by police officers or criminals hired by local officials, for denouncing violations of the rights of persons suffering from AIDS, notably in rural China. They also had to face bureaucratic obstacles when they sought to register their NGOs. This was particularly true in Henan province, which has been significantly affected by the epidemic. For instance, at the end of April 2005, Mr. Hu Jia, activist in the fight against AIDS in Shanghai and former director of the Aizhixing Institute of Health Education¹⁹, was arrested by the police and detained for a week before being released without charge. On 30 August 2005, national security police officers violently beat him in a suburb, east of Beijing Tongzhou, after his arrival in the capital with a group of persons from Henan province suffering from AIDS. The patients, who had come to Beijing to draw the attention to their plight, were also manhandled.

The government also strengthened its repressive policy against defenders of the rights of farmers whose land was confiscated without adequate compensation. Thus, on 20 April 2005, Mr. Liu Zhengyou, Mr. Chen Shoulin, Mr. Chen Xiaoling, Mr. Mao Xiulan and Mr. Deng Shufen, five representatives of farmers without land of the city of Zidong (in Sichuan province), were attacked by the police and detained while presenting a petition to the new city mayor²⁰. During this altercation, Mr. Liu Zhengyou and Mr. Mao Xiulan were

17. The Grameen Bank provides credit to more than two million extremely underprivileged people in Bangladesh. The Bank has 1,092 branches in 36,000 rural villages.

18. See Report of FIDH mission, *Speaking out Makes of You a Target – Human Rights Defenders and Journalists at Risk – Grave Violations of Freedom of Expression and Association in Bangladesh*, Chapter entitled ‘Freedom of Association’, written in the framework of the Observatory, June 2005.

19. The Aizhixing Institute is an NGO that aims at educating the public about the HIV/AIDS virus and at advocating for the rights of persons suffering from AIDS.

20. See Human Rights in China (HRIC), *Monthly Brief*, 30 April 2005.

seriously injured. On 6 December 2005, violent incidents also took place in Dongzhou (Guangdong province), when the police forces shot live ammunition at villagers who were peacefully protesting against the expropriation of their land without fair compensation in return.

Individuals fighting against corruption in building projects and forced evictions in the large cities were also victims of repression, as illustrated in the cases of Mr. Zheng Enchong and Mr. Ma Wenbao, respectively defenders of displaced residents of Shanghai and of Xi'an.

In *India*, Dalit rights activists continued to be subjected to several acts of repression. Thus, on 5 and 7 August 2005, Mr. Lenin Raghuvanshi, a member of the NGO People's Vigilance Committee on Human Rights (PVCHR²¹) in Daulatpur, Varanasi (Uttar Pradesh), working in favour of the Dalit community, received death threats from the village chief, after having set up a school for 200 Dalit children²². Similarly, on 15 August 2005, more than 400 defenders of Dalits' rights were arrested while protesting in Madurai, Tamil Nadu, against the refusal to allow the political participation of Dalits in the villages of Pappapatti, Keeripatti, Natamangalam and Kottakkatchiyaneland. They were all released on that same day.

Repression of trade unionists

In Asia, trade unionists remained subjected to various acts of repression, and a large number of them were detained in 2005.

In *China*, the authorities quasi-systematically, and sometimes violently, repressed all attempts to establish free trade unions. Labour leaders were regularly arrested and sentenced to terms of imprisonment or Re-education Through Labour (RTL). For instance, members of the Workers Autonomous Federations (WAF)²³, who had been arrested following the Tiananmen Square Massacre in June 1989, remained imprisoned. One of them, Mr. Hu Shigen, a trade

union activist involved in the Preparatory Committee of the China Free Trade Union (CFTU) who was sentenced to 20 years' imprisonment in 1994 for "subversion", was suffering from critical health problems after 13 years in prison²⁴. According to the International Confederation of Free Trade Unions (ICFTU), dozens of labour activists and leaders remained in prison as of late 2005²⁵, especially WAF members.

In *Iran*, on 7 September 2005, several members of the Tehran Transport Workers' Union and of the Suburbs Bus Company (*Vahed*) were arrested by the Iranian security forces while protesting against the non-payment of salaries, including Mr. Mansour Ossanlou, the Union director, Mr. Ebrahim Madadi, deputy director, Mr. Abbas Najand Koodaki, Mr. Naser Gholami, Mr. Davood Norouzi, Mr. Hassan Haj Alivand and Mr. Nemat Amirkhani²⁶. On 8 September 2005, they were charged with "disrupting public order", before being released on bail. Between April and June 2005, 17 leaders and members of the union were dismissed. All of them participated in the establishment of the union in June 2005, in the organisation of the first general assembly, or were elected members of the union board on 3 June 2005.

In *Nepal*, Mr. Lalit Basnet, vice-president of the General Federation of Nepalese Trade Unions (GEFONT), and Mr. Madhusudan Khatiwada, in charge of the Hetaunda area and member of the GEFONT National Executive Committee, were arrested on 8 April 2005 during a demonstration in favour of the restoration of democracy, human and trade union rights²⁷. Similarly, the president of GEFONT, Mr. Mukunda Neupane, was arrested in Kathmandu by the royal administration on 5 September 2005 during a demonstration asking for the restoration of democracy and peace²⁸.

Furthermore, on 14 July 2005, the government amended by ordinance the Public Service Act, 2049. This ordinance prohibits, *inter alia*, the formation of professional trade unions for the civil servants.

21. PVCHR is a network of human rights organisations that undertakes campaigns on a range of issues relating to the Dalit community, including the education of children, fair wages, property ownership and also fundamental rights of members of the Dalit community.

22. See South Asia Human Rights Documentation Centre (SAHRDC).

23. Independent organisations of workers established between April and June 1989 in numerous provinces of China in the context of the national movement for democracy of that year, also known as the 'Beijing Spring'.

24. See International Confederation of Free Trade Unions (ICFTU).

25. See ICFTU Press Release, April 2005.

26. See ICFTU Press Release, 9 September 2005.

27. See ICFTU Press Release, 11 April 2005.

28. See INSEC Press Release, 5 September 2005.

In *Pakistan*, 28 union leaders were dismissed after they announced, along with the 600 employees of the company Pakistan Telecommunication Co Ltd (PTCL), that they would go on strike on 15 June 2005 if the company did not change its plans to sell 26% of the 88% government-owned shares in the company.

In *South Korea*, civil servants and migrant workers were particularly targeted by the authorities. For instance, 825 trade unionists were arrested in April 2005, during a demonstration in front of the town hall of the city of Ulsan. On 23 May 2005, 600 others were questioned during a peaceful strike²⁹.

Mobilisation for the regional and international protection of defenders

United Nations (UN)

At the 61st session of the UN Commission on Human Rights (UNCHR), held in Geneva from 14 March to 22 April 2005, Mrs. Hina Jilani, Special Representative of the United Nations Secretary General on Human Rights Defenders, presented her 2004 annual report³⁰, in which she emphasised, in particular for Asia, the situation of defenders in *China*, *Iran* and in *Nepal*. She also underlined that 21% of the communications she sent in 2004 concerned cases in Asia. The Special Representative reiterated her concerns in her fifth report submitted to the United Nations General Assembly³¹, particularly in relation to the deterioration of the situation of defenders in *Nepal*.

Furthermore, *Indonesia* refused to authorise a visit of Mrs. Jilani in December 2004. Moreover, Mrs. Jilani had still not received any response to the repeated requests she addressed to *Malaysia*, *Nepal*, *Pakistan* and *India* by the end of 2005.

In its resolution 2005/78³², the UNCHR said that it was “deeply concerned about the situation of human rights in *Nepal*, including violations attributed to the security forces [...]” and “arbitrary arrests and incommunicado detentions, in particular of political leaders and

activists, human rights defenders, [...] and about continued enforced disappearances, as well as allegations of torture”. The resolution called on the Nepalese government to “release immediately all [...] human rights defenders” and to “take appropriate measures to ensure the protection [of their] civil and political rights [...]”. The resolution also “strongly condemn[ed] the repeated practices of members of the Communist Party of Nepal (Maoist), such as [...] *b*) Persecution and attacks against the life, integrity and safety of [...] human rights defenders [...]”.

On 15 July 2005, five thematic mechanisms of the Commission on Human Rights expressed their concerns regarding the health condition of Mr. Akbar Ganji (*Iran*) and requested that his arbitrary detention be brought to an end. On 16 September 2005, the Special Rapporteur on Freedom of Expression and Opinion, Mr. Ambeyi Ligabo, again expressed his profound concerns regarding the situation of Mr. Ganji and demanded his immediate release.

At its 84th session, held from 11 to 29 July 2005, the United Nations Human Rights Committee considered the initial report of *Thailand*. It expressed its concern about the “number of incidents against human rights defenders [...], including intimidation and verbal and physical attacks, enforced disappearances and extra-judicial killings”, and urged Thailand to “take measures to immediately halt and protect against harassment and attacks against human rights defenders [...], and systematically investigate all reported instances of intimidation, harassment and attacks and guarantee effective remedies to victims and their families”³³.

On 10 November 2005, Mrs. Jilani issued a press release expressing her concerns regarding the imminent introduction of a new Code of Conduct for all national and international social organisations in *Nepal*³⁴.

On 2 December 2005, Mr. Manfred Nowak, United Nations Special Rapporteur on the Question of Torture, following his mission in *China* from 20 November to 2 December 2005, recalled the numerous cases of torture that had been reported to him, including those concerning human rights defenders³⁵.

29. See ICFTU Press Release, 3 June 2005, and ICFTU Letters to the President of the Republic of Korea, 23 and 27 May 2005.

30. See UN Document E/CN.4/2005/101.

31. See UN Document A/60/339, September 2005, 60th Session of the General Assembly, *Item 73(b)*.

32. See Resolution of the United Nations Commission on Human Rights, E/CN.4/RES/2005/78.

33. See Concluding Observations of the Human Rights Committee, CCPR/CO/84/THA, 8 July 2005.

34. See above.

35. See Press Release, 2 December 2005.

Upon returning from a mission carried out from 28 November to 5 December 2005, Mr. Yash Ghai, Special Representative of the Secretary General on the situation of human rights in *Cambodia*, was informed of arbitrary arrests and detentions of trade unionists, and many NGOs underlined the restrictions they faced in the framework of their activities, such as increasing obstacles to freedoms of association, assembly and expression³⁶.

On 16 December 2005, the United Nations General Assembly adopted a resolution concerning the human rights situation in *Iran*, in which it notably expressed its profound concerns regarding “the persistence of harassment, intimidation and persecution aimed at human rights defenders [and] non-governmental organisations”. The resolution also requested the Iranian government to “end harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views”³⁷.

European Union (EU)

The European Parliament dealt with the question of human rights defenders in a number of its resolutions.

Thus, in its resolution on *Bangladesh*, it stated that it was “concerned about repeated bomb attacks on [...] journalists and NGO representatives” and “concerned to note that [...] women’s rights organisations have fallen victim to a number of violent attacks and intimidation in recent years”³⁸.

In its resolution on *Cambodia*, the Parliament noted that “whereas during recent years human rights activists, opposition journalists, trade unionists and other opposition supporters have been intimidated, arrested and killed, creating a climate of political violence in the country”, and urged the government to “put an end to persecution of political opponents and human rights activists in their country”³⁹.

The European Parliament also expressed its concerns about the situation of defenders in *Iran*, in particular journalists, cyber-journalists

and *webloggers* who have been victims of arbitrary arrests⁴⁰. It requested, *inter alia*, that the Iranian authorities release Mr. Akbar Ganji and Mr. Abdolfattah Soltani, the Parliament stating that it is “concerned about the solitary confinement of [the latter]”.

Furthermore, the Parliament made statements on the alarming situation in *Nepal*, condemning the arrest and detention of numerous politicians, defenders and journalists during demonstrations for democracy, as well as the restrictions on the freedom of expression of trade unionists⁴¹.

In a resolution on *Cambodia, Laos and Vietnam*⁴², the Parliament made reference to the arrest and detention of Mr. Rong Chhun, president of the Cambodian Independent Teachers Association, as well as the “charges brought against the president of the Free Trade Union Workers, the president of the Civil Servants Association and a member of the Student Movement for Democracy, and noted that in Laos “the main leaders of the peaceful Movement of 26 October 1999, who called for democratic reforms, Thongpraseuth Keuakoun, Seng-Aloun Phengphanh, Bouavanh Chanmanivong and Keochay, are still in detention and another of its leaders, Khamphouvieng Sisa-At, died in prison following ill-treatment and deprivation”⁴³. It also emphasised that “whereas the Vietnamese authorities are still putting restrictions on freedom of expression and the freedom of the press, in particular by establishing a police force in 2004 to censor the Internet and imprisoning cyber-dissidents including Nguyen Dan Que, Pham Hong Son, Nguyen Vu Binh and Nguyen Khac Toan, for espionage, simply for having circulated information on the Internet [...], and that since 1975 the Unified Buddhist Church of Vietnam (UBCV) has been systematically persecuted for its commitment to religious freedom, human rights and democratic reform, [...]”. As a result, the Parliament requested that the Laotian authorities “release all political prisoners and prisoners of conscience, including the leaders of the Movement of 26 October 1999 [...]”, and that the Vietnamese authorities “end all forms of repression of members of

36. See Press Release, 5 December 2005.

37. See UN Document A/RES/60/171.

38. See European Parliament resolution on Bangladesh, P6_TA(2005)0136.

39. See European Parliament resolution on Cambodia, P6_TA(2005)0081.

40. See European Parliament resolutions on Iran, P6_TA(2005)0011 and P6_TA-PROV(2005)0382.

41. See European Parliament resolutions on Nepal, P6_TA-PROV(2005)0367 and P6_TA(2005)0058.

42. See European Parliament resolutions on human rights in Cambodia, Laos and Vietnam, RC6-0622/2005.

43. See Annual Report 2004.

the United Buddhist Church of Vietnam and [...] release all political prisoners and prisoners of conscience detained for having legitimately and peacefully exercised their rights to freedom of opinion, freedom of expression, freedom of the press and freedom of religion, in particular Thich Huyen Quang et Thich Quang Do [...].”

Finally, on 20 December 2005, the Council of the European Union adopted a declaration on behalf of the EU Presidency in the framework of the EU-*Iran* dialogue on human rights⁴⁴. In particular, it emphasised that “human rights defenders continue to report harassment and intimidation”, for example, Mr. Akbar Ganji and Mr. Abdolfattah Soltani, who remain in detention.

Civil society

The 10th Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions took place from 24 to 26 August 2005 in Ulaanbaatar, Mongolia, preceded by a consultation with NGOs that brought together more than 20 NGOs from Cambodia, India, Indonesia, Japan, Malaysia, Mongolia, Nepal, as well as international NGOs. The participants, amongst other things, drafted an oral intervention on human rights defenders. Unfortunately, these recommendations were not taken into account by the Forum.

In September 2005, 20 participants representing 14 organisations from 11 countries in the Asian region met for three days in Islamabad, Pakistan, on the occasion of the Regional Meeting for Asia organised by the International Rehabilitation Council for the Victims of Torture (IRCT) entitled “Protection and support for human rights defenders in Asia”. They emphasised the need for protection of defenders so that they can succeed in their struggle against human rights violations in their respective countries.

The International Consultation on Women Human Rights Defenders was held in Colombo, Sri Lanka from 29 November to 2 December 2005, gathering 200 participants from throughout the world. Mrs. Hina Jilani also took part in this consultation. Its main objective was to draw attention to violence, discrimination and other abuses of which these defenders are victims, due to their gender and their action for human and women’s fundamental rights, as well as to

their need for special protection. Numerous workshops were organised to respond to this need, including one by OMCT, in partnership with the International Gay and Lesbian Human Rights Commission (IGLHRC) and with the participation of an assistant of Mrs. Jilani, on the urgent action mechanisms available to women human rights defenders, notably those of the Observatory.

44. See Declaration of the Council of the European Union, 15927/05 (Presse 364).

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

BANGLADESH

Restrictive Bill on freedom of association¹

By the end of 2005, the Amendment Bill to the Foreign Donations (Voluntary Activities) Regulations Ordinance, proposed by the government in 2004, had still not been adopted.

The Bill would enable the government to exercise increased control over NGOs (including interfering with internal management, power to dismantle organisations, etc.).

Lack of investigation into the attack against HRCBM and ongoing acts of harassment against its members²

On 17 April 2004, several members of the Bangladesh Nationalist Party (BNP) had broken into the office of the Human Rights Congress for Bangladesh Minorities (HRCBM) in Dhaka. The perpetrators of this attack had occupied the premises until 22 April 2004 and threatened the members and staff members of HRCBM-Dhaka, including Mr. **Dulal Choudhury**, a lawyer and vice-president of HRCBM-Dhaka, with “serious consequences” if they decided to report the incident. Despite these threats, they had nonetheless lodged a complaint, but none of the assailants had been arrested by the end of 2005.

HRCBM-Dhaka had also filed a case with the Dhaka Metropolitan Magistrates Court under article 145 of the Code of Criminal Procedure, demanding to regain possession of its office. The judge had ordered the police to produce an investigation report, which, by the end of 2005, had still not been presented to the Court.

1. See Annual Report 2004.

2. *Idem*.

Besides, the complaint filed following those events by Mrs. Biva Rani Biswas, HRCBM secretary, was still pending before the Metropolitan Magistrates Court.

Furthermore, HRCBM members continued to be victims of acts of harassment in 2005. On 5 August 2005, whilst Mr. **Rabindra Gosh**, HRCBM president, and Professor **Asok Taru Saha**, vice-president of HRCBM-Dhaka, were returning from Jamalpur, where they had carried out an investigation on alleged acts of torture against members of the Ahyamedia community, they were violently attacked by persons who identified themselves as BNP members.

Harassment campaign against Proshika³

Proshika, a development NGO working, notably through granting micro-credit, on women's rights and voters' education, has been targeted by the authorities since the BNP electoral victory in October 2001. Thus, the authorities accused it of participating in political activities, without being able to bring evidence to support these accusations. Proshika has also been under investigation since 2002 for alleged embezzlement, in the course of which the association has been prevented from accessing its funding from overseas sources.

At the beginning of 2005, newspapers announced that Proshika had finally received the approval of the NGO Affairs Bureau to initiate an important project on sustainable agriculture, in collaboration with a number of international NGOs. Nevertheless, by late September 2005, the funds for this project had still not been released.

On 22 May 2004, Mr. **Quazi Faruque Ahmed**, president of Proshika, and Mr. **David William Biswas**, vice-president, had been arrested in Dhaka. Both had been accused of "mismanagement of funds" and "fraud" under Article 402 of the Criminal Code. They had eventually been released on bail, respectively in early June 2004 and late 2004. Nevertheless, at the end of 2005, the charges against them were still pending.

3. See Annual Report 2004 and FIDH mission Report, *Speaking out Makes of You a Target – Human Rights Defenders and Journalists at Risk – Grave Violations of Freedom of Expression and Association in Bangladesh*, Chapter 'Freedom of Association', written in the framework of the Observatory, June 2005.

Continuing acts of harassment against PRIP Trust⁴

In 2005, the government did not stop intimidating and harassing the Private Rural Initiatives Project TRUST (PRIP Trust), an NGO working in the humanitarian and social fields and in favour of the rights of minorities in Bangladesh.

On 29 March 2005, the NGO Affairs Bureau informed PRIP Trust that the government had authorised it to take part in the "SMILING" project of the European Union, which the latter had entrusted to PRIP Trust in 2002. Furthermore, on 25 April 2005, the English-speaking daily *New Age* announced that "the government decided to release eight million euros to PRIP Trust, whose funds were held up by the authorities since early 2002 pending investigation".

Nevertheless, in September 2005, the funds had still not been released, although Mrs. **Aroma Dutta**, executive director of PRIP Trust, had resigned from her position as a member of the executive board of Proshika at the request of the authorities, as a precondition for the release of the funds allocated to PRIP Trust.

Since April 2002, the NGO has functioned without salaries and has survived by procuring technical capacity building assistance, thanks to the support of certain donors.

Assassination of two members of Christian Life Bangladesh⁵

On 29 July 2005, two employees of the international NGO Christian Life Bangladesh, Mr. **Liplal Marandi** and Mr. **Tapan Kumar Roy**, were killed in the village of Dopapara, Boalmari Upazila, Faridpur district.

CAMBODIA

Investigation into the assassination of Mr. Chea Vichea⁶

On 1 August 2005, the Phnom Penh Municipal Court found Mr. Sok Sam Oeun and Mr. Born Samnang guilty of the assassination

4. *Idem*.

5. See Odhikar.

6. See Annual Report 2004 and Urgent Appeal KHM 001/0805/OBS 070.

of Mr. **Chea Vichea**, president of the Free Trade Union of the Workers of the Kingdom of Cambodia (FTUWKC), who had been shot dead on 22 January 2004. The two men were sentenced to 20 years' imprisonment and a fine of 5,000 dollars to be paid as compensation to the plaintiffs. Yet, numerous procedural irregularities and contradictions were observed during the proceedings. Mr. **Chea Mony**, brother of Mr. Vichea and FTUWKC president, stated that he would refuse the money, as he doubted that the two men were guilty.

On 21 October 2005, Mr. Sok Sam Oeun and Mr. Born Samnang lodged an appeal with the Court of Appeal, after having sought to be granted an amnesty by King Norodom Sihamon.

Arrest of two FTUWKC members⁷

On 20 January 2005, Mr. Chea Mony and Mr. **Heng Sophoan**, a FTUWKC representative at the Su Ton Fag factory, were arrested by the police outside the head office of the trade union, following the dispersal of a demonstration of textile workers, in the commune of Sangkat Toul, Russey Keo district, Phnom Penh.

Arrest and judicial proceedings against Messrs. Kem Sokha, Yeng Virak and Pa Nguon Teang⁸

On 31 December 2005, Mr. **Kem Sokha**, president of the Cambodian Centre for Human Rights (CCHR), and Mr. **Yeng Virak**, director of the Community Legal Education Centre (CLEC) and a member of the organising committee for celebrations of the International Human Rights Day, were arrested and charged with "defamation" in relation to the celebrations that were organised on 10 December 2005. The accusation was allegedly based on handwritten inscriptions that appeared on banners displayed on the CCHR stand, criticising the policies of Prime Minister Hun Sen. The two men were detained in the prison of Prey Sor, close to Phnom Penh.

On 4 January 2006, Mr. **Pa Nguon Teang**, CCHR vice-director, was also arrested and then charged with "defamation" in relation to the same events and taken to the prison of Prey Sor.

7. See Cambodian League for the Promotion and Defense of Human Rights (LICADHO).

8. See Urgent Appeals KHM 001/0106/OBS 001, 001.1, 001.2 and 001.3

The offence of defamation is liable with eight days up to one year of imprisonment and/or a fine.

On 11 January 2006, Mr. Yeng Virak was released on bail, but the proceedings against him were still pending.

On 17 January 2006, Mr. Kem Sokha and Mr. Pa Nguon Teang were also released on bail on the order of the Prime Minister.

CHINA

Continuing repression of cyber-dissidents

At the end of 2005, despite the release of some "cyber-dissidents" at the end of their sentences, these defenders who use the Internet to promote human rights and democracy in China were still subjected to acts of repression.

Release of several cyber-dissidents⁹

– Mr. **Huang Qi**, arrested on 3 June 2000 and sentenced in 2003 to five years imprisonment for having posted, on his website *Tianwang*, several articles on the Tiananmen Square Massacre, was released on 4 June 2005 at the end of his sentence. He was then placed under house arrest at his parents' home, in the village of Nei Jiang, three hours by train from his home in Chengdu (South-West China), where his wife and children live. Mr. Huang Qi was in a concerning health condition, suffering in particular from stomach problems and severe headaches that were consequences of his detention. He had, notably, slept on the floor for one year and a half. Furthermore, during the first few months of his detention, he was regularly beaten by prison guards and other prisoners.

– Mr. **Ouyang Yi**, an activist arrested on 4 December 2002 and charged with "incitement to overthrow State power" for having criticised the Chinese government and called, on the Internet, for democratic reforms, had been sentenced on 16 March 2004 to two years in prison in a hearing in camera of the Chengdu Intermediate People's Court. The Court used, as a piece of evidence to support his conviction, a copy of an "Open letter to the 16th Party Congress", first

9. See Annual Report 2004.

drafted by Mr. Ouyang and posted on the Internet in mid-November 2002. This letter, which called, in particular, for progress with regards to democratisation, the protection of humans right in the country, the right to return of exiled Chinese politicians, and the release of prisoners of conscience, had been signed in its final form by 192 Chinese dissidents. Mr. Ouyang Yi was released on 4 December 2004 after serving his term. He was, however, banned from publishing his writings and remained under close police surveillance. Messrs. **He Depu, Zhao Changqing, Sang Jiancheng, Dai Xuezhong** and **Han Lifa**, who had also signed the letter, remained detained by the end of 2005.

– Mr. **Yan Jun**, arrested on 2 April 2003, and charged with “subversion”, had been sentenced to two years’ imprisonment on 8 December 2003, for having called for the creation of independent trade unions, the release of Mr. Zhao Ziyang, former secretary general of the Chinese Communist Party, respect for freedom of the press, as well as for having posted, on the Internet, a request for the revision of the judgment against the students arrested at the time of the Tiananmen Square Massacre of June 1989. He was released on 4 April 2005 from a prison in Xian (in the North-West of the country) and was able to return home.

– On 19 August 2005, Mrs. **Ma Yalian**, who had been detained at the Huangpu District Detention Centre in Shanghai, was released after serving a year-and-a-half sentence of Re-education Through Labour (RTL)¹⁰. Mrs. Ma had been sentenced on 16 March 2004 by the Shanghai RTL Administrative Committee. She had been arrested following the publication, on the Internet, of an article entitled *A True Record of Being Turned Away from the National Petitions and Letters Office and the Petitions Bureau of the National People’s Congress*, in which she denounced acts of ill-treatment inflicted on petitioners by the police and civil servants at the main entrance of the Petitions Office in Beijing. In this article, Mrs. Ma Yalian also reported on the acts of violence and humiliation to which she had been subjected at the Office. She had, indeed, for a number of years, attempted to petition the authorities, following her forced eviction in the framework of a site restructuring in Shanghai. In August 2001, her protests

had resulted in her being sentenced to one year of RTL by the Shanghai Public Security Bureau. While serving her sentence, Mrs. Ma Yalian had her two legs broken by police officers and has been disabled since then.

On 17 November 2005, police prevented Mrs. Ma Yalian from leaving her home. After she explained that she had to file a complaint against the government that very day, otherwise it would be inadmissible, she was taken by force to a guesthouse in Qingpu, near Shanghai, and placed under house arrest.

On 22 December 2005, Mrs. Ma Yalian was again arrested by the local police, before being released on 28 December 2005.

Arbitrary detention of cyber-dissidents¹¹

Many dissidents remained in detention at the end of 2005, including:

– Mr. **Jiang Lijun**, sentenced in November 2003 to four years in prison for having published pro-democracy and political opinions on the Internet;

– Mr. **Tao Haidong**, sentenced to seven years in prison in January 2003 for having posted books and articles on websites based in China and overseas;

– Mr. **Luo Yongzhong**, sentenced to three years in prison, and two years of deprivation of political rights in October 2003, after he had published over 150 articles on the Internet, concerning subjects such as the fate of disabled people and the need for constitutional reform. He was being detained at the Changchun Tiebei Prison, in Jilin province;

– Messrs. **Jin Haike, Xu Wei** and **Zhang Honghai**, who had founded, in May 2000, the New Youth Society, a study group that discussed questions of political and democratic reform, and Mr. **Yang Zili**, a member of the Society, had been arrested in March 2001, and were subjected to acts of violence since their placement in detention, after they had refused to admit to be guilty. In October 2003, Mr. Jin and Mr. Xu had been sentenced to ten years in prison, whereas Mr. Zhang and Mr. Yang had been sentenced to eight years in detention and two years of deprivation of their political rights for “subversion

10. See Open Letter to the Chinese authorities, 12 January 2005.

11. See Annual Report 2004.

aiming at overthrowing the State". The verdict had been confirmed on 10 November 2003 by the Beijing Supreme People's Court. By the end of 2005, Messrs. Jin, Xu and Yang remained detained at the No. 2 Prison in Beijing and Mr. Zhang Honghai was detained at the No. 1 Prison in Zhejiang province;

– Mr. **Luo Changfu**, arrested in October 2003 along with Mr. **Du Daobin**, by officers of the Yincheng Public Security Bureau (Hubei province), after they had organised a campaign for the release of Mrs. **Liu Di**, a cyber-dissident released on bail on 20 November 2003. He was sentenced to three years in prison in November 2003;

– Mr. **Wang Sen**¹² had been sentenced on 30 May 2002 to ten years in prison for "inciting subversion of the State", after having reported on the Internet that a medical centre in the south-western city of Dachun was selling tuberculosis medication donated by the Red Cross for an exorbitant price. His health considerably deteriorated in 2005, due to the lack of adequate medical treatment for his diabetes.

Detention of and judicial proceedings against Mr. Zhao Yan¹³

By the end of 2005, Mr. **Zhao Yan**, a researcher and a journalist for the *New York Times*, who had previously worked with farmers on their complaints to the local and central authorities, remained detained at the Beijing State Security Agency detention centre. The prison authorities allegedly denied him access to medical treatment.

In September 2004, the police had arrested Mr. Zhao Yan, who had been officially placed under arrest on 20 October 2004¹⁴ and charged with "divulging State secrets to a foreign organisation", a crime liable with death. He had then been charged with "fraud", which enabled his detention on remand for an additional seven months. He is particularly known for his reports on the situation of rural populations in China.

12. See Press Release of Human Rights in China (HRIC), 1 November 2005.

13. See Annual Report 2004.

14. In China, the police generally undertake arrests without warrant, the official arrest taking place subsequently.

Arbitrary detention of Mr. Zheng Yichun¹⁵

Mr. **Zheng Yichun**, a freelance writer, had been arrested on 3 December 2004 by the Public Security Bureau and placed on remand in a hotel in Yingkou. Since 20 December 2004, he has been detained at the No. 1 Prison in Panjing, Liaoning province, for having published articles for publications and on websites based overseas.

On 21 July 2005, the Yingkou Intermediate People's Court summoned him to face charges of "inciting subversion of the State", the police citing 63 of his articles as evidence against him. He might be sentenced to a long prison term.

Arbitrary detention of Mr. Shi Tao¹⁶

Mr. **Shi Tao**, a journalist and a freelance writer, had been arrested on 14 December 2004. On 27 April 2005, the Changsha Intermediate People's Court of Hunan province sentenced him to ten years in prison and to two years of deprivation of his political rights for "illegally divulging State secrets abroad" (Article 111 of the Criminal Code of the People's Republic of China). On 2 June 2005, the Supreme People's Court of Hunan province confirmed this judgment on appeal, without even conducting a hearing. In late August 2005, Mr. Shi Tao's mother requested the Supreme People's Court to review the proceedings for "serious defects in the appeal procedure".

By the end of 2005, Mr. Shi Tao was still detained at the Chishan Prison in Hunan province, where he was transferred on 5 September 2005, after being detained at Taiyuan in Shanxi province. Compelled to undertake forced labour, he was suffering from respiratory problems and a skin inflammation.

Arbitrary detention of trade unionists

Detention and deterioration of the health condition of Messrs. Yao Fuxin and Xiao Yunliang¹⁷

In 2005, the health condition of Mr. **Yao Fuxin** and Mr. **Xiao Yunliang**, two activists of the workers' movement imprisoned since

15. See HRIC, March 2005.

16. See HRIC Press Releases, July, August and 8 September 2005.

17. See Annual Report 2004.

March 2002 for “attack on national security”, remained extremely concerning due to their poor conditions of detention. Since their arrest, the two trade unionists have been transferred between prisons a dozen times. By the end of 2005, they were detained at the Lingyuan Prison in Liaoning province.

Mr. Yao Fuxin and Mr. Xiao Yunliang had been arrested after they led, in March 2002, a workers demonstration in northeast China to protest against corruption and the non-payment of overdue salaries. On 9 May 2003, they had respectively been sentenced to seven and four years in prison, for “subverting State power” (Article 105 of the Criminal Code) and three years of deprivation of their civil and political rights. Their appeals had later been dismissed by a higher court. Their health condition had worsened after their transfer, on 8 October 2003, from Jinzhou to Lingyuan prison, considered as one of the most severe prisons in China. In March 2004, Mr. Xiao Yunliang had been transferred to the Shenyang Dabei municipal prison. He was then again transferred to the Lingyuan Prison in 2005.

On 6 August 2005, Mr. Yao Fuxin, who was suffering from hypertension, had a heart attack and had to be sent to the hospital of the Lingyuan Public Security Bureau. Hospitalised for almost 20 days, he was then sent back to prison. Although his family did not stop fighting for the review of the proceedings against him, the Supreme People’s Court of Liaoning province had still not delivered its judgment by the end of 2005.

Similarly, Mr. Xiao Yunliang was still being denied medical treatment, although he is practically blind and suffers from pleurisy, arteriosclerosis of the aorta and respiratory problems, liver- and gallstones and chronic mild gastritis. Mr. Xiao Yunliang was expected to be released in March 2006.

Detention of Mr. Shi Xiaoyu¹⁸

On 20 October 2005, Mr. **Shi Xiaoyu** was arrested at Chongqing, for having posted online information on the police repression of workers of that industrial city during several public gatherings. On these occasions, two of them died, and many persons were injured or

arrested. On the date of his arrest, members of the Chongqing Public Security Bureau went to Shaoxing (Zhejiang province) to question Mr. Shi Xiaoyu at his home and escort him to Chongqing. The police also seized his laptop computer and personal documents. His place of detention remained unknown by the end of 2005. Since the end of September 2005, Mr. Shi Xiaoyu had been attempting to assist iron and steel industry workers in Chongqing fighting against the corruption of some managers.

Mr. Shi Xiaoyu had already been imprisoned in 1976 for criticising some Maoist views. He had then been condemned to death, but the sentence had not been carried out. After his release in 1979, he had continued his studies and was working since 2001 in small companies established in Shaoxing. After posting online information on workers’ rights, he had been warned by the police of the risks he was facing in early October 2005.

Arbitrary detention and harassment of defenders denouncing forced evictions

Sentencing of Mr. Gao Lading¹⁹

On 20 January 2005, Mr. **Gao Lading**, a farmer who had spear-headed a two-year campaign against the land seizures in the village of Sanchawan (Shaanxi province), was sentenced to fifteen years in prison by the Yulin Intermediate People’s Court. He was found guilty of having engaged in “illegal gatherings” and of “disturbing peace order”, because of his activities in support of local farmers, whose land had been confiscated with little compensation by State representatives. Since the beginning of 2003, more than 500 villagers have protested against the seizure of some 650 hectares of land in preparation for a land development scheme. The climax of these protests was the five-month occupation of the office of the Chinese Communist Party in the village. The police would have violently put an end to this occupation in early October 2004, using rubber bullets and teargas. Twenty-seven farmers had then been arrested, including Mr. Gao Lading. His 26 co-accused were sentenced to a range of prison terms, up to three years for most of them.

18. See Chinese Rights Defenders (CRD).

19. See HRIC, January 2005.

Arbitrary detention of Mr. Zheng Enchong and harassment of his wife²⁰

Mrs. **Jiang Meili**, wife of Mr. **Zheng Enchong**, a Shanghai lawyer involved in the defence of the rights of displaced persons, continued to be subjected to acts of harassment and persistent persecution.

Arrested on 6 June 2003, Mr. Zheng Enchong had been sentenced by the Shanghai Second Intermediate People's Court in October 2003 to three years in prison and deprivation of his political rights for one year, on charges of "illegally providing State secrets to entities outside of China". In particular, he had been accused of having sent two documents to the organisation Human Rights in China (HRIC), based in the United States. The Shanghai Court of Appeal had confirmed this verdict on 18 December 2003. On 13 January 2004, Mr. Zheng Enchong had been transferred from the Shanghai municipal detention centre to the Tilanquiao prison, where he remained in detention in the "high security" compound and was regularly victim of physical violence. For instance, when his wife went to visit him on 9 March 2005, she observed that he displayed signs of physical abuse. Mr. Zheng was reportedly beaten after requesting a piece of paper on which to report to the central government the names of more than 200 people who had died in connection with their forced relocation in urban development projects.

Furthermore, on 10 March 2005, Mrs. Jiang Meili was detained along with her sister, Mrs. **Jiang Zhongli**, by security services, outside the home of Mr. Guo Guoting, Mr. Zheng Enchong's lawyer. Mrs. Jiang Meili had gone to Mr. Guo's home to update him on Mr. Zheng's situation. Mrs. Jiang and her sister were detained without a warrant at the Beicai Dispatch Station in Pudong Xinqiu District. They were released on the same night.

On 28 October 2005, the Zhabei District Court in Shanghai prohibited Mrs. Jiang Meili from leaving the country under the pretext of an "estate management dispute", although she was to attend a ceremony in Germany on 9 December 2005 to receive a prize in the name of her husband from the German Association of Judges.

20. See Annual Report 2004 and Open Letter to the Chinese authorities, 24 March 2005.

Harassment of Mr. Ma Wenbao²¹

Mr. **Ma Wenbao**, a National People's Congress' delegate, was harassed by the authorities after speaking out in support of residents of Xi'an, who had been assaulted during the implementation of a forced relocation scheme. Indeed, following a violent eviction operation in the district of Lianhu in Xi'an on 30 March 2005, Mr. Ma Wenbao publicly took up the cause of the displaced residents and called for action against Mr. Yao Xiaoling, Lianhu District Clearance Office director, and Mr. Ma Long, deputy director, for using members of organised crime to undertake these clearances. They both allegedly led a group of more than 120 persons who destroyed more than 30 homes in the district of Beimadao Lane and beat residents who offered resistance.

Following these events, Mr. Ma Wenbao was placed under close surveillance and his telephone calls were tapped.

Ongoing acts of harassment against Mrs. Ding Ziling²²

In 2005, Mrs. **Ding Ziling**, one of the main spokespersons for the "Tiananmen Mothers", who tirelessly campaign for an independent inquiry into the repression of democratic protests of 1989, continued to be subjected to recurrent surveillance and harassment.

On 27 January 2005, for instance, Mrs. Ding Ziling was placed under house arrest in Beijing, after she asked for the authorisation to pay her last respects to Mr. Zhao Ziyang, former secretary general of the Chinese Communist Party who died ten days earlier. The house arrest of Mrs. Ding Ziling might also have been provoked by an open letter that she and her husband, Mr. **Jiang Peikun**, had written to President Hu Jintao and to Prime Minister Wen Jiabao, on 13 December 2004, to request the release of two well-known activists, Mr. **Liu Xiaobo** and Mr. **Yu Jie**, who had just been arrested. The two activists had been released on the following day.

21. See Urgent Appeal CHN 001/0405/OBS 023.

22. See Annual Report 2004.

Release of Mrs. Mao Hengfeng and continued harassment of her and her husband²³

On 12 September 2005, Mrs. **Mao Hengfeng**, involved in the campaign against the Chinese family planning policies, was released after serving her sentence of 18 months of Re-education Through Labour (RTL), to which she had been sentenced by the Shanghai Public Security Bureau in April 2004. During her detention at the RTL camp in Shanghai, Mrs. Mao was subjected to violence and ill-treatment, being in particular beaten with her feet and hands tied. At the end of 2004, senior government officials had extended her sentence by three months.

Since her release, Mrs. Mao Hengfeng has refused to abide by the injunctions of the authorities, which prohibited her from protesting against the attacks to which she had been subjected, which resulted in her and her husband, Mr. **Wu Xuewei**, being harassed by the security forces. Thus, on 13 September 2005, the couple joined a group of over a hundred protesters assembled in front of the Putuo District Court, in Shanghai, to support Mr. **Xu Zhengqing**, who was prosecuted for attempting to participate in a ceremony organised in Beijing in the memory of Mr. Zhao Ziyang. Mr. Wu Xuewei had then been violently beaten by policemen on duty in front of the Putuo District Court, in Shanghai. Mr. Wu Xuewei and Mrs. Mao Hengfeng were then arrested by the police and taken to a neighbouring sport centre, along with another dozen of protesters. Mrs. Mao was able to escape and continued to protest. She was nevertheless arrested for a second time and taken to the district where she lives. The local police and other government officials allegedly threatened her with imprisonment if she continued her protests. They then presented her with a formal summons for investigation on suspicion of “disturbing peace order”. By the end of 2005, the proceedings were still pending.

Mr. Wu Xuewei and the other persons arrested were released on the same day. However, he was questioned on a further occasion on 15 September 2005, at midnight, on suspicions of undertaking an “illegal meeting”, after he demonstrated on 8 September 2005 in favour of the release of his wife. Mr. Wu was released on bail for a

period of six months awaiting judgment. In February 2005, Mr. Wu Xuewei had already been placed under close surveillance.

Finally, Mrs. Mao and her close family were placed under house arrest from 23 to 27 September 2005, after she announced her intention to protest against acts of harassment at the United Nations office in Beijing. Seven police officers were then placed on duty in front of her apartment, to prevent her from leaving.

On 28 December 2005, Mrs. Mao Hengfeng, along with twelve other petitioners, was arrested in Beijing while they intended to attend the lowering of the flag at Tiananmen Square. On the evening of 29 December 2005, Mrs. Mao and her two daughters were forcibly sent back to Shanghai. The following day, Mrs. Mao immediately returned to Beijing where she was arrested again on 1 January 2006 and sent back to Shanghai, where she and her two daughters were taken to the Yangpu district police station. A police officer informed her husband that Mrs. Mao would not return home for at least three or four days.

Arbitrary detention of Mr. Yan Zhengxue²⁴

At the end of 2003, while Mr. **Yan Zhengxue**, a human rights defender, and a well-known artist and dissident, was in the United States, his mother had been subjected to acts of intimidation by thugs allegedly sent by Mr. Zhu Yongjie, a member of the Taizhou City Prosecutor Office. Upon his return to China, Mr. Yan Zhengxue had sought the protection of the authorities at the police station of Zhejiang, but no action had been taken in response to his request. Shortly after, Mr. Zhu Yongjie and his henchmen had demanded that Mr. Yan hand over his apartment to them and threatened him with serious physical violence. Mr. Yan had then gone to the local office of the Public Security Bureau at Jiaojiang, in Zhejiang, where the police had refused to grant him any protection whatsoever and to accept his complaint, before they launched a campaign of defamation against him.

In June 2004, Mr. Zhu had lodged a complaint for “slandering his reputation with false information” against the officials of the Public Security Bureau of Beijing, Zhejiang and Jiaojiang, before the Beijing

23. See Open Letters to the Chinese authorities, 12 January and 24 March 2005.

24. See Annual Report 2004 and Open Letter to the Chinese authorities, 24 March 2005.

No. 2 Intermediate Court and the Jiaojiang District Court. On 27 October 2004, during the first hearing on the charges of defamation, the presiding judge had called for an adjournment, after Mr. Yan had contested the records produced by the Jiaojiang district public security substation.

On 8 March 2005, Mr. Yan Zhengxue was taken to Jiaojiang prison after he appeared before the Jiaojiang District Court, in Taizhou, Zhejiang province, to obtain a written judgment relating to his lawsuit. When Mr. Yan asked for two copies of the judgment, two police officers beat and kicked him, before being joined by two other officers.

By the end of 2005, no further information had been provided concerning his situation.

Closure of the Beijing Chinese Citizens' Rights Information Centre²⁵

On 18 April 2005, Beijing police officers ordered the cancellation of a press conference planned to announce the establishment of the Beijing Chinese Citizens' Rights Information Centre in Beijing, by Mr. Liu Jingsheng and Mr. Li Weiping, Chinese political dissidents who participated in the 1989 democratic movement. Although Messrs. **Liu Jingsheng** and **Li Weiping** obtained the authorisation of the Bureau of Commerce in Beijing on 1 April 2005, the police gave them a "friendly warning" to close down the organisation as soon as possible, making it clear that instructions emanated from "higher levels" of the government. On 14 April 2005, the Beijing Public Security Bureau demanded the cancellation of the press conference and the abortion of all plans relating to the Centre.

By the end of 2005, the Centre remained closed.

Harassment of the founders of the NGO Green Watch and arbitrary detention of Mr. Tan Kai²⁶

In April 2005, Mr. Tan Kai, Mr. Lai Jinbiao, Mr. Gao Haibing, Mr. Wu Yuanming, Mr. Qi Huimin and Mr. Yang Jianming founded the environmental organisation Green Watch to take over the

initiatives and claims of residents of Huashui Town, in Dongyang city, Zhejiang province. The residents were complaining about the pollution caused by a chemical factory that affected, in particular, water quality, destroyed crops and caused birth defects. Protests by the villagers culminated in late March and April 2005 in a violent conflict with local police on 10 April 2005, in which more than 400 police officers were reportedly deployed and many people injured. On 12 April 2005, Mr. Lai Jinbiao was detained and accused of "illegally providing intelligence overseas". Charges were dropped subsequent to his release on 11 May 2005.

On 19 October 2005, the six co-founders of Green Watch were summoned by the Public Security Bureau of Hangzhou, Jianggan and Xihu, after they opened a bank account in the name of Mr. Tan Kai, in preparation for seeking funds that would legally permit the registration of the NGO. Indeed, according to the Chinese legislation, any registration requires a legal deposit of 30,000 yuan (3,074 euros) as initial capital. However, according to the Regulations for the Registration and Management of Social Organisations, published by the Chinese State Council, the founders of an organisation are not allowed to raise funds as long as the organisation is not legally established, which places them in an inextricable situation.

Whereas the five other members were released later on the same day, Mr. Tan Kai was placed in criminal detention. He remained detained at the end of 2005.

On 15 November 2005, the provincial government of Zhejiang declared Green Watch illegal. Since then, the relatives of Mr. Tan Kai have been subjected to threats and acts of intimidation.

Several defenders placed under close surveillance during the visit of the High Commissioner for Human Rights²⁷

The day before the visit of Mrs. Louise Arbour, United Nations High Commissioner for Human Rights, from 29 August to 2 September 2005, the Beijing police placed under house arrest several defenders who had, like many others, written an open letter to Mrs. Arbour, drawing her attention on human rights violations in China.

Amongst them was Mr. Liu Xiaobo, former professor of the

25. See Urgent Appeal CHN 002/0505/OBS 028.

26. See Urgent Appeal CHN 003/1005/OBS 103.

27. See HRIC Press Release, 31 August 2005.

University of Beijing and president of the Independent Chinese PEN Centre (ICPC), and Mrs. Liu Di, a young Internet user who had been imprisoned for one year in 2002-2003 for having posted online articles that criticised political reforms²⁸. Mr. Liu Xiaobo had already been placed under house arrest in January 2005, following the death of the former secretary general of the Community Party, Mr. Zhao Ziyang²⁹.

On the occasion of the visit of Mrs. Arbour, the police also raided the office of the Empowerment and Rights Institute, a Chinese organisation for the defence of human rights involved in providing legal assistance to farmers, migrants and other disadvantaged groups. The computer files of the Institute, which documented the complaints against land confiscations or acts of torture committed by the police, were then searched. Mrs. **Hou Wenzhou**, director of the Institute, was interrogated on 29 August 2005 and 10 police officers went to her home. However, they did not arrest her.

Furthermore, on 30 September 2005, Mrs. Wenzhou was evicted from her apartment in Beijing by the local authorities. This eviction appeared to be part of the preparations for the 1 October National Holiday, which generally include searches by the police with the aim of “clearing” the city of any possible protests and petitioners³⁰.

Detention and harassment of Mrs. Wang Liqing³¹

On 17 November 2005, during the visit to China of the American President, Mr. George W. Bush, Mrs. **Wang Liqing**, a human rights defender from Shanghai, was forcibly taken into a car and then taken to the basement of a building, by police officers of the Roads Commission of North Sichuan. On the second day of her detention, Mrs. Liqing was transferred to a boarding school, on the road to Zhongzhou.

Mrs. Liqing was released on the morning of 21 November 2005, the day President Bush departed. Members of the neighbours’ committee warned her that she would return to the basement of the first building if she made these events public.

28. See above.

29. *Idem*.

30. See HRIC Press Release, September 2005.

31. See HRIC Press Release, 21 November 2005.

INDIA

Arbitrary arrest, release and hindrances to the activities of human rights defenders³²

On 11 October 2004, several members of the National Group on NGOs of the National Human Rights Commission (NHRC) had met at the Cuddalore town hall (Tamil Nadu) for a training session in the framework of the Campaign Against Torture – Tamil Nadu (CAT-TN). Members of these organisations had planned to hold a press conference that afternoon on the human rights violations (sexual harassment, arbitrary detention, intimidation, coercion etc.), committed by Mr. Prem Kumar, police superintendent in Cuddalore district. When the training session had been about to start, a group of police officers had burst into the room and interrupted the meeting, under the alleged reason that the press conference was banned. When the defenders had protested, the police had warned them that they would be arrested.

Mr. **Henri Tiphagne**, executive director of People’s Watch-Tamil Nadu (PW-TN), an NGO promoting human rights through monitoring, intervention and education, had been violently brought by deputy superintendent of police, Mr. Payas Ferozkhan, and his men to the police station at the town hall. Thirteen other defenders, amongst them Mr. **Nizamudeen**, State secretary general of the National Core Group on NGOs, and Mr. **Murugappan**, regional monitoring associate at PW-TN, had also been arrested and taken to the police station of Cuddalore.

These persons had been held in police custody for more than seven hours, before being released on bail.

By the end of 2005, the criminal proceedings against sixteen participants remained pending before the Cuddalore Second Magistrates Court. They were charged under Articles 147 (rioting), 452 (house trespass and preparation to harm etc.), 353 (assault or use of criminal force to deter a public servant from discharge of his duty), 506(1) (criminal intimidation) and 149 (unlawful assembly) of the Indian Criminal Code.

32. See Annual Report 2004.

Moreover, no action was taken on the complaint that was lodged following those events with Mr. Jangrid, general inspector of the police responsible for Cuddalore and the north of Tamil-Nadu, on 13 October 2004, despite two reminders that were sent to him on 3 September and 20 October 2005.

Arrests of defenders of the rights of Dalits³³

On 15 August 2005, more than 400 defenders of the Dalits' rights, including Mr. Henri Tiphagne, Mr. **Shiek Dawoot**, a member of Tamil Nadu Muslim Munnetra Kazhagam (TMMK), an assistance and social protection organisation, Mrs. **Kameshwari**, a member of the Dalit Women Federation, and numerous members of the Joint Action Committee Against Untouchability (JAC), which brings together 16 NGOs, movements and political parties, were arrested in Madurai, Tamil Nadu. They were protesting against the obstacles to the political participation of Dalits in the villages of Pappapatti, Keeripatti, Natamangalam and Kottakkatchiyandendal.

These persons were all released on the same day.

Arbitrary arrest of several defenders in Kolkota³⁴

On 9 December 2005, Mr. **Kirity Roy**, spokesperson and secretary of Manabashikar Suraksha Mancha (MASUM), a human rights organisation working in India and South Asia, and an Amnesty International national executive member, was arrested by the police in Lal Bazar, Kolkota, West Bengal, along with 21 persons, including Mr. **Abhijit Datta**, MASUM assistant secretary, Mr. **Pradip Mukherjee**, MASUM employee, Mr. **Nirmal Karmakar**, secretary of the Deganga unit of the Association for the Protection of Democratic Rights (APDR), Mr. **Phanigopal Battacharjee**, secretary of the Indo-Japan Steels Workers Union, and Mr. **Dipankar Mitra**, a member of the Kolkota section of Actionaid International. They were peacefully protesting in front of the Secretariat of the government of West Bengal using banners, in order to denounce cases of human rights violations committed by police officers.

33. See People's Watch – Tamil Nadu (PW-TN).

34. See Centre for Organisation Research and Education (CORE).

All of these persons were detained at the Lal Bazar police station, before being released three hours later without charges. Furthermore, the police did not issue a "memorandum of arrest", in violation of a decision of the Supreme Court (see D. K. Basu versus State of West Bengal, AIR 1997 SC 610).

INDONESIA

Lack of investigation into the assassination and disappearance of two human rights defenders³⁵

By the end of 2005, an investigation had still not been opened into the disappearance of Mr. **Abdussalam Muhamad Deli** and the assassination of Mr. **Raja Ismail**, although the two cases had been immediately reported to the National Human Rights Commission (KOMNAS-HAM) and the local police.

Mr. Abdussalam Muhamad Deli, a 23 year-old volunteer of the Legal Aid and Human Rights Agency (PB-HAM) in East Aceh, an NGO carrying out advocacy through data collection, the organisation of campaigns and the provision of legal assistance, has been reported missing since 11 May 2003. He had left from Langsa in the district of East Aceh, on a public bus, to go to the village where his family lives, when unidentified men in civilian clothing had stopped the vehicle. They had then forced the young man out of the bus, before taking him by force in a car in the direction of the city of Langsa.

On the same day, Mr. Raja Ismail, also a PB-HAM volunteer, had been abducted outside Langsa. On 13 May 2003, his body was found in the Titi Kembar river, in the village of Langsa Lama. The corpse showed signs of strangulation, knife wounds and bruises.

Investigation into the murder of Mr. Munir Said Thalib³⁶

On 7 September 2004, Mr. **Munir Said Thalib**, co-founder of the Commission for Disappearances and Victims of Violence (KONTRAS),

35. See Annual Report 2004.

36. See Annual Report 2004 and Urgent Appeal IDN 001/0605/OBS 041.

had died on board of a Garuda Airlines flight from Jakarta to Amsterdam. He had complained of feeling unwell during the transit in Singapore and had died shortly before landing in the Netherlands. On 11 November 2004, the Dutch Forensic Institute had made public the findings of the autopsy conducted on the body, and had disclosed the presence of a lethal dose of arsenic, thus confirming the fears that Mr. Munir was murdered. The Indonesian authorities had then initiated an enquiry into his death.

Mr. Munir had played a leading role in the investigations into human rights violations perpetrated by the Indonesian army, particularly in East Timor. He had also led numerous investigations into the disappearances of activists in Aceh and Papua, under the Suharto dictatorship.

On 9 August 2005, proceedings against Mr. Pollycarpus Budihari Priyanto, Garuda Airlines pilot, suspected of having offered a first class seat to Mr. Munir and of having then put arsenic in his orange juice, began before the Jakarta Central District Court. Mr. Pollycarpus Priyanto was charged with “committing or participating in the premeditated murder of Mr. Munir, alone or in collaboration with the suspects Oedi Irianto and Yeti Susmiarti [two stewards of Garuda Airlines]” and with “tampering with evidence”. The two stewards were not arrested.

On 20 December 2005, the Jakarta Central District Court sentenced Mr. Priyanto to 14 years in prison for “premeditated murder” in collaboration with Mr. Oedi Irianto and Mr. Yeti Susmiarti and “falsification of airline documents”. Mr. Priyanto might appeal the verdict.

The proceedings appeared to disregard the results of the inquiry undertaken from December 2004 to June 2005 by an official investigation team (*Tim Pencari Fakta* – TPF), that suggested the involvement of senior executives of the State airline Garuda and high-level officials of the State Intelligence Agency (*Badan Intelijen Negara* – BIN) in the death of Mr. Munir. On 23 June 2005, the report of the TPF was submitted to the President of the Republic, Mr. Susilo Bambang Yudhoyono, but had still not been made public by the end of 2005.

By the end of 2005, no real progress had been made in the investigation into the involvement of the real authors of Mr. Munir’s murder.

Death threats against Messrs. Mugiyanto, Usman Hamid, Abdul Hakim Garuda Nusantara and Thoby Mutis³⁷

On 27 May 2005, during a training seminar in Bangkok (Thailand), the Asian Federation Against Forced Disappearances (AFAD) received death threats by fax against Mr. **Mugiyanto**, president of the Indonesian Association of Families of the Disappeared, Mr. **Usman Hamid**, KONTRAS coordinator and a member of the official investigation team into the death of Mr. Munir, Mr. **Abdul Hakim Garuda Nusantara**, president of KOMNAS-HAM, and Mr. **Thoby Mutis**, president of the Trisakti University and an activist for democracy and human rights.

KONTRAS, AFAD and KOMNAS-HAM are involved in the investigations into human rights violations committed by the Suharto regime during his 32-year reign.

Ban on the entry of Mrs. Sidney Jones³⁸

On 24 November 2005, Mrs. **Sidney Jones**, director of the South-East Asia project for the International Crisis Group (ICG), was once more prevented from entering the Indonesian territory, while she was returning to Jakarta, where she lives, from Taipei (Taiwan), where she had accepted an award from the *Time Magazine* in the name of ICG.

Previously, in June 2004, the work visa of Mrs. Sidney Jones, along with that of her research assistant, had been cancelled by the government of Mrs. Megawati Soekarnoputri. The expulsion of Mrs. Jones appeared at the time to be related to her criticism of the military operations in Aceh and Papua. However, in July 2005, under the government of Mr. Susilo Bambang Yudhoyono, Mrs. Jones had obtained a work and residence permit without any difficulty.

37. See Urgent Appeal IDN 001/0605/OBS 041.

38. See Annual Report 2004.

IRAN

Release of Mr. Hassan Youssefi-Echkevari³⁹

In February 2005, Mr. Hassan Youssefi-Echkevari, a journalist arrested in 2000 for exercising his right to freedom of expression and sentenced to seven years in prison in October 2002, was granted an early release. He was detained at the prison of Evin and his health condition had alarmingly deteriorated during 2004.

Obstacles to the freedom of movement of and judicial proceedings against Mr. Emadeddin Baghi⁴⁰

On 4 October 2004, Mr. Emadeddin Baghi, president of the Society for the Defence of the Rights of Prisoners and editor of the national daily newspaper the *Jomhouriyat* – the publication of which has been prohibited since September 2004 – had his passport confiscated and had been forbidden to leave Tehran. He was to go to Montreal (Canada) to participate in the 2nd World Conference Against the Death Penalty, organised by the associations Penal Reform International and Together Against the Death Penalty (*Ensemble contre la peine de mort*), from 6 to 9 October 2004.

By the end of 2005, the case of Mr. Baghi was still pending. He was still not allowed to leave the country and his passport had not been returned to him. In December 2005, he was awarded the Human Rights Prize of the French National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'Homme*), but was not allowed to go to France to receive the prize.

Threats of judicial proceedings and of arrest against Mrs. Shirin Ebadi⁴¹

Mrs. Shirin Ebadi, 2003 Nobel Peace Prize and secretary general of the Defenders of Human Rights Centre (DHRC), was summoned on 12 January 2005 by the Revolutionary Public Prosecutor's office of

Tehran. The summons that had been sent by the examining judge did not specify any official reason, but indicated that if Mrs. Ebadi did not present herself within three days, she would be arrested.

At a press conference on 18 January 2005, the spokesperson for the judiciary, Mr. Jamal Karimirad, admitted that the summon of Mrs. Shirin Ebadi before the Revolutionary Court was illegal and that the case would be dropped.

Deterioration of the health condition of Mr. Nasser Zarafchan, in arbitrary detention⁴²

The health condition of Mr. Nasser Zarafchan, a lawyer and founding member of DHRC, imprisoned since August 2002, seriously worsened in 2005, insofar as he did not, on several occasions, have access to the medical treatment he required for pulmonary problems and a nephritic attack.

On 7 June 2005, Mr. Zarafchan started a hunger strike after he had been refused hospitalisation outside the Evin Prison. On 21 June 2005, when he was transferred into a confinement cell, apparently to punish him for his hunger strike, he lost consciousness. He was immediately taken to Labbafinejad Hospital.

On 4 July 2005, Mr. Zarafchan was temporarily released in order to receive medical treatment for his kidney stones, and was then able to undergo a surgical operation, before being sent back to prison on 23 July 2005.

On 10 September 2005, he underwent a medical examination in prison, and another at Labbafinejad Hospital in Tehran, which confirmed that he had stones in his right kidney, which required another treatment. His family demanded that he have access to additional specialised treatment, but these requests went without response from the authorities. By the end of 2005, his wife could visit him once a week at the Evin Prison.

Mr. Zarafchan, lawyer of Mrs. Sima Pouhandeh, widow of Mr. Mohammed Djafar Pouhandeh, a writer and a human rights defender, murdered in 1998, had been sentenced to three years' imprisonment by the Military Court of Tehran, on 18 March 2002, for "possession of firearms and alcohol". He had also been sentenced to two additional

39. *Idem*.

40. *Idem*.

41. See Urgent Appeal IRN 001/0105/OBS 003.

42. See Annual Report 2004 and Urgent Appeals IRN 004/0012/OBS 125.7 and 125.8.

years of imprisonment and fifty whiplashes for his statements to the press regarding the trial of the alleged murderers of Iranian intellectuals, which ended in January 2002. This verdict had been confirmed in appeal by the Military Court of Tehran on 15 July 2002.

Arbitrary detention and deterioration of the health condition of Mr. Akbar Ganji⁴³

Mr. **Akbar Ganji**, a journalist at the daily newspaper *Sobh-e-Emrooz*, detained since 2000 at the Evin Prison in Tehran for having written numerous articles denouncing the involvement of the Iranian regime in the assassination of political opponents and intellectual dissidents in 1998, was hospitalised at the Milad Hospital in Tehran on 17 July 2005 after more than two months on hunger strike, to which he finally put an end in the night of 20 to 21 August 2005. His wife, Mrs. Massoumeh Shafii, who had not been allowed to visit him since 1 August 2005, could meet with him on 21 August 2005. During his hospitalisation, he was beaten for two days by his guards, with the aim of making him give up his views and promise his allegiance to the Supreme Leader, the Ayatollah Khamenei. As he refused, he was sent back to prison on 3 September 2005, whereas he remained extremely weak both physically and psychologically. During his transfer in a car, Mr. Ganji was blindfolded and one of his escorts faked to strangle him to frighten him.

He was placed in confinement in a special wing of the Evin Prison, where he might be subjected to acts of torture.

On 12 July 2005, following an appeal launched by 400 intellectuals, hundreds of people met in front of the Tehran University, demanding the release of political prisoners, including Mr. Akbar Ganji. The police launched an attack on the demonstration and numerous protesters were beaten and arrested.

Arbitrary detention of Mr. Abdolfattah Soltani⁴⁴

On 30 July 2005, Mr. **Abdolfattah Soltani**, a lawyer at the Bar of Tehran and a DHRC member, was arrested while participating in a

43. See Annual Report 2004, Urgent Appeals IRN 001/0004/030.3, 030.4, 030.5, 030.6, 030.7, 030.8 and 030.9 and Open Letter to the Iranian authorities, 28 October 2005.

44. See Urgent Appeals IRN 002/0705/OBS 055, 055.1, 055.2 and 055.3 and Press Release, 30 September 2005.

sit-in in the offices of the Bar of Tehran to protest against the arrest warrant issued against him by the Prosecutor of the city, Mr. Saïd Mortazavi, on 27 July 2005.

Since then, Mr. Soltani, accused of spying, has been detained at the Evin Prison in Tehran.

The arrest is believed to be related to Mr. Soltani's statement, made on 25 July 2005 during a hearing in camera in Mrs. Kazemi's case, an Irani-Canadian photographer who died in July 2003 following acts of torture and ill-treatment inflicted to her during her detention. During the hearing, Mr. Soltani, as a lawyer of Mrs. Kazemi's family, questioned the independence and fairness of the trial, pointing out that officials involved in these acts of torture had not been indicted by the court.

On 3 December 2005, Mr. Saïd Mortazavi decided to replace the judge responsible for the investigation in the case against Mr. Soltani, who had just announced to Mr. Soltani's lawyers that he would recommend his release on bail. The newly nominated judge decided, on the same day, that Mr. Soltani should remain in custody for a further period of three months.

At the beginning of January 2006, Mr. Soltani could finally, for the first time, meet with one of his lawyers.

Arbitrary arrest of several defenders and trade unionists in the Kurdish province⁴⁵

On 2 August 2005, Mrs. **Roya Tolouï**, editor of the cultural monthly magazine *Rassan*, and leader of the Association of Kurdish Women for the Defence of Peace and Human Rights, was arrested at her home in Sanandaj, in the Kurdish province of Iran. She was charged with "disturbing the peace" and "acting against national security". She was released on 5 October 2005, after having been seriously tortured.

On 2 August 2005, the security forces also arrested Mr. **Azad Zamani**, a member of the Association of the Defence of Children's Rights, at his home.

On 4 August 2005, Mr. **Mahmoud Salehi**, spokesperson for the Organisational Committee to Establish Trade Unions and former

45. See Urgent Appeals IRN 003/0805/OBS 074 and 074.1.

president of the Saqez Bakery Workers' Union, was detained during one hour for participating in protests in Saqez, in the Kurdish province of Iran, following the assassination, on 9 July 2005, of a Kurdish opposition activist by the Iranian security forces in Mahabab. Before being released, Mr. Salehi was warned to stop participating in protests or strikes in Saqez.

On 7 August 2005, the Iranian security forces raided the home of Mr. **Borhan Divangar**, a member of the same trade union. He was then arrested, and his computer and other belongings were seized. He was charged, among other things, with membership of the Committee to Follow Up the Establishment of Free Labour Organisations, membership of the newly formed unemployed workers' organisation, managing the labour website *Tashakor*, and with participation in the Saqez demonstrations. Mr. Borhan Divangar was subsequently released. On 9 November 2005, Mr. Mahmoud Salehi was sentenced by the Saqez Revolutionary Court to five years in prison and three years of exile in Ghorveh village and Mr. **Jalal Hosseini**, a Saqez Bakery Workers' Union member, was sentenced to three years in prison. Mr. **Hadi Tanomand** and Mr. **Esmail Khodkam**, two other members of the union, were acquitted.

At about the same time, the Saqez Revolutionary Court also sentenced Mr. **Mohsen Hakimi**, a member of the Iranian Writers' Association, Mr. Borhan Divangar, and Mr. **Mohammad Abdipoor**, another member of the Saqez Bakery Workers' Union, to two years in prison.

These seven persons had been arrested and then released after having participated in the peaceful celebrations of 1 May 2004, before being charged with "sympathising with the banned political party Komala [for an Iranian Kurdistan]".

Mr. Mahmoud Salehi was reportedly found not guilty with regards to this charge. But despite this fact, he had been accused according to Article 610 of the Islamic Punishment Act, prescribing penalties from two to five years of imprisonment for congregating to conspire to commit crimes against national security. During the hearings, the trade union activities of Mr. Salehi were held against him, as well as a meeting that he had had with an ICFTU delegation in April 2004.

MALAYSIA

Status of the judicial proceedings against Mrs. Irene Fernandez⁴⁶

In 1995, Mrs. **Irene Fernandez**, director of Tenaganita, an NGO working with migrant women, had been found guilty of "publishing false information with the intention to harm", following the publication of a report entitled *Memorandum on the abuses, act of torture and inhuman treatment of migrant workers in detention camps*. This report contained allegations of abuses inflicted upon migrant populations, based on Mrs. Fernandez' interviews with over 300 migrant workers. Sentenced to twelve months' imprisonment by the Kuala Lumpur Magistrates' Court 5B on 16 October 2003, she had been released on bail and had lodged an appeal against the sentence on 17 October 2003 with the Kuala Lumpur High Court. By the end of 2005, the proceedings were still pending, and no date for the hearing of the appeal had been set.

Furthermore, having had to surrender her passport to the High Court at the time of her release on bail, Mrs. Fernandez still had to apply to the authorities each time she wished to travel abroad.

On 9 December 2005, Mrs. Irene Fernandez received the Right Livelihood Award in Stockholm (Sweden).

NEPAL

Lack of results in the investigation into the murder of Mr. Chet Prakash Khatri⁴⁷

By the end of 2005, the murder of Mr. **Chet Prakash Khatri**, a member of the Binauna Village Development Committee (VDC) in Banke district, had still not been elucidated.

On 24 December 2003, Mr. Chet Prakash Khatri was killed while he was going back home. The victim's body, which was found in the Rapti River, close to the Indian border, had rope marks around his broken neck and a wound on his chin.

46. See Annual Report 2004.

47. *Idem*.

Mr. Khatri was working for a peace programme launched by the Informal Sector Service Centre (INSEC) in the region and was, amongst other things, responsible for the students and residents training in security measures during conflicts. He was also involved in the defence of children's rights and was affiliated with the NGO Bheri Environmental Excellence Group (BEE Group).

Although the family of Mr. Khatri lodged a complaint with the district police station of Nepalgunj (Banke district), the authorities were particularly reticent to investigate this case.

Lack of investigation into the murder of Mr. Dekendra Raj Thapa⁴⁸

On 11 August 2004, Mr. **Dekendra Raj Thapa**, a journalist at *Radio Nepal* and an adviser to the NGO Human Rights and Peace Society (HURPES), was executed after having been abducted on 26 June 2004 by members of the Communist Party of Nepal (Maoists) (CPN (M)), who accused him of spying. On 17 August 2004, nine other journalists had received death threats by CPN (M).

By the end of 2005, no judicial proceedings had been opened into Mr. Dekendra Raj Thapa's murder.

Ill-treatment of Messrs. Naman Kumar Shahi and Bhupendra Shahi⁴⁹

On 2 January 2005, Mr. **Naman Kumar Shahi**, an INSEC representative, and Mr. **Bhupendra Shahi**, editor of the daily newspaper *Gorkhapatra Daily* and district president of the Journalists Forum and HURPES, were beaten by plain-clothes officers of the police station of Dailekh.

Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi went to the district of Dailekh to gather information on the murder of Mr. Dil Bahadur Rana, killed on that same day by Maoists. The latter was a member of the District Working Committee of the Nepali Congress Party and secretary of the Independent Committee for Displaced Persons in the district. By the end of 2005, no inquiry had been

opened, neither on the death of Mr. Dil Bahadur Rana, nor on the attacks against Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi.

Obstacles to Mr. S. K. Pradhan's freedom of movement⁵⁰

On 25, 26 and 27 November and 10 December 2004, the Nepalese government refused to grant a travel document to Mr. **S.K. Pradhan**, secretary general of the Peoples' Forum for Human Rights and Development (PFHRD) and a defender of Bhutanese refugees in Nepal, Mrs. **Sunita Pradhan**, his daughter, and Mr. **D.B. Bhandari**, PFHRD camp coordinator. They had submitted their request on 10 November 2004 to the Refugee Coordination Unit (RCU) of Chandragari, Jhapa. As a result, Mr. Pradhan had been prevented from attending the World Forum for Democracy in Asia, held in Taiwan from 14 to 17 December 2004.

In February and March 2005, the Nepalese government refused again to issue a travel document to Mr. Pradhan, who had planned to attend the 61st session of the United Nations Commission on Human Rights in Geneva (Switzerland), from 14 March to 22 April 2005. Indeed, Mr. Basanta Raj Bhattarai, RCU vice-director, refused to grant this document without official grounds.

In August 2005, Mr. Pradhan managed to go abroad to meet a number of international NGOs and United Nations bodies, after having fought for almost nine months to obtain a travel document. However, although he had been invited to participate in a conference on democracy in Taiwan in September 2005, he was unable to attend the conference, as he was once more denied a travel document.

Furthermore, in October 2005, Nepal decided to stop issuing work documents to Bhutanese refugees living in Nepal, further weakening the position of refugee Bhutanese human rights defenders in the country.

Wave of arbitrary arrests of human rights defenders⁵¹

The declaration on 1 February 2005 by King Gyanendra of a state of emergency was accompanied by the suspension of fundamental civil

48. *Idem*.

49. See Urgent Appeal NPL 001/0105/OBS 002.

50. See Annual Report 2004, Open Letter to the Nepalese authorities, 10 January 2005, and Press Release, 29 March 2005.

51. See Urgent Appeals NPL 002/0205/OBS 010, 010.1, 0.10.2, 0.10.3 and NPL 003/0605/OBS 044, Press Release, 22 February 2005, and INSEC Report, *Nepal: 200 Days of Royal Takeover, 1 February – 19 August 2005*, August 2005.

liberties and the arrest of numerous human rights defenders. On 1 April 2005, the Supreme Court condemned the arbitrary detentions ordered by the State, declaring that “it is inappropriate and unconstitutional to [detain] citizens [...] in an illegal and arbitrary manner [...]”. Nevertheless, the State security forces continued to arrest human rights defenders, including in the court buildings. A certain number of these arrests took place after the state of emergency was lifted on 29 April 2005:

Arrest and harassment of members of civil society organisations

– On 1 February 2005, the following persons were arrested:

– Mr. **Nanda Bhandari**, a lawyer and member of the Centre for Victims of Torture (CVICT), detained at a police station in Surkhet district, under the Public Security Act (PSA). He was released on 24 February 2005;

– Mr. **Lok Prasad Pant**, a lawyer and president of the Civil Society Network, detained at the Birendranagar prison, Surkhet district. He was released on 9 March 2005, then re-arrested and subsequently released on the same day;

– Mr. **Sindhu Nath Pyakurel**, former president of the Nepal Bar Association (NBA), arrested at his office in Kathmandu. He was detained incommunicado for nine days at the military barracks in Kakani, Nuwakot district, before being transferred to the army police camp at Duwakot, then to the police station in Bhaktapur. On 9 February 2005, the Supreme Court ordered the security forces to bring him to court within three days. He was released on 14 February 2005;

– Mr. **Bal Krishna Poudel**, secretary of the Human Rights Organisation of Nepal (HURON), Chitwan district, and Mr. **Prakash Khatiwada**, INSEC representative in Saptari district. The latter was released two hours later. Mr. Bal Krishna Poudel was released on 1 March 2005.

– On 2 February 2005, plain-clothes security members went to the home of Mr. **Bhendra Sharma**, CVICT president, who was absent at that time.

– On 4 February 2005, the following persons were arrested:

– Mr. **Bishnu Nisthuri**, secretary general of the Federation of

Nepalese Journalists (FNJ), at his home in Kathmandu. He was released on 25 February 2005;

– Mr. **Bam Dev Adhikari**, vice-president of the Society for Protection of Human Rights and Rural Environment (SOPHRE), in Lamjung district. Mr. Bam Dev Adhikari was released on 1 March 2005.

On the same day:

– the security forces attacked the FNJ offices and the home of its president, Mr. **Tara Nath Dahal**, whose family was reportedly subjected to acts of harassment by the security forces;

– plain-clothes security members went to the home of Mr. **Gopal Krishna Shivakoti**, president of the International Institute for Human Rights, Environment and Development (INHURED International), who was then absent.

– On 9 February 2005, Mr. **Sukharam Maharjan**, vice-president of the Kirtipur section of HURON, was arrested at his home by five members of the security forces, in Kathmandu district. He was released on an unknown date.

– The same day, Mr. **Krishna Pahadi**, former president of HURPES and Amnesty International Nepalese section, was arrested at the HURPES office in Kathmandu and detained under the PSA. On 4 July 2005, Mr. Krishna Pahadi was released.

– On 10 February 2005, the security forces arrested ten HURPES members during a peaceful demonstration in Kathmandu protesting against the state of emergency, along with Mr. **Basu Devkota**, secretary general of Human Development and Peace Campaign (HUDEP): Mr. **Suresh Chandra Pokhrel**, HURPES vice-president, Mr. **Bal Ram Aryal**, treasurer, Messrs. **Narayan Datta Kandel**, **Jay Ram Basnet**, **Laxmi Pariyar**, **Jiba Lal Kharel**, **Laxman Acharya**, **Bal Ram Neupane**, **Hira Lal Acharya**, HURPES members, and Mr. **Suman Shrestha**, secretary of the District Committee of Kathmandu. They were all released on 14 February 2005.

– On 17 February 2005, Mr. **Gauri Pradhan**, founder and president of the Child Workers in Nepal Concern Centre (CWIN), was arrested by the police at Kathmandu Airport. He was returning from

Geneva, where he participated in a meeting of the United Nations Committee on the Rights of the Child. Detained at the Naxal police station, Kathmandu, he was released on 28 February 2005 following a hearing about his application for *habeas corpus*, on the order of the Supreme Court. Nevertheless, he was again arrested immediately after, outside the court, by security members in plain-clothes, who received the order to release him shortly after.

– On 25 February 2005, Mr. **Lokraj Baral**, a teacher, and Mr. **Khagendra Bhattarai**, former president of the Nepal Lecturers Association, were released.

– *Arrest of 26 activists during a peaceful demonstration*⁵². On 25 July 2005, the police arrested 26 human rights defenders during a peaceful demonstration in Kathmandu, which was organised by the Citizens' Movement for Democracy and the Peace Coordination Committee. Amongst the persons arrested were: Mr. **Devendra Raj Pandey**, president of the Rural Self-Reliance Development Centre (RSDC); Mrs. **Suprabha Ghimire**, a teacher, social worker and former vice-president of the Association of Professors of the University of Nepal; Mr. **Padmaratna Tuladhar**, president of the Forum for the Protection of Human Rights (FOPHUR) and former mediator in the talks between the government and the Maoists; Mr. **Charan Prasain**, HURON president; Mr. Krishna Pahadi and Mr. **Sachin Ghimire**, head of the NBA human rights project. This demonstration aimed at calling for the restoration of democracy and at protesting against the royal decision of 1 February 2005 to declare a state of emergency. Hundreds of human rights defenders and intellectuals participated in this demonstration before the police dispersed them using truncheons. These 26 persons were released on 26 July 2005, without being charged.

– *Arrest of ten defenders protesting against the NGOs Code of Conduct*⁵³. On 11 November 2005, ten human rights defenders were arrested during a peaceful demonstration protesting against the

NGOs Code of Conduct adopted the day before by the Social Welfare Council of the government. Amongst them were two members of the NGO Federation of Nepal (NFN), Mr. **Bhagawati Chowdhary**, also president of the Forum for Rural Welfare and Agricultural Reform for Development (FORWARD-Nepal), and Mr. **Durga Kumar Thapa**, president of the Human Rights and Environment Development Centre (HURENDEC), Mr. **Binod Dev**, NFN secretary, Mr. **Jung Bahadur Singh**, a member of the Setu Community Development Forum, Mr. **Dhruv Dev** and Mr. **Sameer Jha**, members of the NGO Save the Saptari, Mr. **Hem Shankar Singh**, a local journalist, Mr. **Dinesh Yadav** and Mr. **Prakash Khatiwada**, members of the Human Rights and Social Service Centre (HUSEC), a member organisation of INSEC, and Mr. **Ghanshyam Jha**, member of the NGO Save the Nepal, based in Saptari district.

Detained at the Rajbiraj police station, Saptari district, they were all released after five hours, without being charged.

Arbitrary arrests of trade unionists

– Several leaders of the Central Committee of the Nepal Trade Union Congress (NTUC) were arrested on 1 February 2005, including Mr. **Puskar Acharya**, vice-president, and Mrs. **Manju Bhattarai**, a Central Committee member. In the following days, five other NTUC members were arrested: Mr. **Bhakta B. Karki**, vice-president, Western Region (Dhangadi), Mr. **Deepak Tamang**, president, Jhapa district, Mrs. **Sarita Boon**, a NTUC member of the Union of Professors of Kathmandu, Mrs. **Gita Pathak**, a member of the Construction Workers' Union, and Mr. **Chandra Bhattari**, former president of the Nepalese Students' Union (NSU) and NSU vice-president in Pokhara.

Mrs. Manju Bhattarai and Mr. **Kishore Gautam**, former NTUC district president, were released on 25 February 2005. Messrs. Puskar Acharya, Bhakta B. Karki, Deepak Tamang, as well as Mrs. Sarita Bon and Mrs. Gita Pathak were also released on an unknown date. As for Mr. Chandra Bhandari, he was released on 27 April 2005 and again arrested at the Bhaktapur police station. Detained at Battalion No. 1 of the Army Police, in Naxal district, in Kathmandu, he was released on 26 May 2005.

52. See Urgent Appeal NPL 004/0805/OBS 057.

53. See Urgent Appeal NPL 006/1105/OBS 120.

– On 4 July 2005, Mr. **Basu Koirala**, NSU secretary general, was released after several months in prison.

– On 16 May 2005, Mr. **Rajendra Rai**, former president of the All Nepal National Free Students' Union (ANNFSU), who had been arrested on 1 February 2005, was released following a decision of the Court dated 13 May 2005, and arrested again on the same day in the buildings of the Babarmahal District Court, in Kathmandu. Detained at the School of the Maharajgunj Police, he was released on 20 May 2005.

– Mr. **Rajan Rai**, a member of the ANNFSU central secretariat, who had been arrested on 1 February 2005, was released on 28 April 2005 and re-arrested on that same day at the School of the Maharajgunj Police, in Kathmandu. Detained at the Nepal Electricity Corporation Training Centre (NECTC) in Bhaktapur, he was released on 19 May 2005 following an order of the Supreme Court.

– Mr. **Gagan Kumar Thapa**, former NSU secretary general, was released on 5 May 2005 and re-arrested on the same day at the Kathmandu police station. Detained at NECTC in Bhaktapur, he was released on 25 May 2005.

– Mr. **Pradeep Poudyal**, NSU vice-president, was released on 26 April 2005 and re-arrested on the same day at the Bhaktapur police station. After his release on 26 May 2005, he was again detained at the Agricultural Development Training Centre in Bhaktapur, before being released on the same day.

– Mr. **Thakur Gaire**, ANNFSU secretary general, who had been arrested on 4 March 2005, was released on 20 April 2005 and was re-arrested on the same day in Koteshwor district, in Kathmandu. Detained at NECTC in Bhaktapur, he was released on 26 May 2005.

– On 14 July 2005, six leaders of the student movement, Mr. Pradeep Poudyal, Mr. Thakur Gaire, Mr. **Saroj Thapa**, Mr. **Pushpa Kumar Shahi**, Mr. **Narayan Bharati** and Mr. **B.P. Regmi**,

were arrested by the police in Kathmandu, while protesting against the decision of the government to introduce a “nationalist education”.

On 27 July 2005, Mr. Gagan Kumar Thapa was arrested by the police of Anamnagar along with Mr. Ajaya Shivakoti and Mr. Subodh Acharya, two of his friends. They were visiting Mr. Pradeep Poudyal, detained by the judicial police of Singh Durbar district in Kathmandu, with Messrs. Thakur Gaire, Saroj Thapa, Pushpa Kumar Shahi, Narayan Bharati and B.P. Regmi⁵⁴.

The authorities charged Mr. Thapa with “proclaiming anti-monarchist slogans” during a protest in the Ratna Park area in Kathmandu, on 24 July 2005.

On 14 August 2005, Mr. Gagan Thapa appeared before the Kathmandu Special Court, which formally charged him with “sedition”, in accordance with the Crimes Against the State Act. However, the Special Court ordered his release on bail, despite the request of the government to place him on remand.

Mr. Pradeep Poudyal, as well as Messrs. Thakur Gaire, Saroj Thapa, Pushpa Kumar Shahi, Narayan Bharati and Mr. B.P. Regmi, were released on 9 August 2005, following an order of the Supreme Court.

Arbitrary arrests of journalists

– On 1 February 2005, Mr. **Arjun Upreti**, correspondent for the radio station *Saptakoshi FM*, was arrested in Sunsari district, before being released two hours later.

– On 4 February 2005, Mr. **Nava Raj Pahadi**, editor of *Antaranga Weekly*, was arrested in Lamjung district.

– On 9 February 2005, Mr. **Rajesh Sharma**, president of the Human Rights Education Radio Listeners Club (HRERLC) section, was arrested in Kaski district. He was released the following day.

– On 13 February 2005, Mr. **Narayan Adhikari**, correspondent of the national press agency *Rastriya Samachar Samitte* (RSS), and Mr. **Basant Parajuli**, correspondent of the *Gorakhapatra Daily*, were

54. See Urgent Appeals NPL 005/0805/OBS 064 and 064.1.

arrested in Chitwan district.

– On 15 February 2005, Mr. **D.R. Pant**, correspondent of *Kantipur Daily*, was also arrested and detained at the police station in Dadeldhura district.

Messrs. Narayan Adhikari, Basant Parajuli, Nava Raj Pahadi and D.R. Pant were all released on an unknown date.

– On 21 October 2005, government forces entered the offices of *Radio Kantipur FM* by force, in Kathmandu, and seized essential equipment, affecting the broadcasting of programmes in the east of Nepal. The government considered that the radio station was not in conformity with the Ordinance Amending Some Nepal Acts related to Media, 2062, dated of 9 October 2005, which prohibits, in particular, private radio stations from transmitting news and establishes as a crime the fact of criticising the royal family. On 30 November 2005, the Supreme Court ruled this provision to be unconstitutional as it was contrary to the right to freedom of information and to the National Broadcasting Act, 1993. The radio station *Kantipur* was able to resume broadcasting on the same day.

On 29 October 2005, around fifteen journalists who protested against the 9 October 2005 Ordinance were arrested by the police in Kathmandu. They were all released that evening.

Obstacles to freedom of movement of numerous defenders⁵⁵

Since 1 February 2005, numerous human rights defenders were prevented from travelling from the Tribhuvan International Airport:

– On 7 February 2005, when Mr. **Kapil Shrestha**, a member of the National Human Rights Commission (NHRC), was to go to Biratnagar to attend the inauguration of the Eastern Regional office of NHRC, security forces of the Tribhuvan International Airport told him that he was not permitted to leave Kathmandu Valley.

– On 21 February 2005, Mr. **Laxman Prasad Aryal**, former

55. See INSEC Report, *Nepal: 200 Days of Royal Takeover, 1 February – 19 August 2005*, August 2005.

member of the Supreme Court and one of the drafters of the 1990 Constitution of the Kingdom of Nepal, was not allowed to go to Mumbai (India), where he was to attend a regional conference on women's rights and on the fight against human trafficking, organised by the South Asian Regional Equity Programme.

– On 23 February 2005, Dr. **Om Gurung**, a teacher at the Tribhuvan University and secretary general of the Nepal Federation of Indigenous Nationalities (NEFIN), was not able to fly from the Tribhuvan International Airport to go to Shillong and Guwahati, India, in order to take part in the Preparatory Meeting of the Asia Indigenous People's Pact (AIPP), starting on 25 February 2005.

– The same day, human rights organisations received a list with the names of 19 defenders and academics out of a total of 200 names of persons who would not be permitted to leave Kathmandu Valley: Mr. **Padma Ratna Tuladhar**, president of the Nepalese Forum for the Defence of Human Rights, Mr. Krishna Pahadi, Mr. **Gopal Shiwakoti "Chintan"**, a member of the Water and Energy Users' Federation Nepal (WAFED), a network for the promotion of human rights, environment and development, Mr. **Mathura Prasad Shrestha**, coordinator of the Civic Solidarity for Peace, Mr. **Subodh Raj Pyakurel**, INSEC president, Mr. Gauri Pradhan, Mr. Gopal Krishna Shiwakoti, Mr. **Daman Nath Dhungana**, a lawyer and a human rights defender, Mr. **Arjun Karki**, president of the NGO Federation of Nepal, Mr. **Shyam Shrestha**, a journalist, Mr. **Laxman Prasad Aryal**, Mr. **Sindhu Nath Pyakurel**, former NBA president, Mr. **Sushil Pyakurel**, a NHRC member, Mr. **Kapil Shrestha**, and Messrs. **Krishna Khanal**, **Krishna Hachhethu**, **Om Gurung** and **Krishna Bhattachan**, academics, and Mr. **Nilambar Acharya**, a diplomat.

– On 25 February 2005, Mrs. **Shashi Shrestha**, president of the All Nepal Women's Association (ANWA), could not fly to New York (United States), in order to attend a meeting on the conference Beijing+10, at the United Nations.

– On 26 February 2005, Mr. Subodh Raj Pyakurel was arrested by

the security forces at the Tribhuvan International Airport, while he was going to Nepalgunj to attend a workshop organised by INSEC on “human rights and humanitarian law” for security agents, planned on 27 and 28 February 2005. Yet, the day before his departure, the Ministry of Home Affairs and RND Human Rights Unit had assured him that his name was not on the list of persons subjected to travel restrictions.

– On 5 March 2005, Mr. Sushil Pyakurel, a NHRC member, was prevented by the airport security forces from flying to Bhairahawa in order to inquire into the rising tensions between the local people and the Maoists in Kapilvastu district.

– On 25 March 2005, Mr. **Krishna Hachhethu** and Mr. **Krishna Khanal**, teachers at the Political Science Department, were not able to leave Kathmandu to go to Goa (India) to take part in a discussion programme on “democracy in South-East Asia”, organised by the Centre for the Study of Developing Society (CSDS), which was to start the following day.

– On 22 April 2005, Mr. **Bhimarjun Acharya**, president of the Constitutional Lawyers’ Forum, Mr. **Shambhu Thapa**, NBA president, and Mr. Laxman Prasad Aryal could not go to New Delhi (India) in order to deliver a speech at a conference organised by the Bar of the Supreme Court of India.

– On 7 May 2005, Mr. **Srijana Pokhrel Siwakoti**, president of the NGO Population Watch, was prevented from boarding an aircraft for New Delhi, where he was to take part in a seminar of the Working Group of the South Asian Association for Regional Cooperation (SAARC) on issues of gender and poverty (8-9 May 2005).

– On 14 May 2005, Mr. Bishnu Nisthuri and Mr. **Mahendra Bista**, FNJ secretary general, could not go to Pakistan where they were to participate in the South Asian People’s Forum (SAPF), organised by the South Asian Free Media Associations (SAFMA).

PAKISTAN
Ongoing harassment of the NGO KK⁵⁶

In 2005, members of Khwendo Kor (KK), an NGO involved in the defence of the rights of children and women in remote areas of the North-West Frontier Province (NWFP) and the Federally Administered Tribal Areas (FATA), continued to work in a hostile environment. In addition, female members remained subjected to acts of individual pressure, aimed at convincing them to cease their activities. For instance, in November 2005, anonymous articles were published in local newspapers, stating that NGOs and women were forbidden from undertaking their respective activities.

Khwendo Kor has been subjected to numerous restrictions on its activities for several years: systematic discredit campaigns, religious condemnations (*fatwas*) against its members, death threats, etc.

Continued harassment against HRCP
Arrest of Mrs. Hina Jilani and Mrs. Asma Jahangir⁵⁷

On 14 May 2005, 50 people were arrested, including Mrs. **Hina Jilani**, board member of the Human Rights Commission of Pakistan (HRCP) and Special Representative of the United Nations Secretary General on Human Rights Defenders, and Mrs. **Asma Jahangir**, HRCP president and Special Rapporteur of the United Nations on the Freedom of Religion and Belief. The protesters had come together to denounce violence against women in Pakistan, in the framework of a gathering organised by HRCP and the Joint Action Committee for Peoples’ Rights. The police dispersed them with sticks, injuring several people.

All the people detained were released four hours later. Mrs. Asma Jahangir lodged a complaint against the police for harassment and for having torn her clothes.

56. See Annual Report 2004.

57. See Human Rights Commission of Pakistan (HRCP).

Harassment of Mr. Jam Saqi and his wife⁵⁸

Mr. **Jam Saqi**, a member of HRCP administrative council, was harassed by Sindh province authorities for his participation in a fact-finding mission in the province on 26 May 2005, after a family belonging to the Hindu Meghwar caste (a poor caste) had been harassed and subjected to acts of violence by a young man claiming to be a family member of the Chief Minister of Sindh province, Mr. Arbab Ghulam Rahim.

Thus, on 29 May 2005, before he had even announced the conclusions of the mission, Mr. Saqi was summoned to the Hyderabad police station, where he found out that he was under arrest for “possession of explosives”. He was then brought before an Anti-Terrorist Court, which placed him on remand for one week. During a phone call with Mr. Arbab Ghulam Rahim, the latter threatened him, asking if he wanted to fight with him, which Mr. Saqi denied. Mr. Saqi was released in the evening of 30 May 2005 without any explanation.

However, on the following day, the police were again searching for him. As they could not find him, they arrested his wife, claiming that a complaint for abduction with ransom had been lodged by the former husband of her sister. A petition was submitted to the Sindh High Court, which ordered the release on bail of Mrs. Saqi on 7 June 2005. Nevertheless, when she left the police station, she was re-arrested, supposedly in relation to another case initiated several years before by, again, the former husband of her sister. She was subsequently released.

Lack of investigation into the abduction of Mr. Aktar Baloch⁵⁹

On 23 March 2003, Mr. **Akhtar Baloch**, coordinator of HRCP Hyderabad office, had been abducted, before being released a couple of days later. He had then indicated that he had been interrogated several times during his detention on HRCP activities and financing.

58. *Idem*.

59. See Annual Report 2004.

By the end of 2005, no inquiry nor judicial proceedings against those responsible had been opened.

Assassination of several human rights defenders⁶⁰

Assassination of Mrs. Yasmin Kanwal. On 4 April 2005, Mrs. **Yasmin Kanwal**, a human rights defender, was stabbed to death in Lahore.

Assassination of Mr. Babar Simpson. On 5 April 2005, Mr. **Babar Simpson**, chairperson of the Ilam-Dost Foundation, and Mr. Daniel Emanuel, his driver, were abducted in Peshawar. Their mutilated bodies were found on 7 April 2005.

Assassination of Mrs. Zubaida Begum. In the last week of June 2005, unidentified persons killed Mrs. **Zubaida Begum**, a member of the Aurat Foundation (NWFP Dir), in Dir district, an NGO working for women’s rights, and her daughter, Shumila.

Harassment campaigns against NGOs⁶¹

Peshawar district. On 3 March 2005, the government of Peshawar district prohibited activities of NGOs in public primary and secondary schools, which had just launched a health and education programme. These NGOs were accused of having collected large sums of money in the name of the well-being of children but of having spent very little of it.

North-West Frontier Province (NWFP). On 17 May 2005, a number of schools run by NGOs were attacked.

Islamabad. On 17 June 2005, the Minister of Social Security and Special Education placed the human rights NGO Rozan on a “black list” for circulating a questionnaire to some students, asking questions about their relations with the opposite sex and asking whether the

60. See National Commission on Justice and Peace - Pakistan.

61. *Idem*.

students had been sexually assaulted. The Minister asked the NGO to cease its project.

Karachi. On 28 August 2005, Mrs. **Khalida Ahmed**, a member of the NGO War Against Rape, was subjected to acts of harassment and threatened with death after having brought a rape victim to hospital.

PHILIPPINES

Lack of investigation into several summary executions of defenders

While defenders continued to be the victims of extra-judicial executions in 2005, their perpetrators still escaped any kind of prosecution.

Summary execution of Ms. Eden Marcellana, Mr. Eddie Gumanoy, Mrs. Juvy Magsino and Mrs. Leima Fortu⁶²

By the end of 2005, the murderers of Ms. **Eden Marcellana**, secretary general of the Tagalog-South office of the Alliance for the Promotion of People's Rights (KARAPATAN), Mr. **Eddie Gumanoy**, president of the farmers organisation Kasama-TK, Mrs. **Juvy Magsino**, a lawyer specialised in human rights, president of Mindoro for Justice and Peace (MFJP) and Naujan deputy mayor (province of east Mindoro), and Mrs. **Leima Fortu**, a MFJP volunteer and deputy secretary general of KARAPATAN east Mindoro section, had still not been brought to justice, despite the express demand formulated by the United Nations Human Rights Committee in December 2003 concerning the murders of Mrs. Marcellana and Mr. Gumanoy. Some military officers under the orders of Colonel Jovito Palparan were suspected of being associated with these murders, but none of them had been arrested by the end of 2005. Nevertheless, the confirmation of the nomination of Colonel Jovito Palparan to the rank of Major General remained suspended, due to the strong opposition of human rights organisations.

62. See Annual Report 2004.

Ms. Eden Marcellana and Mr. Eddie Gumanoy were murdered in 2003 and Mrs. Juvy Magsino and Mrs. Leima Fortu in February 2004.

Assassination of Mr. Rashid Manahan⁶³

By the end of 2005, no new information had come to explain the murder of Mr. **Rashid Manahan**, coordinator of the Movement for the Reestablishment of Justice (MTB-Davao), a network of human rights NGOs and bodies involved in the campaign for the abolition of the death penalty.

On 24 August 2004, Mr. Rashid Manahan was murdered in the suburb of Bajada, in Davao, while going to a forum against the death penalty and summary executions, organised by the University of the Philippines, in Mindanao.

Summary execution of Mr. Marcelino Beltran⁶⁴

By the end of 2005, the murder of Mr. **Marcelino Beltran**, president of the Peasants' Alliance in Tarlac Province (AMT), and vice-president of the Peasants' Alliance in Central Luzon (AMGL), remained unpunished, its perpetrators still not having been brought to justice.

On 8 December 2004, Mr. Marcelino Beltran was executed by military officers in front of his house in San Sotero, in Santa Ignacia (Tarlac), after participating in a peasants' strike at the Hacienda Luisita. He had witnessed the massacre of Hacienda Luisita, on 16 November 2004, in the course of which fourteen people had been killed and numerous others injured by the national police and soldiers of the 69th and 703rd infantry battalions.

Extra-judicial executions of several defenders⁶⁵

In 2005, several human rights activists, sometimes also involved in political parties, were killed by unknown persons:

– In the night of 28 February 2005, the body of Mr. **Arnulfo Villanueva**, a columnist at the *Asian Star Express Balita* (a community newspaper in Cavite), was found on a road in the city of Naic,

63. *Idem.*

64. *Idem.*

65. See Open Letter to the Philippine authorities, 1 July 2005.

Cavite. Mr. Arnulfo Villanueva had denounced the involvement of local officials in illegal gambling.

– Mr. **Romeo Sanchez** and Mr. **Fedilito Dacut**, regional coordinators of Bayan Muna, were respectively killed on 9 and 14 March 2005, in Baguio and Tacloban. Mr. Fedilito Dacut had protested, along with other defenders, against the nomination of Major General Jovito S. Palparan Jr. to the position of major general of the 8th infantry division in Eastern Visayas.

– On 24 March 2005, Mrs. **Marlene Garcia-Esperat**, a journalist involved in the struggle against corruption, in particular in the Mindanao region, was killed at her home in front of members of her family. Her husband had previously received death threats. Although four suspects were arrested, the persons behind the murder were not identified.

– On 4 May 2005, Mr. **Klein Cantoneros**, a presenter on the radio station *DXAA-FM Dipolog City*, well-known for his denunciations of the corruption of local officials, was shot dead. Mr. Cantoneros had previously received death threats.

– On 9 May 2005, Mr. **Philip Agustin**, editor and publisher of *Starline Times Recorder* (local community newspaper in Aurora), was shot in the head, in the village of Paltic, two days before the publication of a special edition of his newspaper dedicated to corruption in the city of Dingalen.

– On 12 May 2005, Reverend **Edison Lapuz**, a priest involved in the defence of human rights, and Mr. **Alfredo Malinao**, a peasant leader, were murdered at San Isidro, Leyte. Major General Palparan might have once again been involved in these murders.

– On 15 June 2005, Professor **Castor Gamalo**, president of the Federation of Teachers Association (FTA) of the Eastern Visayas State University (EVSU) and member of the Task Force Detainees of the Philippines (TFDP), was shot dead. FTA had been protesting since the day before against the decision of EVSU to remove Mr. Gamalo, as well as other teachers and students representatives,

from their positions in EVSU administrative council, without any formal decision.

– On 13 September 2005, Mr. **Leodegario Punzal**, a member of the Pinagkaisang Samahan ng Tsuper at Operator Nationwide (PISTON), was killed in the city of Norzagaray, the day after the union launched a strike throughout the region⁶⁶.

– On 23 September 2005, Mr. **Diosdado “Ka Fort” Fortuna**, president of the Filipino Employees Union of the Unity of Workers in Southern Tagalog – May First Movement (PAMANTIK-KMU) and of the political party Anakpawis – south Tagalog section, was killed by two gunshots in the chest, while he was returning to his home on a motorbike⁶⁷.

– On 30 September 2005, Mrs. **Victoria Samonte**, vice-president of the Caraga section of KMU, president of the Andres Soriano College Employees Union, ACT-BISLIG president, president of the Drivers and Operators of Cumawas and Bliss Association (DOCUBA), secretary general of the Bislig City Alliance of Transport Association (BCATA) and president of the Castillo Bagong Lipunan Homeowners Association (CBLHA), was stabbed to death by a man who had sat behind her in the same rickshaw⁶⁸.

– On 25 October 2005, Mr. **Ricardo Ramos**, president of the Central Azucarera de Tarlac Labour Union (CATLU), was killed while he was in his garden, in Barangay Mapalacsiao, Tarlac, inside Hacienda Luisita. Five hours before, the union had received more than eight million Philippine pesos (more than 127,000 euros) from Hacienda Luisita Inc. in the framework of an agreement for overdue salaries⁶⁹.

– On 26 October 2005, Mr. **Federico de Leon**, spokesperson for the Bulacan Confederation of Operators and Drivers Association

66. See Task Force Detainees of the Philippines (TFDP).

67. See Urgent Appeal PHL 001/1005/OBS 092.

68. *Idem*.

69. See Task Force Detainees of the Philippines (TFDP).

(BCODA), president of PISTON in Bulacan province and president of the Bucalan section of Anakpawis, was shot in the head, in the city of Malolos⁷⁰.

Assassination attempts against Mr. Allan Caparro, his wife, and Mr. Romeo T. Capulong⁷¹

– On 18 February 2005, Mr. **Allan Caparro**, a human rights defender, and his wife, Mrs. **Aileen Caparro**, were seriously wounded during an attempt on their lives. Mr. Allan Caparro contributed to the training of a union in Calbayog, Western Samar, for the protection of environment and against destructive activities, such as mining. He also denounced militarisation in the Northern and Western Samar, due to numerous human rights violations reported in the region.

– On 7 March 2005, Mr. **Romeo T. Capulong**, a lawyer involved in the defence of human rights and *ad litem* judge of the International Criminal Tribunal for the former Yugoslavia, was attacked by 15 armed men in vehicles without number plates, suspected to be members of the army or paramilitary forces. Mr. Capulong had been the lawyer for striking workers of the Hacienda Luisita, following the strike of 16 November 2004⁷².

Ill-treatment, judicial proceedings and arbitrary detention of Mrs. Angelina Bisuna Ipong⁷³

On 8 March 2005, Mrs. **Angelina Bisuna Ipong**, a peace activist, was arrested by members of the Philippine Army who blindfolded her. On 15 March 2005, informed that she would be interrogated, she realised, as soon as her blindfold was removed, that she had been brought into a room filled with journalists who photographed and questioned her. However, shocked, she was unable to speak. At the end of this “press conference”, she was once again blindfolded and taken back to her cell. For thirteen days from the date of her arrest, Mrs. Ipong was not allowed to receive visits and refused to eat to protest against her arrest.

70. *Idem*.

71. See Open Letter to the Philippine authorities, 1 July 2005.

72. See above.

73. See Open Letter to the Philippine authorities, 1 July 2005.

On 17 March 2005, the Major General of the South announced that Mrs. Ipong had been taken to Molave, Zamboanga del Sur. Nobody was able to see her before 21 March 2005, when a TFDP team went to the prison in the city of Pagadian to investigate her situation. TFDP then learnt that Mrs. Ipong had been charged with “rebellion”, without any possibility of release on bail, according to Section 23 of the Molave Regional Court.

Mrs. Ipong was also reportedly subjected to sexual abuse, torture and inhuman treatments by members of the Philippine Army.

By the end of 2005, Mrs. Ipong remained in detention at the prison of the city of Pagadian. A hearing to consider the charges against her was scheduled for January 2006.

SOUTH KOREA

Judicial proceedings against Mr. Ahn Byeong-Soon and Mr. Kim Young-Gil⁷⁴

Mr. **Ahn Byeong-Soon**, secretary general of the Korean Government Employees Union (KGEU), and Mr. **Kim Young-Gil**, KGEU president, were respectively arrested on 15 March and 8 April 2005. An arrest warrant had been issued against both men on 9 November 2005, following a general strike protesting against the Bill on the Public Officials’ Trade Union Act. The Korean government had then attempted to prevent demonstrations organised throughout the country by the Korean Confederation of Trade Unions (KCTU) and KGEU against the Bill.

After a first hearing on 12 April 2005, during which the Prosecutor called for one and a half year imprisonment for Mr. Ahn Byeong-Soon, the latter was eventually sentenced to eight months in prison and two years suspended sentence on 28 April 2005. He was released on the same day. Mr. Kim Young-Gil was released on 24 June 2005 after he was sentenced to one year in prison and two years’ suspended sentence and probation for contravening the Public Officials Act.

74. See Urgent Appeals KOR 001/0405/OBS 027, 027.1 and 027.2.

However, the crackdown on KGEU continued. On 21 and 22 June 2005, KGEU held rallies calling on the government to end the repression against trade unions and to come out to talks with the trade union of Wonju City, in the province of Gangwon-Do. Although the police had been informed beforehand of this gathering, hundreds of riot cops surrounded the protesters and violently pulled participants out of the rally one by one. On 22 June 2005, 126 KGEU members were arrested during a peaceful rally, before being released two days later.

Arbitrary detention and threat of deportation against Mr. Anwar Hossain⁷⁵

On 14 May 2005, Mr. **Anwar Hossain**, president of the Migrant Workers' Trade Union (MTU), of Bangladeshi nationality, was arrested by more than 30 police officers of the Immigration Control Division, his visa having expired. He was beaten and suffered injuries to his head and hands during his arrest. On the same day, Mr. Anwar Hossain had criticised, in an important national newspaper, the government policy towards illegal immigrant workers.

On 16 May 2005, the government stated that once it would receive the passport of Mr. Anwar Hossain, who had lived in South Korea for nine years, he would be expelled. Furthermore, following the establishment of MTU on 24 April 2005, the Korean government refused to recognise the union and publicly announced that MTU would enjoy neither the right to organise, nor the right to strike or to engage in collective bargaining.

At the end of 2005, Mr. Anwar Hossain remained in detention in an immigration detention centre in Chungju.

SRI LANKA

Assault and search of the headquarters of the Human Rights Commission⁷⁶

On 12 October 2005, the headquarters of the Human Rights Commission (HRC) in Colombo were attacked and searched by

75. See Urgent Appeal KOR 001/0405/OBS 027.1.

76. See Urgent Appeal LKA 001/1005/OBS 095.

unknown persons. The assaulters burned documents related to the investigations undertaken by the Commission and poured petrol throughout the premises.

Upon their arrival at the office, the members of the Commission immediately went to the police station and lodged a complaint. The Criminal Investigations Department (CID) was charged of investigating into these events.

HRC, a national human rights institution, was established in 1997 to undertake independent investigations into complaints on alleged human rights violations committed by the executive and administrative services, in particular those perpetrated by the police. HRC had recently documented allegations of torture and extra-judicial executions, which were reportedly committed by members of the police.

By the end of 2005, the perpetrators of this act had still neither been arrested nor brought to justice.

THAILAND

Lack of investigation into the murder of Mr. Charoen Wat-aksorn⁷⁷

In the night of 21 June 2004, Mr. **Charoen Wat-aksorn**, an environmentalist and president of the group Love Bo Nok, was killed, on his return from Bangkok to Prachuap Khiri Khan province.

The group Love Bo Nok, a local environmental protection organisation, became well-known following its mobilisation campaigns against the opening of a coal electricity plant on public land.

On the day of his murder, Mr. Wat-aksorn had met with the House Committee on Corruption Investigation, in order to encourage them to open investigations into the accusations of corruption against local leaders, following the election of opponents to the project within the local administration. Mr. Wat-aksorn had also lodged several complaints with the Minister of the Interior, the National Counter Corruption Commission and with different committees of the House of Representatives and the Senate.

77. See Annual Report 2004.

The widow of Mr. Wat-aksorn, in collaboration with human rights activists, had demanded that an investigation with the jurisdiction of the Department of Special Investigation (DSI) of the Ministry of Justice be opened into the death of Mr. Wat-aksorn. However, Prime Minister Thaksin Shinawatra had refused this request and asked the police in Bangkok to assist the local police of Prachuap Khiri Khan.

On 21 June 2005, following an interview with Mrs. Wat-aksorn, the Minister of Justice and the DSI director agreed to “reopen” the investigation, under the direction of the Ministry of Justice. Since then, five suspects were arrested. However, more than one year after the murder, the persons behind the crime had still not been identified by the end of 2005.

Status of the proceedings relating to the enforced disappearance of Mr. Somchai Neelaphaijit⁷⁸

Mr. Somchai Neelaphaijit, president of the Muslim Lawyers Group and vice-president of the Committee on the Defence of Human Rights of the Law Society of Thailand, was abducted on 12 March 2004. He was last seen in Bang Kapi district. Shortly before his disappearance, he had received threatening anonymous phone calls and he had been informed that his name had been placed by the security forces on a list of members of terrorist groups.

Mr. Somchai Neelaphaijit had worked to cease the application of martial law in the southern provinces and for justice for Muslims suspected of terrorist activities and treason. He had also made known that some Muslims accused of terrorism had been tortured during police investigations. His various activities had created tension between Mr. Somchai and the security forces, which most likely played a role in his enforced disappearance.

On 18 April 2005, the wife of Mr. Somchai, Mrs. **Angkana Wongrachen**, received death threats from intelligence agents, asking her questions about her statements to the United Nations regarding the disappearance of her husband. On 20 April 2005, the director of

78. See Annual Report 2004, Open Letters to the Thai authorities, 20 October and 24 November 2005, Report of the Observatory mission of judicial observation in Thailand, *Somchai abduction trial, Justice granted or justice denied*, January 2006, Press Release, 9 January 2006, and Urgent Appeal THA 001/0106/OBS 005.

the Department of Right and Liberties Protection asked his assistant to pay a visit to Mrs. Angkana the following day, to make sure that protection would be conferred on her and her family, as part of the witness protection programme of the Ministry of Justice. Indeed, Mrs. Angkana was to go to court in the framework of the proceedings against the five policemen suspected of being involved in the disappearance of her husband.

By the end of 2005, the family of Mr. Somchai continued, however, to be victim of intimidation.

On 19 July 2005, the Vice-Prime Minister, Mr. Chidchai Wannasathit, announced that the case would from then on be under the responsibility of DSI due to the possible involvement of high-level officials.

In October 2005, a possible change in the primary judge dealing with the disappearance of Mr. Somchai was evoked, despite the progress in the proceedings. The judge finally kept his position until the end of the proceedings, most likely thanks to national and international pressure. The investigation was superficially carried out and the process of the hearings raised concerns that the persons prosecuted would not be punished in a significant way.

Five policemen were charged in relation to the disappearance of Mr. Somchai with “coercion and theft committed by several persons” (sections 309 and 340 of the Criminal Code): the Commander of Police Ngern Tongasuk, Lieutenant Colonel of Police Sinchai Nimbunkampong, First Class Soldier Chaiweng Paduang, Sergeant Rundorn Sithiket and Lieutenant Colonel Chadchai Leiamsa-ngoun.

On 12 January 2006, the Criminal Court of Bangkok found Mr. Ngern Tongasuk guilty of having forced Mr. Somchai to get into a car and sentenced him to three years in prison in accordance with Article 309 of the Criminal Code. The four other accused were acquitted due to lack of evidence.

Judicial proceedings against Mrs. Supinya Klangnarong⁷⁹

Since August 2003, Mrs. **Supinya Klangnarong**, secretary general of the Campaign for Popular Media Reform (CPMR), which brings

79. See Annual Report 2004.

together 45 NGOs, has been prosecuted by the media conglomerate Shin Corporation, a company established by the Prime Minister, after she made public, in an article published by the *Thai Post* on 16 July 2003, that the profits of Shin Corp had shot up since Mr. Thaksin Shinawatra became Prime Minister. On 6 September 2004, the Criminal Court had fixed the date of 19 July 2005 for the first hearing in the trial for defamation (Article 328 of the Criminal Code). Mrs. Supinya might be sentenced to a fine of 200,000 Baht (4,000 euros) and to two years in prison.

On 24 August 2004, Shin Corp had also filed a libel suit with the Civil Court for 400 million Baht (more than 8 million euros) against Mrs. Supinya and the *Thai Post*, with the approval of the Criminal Court. On 11 October 2004, the Civil Court decided that the trial would start after the Criminal Court rendered its decision.

Mrs. Supinya's trial began on 19 July 2005, with the hearing of the witnesses of the Shin Corp company. The witnesses of Mrs. Supinya were heard in August 2005. Although the criminal proceedings were to be finished on 26 October 2005 and the verdict handed down at the end of December, the hearing was finally postponed until 21 December 2005, due to the Court heavy schedule. The proceedings should be completed at the beginning of 2006, after Mrs. Supinya's lawyers file their final submissions to the Court. The civil proceedings should start in March 2006.

Assault and intimidation of Mr. Wiwat Thamee⁸⁰

On 18 August 2005, a grenade was thrown at the car of Mr. **Wiwat Thamee**, coordinator of the Ethnic and Indigenous People's Network of Thailand, in Chiang Mai. Mr. Thamee had recently attended the United Nations Human Rights Committee in Geneva (Switzerland), where he had criticised some practices of the Thai government towards minorities in the north of the country.

Despite the presence of police officers not far from the vehicle, they did not react and advised witnesses not officers to lodge complaints. On 20 August 2005, a complaint was lodged with the district police station. The matter was submitted to the National Human Rights Commission.

80. See Urgent Appeal THA 001/0805/OBS 076.

VIETNAM

Arbitrary detention of cyber-dissidents⁸¹

By the end of 2005, several defenders sentenced and imprisoned for having posted, on the Internet, articles critical of the government or promoting human rights remained in detention, including:

– Mr. **Nguyen Vu Binh**, a journalist arrested on 25 September 2002 and sentenced to seven years in prison in December 2003 for having posted article “of a reactionary nature”, including an account of human rights violations sent to the United States Congress. The sentence was confirmed on appeal on 5 May 2004. The prison authorities put pressure on him so that he make a “self-criticism”, which he always refused;

– Mr. **Nguyen Khac Toan**, a businessman and former military officer arrested on 8 January 2002 in a cybercafé in Hanoi. Accused of having helped peasants to draft complaints to the authorities to protest against the confiscation of their land by the State, and of having sent information to exiled Vietnamese human rights organisations, he was sentenced on 20 December 2002 to twelve years in prison for “espionage”;

– Dr. **Pham Hong Son**, a doctor and director of a pharmaceutical company, arrested on 27 March 2002 for having translated and posted online an article entitled “What is Democracy?” he found on the website of the American Embassy in Vietnam. He had previously written several articles supporting democracy and human rights that he had posted online on Vietnamese discussion websites. He had been sentenced in June 2003 to 13 years in prison for “espionage”, a punishment that, under international pressure, had been reduced on 26 August 2003 to five years in prison and three years of house arrest. By the end of 2005, his health condition was particularly critical. He might suffer from tuberculosis.

81. See Annual Report 2004.

Release of several defenders and ongoing harassment of Mr. Nguyen Dan Que and Mr. Thich Thien Minh⁸²

On 2 February 2005, several Vietnamese human rights activists were released after having benefited from an amnesty on the occasion of the Lunar New Year. These included:

- Dr **Nguyen Dan Que**, arrested on 17 March 2003 and sentenced in July 2004 to two and half years in prison for “abusing democratic rights to jeopardise the interests of the State and the legitimate rights and interests of social organisations and citizens”, after he denounced obstacles on freedom of expression and the press in Vietnam. Nevertheless, since he was released, Dr. Nguyen Dan Que was subjected to constant police surveillance and persistent acts of harassment;

- Mr. **Nguyen Dinh Huy**, founder of the Movement to Unite the People and Build Democracy, arrested on 17 November 1993 and sentenced in April 1995 to 15 years in prison for having organised a conference in Ho Chi Minh City on development and democracy;

- Father **Nguyen Van Ly**, sentenced to fifteen years in prison (reduced to five years) and five years of probation in 2001, for having protested against attacks on the freedom of religion and given evidence to the American Commission on International Freedom of Religion;

- Monk **Thich Thien Minh**, sentenced to a double life sentence (in 1979 and 1986), later reduced to 20 years, for supporting the Unified Buddhist Church of Vietnam (UBCV) and attempting to escape from a re-education camp. Since his release, Mr. Thich Thien Minh remained subjected to acts of harassment by the police. In particular, he received repeated phone calls threatening him with death if he did not cease all contact with foreign human rights organisations, and if he continued to denounce violations of human rights and religious freedom in Vietnam to foreign media. Some of these calls also targeted his brother Mr. Huynh Huu Nghia, as well as his wife.

Furthermore, on 23 March 2005, a delegation of officials of the Ministry of Health in Hanoi came to Bac Lieu and summoned Mr. Huynh Huu Nghia for an interrogation, which was held in a local

hotel. On 24 March 2005, the delegation, accompanied by local security officials, also visited Mr. Thich Thien Minh, at the home of his brother.

On 18 October 2005, Mr. **Huynh Huu Nhieu**, another of his brothers, was threatened and harassed following an interview that Mr. Thich Thien Minh had given to *Radio Free Asia*.

By the end of 2005, Mr. Thich Thien Minh and his brothers remained watched and harassed on a daily basis.

Ongoing acts of harassment of UBCV members⁸³

By the end of 2005, the patriarch Mr. **Thich Huyen Quang** and his assistant, Mr. **Thich Quang Do**, both members of UBCV, remained under house arrest since 1982. Mr. Thich Huyen Quang was living in the Nguyen Thieu Monastery, in Binh Dinh province, and Mr. Thich Quang Do was in his Zen Thanh Minh Monastery, in Ho Chi Minh City (Saigon). On 9 October 2003, the spokesperson for the Ministry of Foreign Affairs stated that the two monks had been charged with “holding State secrets” (Articles 263 and 264 of the Criminal Code).

Furthermore, since he launched his “Appeal of the New Year”, supporting pluralism and democracy in Vietnam in February 2005, Mr. Thich Quang Do has been subjected to even more severe controls.

Moreover, in October 2005, Mr. **Thich Vien Phuong** was summoned to pay a fine of 15 millions dongs (the equivalent of 43 months of the minimum salary) for having filmed a message that Mr. Thich Quang Do wished to address to the United Nations Commission on Human Rights, in March-April 2005 (this message was finally only provided in audio form). On 30 March 2005, Mr. Thich Vien Phuong was arrested by the police at the exit of the Zen Thanh Minh Monastery (Saigon), where he had just filmed Mr. Thich Quang Do. The police confiscated the camera and the video. On 4 November 2005, the People’s Committee of the District of Phu Nhuan (Saigon) refused his appeal against the fine, which had to be paid within 30 days. Mr. Thich Vien Phuong was found guilty of “producing films or videos that slander or bring into question the prestige of organisations, honour or dignity of individuals”.

82. See Press Releases, 1 February and 29 March 2005.

83. See Annual Report 2004.

In addition, shortly after Vietnam was retained on the list of Countries of Particular Concern (CPC) in relation to religious freedom by the American State Department on 8 November 2005, the official Vietnamese media once more launched a denigration campaign against Mr. Thich Quang Do.

Finally, on 19 November 2005, the security forces that continually surrounded the Zen Thanh Minh Monastery, where Mr. Thich Quang Do resides, attempted to prevent him from going to the Giac Hoa Pagoda (in Ho Chi Minh City), where commemoration ceremonies were taking place in honour of the founder of the principles of the Buddhist schools of Vietnam, Master Zen Nguyen Thieu (17th century). As a result, a heated confrontation between the police, Buddhist monks and the crowd took place. Security forces finally had to allow Mr. Thich Quang Do to go, but not without manhandling him. Mr. Thich Quang Do was thus able to attend the ceremonies (under close police surveillance).

Acts of harassment and intimidation against Mr. Hoang Minh Chinh⁸⁴

At the end of August 2005, Mr. **Hoang Minh Chinh**, 83, former Dean of the Hanoi Institute of Marxist-Leninist Philosophy, and an advocate for democratic reforms, gave evidence before the American Congress Committee on International Relations, as well as at Harvard University, on the lack of democratic freedoms in Vietnam, during a visit to the United States for medical reasons. His statements were vehemently criticised by the official Vietnamese press. On 31 October 2005, he lodged a complaint for defamation against seven newspapers.

Back to Vietnam on 13 November 2005, Mr. Minh Chinh and his wife went to their daughter's house, in Ho Chi Minh City, where they wished to stay for a while, due to Mr. Minh Chinh's health. The police then granted him a temporary residence permit of 10 days (indeed, according to Vietnamese law, residence permits have to be obtained from the local police each time one wants to overnight in another place than one's official residence).

84. See Urgent Appeal VNM 001/1105/OBS 116.

On 19 November 2005, a local security agent warned the daughter of Mr. Minh Chinh that her father's presence caused serious unrest and dissatisfaction in the neighbourhood because he was "a traitor and an enemy of the people". The agent allegedly stated that the police would not protect him if any violence broke out.

Two days later, a crowd gathered outside the house of Mr. Minh Chinh's daughter, threatened him and committed acts of vandalism. They threw a bucket filled with sulphuric acid into the house. The police made a report on this incident, but took no further action. Later in the evening, a group of ten young men banged loudly on the door and threatened Mr. Minh Chinh, demanding that he return to Hanoi. The police repeated that they would not be able to protect him.

Since their return to Hanoi on 1 December 2005, Mr. Hoang Minh Chinh and his wife were taken aside on five occasions by a crowd of around fifty persons who insulted them during several hours and sprayed them with fermented prawn sauce (a sauce with a strong and unpleasant odour), without any intervention from several present police officers. Mr. Hoang Minh Chinh's complaints to the authorities remained unanswered.

Acts of harassment against cyber-dissident Mr. Do Nam Hai⁸⁵

In December 2004, Mr. **Do Nam Hai**, a bank employee in Ho Chi Minh City, had been subjected to acts of harassment for having openly criticised the authorities in articles published on the Internet and called for democratic reforms and pluralism in Vietnam, under the pen name of Phuong Nam. In particular, he had been interrogated several times by the police. Two months after having given an interview to the American radio station *Radio Free Asia* in October 2004, the police had searched his home, seized his computer and told him that he would be able to recover it "once all the information contained in it would be deleted".

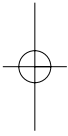
In February 2005, he was dismissed for having refused to cease his activities. Mr. Do Nam Hai remained very closely watched by the Vietnamese security services.

85. See Vietnam Committee for the Defence of Human Rights.

ASIA

In the night of 8 to 9 December 2005, he was arrested and interrogated for 24 hours, before being released. The arrest could possibly be related to the project of dissidents Mr. **Tran Khue** and Mr. Hoang Minh Chinh to launch a website called *The Voice of Democracy* on 10 December 2005.

ASIA



THE SITUATION OF HUMAN RIGHTS DEFENDERS

In 2005, human rights defenders in Asia continued to be subjected to numerous exactions, and their repression further increased in certain countries, in particular in *Cambodia*, where hindrances to freedom of expression multiplied, generating a hostile climate to the activities of defenders; in *Iran*, in particular since the presidential elections in June 2005; in *Nepal*, where hostilities and the state of emergency declared in February 2005 had a devastating impact on the safety of defenders; and in the *Philippines*, where defenders were increasingly victims of extra-judicial executions. In *Nepal* and the *Philippines*, like in *Indonesia* (Aceh), i.e. countries that were torn apart by armed conflicts, defenders were, indeed, in a very precarious and dangerous position.

Moreover, the earthquake and tsunami that struck the region in December 2004 had a serious impact on civil society in several countries, where numerous NGOs had their offices, files and equipment destroyed, when they did not lose members of their organisations in the disaster.

In Asia, human rights defenders remained victims of multiple violations: assassinations (*Bangladesh, Pakistan, Philippines*), forced disappearances (*Afghanistan, Nepal*), assaults and death threats (*Bangladesh, Indonesia, Nepal, Philippines*), arbitrary arrests, proceedings and detentions (*Cambodia, China, India, Iran, Nepal, Pakistan, Philippines, Republic of Korea, Thailand, Vietnam*), acts of harassment and surveillance (*Bangladesh, China, Indonesia, Iran, Nepal, Pakistan, Republic of Korea, Sri Lanka, Thailand, Vietnam*), restrictions on freedom of movement (*Iran, Nepal*). Besides, some States, such as *India* and *Nepal*, enacted national security legislation that had a negative impact on defenders' activities.

Furthermore, whereas independent human rights NGOs remained unable to exist in some countries (*Burma, North Korea, Laos, Vietnam*), in others, a few independent organisations were able to act

despite extremely restrictive legislation on the establishment of NGOs (*China, Iran*). In these countries, active defenders therefore took considerable risks for their freedom and safety.

Generally, the perpetrators of these human rights violations against defenders could most of the time act with the greatest impunity.

A repressive environment: restrictive laws on behalf of national security

Since 2001, many States, in Asia and elsewhere, have used the priority accorded to the safeguarding of national security or the war against terror as a pretext to introduce restrictive laws and regulations that are often in contradiction with their international human rights obligations. As a result, national security laws were introduced in several Asian countries, sometimes following a martial law or a state of emergency (*Nepal, Thailand*).

In *India*, although the government had decided to repeal the Prevention of Terrorism Act 2004 (POTA) in September 2004, it promulgated amendments to the Unlawful Activities (Prevention) Act 1967, which were adopted by the Parliament in December 2004 in the Unlawful Activities (Prevention) Amendment Ordinance, 2004¹, and which incorporated the main measures of POTA that were sources of abuse. Despite some improvements², new measures were included that might further erode civil liberties. Thus, the definition of “terrorist acts” remains vague, while it was the primary cause of misapplication of POTA; immunity is maintained for those involved in “any operations directed towards combating terrorism”, which is all the more alarming that security laws are often misused by the authorities, notably in the conflict regions of Jammu, Kashmir, Manipur and Assam. The law also permits unlimited interceptions of communications.

In *Indonesia*, even though the Minister of Justice and Human Rights promised on a number of occasions to amend the Anti-

terrorism Law, particularly its Article 26, which deals with the role of the Indonesian intelligence services (*Badan Intelijen Negara – BIN*), this had still not taken place by the end of 2005. Moreover, a Bill on intelligence services was under consideration, which would confer an expanded role to BIN members in law enforcement. As a matter of fact, the Bill empowers intelligence agents to “arrest” persons for up to seven days and to “detain” persons for up to 30 days without any judicial oversight or control, charge or access to a lawyer nor the opportunity to be brought before a judge. The Bill also empowers intelligence agents to arrest, detain, interrogate, search and restrict the freedom of movement of all persons “strongly suspected” of being directly or indirectly involved in activities considered as a threat to the nation, turning the intelligence services into a kind of police force with extremely wide powers, whereas the concept of “threat to the nation” remains extremely vague. This Bill is even more concerning that human rights defenders in Jakarta are regularly under pressure from BIN and civil groups related to the armed forces.

In the *Maldives*, Mrs. Jennifer Latheef, a photographer and a journalist for the daily *Minivan*, as well as a human rights activist, was sentenced on 18 October 2005 to ten years’ imprisonment for having committed a “terrorist act”, consisting of throwing a stone at a police officer on 20 September 2003 during a demonstration organised following the death by torture of five prisoners of conscience³. Mrs. Latheef always denied these allegations. Five other persons who were facing the same judicial proceedings were sentenced to eleven years’ imprisonment.

In *Nepal*, the government enacted on 13 October 2004 the Terrorist and Disruptive Activities (Control and Punishment) Ordinance 2061 (TADO), which extended for a period of six months the discretionary powers of civil servants responsible for security to arrest and detain persons⁴. On 2 August 2005, the Ordinance was again extended for a further six months. This last Ordinance, which includes numerous additional repressive measures devised by the Nepalese government, is all the more concerning that forced disappearances of human rights defenders, as well as arbitrary detentions

1. See Annual Report 2004.

2. In particular, the amended Unlawful Activities (Prevention) Act 1967 provides that persons who are arrested may only be held for a maximum of 24 hours without charge (rather than the previous 180 days); suspects may also seek release on bail, which was previously possible only after one year of detention; forced confessions are no longer admissible as evidence; the prosecution now bears the burden of proof, even though the presumption of innocent has not been completely reinstated, and independence of the judiciary has been reinforced by disposing of Special Courts set up under POTA.

3. See Press Releases of the International Freedom of Expression Exchange (IFEX), 17 and 19 October 2005.

4. See Annual Report 2004.

and acts of torture, summary and extra-judicial executions became systematic in 2005, following the declaration of a state of emergency on 1 February 2005⁵. Indeed, numerous defenders were detained under the TADO and the Public Security Act (PSA) for their presumed terrorist activities or activities supporting the Maoist uprising. Furthermore, King Gyanendra promulgated in October 2005 the Ordinance Amending some of the Nepal Act Related to Media, 2062 (Radio Act 2014, Press and Publication Act 2048, National Broadcasting Act 2049 and Defamation Act 2016). The Act on the “creation of enmity between people of different castes, religions, regions, communities, and dissemination of dissension between communities” was then replaced by the Act on the “promotion of terrorist and destructive activities”. Editors and publishers might be fined up to 100,000 Rs – approximately 1.150 euros – (previously 10,000 Rs) for defamation and for contravening Clause 14 (c) of the Press and Publication Act 1991, which prohibits acts “disrupting security, peace and order in the Kingdom of Nepal” and now includes “acts that are deemed criminal as per existing laws”.

In the *Philippines*, human rights defenders continued to be accused by government officials of being a front for terrorist organisations, making them the targets of military authorities and paramilitary forces engaged in counter-insurrection operations. In 2005, a concerning number of defenders were therefore victims of extra-judicial executions, whilst the perpetrators escaped prosecution. Furthermore, on 14 December 2005, the House of Representatives adopted, after its second reading, the Anti-Terrorism Act 2005, which contains several repressive provisions. The Bill shall be adopted after a third reading in January 2006, before it passes into law.

In *Thailand*, the Executive Decree on Public Administration in Emergency Situations, B.E. 2548, announced by the government of Prime Minister Mr. Thaksin Shinawatra on 16 July 2005, entered into force on 19 July 2005, the day after bomb attacks and an offensive resulted in three deaths in the three southern provinces of Narathiwat, Pattani and Yala, where more than 80% of the population is Malaysian or Muslim. The Decree, which confers considerable powers to the

Prime Minister, his Cabinet and the security forces, was renewed for a further three months on 19 October 2005⁶. Furthermore, even though the Decree has until now been implemented in the three southern provinces only, it might be extended to other regions of Thailand.

Defenders in times of armed conflict or military operations

In situations of conflict, extreme violence or political tension, human rights defenders found themselves to be even more targeted, as they were often considered as threats to peace and stability. Moreover, in certain countries, national human rights institutions were themselves subjected to threats, and their investigations into allegations of violations committed by members of the armed forces were seriously hampered. Therefore, one of the striking features remained the impunity of military members responsible for violations against defenders, which is to be seen as a serious threat to the promotion and protection of human rights in the region.

In Afghanistan, the situation of human rights defenders and humanitarian staff members remained precarious. Thus, the case of Mrs. Clementina Cantoni, a member of Care International, who was abducted on 16 May 2005, illustrates this highly unsafe situation.

In *Indonesia*, in spite of the signing, on 15 August 2005, of a Memorandum of Understanding between the Indonesian government and separatist rebels from the Aceh province, aiming at ending about 30 years of civil war, defenders continued to be subjected to acts of intimidation, harassment, torture, arbitrary arrests and detentions, and were often considered as endangering security, notably in the province of Nanggroe Aceh Darussalam (NAD). Defenders and NGOs members were also often accused of being members of the Free Aceh Movement (*Gerakan Aceh Merdeka* – GAM). For instance, on 27 January 2005, Mr. Farid Faqih, president of the organisation Government Watch (GOWA), was arrested in Meulaboh, Aceh, by Indonesian Air Force (TNI AU) officers, a couple of days after he asserted that the numbers of displaced people in camps had been exaggerated so that local officers could obtain more financial aid. He was accused of having stolen foodstuffs donated by soldiers' wives for

5. See below.

6. The Prime Minister can declare “emergency zones”, in which he has the power to decree curfews, prohibit public assemblies and ban publications. The Decree also authorises the Prime

Minister to request that the security forces carry out arrests and searches without a warrant, detain suspects for seven days, carry out phone-taps and forbid the carrying of arms (section 12). Section 17 of the Decree also guarantees impunity for all law and order agents.

the victims of the tsunami and was seriously beaten by some soldiers, including a captain. Although Mr. Faqih denied these accusations, he was sentenced to one year imprisonment in June 2005. Yet, he remained free while awaiting the decision on appeal by the end of 2005.

In *Nepal*, on 1 February 2005, King Gyanendra dismissed the government he had appointed on 2 June 2004 and declared a state of emergency. According to the Informal Sector Service Center (INSEC)⁷, about 300 defenders, including journalists and trade unionists, were arrested in the six months following the royal proclamation. The government also widely repressed peaceful demonstrations and gatherings. INSEC recorded 48 meetings banned between 1 February and 19 August 2005, 15 of which being subsequent to the lifting of the state of emergency on 29 April 2005. Disregard of court orders was also one of the main causes of concern following the *coup d'état*. During this same period, at least 36 political activists and defenders, who had been released as a result of court decisions, were arrested again by the security forces, 24 of them after the end of the state of emergency. The government also placed restrictions on the freedom of movement of numerous defenders, journalists, intellectuals and political leaders: several of them were prevented from leaving the Kathmandu valley, including since the lifting of the state of emergency.

Since 29 April 2005, the situation has deteriorated even further. As a matter of fact, although the government released a large number of the activists who had been arrested, they remained under surveillance and the Nepalese government continued to seek to control the activities of NGOs. Arbitrary detentions, censorship of the press and restrictions on public assemblies and freedom of movement went on. Thus, the Kathmandu District Administration Office (DAO) has prohibited all forms of protest (meetings, demonstrations, sit-ins, strikes, etc.) in the main streets of cities since 30 April 2005. Similarly, the DAO of Kavra prohibited all forms of protest in the cities of Panauti, Banepa and Dhilikhel, with effect from 1 May 2005. At the end of 2005, these restrictions had still not been lifted.

In the *Philippines*, civil society remained highly polarised. Human rights defenders continued to be particularly threatened and a large

7. See Report of the Informal Sector Service Center (INSEC), *Nepal: 200 Days of Royal Takeover, 1 February – 19 August 2005*, August 2005.

number of them were victims of extra-judicial executions carried out by the army or army-related groups. Moreover, this situation was encouraged by a general climate of impunity.

Restrictions on freedoms of expression, assembly and association

2005 was once again characterised with serious restrictions on freedoms of information, expression and assembly in Asia, notably in the name of national security⁸. Furthermore, legislation and regulations imposing a large variety of restrictions on the registration, management, activities and funding of NGOs were adopted. Such laws selectively denied legal status to NGOs critical of government policies, in turn forcing defenders to work in a situation of greater precariousness.

In *Bangladesh*, NGOs continued to be victims of reprisals because of the critical opinions that they endorsed with regard to government policies (and were as a consequence often perceived as being “pro-Awami”, the main opposition party), or because they raised issues considered by the authorities as “sensitive”⁹. The funds of some NGOs seen by the authorities as pro-Awami were blocked, sometimes for more than two years. In 2005, it was announced that some funding had been unfrozen, but these funds had in reality still not been paid to the organisations concerned by the end of the year. Moreover, Islamist groups were often responsible for assaults against defenders, which generally remained unpunished. Activists involved in the defence of the rights of women and minorities were in this regard particularly targeted.

In *Cambodia*, freedom of expression was subjected to new restrictions in 2005, as illustrated by the sentencing of Mr. Cheam Channy, a political opponent, to seven years’ imprisonment in August 2005, following an unfair trial, as well as by the arrest, on 11 October 2005, of Mr. Mam Sonando, director of a radio station and, on 15 October 2005, of Mr. Rong Chhun, member of the Cambodia

8. See above.

9. See Report of the FIDH mission, *Speaking out Makes of You a Target – Human Rights Defenders and Journalists at Risk – Grave Violations of Freedom of Expression and Association in Bangladesh*, Chapter entitled “Freedom of Association”, written in the framework of the Observatory, June 2005.

Watchdog Council (CWC). These individuals had criticised government policy regarding a border agreement with Vietnam. Arrest warrants were also issued against three other CWC members, Mr. Chea Mony, Mr. Ea Channa, and Mr. Men Nath¹⁰. This situation created a veritable climate of fear amongst defenders. Furthermore, according to the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), from January to November 2005, the authorities attempted to prevent or disperse more than 40 public gatherings, including demonstrations, public discussion forums, strikes or other union meetings¹¹.

In *China*, the authorities continued to control the Internet, especially by taking action against bloggers and websites operators, in order to limit access to information on the promotion of democracy and human rights. Thus, on 20 March 2005, the Chinese authorities announced in a decree issued by the Ministry of Information Industry (MII) their intention to close down all websites and blogs hosted in China that were not officially registered with the authorities by 30 June 2005, providing the full identity of persons managing the sites, so as to control information that could “endanger the country”. In addition, on 25 September 2005, the State Council Information Bureau and MII issued “eleven commandments” to govern blogs and websites in the country. Thus, blogs and websites shall not, *inter alia*, “spread rumours”, “damage State security”, “destroy the country’s reputation”, “libel or harm people’s reputation” or “disseminate illegal information”. Two new rules were also added, forbidding to “encourage illegal gatherings, strikes, etc, to create public disorder”, and to “organise activities within illegal social associations or organisations”. Websites that do not respect these rules are to be closed and their managers are liable with a fine of up to 30,000 yuans (3,000 euros). Moreover, several cyber-dissidents remained in prison at the end of 2005 for having distributed articles on the Internet that the authorities deemed to be “subversive” and for having circulated information critical of the authorities. Finally, the role of communication companies such as Yahoo and Google should be pointed out insofar as they adapted their services for China in order to restrict access to information. The

10. See OMCT Urgent Appeal KHM 201005, 20 October 2005 and the Joint Press Release of FIDH, ADHOC and LICADHO, 20 October 2005.

11. See LICADHO, December 2005.

case of the journalist Mr. Shi Tao is in this regard exemplary, Yahoo having provided information on his email address that contributed to his conviction to ten years’ imprisonment on 27 April 2005 for having “illegally divulged State secrets abroad”.

The criminalisation of public protest also continued, and freedom to peaceful assembly was almost systematically violated. Indeed, petitioners, who are ever increasing in number, and who protest against evictions without fair compensation or against corruption, were arrested, prosecuted, and, at times, forcibly repressed.

Furthermore, the establishment of civil society organisations in China was closely controlled by the authorities: the founding members had to obtain the support of a government department or a body already approved by the government in order to be able to register with the Ministry of Civil Affairs. However, NGOs involved in issues considered by the government as sensitive did generally not succeed in obtaining this indispensable support.

In *India*, in July 2005, the government announced that the Foreign Contribution Management and Control (FCMC) Bill 2005 would replace the Foreign Contribution Regulation Act (FCRA), 1976, which was already very restrictive as regards the registration and reception of foreign funding by NGOs. The FCMC Bill not only sought to take up the restrictive provisions of the FCRA, but also to reinforce political control over NGOs. In particular, the Bill provides for the re-registering, during a period of two years, of organisations that were already registered, instead of automatically permitting those already approved organisations to receive foreign contributions (Section 11 of the FCMC); requires that organisations renew their certificates every five years; and authorises the suspension for a period of 90 days or the cancellation of a certificate of registration (Section 13). The main objective of the FCMC is to “[...] prohibit the acceptance and use of foreign contributions [...] for anti-national activities [...]” (Section 2 of the FCMC), activities which are not defined. Finally, Section 12(3) stipulates that if the director or member of the office of an organisation has been sentenced under law, or if judicial proceedings are currently underway against that person, this may be a reason to refuse to deliver a certificate of registration to the association. However, this provision is very general and, as a consequence, is likely to be used for other, abusive purposes. At the end of 2005, the Bill had still not been adopted.

In *Iran*, recent measures taken by the administration, as well as the repression of “cyber-dissidents” and bloggers, demonstrated a will to reinforce control over the Internet. An Iranian company, Delta Global, was thus designated by the government to establish a new system for censorship of the Web, and at least four websites promoting the rights of women¹² were made inaccessible at the beginning of September 2005¹³. Furthermore, repression of freedoms of expression and association became more severe in 2005, following the presidential elections that brought an ultra-conservative regime to power, rendering human rights activities nearly impossible in the country.

In *Nepal*, 27 ordinances have been issued since 1 February 2005, half of them since the lifting of the state of emergency. Certain of these ordinances¹⁴ directly threatened the role of national and international NGOs, defenders, media and national human rights institutions. Thus, the government attempted to limit the activities and independence of NGOs, notably through amending the Social Welfare Act by ordinance on 14 July 2005, which conferred responsibility to the Ministry of Women, Children and Social Welfare to issue directives and supervise NGOs. Furthermore, on 10 November 2005, the government introduced a new Code of Conduct for “social organisations”, whereas in 2002 the NGO Federation of Nepal had already adopted a Code of Conduct that was followed by all NGOs. Henceforth, the government will be able to suspend or dissolve all NGOs that, accordingly, do not conform with the new Code of Conduct. The latter introduces a number of restrictions on the priorities and objectives of NGOs, their access to foreign funding, political affiliations of NGO staff members, places in which NGOs can work and the role of international personnel in local NGOs. The Code also requires NGOs to work with local and national government agencies and authorise the issuance of directives to NGOs or their supervision by the Social Welfare Council (SWC). Therefore, it is the very independence of NGOs that is at stake. In addition, the Code of Conduct remains very vague on the matter of the permissible

12. These websites are: www.womeniniran.org, <http://irwomen.com>, www.iftribune.com and www.womeniw.com.

13. See Press Release of Reporters without Borders (RSF), 18 October 2005.

14. In particular: National Human Rights Commission (First Amendment) Ordinance, Social Welfare (First Amendment) Ordinance, Public Service (Second Amendment) Ordinance, Terrorist and Destructive Activities (Control and Punishment) Ordinance.

restrictions on freedoms of expression and association. Indeed, Provision 8.a stipulates that “officials, members and staff of social organisation should not get involved in activities that endanger social harmony”. Furthermore, Provision 12 states that “NGOs or individuals affiliated with them should not disclose information received during their work if such information might disturb law and order, peace and security of the community, region or nation”. Such provisions could be used so as to restrain the work of defenders. Moreover, Provision 8.b, according to which members of social organisations “should not overtly or covertly get involved in activities that promote violence terror and criminal activities, jeopardising sovereignty and integrity”, could be used to harass or close organisations working in rural areas, which are often required to register with and make payments to the CPN (Maoists) in order to be able to undertake their work.

In addition, the establishment on 17 March 2005 of the High Level Human Rights Committee, the mandate of which is to advise the government on the protection and promotion of human rights, the amendment of the National Human Rights Commission Act, 1997, on 23 May 2005, by royal ordinance, and the appointment of a new president and new members of the National Human Rights Commission (NHRC) on 27 May 2005, weakened the mechanisms of human rights protection in the country. The establishment of a mechanism distinct from the NHRC (the Committee) underlines the intention of the government to weaken the Commission.

In *Pakistan*, human rights NGOs in the North-West Frontier Province (NWFP) were increasingly subjected to verbal and physical attacks over the last ten years. Indeed, the tendency to blame NGOs for the deficiencies of the State is the result of a campaign of defamation against human rights defenders, which seeks to prevent them from effectively carrying out their activities. Thus, whilst certain members of the government employed particularly strong language against NGOs leaders, no action was undertaken to identify and sanction the murderers of Mrs. Zubaida Begum, member of the Aurat Foundation of the Dir District, and her daughter, killed in June 2005¹⁵.

15. See Press Release of the Human Rights Commission Pakistan (HRCP), 12 September 2005.

In *Vietnam*, in July 2005, the government promulgated an inter-ministerial directive with the objective of strengthening the surveillance of some 5,000 “cyber-café” in the country and of tightening the control of “cyber-journalists” who, according to the authorities, “provide sensationalist news and articles while others even publish reactionary and libellous reports as well as a depraved culture”¹⁶. The directive, jointly agreed by the Ministry of Public Security and the Ministry of Culture and Information, notably draws on a decree issued in 2004, the implementation of which had not been truly effective, and which required owners of cyber-café to keep a record of all their customers for 30 days. Under the new directive, owners must also undertake six-month course to learn how to more effectively “monitor” their customers. Managers of cafés must check the identity of Internet users and prohibit them from accessing “subversive” sites. Furthermore, numerous cyber-dissidents, as for instance Messrs. Pham Hong Son, Nguyen Khac Toan and Nguyen Vu Binh, remained in prison for having distributed information on human rights on the Internet, on the basis of offences relating to “national security”, such as espionage (liable with death), or “abusing democratic freedoms in order to undermine the State interests”. The government also kept on limiting the activities of religious organisations other than those approved by the State, in particular the Unified Buddhist Church of Vietnam (UBCV), which promotes freedom of religion and, more generally, all fundamental freedoms.

Defenders of economic, social and cultural rights

Defenders of the rights of minorities and the rights to health, housing and land

In some Asian countries, defenders of the rights of minorities and the right to land remained particularly targeted, especially defenders whose work questioned social structures, economic interests and traditional or religious practices. In particular, female defenders were often the target not only of State agents but also private actors, such as religious groups and institutions, tribal chiefs etc., particularly when they were engaged in the defence of women’s rights.

16. See RSF, Press Release, 25 July 2005.

In *Bangladesh*, since the October 2001 elections, acts of harassment of minorities have increased and members of NGOs have been attacked, when not killed. Thus, in February 2005, six employees of the Bangladesh Rural Advancement Committee (BRAC) and two employees of the Grameen Bank¹⁷ were injured in bomb attacks against two BRAC offices and a branch of the Bank¹⁸.

In *China*, defenders of the rights of persons suffering from HIV/AIDS were confronted with the permanent risk of being harassed, imprisoned, or even beaten by police officers or criminals hired by local officials, for denouncing violations of the rights of persons suffering from AIDS, notably in rural China. They also had to face bureaucratic obstacles when they sought to register their NGOs. This was particularly true in Henan province, which has been significantly affected by the epidemic. For instance, at the end of April 2005, Mr. Hu Jia, activist in the fight against AIDS in Shanghai and former director of the Aizhixing Institute of Health Education¹⁹, was arrested by the police and detained for a week before being released without charge. On 30 August 2005, national security police officers violently beat him in a suburb, east of Beijing Tongzhou, after his arrival in the capital with a group of persons from Henan province suffering from AIDS. The patients, who had come to Beijing to draw the attention to their plight, were also manhandled.

The government also strengthened its repressive policy against defenders of the rights of farmers whose land was confiscated without adequate compensation. Thus, on 20 April 2005, Mr. Liu Zhengyou, Mr. Chen Shoulin, Mr. Chen Xiaoling, Mr. Mao Xiulan and Mr. Deng Shufen, five representatives of farmers without land of the city of Zidong (in Sichuan province), were attacked by the police and detained while presenting a petition to the new city mayor²⁰. During this altercation, Mr. Liu Zhengyou and Mr. Mao Xiulan were

17. The Grameen Bank provides credit to more than two million extremely underprivileged people in Bangladesh. The Bank has 1,092 branches in 36,000 rural villages.

18. See Report of FIDH mission, *Speaking out Makes of You a Target – Human Rights Defenders and Journalists at Risk – Grave Violations of Freedom of Expression and Association in Bangladesh*, Chapter entitled ‘Freedom of Association’, written in the framework of the Observatory, June 2005.

19. The Aizhixing Institute is an NGO that aims at educating the public about the HIV/AIDS virus and at advocating for the rights of persons suffering from AIDS.

20. See Human Rights in China (HRIC), *Monthly Brief*, 30 April 2005.

seriously injured. On 6 December 2005, violent incidents also took place in Dongzhou (Guangdong province), when the police forces shot live ammunition at villagers who were peacefully protesting against the expropriation of their land without fair compensation in return.

Individuals fighting against corruption in building projects and forced evictions in the large cities were also victims of repression, as illustrated in the cases of Mr. Zheng Enchong and Mr. Ma Wenbao, respectively defenders of displaced residents of Shanghai and of Xi'an.

In *India*, Dalit rights activists continued to be subjected to several acts of repression. Thus, on 5 and 7 August 2005, Mr. Lenin Raghuvanshi, a member of the NGO People's Vigilance Committee on Human Rights (PVCHR²¹) in Daulatpur, Varanasi (Uttar Pradesh), working in favour of the Dalit community, received death threats from the village chief, after having set up a school for 200 Dalit children²². Similarly, on 15 August 2005, more than 400 defenders of Dalits' rights were arrested while protesting in Madurai, Tamil Nadu, against the refusal to allow the political participation of Dalits in the villages of Pappapatti, Keeripatti, Natamangalam and Kottakkatchiyaneland. They were all released on that same day.

Repression of trade unionists

In Asia, trade unionists remained subjected to various acts of repression, and a large number of them were detained in 2005.

In *China*, the authorities quasi-systematically, and sometimes violently, repressed all attempts to establish free trade unions. Labour leaders were regularly arrested and sentenced to terms of imprisonment or Re-education Through Labour (RTL). For instance, members of the Workers Autonomous Federations (WAF)²³, who had been arrested following the Tiananmen Square Massacre in June 1989, remained imprisoned. One of them, Mr. Hu Shigen, a trade

union activist involved in the Preparatory Committee of the China Free Trade Union (CFTU) who was sentenced to 20 years' imprisonment in 1994 for "subversion", was suffering from critical health problems after 13 years in prison²⁴. According to the International Confederation of Free Trade Unions (ICFTU), dozens of labour activists and leaders remained in prison as of late 2005²⁵, especially WAF members.

In *Iran*, on 7 September 2005, several members of the Tehran Transport Workers' Union and of the Suburbs Bus Company (*Vahed*) were arrested by the Iranian security forces while protesting against the non-payment of salaries, including Mr. Mansour Ossanlou, the Union director, Mr. Ebrahim Madadi, deputy director, Mr. Abbas Najand Koodaki, Mr. Naser Gholami, Mr. Davood Norouzi, Mr. Hassan Haj Alivand and Mr. Nemat Amirkhani²⁶. On 8 September 2005, they were charged with "disrupting public order", before being released on bail. Between April and June 2005, 17 leaders and members of the union were dismissed. All of them participated in the establishment of the union in June 2005, in the organisation of the first general assembly, or were elected members of the union board on 3 June 2005.

In *Nepal*, Mr. Lalit Basnet, vice-president of the General Federation of Nepalese Trade Unions (GEFONT), and Mr. Madhusudan Khatiwada, in charge of the Hetaunda area and member of the GEFONT National Executive Committee, were arrested on 8 April 2005 during a demonstration in favour of the restoration of democracy, human and trade union rights²⁷. Similarly, the president of GEFONT, Mr. Mukunda Neupane, was arrested in Kathmandu by the royal administration on 5 September 2005 during a demonstration asking for the restoration of democracy and peace²⁸.

Furthermore, on 14 July 2005, the government amended by ordinance the Public Service Act, 2049. This ordinance prohibits, *inter alia*, the formation of professional trade unions for the civil servants.

21. PVCHR is a network of human rights organisations that undertakes campaigns on a range of issues relating to the Dalit community, including the education of children, fair wages, property ownership and also fundamental rights of members of the Dalit community.

22. See South Asia Human Rights Documentation Centre (SAHRDC).

23. Independent organisations of workers established between April and June 1989 in numerous provinces of China in the context of the national movement for democracy of that year, also known as the 'Beijing Spring'.

24. See International Confederation of Free Trade Unions (ICFTU).

25. See ICFTU Press Release, April 2005.

26. See ICFTU Press Release, 9 September 2005.

27. See ICFTU Press Release, 11 April 2005.

28. See INSEC Press Release, 5 September 2005.

In *Pakistan*, 28 union leaders were dismissed after they announced, along with the 600 employees of the company Pakistan Telecommunication Co Ltd (PTCL), that they would go on strike on 15 June 2005 if the company did not change its plans to sell 26% of the 88% government-owned shares in the company.

In *South Korea*, civil servants and migrant workers were particularly targeted by the authorities. For instance, 825 trade unionists were arrested in April 2005, during a demonstration in front of the town hall of the city of Ulsan. On 23 May 2005, 600 others were questioned during a peaceful strike²⁹.

Mobilisation for the regional and international protection of defenders

United Nations (UN)

At the 61st session of the UN Commission on Human Rights (UNCHR), held in Geneva from 14 March to 22 April 2005, Mrs. Hina Jilani, Special Representative of the United Nations Secretary General on Human Rights Defenders, presented her 2004 annual report³⁰, in which she emphasised, in particular for Asia, the situation of defenders in *China*, *Iran* and in *Nepal*. She also underlined that 21% of the communications she sent in 2004 concerned cases in Asia. The Special Representative reiterated her concerns in her fifth report submitted to the United Nations General Assembly³¹, particularly in relation to the deterioration of the situation of defenders in *Nepal*.

Furthermore, *Indonesia* refused to authorise a visit of Mrs. Jilani in December 2004. Moreover, Mrs. Jilani had still not received any response to the repeated requests she addressed to *Malaysia*, *Nepal*, *Pakistan* and *India* by the end of 2005.

In its resolution 2005/78³², the UNCHR said that it was “deeply concerned about the situation of human rights in *Nepal*, including violations attributed to the security forces [...]” and “arbitrary arrests and incommunicado detentions, in particular of political leaders and

activists, human rights defenders, [...] and about continued enforced disappearances, as well as allegations of torture”. The resolution called on the Nepalese government to “release immediately all [...] human rights defenders” and to “take appropriate measures to ensure the protection [of their] civil and political rights [...]”. The resolution also “strongly condemn[ed] the repeated practices of members of the Communist Party of Nepal (Maoist), such as [...] b) Persecution and attacks against the life, integrity and safety of [...] human rights defenders [...]”.

On 15 July 2005, five thematic mechanisms of the Commission on Human Rights expressed their concerns regarding the health condition of Mr. Akbar Ganji (*Iran*) and requested that his arbitrary detention be brought to an end. On 16 September 2005, the Special Rapporteur on Freedom of Expression and Opinion, Mr. Ambeyi Ligabo, again expressed his profound concerns regarding the situation of Mr. Ganji and demanded his immediate release.

At its 84th session, held from 11 to 29 July 2005, the United Nations Human Rights Committee considered the initial report of *Thailand*. It expressed its concern about the “number of incidents against human rights defenders [...], including intimidation and verbal and physical attacks, enforced disappearances and extra-judicial killings”, and urged Thailand to “take measures to immediately halt and protect against harassment and attacks against human rights defenders [...], and systematically investigate all reported instances of intimidation, harassment and attacks and guarantee effective remedies to victims and their families”³³.

On 10 November 2005, Mrs. Jilani issued a press release expressing her concerns regarding the imminent introduction of a new Code of Conduct for all national and international social organisations in *Nepal*³⁴.

On 2 December 2005, Mr. Manfred Nowak, United Nations Special Rapporteur on the Question of Torture, following his mission in *China* from 20 November to 2 December 2005, recalled the numerous cases of torture that had been reported to him, including those concerning human rights defenders³⁵.

29. See ICFTU Press Release, 3 June 2005, and ICFTU Letters to the President of the Republic of Korea, 23 and 27 May 2005.

30. See UN Document E/CN.4/2005/101.

31. See UN Document A/60/339, September 2005, 60th Session of the General Assembly, *Item 73(b)*.

32. See Resolution of the United Nations Commission on Human Rights, E/CN.4/RES/2005/78.

33. See Concluding Observations of the Human Rights Committee, CCPR/CO/84/THA, 8 July 2005.

34. See above.

35. See Press Release, 2 December 2005.

Upon returning from a mission carried out from 28 November to 5 December 2005, Mr. Yash Ghai, Special Representative of the Secretary General on the situation of human rights in *Cambodia*, was informed of arbitrary arrests and detentions of trade unionists, and many NGOs underlined the restrictions they faced in the framework of their activities, such as increasing obstacles to freedoms of association, assembly and expression³⁶.

On 16 December 2005, the United Nations General Assembly adopted a resolution concerning the human rights situation in *Iran*, in which it notably expressed its profound concerns regarding “the persistence of harassment, intimidation and persecution aimed at human rights defenders [and] non-governmental organisations”. The resolution also requested the Iranian government to “end harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views”³⁷.

European Union (EU)

The European Parliament dealt with the question of human rights defenders in a number of its resolutions.

Thus, in its resolution on *Bangladesh*, it stated that it was “concerned about repeated bomb attacks on [...] journalists and NGO representatives” and “concerned to note that [...] women’s rights organisations have fallen victim to a number of violent attacks and intimidation in recent years”³⁸.

In its resolution on *Cambodia*, the Parliament noted that “whereas during recent years human rights activists, opposition journalists, trade unionists and other opposition supporters have been intimidated, arrested and killed, creating a climate of political violence in the country”, and urged the government to “put an end to persecution of political opponents and human rights activists in their country”³⁹.

The European Parliament also expressed its concerns about the situation of defenders in *Iran*, in particular journalists, cyber-journalists

and *webloggers* who have been victims of arbitrary arrests⁴⁰. It requested, *inter alia*, that the Iranian authorities release Mr. Akbar Ganji and Mr. Abdolfattah Soltani, the Parliament stating that it is “concerned about the solitary confinement of [the latter]”.

Furthermore, the Parliament made statements on the alarming situation in *Nepal*, condemning the arrest and detention of numerous politicians, defenders and journalists during demonstrations for democracy, as well as the restrictions on the freedom of expression of trade unionists⁴¹.

In a resolution on *Cambodia, Laos and Vietnam*⁴², the Parliament made reference to the arrest and detention of Mr. Rong Chhun, president of the Cambodian Independent Teachers Association, as well as the “charges brought against the president of the Free Trade Union Workers, the president of the Civil Servants Association and a member of the Student Movement for Democracy, and noted that in Laos “the main leaders of the peaceful Movement of 26 October 1999, who called for democratic reforms, Thongpraseuth Keuakoun, Seng-Aloun Phengphanh, Bouavanh Chanmanivong and Keochay, are still in detention and another of its leaders, Khamphouvieng Sisa-At, died in prison following ill-treatment and deprivation”⁴³. It also emphasised that “whereas the Vietnamese authorities are still putting restrictions on freedom of expression and the freedom of the press, in particular by establishing a police force in 2004 to censor the Internet and imprisoning cyber-dissidents including Nguyen Dan Que, Pham Hong Son, Nguyen Vu Binh and Nguyen Khac Toan, for espionage, simply for having circulated information on the Internet [...], and that since 1975 the Unified Buddhist Church of Vietnam (UBCV) has been systematically persecuted for its commitment to religious freedom, human rights and democratic reform, [...]”. As a result, the Parliament requested that the Laotian authorities “release all political prisoners and prisoners of conscience, including the leaders of the Movement of 26 October 1999 [...]”, and that the Vietnamese authorities “end all forms of repression of members of

36. See Press Release, 5 December 2005.

37. See UN Document A/RES/60/171.

38. See European Parliament resolution on Bangladesh, P6_TA(2005)0136.

39. See European Parliament resolution on Cambodia, P6_TA(2005)0081.

40. See European Parliament resolutions on Iran, P6_TA(2005)0011 and P6_TA-PROV(2005)0382.

41. See European Parliament resolutions on Nepal, P6_TA-PROV(2005)0367 and P6_TA(2005)0058.

42. See European Parliament resolutions on human rights in Cambodia, Laos and Vietnam, RC6-0622/2005.

43. See Annual Report 2004.

the United Buddhist Church of Vietnam and [...] release all political prisoners and prisoners of conscience detained for having legitimately and peacefully exercised their rights to freedom of opinion, freedom of expression, freedom of the press and freedom of religion, in particular Thich Huyen Quang et Thich Quang Do [...].”

Finally, on 20 December 2005, the Council of the European Union adopted a declaration on behalf of the EU Presidency in the framework of the EU-*Iran* dialogue on human rights⁴⁴. In particular, it emphasised that “human rights defenders continue to report harassment and intimidation”, for example, Mr. Akbar Ganji and Mr. Abdolfattah Soltani, who remain in detention.

Civil society

The 10th Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions took place from 24 to 26 August 2005 in Ulaanbaatar, Mongolia, preceded by a consultation with NGOs that brought together more than 20 NGOs from Cambodia, India, Indonesia, Japan, Malaysia, Mongolia, Nepal, as well as international NGOs. The participants, amongst other things, drafted an oral intervention on human rights defenders. Unfortunately, these recommendations were not taken into account by the Forum.

In September 2005, 20 participants representing 14 organisations from 11 countries in the Asian region met for three days in Islamabad, Pakistan, on the occasion of the Regional Meeting for Asia organised by the International Rehabilitation Council for the Victims of Torture (IRCT) entitled “Protection and support for human rights defenders in Asia”. They emphasised the need for protection of defenders so that they can succeed in their struggle against human rights violations in their respective countries.

The International Consultation on Women Human Rights Defenders was held in Colombo, Sri Lanka from 29 November to 2 December 2005, gathering 200 participants from throughout the world. Mrs. Hina Jilani also took part in this consultation. Its main objective was to draw attention to violence, discrimination and other abuses of which these defenders are victims, due to their gender and their action for human and women’s fundamental rights, as well as to

their need for special protection. Numerous workshops were organised to respond to this need, including one by OMCT, in partnership with the International Gay and Lesbian Human Rights Commission (IGLHRC) and with the participation of an assistant of Mrs. Jilani, on the urgent action mechanisms available to women human rights defenders, notably those of the Observatory.

44. See Declaration of the Council of the European Union, 15927/05 (Presse 364).

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

BANGLADESH

Restrictive Bill on freedom of association¹

By the end of 2005, the Amendment Bill to the Foreign Donations (Voluntary Activities) Regulations Ordinance, proposed by the government in 2004, had still not been adopted.

The Bill would enable the government to exercise increased control over NGOs (including interfering with internal management, power to dismantle organisations, etc.).

Lack of investigation into the attack against HRCBM and ongoing acts of harassment against its members²

On 17 April 2004, several members of the Bangladesh Nationalist Party (BNP) had broken into the office of the Human Rights Congress for Bangladesh Minorities (HRCBM) in Dhaka. The perpetrators of this attack had occupied the premises until 22 April 2004 and threatened the members and staff members of HRCBM-Dhaka, including Mr. **Dulal Choudhury**, a lawyer and vice-president of HRCBM-Dhaka, with “serious consequences” if they decided to report the incident. Despite these threats, they had nonetheless lodged a complaint, but none of the assailants had been arrested by the end of 2005.

HRCBM-Dhaka had also filed a case with the Dhaka Metropolitan Magistrates Court under article 145 of the Code of Criminal Procedure, demanding to regain possession of its office. The judge had ordered the police to produce an investigation report, which, by the end of 2005, had still not been presented to the Court.

1. See Annual Report 2004.

2. *Idem*.

Besides, the complaint filed following those events by Mrs. Biva Rani Biswas, HRCBM secretary, was still pending before the Metropolitan Magistrates Court.

Furthermore, HRCBM members continued to be victims of acts of harassment in 2005. On 5 August 2005, whilst Mr. **Rabindra Gosh**, HRCBM president, and Professor **Asok Taru Saha**, vice-president of HRCBM-Dhaka, were returning from Jamalpur, where they had carried out an investigation on alleged acts of torture against members of the Ahyamedia community, they were violently attacked by persons who identified themselves as BNP members.

Harassment campaign against Proshika³

Proshika, a development NGO working, notably through granting micro-credit, on women's rights and voters' education, has been targeted by the authorities since the BNP electoral victory in October 2001. Thus, the authorities accused it of participating in political activities, without being able to bring evidence to support these accusations. Proshika has also been under investigation since 2002 for alleged embezzlement, in the course of which the association has been prevented from accessing its funding from overseas sources.

At the beginning of 2005, newspapers announced that Proshika had finally received the approval of the NGO Affairs Bureau to initiate an important project on sustainable agriculture, in collaboration with a number of international NGOs. Nevertheless, by late September 2005, the funds for this project had still not been released.

On 22 May 2004, Mr. **Quazi Faruque Ahmed**, president of Proshika, and Mr. **David William Biswas**, vice-president, had been arrested in Dhaka. Both had been accused of "mismanagement of funds" and "fraud" under Article 402 of the Criminal Code. They had eventually been released on bail, respectively in early June 2004 and late 2004. Nevertheless, at the end of 2005, the charges against them were still pending.

3. See Annual Report 2004 and FIDH mission Report, *Speaking out Makes of You a Target – Human Rights Defenders and Journalists at Risk – Grave Violations of Freedom of Expression and Association in Bangladesh*, Chapter 'Freedom of Association', written in the framework of the Observatory, June 2005.

Continuing acts of harassment against PRIP Trust⁴

In 2005, the government did not stop intimidating and harassing the Private Rural Initiatives Project TRUST (PRIP Trust), an NGO working in the humanitarian and social fields and in favour of the rights of minorities in Bangladesh.

On 29 March 2005, the NGO Affairs Bureau informed PRIP Trust that the government had authorised it to take part in the "SMILING" project of the European Union, which the latter had entrusted to PRIP Trust in 2002. Furthermore, on 25 April 2005, the English-speaking daily *New Age* announced that "the government decided to release eight million euros to PRIP Trust, whose funds were held up by the authorities since early 2002 pending investigation".

Nevertheless, in September 2005, the funds had still not been released, although Mrs. **Aroma Dutta**, executive director of PRIP Trust, had resigned from her position as a member of the executive board of Proshika at the request of the authorities, as a precondition for the release of the funds allocated to PRIP Trust.

Since April 2002, the NGO has functioned without salaries and has survived by procuring technical capacity building assistance, thanks to the support of certain donors.

Assassination of two members of Christian Life Bangladesh⁵

On 29 July 2005, two employees of the international NGO Christian Life Bangladesh, Mr. **Liplal Marandi** and Mr. **Tapan Kumar Roy**, were killed in the village of Dopapara, Boalmari Upazila, Faridpur district.

CAMBODIA

Investigation into the assassination of Mr. Chea Vichea⁶

On 1 August 2005, the Phnom Penh Municipal Court found Mr. Sok Sam Oeun and Mr. Born Samnang guilty of the assassination

4. *Idem*.

5. See Odhikar.

6. See Annual Report 2004 and Urgent Appeal KHM 001/0805/OBS 070.

of Mr. **Chea Vichea**, president of the Free Trade Union of the Workers of the Kingdom of Cambodia (FTUWKC), who had been shot dead on 22 January 2004. The two men were sentenced to 20 years' imprisonment and a fine of 5,000 dollars to be paid as compensation to the plaintiffs. Yet, numerous procedural irregularities and contradictions were observed during the proceedings. Mr. **Chea Mony**, brother of Mr. Vichea and FTUWKC president, stated that he would refuse the money, as he doubted that the two men were guilty.

On 21 October 2005, Mr. Sok Sam Oeun and Mr. Born Samnang lodged an appeal with the Court of Appeal, after having sought to be granted an amnesty by King Norodom Sihamon.

Arrest of two FTUWKC members⁷

On 20 January 2005, Mr. Chea Mony and Mr. **Heng Sophoan**, a FTUWKC representative at the Su Ton Fag factory, were arrested by the police outside the head office of the trade union, following the dispersal of a demonstration of textile workers, in the commune of Sangkat Toul, Russey Keo district, Phnom Penh.

Arrest and judicial proceedings against Messrs. Kem Sokha, Yeng Virak and Pa Nguon Teang⁸

On 31 December 2005, Mr. **Kem Sokha**, president of the Cambodian Centre for Human Rights (CCHR), and Mr. **Yeng Virak**, director of the Community Legal Education Centre (CLEC) and a member of the organising committee for celebrations of the International Human Rights Day, were arrested and charged with "defamation" in relation to the celebrations that were organised on 10 December 2005. The accusation was allegedly based on handwritten inscriptions that appeared on banners displayed on the CCHR stand, criticising the policies of Prime Minister Hun Sen. The two men were detained in the prison of Prey Sor, close to Phnom Penh.

On 4 January 2006, Mr. **Pa Nguon Teang**, CCHR vice-director, was also arrested and then charged with "defamation" in relation to the same events and taken to the prison of Prey Sor.

7. See Cambodian League for the Promotion and Defense of Human Rights (LICADHO).

8. See Urgent Appeals KHM 001/0106/OBS 001, 001.1, 001.2 and 001.3

The offence of defamation is liable with eight days up to one year of imprisonment and/or a fine.

On 11 January 2006, Mr. Yeng Virak was released on bail, but the proceedings against him were still pending.

On 17 January 2006, Mr. Kem Sokha and Mr. Pa Nguon Teang were also released on bail on the order of the Prime Minister.

CHINA

Continuing repression of cyber-dissidents

At the end of 2005, despite the release of some "cyber-dissidents" at the end of their sentences, these defenders who use the Internet to promote human rights and democracy in China were still subjected to acts of repression.

Release of several cyber-dissidents⁹

– Mr. **Huang Qi**, arrested on 3 June 2000 and sentenced in 2003 to five years imprisonment for having posted, on his website *Tianwang*, several articles on the Tiananmen Square Massacre, was released on 4 June 2005 at the end of his sentence. He was then placed under house arrest at his parents' home, in the village of Nei Jiang, three hours by train from his home in Chengdu (South-West China), where his wife and children live. Mr. Huang Qi was in a concerning health condition, suffering in particular from stomach problems and severe headaches that were consequences of his detention. He had, notably, slept on the floor for one year and a half. Furthermore, during the first few months of his detention, he was regularly beaten by prison guards and other prisoners.

– Mr. **Ouyang Yi**, an activist arrested on 4 December 2002 and charged with "incitement to overthrow State power" for having criticised the Chinese government and called, on the Internet, for democratic reforms, had been sentenced on 16 March 2004 to two years in prison in a hearing in camera of the Chengdu Intermediate People's Court. The Court used, as a piece of evidence to support his conviction, a copy of an "Open letter to the 16th Party Congress", first

9. See Annual Report 2004.

drafted by Mr. Ouyang and posted on the Internet in mid-November 2002. This letter, which called, in particular, for progress with regards to democratisation, the protection of humans right in the country, the right to return of exiled Chinese politicians, and the release of prisoners of conscience, had been signed in its final form by 192 Chinese dissidents. Mr. Ouyang Yi was released on 4 December 2004 after serving his term. He was, however, banned from publishing his writings and remained under close police surveillance. Messrs. **He Depu, Zhao Changqing, Sang Jiancheng, Dai Xuezhong** and **Han Lifa**, who had also signed the letter, remained detained by the end of 2005.

– Mr. **Yan Jun**, arrested on 2 April 2003, and charged with “subversion”, had been sentenced to two years’ imprisonment on 8 December 2003, for having called for the creation of independent trade unions, the release of Mr. Zhao Ziyang, former secretary general of the Chinese Communist Party, respect for freedom of the press, as well as for having posted, on the Internet, a request for the revision of the judgment against the students arrested at the time of the Tiananmen Square Massacre of June 1989. He was released on 4 April 2005 from a prison in Xian (in the North-West of the country) and was able to return home.

– On 19 August 2005, Mrs. **Ma Yalian**, who had been detained at the Huangpu District Detention Centre in Shanghai, was released after serving a year-and-a-half sentence of Re-education Through Labour (RTL)¹⁰. Mrs. Ma had been sentenced on 16 March 2004 by the Shanghai RTL Administrative Committee. She had been arrested following the publication, on the Internet, of an article entitled *A True Record of Being Turned Away from the National Petitions and Letters Office and the Petitions Bureau of the National People’s Congress*, in which she denounced acts of ill-treatment inflicted on petitioners by the police and civil servants at the main entrance of the Petitions Office in Beijing. In this article, Mrs. Ma Yalian also reported on the acts of violence and humiliation to which she had been subjected at the Office. She had, indeed, for a number of years, attempted to petition the authorities, following her forced eviction in the framework of a site restructuring in Shanghai. In August 2001, her protests

had resulted in her being sentenced to one year of RTL by the Shanghai Public Security Bureau. While serving her sentence, Mrs. Ma Yalian had her two legs broken by police officers and has been disabled since then.

On 17 November 2005, police prevented Mrs. Ma Yalian from leaving her home. After she explained that she had to file a complaint against the government that very day, otherwise it would be inadmissible, she was taken by force to a guesthouse in Qingpu, near Shanghai, and placed under house arrest.

On 22 December 2005, Mrs. Ma Yalian was again arrested by the local police, before being released on 28 December 2005.

Arbitrary detention of cyber-dissidents¹¹

Many dissidents remained in detention at the end of 2005, including:

– Mr. **Jiang Lijun**, sentenced in November 2003 to four years in prison for having published pro-democracy and political opinions on the Internet;

– Mr. **Tao Haidong**, sentenced to seven years in prison in January 2003 for having posted books and articles on websites based in China and overseas;

– Mr. **Luo Yongzhong**, sentenced to three years in prison, and two years of deprivation of political rights in October 2003, after he had published over 150 articles on the Internet, concerning subjects such as the fate of disabled people and the need for constitutional reform. He was being detained at the Changchun Tiebei Prison, in Jilin province;

– Messrs. **Jin Haike, Xu Wei** and **Zhang Honghai**, who had founded, in May 2000, the New Youth Society, a study group that discussed questions of political and democratic reform, and Mr. **Yang Zili**, a member of the Society, had been arrested in March 2001, and were subjected to acts of violence since their placement in detention, after they had refused to admit to be guilty. In October 2003, Mr. Jin and Mr. Xu had been sentenced to ten years in prison, whereas Mr. Zhang and Mr. Yang had been sentenced to eight years in detention and two years of deprivation of their political rights for “subversion

10. See Open Letter to the Chinese authorities, 12 January 2005.

11. See Annual Report 2004.

aiming at overthrowing the State". The verdict had been confirmed on 10 November 2003 by the Beijing Supreme People's Court. By the end of 2005, Messrs. Jin, Xu and Yang remained detained at the No. 2 Prison in Beijing and Mr. Zhang Honghai was detained at the No. 1 Prison in Zhejiang province;

– Mr. **Luo Changfu**, arrested in October 2003 along with Mr. **Du Daobin**, by officers of the Yincheng Public Security Bureau (Hubei province), after they had organised a campaign for the release of Mrs. **Liu Di**, a cyber-dissident released on bail on 20 November 2003. He was sentenced to three years in prison in November 2003;

– Mr. **Wang Sen**¹² had been sentenced on 30 May 2002 to ten years in prison for "inciting subversion of the State", after having reported on the Internet that a medical centre in the south-western city of Dachun was selling tuberculosis medication donated by the Red Cross for an exorbitant price. His health considerably deteriorated in 2005, due to the lack of adequate medical treatment for his diabetes.

Detention of and judicial proceedings against Mr. Zhao Yan¹³

By the end of 2005, Mr. **Zhao Yan**, a researcher and a journalist for the *New York Times*, who had previously worked with farmers on their complaints to the local and central authorities, remained detained at the Beijing State Security Agency detention centre. The prison authorities allegedly denied him access to medical treatment.

In September 2004, the police had arrested Mr. Zhao Yan, who had been officially placed under arrest on 20 October 2004¹⁴ and charged with "divulging State secrets to a foreign organisation", a crime liable with death. He had then been charged with "fraud", which enabled his detention on remand for an additional seven months. He is particularly known for his reports on the situation of rural populations in China.

12. See Press Release of Human Rights in China (HRIC), 1 November 2005.

13. See Annual Report 2004.

14. In China, the police generally undertake arrests without warrant, the official arrest taking place subsequently.

Arbitrary detention of Mr. Zheng Yichun¹⁵

Mr. **Zheng Yichun**, a freelance writer, had been arrested on 3 December 2004 by the Public Security Bureau and placed on remand in a hotel in Yingkou. Since 20 December 2004, he has been detained at the No. 1 Prison in Panjing, Liaoning province, for having published articles for publications and on websites based overseas.

On 21 July 2005, the Yingkou Intermediate People's Court summoned him to face charges of "inciting subversion of the State", the police citing 63 of his articles as evidence against him. He might be sentenced to a long prison term.

Arbitrary detention of Mr. Shi Tao¹⁶

Mr. **Shi Tao**, a journalist and a freelance writer, had been arrested on 14 December 2004. On 27 April 2005, the Changsha Intermediate People's Court of Hunan province sentenced him to ten years in prison and to two years of deprivation of his political rights for "illegally divulging State secrets abroad" (Article 111 of the Criminal Code of the People's Republic of China). On 2 June 2005, the Supreme People's Court of Hunan province confirmed this judgment on appeal, without even conducting a hearing. In late August 2005, Mr. Shi Tao's mother requested the Supreme People's Court to review the proceedings for "serious defects in the appeal procedure".

By the end of 2005, Mr. Shi Tao was still detained at the Chishan Prison in Hunan province, where he was transferred on 5 September 2005, after being detained at Taiyuan in Shanxi province. Compelled to undertake forced labour, he was suffering from respiratory problems and a skin inflammation.

Arbitrary detention of trade unionists

Detention and deterioration of the health condition of Messrs. Yao Fuxin and Xiao Yunliang¹⁷

In 2005, the health condition of Mr. **Yao Fuxin** and Mr. **Xiao Yunliang**, two activists of the workers' movement imprisoned since

15. See HRIC, March 2005.

16. See HRIC Press Releases, July, August and 8 September 2005.

17. See Annual Report 2004.

March 2002 for “attack on national security”, remained extremely concerning due to their poor conditions of detention. Since their arrest, the two trade unionists have been transferred between prisons a dozen times. By the end of 2005, they were detained at the Lingyuan Prison in Liaoning province.

Mr. Yao Fuxin and Mr. Xiao Yunliang had been arrested after they led, in March 2002, a workers demonstration in northeast China to protest against corruption and the non-payment of overdue salaries. On 9 May 2003, they had respectively been sentenced to seven and four years in prison, for “subverting State power” (Article 105 of the Criminal Code) and three years of deprivation of their civil and political rights. Their appeals had later been dismissed by a higher court. Their health condition had worsened after their transfer, on 8 October 2003, from Jinzhou to Lingyuan prison, considered as one of the most severe prisons in China. In March 2004, Mr. Xiao Yunliang had been transferred to the Shenyang Dabei municipal prison. He was then again transferred to the Lingyuan Prison in 2005.

On 6 August 2005, Mr. Yao Fuxin, who was suffering from hypertension, had a heart attack and had to be sent to the hospital of the Lingyuan Public Security Bureau. Hospitalised for almost 20 days, he was then sent back to prison. Although his family did not stop fighting for the review of the proceedings against him, the Supreme People’s Court of Liaoning province had still not delivered its judgment by the end of 2005.

Similarly, Mr. Xiao Yunliang was still being denied medical treatment, although he is practically blind and suffers from pleurisy, arteriosclerosis of the aorta and respiratory problems, liver- and gallstones and chronic mild gastritis. Mr. Xiao Yunliang was expected to be released in March 2006.

Detention of Mr. Shi Xiaoyu¹⁸

On 20 October 2005, Mr. **Shi Xiaoyu** was arrested at Chongqing, for having posted online information on the police repression of workers of that industrial city during several public gatherings. On these occasions, two of them died, and many persons were injured or

arrested. On the date of his arrest, members of the Chongqing Public Security Bureau went to Shaoxing (Zhejiang province) to question Mr. Shi Xiaoyu at his home and escort him to Chongqing. The police also seized his laptop computer and personal documents. His place of detention remained unknown by the end of 2005. Since the end of September 2005, Mr. Shi Xiaoyu had been attempting to assist iron and steel industry workers in Chongqing fighting against the corruption of some managers.

Mr. Shi Xiaoyu had already been imprisoned in 1976 for criticising some Maoist views. He had then been condemned to death, but the sentence had not been carried out. After his release in 1979, he had continued his studies and was working since 2001 in small companies established in Shaoxing. After posting online information on workers’ rights, he had been warned by the police of the risks he was facing in early October 2005.

Arbitrary detention and harassment of defenders denouncing forced evictions

Sentencing of Mr. Gao Lading¹⁹

On 20 January 2005, Mr. **Gao Lading**, a farmer who had spear-headed a two-year campaign against the land seizures in the village of Sanchawan (Shaanxi province), was sentenced to fifteen years in prison by the Yulin Intermediate People’s Court. He was found guilty of having engaged in “illegal gatherings” and of “disturbing peace order”, because of his activities in support of local farmers, whose land had been confiscated with little compensation by State representatives. Since the beginning of 2003, more than 500 villagers have protested against the seizure of some 650 hectares of land in preparation for a land development scheme. The climax of these protests was the five-month occupation of the office of the Chinese Communist Party in the village. The police would have violently put an end to this occupation in early October 2004, using rubber bullets and teargas. Twenty-seven farmers had then been arrested, including Mr. Gao Lading. His 26 co-accused were sentenced to a range of prison terms, up to three years for most of them.

18. See Chinese Rights Defenders (CRD).

19. See HRIC, January 2005.

Arbitrary detention of Mr. Zheng Enchong and harassment of his wife²⁰

Mrs. **Jiang Meili**, wife of Mr. **Zheng Enchong**, a Shanghai lawyer involved in the defence of the rights of displaced persons, continued to be subjected to acts of harassment and persistent persecution.

Arrested on 6 June 2003, Mr. Zheng Enchong had been sentenced by the Shanghai Second Intermediate People's Court in October 2003 to three years in prison and deprivation of his political rights for one year, on charges of "illegally providing State secrets to entities outside of China". In particular, he had been accused of having sent two documents to the organisation Human Rights in China (HRIC), based in the United States. The Shanghai Court of Appeal had confirmed this verdict on 18 December 2003. On 13 January 2004, Mr. Zheng Enchong had been transferred from the Shanghai municipal detention centre to the Tilanquiao prison, where he remained in detention in the "high security" compound and was regularly victim of physical violence. For instance, when his wife went to visit him on 9 March 2005, she observed that he displayed signs of physical abuse. Mr. Zheng was reportedly beaten after requesting a piece of paper on which to report to the central government the names of more than 200 people who had died in connection with their forced relocation in urban development projects.

Furthermore, on 10 March 2005, Mrs. Jiang Meili was detained along with her sister, Mrs. **Jiang Zhongli**, by security services, outside the home of Mr. Guo Guoting, Mr. Zheng Enchong's lawyer. Mrs. Jiang Meili had gone to Mr. Guo's home to update him on Mr. Zheng's situation. Mrs. Jiang and her sister were detained without a warrant at the Beicai Dispatch Station in Pudong Xinqiu District. They were released on the same night.

On 28 October 2005, the Zhabei District Court in Shanghai prohibited Mrs. Jiang Meili from leaving the country under the pretext of an "estate management dispute", although she was to attend a ceremony in Germany on 9 December 2005 to receive a prize in the name of her husband from the German Association of Judges.

20. See Annual Report 2004 and Open Letter to the Chinese authorities, 24 March 2005.

Harassment of Mr. Ma Wenbao²¹

Mr. **Ma Wenbao**, a National People's Congress' delegate, was harassed by the authorities after speaking out in support of residents of Xi'an, who had been assaulted during the implementation of a forced relocation scheme. Indeed, following a violent eviction operation in the district of Lianhu in Xi'an on 30 March 2005, Mr. Ma Wenbao publicly took up the cause of the displaced residents and called for action against Mr. Yao Xiaoling, Lianhu District Clearance Office director, and Mr. Ma Long, deputy director, for using members of organised crime to undertake these clearances. They both allegedly led a group of more than 120 persons who destroyed more than 30 homes in the district of Beimadao Lane and beat residents who offered resistance.

Following these events, Mr. Ma Wenbao was placed under close surveillance and his telephone calls were tapped.

Ongoing acts of harassment against Mrs. Ding Ziling²²

In 2005, Mrs. **Ding Ziling**, one of the main spokespersons for the "Tiananmen Mothers", who tirelessly campaign for an independent inquiry into the repression of democratic protests of 1989, continued to be subjected to recurrent surveillance and harassment.

On 27 January 2005, for instance, Mrs. Ding Ziling was placed under house arrest in Beijing, after she asked for the authorisation to pay her last respects to Mr. Zhao Ziyang, former secretary general of the Chinese Communist Party who died ten days earlier. The house arrest of Mrs. Ding Ziling might also have been provoked by an open letter that she and her husband, Mr. **Jiang Peikun**, had written to President Hu Jintao and to Prime Minister Wen Jiabao, on 13 December 2004, to request the release of two well-known activists, Mr. **Liu Xiaobo** and Mr. **Yu Jie**, who had just been arrested. The two activists had been released on the following day.

21. See Urgent Appeal CHN 001/0405/OBS 023.

22. See Annual Report 2004.

Release of Mrs. Mao Hengfeng and continued harassment of her and her husband²³

On 12 September 2005, Mrs. **Mao Hengfeng**, involved in the campaign against the Chinese family planning policies, was released after serving her sentence of 18 months of Re-education Through Labour (RTL), to which she had been sentenced by the Shanghai Public Security Bureau in April 2004. During her detention at the RTL camp in Shanghai, Mrs. Mao was subjected to violence and ill-treatment, being in particular beaten with her feet and hands tied. At the end of 2004, senior government officials had extended her sentence by three months.

Since her release, Mrs. Mao Hengfeng has refused to abide by the injunctions of the authorities, which prohibited her from protesting against the attacks to which she had been subjected, which resulted in her and her husband, Mr. **Wu Xuewei**, being harassed by the security forces. Thus, on 13 September 2005, the couple joined a group of over a hundred protesters assembled in front of the Putuo District Court, in Shanghai, to support Mr. **Xu Zhengqing**, who was prosecuted for attempting to participate in a ceremony organised in Beijing in the memory of Mr. Zhao Ziyang. Mr. Wu Xuewei had then been violently beaten by policemen on duty in front of the Putuo District Court, in Shanghai. Mr. Wu Xuewei and Mrs. Mao Hengfeng were then arrested by the police and taken to a neighbouring sport centre, along with another dozen of protesters. Mrs. Mao was able to escape and continued to protest. She was nevertheless arrested for a second time and taken to the district where she lives. The local police and other government officials allegedly threatened her with imprisonment if she continued her protests. They then presented her with a formal summons for investigation on suspicion of “disturbing peace order”. By the end of 2005, the proceedings were still pending.

Mr. Wu Xuewei and the other persons arrested were released on the same day. However, he was questioned on a further occasion on 15 September 2005, at midnight, on suspicions of undertaking an “illegal meeting”, after he demonstrated on 8 September 2005 in favour of the release of his wife. Mr. Wu was released on bail for a

period of six months awaiting judgment. In February 2005, Mr. Wu Xuewei had already been placed under close surveillance.

Finally, Mrs. Mao and her close family were placed under house arrest from 23 to 27 September 2005, after she announced her intention to protest against acts of harassment at the United Nations office in Beijing. Seven police officers were then placed on duty in front of her apartment, to prevent her from leaving.

On 28 December 2005, Mrs. Mao Hengfeng, along with twelve other petitioners, was arrested in Beijing while they intended to attend the lowering of the flag at Tiananmen Square. On the evening of 29 December 2005, Mrs. Mao and her two daughters were forcibly sent back to Shanghai. The following day, Mrs. Mao immediately returned to Beijing where she was arrested again on 1 January 2006 and sent back to Shanghai, where she and her two daughters were taken to the Yangpu district police station. A police officer informed her husband that Mrs. Mao would not return home for at least three or four days.

Arbitrary detention of Mr. Yan Zhengxue²⁴

At the end of 2003, while Mr. **Yan Zhengxue**, a human rights defender, and a well-known artist and dissident, was in the United States, his mother had been subjected to acts of intimidation by thugs allegedly sent by Mr. Zhu Yongjie, a member of the Taizhou City Prosecutor Office. Upon his return to China, Mr. Yan Zhengxue had sought the protection of the authorities at the police station of Zhejiang, but no action had been taken in response to his request. Shortly after, Mr. Zhu Yongjie and his henchmen had demanded that Mr. Yan hand over his apartment to them and threatened him with serious physical violence. Mr. Yan had then gone to the local office of the Public Security Bureau at Jiaojiang, in Zhejiang, where the police had refused to grant him any protection whatsoever and to accept his complaint, before they launched a campaign of defamation against him.

In June 2004, Mr. Zhu had lodged a complaint for “slandering his reputation with false information” against the officials of the Public Security Bureau of Beijing, Zhejiang and Jiaojiang, before the Beijing

23. See Open Letters to the Chinese authorities, 12 January and 24 March 2005.

24. See Annual Report 2004 and Open Letter to the Chinese authorities, 24 March 2005.

No. 2 Intermediate Court and the Jiaojiang District Court. On 27 October 2004, during the first hearing on the charges of defamation, the presiding judge had called for an adjournment, after Mr. Yan had contested the records produced by the Jiaojiang district public security substation.

On 8 March 2005, Mr. Yan Zhengxue was taken to Jiaojiang prison after he appeared before the Jiaojiang District Court, in Taizhou, Zhejiang province, to obtain a written judgment relating to his lawsuit. When Mr. Yan asked for two copies of the judgment, two police officers beat and kicked him, before being joined by two other officers.

By the end of 2005, no further information had been provided concerning his situation.

Closure of the Beijing Chinese Citizens' Rights Information Centre²⁵

On 18 April 2005, Beijing police officers ordered the cancellation of a press conference planned to announce the establishment of the Beijing Chinese Citizens' Rights Information Centre in Beijing, by Mr. Liu Jingsheng and Mr. Li Weiping, Chinese political dissidents who participated in the 1989 democratic movement. Although Messrs. **Liu Jingsheng** and **Li Weiping** obtained the authorisation of the Bureau of Commerce in Beijing on 1 April 2005, the police gave them a "friendly warning" to close down the organisation as soon as possible, making it clear that instructions emanated from "higher levels" of the government. On 14 April 2005, the Beijing Public Security Bureau demanded the cancellation of the press conference and the abortion of all plans relating to the Centre.

By the end of 2005, the Centre remained closed.

Harassment of the founders of the NGO Green Watch and arbitrary detention of Mr. Tan Kai²⁶

In April 2005, Mr. Tan Kai, Mr. Lai Jinbiao, Mr. Gao Haibing, Mr. Wu Yuanming, Mr. Qi Huimin and Mr. Yang Jianming founded the environmental organisation Green Watch to take over the

initiatives and claims of residents of Huashui Town, in Dongyang city, Zhejiang province. The residents were complaining about the pollution caused by a chemical factory that affected, in particular, water quality, destroyed crops and caused birth defects. Protests by the villagers culminated in late March and April 2005 in a violent conflict with local police on 10 April 2005, in which more than 400 police officers were reportedly deployed and many people injured. On 12 April 2005, Mr. Lai Jinbiao was detained and accused of "illegally providing intelligence overseas". Charges were dropped subsequent to his release on 11 May 2005.

On 19 October 2005, the six co-founders of Green Watch were summoned by the Public Security Bureau of Hangzhou, Jianggan and Xihu, after they opened a bank account in the name of Mr. Tan Kai, in preparation for seeking funds that would legally permit the registration of the NGO. Indeed, according to the Chinese legislation, any registration requires a legal deposit of 30,000 yuan (3,074 euros) as initial capital. However, according to the Regulations for the Registration and Management of Social Organisations, published by the Chinese State Council, the founders of an organisation are not allowed to raise funds as long as the organisation is not legally established, which places them in an inextricable situation.

Whereas the five other members were released later on the same day, Mr. Tan Kai was placed in criminal detention. He remained detained at the end of 2005.

On 15 November 2005, the provincial government of Zhejiang declared Green Watch illegal. Since then, the relatives of Mr. Tan Kai have been subjected to threats and acts of intimidation.

Several defenders placed under close surveillance during the visit of the High Commissioner for Human Rights²⁷

The day before the visit of Mrs. Louise Arbour, United Nations High Commissioner for Human Rights, from 29 August to 2 September 2005, the Beijing police placed under house arrest several defenders who had, like many others, written an open letter to Mrs. Arbour, drawing her attention on human rights violations in China.

Amongst them was Mr. Liu Xiaobo, former professor of the

25. See Urgent Appeal CHN 002/0505/OBS 028.

26. See Urgent Appeal CHN 003/1005/OBS 103.

27. See HRIC Press Release, 31 August 2005.

University of Beijing and president of the Independent Chinese PEN Centre (ICPC), and Mrs. Liu Di, a young Internet user who had been imprisoned for one year in 2002-2003 for having posted online articles that criticised political reforms²⁸. Mr. Liu Xiaobo had already been placed under house arrest in January 2005, following the death of the former secretary general of the Community Party, Mr. Zhao Ziyang²⁹.

On the occasion of the visit of Mrs. Arbour, the police also raided the office of the Empowerment and Rights Institute, a Chinese organisation for the defence of human rights involved in providing legal assistance to farmers, migrants and other disadvantaged groups. The computer files of the Institute, which documented the complaints against land confiscations or acts of torture committed by the police, were then searched. Mrs. **Hou Wenzhou**, director of the Institute, was interrogated on 29 August 2005 and 10 police officers went to her home. However, they did not arrest her.

Furthermore, on 30 September 2005, Mrs. Wenzhou was evicted from her apartment in Beijing by the local authorities. This eviction appeared to be part of the preparations for the 1 October National Holiday, which generally include searches by the police with the aim of “clearing” the city of any possible protests and petitioners³⁰.

Detention and harassment of Mrs. Wang Liqing³¹

On 17 November 2005, during the visit to China of the American President, Mr. George W. Bush, Mrs. **Wang Liqing**, a human rights defender from Shanghai, was forcibly taken into a car and then taken to the basement of a building, by police officers of the Roads Commission of North Sichuan. On the second day of her detention, Mrs. Liqing was transferred to a boarding school, on the road to Zhongzhou.

Mrs. Liqing was released on the morning of 21 November 2005, the day President Bush departed. Members of the neighbours’ committee warned her that she would return to the basement of the first building if she made these events public.

28. See above.

29. *Idem*.

30. See HRIC Press Release, September 2005.

31. See HRIC Press Release, 21 November 2005.

INDIA

Arbitrary arrest, release and hindrances to the activities of human rights defenders³²

On 11 October 2004, several members of the National Group on NGOs of the National Human Rights Commission (NHRC) had met at the Cuddalore town hall (Tamil Nadu) for a training session in the framework of the Campaign Against Torture – Tamil Nadu (CAT-TN). Members of these organisations had planned to hold a press conference that afternoon on the human rights violations (sexual harassment, arbitrary detention, intimidation, coercion etc.), committed by Mr. Prem Kumar, police superintendent in Cuddalore district. When the training session had been about to start, a group of police officers had burst into the room and interrupted the meeting, under the alleged reason that the press conference was banned. When the defenders had protested, the police had warned them that they would be arrested.

Mr. **Henri Tiphagne**, executive director of People’s Watch-Tamil Nadu (PW-TN), an NGO promoting human rights through monitoring, intervention and education, had been violently brought by deputy superintendent of police, Mr. Payas Ferozkhan, and his men to the police station at the town hall. Thirteen other defenders, amongst them Mr. **Nizamudeen**, State secretary general of the National Core Group on NGOs, and Mr. **Murugappan**, regional monitoring associate at PW-TN, had also been arrested and taken to the police station of Cuddalore.

These persons had been held in police custody for more than seven hours, before being released on bail.

By the end of 2005, the criminal proceedings against sixteen participants remained pending before the Cuddalore Second Magistrates Court. They were charged under Articles 147 (rioting), 452 (house trespass and preparation to harm etc.), 353 (assault or use of criminal force to deter a public servant from discharge of his duty), 506(1) (criminal intimidation) and 149 (unlawful assembly) of the Indian Criminal Code.

32. See Annual Report 2004.

Moreover, no action was taken on the complaint that was lodged following those events with Mr. Jangrid, general inspector of the police responsible for Cuddalore and the north of Tamil-Nadu, on 13 October 2004, despite two reminders that were sent to him on 3 September and 20 October 2005.

Arrests of defenders of the rights of Dalits³³

On 15 August 2005, more than 400 defenders of the Dalits' rights, including Mr. Henri Tiphagne, Mr. **Shiek Dawoot**, a member of Tamil Nadu Muslim Munnetra Kazhagam (TMMK), an assistance and social protection organisation, Mrs. **Kameshwari**, a member of the Dalit Women Federation, and numerous members of the Joint Action Committee Against Untouchability (JAC), which brings together 16 NGOs, movements and political parties, were arrested in Madurai, Tamil Nadu. They were protesting against the obstacles to the political participation of Dalits in the villages of Pappapatti, Keeripatti, Natamangalam and Kottakkatchiyandendal.

These persons were all released on the same day.

Arbitrary arrest of several defenders in Kolkota³⁴

On 9 December 2005, Mr. **Kirity Roy**, spokesperson and secretary of Manabashikar Suraksha Mancha (MASUM), a human rights organisation working in India and South Asia, and an Amnesty International national executive member, was arrested by the police in Lal Bazar, Kolkota, West Bengal, along with 21 persons, including Mr. **Abhijit Datta**, MASUM assistant secretary, Mr. **Pradip Mukherjee**, MASUM employee, Mr. **Nirmal Karmakar**, secretary of the Deganga unit of the Association for the Protection of Democratic Rights (APDR), Mr. **Phanigopal Battacharjee**, secretary of the Indo-Japan Steels Workers Union, and Mr. **Dipankar Mitra**, a member of the Kolkota section of Actionaid International. They were peacefully protesting in front of the Secretariat of the government of West Bengal using banners, in order to denounce cases of human rights violations committed by police officers.

33. See People's Watch – Tamil Nadu (PW-TN).

34. See Centre for Organisation Research and Education (CORE).

All of these persons were detained at the Lal Bazar police station, before being released three hours later without charges. Furthermore, the police did not issue a "memorandum of arrest", in violation of a decision of the Supreme Court (see D. K. Basu versus State of West Bengal, AIR 1997 SC 610).

INDONESIA

Lack of investigation into the assassination and disappearance of two human rights defenders³⁵

By the end of 2005, an investigation had still not been opened into the disappearance of Mr. **Abdussalam Muhamad Deli** and the assassination of Mr. **Raja Ismail**, although the two cases had been immediately reported to the National Human Rights Commission (KOMNAS-HAM) and the local police.

Mr. Abdussalam Muhamad Deli, a 23 year-old volunteer of the Legal Aid and Human Rights Agency (PB-HAM) in East Aceh, an NGO carrying out advocacy through data collection, the organisation of campaigns and the provision of legal assistance, has been reported missing since 11 May 2003. He had left from Langsa in the district of East Aceh, on a public bus, to go to the village where his family lives, when unidentified men in civilian clothing had stopped the vehicle. They had then forced the young man out of the bus, before taking him by force in a car in the direction of the city of Langsa.

On the same day, Mr. Raja Ismail, also a PB-HAM volunteer, had been abducted outside Langsa. On 13 May 2003, his body was found in the Titi Kembar river, in the village of Langsa Lama. The corpse showed signs of strangulation, knife wounds and bruises.

Investigation into the murder of Mr. Munir Said Thalib³⁶

On 7 September 2004, Mr. **Munir Said Thalib**, co-founder of the Commission for Disappearances and Victims of Violence (KONTRAS),

35. See Annual Report 2004.

36. See Annual Report 2004 and Urgent Appeal IDN 001/0605/OBS 041.

had died on board of a Garuda Airlines flight from Jakarta to Amsterdam. He had complained of feeling unwell during the transit in Singapore and had died shortly before landing in the Netherlands. On 11 November 2004, the Dutch Forensic Institute had made public the findings of the autopsy conducted on the body, and had disclosed the presence of a lethal dose of arsenic, thus confirming the fears that Mr. Munir was murdered. The Indonesian authorities had then initiated an enquiry into his death.

Mr. Munir had played a leading role in the investigations into human rights violations perpetrated by the Indonesian army, particularly in East Timor. He had also led numerous investigations into the disappearances of activists in Aceh and Papua, under the Suharto dictatorship.

On 9 August 2005, proceedings against Mr. Pollycarpus Budihari Priyanto, Garuda Airlines pilot, suspected of having offered a first class seat to Mr. Munir and of having then put arsenic in his orange juice, began before the Jakarta Central District Court. Mr. Pollycarpus Priyanto was charged with “committing or participating in the premeditated murder of Mr. Munir, alone or in collaboration with the suspects Oedi Irianto and Yeti Susmiarti [two stewards of Garuda Airlines]” and with “tampering with evidence”. The two stewards were not arrested.

On 20 December 2005, the Jakarta Central District Court sentenced Mr. Priyanto to 14 years in prison for “premeditated murder” in collaboration with Mr. Oedi Irianto and Mr. Yeti Susmiarti and “falsification of airline documents”. Mr. Priyanto might appeal the verdict.

The proceedings appeared to disregard the results of the inquiry undertaken from December 2004 to June 2005 by an official investigation team (*Tim Pencari Fakta* – TPF), that suggested the involvement of senior executives of the State airline Garuda and high-level officials of the State Intelligence Agency (*Badan Intelijen Negara* – BIN) in the death of Mr. Munir. On 23 June 2005, the report of the TPF was submitted to the President of the Republic, Mr. Susilo Bambang Yudhoyono, but had still not been made public by the end of 2005.

By the end of 2005, no real progress had been made in the investigation into the involvement of the real authors of Mr. Munir’s murder.

Death threats against Messrs. Mugiyanto, Usman Hamid, Abdul Hakim Garuda Nusantara and Thoby Mutis³⁷

On 27 May 2005, during a training seminar in Bangkok (Thailand), the Asian Federation Against Forced Disappearances (AFAD) received death threats by fax against Mr. **Mugiyanto**, president of the Indonesian Association of Families of the Disappeared, Mr. **Usman Hamid**, KONTRAS coordinator and a member of the official investigation team into the death of Mr. Munir, Mr. **Abdul Hakim Garuda Nusantara**, president of KOMNAS-HAM, and Mr. **Thoby Mutis**, president of the Trisakti University and an activist for democracy and human rights.

KONTRAS, AFAD and KOMNAS-HAM are involved in the investigations into human rights violations committed by the Suharto regime during his 32-year reign.

Ban on the entry of Mrs. Sidney Jones³⁸

On 24 November 2005, Mrs. **Sidney Jones**, director of the South-East Asia project for the International Crisis Group (ICG), was once more prevented from entering the Indonesian territory, while she was returning to Jakarta, where she lives, from Taipei (Taiwan), where she had accepted an award from the *Time Magazine* in the name of ICG.

Previously, in June 2004, the work visa of Mrs. Sidney Jones, along with that of her research assistant, had been cancelled by the government of Mrs. Megawati Soekarnoputri. The expulsion of Mrs. Jones appeared at the time to be related to her criticism of the military operations in Aceh and Papua. However, in July 2005, under the government of Mr. Susilo Bambang Yudhoyono, Mrs. Jones had obtained a work and residence permit without any difficulty.

37. See Urgent Appeal IDN 001/0605/OBS 041.

38. See Annual Report 2004.

IRAN

Release of Mr. Hassan Youssefi-Echkevari³⁹

In February 2005, Mr. Hassan Youssefi-Echkevari, a journalist arrested in 2000 for exercising his right to freedom of expression and sentenced to seven years in prison in October 2002, was granted an early release. He was detained at the prison of Evin and his health condition had alarmingly deteriorated during 2004.

Obstacles to the freedom of movement of and judicial proceedings against Mr. Emadeddin Baghi⁴⁰

On 4 October 2004, Mr. Emadeddin Baghi, president of the Society for the Defence of the Rights of Prisoners and editor of the national daily newspaper the *Jomhouriyat* – the publication of which has been prohibited since September 2004 – had his passport confiscated and had been forbidden to leave Tehran. He was to go to Montreal (Canada) to participate in the 2nd World Conference Against the Death Penalty, organised by the associations Penal Reform International and Together Against the Death Penalty (*Ensemble contre la peine de mort*), from 6 to 9 October 2004.

By the end of 2005, the case of Mr. Baghi was still pending. He was still not allowed to leave the country and his passport had not been returned to him. In December 2005, he was awarded the Human Rights Prize of the French National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'Homme*), but was not allowed to go to France to receive the prize.

Threats of judicial proceedings and of arrest against Mrs. Shirin Ebadi⁴¹

Mrs. Shirin Ebadi, 2003 Nobel Peace Prize and secretary general of the Defenders of Human Rights Centre (DHRC), was summoned on 12 January 2005 by the Revolutionary Public Prosecutor's office of

Tehran. The summons that had been sent by the examining judge did not specify any official reason, but indicated that if Mrs. Ebadi did not present herself within three days, she would be arrested.

At a press conference on 18 January 2005, the spokesperson for the judiciary, Mr. Jamal Karimirad, admitted that the summon of Mrs. Shirin Ebadi before the Revolutionary Court was illegal and that the case would be dropped.

Deterioration of the health condition of Mr. Nasser Zarafchan, in arbitrary detention⁴²

The health condition of Mr. Nasser Zarafchan, a lawyer and founding member of DHRC, imprisoned since August 2002, seriously worsened in 2005, insofar as he did not, on several occasions, have access to the medical treatment he required for pulmonary problems and a nephritic attack.

On 7 June 2005, Mr. Zarafchan started a hunger strike after he had been refused hospitalisation outside the Evin Prison. On 21 June 2005, when he was transferred into a confinement cell, apparently to punish him for his hunger strike, he lost consciousness. He was immediately taken to Labbafinejad Hospital.

On 4 July 2005, Mr. Zarafchan was temporarily released in order to receive medical treatment for his kidney stones, and was then able to undergo a surgical operation, before being sent back to prison on 23 July 2005.

On 10 September 2005, he underwent a medical examination in prison, and another at Labbafinejad Hospital in Tehran, which confirmed that he had stones in his right kidney, which required another treatment. His family demanded that he have access to additional specialised treatment, but these requests went without response from the authorities. By the end of 2005, his wife could visit him once a week at the Evin Prison.

Mr. Zarafchan, lawyer of Mrs. Sima Pouhandeh, widow of Mr. Mohammed Djafar Pouhandeh, a writer and a human rights defender, murdered in 1998, had been sentenced to three years' imprisonment by the Military Court of Tehran, on 18 March 2002, for "possession of firearms and alcohol". He had also been sentenced to two additional

39. *Idem*.

40. *Idem*.

41. See Urgent Appeal IRN 001/0105/OBS 003.

42. See Annual Report 2004 and Urgent Appeals IRN 004/0012/OBS 125.7 and 125.8.

years of imprisonment and fifty whiplashes for his statements to the press regarding the trial of the alleged murderers of Iranian intellectuals, which ended in January 2002. This verdict had been confirmed in appeal by the Military Court of Tehran on 15 July 2002.

Arbitrary detention and deterioration of the health condition of Mr. Akbar Ganji⁴³

Mr. Akbar Ganji, a journalist at the daily newspaper *Sobh-e-Emrooz*, detained since 2000 at the Evin Prison in Tehran for having written numerous articles denouncing the involvement of the Iranian regime in the assassination of political opponents and intellectual dissidents in 1998, was hospitalised at the Milad Hospital in Tehran on 17 July 2005 after more than two months on hunger strike, to which he finally put an end in the night of 20 to 21 August 2005. His wife, Mrs. Massoumeh Shafii, who had not been allowed to visit him since 1 August 2005, could meet with him on 21 August 2005. During his hospitalisation, he was beaten for two days by his guards, with the aim of making him give up his views and promise his allegiance to the Supreme Leader, the Ayatollah Khamenei. As he refused, he was sent back to prison on 3 September 2005, whereas he remained extremely weak both physically and psychologically. During his transfer in a car, Mr. Ganji was blindfolded and one of his escorts faked to strangle him to frighten him.

He was placed in confinement in a special wing of the Evin Prison, where he might be subjected to acts of torture.

On 12 July 2005, following an appeal launched by 400 intellectuals, hundreds of people met in front of the Tehran University, demanding the release of political prisoners, including Mr. Akbar Ganji. The police launched an attack on the demonstration and numerous protesters were beaten and arrested.

Arbitrary detention of Mr. Abdolfattah Soltani⁴⁴

On 30 July 2005, Mr. Abdolfattah Soltani, a lawyer at the Bar of Tehran and a DHRC member, was arrested while participating in a

43. See Annual Report 2004, Urgent Appeals IRN 001/0004/030.3, 030.4, 030.5, 030.6, 030.7, 030.8 and 030.9 and Open Letter to the Iranian authorities, 28 October 2005.

44. See Urgent Appeals IRN 002/0705/OBS 055, 055.1, 055.2 and 055.3 and Press Release, 30 September 2005.

sit-in in the offices of the Bar of Tehran to protest against the arrest warrant issued against him by the Prosecutor of the city, Mr. Saïd Mortazavi, on 27 July 2005.

Since then, Mr. Soltani, accused of spying, has been detained at the Evin Prison in Tehran.

The arrest is believed to be related to Mr. Soltani's statement, made on 25 July 2005 during a hearing in camera in Mrs. Kazemi's case, an Irani-Canadian photographer who died in July 2003 following acts of torture and ill-treatment inflicted to her during her detention. During the hearing, Mr. Soltani, as a lawyer of Mrs. Kazemi's family, questioned the independence and fairness of the trial, pointing out that officials involved in these acts of torture had not been indicted by the court.

On 3 December 2005, Mr. Saïd Mortazavi decided to replace the judge responsible for the investigation in the case against Mr. Soltani, who had just announced to Mr. Soltani's lawyers that he would recommend his release on bail. The newly nominated judge decided, on the same day, that Mr. Soltani should remain in custody for a further period of three months.

At the beginning of January 2006, Mr. Soltani could finally, for the first time, meet with one of his lawyers.

Arbitrary arrest of several defenders and trade unionists in the Kurdish province⁴⁵

On 2 August 2005, Mrs. **Roya Tolouï**, editor of the cultural monthly magazine *Rassan*, and leader of the Association of Kurdish Women for the Defence of Peace and Human Rights, was arrested at her home in Sanandaj, in the Kurdish province of Iran. She was charged with "disturbing the peace" and "acting against national security". She was released on 5 October 2005, after having been seriously tortured.

On 2 August 2005, the security forces also arrested Mr. **Azad Zamani**, a member of the Association of the Defence of Children's Rights, at his home.

On 4 August 2005, Mr. **Mahmoud Salehi**, spokesperson for the Organisational Committee to Establish Trade Unions and former

45. See Urgent Appeals IRN 003/0805/OBS 074 and 074.1.

president of the Saqez Bakery Workers' Union, was detained during one hour for participating in protests in Saqez, in the Kurdish province of Iran, following the assassination, on 9 July 2005, of a Kurdish opposition activist by the Iranian security forces in Mahabab. Before being released, Mr. Salehi was warned to stop participating in protests or strikes in Saqez.

On 7 August 2005, the Iranian security forces raided the home of Mr. **Borhan Divangar**, a member of the same trade union. He was then arrested, and his computer and other belongings were seized. He was charged, among other things, with membership of the Committee to Follow Up the Establishment of Free Labour Organisations, membership of the newly formed unemployed workers' organisation, managing the labour website *Tashakor*, and with participation in the Saqez demonstrations. Mr. Borhan Divangar was subsequently released. On 9 November 2005, Mr. Mahmoud Salehi was sentenced by the Saqez Revolutionary Court to five years in prison and three years of exile in Ghorveh village and Mr. **Jalal Hosseini**, a Saqez Bakery Workers' Union member, was sentenced to three years in prison. Mr. **Hadi Tanomand** and Mr. **Esmail Khodkam**, two other members of the union, were acquitted.

At about the same time, the Saqez Revolutionary Court also sentenced Mr. **Mohsen Hakimi**, a member of the Iranian Writers' Association, Mr. Borhan Divangar, and Mr. **Mohammad Abdipoor**, another member of the Saqez Bakery Workers' Union, to two years in prison.

These seven persons had been arrested and then released after having participated in the peaceful celebrations of 1 May 2004, before being charged with "sympathising with the banned political party Komala [for an Iranian Kurdistan]".

Mr. Mahmoud Salehi was reportedly found not guilty with regards to this charge. But despite this fact, he had been accused according to Article 610 of the Islamic Punishment Act, prescribing penalties from two to five years of imprisonment for congregating to conspire to commit crimes against national security. During the hearings, the trade union activities of Mr. Salehi were held against him, as well as a meeting that he had had with an ICFTU delegation in April 2004.

MALAYSIA

Status of the judicial proceedings against Mrs. Irene Fernandez⁴⁶

In 1995, Mrs. **Irene Fernandez**, director of Tenaganita, an NGO working with migrant women, had been found guilty of "publishing false information with the intention to harm", following the publication of a report entitled *Memorandum on the abuses, act of torture and inhuman treatment of migrant workers in detention camps*. This report contained allegations of abuses inflicted upon migrant populations, based on Mrs. Fernandez' interviews with over 300 migrant workers. Sentenced to twelve months' imprisonment by the Kuala Lumpur Magistrates' Court 5B on 16 October 2003, she had been released on bail and had lodged an appeal against the sentence on 17 October 2003 with the Kuala Lumpur High Court. By the end of 2005, the proceedings were still pending, and no date for the hearing of the appeal had been set.

Furthermore, having had to surrender her passport to the High Court at the time of her release on bail, Mrs. Fernandez still had to apply to the authorities each time she wished to travel abroad.

On 9 December 2005, Mrs. Irene Fernandez received the Right Livelihood Award in Stockholm (Sweden).

NEPAL

Lack of results in the investigation into the murder of Mr. Chet Prakash Khatri⁴⁷

By the end of 2005, the murder of Mr. **Chet Prakash Khatri**, a member of the Binauna Village Development Committee (VDC) in Banke district, had still not been elucidated.

On 24 December 2003, Mr. Chet Prakash Khatri was killed while he was going back home. The victim's body, which was found in the Rapti River, close to the Indian border, had rope marks around his broken neck and a wound on his chin.

46. See Annual Report 2004.

47. *Idem*.

Mr. Khatri was working for a peace programme launched by the Informal Sector Service Centre (INSEC) in the region and was, amongst other things, responsible for the students and residents training in security measures during conflicts. He was also involved in the defence of children's rights and was affiliated with the NGO Bheri Environmental Excellence Group (BEE Group).

Although the family of Mr. Khatri lodged a complaint with the district police station of Nepalgunj (Banke district), the authorities were particularly reticent to investigate this case.

Lack of investigation into the murder of Mr. Dekendra Raj Thapa⁴⁸

On 11 August 2004, Mr. **Dekendra Raj Thapa**, a journalist at *Radio Nepal* and an adviser to the NGO Human Rights and Peace Society (HURPES), was executed after having been abducted on 26 June 2004 by members of the Communist Party of Nepal (Maoists) (CPN (M)), who accused him of spying. On 17 August 2004, nine other journalists had received death threats by CPN (M).

By the end of 2005, no judicial proceedings had been opened into Mr. Dekendra Raj Thapa's murder.

Ill-treatment of Messrs. Naman Kumar Shahi and Bhupendra Shahi⁴⁹

On 2 January 2005, Mr. **Naman Kumar Shahi**, an INSEC representative, and Mr. **Bhupendra Shahi**, editor of the daily newspaper *Gorkhapatra Daily* and district president of the Journalists Forum and HURPES, were beaten by plain-clothes officers of the police station of Dailekh.

Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi went to the district of Dailekh to gather information on the murder of Mr. Dil Bahadur Rana, killed on that same day by Maoists. The latter was a member of the District Working Committee of the Nepali Congress Party and secretary of the Independent Committee for Displaced Persons in the district. By the end of 2005, no inquiry had been

opened, neither on the death of Mr. Dil Bahadur Rana, nor on the attacks against Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi.

Obstacles to Mr. S. K. Pradhan's freedom of movement⁵⁰

On 25, 26 and 27 November and 10 December 2004, the Nepalese government refused to grant a travel document to Mr. **S.K. Pradhan**, secretary general of the Peoples' Forum for Human Rights and Development (PFHRD) and a defender of Bhutanese refugees in Nepal, Mrs. **Sunita Pradhan**, his daughter, and Mr. **D.B. Bhandari**, PFHRD camp coordinator. They had submitted their request on 10 November 2004 to the Refugee Coordination Unit (RCU) of Chandragari, Jhapa. As a result, Mr. Pradhan had been prevented from attending the World Forum for Democracy in Asia, held in Taiwan from 14 to 17 December 2004.

In February and March 2005, the Nepalese government refused again to issue a travel document to Mr. Pradhan, who had planned to attend the 61st session of the United Nations Commission on Human Rights in Geneva (Switzerland), from 14 March to 22 April 2005. Indeed, Mr. Basanta Raj Bhattarai, RCU vice-director, refused to grant this document without official grounds.

In August 2005, Mr. Pradhan managed to go abroad to meet a number of international NGOs and United Nations bodies, after having fought for almost nine months to obtain a travel document. However, although he had been invited to participate in a conference on democracy in Taiwan in September 2005, he was unable to attend the conference, as he was once more denied a travel document.

Furthermore, in October 2005, Nepal decided to stop issuing work documents to Bhutanese refugees living in Nepal, further weakening the position of refugee Bhutanese human rights defenders in the country.

Wave of arbitrary arrests of human rights defenders⁵¹

The declaration on 1 February 2005 by King Gyanendra of a state of emergency was accompanied by the suspension of fundamental civil

48. *Idem*.

49. See Urgent Appeal NPL 001/0105/OBS 002.

50. See Annual Report 2004, Open Letter to the Nepalese authorities, 10 January 2005, and Press Release, 29 March 2005.

51. See Urgent Appeals NPL 002/0205/OBS 010, 010.1, 0.10.2, 0.10.3 and NPL 003/0605/OBS 044, Press Release, 22 February 2005, and INSEC Report, *Nepal: 200 Days of Royal Takeover, 1 February – 19 August 2005*, August 2005.

liberties and the arrest of numerous human rights defenders. On 1 April 2005, the Supreme Court condemned the arbitrary detentions ordered by the State, declaring that “it is inappropriate and unconstitutional to [detain] citizens [...] in an illegal and arbitrary manner [...]”. Nevertheless, the State security forces continued to arrest human rights defenders, including in the court buildings. A certain number of these arrests took place after the state of emergency was lifted on 29 April 2005:

Arrest and harassment of members of civil society organisations

– On 1 February 2005, the following persons were arrested:

– Mr. **Nanda Bhandari**, a lawyer and member of the Centre for Victims of Torture (CVICT), detained at a police station in Surkhet district, under the Public Security Act (PSA). He was released on 24 February 2005;

– Mr. **Lok Prasad Pant**, a lawyer and president of the Civil Society Network, detained at the Birendranagar prison, Surkhet district. He was released on 9 March 2005, then re-arrested and subsequently released on the same day;

– Mr. **Sindhu Nath Pyakurel**, former president of the Nepal Bar Association (NBA), arrested at his office in Kathmandu. He was detained incommunicado for nine days at the military barracks in Kakani, Nuwakot district, before being transferred to the army police camp at Duwakot, then to the police station in Bhaktapur. On 9 February 2005, the Supreme Court ordered the security forces to bring him to court within three days. He was released on 14 February 2005;

– Mr. **Bal Krishna Poudel**, secretary of the Human Rights Organisation of Nepal (HURON), Chitwan district, and Mr. **Prakash Khatiwada**, INSEC representative in Saptari district. The latter was released two hours later. Mr. Bal Krishna Poudel was released on 1 March 2005.

– On 2 February 2005, plain-clothes security members went to the home of Mr. **Bhendra Sharma**, CVICT president, who was absent at that time.

– On 4 February 2005, the following persons were arrested:

– Mr. **Bishnu Nisthuri**, secretary general of the Federation of

Nepalese Journalists (FNJ), at his home in Kathmandu. He was released on 25 February 2005;

– Mr. **Bam Dev Adhikari**, vice-president of the Society for Protection of Human Rights and Rural Environment (SOPHRE), in Lamjung district. Mr. Bam Dev Adhikari was released on 1 March 2005.

On the same day:

– the security forces attacked the FNJ offices and the home of its president, Mr. **Tara Nath Dahal**, whose family was reportedly subjected to acts of harassment by the security forces;

– plain-clothes security members went to the home of Mr. **Gopal Krishna Shivakoti**, president of the International Institute for Human Rights, Environment and Development (INHURED International), who was then absent.

– On 9 February 2005, Mr. **Sukharam Maharjan**, vice-president of the Kirtipur section of HURON, was arrested at his home by five members of the security forces, in Kathmandu district. He was released on an unknown date.

– The same day, Mr. **Krishna Pahadi**, former president of HURPES and Amnesty International Nepalese section, was arrested at the HURPES office in Kathmandu and detained under the PSA. On 4 July 2005, Mr. Krishna Pahadi was released.

– On 10 February 2005, the security forces arrested ten HURPES members during a peaceful demonstration in Kathmandu protesting against the state of emergency, along with Mr. **Basu Devkota**, secretary general of Human Development and Peace Campaign (HUDEP): Mr. **Suresh Chandra Pokhrel**, HURPES vice-president, Mr. **Bal Ram Aryal**, treasurer, Messrs. **Narayan Datta Kandel**, **Jay Ram Basnet**, **Laxmi Pariyar**, **Jiba Lal Kharel**, **Laxman Acharya**, **Bal Ram Neupane**, **Hira Lal Acharya**, HURPES members, and Mr. **Suman Shrestha**, secretary of the District Committee of Kathmandu. They were all released on 14 February 2005.

– On 17 February 2005, Mr. **Gauri Pradhan**, founder and president of the Child Workers in Nepal Concern Centre (CWIN), was arrested by the police at Kathmandu Airport. He was returning from

Geneva, where he participated in a meeting of the United Nations Committee on the Rights of the Child. Detained at the Naxal police station, Kathmandu, he was released on 28 February 2005 following a hearing about his application for *habeas corpus*, on the order of the Supreme Court. Nevertheless, he was again arrested immediately after, outside the court, by security members in plain-clothes, who received the order to release him shortly after.

– On 25 February 2005, Mr. **Lokraaj Baral**, a teacher, and Mr. **Khagendra Bhattarai**, former president of the Nepal Lecturers Association, were released.

– *Arrest of 26 activists during a peaceful demonstration*⁵². On 25 July 2005, the police arrested 26 human rights defenders during a peaceful demonstration in Kathmandu, which was organised by the Citizens' Movement for Democracy and the Peace Coordination Committee. Amongst the persons arrested were: Mr. **Devendra Raj Pandey**, president of the Rural Self-Reliance Development Centre (RSDC); Mrs. **Suprabha Ghimire**, a teacher, social worker and former vice-president of the Association of Professors of the University of Nepal; Mr. **Padmaratna Tuladhar**, president of the Forum for the Protection of Human Rights (FOPHUR) and former mediator in the talks between the government and the Maoists; Mr. **Charan Prasain**, HURON president; Mr. Krishna Pahadi and Mr. **Sachin Ghimire**, head of the NBA human rights project. This demonstration aimed at calling for the restoration of democracy and at protesting against the royal decision of 1 February 2005 to declare a state of emergency. Hundreds of human rights defenders and intellectuals participated in this demonstration before the police dispersed them using truncheons. These 26 persons were released on 26 July 2005, without being charged.

– *Arrest of ten defenders protesting against the NGOs Code of Conduct*⁵³. On 11 November 2005, ten human rights defenders were arrested during a peaceful demonstration protesting against the

NGOs Code of Conduct adopted the day before by the Social Welfare Council of the government. Amongst them were two members of the NGO Federation of Nepal (NFN), Mr. **Bhagawati Chowdhary**, also president of the Forum for Rural Welfare and Agricultural Reform for Development (FORWARD-Nepal), and Mr. **Durga Kumar Thapa**, president of the Human Rights and Environment Development Centre (HURENDEC), Mr. **Binod Dev**, NFN secretary, Mr. **Jung Bahadur Singh**, a member of the Setu Community Development Forum, Mr. **Dhruv Dev** and Mr. **Sameer Jha**, members of the NGO Save the Saptari, Mr. **Hem Shankar Singh**, a local journalist, Mr. **Dinesh Yadav** and Mr. **Prakash Khatiwada**, members of the Human Rights and Social Service Centre (HUSEC), a member organisation of INSEC, and Mr. **Ghanshyam Jha**, member of the NGO Save the Nepal, based in Saptari district.

Detained at the Rajbiraj police station, Saptari district, they were all released after five hours, without being charged.

Arbitrary arrests of trade unionists

– Several leaders of the Central Committee of the Nepal Trade Union Congress (NTUC) were arrested on 1 February 2005, including Mr. **Puskar Acharya**, vice-president, and Mrs. **Manju Bhattarai**, a Central Committee member. In the following days, five other NTUC members were arrested: Mr. **Bhakta B. Karki**, vice-president, Western Region (Dhangadi), Mr. **Deepak Tamang**, president, Jhapa district, Mrs. **Sarita Boon**, a NTUC member of the Union of Professors of Kathmandu, Mrs. **Gita Pathak**, a member of the Construction Workers' Union, and Mr. **Chandra Bhattari**, former president of the Nepalese Students' Union (NSU) and NSU vice-president in Pokhara.

Mrs. Manju Bhattarai and Mr. **Kishore Gautam**, former NTUC district president, were released on 25 February 2005. Messrs. Puskar Acharya, Bhakta B. Karki, Deepak Tamang, as well as Mrs. Sarita Bon and Mrs. Gita Pathak were also released on an unknown date. As for Mr. Chandra Bhandari, he was released on 27 April 2005 and again arrested at the Bhaktapur police station. Detained at Battalion No. 1 of the Army Police, in Naxal district, in Kathmandu, he was released on 26 May 2005.

52. See Urgent Appeal NPL 004/0805/OBS 057.

53. See Urgent Appeal NPL 006/1105/OBS 120.

– On 4 July 2005, Mr. **Basu Koirala**, NSU secretary general, was released after several months in prison.

– On 16 May 2005, Mr. **Rajendra Rai**, former president of the All Nepal National Free Students' Union (ANNFSU), who had been arrested on 1 February 2005, was released following a decision of the Court dated 13 May 2005, and arrested again on the same day in the buildings of the Babarmahal District Court, in Kathmandu. Detained at the School of the Maharajgunj Police, he was released on 20 May 2005.

– Mr. **Rajan Rai**, a member of the ANNFSU central secretariat, who had been arrested on 1 February 2005, was released on 28 April 2005 and re-arrested on that same day at the School of the Maharajgunj Police, in Kathmandu. Detained at the Nepal Electricity Corporation Training Centre (NECTC) in Bhaktapur, he was released on 19 May 2005 following an order of the Supreme Court.

– Mr. **Gagan Kumar Thapa**, former NSU secretary general, was released on 5 May 2005 and re-arrested on the same day at the Kathmandu police station. Detained at NECTC in Bhaktapur, he was released on 25 May 2005.

– Mr. **Pradeep Poudyal**, NSU vice-president, was released on 26 April 2005 and re-arrested on the same day at the Bhaktapur police station. After his release on 26 May 2005, he was again detained at the Agricultural Development Training Centre in Bhaktapur, before being released on the same day.

– Mr. **Thakur Gaire**, ANNFSU secretary general, who had been arrested on 4 March 2005, was released on 20 April 2005 and was re-arrested on the same day in Koteshwor district, in Kathmandu. Detained at NECTC in Bhaktapur, he was released on 26 May 2005.

– On 14 July 2005, six leaders of the student movement, Mr. Pradeep Poudyal, Mr. Thakur Gaire, Mr. **Saroj Thapa**, Mr. **Pushpa Kumar Shahi**, Mr. **Narayan Bharati** and Mr. **B.P. Regmi**,

were arrested by the police in Kathmandu, while protesting against the decision of the government to introduce a “nationalist education”.

On 27 July 2005, Mr. Gagan Kumar Thapa was arrested by the police of Anamnagar along with Mr. Ajaya Shivakoti and Mr. Subodh Acharya, two of his friends. They were visiting Mr. Pradeep Poudyal, detained by the judicial police of Singh Durbar district in Kathmandu, with Messrs. Thakur Gaire, Saroj Thapa, Pushpa Kumar Shahi, Narayan Bharati and B.P. Regmi⁵⁴.

The authorities charged Mr. Thapa with “proclaiming anti-monarchist slogans” during a protest in the Ratna Park area in Kathmandu, on 24 July 2005.

On 14 August 2005, Mr. Gagan Thapa appeared before the Kathmandu Special Court, which formally charged him with “sedition”, in accordance with the Crimes Against the State Act. However, the Special Court ordered his release on bail, despite the request of the government to place him on remand.

Mr. Pradeep Poudyal, as well as Messrs. Thakur Gaire, Saroj Thapa, Pushpa Kumar Shahi, Narayan Bharati and Mr. B.P. Regmi, were released on 9 August 2005, following an order of the Supreme Court.

Arbitrary arrests of journalists

– On 1 February 2005, Mr. **Arjun Upreti**, correspondent for the radio station *Saptakoshi FM*, was arrested in Sunsari district, before being released two hours later.

– On 4 February 2005, Mr. **Nava Raj Pahadi**, editor of *Antaranga Weekly*, was arrested in Lamjung district.

– On 9 February 2005, Mr. **Rajesh Sharma**, president of the Human Rights Education Radio Listeners Club (HRERLC) section, was arrested in Kaski district. He was released the following day.

– On 13 February 2005, Mr. **Narayan Adhikari**, correspondent of the national press agency *Rastriya Samachar Samitte* (RSS), and Mr. **Basant Parajuli**, correspondent of the *Gorakhapatra Daily*, were

54. See Urgent Appeals NPL 005/0805/OBS 064 and 064.1.

arrested in Chitwan district.

– On 15 February 2005, Mr. **D.R. Pant**, correspondent of *Kantipur Daily*, was also arrested and detained at the police station in Dadeldhura district.

Messrs. Narayan Adhikari, Basant Parajuli, Nava Raj Pahadi and D.R. Pant were all released on an unknown date.

– On 21 October 2005, government forces entered the offices of *Radio Kantipur FM* by force, in Kathmandu, and seized essential equipment, affecting the broadcasting of programmes in the east of Nepal. The government considered that the radio station was not in conformity with the Ordinance Amending Some Nepal Acts related to Media, 2062, dated of 9 October 2005, which prohibits, in particular, private radio stations from transmitting news and establishes as a crime the fact of criticising the royal family. On 30 November 2005, the Supreme Court ruled this provision to be unconstitutional as it was contrary to the right to freedom of information and to the National Broadcasting Act, 1993. The radio station *Kantipur* was able to resume broadcasting on the same day.

On 29 October 2005, around fifteen journalists who protested against the 9 October 2005 Ordinance were arrested by the police in Kathmandu. They were all released that evening.

Obstacles to freedom of movement of numerous defenders⁵⁵

Since 1 February 2005, numerous human rights defenders were prevented from travelling from the Tribhuvan International Airport:

– On 7 February 2005, when Mr. **Kapil Shrestha**, a member of the National Human Rights Commission (NHRC), was to go to Biratnagar to attend the inauguration of the Eastern Regional office of NHRC, security forces of the Tribhuvan International Airport told him that he was not permitted to leave Kathmandu Valley.

– On 21 February 2005, Mr. **Laxman Prasad Aryal**, former

55. See INSEC Report, *Nepal: 200 Days of Royal Takeover, 1 February – 19 August 2005*, August 2005.

member of the Supreme Court and one of the drafters of the 1990 Constitution of the Kingdom of Nepal, was not allowed to go to Mumbai (India), where he was to attend a regional conference on women's rights and on the fight against human trafficking, organised by the South Asian Regional Equity Programme.

– On 23 February 2005, Dr. **Om Gurung**, a teacher at the Tribhuvan University and secretary general of the Nepal Federation of Indigenous Nationalities (NEFIN), was not able to fly from the Tribhuvan International Airport to go to Shillong and Guwahati, India, in order to take part in the Preparatory Meeting of the Asia Indigenous People's Pact (AIPP), starting on 25 February 2005.

– The same day, human rights organisations received a list with the names of 19 defenders and academics out of a total of 200 names of persons who would not be permitted to leave Kathmandu Valley: Mr. **Padma Ratna Tuladhar**, president of the Nepalese Forum for the Defence of Human Rights, Mr. Krishna Pahadi, Mr. **Gopal Shiwakoti "Chintan"**, a member of the Water and Energy Users' Federation Nepal (WAFED), a network for the promotion of human rights, environment and development, Mr. **Mathura Prasad Shrestha**, coordinator of the Civic Solidarity for Peace, Mr. **Subodh Raj Pyakurel**, INSEC president, Mr. Gauri Pradhan, Mr. Gopal Krishna Shiwakoti, Mr. **Daman Nath Dhungana**, a lawyer and a human rights defender, Mr. **Arjun Karki**, president of the NGO Federation of Nepal, Mr. **Shyam Shrestha**, a journalist, Mr. **Laxman Prasad Aryal**, Mr. **Sindhu Nath Pyakurel**, former NBA president, Mr. **Sushil Pyakurel**, a NHRC member, Mr. **Kapil Shrestha**, and Messrs. **Krishna Khanal**, **Krishna Hachhethu**, **Om Gurung** and **Krishna Bhattachan**, academics, and Mr. **Nilambar Acharya**, a diplomat.

– On 25 February 2005, Mrs. **Shashi Shrestha**, president of the All Nepal Women's Association (ANWA), could not fly to New York (United States), in order to attend a meeting on the conference Beijing+10, at the United Nations.

– On 26 February 2005, Mr. Subodh Raj Pyakurel was arrested by

the security forces at the Tribhuvan International Airport, while he was going to Nepalgunj to attend a workshop organised by INSEC on “human rights and humanitarian law” for security agents, planned on 27 and 28 February 2005. Yet, the day before his departure, the Ministry of Home Affairs and RND Human Rights Unit had assured him that his name was not on the list of persons subjected to travel restrictions.

– On 5 March 2005, Mr. Sushil Pyakurel, a NHRC member, was prevented by the airport security forces from flying to Bhairahawa in order to inquire into the rising tensions between the local people and the Maoists in Kapilvastu district.

– On 25 March 2005, Mr. **Krishna Hachhethu** and Mr. **Krishna Khanal**, teachers at the Political Science Department, were not able to leave Kathmandu to go to Goa (India) to take part in a discussion programme on “democracy in South-East Asia”, organised by the Centre for the Study of Developing Society (CSDS), which was to start the following day.

– On 22 April 2005, Mr. **Bhimarjun Acharya**, president of the Constitutional Lawyers’ Forum, Mr. **Shambhu Thapa**, NBA president, and Mr. Laxman Prasad Aryal could not go to New Delhi (India) in order to deliver a speech at a conference organised by the Bar of the Supreme Court of India.

– On 7 May 2005, Mr. **Srijana Pokhrel Siwakoti**, president of the NGO Population Watch, was prevented from boarding an aircraft for New Delhi, where he was to take part in a seminar of the Working Group of the South Asian Association for Regional Cooperation (SAARC) on issues of gender and poverty (8-9 May 2005).

– On 14 May 2005, Mr. Bishnu Nisthuri and Mr. **Mahendra Bista**, FNJ secretary general, could not go to Pakistan where they were to participate in the South Asian People’s Forum (SAPF), organised by the South Asian Free Media Associations (SAFMA).

PAKISTAN
Ongoing harassment of the NGO KK⁵⁶

In 2005, members of Khwendo Kor (KK), an NGO involved in the defence of the rights of children and women in remote areas of the North-West Frontier Province (NWFP) and the Federally Administered Tribal Areas (FATA), continued to work in a hostile environment. In addition, female members remained subjected to acts of individual pressure, aimed at convincing them to cease their activities. For instance, in November 2005, anonymous articles were published in local newspapers, stating that NGOs and women were forbidden from undertaking their respective activities.

Khwendo Kor has been subjected to numerous restrictions on its activities for several years: systematic discredit campaigns, religious condemnations (*fatwas*) against its members, death threats, etc.

Continued harassment against HRCP
Arrest of Mrs. Hina Jilani and Mrs. Asma Jahangir⁵⁷

On 14 May 2005, 50 people were arrested, including Mrs. **Hina Jilani**, board member of the Human Rights Commission of Pakistan (HRCP) and Special Representative of the United Nations Secretary General on Human Rights Defenders, and Mrs. **Asma Jahangir**, HRCP president and Special Rapporteur of the United Nations on the Freedom of Religion and Belief. The protesters had come together to denounce violence against women in Pakistan, in the framework of a gathering organised by HRCP and the Joint Action Committee for Peoples’ Rights. The police dispersed them with sticks, injuring several people.

All the people detained were released four hours later. Mrs. Asma Jahangir lodged a complaint against the police for harassment and for having torn her clothes.

56. See Annual Report 2004.

57. See Human Rights Commission of Pakistan (HRCP).

Harassment of Mr. Jam Saqi and his wife⁵⁸

Mr. **Jam Saqi**, a member of HRCP administrative council, was harassed by Sindh province authorities for his participation in a fact-finding mission in the province on 26 May 2005, after a family belonging to the Hindu Meghwar caste (a poor caste) had been harassed and subjected to acts of violence by a young man claiming to be a family member of the Chief Minister of Sindh province, Mr. Arbab Ghulam Rahim.

Thus, on 29 May 2005, before he had even announced the conclusions of the mission, Mr. Saqi was summoned to the Hyderabad police station, where he found out that he was under arrest for “possession of explosives”. He was then brought before an Anti-Terrorist Court, which placed him on remand for one week. During a phone call with Mr. Arbab Ghulam Rahim, the latter threatened him, asking if he wanted to fight with him, which Mr. Saqi denied. Mr. Saqi was released in the evening of 30 May 2005 without any explanation.

However, on the following day, the police were again searching for him. As they could not find him, they arrested his wife, claiming that a complaint for abduction with ransom had been lodged by the former husband of her sister. A petition was submitted to the Sindh High Court, which ordered the release on bail of Mrs. Saqi on 7 June 2005. Nevertheless, when she left the police station, she was re-arrested, supposedly in relation to another case initiated several years before by, again, the former husband of her sister. She was subsequently released.

Lack of investigation into the abduction of Mr. Aktar Baloch⁵⁹

On 23 March 2003, Mr. **Akhtar Baloch**, coordinator of HRCP Hyderabad office, had been abducted, before being released a couple of days later. He had then indicated that he had been interrogated several times during his detention on HRCP activities and financing.

58. *Idem*.

59. See Annual Report 2004.

By the end of 2005, no inquiry nor judicial proceedings against those responsible had been opened.

Assassination of several human rights defenders⁶⁰

Assassination of Mrs. Yasmin Kanwal. On 4 April 2005, Mrs. **Yasmin Kanwal**, a human rights defender, was stabbed to death in Lahore.

Assassination of Mr. Babar Simpson. On 5 April 2005, Mr. **Babar Simpson**, chairperson of the Ilam-Dost Foundation, and Mr. Daniel Emanuel, his driver, were abducted in Peshawar. Their mutilated bodies were found on 7 April 2005.

Assassination of Mrs. Zubaida Begum. In the last week of June 2005, unidentified persons killed Mrs. **Zubaida Begum**, a member of the Aurat Foundation (NWFP Dir), in Dir district, an NGO working for women’s rights, and her daughter, Shumila.

Harassment campaigns against NGOs⁶¹

Peshawar district. On 3 March 2005, the government of Peshawar district prohibited activities of NGOs in public primary and secondary schools, which had just launched a health and education programme. These NGOs were accused of having collected large sums of money in the name of the well-being of children but of having spent very little of it.

North-West Frontier Province (NWFP). On 17 May 2005, a number of schools run by NGOs were attacked.

Islamabad. On 17 June 2005, the Minister of Social Security and Special Education placed the human rights NGO Rozan on a “black list” for circulating a questionnaire to some students, asking questions about their relations with the opposite sex and asking whether the

60. See National Commission on Justice and Peace - Pakistan.

61. *Idem*.

students had been sexually assaulted. The Minister asked the NGO to cease its project.

Karachi. On 28 August 2005, Mrs. **Khalida Ahmed**, a member of the NGO War Against Rape, was subjected to acts of harassment and threatened with death after having brought a rape victim to hospital.

PHILIPPINES

Lack of investigation into several summary executions of defenders

While defenders continued to be the victims of extra-judicial executions in 2005, their perpetrators still escaped any kind of prosecution.

Summary execution of Ms. Eden Marcellana, Mr. Eddie Gumanoy, Mrs. Juvy Magsino and Mrs. Leima Fortu⁶²

By the end of 2005, the murderers of Ms. **Eden Marcellana**, secretary general of the Tagalog-South office of the Alliance for the Promotion of People's Rights (KARAPATAN), Mr. **Eddie Gumanoy**, president of the farmers organisation Kasama-TK, Mrs. **Juvy Magsino**, a lawyer specialised in human rights, president of Mindoro for Justice and Peace (MFJP) and Naujan deputy mayor (province of east Mindoro), and Mrs. **Leima Fortu**, a MFJP volunteer and deputy secretary general of KARAPATAN east Mindoro section, had still not been brought to justice, despite the express demand formulated by the United Nations Human Rights Committee in December 2003 concerning the murders of Mrs. Marcellana and Mr. Gumanoy. Some military officers under the orders of Colonel Jovito Palparan were suspected of being associated with these murders, but none of them had been arrested by the end of 2005. Nevertheless, the confirmation of the nomination of Colonel Jovito Palparan to the rank of Major General remained suspended, due to the strong opposition of human rights organisations.

62. See Annual Report 2004.

Ms. Eden Marcellana and Mr. Eddie Gumanoy were murdered in 2003 and Mrs. Juvy Magsino and Mrs. Leima Fortu in February 2004.

Assassination of Mr. Rashid Manahan⁶³

By the end of 2005, no new information had come to explain the murder of Mr. **Rashid Manahan**, coordinator of the Movement for the Reestablishment of Justice (MTB-Davao), a network of human rights NGOs and bodies involved in the campaign for the abolition of the death penalty.

On 24 August 2004, Mr. Rashid Manahan was murdered in the suburb of Bajada, in Davao, while going to a forum against the death penalty and summary executions, organised by the University of the Philippines, in Mindanao.

Summary execution of Mr. Marcelino Beltran⁶⁴

By the end of 2005, the murder of Mr. **Marcelino Beltran**, president of the Peasants' Alliance in Tarlac Province (AMT), and vice-president of the Peasants' Alliance in Central Luzon (AMGL), remained unpunished, its perpetrators still not having been brought to justice.

On 8 December 2004, Mr. Marcelino Beltran was executed by military officers in front of his house in San Sotero, in Santa Ignacia (Tarlac), after participating in a peasants' strike at the Hacienda Luisita. He had witnessed the massacre of Hacienda Luisita, on 16 November 2004, in the course of which fourteen people had been killed and numerous others injured by the national police and soldiers of the 69th and 703rd infantry battalions.

Extra-judicial executions of several defenders⁶⁵

In 2005, several human rights activists, sometimes also involved in political parties, were killed by unknown persons:

– In the night of 28 February 2005, the body of Mr. **Arnulfo Villanueva**, a columnist at the *Asian Star Express Balita* (a community newspaper in Cavite), was found on a road in the city of Naic,

63. *Idem.*

64. *Idem.*

65. See Open Letter to the Philippine authorities, 1 July 2005.

Cavite. Mr. Arnulfo Villanueva had denounced the involvement of local officials in illegal gambling.

– Mr. **Romeo Sanchez** and Mr. **Fedilito Dacut**, regional coordinators of Bayan Muna, were respectively killed on 9 and 14 March 2005, in Baguio and Tacloban. Mr. Fedilito Dacut had protested, along with other defenders, against the nomination of Major General Jovito S. Palparan Jr. to the position of major general of the 8th infantry division in Eastern Visayas.

– On 24 March 2005, Mrs. **Marlene Garcia-Esperat**, a journalist involved in the struggle against corruption, in particular in the Mindanao region, was killed at her home in front of members of her family. Her husband had previously received death threats. Although four suspects were arrested, the persons behind the murder were not identified.

– On 4 May 2005, Mr. **Klein Cantoneros**, a presenter on the radio station *DXAA-FM Dipolog City*, well-known for his denunciations of the corruption of local officials, was shot dead. Mr. Cantoneros had previously received death threats.

– On 9 May 2005, Mr. **Philip Agustin**, editor and publisher of *Starline Times Recorder* (local community newspaper in Aurora), was shot in the head, in the village of Paltic, two days before the publication of a special edition of his newspaper dedicated to corruption in the city of Dingalen.

– On 12 May 2005, Reverend **Edison Lapuz**, a priest involved in the defence of human rights, and Mr. **Alfredo Malinao**, a peasant leader, were murdered at San Isidro, Leyte. Major General Palparan might have once again been involved in these murders.

– On 15 June 2005, Professor **Castor Gamalo**, president of the Federation of Teachers Association (FTA) of the Eastern Visayas State University (EVSU) and member of the Task Force Detainees of the Philippines (TFDP), was shot dead. FTA had been protesting since the day before against the decision of EVSU to remove Mr. Gamalo, as well as other teachers and students representatives,

from their positions in EVSU administrative council, without any formal decision.

– On 13 September 2005, Mr. **Leodegario Punzal**, a member of the Pinagkaisang Samahan ng Tsuper at Operator Nationwide (PISTON), was killed in the city of Norzagaray, the day after the union launched a strike throughout the region⁶⁶.

– On 23 September 2005, Mr. **Diosdado “Ka Fort” Fortuna**, president of the Filipino Employees Union of the Unity of Workers in Southern Tagalog – May First Movement (PAMANTIK-KMU) and of the political party Anakpawis – south Tagalog section, was killed by two gunshots in the chest, while he was returning to his home on a motorbike⁶⁷.

– On 30 September 2005, Mrs. **Victoria Samonte**, vice-president of the Caraga section of KMU, president of the Andres Soriano College Employees Union, ACT-BISLIG president, president of the Drivers and Operators of Cumawas and Bliss Association (DOCUBA), secretary general of the Bislig City Alliance of Transport Association (BCATA) and president of the Castillo Bagong Lipunan Homeowners Association (CBLHA), was stabbed to death by a man who had sat behind her in the same rickshaw⁶⁸.

– On 25 October 2005, Mr. **Ricardo Ramos**, president of the Central Azucarera de Tarlac Labour Union (CATLU), was killed while he was in his garden, in Barangay Mapalacsiao, Tarlac, inside Hacienda Luisita. Five hours before, the union had received more than eight million Philippine pesos (more than 127,000 euros) from Hacienda Luisita Inc. in the framework of an agreement for overdue salaries⁶⁹.

– On 26 October 2005, Mr. **Federico de Leon**, spokesperson for the Bulacan Confederation of Operators and Drivers Association

66. See Task Force Detainees of the Philippines (TFDP).

67. See Urgent Appeal PHL 001/1005/OBS 092.

68. *Idem*.

69. See Task Force Detainees of the Philippines (TFDP).

(BCODA), president of PISTON in Bulacan province and president of the Bucalan section of Anakpawis, was shot in the head, in the city of Malolos⁷⁰.

Assassination attempts against Mr. Allan Caparro, his wife, and Mr. Romeo T. Capulong⁷¹

– On 18 February 2005, Mr. **Allan Caparro**, a human rights defender, and his wife, Mrs. **Aileen Caparro**, were seriously wounded during an attempt on their lives. Mr. Allan Caparro contributed to the training of a union in Calbayog, Western Samar, for the protection of environment and against destructive activities, such as mining. He also denounced militarisation in the Northern and Western Samar, due to numerous human rights violations reported in the region.

– On 7 March 2005, Mr. **Romeo T. Capulong**, a lawyer involved in the defence of human rights and *ad litem* judge of the International Criminal Tribunal for the former Yugoslavia, was attacked by 15 armed men in vehicles without number plates, suspected to be members of the army or paramilitary forces. Mr. Capulong had been the lawyer for striking workers of the Hacienda Luisita, following the strike of 16 November 2004⁷².

Ill-treatment, judicial proceedings and arbitrary detention of Mrs. Angelina Bisuna Ipong⁷³

On 8 March 2005, Mrs. **Angelina Bisuna Ipong**, a peace activist, was arrested by members of the Philippine Army who blindfolded her. On 15 March 2005, informed that she would be interrogated, she realised, as soon as her blindfold was removed, that she had been brought into a room filled with journalists who photographed and questioned her. However, shocked, she was unable to speak. At the end of this “press conference”, she was once again blindfolded and taken back to her cell. For thirteen days from the date of her arrest, Mrs. Ipong was not allowed to receive visits and refused to eat to protest against her arrest.

70. *Idem*.

71. See Open Letter to the Philippine authorities, 1 July 2005.

72. See above.

73. See Open Letter to the Philippine authorities, 1 July 2005.

On 17 March 2005, the Major General of the South announced that Mrs. Ipong had been taken to Molave, Zamboanga del Sur. Nobody was able to see her before 21 March 2005, when a TFDP team went to the prison in the city of Pagadian to investigate her situation. TFDP then learnt that Mrs. Ipong had been charged with “rebellion”, without any possibility of release on bail, according to Section 23 of the Molave Regional Court.

Mrs. Ipong was also reportedly subjected to sexual abuse, torture and inhuman treatments by members of the Philippine Army.

By the end of 2005, Mrs. Ipong remained in detention at the prison of the city of Pagadian. A hearing to consider the charges against her was scheduled for January 2006.

SOUTH KOREA

Judicial proceedings against Mr. Ahn Byeong-Soon and Mr. Kim Young-Gil⁷⁴

Mr. **Ahn Byeong-Soon**, secretary general of the Korean Government Employees Union (KGEU), and Mr. **Kim Young-Gil**, KGEU president, were respectively arrested on 15 March and 8 April 2005. An arrest warrant had been issued against both men on 9 November 2005, following a general strike protesting against the Bill on the Public Officials’ Trade Union Act. The Korean government had then attempted to prevent demonstrations organised throughout the country by the Korean Confederation of Trade Unions (KCTU) and KGEU against the Bill.

After a first hearing on 12 April 2005, during which the Prosecutor called for one and a half year imprisonment for Mr. Ahn Byeong-Soon, the latter was eventually sentenced to eight months in prison and two years suspended sentence on 28 April 2005. He was released on the same day. Mr. Kim Young-Gil was released on 24 June 2005 after he was sentenced to one year in prison and two years’ suspended sentence and probation for contravening the Public Officials Act.

74. See Urgent Appeals KOR 001/0405/OBS 027, 027.1 and 027.2.

However, the crackdown on KGEU continued. On 21 and 22 June 2005, KGEU held rallies calling on the government to end the repression against trade unions and to come out to talks with the trade union of Wonju City, in the province of Gangwon-Do. Although the police had been informed beforehand of this gathering, hundreds of riot cops surrounded the protesters and violently pulled participants out of the rally one by one. On 22 June 2005, 126 KGEU members were arrested during a peaceful rally, before being released two days later.

Arbitrary detention and threat of deportation against Mr. Anwar Hossain⁷⁵

On 14 May 2005, Mr. **Anwar Hossain**, president of the Migrant Workers' Trade Union (MTU), of Bangladeshi nationality, was arrested by more than 30 police officers of the Immigration Control Division, his visa having expired. He was beaten and suffered injuries to his head and hands during his arrest. On the same day, Mr. Anwar Hossain had criticised, in an important national newspaper, the government policy towards illegal immigrant workers.

On 16 May 2005, the government stated that once it would receive the passport of Mr. Anwar Hossain, who had lived in South Korea for nine years, he would be expelled. Furthermore, following the establishment of MTU on 24 April 2005, the Korean government refused to recognise the union and publicly announced that MTU would enjoy neither the right to organise, nor the right to strike or to engage in collective bargaining.

At the end of 2005, Mr. Anwar Hossain remained in detention in an immigration detention centre in Chungju.

SRI LANKA

Assault and search of the headquarters of the Human Rights Commission⁷⁶

On 12 October 2005, the headquarters of the Human Rights Commission (HRC) in Colombo were attacked and searched by

75. See Urgent Appeal KOR 001/0405/OBS 027.1.

76. See Urgent Appeal LKA 001/1005/OBS 095.

unknown persons. The assaulters burned documents related to the investigations undertaken by the Commission and poured petrol throughout the premises.

Upon their arrival at the office, the members of the Commission immediately went to the police station and lodged a complaint. The Criminal Investigations Department (CID) was charged of investigating into these events.

HRC, a national human rights institution, was established in 1997 to undertake independent investigations into complaints on alleged human rights violations committed by the executive and administrative services, in particular those perpetrated by the police. HRC had recently documented allegations of torture and extra-judicial executions, which were reportedly committed by members of the police.

By the end of 2005, the perpetrators of this act had still neither been arrested nor brought to justice.

THAILAND

Lack of investigation into the murder of Mr. Charoen Wat-aksorn⁷⁷

In the night of 21 June 2004, Mr. **Charoen Wat-aksorn**, an environmentalist and president of the group Love Bo Nok, was killed, on his return from Bangkok to Prachuap Khiri Khan province.

The group Love Bo Nok, a local environmental protection organisation, became well-known following its mobilisation campaigns against the opening of a coal electricity plant on public land.

On the day of his murder, Mr. Wat-aksorn had met with the House Committee on Corruption Investigation, in order to encourage them to open investigations into the accusations of corruption against local leaders, following the election of opponents to the project within the local administration. Mr. Wat-aksorn had also lodged several complaints with the Minister of the Interior, the National Counter Corruption Commission and with different committees of the House of Representatives and the Senate.

77. See Annual Report 2004.

The widow of Mr. Wat-aksorn, in collaboration with human rights activists, had demanded that an investigation with the jurisdiction of the Department of Special Investigation (DSI) of the Ministry of Justice be opened into the death of Mr. Wat-aksorn. However, Prime Minister Thaksin Shinawatra had refused this request and asked the police in Bangkok to assist the local police of Prachuap Khiri Khan.

On 21 June 2005, following an interview with Mrs. Wat-aksorn, the Minister of Justice and the DSI director agreed to “reopen” the investigation, under the direction of the Ministry of Justice. Since then, five suspects were arrested. However, more than one year after the murder, the persons behind the crime had still not been identified by the end of 2005.

Status of the proceedings relating to the enforced disappearance of Mr. Somchai Neelaphaijit⁷⁸

Mr. Somchai Neelaphaijit, president of the Muslim Lawyers Group and vice-president of the Committee on the Defence of Human Rights of the Law Society of Thailand, was abducted on 12 March 2004. He was last seen in Bang Kapi district. Shortly before his disappearance, he had received threatening anonymous phone calls and he had been informed that his name had been placed by the security forces on a list of members of terrorist groups.

Mr. Somchai Neelaphaijit had worked to cease the application of martial law in the southern provinces and for justice for Muslims suspected of terrorist activities and treason. He had also made known that some Muslims accused of terrorism had been tortured during police investigations. His various activities had created tension between Mr. Somchai and the security forces, which most likely played a role in his enforced disappearance.

On 18 April 2005, the wife of Mr. Somchai, Mrs. **Angkana Wongrachen**, received death threats from intelligence agents, asking her questions about her statements to the United Nations regarding the disappearance of her husband. On 20 April 2005, the director of

78. See Annual Report 2004, Open Letters to the Thai authorities, 20 October and 24 November 2005, Report of the Observatory mission of judicial observation in Thailand, *Somchai abduction trial, Justice granted or justice denied*, January 2006, Press Release, 9 January 2006, and Urgent Appeal THA 001/0106/OBS 005.

the Department of Right and Liberties Protection asked his assistant to pay a visit to Mrs. Angkana the following day, to make sure that protection would be conferred on her and her family, as part of the witness protection programme of the Ministry of Justice. Indeed, Mrs. Angkana was to go to court in the framework of the proceedings against the five policemen suspected of being involved in the disappearance of her husband.

By the end of 2005, the family of Mr. Somchai continued, however, to be victim of intimidation.

On 19 July 2005, the Vice-Prime Minister, Mr. Chidchai Wannasathit, announced that the case would from then on be under the responsibility of DSI due to the possible involvement of high-level officials.

In October 2005, a possible change in the primary judge dealing with the disappearance of Mr. Somchai was evoked, despite the progress in the proceedings. The judge finally kept his position until the end of the proceedings, most likely thanks to national and international pressure. The investigation was superficially carried out and the process of the hearings raised concerns that the persons prosecuted would not be punished in a significant way.

Five policemen were charged in relation to the disappearance of Mr. Somchai with “coercion and theft committed by several persons” (sections 309 and 340 of the Criminal Code): the Commander of Police Ngern Tongasuk, Lieutenant Colonel of Police Sinchai Nimbunkampong, First Class Soldier Chaiweng Paduang, Sergeant Rundorn Sithiket and Lieutenant Colonel Chadchai Leiamsa-ngoun.

On 12 January 2006, the Criminal Court of Bangkok found Mr. Ngern Tongasuk guilty of having forced Mr. Somchai to get into a car and sentenced him to three years in prison in accordance with Article 309 of the Criminal Code. The four other accused were acquitted due to lack of evidence.

Judicial proceedings against Mrs. Supinya Klangnarong⁷⁹

Since August 2003, Mrs. **Supinya Klangnarong**, secretary general of the Campaign for Popular Media Reform (CPMR), which brings

79. See Annual Report 2004.

together 45 NGOs, has been prosecuted by the media conglomerate Shin Corporation, a company established by the Prime Minister, after she made public, in an article published by the *Thai Post* on 16 July 2003, that the profits of Shin Corp had shot up since Mr. Thaksin Shinawatra became Prime Minister. On 6 September 2004, the Criminal Court had fixed the date of 19 July 2005 for the first hearing in the trial for defamation (Article 328 of the Criminal Code). Mrs. Supinya might be sentenced to a fine of 200,000 Baht (4,000 euros) and to two years in prison.

On 24 August 2004, Shin Corp had also filed a libel suit with the Civil Court for 400 million Baht (more than 8 million euros) against Mrs. Supinya and the *Thai Post*, with the approval of the Criminal Court. On 11 October 2004, the Civil Court decided that the trial would start after the Criminal Court rendered its decision.

Mrs. Supinya's trial began on 19 July 2005, with the hearing of the witnesses of the Shin Corp company. The witnesses of Mrs. Supinya were heard in August 2005. Although the criminal proceedings were to be finished on 26 October 2005 and the verdict handed down at the end of December, the hearing was finally postponed until 21 December 2005, due to the Court heavy schedule. The proceedings should be completed at the beginning of 2006, after Mrs. Supinya's lawyers file their final submissions to the Court. The civil proceedings should start in March 2006.

Assault and intimidation of Mr. Wiwat Thamee⁸⁰

On 18 August 2005, a grenade was thrown at the car of Mr. **Wiwat Thamee**, coordinator of the Ethnic and Indigenous People's Network of Thailand, in Chiang Mai. Mr. Thamee had recently attended the United Nations Human Rights Committee in Geneva (Switzerland), where he had criticised some practices of the Thai government towards minorities in the north of the country.

Despite the presence of police officers not far from the vehicle, they did not react and advised witnesses not officers to lodge complaints. On 20 August 2005, a complaint was lodged with the district police station. The matter was submitted to the National Human Rights Commission.

80. See Urgent Appeal THA 001/0805/OBS 076.

VIETNAM

Arbitrary detention of cyber-dissidents⁸¹

By the end of 2005, several defenders sentenced and imprisoned for having posted, on the Internet, articles critical of the government or promoting human rights remained in detention, including:

– Mr. **Nguyen Vu Binh**, a journalist arrested on 25 September 2002 and sentenced to seven years in prison in December 2003 for having posted article “of a reactionary nature”, including an account of human rights violations sent to the United States Congress. The sentence was confirmed on appeal on 5 May 2004. The prison authorities put pressure on him so that he make a “self-criticism”, which he always refused;

– Mr. **Nguyen Khac Toan**, a businessman and former military officer arrested on 8 January 2002 in a cybercafé in Hanoi. Accused of having helped peasants to draft complaints to the authorities to protest against the confiscation of their land by the State, and of having sent information to exiled Vietnamese human rights organisations, he was sentenced on 20 December 2002 to twelve years in prison for “espionage”;

– Dr. **Pham Hong Son**, a doctor and director of a pharmaceutical company, arrested on 27 March 2002 for having translated and posted online an article entitled “What is Democracy?” he found on the website of the American Embassy in Vietnam. He had previously written several articles supporting democracy and human rights that he had posted online on Vietnamese discussion websites. He had been sentenced in June 2003 to 13 years in prison for “espionage”, a punishment that, under international pressure, had been reduced on 26 August 2003 to five years in prison and three years of house arrest. By the end of 2005, his health condition was particularly critical. He might suffer from tuberculosis.

81. See Annual Report 2004.

Release of several defenders and ongoing harassment of Mr. Nguyen Dan Que and Mr. Thich Thien Minh⁸²

On 2 February 2005, several Vietnamese human rights activists were released after having benefited from an amnesty on the occasion of the Lunar New Year. These included:

- Dr **Nguyen Dan Que**, arrested on 17 March 2003 and sentenced in July 2004 to two and half years in prison for “abusing democratic rights to jeopardise the interests of the State and the legitimate rights and interests of social organisations and citizens”, after he denounced obstacles on freedom of expression and the press in Vietnam. Nevertheless, since he was released, Dr. Nguyen Dan Que was subjected to constant police surveillance and persistent acts of harassment;

- Mr. **Nguyen Dinh Huy**, founder of the Movement to Unite the People and Build Democracy, arrested on 17 November 1993 and sentenced in April 1995 to 15 years in prison for having organised a conference in Ho Chi Minh City on development and democracy;

- Father **Nguyen Van Ly**, sentenced to fifteen years in prison (reduced to five years) and five years of probation in 2001, for having protested against attacks on the freedom of religion and given evidence to the American Commission on International Freedom of Religion;

- Monk **Thich Thien Minh**, sentenced to a double life sentence (in 1979 and 1986), later reduced to 20 years, for supporting the Unified Buddhist Church of Vietnam (UBCV) and attempting to escape from a re-education camp. Since his release, Mr. Thich Thien Minh remained subjected to acts of harassment by the police. In particular, he received repeated phone calls threatening him with death if he did not cease all contact with foreign human rights organisations, and if he continued to denounce violations of human rights and religious freedom in Vietnam to foreign media. Some of these calls also targeted his brother Mr. Huynh Huu Nghia, as well as his wife.

Furthermore, on 23 March 2005, a delegation of officials of the Ministry of Health in Hanoi came to Bac Lieu and summoned Mr. Huynh Huu Nghia for an interrogation, which was held in a local

hotel. On 24 March 2005, the delegation, accompanied by local security officials, also visited Mr. Thich Thien Minh, at the home of his brother.

On 18 October 2005, Mr. **Huynh Huu Nhieu**, another of his brothers, was threatened and harassed following an interview that Mr. Thich Thien Minh had given to *Radio Free Asia*.

By the end of 2005, Mr. Thich Thien Minh and his brothers remained watched and harassed on a daily basis.

Ongoing acts of harassment of UBCV members⁸³

By the end of 2005, the patriarch Mr. **Thich Huyen Quang** and his assistant, Mr. **Thich Quang Do**, both members of UBCV, remained under house arrest since 1982. Mr. Thich Huyen Quang was living in the Nguyen Thieu Monastery, in Binh Dinh province, and Mr. Thich Quang Do was in his Zen Thanh Minh Monastery, in Ho Chi Minh City (Saigon). On 9 October 2003, the spokesperson for the Ministry of Foreign Affairs stated that the two monks had been charged with “holding State secrets” (Articles 263 and 264 of the Criminal Code).

Furthermore, since he launched his “Appeal of the New Year”, supporting pluralism and democracy in Vietnam in February 2005, Mr. Thich Quang Do has been subjected to even more severe controls.

Moreover, in October 2005, Mr. **Thich Vien Phuong** was summoned to pay a fine of 15 millions dongs (the equivalent of 43 months of the minimum salary) for having filmed a message that Mr. Thich Quang Do wished to address to the United Nations Commission on Human Rights, in March-April 2005 (this message was finally only provided in audio form). On 30 March 2005, Mr. Thich Vien Phuong was arrested by the police at the exit of the Zen Thanh Minh Monastery (Saigon), where he had just filmed Mr. Thich Quang Do. The police confiscated the camera and the video. On 4 November 2005, the People’s Committee of the District of Phu Nhuan (Saigon) refused his appeal against the fine, which had to be paid within 30 days. Mr. Thich Vien Phuong was found guilty of “producing films or videos that slander or bring into question the prestige of organisations, honour or dignity of individuals”.

82. See Press Releases, 1 February and 29 March 2005.

83. See Annual Report 2004.

In addition, shortly after Vietnam was retained on the list of Countries of Particular Concern (CPC) in relation to religious freedom by the American State Department on 8 November 2005, the official Vietnamese media once more launched a denigration campaign against Mr. Thich Quang Do.

Finally, on 19 November 2005, the security forces that continually surrounded the Zen Thanh Minh Monastery, where Mr. Thich Quang Do resides, attempted to prevent him from going to the Giac Hoa Pagoda (in Ho Chi Minh City), where commemoration ceremonies were taking place in honour of the founder of the principles of the Buddhist schools of Vietnam, Master Zen Nguyen Thieu (17th century). As a result, a heated confrontation between the police, Buddhist monks and the crowd took place. Security forces finally had to allow Mr. Thich Quang Do to go, but not without manhandling him. Mr. Thich Quang Do was thus able to attend the ceremonies (under close police surveillance).

Acts of harassment and intimidation against Mr. Hoang Minh Chinh⁸⁴

At the end of August 2005, Mr. **Hoang Minh Chinh**, 83, former Dean of the Hanoi Institute of Marxist-Leninist Philosophy, and an advocate for democratic reforms, gave evidence before the American Congress Committee on International Relations, as well as at Harvard University, on the lack of democratic freedoms in Vietnam, during a visit to the United States for medical reasons. His statements were vehemently criticised by the official Vietnamese press. On 31 October 2005, he lodged a complaint for defamation against seven newspapers.

Back to Vietnam on 13 November 2005, Mr. Minh Chinh and his wife went to their daughter's house, in Ho Chi Minh City, where they wished to stay for a while, due to Mr. Minh Chinh's health. The police then granted him a temporary residence permit of 10 days (indeed, according to Vietnamese law, residence permits have to be obtained from the local police each time one wants to overnight in another place than one's official residence).

84. See Urgent Appeal VNM 001/1105/OBS 116.

On 19 November 2005, a local security agent warned the daughter of Mr. Minh Chinh that her father's presence caused serious unrest and dissatisfaction in the neighbourhood because he was "a traitor and an enemy of the people". The agent allegedly stated that the police would not protect him if any violence broke out.

Two days later, a crowd gathered outside the house of Mr. Minh Chinh's daughter, threatened him and committed acts of vandalism. They threw a bucket filled with sulphuric acid into the house. The police made a report on this incident, but took no further action. Later in the evening, a group of ten young men banged loudly on the door and threatened Mr. Minh Chinh, demanding that he return to Hanoi. The police repeated that they would not be able to protect him.

Since their return to Hanoi on 1 December 2005, Mr. Hoang Minh Chinh and his wife were taken aside on five occasions by a crowd of around fifty persons who insulted them during several hours and sprayed them with fermented prawn sauce (a sauce with a strong and unpleasant odour), without any intervention from several present police officers. Mr. Hoang Minh Chinh's complaints to the authorities remained unanswered.

Acts of harassment against cyber-dissident Mr. Do Nam Hai⁸⁵

In December 2004, Mr. **Do Nam Hai**, a bank employee in Ho Chi Minh City, had been subjected to acts of harassment for having openly criticised the authorities in articles published on the Internet and called for democratic reforms and pluralism in Vietnam, under the pen name of Phuong Nam. In particular, he had been interrogated several times by the police. Two months after having given an interview to the American radio station *Radio Free Asia* in October 2004, the police had searched his home, seized his computer and told him that he would be able to recover it "once all the information contained in it would be deleted".

In February 2005, he was dismissed for having refused to cease his activities. Mr. Do Nam Hai remained very closely watched by the Vietnamese security services.

85. See Vietnam Committee for the Defence of Human Rights.

ASIA

In the night of 8 to 9 December 2005, he was arrested and interrogated for 24 hours, before being released. The arrest could possibly be related to the project of dissidents Mr. **Tran Khue** and Mr. Hoang Minh Chinh to launch a website called *The Voice of Democracy* on 10 December 2005.

EUROPE AND THE COMMONWEALTH
OF INDEPENDENT STATES
(CIS)



SITUATION OF HUMAN RIGHTS DEFENDERS

In 2005, the situation of human rights defenders continued to deteriorate in some countries of the Commonwealth of Independent States (CIS), in particular in *Belarus*, the *Russian Federation*, and *Uzbekistan*, where independent civil society was the target of the authoritarian policies of these States. In general, the changes of regime that followed popular movements (“coloured revolutions”) in Georgia in 2003, Ukraine in 2004, as well as in Kyrgyzstan in March 2005, created tension in the neighbouring States, which tightened their grip on civil society in order to avoid similar scenarios at home.

In *Turkmenistan*, freedom of association was still completely flouted, as were a great number of fundamental freedoms, and it remained completely impossible to organise and work in favour of human rights and democracy without being at risks of reprisals.

In the Balkans, where democratic transition still encountered certain difficulties, defenders carried out their activities within a society facing violence and ultra-nationalist movements, in particular in *Serbia-Montenegro*.

In *Turkey*, whereas a certain improvement was noted regarding freedom of association, defenders continued to be victims of judicial harassment.

Defenders also faced legislative restrictions to their freedoms of association (*Belarus, Russian Federation, Turkmenistan, Uzbekistan*), peaceful assembly (*Belarus, Kazakhstan, Russian Federation*) and expression (*Belarus*). Moreover, they were subjected to assaults and ill-treatment (*Kyrgyzstan, Russian Federation, Serbia-Montenegro, Uzbekistan*), threats (*Azerbaijan, Croatia, Turkey*), judicial proceedings and arbitrary detentions (*Belarus, Kazakhstan, Russian Federation, Turkey, Uzbekistan*), defamation and intimidation campaigns (*Azerbaijan, Georgia*) and obstacles to their freedom of movement (*Azerbaijan, Belarus, Chechnya*). Finally, NGOs were regularly victims of attacks, data thefts and abusive investigations (*Belarus,*

Kazakhstan, Russian Federation, Uzbekistan), and of suspension or arbitrary dissolution (*Belarus, Uzbekistan*).

Restrictions on freedom of association and defamation campaigns against NGOs

In 2005, many of the CIS States carried on and intensified strategies in order to increase their control over independent civil society through a large panel of measures, from strengthening their legislation to closing down organisations deemed to be too critical of the government. Some States tried to justify these measures by claiming that they were necessary to protect national integrity from “new threats” coming from outside, in particular from Western Europe or the United States, in order to prevent any development that might lead to “coloured revolutions”.

In *Belarus*, President Lukashenko decided to introduce amendments to the Law on “Public Associations”, legalising the prohibition of non-registered organisations and extending the list of possible reasons for dismantling organisations. This “Law of amendments”, which came into force on 1 August 2005, constituted the premise for another law that was adopted at high-speed in December 2005, providing for heavy penal sanctions against any person carrying out activities within a non-registered organisation. After the judicial dismantling of the majority of independent human rights organisations¹, a new threshold was then crossed by the government which, from this date on, began to directly attack activists. To justify this measure, the President of the Republic claimed that it was “necessary to protect Belarusian society from instability emanating from anti-Belarusian information sources”². For his part, the Head of the Intelligence Service, Mr. Stsiapan Sukharenka, declared that “intelligence services would not allow the situation of the country to become destabilised as a result of ‘coloured revolutions’ that have already taken place in the CIS countries”. He pointed out that “the intelligence services of the Republic have enough information about all

kinds of seminars [...] and training courses organised by western specialists aimed at the citizens of Belarus” and that “the KGB, (which) is in control of the situation, will respond appropriately to any attempt to undermine the current laws of the territory”.

These words echoed the statements of Mr. Nikolay Patrychev, Director of the Federal Security Bureau (FSB) in the *Russian Federation*, when he pointed out, in a speech to the Lower House of Parliament in May 2005, that “his services were concerned about the increasing activities of foreign governments through NGOs”. He added that “[they] were thinking of introducing proposals in order to strengthen legislation regulating the work of foreign NGOs”. A few months later, in November 2005, amendments to three Russian laws were presented before Parliament, which drastically restricted the possible activities of international or foreign NGOs in the country, toughened the conditions of registration for national NGOs and strengthened the authorities power of interfering in their activities. Under pressure from Russian civil society and the international community, some modifications were made in the text before it was presented for second reading one month later. Significantly, the first meeting to revise the text was organised with representatives of the Intelligence Service, the Ministry of Defence and the Ministry of Home Affairs. However, even if some provisions concerning the establishment of foreign NGOs were withdrawn from the text, it still remained extremely restrictive.

The adoption of this text on 23 December 2005 illustrated the deterioration of fundamental freedoms in the Russian Federation and constituted a blank hardening of the position of federal authorities towards independent civil society. NGOs were accused of working in the pay of criminals and foreign powers, and were the subject of growing defamation campaigns by the authorities, aiming at discrediting them in the eyes of the population. Thus, on 14 September 2005, Mr. Yuri Kalinin, the Federal Penitentiary Service Director, stated that “many committees and all sorts of organisations exist in Russia today. None of these militants exercise their normal professions. The question is: how do they earn their living? Who is paying them? We know that their money comes from the thieves’ common pots”³. As for Mr. Sergei Lebedev,

1. 89 associations were dissolved through legal means in 2003 and 2004, several of which were human rights organisations, like the NGO Viasna, and about 40 associations (non-official figure) were dissolved through legal means in 2005.

2. See Address by the President of the Republic to the Defense Soviet, 30 September 2005. Non official translation.

3. See Conclusions of the Observatory international fact-finding mission in the Russian Federation, 18-23 June 2005.

Director of the Russian Foreign Intelligence Service (SVR), he accused in November 2005 NGOs and humanitarian missions of being “attractive for all intelligence services worldwide [which] need a cover [...] and a screen”.

Among the most targeted NGOs in the Russian Federation were those which dared to criticise the official Russian policy in Chechnya. Indeed, contrary to speeches made by the authorities, which tried to convince people of the “normalisation” in Chechnya, serious human rights violations were still perpetrated in this Republic. Defenders who attempted to denounce this situation were in turn targeted. For instance, the members of the Russian-Chechen Friendship Society (RCFS) in Nizhny Novgorod had to face serious judicial and financial harassment.

In *Kazakhstan*, the preparation for the presidential elections of 4 December 2005 also provided the authorities with a pretext for introducing new measures aiming at limiting the activities of foreign and international NGOs, especially concerning training and education in human rights. Thus, amendments to the Law on Elections of the Republic of Kazakhstan, which came into force on 15 April 2005, state that “[...] foreigners, stateless persons, foreign and international organisations shall be banned from activities that create obstacles for or assist in the promotion or election of candidates, [...] political parties [and] achievement of certain results in the elections”. In this regard, the law amending the Law on National Security, that came into force on 8 July 2005, provides for financial penalties for persons and legal bodies which infringe the clauses of the above-mentioned law, along with the expulsion of foreigners. On 12 September 2005, the President of the Republic, Mr. Nursultan Nazarbaev, further warned NGOs that the government “would closely watch them” to insure that international groups would not “mix themselves up in political life”. This behaviour, consisting in making systematic accusations against NGOs, stating that they are working in the pay of western powers and support opposition parties, entails serious risks of abuse. Thus, more than thirty national and international NGOs were subjected to inquiries by official representatives in 2005, on the basis of allegations that they had supplied money to opposition parties⁴.

4. See Human Rights Watch, Letter to President Nursultan Nazarbaev, 10 October 2005.

In *Uzbekistan*, Mr. Islam Karimov’s regime continued to use the pretext of the fight against terrorism and religious extremism to suppress, by a reign of terror, all kinds of protest. In accordance with the decrees adopted in 2004 aiming at strengthening the control over civil society, all NGOs dealing with women’s rights had to re-register. Most of these organisations were granted registration, even if this meant for many of them to include or remove some provisions in their statutes. Moreover, the decree adopted in 2004 in order to fight against money laundering and terrorism, obliging the organisations to deposit all their funds received from foreign donors only with the two State banks⁵, led to the shackling of NGOs activities and the intensification of the authorities control on their activities. Indeed, from this date on, they have had to provide a report on their activities to the Special Internal Committee created within the Uzbekistan Central Bank, and which is in charge of authorising all transfers of funds; this added to the reports which they had to send every three months to the Ministry of Justice and to the tax authorities. Last but not least, the government systematically repressed all dissident voices following the events in Andijan in May 2005⁶, and took advantage of this repressive context to muzzle civil society even further and close many organisations, such as the Bukhara Centre for Humanitarian Law and Internews.

In *Turkey*, despite improvements with regards to freedom of association, in particular since the new Law on Associations came into force in 2004⁷, human rights NGOs continued to be subjected to acts of harassment, especially those defending minorities. In May 2005, the Supreme Court ordered the closure of Egitim Sen, the largest union of college and university lecturers in Turkey, arguing that one of the articles of its statutes was contrary to the Turkish Constitution; the article stated that the union “defend[ed] the rights of individuals to education in their mother tongue and the development of cultures”. The proceedings were abandoned when this wording in the statutes of the union was withdrawn.

5. See Annual Report 2004.

6. On 13 May 2005, more than 750 persons were killed during a demonstration against poverty, police repression and the trial of 23 persons accused of belonging to the radical Islamist movement *Akramia*.

7. See Annual Report 2004.

Collecting and broadcasting information on human rights: a high risk activity

Transmitting information on human rights remained a difficult exercise in countries where independent press was muzzled and where, as a consequence, no media could relay denunciations made by defenders. This was the case in *Belarus*, *Turkmenistan*, *Uzbekistan*, and, to a lesser extent, in the *Russian Federation*. Besides, this activity proved to be very dangerous, as human rights defenders were subjected to different forms of reprisal.

For instance, in *Azerbaijan*, members of the Human Rights Centre of Azerbaijan (HRCA) continued to be victims of defamation campaigns after they transmitted information on prisoners of conscience.

In *Belarus*, the amendments to the Criminal Code, which came into force on 20 December 2005⁸, included an Article entitled “Discredit of the Republic of Belarus”, providing for heavy criminal sanctions for the transmission “of false information to a foreign State or international organisations, concerning the political, economic, military or international situation of the Republic of Belarus [...]”, the communication with foreign States or international organisations “to the detriment of internal security, sovereignty or territorial integrity”, and the dissemination of “material with such content”. The vagueness of the terms used might lead to arbitrariness, and might penalise the expression of all divergent opinions.

In *Kyrgyzstan*, it was sometimes difficult to collect information on human rights, especially about persons detained in institutions under the authority of the Ministry of Justice or in places of temporary police detention (IVS). On 17 June 2005, the Ministry of Justice indicated in a letter to the Youth Human Rights Group that, “according to the order [of 7 July 1995], information about the number of people condemned [to capital punishment] comes into the category of absolutely secret information”⁹.

In the *Russian Federation*, numerous illegal searches, attacks on offices and data theft were recorded in 2005, like for instance those that occurred on the premises of Memorial and the Soldiers’ Mothers

of St Petersburg, or on several organisations in the Nizhny Novgorod region, such as the RCFS or the National Council of NGOs. Furthermore, on 15 November 2005, Mr. Osman Boliev, president of the human rights NGO Romachka, based in Kassaviurt (Daguestan), was arrested. After searching him, the police claimed to have found a grenade in his pocket and he was then accused of “participating in an illegal armed group”. He was remanded in custody in Kassaviurt, where he was still detained at the end of 2005. He had played an active role in preparing a case concerning a citizen kidnapped in October 2004 by members of the Kassaviurt police and sending it to the European Court of Human Rights in Strasbourg (France)¹⁰.

In *Uzbekistan*, 2005 was marked by the muzzling of information following the events in Andijan. A large number of NGOs and journalists were intimidated, arrested, placed in detention and ill-treated after attempting to denounce violent acts committed by the security forces at the time of these events. Some of them, for the same reason as a great number of citizens who witnessed these events, had to take refuge abroad. In this context, the Uzbek section of *Radio Free Europe (RFE)/Radio Liberty* was shut down on 12 December 2005, following many cases of harassment and threats against journalists who had denounced these events. For instance, Mr. Nozir Zokirov, a *RFE* journalist, was condemned to six years in prison on 26 August 2005. Moreover on 19 and 25 May 2005, the authorities made it abundantly clear that they would refuse any international inquiry into these events and refused the request for an invitation made in May and June 2005 by Mrs. Louise Arbour, United Nations High Commissioner for Human Rights.

Likewise, on 15 June 2005, the members of an international fact-finding mission sent by the International Helsinki Federation for Human Rights were forced to leave Andijan by the security forces. Similar restrictions were also applied to other kinds of investigation. In July 2005, official representatives appointed by FIDH to investigate into death penalty in Uzbekistan were intimidated and threatened before their departure by diplomats, who indicated that the authorities would not be held responsible “if anything happened to them”.

8. See above.

9. See Conclusions of the Observatory international fact-finding mission in Kyrgyzstan, 26 June - 6 July 2005.

10. See Memorial.

During the mission, FIDH *chargés de mission* were denied access to the centres where those sentenced to death were being held.

In *Turkmenistan*, all those who attempted, individually, to criticise the regime, continued to be systematically repressed (detention in work camps or psychiatric hospitals, restrictions to their freedom of movement, surveillance and intimidation, pressure on their families, etc.). For example, in March 2005, Mr. Ruslan Tukhbatullin was forced to “resign” from his position as a general due to the human rights activities of his brother, Mr. Farid Tukhbatullin, in exile since 2003. Similarly, the father of Mrs. Tajigul Bergmedova, president of the Helsinki Foundation for Human Rights in Turkmenistan, likewise in exile abroad, remains isolated in a work camp due to his daughter’s activities.

In the Balkans, the denunciation of the authors of violations perpetrated during the war in former Yugoslavia remained a sensitive subject. The persons who took this risk were the target of nationalist and ultra-nationalist groups, like Mrs. Nataša Kandić, president of the Humanitarian Law Centre (HLC) in *Serbia-Montenegro*, or Mr. Drago Hedl, a journalist in *Croatia* and author of articles denouncing the role of the Croatian generals in the war crimes committed against Serb civilians in 1991-92. On 5 December 2005, he received at home an anonymous letter threatening him with death¹¹. In *Bosnia-Herzegovina*, the attacks against the Helsinki Committee for Human Rights in 2004, and against Mr. Mladen Mimic, president of the Milici Citizens’ Association, in 2003, still remained unpunished¹².

Finally, in *Turkey*, human rights defenders continued to be subjected to judicial proceedings due to their public criticisms. Moreover, many activists remained victims of long-standing sentences, which they appealed without any concrete result. This constituted an increasing pressure against such activists or organisations like the Association of Human Rights in Turkey (IHD) or the Human Rights Foundation of Turkey (HRFT).

11. See Reporters Without Borders (RSF), press release, 12 December 2005.

12. See Annual Report 2004.

Hindrances to freedom of peaceful assembly

In *Azerbaijan*, on 21 October 2005, in a decision clarifying the meaning of Article 49 of the Constitution about freedom of peaceful assembly, the Constitutional Court stated that this freedom may be subjected to necessary limitations defined by law, within the context of a democratic society. Even if this decision is not in itself a restriction on freedoms, in practice it could open up further possibilities of repression against human rights defenders. Moreover, numerous cases of police violence were reported in the context of demonstrations during the campaign for the parliamentary elections of 6 November 2005. On 26 November 2005, many people were injured by the police when they denounced frauds that took place on polling day.

In *Belarus*, the amendments to the Criminal Code stipulate for serious judicial sanctions against any person who provides training or any other type of education aiming at participating in “mass activities”, or any person who funds such activities, as well as any person who provides training or any other form of education, aiming at the participation in “group activities which seriously violate public order”, or any funding or other material assistance of such activity”. It seems that these measures were taken in view of the forthcoming presidential elections, which were brought forward to March 2006 at the same time as this law came into force. Moreover, attacks against freedom of assembly continued in 2005. On 7 December 2005, the Brest section of the Helsinki Committee for Human Rights was notified that it was denied authorisation to held a gathering on the Universal Declaration of Human Rights and on the difficulties of the independent press, on 11 December 2005.

In *Kazakhstan*, numerous infringements to freedom of assembly were reported, especially in the context of the presidential elections of 4 December 2005. In particular, the Amendments to the Election Law of the Republic of Kazakhstan prohibit any demonstration between the eve of the ballot and the official announcement of the results. Moreover, the Law against Extremism, which had been adopted in 2004, came into force on 18 February 2005. This law stipulates that organisers of demonstrations and gatherings will be held responsible for the participation of “extremists”. This measure could be arbitrarily applied and discourage the organisation of peaceful assemblies and demonstrations. Furthermore, on 18 September 2005, a demonstra-

tion against the poor housing conditions in the suburb of Almaty was violently dispersed by the police.

In *Kyrgyzstan*, while in October 2004 human rights defenders had obtained a decision from the Constitutional Court, abrogating several provisions of the Law of 22 June 2002 (i.e. the obligation to ask local authorities at least 10 days in advance for the authorisation to hold meetings or demonstrations), the Council of Deputies of the town of Bishkek re-instated this obligation on 11 January 2005¹³. Subsequently, the police also used Article 8 of the Law on Meetings to disperse public demonstrations. Moreover, public protests that broke out in the middle of March 2005 in the context of the parliamentary elections in the big cities (i.e. Bishkek, Jalal Abad and Och) and which ended on 24 March 2005 with the flight of former President of the Republic, Mr. Askar Akaev, were violently repressed.

In *Turkey*, on 6 March 2005, many persons who had gathered in Istanbul to celebrate the International Women's Day were violently dispersed on the grounds that the demonstration had not been authorised. The police used tear gas and truncheons, injuring many participants. In April 2005, the Minister of the Interior issued a circular to remind the provisions of another circular issued in August 2004 on the need to prevent disproportionate use of force during such demonstrations. At the end of August 2005, judicial proceedings were pending against 54 police officers who were facing prison sentences for violence due to a disproportionate use of force.

In *Uzbekistan*, all the demonstrations of protest against the events in Andijan were cracked down. On 27 June 2005 in Tashkent, plain clothes policemen prevented the holding of a demonstration against media disinformation about the events in Andijan. Certain persons were held for several hours at the Regional Centre of the Ministry of Home Affairs and placed under surveillance before the demonstration, which had to be cancelled.

13. See Conclusions of the Observatory international fact-finding mission in Kyrgyzstan, 26 June - 6 July 2005.

Fighting against racism and discrimination

Defenders of sexual, religious, ethnic and cultural minorities were regularly victims of attacks that often went unpunished when the perpetrators were nazi or far-right groups.

Sexual Minorities

In *Poland*, in November 2005, several demonstrations calling for tolerance were organised following the victory of the conservative leader Mr. Lech Kaczynski at the presidential elections of October 2005. For example, on 19 November 2005, a peaceful assembly entitled "Equality March" organised at the initiative of organisations for the defence of homosexual and bisexual rights in order to promote human rights and the fight against all forms of discrimination, was repressed by the police. Around 60 participants were interrogated, whereas nazi groups who had set upon the demonstrators were not disturbed by the police¹⁴. These demonstrations took place in the context of growing hostility towards the homosexual community, actually relayed by certain senior officials. Among other things, the demonstrators were protesting against the announcement made on 4 November 2005 by the new Polish Prime Minister about the imminent closure of the Plenipotentiary Office for Equal Status, an independent body that had been working for four years in the fight against discrimination, and which had been set up in accordance with the European Union directives in this matter.

In *Turkey*, in September 2005, the deputy governor of Ankara opened proceedings against the Organisation Kaos GL for Gay and Lesbian Solidarity and Cultural Research for the "inauguration of an organisation contrary to moral laws and principles", after the organisation requested to register as an NGO. The State Prosecutor refused to bring proceedings¹⁵.

Ethnic and cultural minorities

In *Georgia*, Mr. Ucha Nanuashvili, president of the Human Rights Information and Documentation Centre (HRIDC), was intimidated

14. See International Lesbians and Gays Association (ILGA).

15. *Idem*.

by Mr. Kvaratskhelia Zaur, head of the Department of Ethnical Minorities and Georgian Diaspora Relations, of the President of the Republic office, after having given a press conference on 27 July 2005 in Tbilisi, during which he presented and circulated an FIDH report on the situation of ethnic minorities in Georgia.

In the *Russian Federation*, human rights defenders who fought in favour of minorities and against fascism were confronted to a real climate of hostility in their daily activities¹⁶. This climate resulted in a rise in xenophobia, racism and anti-semitism in Russia, targeting foreigners, minorities and, *de facto* defenders of their rights. This phenomenon did not only concern extremist groups, but was equally present at the heart of public administration, the political system and even the legal establishment. Indeed, the absence of official reaction was not always sufficient and the attacks to which the defenders were subjected were often considered as common law crimes. In this context, the lack of protection for witnesses and experts made them inclined to refuse to expose themselves to the risks incurred by testifying. On 13 November 2005, Mr. Timur Kacharava, a student and a member of an anti-fascist group, was murdered on the street by a group of skinheads. Following this attack, eight of the eleven assaulters were arrested and the investigation into those facts was pending as of the end of 2005. In December 2005, an anti-fascist demonstration was repressed in Moscow, and many human rights defenders, among them leaders of the organisation Memorial, were taken to the police station¹⁷.

In *Turkey*, persons defending the rights of Kurdish, Armenian and Alevi minorities continued to be subjected to judicial proceedings, such as the Association Democracy for Kurdish Culture and Solidarity in Diyarbakir, which was closed down in July 2005 in the framework of judicial proceedings linked to the publication of a clause in their statutes on education and the distribution of their documents in Kurdish. Furthermore, Article 301 of the new Turkish Criminal Code (June 2005), relating to the denigration of "Turkish identity", was used on numerous occasions to sanction people, including journalists who dared to speak about the Armenian genocide of 1915.

16. See Conclusions of the Observatory international fact-finding mission in the Russian Federation, 18-23 June 2005.

17. See Memorial.

Mobilisation for regional and international protection of defenders

United Nations (UN)

During the 61st session of the UN Commission Human Rights (UNCHR) in April 2005, Mrs. Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, presented her report on her visit to *Turkey* from 11 to 20 October 2004. Whereas she pointed out "that the new law on freedom of association represents an impressive step towards an environment favourable to the activities of human rights defenders", she called on the government to "continue to review this law in order to guarantee complete freedom of assembly" and she urged the authorities "to put an end to the surveillance [...] to which human rights defenders are subjected; not to publish declarations which call into question the legitimacy of the objectives of organisations for the defence of human rights [...] and to ensure that defenders shall be able to engage in international co-operation without risk of reprisals". Moreover, she recommended that "all cases pending against human rights defenders be reviewed and the possibility should be explored of abandoning the current procedures [...]". Finally, she called upon the government to "ensure proceedings should not be initiated against defenders in connection with their actions for the defence of human rights"¹⁸.

In her report to the Commission, Mrs. Jilani indicated that 16,5% of her communications in 2004 were based on information coming from European and Central Asian countries.

At the end of 2005, the request for a visit from the Special Representative to the *Russian Federation* was still under discussion. Her requests to *Belarus* and *Turkmenistan* did not receive any reply, while her request to *Uzbekistan* was refused.

At the 61st session of the UNCHR, Member States adopted a resolution on *Belarus*, in which they noted "the persistent reports concerning acts of harassment against non-governmental organisations, national minority organisations, independent media outlets, opposition political parties and independent trade unions, along with their suppression, and acts of harassment against individuals pursuing democratic activities[...]". Moreover, they requested the authorities to

18. See United Nations Document, E/CN.4/2005/101, add. 3.

“cease harassing non-governmental organisations [...]; to review the legislation and national practices concerning the obligatory registration of non-governmental organisations” as well as “to co-operate fully with all the political mechanisms of the Commission particularly by inviting to Belarus [...] the Special Representative of the Secretary General on human rights defenders [...]”¹⁹.

The European Union (EU)

On 15 and 17 July 2005, the Observatory arranged a meeting in Brussels (Belgium) between Mrs. Jilani and Mr. Michael Matthiesen, Personal Representative for Human Rights of the High Representative for the Common and Foreign Security Policy (CFSP), along with several representatives of the European Commission and the European Parliament. Furthermore, the Observatory participated in the EU NGO Forum organised by the British Presidency in London (United Kingdom) on 8 and 9 December 2005, during which a workshop was especially dedicated to the implementation of the EU Guidelines on human rights defenders.

On 2 December 2005, the EU Presidency published a declaration, sharing its preoccupation about the “decision of the *Belarusian* National Assembly to approve the amendments to the Criminal Code and the Code of Criminal Procedure intensifying the penalties for activities directed against persons and against public security”. On 15 December 2005, the EU asserted that it “share[d] the opinion of the United Nations Special Rapporteur, Mr. Adrian Severin, that the new provisions have the potential to severely undermine freedoms of assembly, association and expression [in Belarus]”. The EU “very much regret[ted] that despite its urgent call to the *Belarusian* National Assembly to reconsider the decision and to reject the undemocratic draft legislation, the *Belarusian* authorities continued to further its adoption”. The EU finally indicated that it “will continue to follow closely development in Belarus and stands ready to take appropriate measures against individuals responsible for not upholding international standards”.

19. See United Nations Document, E/CN.4/RES/2005/13.

In March 2005, on the eve of its visit to *Turkey*, an EU delegation said it was worried about the violent repression of a demonstration in favour of women’s rights on 6 March that year²⁰.

In its press release of 8 September 2005, the EU Presidency emphasised that the Union was concerned, among other things, about the situation of human rights defenders in *Russia* as well as restrictions on freedom of expression. Moreover, the EU emphasised the phenomenon of racism and xenophobia and recognised the importance of NGOs in the promotion of human rights²¹.

On 3 October 2005, the EU Council of Ministers sounded the alarm bell concerning the detentions and harassment of *Uzbek* human rights defenders who criticised the official version with regard to the events in Andijan on 12 and 13 May 2005. Furthermore, in a statement from the EU Presidency on 19 October 2005, the Union expressed its concern about the decision of the Court on 18 October 2005 to place Mrs. Elena Urlaeva in a psychiatric hospital, and asked the *Uzbek* authorities to “postpone any such treatment until such time as an independent assessment is made of [her] health”²².

On 15 December 2005, at the end of their debate on the modification of the legislation on NGOs in the *Russian Federation*, the European Parliament adopted a resolution²³ in which it “voiced its deep anxiety” concerning this law, “appealed to the Duma to take the necessary time to revise and improve this legislation”, and inviting the authorities to “engage in a broad consultation involving all the democratic elements of Russian civil society in order to find the means [...] really to help and consolidate the creation of NGOs”. The Parliament also called on “the Austrian and Finnish Presidencies of the EU Council to allow more time for the EU/Russian dialogue on human rights and continue to involve the EU Parliament in this process.” To this end, the Parliament invited the Russian authorities “to put an end to the politically motivated harassment of NGOs, in particular those observing the situation in Chechnya, for example the Russo-Chechen Friendship Society”.

20. See above.

21. See Press Release of the EU Presidency, document 12801/05 (Press 228), 8 September 2005.

22. See Statement from the EU Presidency on Uzbekistan, 19 October 2005.

23. See European Parliament Resolution P6_TA-PROV(2005)0534.

Organisation for Security and Co-operation in Europe (OSCE)

On 30 and 31 March 2005, the Office of the Democratic Institutions and Human Rights (ODIHR) organised a conference on “the legal framework of freedom of association and meeting in Central Asia” in Almaty (Kazakhstan). The participants made recommendations to the governments of Central Asian countries, calling on them to “conform to international norms when adopting new laws relating to the fight against terrorism, extremism and in matters of national security”.

In September 2005, the Observatory took part in the Human Dimension Meeting of the OSCE. On this occasion, the Observatory intervened under the point of the agenda dedicated to freedoms of association and peaceful assembly (20 September 2005), and urged Member States to take action on the need to create a protective mechanism for defenders. The Observatory also organised, jointly with the International Human Rights League, a ‘parallel event’ on freedom of association in post-soviet countries. To this end, they invited two representatives of its member organisations and partners in Belarus and Uzbekistan.

Council of Europe

In 2005, the Observatory, which had initiated within the Forum of NGOs the creation of a working group on human rights defenders, convoked several inter-NGO meetings with the hope of adopting a protective mechanism for human rights defenders within the Council of Europe.

In a press release dated 1 December 2005, Mr. Terry Davis, Secretary General of the Council of Europe, stated that “the proposed amendments to the law of the *Russian Federation* regulating freedom of assembly pursue legitimate objectives in the fight against terrorism and money laundering [...]. However, aspects of these amendments, concerning administrative and fiscal requirements for the registration of non-governmental and non-profit organisations, participation of foreign nationals and minors, and the authorities’ powers of supervision over NGO activities and over the grounds for their dissolution are too restrictive”.

On 19 October 2005, the Council of Ministers published a report on freedom of association in the member countries of the Council of Europe²⁴. In this report, it noted that, in the context of the Action Plan adopted at the Warsaw summit, the Heads of State and Government of the Member States decided “to enhance the participation of NGOs in [Council of Europe] activities as an essential element of civil society’s contribution to the transparency and accountability of democratic government”. Among other things, this report revealed a “gap as regards relevant legal instruments elaborated within the Organisation [regarding freedom of association]”. In their conclusions, the delegates of the Council of Ministers invited Member States “to make full use of Council of Europe co-operation programmes in the field of freedom of association and civil society and disseminate information on possibilities available to other interested partners, such as mainly NGOs”.

Finally, at the request of the Russian authorities, the Council of Europe issued a provisional opinion on the compatibility of the draft amendments to federal laws of the *Russian Federation* regarding non-profit organisations and public associations²⁵ with the European Convention on Human Rights. In this notice, made public on 1 December 2005 between the first and second reading of the text²⁶, the expert of the Council of Europe in charge of this mission stated that several measures were too vague, leaving too much scope for the discretionary powers of the authorities, especially concerning the reasons for refusing registration and dissolving organisations.

Seminar on Human Rights Defenders, Oslo (Norway), 25-27 May 2005

From 25 to 27 May 2005, the Observatory took part in a seminar on human rights defenders organised in Oslo by the Norwegian Ministry for Foreign Affairs. This seminar, which brought together numerous international actors involved in the protection of human rights defenders (the Special Representative of the UN Secretary General on Human Rights Defenders, representatives of mechanisms of regional protection, representatives of the EU and the States visi-

24. See Council of Ministers’ report CM/Monitor (2005).

25. See above.

26. See Document of Council of Europe, PCRED/DGI/EXP(2005) 63.

ted by Mrs. Jilani, international NGOs working in this area). The seminar allowed the participants to exchange their points of view on several questions, concerning, in particular, the issues linked to the renewing of the Special Representative's mandate in March 2006 and the collaboration between international and regional mechanisms.

Commonwealth

During the Commonwealth Summit held on 25 and 27 November 2005 in Malta, the Observatory drew the attention of Member States to the situation of human rights defenders in African Member States of the Commonwealth. The cases of violations listed by the Observatory on that continent in 2004 and 2005 were quoted, as well as the negative impact of the entry into force of restrictive laws concerning freedom of the press in *Gambia* and freedom of association in *Tanzania*. Member States of the Commonwealth were advised to set up a special unit on human rights defenders, which should have powers to interrogate Member States on cases of violations of defenders' rights.

Civil Society

From 13 to 15 October 2005, Frontline Defenders organised the third Human Rights Defenders' Platform in Dublin (Ireland), in which the Observatory took part. This meeting enabled about a hundred human rights defenders to meet each other, as well as representatives of regional mechanisms for the protection of human rights defenders.

On the fringe of the EU NGO Forum organised on 8 and 9 December 2005 by the British Presidency, the Observatory took part in the organisation of an inter-NGOs meeting on 7 December in London, at the initiative of Amnesty International. This meeting gave the NGOs present, involved in the protection of human rights defenders, the opportunity to consult on common strategies for the implementation of the EU Guidelines.

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

AZERBAIJAN

Defamation campaign against Mr. Eldar Zeynalov and Mrs. Leyla Yunus¹

At the end of March 2005, Mrs. **Leyla Yunus**, a member of the Institute for Peace and Democracy, learned from anonymous sources that her name was included in a "black" list of the intelligence services and that she "should be careful".

At the same time, Mrs. Yunus and Mr. **Eldar Zeynalov**, head of the Human Rights Centre of Azerbaijan (HRCA), were victims of a defamation campaign in the pro-government television channels *Lider TV*, *ATV* and *Space TV*. In particular, a journalist for *Lider TV* accused Mrs. Yunus of working "against the State of Azerbaijan", and stated that "people [like her] should not be given any protection". Between June and August 2005, both were accused by several journalists of defending "terrorists". In addition, a group of law professors, close to the government, publicly accused Mr. Zeynalov and Mrs. Yunus of "non-professionalism" and of "[providing] misinformation to international organisations", in particular at a press conference on 17 October 2005.

Mrs. Yunus also received several death threats. Although she lodged a complaint against the security services, no inquiry had been opened yet by the end of 2005.

In 2004, Mr. Zeynalov and Mrs. Yunus had already been subjected to a defamation campaign in the pro-government media after they had presented a list of Azerbaijani political prisoners in May 2004 to representatives of the Parliamentary Assembly of the Council of Europe (PACE). At that time, they had been accused of supporting terrorists and members of the "Chechen resistance movement" and of disseminating false information to European institutions.

1. See Annual Report 2004 and Open Letter to the Azerbaijani authorities, 29 April 2005.

Threats against Mrs. Arzu Abdullayeva and murder of Mr. Elmar Huseynov²

At the beginning of 2005, Mrs. **Arzu Abdullayeva**, president of the Azerbaijani Committee of the Helsinki Citizen's Assembly (HCA), and co-president of HCA International, was subjected to acts of harassment and intimidation. In particular, she noticed on a number of occasions that she was being followed by unknown individuals and received several anonymous death threats. On 9 April 2005, unknown persons came to the HCA office in Baku and at her home, demanding to speak to her, although a meeting had not been arranged.

These events followed the murder, on 2 March 2005, of Mr. **Elmar Huseynov**, founder and editor of the *Monitor*, a weekly newspaper that works closely with HCA. In January 2005, during the pre-electoral campaign, Mr. Huseynov had, notably, been critical of power abuses by several high-ranking officials, at the time when a law on the fight against corruption was coming into force, and when several representatives of the Ministry of Justice had been arrested and brought to court.

Ongoing harassment of Mr. Ilgar Ibragimoglu³

On 4 April 2005, Mr. **Ilgar Ibragimoglu**, coordinator of the Centre for the Protection of Conscience and Religious Freedoms (DEVAMM), and secretary general of the International Religious Liberty Association (IRLA), was prevented from leaving Azerbaijan.

Mr. Ibragimoglu was to attend the 61st session of the United Nations Human Rights Commission in Geneva (Switzerland), in order to present a report on criminal proceedings of religious nature in Azerbaijan. Yet, Mr. Ibragimoglu had given to the authorities prior notice of his official invitation to take part in the Commission. The representative of the customs department explained that they had received orders not to let him leave. This was the fifth time since August 2004 that Mr. Ibragimoglu was prevented from leaving the country.

On 20 December 2005, Mr. Ibragimoglu was again prevented from attending a conference in which he was to take part, this time in

Moscow (Russian Federation). The customs officer told Mr. Ibragimoglu that he had been ordered by the Ministry of Justice not to allow him to leave.

BELARUS

Restrictive legislation⁴

New law on "Public Associations"

On 1 August 2005, amendments to the Law on "Public Associations" of 4 October 1994 came into force after being signed on 22 July 2005 by the President of the Republic, Mr. Aleksandar Lukashenko. These amendments, drafted without any consultation with independent civil society, comprise the provisions of several decrees, regulations and customary laws already adopted or applied by the authorities in the past.

Registration of NGOs

The new amended law incorporates the provisions of several presidential decrees that stipulate in particular the prohibition of non-registered civil society organisations (Article 7) and especially restrictive registration conditions. For example, an association wishing to apply for registration must provide the authorities with a list of its founding members as well as their full personal and professional addresses, the list of all members of the elected bodies of the organisation, within one month following the registration, and a document confirming the registered address of the organisation. This last condition is especially difficult to fulfil, as the State, the main landlord of premises, exerts great pressure on individuals to dissuade them from renting their offices to associations. As a consequence, they are finding it increasingly difficult to find premises and frequently have to set up their offices in the homes of their members.

In addition, the body responsible for examining registration applications from organisations is the Republican Commission for Registration. This commission, established in 1999 by presidential decree and whose members are appointed by the President of the

2. See Open Letter to the Azerbaijani authorities, 29 April 2005.

3. See Annual Report 2004 and Urgent Appeal AZE 003/1203/OBS 068.2.

4. See Annual Report 2004.

Republic, must “give its opinion as to whether an association can be registered or not and send its conclusions to the authority responsible for processing the registration” (Article 14). This authority, in this case the Ministry of Justice or one of its local departments, decides on the basis of these conclusions.

Suspension of NGOs

The amended law provides that the activities of an organisation may be suspended by court decision for a period ranging from one to six months, following application to the court by the authorities responsible for the registration, when: the authorities have already issued a written warning to the organisation; the organisation has not remedied the violations relating to its activities or its structure within the time-limit notified to it; or where it has failed to advise the relevant authorities that it has remedied these violations (Article 28).

The law stipulates that the authorities can issue a written warning for every breach of the legislation, no matter what that might be. These written warnings may be appealed.

Dismantling of NGOs

The new law reiterates the former reasons for dismantling: when an organisation has committed acts aimed at the “violent change of the constitutional system”, “propaganda for war” or “inciting social, national, religious or racial hatred”; when an organisation has violated a legal provision after receiving a written warning in the same year; or when, on the registration of the organisation, its founding members have perpetrated serious or repeated violations of a legal provision – which is in particular a repetition of Article 57 of the Civil Code of Belarus, on the basis of which many NGOs were wound up by court over the last few years.

The law also adds other reasons for dismantling an organisation when: its composition or its affiliation do not comply with the conditions stipulated by the law; the organisation fails to remedy the violations leading to its suspension within the given time-limit; the organisation commits a breach of the law on public meetings or on the use of foreign funds.

Control over the activities and funding of NGOs

According to the law, organisations must provide an exhaustive annual report on their activities, their members, their possible affiliations to international NGOs and on events organised over the year.

In addition, Article 6 stipulates that “the involvement of State organs or officials in the activities of civil societies [...] is prohibited, except in cases stipulated by the law”. Article 24 of the law, however, gives the authorities responsible for the registration of organisations the right to participate in their demonstrations, to ask for and receive information about their activities and to “familiarise themselves” with their documents and resolutions. Organisations must also inform these same authorities about any meeting of their directors, at least seven days in advance, and also about any change in the composition of their elected organs.

Furthermore, Article 25 provides that the economic and financial activity of the organisation is controlled by State organs or other State organisations within the limits on their competence, without however specifying what these bodies are.

Finally, with regard to the receipt of funds, the new law is particularly vague: indeed, apart from sums from membership fees and possible business dealings, associations can only receive funds from “other sources of income not prohibited by law”.

Restrictive amendments to the Criminal Code⁵

On 23 November 2005, Mr. Lukashenko submitted to the Lower House of Parliament, as a matter of urgency, a series of extremely restrictive amendments to the Criminal Code (adopted in 1960), regarding freedoms of association, assembly and expression.

After they were passed by Parliament on 8 December 2005, Mr. Lukashenko proceeded to sign them on 13 December 2005. They came into force on 30 December 2005.

Criminalisation of human rights defenders’ activities

These amendments to the Criminal Code criminalise the organisation for any activity carried out by a suspended or dismantled organisation. Such activities may be punished by a fine or a six-month prison

5. See Press Releases, 1 and 14 December 2005, and Open Letter to the Belarus authorities, 9 December 2005.

sentence; in the most serious cases (for which there is no definition), these sentences can be up to two years of “restriction of freedom”⁶ (Article 193-1).

In addition, any person offering training or any other type of education aimed at participating in “mass activities”, or who finances these activities, faces a sentence of up to six months in prison, or a “restriction of freedom” for three years (Article 293). Any person offering training or any other type of education aimed at participating in a “group activity causing serious disturbance to the public order”, or who finances or in any other way supports such activities, may be sentenced to a maximum of six months’ imprisonment or a “restriction of freedom” for a period of three years (Article 342). However, there is no clear definition of the “mass” or “group” activities.

Finally, persons suspected of acts of “terrorism” or “vandalism”, concepts that are not defined in the text, may be detained for ten days without charge.

The particularly vague meaning of these terms leads one to fear that these provisions will be arbitrarily used.

Restrictions on freedoms of information and expression

By virtue of these amendments, the transmission of false information to a foreign State or an international organisation concerning the Belarusian political, economic, military or international situation, the judicial situation of Belarusian citizens, or any decision-making body, can be sanctioned by six months’ imprisonment or two years of “restriction of freedom”. These amendments also state that anyone who communicates with a foreign State or an international organisation to the detriment of internal security, sovereignty or territorial integrity, or who disseminates material with such content, could be sentenced to a prison term of between six months and three years. If such information is disseminated through mass media, the “perpetrators” could be sentenced from two to five years of “restriction of freedom”.

6. The term “restriction of freedom” means that those who are sentenced are sent to villages where they are forced to live, work and regularly present themselves at the police station, or else to closed labour camps, often under very harsh conditions.

Ongoing harassment of Viasna and its members⁷

Although the registration of the human rights NGO Viasna had been cancelled through legal proceedings in 2003, like many other independent NGOs, its members remained active and consequently continued to be subjected to acts of harassment.

Brest Section

On 2 February 2005, judicial proceedings were instigated by the office of the local Prosecutor against Mr. **Uladzimir Malei**, legal adviser of the Brest section of Viasna and a member of the Council of Deputies of the Malyryta district, on the grounds that he had sent false information to the newspaper *Nasha slova*, regarding the president of the Executive Committee of the Malyryta district. These proceedings were related to an article on the investigation carried out by a deputy into corruption cases amongst high-ranking local officials. On 28 July 2005, the case was dropped for lack of grounds.

In addition, on 29 September 2004, the police, acting without a warrant, had surrounded the Viasna office in Brest. One hundred and thirty-seven copies of a brochure reporting cases of human rights violations perpetrated in the Brest region in 2003 and 2004 had been confiscated. By the end of 2005, the proceedings instigated against the section’s president, Mr. **Vladimir Vyalichkin**, for “carrying out activities for an unregistered organisation” (Article 167.10 of the Administrative Code), were still pending, and the documents confiscated by the police had still not been returned.

Finally, on 7 December 2005, the section received notice that it had been refused permission to organise an assembly on the Universal Declaration of Human Rights and the difficulties of independent media on 11 December 2005.

Zhodzina section

On 18 October 2005, the Viasna office in Zhodzina, located at the home of Mr. and Mrs. **Aliaksei** and Mrs. **Sviatlana Lapitski**, members of Viasna, was attacked.

On 19 October 2005, their home was again subjected to acts

7. See Annual Report 2004.

of vandalism after Mr. Lapitski lodged a complaint about the previous day's events.

On 25 October 2005, several shots from a large-bore rifle were fired at the window of their home.

By the end of 2005, an inquiry into these attacks was underway.

Those acts might be related to an article published by Mr. and Mrs. Lapitski, denouncing their difficulties in letting their child study the language of Belarus.

In addition, in September 2005, the local Public Prosecutor accused Mr. Lapitski of "behaviour contrary to good morals" when Mr. Lapitski went to learn the results of a complaint he had lodged in 2004. Subsequently, the Court pronounced in favour of Mr. Lapitski, judging that the accusations brought against him were groundless.

Ongoing harassment of the Belarus Helsinki Committee for Human Rights⁸

Judicial proceedings against BHC

In August 2003, the Belarus Helsinki Committee for Human Rights (BHC) had received a warning from the Ministry of Justice for using letterhead paper and a stamp failing to comply with the statutes of the association.

Subsequently, at the end of an investigation carried out in August 2003 and January 2004 by the representatives of the Tax Inspection of the Moscow District in Minsk, BHC had been accused of tax fraud relating to funds received from the European Union's Technical Assistance Programme (TACIS) between 2000 and 2002. It had been ordered to pay 385,000,000 roubles (approximately 138,000 euros).

The Inspection of Taxes had based its decision on Decree No. 8, adopted in March 2001, on the "Receipt and Use of Foreign Financial Assistance and Omission to Register Foreign Financial Assistance" (Article 12). However, in accordance with the General Rules agreed by Belarus and the EU in the "Memorandum on Financing" of 10 May 2004, the funds are exempt from tax and Decree No. 8 does not apply to foreign financial assistance allocated under this programme. Also, on 23 June 2004, after several hearings, the Economic Court had dismissed the decision of the Tax Inspection of the Moscow District

in Minsk and ordered it to repay the procedure costs incurred by BHC (190,000 roubles – 68 euros), stating that the latter had acted in complete legality.

On 18 October 2005, Mr. Eugène Smirnou, vice-president of the Supreme Economic Court (SEC), lodged an appeal against this verdict, as he believed that the translation of the Memorandum between Belarus and the EU had been wrongly interpreted. On 20 December 2005, SEC sentenced BHC to pay the sum of 70,000 euros for arrears of taxes and fines. BHC considered appealing against this decision, and the case was still pending by the end of 2005.

In addition, by the end of the year, proceedings for "tax evasion", instigated on 17 March 2004 and based on the same charge against Mrs. **Tatsiana Protsko**, BHC president, and Mrs. **Tatsiana Rutkevitch**, chief accountant, were also pending.

Furthermore, BHC continued to be subjected to a financial investigation by the Ministries of Justice, Taxes, Economy and Foreign Affairs.

Harassment of Mr. Garry Pogoniaïlo

On 23 November 2004, the Public Prosecutor's office in Minsk had instigated proceedings for "defamation" against Mr. **Garry Pogoniaïlo**, BHC vice-president, on the grounds that he had accused the President of the Republic of having committed "serious crimes", in an interview he had given on 18 August 2004 on the Swedish television channel *TV4*. Mr. Pogoniaïlo had condemned the likely involvement of the President of the Republic into the disappearance of several opposition members, and also the lack of precision in the inquiries. The videotape containing the interview had been confiscated from the *TV4* journalist by customs officers when he was leaving Belarus, examined by the KGB and then sent to the Public Prosecutor's office.

On 2 March 2005, the Prosecutor suspended proceedings against Mr. Pogoniaïlo, believing that these acts did not constitute a crime.

On 23 May 2005, the case was re-opened and finally closed at the end of November 2005.

8. *Idem*.

Obstacles to the freedom of movement of Mrs. Vera Stremkovskaya⁹

On 28 November 2005, Mrs. **Vera Stremkovskaya**, a lawyer and a human rights activist, received notice that she was prohibited from leaving Belarus. She had been planning to visit Tbilisi (Georgia) on 3 and 4 November 2005, in order to take part in a conference organised by the Organisation for Security and Cooperation in Europe (OSCE) on the “role of defence lawyers in guaranteeing a fair trial”. Mrs. Stremkovskaya was to speak on the need for change in Belarusian law to guarantee the independence of lawyers and the judicial system.

For this reason, she asked for the authorisation of the Minsk Bar Association to travel abroad, in accordance with the law, which stipulates that lawyers must request leave in advance in order to leave the country. Mr. A.V. Gambolevsky, deputy president of the Minsk Bar Association, based his refusal on the “possible need for extra lawyers for big criminal cases in other regions of Belarus”.

Release of Mr. Yuri Bandazhevski¹⁰

Mr. **Yuri Bandazhevski**, an internationally renowned scientist specialised in medical research on nuclear radioactivity and former director of the Medical Institute in Gomel, had been sentenced on 8 June 2001 to eight years’ imprisonment on the grounds that he had sought bribes from the parents of pupils of the Gomel Institute. His research had revealed the harmful effects of the Chernobyl disaster on the population, contradicting the official claims made by the authorities. He had also criticised the misuse of Health Department funds, which he had said should have been used for research in this area.

On 31 May 2004, his prison sentence had been commuted, for good conduct, into a “restriction of freedom” sentence by the Belarus Criminal Court. Mr. Bandazhevski had been taken to Gyzgany, in the Grodnensk region, where he had been forced to work as a guard on a local collective farm (*kolkhoz*).

On 5 August 2005, Mr. Bandazhevski was released under judicial supervision, in accordance with the Code of Criminal Procedure that allows such a release for convicted persons who completed two thirds

9. See Urgent Appeal BLR 001/1105/OBS 110.

10. See Annual Report 2004.

of their sentence and did not commit any breach of prison regulations.

Nevertheless, Mr. Bandazhevski remained liable for a sum of 35 million roubles (approx. 13,600 euros) in damages to the State, and was still prohibited from holding any administrative or executive office in public institutions.

Mr. Bandazhevski submitted a paper to the United Nations Human Rights Committee objecting to his detention. This complaint, pronounced admissible on 7 July 2003, should be examined at the next session of the Committee in March 2006.

Civil Initiatives’ dissolution remains in force¹¹

On 17 June 2003, the NGO Civil Initiatives had filed a complaint with the United Nations Human Rights Committee following its judicial dismantling.

In spring 2004, the Human Rights Committee had requested the Belarusian government to justify the dismantling of this NGO. However, by the end of 2005, the Committee had still not received any reply and this organisation remained therefore closed. The Committee was to pronounce on this case at its July 2006 session.

GEORGIA

Ongoing harassment of HRIDC members¹²

On 27 September 2005, Mr. **Ucha Nanuashvili**, executive director of the Human Rights Information and Documentation Centre (HRIDC), received a telephone call from Mr. Kvaratskhelia Zaur, head of the Department for Relations with Georgian Diasporas and Inter-ethnic Relations at the office of the President of the Republic. In particular, Mr. Zaur accused Mr. Nanuashvili of being an “informer” and a “traitor”, of divulging “false information” about ethnic minorities in Georgia and of representing the interests of foreign powers. These events followed a press conference on 27 July 2005 in Tbilisi, during which Mr. Nanuashvili presented an FIDH report on

11. *Idem*.

12. See Annual Report 2004 and Urgent Appeal GEO 001/1005/OBS 088.

ethnic minorities in Georgia.

Since then, the offices of his organisation have been subjected to several attempted break-ins and a guard is now there every night.

In November 2004, HRIDC had been threatened by several high-ranking officials who called on it to cease its activities concerning the rights of refugees.

In addition, HRIDC, like other independent organisations, continued to be ostracised by the authorities. Indeed, HRIDC requested to join the Supervisory Board on Pre-trial Detention, created in January 2005 by the office of the Ombudsman (to which it is answerable) and the Ministry of the Interior, but by the end of 2005 it had not received any reply to its request. HRIDC had already been prevented from joining the Supervisory Council of the Prison System, established in August 2004.

GREECE

Attack against Mr. Gregory Vallianatos¹³

On 11 April 2005, Mr. Gregory Vallianatos, president of the Greek Helsinki Monitor (GHM), a free-lance journalist and producer of television programmes on human rights, was attacked in Athens by Mr. Alexis Koungias, a lawyer known for his homophobic views. Mr. Koungias struck Mr. Vallianatos violently on the head and insulted him. Mr. Vallianatos filed a complaint against Mr. Alexis Koungias. By the end of 2005, the proceedings were still pending.

On 12 April 2005, the police arrested Mr. Koungias, who was brought before the Prosecutor and released the next day, pending the results of the criminal investigation. On the same day, the Bar Association of Athens took disciplinary action and suspended Mr. Koungias for six months. He had already been the object of similar disciplinary procedures for, among other things, expressing homophobic views. Mr. Koungias appealed against the decision. By the end of 2005, the case was being examined by the Disciplinary Bureau of the second instance of the Bar Association.

However, Mr. Alexis Koungias repeated his verbal attacks in the

13. See Closed Letter to the Greek authorities, 26 April 2005.

media on several occasions.

Slandering statements against several NGOs¹⁴

On 19 April 2005, Mr. Nikitas Kaklamanis, Minister of Health, and Mrs. Ionna Despotopoulou, Secretary General of Social Solidarity, publicly accused non-governmental organisations of “existing only on paper” and of “publishing negative reports on the basis of unreliable, exaggerated and misleading information on the victims of the smuggling of human beings in Greece, in order to obtain an increase in funding from the Greek Ministry of Foreign Affairs”. In particular, they explicitly named GHM. These statements, which Mrs. Despotopoulou repeated in July 2005, followed the information transmitted by GHM, on behalf of several Greek NGOs, to the United Nations Human Rights Committee. GHM lodged a complaint against those two official representatives before the Parliament, the only body that is authorised to judge members of the government. By the end of 2005, the case was pending.

Arrest and acquittal of Mr. Loizos Sideris and Mrs. Maria Stamouli¹⁵

On 26 April 2005, Mr. Loizos Sideris and Mrs. Maria Stamouli, members of the Committee for Solidarity with Refugees on the island of Chios, located in the north Aegean Sea, attempted to hang a banner in the island’s port, which read “Europe Murderous Fortress – security of landowners is hiding at the bottom of the Aegean”. They were protesting against the drowning of two foreigners and the disappearance of five others on 25 April 2005, as they were attempting to reach Greece by boat.

On the order of the island’s Prosecutor, Mr. Loizos Sideris and Mrs. Maria Stamouli were arrested by the port authorities and appeared before the court the next day. Accused of “inciting the citizens to acts of violence against third parties, inciting animosity and disturbing the peace” (Article 192 of the Criminal Code), they were finally acquitted.

Harassment of Mr. Theo Alexandridis¹⁶

14. See GHM and the Center for Research and Action for Peace (KEDE – Stop Now) Press Release, 20 April 2005.

15. See GHM.

On 13 October 2005, Mr. **Theo Alexandridis**, GHM legal counsel, was held at a police station for four hours after having participated, along with other human rights activists, in various demonstrations against the expulsion of Roma children from their school, subsequent to pressure exerted by certain parents of non-Roma children in the “Psari” neighbourhood in Aspropyrgos, near Athens.

Mr. Alexandridis had gone to the police station to lodge a complaint against the parents, responsible for violent acts during those demonstrations. Once he had filed the complaint, Mr. Alexandridis was not allowed to leave or meet with his colleagues at GHM. He was subsequently told that he was under arrest. Two hours later, he was told that he would not be judged in the framework of read-handed procedure and was released. The president of the Pupils’ Parents Association lodged a complaint against Mr. Alexandridis for “libel” and “defamation”. As of late 2005, the case was still pending.

Mr. Gjorgji Plukovski denied entry¹⁷

On 4 August 2005, Mr. **Gjorgji Plukovski**, a member of the Macedonian Human Rights Movement International (MHRMI) and of the Association of Refugee Children from Aegean Macedonia (ARCAM), was denied entry upon his arrival at the Greek border. He was given an official document stating that he was considered to be a “threat to public order, to national security, to public health, and to international relations with one or more European Union Member States”.

M. Plukovski went to Greece on several occasions, in particular in July 2005, where he had stayed for three weeks.

16. See OMCT Appeal GRC 210105.ESCR.

17. See GHM, September 2005.

KAZAKHSTAN

Law against extremism¹⁸

A law against extremism, which had been presented to Parliament in April 2004, came into force on 18 February 2005, after being signed by the President of the Republic, Mr. Nursultan Nazarbayev. This law provides that organisers of demonstrations and gatherings will be held responsible if “extremists” participate. There is a danger that this provision, which might be arbitrarily applied, will discourage peaceful assemblies and demonstrations from being held.

Harassment of KIBHR¹⁹

In March 2005, at a press conference, Mr. Bolot Baikadamov, Ombudsman, declared that the poor image of Kazakhstan on the international stage was due to reports by the Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR), which, according to him, blackened the human rights situation in the country. These words, which followed the Ombudsman’s interview with Mr. Nazarbayev, were widely reported in national press and on television.

In addition, on 13 August 2005, KIBHR premises in Almaty were burgled. The thieves removed computer equipment containing information on the organisation’s activities.

The criminal police in Almaty and several representatives from the Department of Home Affairs were ordered to inquire into these events. However, due to the lack of proof, the inquiry was suspended for an undetermined period of time.

Arrest of Mr. Lutfullo Shamsudinov²⁰

Mr. **Lutfullo Shamsudinov**, an Uzbek lawyer who was investigating into the events of Andijan²¹, was arrested on 4 July 2005, after fleeing Uzbekistan for fear of reprisals, and imprisoned following an

18. See Annual Report 2004.

19. See the Observatory statement before OSCE, under the item of the agenda “Freedom of association and peaceful assembly”, September 2005.

20. See Urgent Appeal KAZ 001/0805/OBS 073.

21. See below.

extradition order by the government of Uzbekistan. He was arrested despite the decision of the United Nations High Commissioner for Refugees (UNHCR) to grant Mr. Shamsudinov a refugee status.

On 12 July 2005, he was finally released, placed under the protection of UNHCR, and since then has found refuge abroad.

KYRGYZSTAN

Harassment of the Kel-Kel movement²²

The youth movement Kel-Kel, aiming at encouraging young people to take part in the parliamentary elections in 2005, was founded as a temporary organisation on 15 January 2005, following the refusal by the authorities to allow students to meet the election candidates. The website of Kel-Kel, created the same day, was sabotaged two days later and was no longer accessible. A second website that went online around 20 January 2005 was blocked a week later. The service provider explained in a letter that an organisation registered with the same name wished to take back “its” website. In fact, the aim of the usurping organisation was to discredit the original organisation. As a result, Kel-Kel had to use a foreign service provider.

In addition, on 5 February 2005, agents came to the home of Mrs. **Azima Rassoulova**, editor of morning programmes of the former national television channel *KHTV*, and a Kel-Kel activist, while she was out, and attempted to bring her son to the Ministry of the Interior, claiming that she had been beaten and left unconscious.

Between February and April 2005, Mrs. Rassoulova’s apartment was visited twice, and she received an offer of money to quit her job, before receiving several death threats against herself and her family.

Mrs. Rassoulova was also subjected to pressure from her employers following the broadcast of one of her documentaries on Uzbek refugees seeking political asylum in Kyrgyzstan, after the events in Andijan. Mrs. Rassoulova was threatened with dismissal on several occasions and received threats by telephone. At the beginning of June

22. See Conclusions of the international fact-finding mission sent by the Observatory to Kyrgyzstan, 26 June - 6 July 2005.

2005, Mrs. Rassoulova was victim of an attempted poisoning. After using a handkerchief she had left on her desk, she felt her face swell up and irritation in her eyes. An independent laboratory discovered traces of a synthetic virus, but could not determine its origin.

During the night of 28 to 29 December 2005, the organisation premises were looted by unknown persons who removed computer equipment and papers relating to Kel-Kel’s activities.

KCHR situation²³

Ongoing lack of legal recognition of KCHR

In November 2003, the Kyrgyz Committee for Human Rights (KCHR) had been “replaced” by an organisation holding the same name, formed by former members of the Committee who were close to the government, with the intention of discrediting its activities. Since then, the “real” KCHR has been deprived of its legal status, and has not yet obtained the annulment of the registration of its legal “twin”, despite a change of government in March 2005.

On 20 November 2005, the Lenin District Court of Bishkek rejected KCHR’s petition against the Ministry of Justice without giving any reason for its decision.

Ongoing acts of harassment of Mr. Ramazan Dyrlydaev²⁴

Mr. **Ramazan Dyrlydaev**, KCHR president, who was forced to live in exile from July 2000 until April 2002 and then from May 2003, returned to Kyrgyzstan after the “revolution” in March 2005.

On 1 February 2005, the newspaper *Slovo Kyrgyzstana* published an article saying that the real aim of the denunciations made by Mr. Dyrlydaev on human rights violations perpetrated by official agents was to obtain funding from Western institutions.

In addition, on 2 February 2005, a dozen police officers entered the building where Mr. Ramazan Dyrlydaev used to live until 2003. They asked the new occupants whether they knew where he was, adding that he was being sought for embezzling about 16,943,710 soms (340,000 euros).

23. See Closed Letter to the Kyrgyz authorities, 6 April 2005 and Press Release, 8 August 2005.

24. See Annual Report 2004 and Urgent Appeal KGZ 002/0803/OBS 044.6.

On 22 August 2005, the criminal proceedings initiated against Mr. Dyrlydaev for “non-implementation of a judicial decision” under Article 388 of the Criminal Code²⁵ were closed by the Public Prosecutor, Mr. Beknazarov, on the grounds that he had not committed any crime. On 22 November 2005, following Mr. Beknazarov’s dismissal, the assistant of the Prosecutor General of Bishkek overturned this decision and re-opened the case against Mr. Dyrlydaev. However, KCHR was informed by a letter from the office of the Prosecutor of Pervomai that these proceedings had been abandoned again on 20 December 2005, due to a lack of evidence to constitute a crime.

Harassment of Mrs. Aziza Abdurasullova and her family²⁶

On 21 September 2005, upon her return from a seminar on the rights of refugees, Mrs. **Aziza Abdurasullova**, a lawyer and president of the human rights NGO Kylum Shamy, discovered that her husband had been abducted in Bishkek by four men on 19 September 2005, and taken to an unknown place. His kidnappers demanded that he wrote that Mrs. Abdurasullova had received about 845,350 soms (16,960 euros) from rail workers she had been defending²⁷, and they also demanded copies of all the documents regarding the cases of corruption and embezzlement of funds of the railways. When he was detained, he was repeatedly beaten on the head and in the kidneys. His assaulters said they knew which schools their children and grandchildren attended.

Mrs. Abdurasullova’s husband was detained for over two hours before being released.

In addition, on 26 September 2005, Mrs. Abdurasullova’s daughter received anonymous threats.

25. This decision followed the lawsuit initiated by a former employee of KCHR in 1999. On the basis of this decision, a warrant was issued for the arrest of Mr. Dyrlydaev in July 2000, as a result of which he fled the country. See Annual Reports 2000 and 2001.

26. See Annual Report 2004.

27. From 26 to 31 August 2005, the railway-workers were on hunger strike to demand the appointment of a professional railway-worker at the head of the Rail Board of Kyrgyzstan. Indeed, this sector of activity is particularly corrupt, and it seems that anyone wishing to be appointed would have to pay for this. Until then, the railways were managed by a friend of the Akaev family, who had connections with the criminal underworld. The rail workers had demanded his departure, and Mrs. Abdurasullova had been assured their rights would be respected.

By the end of 2005, none of the attackers had been identified, despite the deposition made by her husband to the Department of Home Affairs in the Alamedino district, on 19 September 2005 and the complaint lodged by Mrs. Abdurasullova on 26 September 2005.

RUSSIAN FEDERATION

Restrictive legislation²⁸

On 18 November 2005, a draft law entitled “Amendments to some federal laws of the Russian Federation” was presented before the Lower House of Parliament (*Duma*) by the Parliamentary Committee on religious and associative organisations, presided by Mr. Popov, a member of the United Russia Party (ruling party). On 23 November 2005, the text was adopted by Parliament in first reading, in spite of the faults found in it by Mrs. Pamfilova, president of the Civil Society Institutions and Human Rights Council under the President of the Republic, and Mr. Vladimir Loukine, Commissioner on Human Rights in Russia.

This law amends three laws: the Federal Law No. 7 of 12 January 1996, on non-profit making organisations (Law on NKO – *O Nekommercheskih Organizatsijah*), the Federal Law No. 82 of 19 May 1995 on public associations, and the Law of 14 July 1992 on closed territorial administrative entities²⁹. It addresses all non-profit organisations, including those working on the protection and defence of human rights.

On 8 December 2005, under national and international pressure, several round tables were held by the Parliamentary Committee for the Affairs of Religious and Voluntary organisations, the legislation Committee of the Duma and the Property Committee, bringing together Russian and foreign NGOs, the Civil Chamber of the Russian Federation and the Council for the development of civil society and the voluntary sector. On that occasion, Mr. Popov stated that the only purpose of the draft amendments was to protect the Russian Federation “against the activity of foreign politics”.

28. See Press Release, 16 December 2005.

29. These closed administrative entities are towns or regions, access to which is subjected to an authorisation from the Security Services (FSB).

The second reading of the draft amendments, initially scheduled for 6 December 2005, was postponed until 16, then 21 December 2005.

Even though several restrictive provisions were withdrawn from the bill, the law, as adopted in the third reading on 23 December 2005, remains in blatant violation of the right of freedom of association.

On 17 January 2006, the law was published in the Official Journal after being signed by the President of the Republic and it will come into force on 10 April 2006.

Registration of NGOs

– Amendment No.1 to the Law on closed territorial administrative entities prohibits NGOs whose founder members are foreigners, stateless persons, foreign organisations or foreign NGOs, including those who represent foreign branches of NGOs operating in Russia, from establishing or operating in these territories.

– Amendment 3§5 to Article 15 of the Federal Law on NKO and amendment 2§3 to Article 19 of the Federal Law on public associations stipulate that foreign nationals or stateless persons who do not hold permanent resident status cannot found nor belong to an organisation. This provision is also valid for any foreign national or stateless person whose presence is considered “undesirable”, in accordance with a decision taken by the authorities.

– Furthermore, amendment 4 to Article 21 of the Law on public associations states that “the decision to register a representative office of a foreign NGO can only be taken by the State registration body”. Such a decision will be based on other documents related to the NGO in question, in particular its statutes and many other documents, supplied in the original language and supported by a bailiff certified translation.

– Amendment 6 to Article 23 of the Law on Public Associations broadens the reasons for refusal of registration. From now on, a request for registration of an organisation may be rejected “if the status of the organisation violates the Constitution or the legislation of the Russian Federation”, “if the person who is presented as a founding member of the organisation may not be a founding member according to Article 19 of the Law” or “if the name of the organisation is an offence to morality or to the national and religious feelings of citizens”.

– Amendment 3§9 to Article 23.1 of the Law on NKOs repeats these provisions and also provides reasons for refusal that are specific

to sections of foreign NGOs, in particular “if the aims of creating the chapter create a threat to the sovereignty, political independence, territorial inviolability, national unity and uniqueness, to the cultural heritage and national interests of the Russian Federation”, or “if an NGO section has previously been registered in the territory [...] and dismantled because of clear violation of the Constitution or of Russian legislation”.

– Although amendment 6§4 specifically stipulates that organisations that already exist do not need to re-register, Article 6§5 states that representative bodies or chapters of foreign NGOs must, for information purposes, notify the authorities of their existence within six months of the Law coming into force. Beyond this period, associations that have not carried out this procedure must cease their activities.

Monitoring of NGOs’ activities

– Amendment 2§8 to Article 38 of the Law on NKOs stipulates that the “State registration body in charge of vetting registration applications from organisations shall also monitor their activities and funding, and shall have access to all the organisations financial papers”. Hitherto, access to such papers required a prior request from the *Prokuratura*³⁰, the police or the Tax Inspectorate. Furthermore, the representatives of the State registration body may take part in all the activities of the organisations, be they internal or public, and shall conduct, at least once a year, an audit to check activities against the aims as set forth in the statutes. Should the statutes not be in compliance, the registration body shall serve a justified warning in writing, and the organisations shall have at least one month to comply with their statutes. An appeal can be made against this written warning. This amendment also stipulates that the health, epidemiological and fire services or any other State service may verify the charities compliance with rules and standards.

– Amendment 3§10 to Article 32 of the Law on NKOs stipulates that the organisation shall “transmit each year before 1 March a report on the activities, on the implementation of tasks and on the use of

30. The *Prokuratura* includes investigating officers and prosecutors under the supervision of the Public Prosecutor.

funding in keeping with the statutes as filed, as well as the names of the board members to the Ministry of Justice". If the NGO section or representative does not transmit this information, the registration body may decide to disband it without a judicial procedure.

Dismantling of NGOs

– Amendment 2§7 to Article 23-1§5 of the Law on NKO stipulates that repeated failure to supply financial and budgetary documents within the allotted time may constitute grounds for an application from the State registration body before the Court, to order the cessation of the organisation activities, its dismantling or its striking off from the legal entity register. These documents relate to, among other subjects, the amount of resources and other goods received by the association from international or foreign organisations, foreign or stateless persons, and the purpose for which they are intended to be spent or used.

– Amendment 2§9 adds a new paragraph to Article 44.1 of the Law on NKOs, which indicates that failure of an association to correct the infringements found within the deadlines may constitute grounds for a procedure initiated by the Public Prosecutor of the Russian Federation or the State registration body requiring dissolution.

– Amendment to article 33 to the Law on NKOs lists grounds for dissolution or cessation of activities of an organisation through a court procedure, namely: if the organisation undertakes extremist activities (no definition of such activities is provided), if it provides assistance in legalising illegally acquired funds, if it violates the rights and freedoms of citizens, if it commits repeated and serious violations of the Constitution, of federal laws or any other norms, or if the activities do not comply with the aims set forth in the statutes. The particular vagueness of these provisions may lead to an arbitrary interpretation.

Defamation campaign against independent NGOs³¹

On 7 May 2004, at a press conference on the situation of prisoners in Russia, General Valerii Kraev, head of the General Direction of Sentence Enforcement of the Ministry of Justice, had said that human rights NGOs were funded by "criminal groups" and aimed at destabilising the Ministry of Justice by disseminating false information.

31. See Annual Report 2004.

He had also made a distinction between "good" and "bad" associations, and listed by name in this latter category the Amnesty International sections in Chelyabinsk and Ural, the Civil Information Initiative of Irkutsk, the All-Russian Public Movement for Human Rights (MDH) and the Committee of Support for Detainees. These statements, disseminated in the press, had followed the condemnation by these NGOs of the poor conditions of detention in Russian prisons. Mr. Lev Ponomarev, MDH chairman, had immediately filed a complaint against General Kraev for slander.

On 11 October 2005, the Moscow Civil Court announced there was no proof of slander by General Kraev against the organisation. Indeed, in the shorthand notes of the press conference produced in court, General Kraev's remarks against MDH did not appear. The journalists who had relayed these statements also confirmed that they had not kept their recordings. The Court, stating that "the information contained in the words published by the press did not correspond to the facts", concluded that the words published by the media had not been spoken by General Kraev. MDH decided not to appeal against this decision.

Direct attacks against several associations and their members

Saint Petersburg

Assault on Memorial's office³²

On 18 February 2005, unknown persons arrived at the Research Centre of the Memorial Saint Petersburg organisation, under the pretext of an urgent message from Memorial Moscow. When Mr. **Emanuil Polyakov**, an employee of the organisation, opened the door, three men rushed in and violently beat him, leaving him unconscious. He was found the next morning in a critical state and was immediately taken to hospital.

The assailants destroyed part of the office equipment, searched the archives and forced open the organisation's safes. The fact that they directly went to the office of Mrs. **Irina Flige**, director of the Research

32. See Open Letter to the Russian authorities, 26 January 2005, and Urgent Appeal RUS 001/0803/OBS 042.1.

Centre, and that they later left by the back door, could indicate that they had a plan of the premises.

The police opened an investigation that, by the end of 2005, still had to be concluded.

*Harassment of the Association of Soldiers' Mothers of Saint Petersburg*³³

– *Assault of the association's offices*

During the night of 3 to 4 June 2005, the offices of the Association of Soldiers' Mothers of Saint Petersburg was burgled. Three telephones, a fax machine, a liquid crystal display, and two USB memory sticks containing information on the activities of the organisation were stolen. A video camera and tape-recorder that were in a safe were also taken.

On the morning of 4 June 2005, the police came to record the events and to block access to the premises where the organisation weekly meeting was to take place. Police officers took finger-prints of all the members of the organisation and tried to dissuade them from filing a complaint. In the police report of the same day, this theft was not mentioned. Some days later, the association's staff members discovered the passage used by the burglars, which linked to the cellar of the building. They phoned the police, which refused to return to the premises.

– *Judicial proceedings*

On 14 June 2003, Mr. Bukin, head of the Nachinov military school, had initiated proceedings against the Association of Soldiers' Mothers and the newspaper *Smena*, following the publication of information provided by the organisation on physical and psychological torture of pupils in the school. The case had continued in 2004, despite the fact that these acts had been acknowledged by Mr. Kuroedov, the Admiral of the Russian Fleet, and that the officers responsible had been punished.

33. See Annual Report 2004, Urgent Appeal RUS 001/0605/OBS 043, Press Release, 21 June 2005 and Conclusions of the international fact-finding mission sent by the Observatory to Saint Petersburg, from 18 to 23 June 2005.

On 21 June 2005, a hearing was held in the Kuibychev Court in Saint Petersburg, in the presence of *chargés de mission* appointed as part of an Observatory's fact-finding mission to the Russian Federation, from 18 to 23 June 2005. The hearing was first adjourned until 20 July 2005, then until 27 September 2005, while the investigation was still ongoing. On that date, the Court rejected Mr. Bukin's complaint.

In addition, at the request of the soldiers' mothers, an inquiry was to be opened in 2003 by the Prosecutor General on the accountability of Mr. Bukin for these crimes of torture. The Kuibychev Court had announced that the results of this inquiry would be known at the end of January 2005. However, by the end of 2005, the inquiry itself had not been opened yet.

– *Judicial proceedings dropped against Mr. Sergei Mikhailov*

In 2005, the charges against Mr. **Sergei Mikhailov**, an orthopaedic doctor working with the Association of Soldiers' Mothers as a medical expert, were dropped. On 17 July 2004, the Prosecutor for the Kalinin region of Saint Petersburg had opened an inquiry against Mr. Sergei Mikhailov for "complicity" in a desertion case.

*Lack of results in the investigation into the murder of Mr. Nikolai Girenko*³⁴

On 20 June 2004, Mr. **Nikolai Girenko**, chairman of the Minority Rights Commission of the Saint Petersburg Scientific Union and president of the Ethnic Minority Rights Association, was murdered at his home. This murder had been a reprisal for Mr. Girenko's work. He had participated, as an expert witness, in trials of far-right groups and skinheads in Saint Petersburg and other towns in Russia.

Since Mr. Girenko's murder, Mrs. Valentina Matvienko, mayor of Saint Petersburg, has regularly stated at numerous press conferences that this murder was a criminal act and had no political significance.

By the end of 2005, the inquiry, extended every two months, had not produced any results, though the investigator of the *Prokuratura* of Saint Petersburg maintained that it was "progressing". It is to be feared that the case could be suspended or closed for lack of new evidence.

34. See Annual Report 2004 and Conclusions of the above-mentioned Observatory mission.

*Continued threats against Mrs. Stefania Koulaeva*³⁵

In the days following the murder of Mr. Girenko, Mrs. **Stefania Koulaeva**, executive director of the Anti-Fascist Commission and head of the Northwest Russia Centre for Social and Legal Protection of Roma (Memorial Saint Petersburg), had received several death threats by telephone at her home. The authors of these threats had in particular alluded to Mr. Girenko's murder saying that this was "just a start" and that she was "next on the list". The following day, the door to her apartment had been covered with swastikas and Nazi symbols. By the end of 2005, the inquiry into these threats had not produced any results.

In addition, on 31 August 2005, Mrs. Koulaeva received insulting and anti-Semitic messages on her mobile phone.

Moscow

*Sentencing of Mr. Yuri Samodorov and Mrs. Ludmila Vasilovskaya*³⁶

Following a resolution of the State Duma dated 2 September 2003, the Moscow Prosecutor had initiated judicial proceedings against Mr. **Yuri Samodorov**, executive director of the Sakharov Museum, Mrs. **Ludmila Vasilovskaya**, in charge of the exhibition, and Mrs. **Anna Mikhailchuk**, one of the artists in the exhibition "Beware, religion", for contravening Article 282.2 of the Criminal Code ("incitement to racial, ethnic and religious hatred").

On 25 December 2003, the investigator of the Moscow *Prokuratura*, Mr. Yuri Tsvetkov, had also accused the artists and organisers of "attacking the dignity of certain religious groups".

On 28 March 2005, the Tagansk District Court in Moscow sentenced Mr. Yuri Samodorov and Mrs. Ludmila Vasilovskaya to a fine of 100,000 roubles each (approx. 3,000 euros), on the grounds that the exhibition was blasphemous and insulting to Christian believers, especially members of the Russian Orthodox Church, and that it had dangerous social consequences.

35. *Idem.*36. *Idem.*

On 10 June 2005, the City of Moscow Court, after hearing the appeal by the lawyers for Mr. Samodorov and Mrs. Vasilovskaya, upheld the verdict of the First Instance Court.

*Threats against Mr. Ruslan Linkov*³⁷

In April 2005, Mr. **Ruslan Linkov**, a member of the association Democratic Russia and former parliamentary assistant to the democrat MP, Mrs. Galina Starovoitova, who was killed in Saint Petersburg in November 1998, was subjected to threats published on nationalist websites and on the news web page of the city of Saint Petersburg (*rusprav.ru, zrd.spb.ru, derjava.ru*). In the readers' *chat* column, some of them had written anonymously that "it [was] time that [Mr. Linkov] joined Mr. Girenko and Mrs. Galina Starovoitova and that he [was] next on the list". Other threats were published several times on the *Rosbalt* website, an official news site. Mr. Linkov contacted the police, but he had not received any protection by the end of 2005.

Ingushetia and Nizhny Novgorod regions

*Assault on the Council of Non-Governmental Organisations*³⁸

On 12 January 2005, hooded and armed men attacked the office of the Council of Non-Governmental Organisations in Nazran, Ingushetia. The seven people who were present in the office were threatened and forced to lie down on the floor or were pushed against a wall. Mr. Kyril Chvedov, a member of the Ingush Department of the Federal Security Bureau (FSB), checked their identity papers and the Council's statutes, and made copies of them. The attackers took away two computers and asked Mrs. **Taissa Isaeva**, a Council member, to come the following day to the FSB office in Magas to collect them. Since this attack, the Council has moved and remains under constant surveillance.

Furthermore, on 18 May 2005, the official "*Anti-terror*" website published an article on the "activities of terrorist groups on the Internet". The Council of NGOs was described as a "separatist" organ, a classification punishable under Russian law.

37. See Conclusions of the above-mentioned Observatory mission.

38. See Open Letter to the Russian authorities, 26 January 2005.

Lastly, at the beginning of November 2005, Mr. **Adlan Daudov**, a member of the Commission for Refugees of the Council of NGOs, was visited by FSB agents who were hoping to obtain information on the organisation's activities. These agents said they had been informed that the Council was working for Western intelligence agencies.

Harassment of CCNS

– Abduction of Mr. Makhmut Chaparovich Magomadov³⁹

On 21 January 2005, Mr. **Makhmut Chaparovich Magomadov**, a lawyer, member of the Chechen Committee for National Salvation (CCNS) and an expert of the International Helsinki Federation in Northern Caucasus, was abducted while he was visiting Mr. Amirov, a Chechen citizen. Mr. Magomadov's wife and two children were with him. Chechen-speaking men, who were armed and disguised and had been following them in their car, entered Mr. Amirov's house and dragged Mr. Magomadov and one of his daughters outside. Mr. Magomadov was violently shoved into a car and then driven in the direction of Grozny. On 14 February 2005, information was published saying that Mr. Magomadov had been taken home without any explanation as to where he had been detained or as to the conditions of his detention.

– Judicial proceedings⁴⁰

On 2 August 2004, CCNS had been ordered to close down by the Ingushetia *Prokuratura*, which had also asked that several press releases on the human rights situation in Chechnya published by the association be examined so that their "extremist" nature could be ascertained.

On 25 October 2004, Mr. Ali Ozdov, a judge and president of the Nazran Regional Court, had considered that the information disseminated by CCNS had not been of an extremist nature and that the proceedings instigated by the *Prokuratura* had been groundless.

On 10 February 2005, the Supreme Court for Civil Matters of Ingushetia held that the appeal filed by the *Prokuratura* against this decision was admissible, and sent the case back to the Nazran Regional Court, where the bench of judges had in the meantime been changed.

39. *Idem*.

40. See Annual Report 2004.

On 17 June 2005, the *Prokuratura* ordered the University of Ingushetia to carry out a psycho-linguistic assessment of the press releases, although CCNS had already provided the Court with the conclusions of legal and linguistic experts, which the judge had refused to include in the case file. Since then, all the hearings have been adjourned and the case was still pending at the end of 2005.

Harassment of NNSHR⁴¹

On 3 June 2005, Mr. **Victor Gurskiy**, president of the Nizhny Novgorod Society for Human Rights (NNSHR), was served notice by two representatives of the Ministry of Justice that the activities of the organisation needed to be stopped. This decision was based on the allegation that NNSHR had not complied with a request for documents by the Ministry as part of a check on its activities, in February 2005.

NNSHR pointed out that it had complied with its obligations, which was confirmed by a court decision in April 2005.

By the end of 2005, the Ministry of Justice had not followed up on this notification.

Harassment of RCFS⁴²

– Defamation campaign against Mrs. Oksana Chelysheva and Mr. Stanislav Dmitrievsky⁴³

From February to April 2005, the members of the Russian-Chechen Friendship Society (RCFS) were subjected to a defamation campaign launched in the Nizhny Novgorod media, which broadcast comments of representatives of the region's office of the Public Prosecutor and FSB accusing the members, *inter alia*, of encouraging extremist activities and supporting terrorist acts.

On 14 March 2005, leaflets containing defamatory statements about Mrs. **Oksana Chelysheva**, editor of the Information Centre of RCFS, and giving her home address, were thus distributed to her neighbours. The leaflets were issued by an unknown organisation

41. See Open Letter to the Russian authorities, 20 June 2005.

42. *Idem*.

43. See Open Letter to the Russian authorities, 20 June 2005 and Press Release, 16 September 2005.

called the Youth Patriotic Front of A.P. Ivanov. On 9 September 2005, more leaflets containing threats and defamatory statements against Mr. **Stanislav Dmitrievsky**, programme director and editor of publications of the RCFS information centre, were distributed in the neighbourhood. Two telephone numbers were given at the foot of the leaflet, as well as the slogan “We are waiting for you!”, and a call for reprisals against the two defenders.

In addition, FSB agents also attempted to tarnish the reputation of Mrs. **Petimat Tokaeva**, a reporter responsible for the Achkhoy-Martan district (Chechnya), by making claims to her neighbours that she was their informer.

– *Judicial and fiscal harassment*⁴⁴

– *Pravozaschita Case*. On 11 January 2005, the office of the Public Prosecutor of Nizhny Novgorod initiated proceedings against the newspaper *Pravozaschita* (Human Rights Defence), a joint publication of RCFS and NNSHR, following the publication of statements by Messrs. Akhmed Zakaev and Aslan Maskhadov, two Chechen separatist leaders who had called for a peaceful settlement of the Russo-Chechen conflict.

On 20 January 2005, FSB agents removed from the RCFS offices the newspaper’s statutes, several documents and the employment contracts of seven of the Centre’s employees residing in Chechnya. Those members were questioned by FSB agents, and some of them decided to resign because of this pressure. On 24 January 2005, Mrs. **Natalya Chernelevskaya**, RCFS treasurer, and Mrs. **Tatiana Banina**, a member of the organisation, were summoned to FSB and told that the content of these articles constituted a violation of Article 280 of the Criminal Code, which prohibits “public appeals to carry on extremist activities”.

An expert’s report, ordered by FSB, concluded there was no proof that such a crime had been committed and the charges were then reclassified under the term of “incitement to hatred or hostility”, a crime liable under Article 282 of the Criminal Code with two years’ imprisonment.

On 3 June 2005, Mrs. Chernelevskaya received a call from the head of the Tax Inspectorate of the Nizhegorod district, who threatened her with imprisonment. He also attempted to persuade her to leave her post in RCFS by offering her a better-paid job in his department.

On 11 August 2005, Mr. Stanislav Dmitrievsky, editor of the *Pravozaschita* newspaper, was heard as a witness by the Public Prosecutor of the Nizhny Novgorod region, and was then accused on 2 September 2005 “of incitement to hatred or hostility”. On 3 November 2005, a preliminary hearing took place in the Sovetsk District Court in Nizhny Novgorod.

On 15 November 2005, Mr. **Bill Bowring**, a British lawyer and coordinator of the European Human Rights Advocacy Centre (EHRAC), was denied access to Russia by FSB agents at Moscow airport, when he had come to attend the hearing on 16 November as an observer. On that day, several RCFS members and employees were called as witnesses.

At a subsequent hearing, on 28 November 2005, about thirty members of the patriotic youth movement Nashi demonstrated before the court, carrying posters, which read: “a terrorist cannot be a human rights defender”. On the same day, unidentified individuals searched Mr. Dmitrievsky’s apartment. A complaint was filed with the Public Prosecutor’s office.

On 15 December 2005, the trial continued with the appeal by Mr. Dmitrievsky, who again refused to plead guilty. At the hearing on 21 December 2005, Mrs. Anna Politkovskaya, a journalist at the *Novaya Gazeta*, and Mrs. Elena Karmazina, an architect, argued in favour of Mr. Dmitrievsky. The next hearing was fixed for 18 January 2006.

– *Fiscal harassment and judicial proceedings*. Following an audit by the office of the Federal Inspectorate of Taxes of its accounts, RCFS received, on 16 June 2005, an order from this office, saying that the organisation had to pay 1,001,561 roubles (approx. 28,200 euros) due to its failure to pay fines for grants received in 2002, 2003 and 2004. The basis of this order was Article 100 of the Code of Taxes and it referred to financing received from the European Commission and the National Endowment for Democracy Foundation (NED), arguing that these organisations were excluded

44. See Open Letters to the Russian authorities, 26 January and 20 June 2005, Press Release, 16 September 2005, and Urgent Appeals RUS 003/0805/OBS 069, 069.1, 069.2, 069.3 and 069.4.

from the list of funding providers whose funding was tax exempt⁴⁵. On 28 June 2005, RCFS appealed this decision to the Regional Arbitration Court of Nizhny Novgorod, believing that the claims by the office of the Inspectorate of Taxes were illegal and unfounded. Despite these proceedings, on 15 August 2005, the office of the Inspectorate of Taxes of the Nizhegorod district issued a new order (Resolution 25) against RCFS, ordering it to pay this amount, on the grounds that the organisation had used the funds received for the “publication and dissemination of publications”, an activity not included under Article 251 of the Code of Taxes that governs the use of funds, and after it had nevertheless acknowledged that the funds from the Commission were not taxable.

On 26 August 2005, the office of the Inspectorate of Taxes ordered the bank account of RCFS to be frozen, despite the appeal filed in the meantime by RCFS against Resolution 25.

On 12 September 2005, the Regional Arbitration Court of Nizhny Novgorod ordered the implementation of Resolution 25 to be suspended, and the organisation’s bank account was re-opened on 4 October 2005.

On 16 November 2005, the Regional Arbitration Court of Nizhny Novgorod decided to adjourn the hearing of the appeal by RCFS against the office of the Inspectorate of Taxes until 30 November 2005, due to the absence of two members of this institution. However, on 28 November 2005, the Inspectorate of Taxes sent a new order to the bank managing the RCFS accounts, demanding the withdrawal of 91,000 roubles (2,650 euros).

By 15 December 2005, the date on which the Inspectorate of Taxes stopped demanding this withdrawal, 13,500 roubles (394 euros) had been withdrawn from the organisation’s accounts. Following this withdrawal, RCFS filed a new complaint with the Regional Arbitration Court for “non-implementation of a judicial decision” (Article 315 of the Criminal Code).

At the hearings on 30 November and 6 December 2005, the representatives of the Inspectorate of Taxes did not give any explanation

45. See Annual Report 2004. Article 100 of the Russian Code of Taxes deals with the list of donors, whose financing of organisations is exempt from tax. The list of these providers was established by the Russian government and adopted within the framework of Resolution No. 923 dated 24 December 2002.

for these withdrawals, and denied taking the initiative for them.

At the hearing on 13 December 2005, the lawyer for the Inspectorate of Taxes asked for the suspension of this case until a verdict had been reached in the *Pravozaschita* case. On 20 December 2005, the judge decided to agree to this request and to adjourn the hearing to a later date, as yet to be determined, when the criminal trial would be over.

Finally, following the same audit, judicial proceedings were initiated against RCFS on 2 September 2005 for “failure to pay taxes or other dues on a large scale”. On 23 September and 6 October 2005, Mr. Dmitrievsky was questioned as a witness in the regional department of the Ministry of the Interior in Nizhny Novgorod.

– *Judicial harassment by the Ministry of Justice.* Following an audit carried out by the Main Department at the Federal Registration Service of the Ministry of Justice in the Nizhny Novgorod region, a complaint was filed by the Ministry on 8 April 2005 aiming at closing down RCFS, on the grounds that the organisation had not produced certain documents for the Ministry. This complaint was filed despite the fact that the materials requested had already been provided to the office of the Inspectorate of Taxes as part of its audit of the organisation’s accounts⁴⁶.

On 26 October 2005, the representative of the Ministry of Justice asked the judge to order the immediate closure of the organisation.

On 14 November 2005, the judge rejected the request. As the Ministry of Justice did not lodge any appeal against this decision within ten days as stipulated by law, the verdict is final.

– *Illegal search and arbitrary detention*

On 12 July 2004, police officers entered the RCFS premises in Karabulak (Ingushetia) without a warrant. They seized computer hardware and documents relating to activities of the organisation (testimonies of victims of human rights violations by the Russian Federal Forces in Chechnya, names of alleged perpetrators and details of vehicles used in abductions), then made those present sign a blank document that apparently was a search warrant.

46. See above.

A short time later, the police “found” two empty powder jars in the premises and Mr. **Khamzat Kuchiyev**, RCFS correspondent, was taken to the Department of Home Affairs in Karabulak on suspicion of “terrorist activities”. Mr. Kuchiyev was released on the same day, after the intervention of Mrs. Pamfilova, president of the Civil Society Institutions and Human Rights Council under the President of the Republic.

RCFS complained to the offices of the Public Prosecutor of Ingushetia and Karabulak, denouncing the illegality of the search on 12 July 2004, the arbitrary detention of Mr. Kuchiyev and the fabrication of evidence.

By the end of 2005, an inquiry into these events had yet to be opened.

Assassination of Mrs. Lyudmila Zhorovlya and her son⁴⁷

On 21 July 2005, Mrs. **Lyudmila Zhorovlya**, a human rights defender in the city of Vorkuta, northern Russia, was murdered at home, along with her 21-year-old son, Mr. Konstantin Zhorovlya.

Mrs. Lyudmila Zhorovlya assisted local residents in lawsuits against the city authorities, calling for compensation for sharp increases in their utilities bills. Her work had been repeatedly criticised, in particular by the mayor of Vorkuta, Mr. Igor Shpektor, and Mrs. Zhorovlya had received death threats by telephone in September and December 2004, and also in January 2005, urging her to cease her work. She had then warned the Public Prosecutor of Vorkuta but had not received any reply.

On 20 July 2005, these threats increased, particularly after she announced her intention to sue the authorities of the town regarding mandatory taxes on television antennae.

An investigation into her death was opened by the Ministry of the Interior that was still underway by the end of 2005.

47. See Urgent Appeal RUS 002/0805/OBS 058.

SERBIA-MONTENEGRO

Violence against demonstrators⁴⁸

On 10 July 2005, a peaceful demonstration organised in Belgrade by the NGO Women in Black to commemorate the 10th anniversary of the Srebrenica massacre was violently disrupted by a group of extremists who threw tear gas at the demonstrators and insulted them.

Harassment of HLC and its members⁴⁹

On 22 March and 11 July 2005, a Star of David was sprayed on the plaque of the Humanitarian Law Centre (HLC), along with anti-Semitic messages.

Furthermore, in early July 2005, a complaint was filed by the Serbian Radical Party (SRS) against Mrs. **Nataša Kandić**, HLC executive director. The complaint followed a televised statement by Mrs. Kandić broadcast on 13 June 2005, in which she named Mr. Tomislav Nikolić, SRS vice-president, as one of those responsible for the killing of 191 civilians in Matic in 1991.

On 23 July 2005, Mr. Aleksandar Vucić, SRS secretary general and a member of Parliament, stated that if the case did not result in a condemnation by 15 October 2005, there would be “half a million people in the streets of Belgrade”.

The SRS complaint was dismissed by the Fourth Municipal Prosecutor’s Office in Belgrade.

However, on 9 September 2005, a preliminary investigation was opened against Mrs. Nataša Kandić and Mr. **Veran Matic**, editor of television channel *B92*, by the Belgrade District Prosecutor for “verbal offences against the State”, a charge that refers to offences against persons protected by the State as mentioned in Article 98 §1 of the Serbian Criminal Code (President of the Republic, President of the Parliament, etc.). Yet, as the head of a political party, Mr. Nikolić did not fall within this category. The first preliminary hearing in the case was held on 7 November 2005.

48. See Open Letter to the authorities of Serbia-Montenegro, 30 August 2005.

49. See Open Letter to the authorities of Serbia-Montenegro, 30 August 2005 and Urgent Appeal SER 001/1105/OBS 113.

By the end of 2005, the proceedings were still pending.

Finally, on 21 July 2005, Mr. **Tatomir Lekovic**, a lawyer working with HLC, was attacked in Kragujevac by an unknown assailant, receiving serious injuries to his head and body. The attack was very probably linked to his work with HLC, in particular his investigatory work to establish responsibility for war crimes committed by Serbian forces in Kosovo. Before this attack, Mr. Lekovic had been harassed and threatened by some police officers, who were allegedly implicated in war crimes or other criminal matters.

Harassment of the Helsinki Committee for Human Rights in Serbia and of its members⁵⁰

On 11 July 2005, a Star of David was sprayed on the walls of the Helsinki Committee for Human Rights in Serbia (HCHR), along with anti-Semitic messages

In addition, the harassment and intimidation of Mrs. **Sonja Biserko**, HCHR president, continued in 2005. On 8 September 2005 in particular, the newspaper *Tabloid* accused her of being a “Croatian spy”. The birth dates of her parents and her address were published. She was physically assaulted on several occasions and her home was vandalised.

Furthermore, copies of the book *Military Secret*, confiscated on 26 March 2004 during a police raid on HCHR offices in Belgrade, had still not been returned. By the end of 2005, the investigation opened against its author, Mr. **Vladan Vlakovic**, on charges of “disclosing military secrets” (Article 224 §1 and §2 of the Criminal Code), was still pending.

Death threats and insults against Mr. Dragutin Vidosavljevic⁵¹

On 31 July 2005, Mr. **Dragutin Vidosavljevic**, a lawyer of the Committee for Human Rights in Vlasotince, was insulted on the street by Mr. Goran Velickovic, a local police officer, who was visibly drunk. The latter stated that he was going to “slit his throat as he had slit the throats of other people in Kosovo”. Mr. Vidosavljevic then

50. See Open Letter to the authorities of Serbia-Montenegro, 30 August 2005.

51. See Observatory statement before OSCE, under the item of the agenda “Freedom of association and peaceful assembly”, September 2005.

attempted to enter a shop but the policeman grabbed him by the neck and hit him in the face. Mr. Vidosavljevic then defended himself and hurried to the nearest police station. As he was waiting in the reception area, Mr. Velickovic appeared and struck him again.

The next day, the Leskovac police circulated a report accusing both Mr. Vidosavljevic and Mr. Velickovic of disturbing public order. The report stated that the police officer had been “slightly injured” but omitted any mention of the victim’s injuries. Two medical reports written by the doctors who examined Mr. Vidosavljevic referred to “cuts to the leg”, “bruises on the lips” and “trauma to the head”.

By the end of 2005, no inquiry had been opened.

TURKEY

Harassment of IHD members

Death threats against four IHD executives⁵²

On 19 and 21 April 2005, four executives of the Human Rights Association in Turkey, (*Insan Haklari Dernegi* – IHD), Mrs. **Kiraz Biçici**, vice-president, Mrs. **Eren Keskin**, president of the Istanbul branch, Mr. **Doğan Genç**, member of the General Executive Board, and Mr. **Şaban Dayanan**, member of the Board of the Istanbul branch, received death threats at their homes and their offices.

These letters, which followed other messages with threats that were e-mailed to the association over the previous two months, were signed by an armed ultra-nationalist group called the Turkish Revenge Brigade (*Türkçü Intikam Tugayı* – TIT). This group, responsible for the armed attack perpetrated against the IHD headquarters in Ankara in 1988, during which an attempt had been made on the life of the then IHD president, Mr. **Akin Birdal**, stated in their messages that the four members of the IHD might not be as lucky as Mr. Birdal, who had survived the attack.

By the end of 2005, Mrs. Biçici was still regularly receiving death threats on her mobile phone. Although she filed a large number of complaints, no action was taken.

52. See Press Release, 21 April 2005.

Mr. Doğan Genç also continued to receive similar threats in e-mails. An inquiry into these threats was allegedly opened at the end of 2005 in response to a complaint filed by the organisation.

Lastly, Mrs. Eren Keskin continued to receive death threats by letter and phone message. She was to be heard soon by the Prosecutor of Beyoğlu (Istanbul), as part of a joint judicial action brought by IHD, the Association of Human Rights and Solidarity for Oppressed Peoples (*Mazlum-Der*) and the Human Rights Foundation of Turkey (HRFT) against Mr. Semih Tufan Günaltay, head of the National Unity Party (*Ulusal Birlik Partisi* – UBP).

Mrs. Eren Keskin was also informed that further proceedings were initiated against her following the publication of an IHD press release on the assassination of an activist during a peaceful demonstration in Istanbul. She was accused of “publishing a press release without a permit”, even though the law does not require a permit for this kind of activity.

Ongoing judicial harassment of Mr. Ridvan Kizgin⁵³

In 2005, three new cases were filed against Mr. **Ridvan Kizgin**, president of the IHD Bingöl section.

On 1 February 2005, the Court of First Instance of Bingöl indicted Mr. Kizgin with “insulting an acting official in the press” after he had published an IHD urgent appeal, broadcast by a number of local press agencies, about the rape of a young girl to whom the organisation was providing legal aid.

On 26 April 2005, the Bingöl Provincial *Gendarmerie* Command initiated proceedings against Mr. Kizgin for “supporting and encouraging an illegal organisation, the Kurdistan Workers Party (*PKK-Kongra-Gel*)”, and on 30 June 2005, the General *Gendarmerie* Command, the Bingöl Provincial *Gendarmerie* Command and the Bingöl Police Department accused him of “praising a criminal and an insult against the State”.

Furthermore, many other judicial proceedings filed against him in 2004 remained pending by the end of 2005.

53. See Annual Report 2004.

Judicial proceedings against IHD members in south-eastern Turkey⁵⁴

Proceedings against Mrs. **Reyhan Yalcindag**, IHD vice-president, and Mr. **Anatolia Mihdi Perinçek**, head of the eastern and south-eastern regions of IHD, were initiated by the office of the Prosecutor in Diyarbakir following the publication of a press release and a report.

Mr. Perinçek and Mr. **Selahattin Demirtas**, president of the IHD section in Diyarbakir, was also charged by the Prosecutor office in Diyarbakir with “circulating secret information”, following the publication of a report on the assassination of a twelve-year-old child and his father, into which an investigation had been in progress.

Harassment of HRFT members

Judicial proceedings against Mr. Mustafa Cinkilic and Mr. Mehmet Antmen⁵⁵

On 4 October 2005, the first hearing was held in the case brought against Mr. **Mustafa Cinkilic**, a lawyer and a member of the Adana section of HRFT, and Mr. **Mehmet Antmen**, a doctor working with that section, before the Adana Criminal Court of First Instance.

Mr. Cinkilic and Dr. Antmen were charged with “concealing evidence” and “forging official documents” following the drafting of a medical report on the status of Mr. Sükrü Boyav’s health, held for two years in an E type prison⁵⁶, where he had been subjected to ill-treatments. Based on this report, Mr. Boyav had filed a complaint with the Prosecutor office against the penitentiary administration and prison guards.

On 16 September 2004, Messrs. Antmen and Cinkilic had been interrogated concerning the report and had stated that they had been unable to supply the original version. The police had then placed them in detention and requested an arrest warrant on charges of “obstructing” the investigation. The Court had rejected the request and ordered their release.

54. *Idem*.

55. *Idem*.

56. Prisons built in 2000, in which detainees are placed in solitary confinement.

Judicial proceedings against Mr. Alp Ayan and Mrs. Günseli Kaya⁵⁷

On 13 February 2004, Mr. **Alp Ayan** and Mrs. **Günseli Kaya**, both HRFT members, had been sentenced by the Aliaga Criminal Court of First Instance to eighteen months in prison for “using violence to resist law enforcement officers” (Articles 32-1 and 32-3 of Law 2911 relative to meetings and demonstrations), following their participation in the funeral, on 30 September 1999, of Mr. Nevzat Ciftci, a prisoner killed during a police operation at the Ulucanlar prison in Ankara on 26 September 1999. They had been attacked by a group of gendarmes attempting to prevent them from attending the funeral service. Sixty-nine persons had been arrested and fourteen of them, including Mr. Alp Ayan and Mrs. Günseli Kaya, had been placed in custody pending trial for four months.

Another defendant, Mr. Adnan Akin, sentenced to 3 years in prison, had appealed against the verdict.

By the end of 2005, the case remained pending before the Supreme Court of Appeal.

Legal proceedings against Mr. Yavuz Önen⁵⁸

On 24 September 2003, the State Prosecutor office in Izmir had appealed before the Supreme Court of Appeal, asking the court to overturn the decision of the Izmir Criminal Court of First Instance that had acquitted Mr. **Yavuz Önen**, HRFT president. Mr. Önen had been sentenced on 27 March 2001 to a prison term and a fine, the sentence being subsequently commuted to a heavy fine, for having expressed his indignation with respect to the charges brought against Mrs. Kaya and Mr. Ayan in an article published in the daily *Cumhuriyet* on 19 January 2000.

By the end of 2005, the proceedings were still pending.

Confirmation of the verdict against Mrs. Sefica Gürbüz⁵⁹

On 19 January 2004, the State Security Court in Istanbul had sentenced Mrs. **Sefica Gürbüz**, president of the Turkish NGO GÖC-

DER (Immigrants for Social and Cultural Co-operation), to a fine of 2,180 million Turkish liras (1,280 euros). Mr. **Mehmet Barut**, member of the organisation, had been acquitted.

Mrs. Sefika Gürbüz and Mr. Mehmet Barut had been charged under Article 312/2 of the Turkish Criminal Code with “inciting hostility and hate on the basis of class, race, religion, beliefs, and regional origin”. The charges had been brought following statements made during a press conference organised by GÖC-DER in April 2002 for the presentation of a report on the forced displacement of the Kurdish population. The court had convicted Mrs. Sefica Gürbüz despite the fact that the amendment made in August 2002 to Article 312/2 restricted its application. Since that date, no one can be convicted on the basis of this article unless the incitement in question may endanger the peace and public order.

In November 2005, the Eighth Chamber of the Supreme Court of Appeal, to which Mrs. Gürbüz had appealed, upheld the verdict handed down by the State Security Court in Istanbul.

Cancellation of the dismantling of the trade union Egitim Sen⁶⁰

On 25 May 2005, the Supreme Court in Ankara ruled that the statutes of Egitim Sen, the largest teachers’ union, were in breach of several provisions of the Constitution as well as provisions of the law on the recognition of trade unions, and ordered the organisation to shut down. The Court based its decision on Article 20 of Law 4688 on civil servants trade unions, which stipulates that the administration and activities of trade unions established under the law may not conflict with the basic democratic principles of the Turkish Republic as provided in the Constitution.

The court ruled that one of the provisions in the statutes of Egitim Sen, to the effect that the organisation “defends the individual’s right to education in his or her mother tongue and to the development of cultures”, violated Articles 3 and 42 of the Constitution, which establish that the Turkish nation is an indivisible entity and that the Turkish language is the only one to be taught to citizens.

On 3 July 2005, at an extraordinary congress, a majority of representatives of the organisation voted to remove this article from the

57. See Annual Report 2004 and Report of the judicial observation mission of the Observatory, Turkey: Human Rights Defenders on Trial, February 2005.

58. See Annual Report 2004.

59. *Idem*.

60. *Idem*.

statutes. Following this move, the union filed a new request with the Second Labour Court in Ankara that the Supreme Court decision be overturned.

The same day, Egitim Sen filed a request for summary action with the European Court of Human Rights.

On 26 October 2005, the Second Labour Court in Ankara overturned the Supreme Court decision, ruling that the charges against Egitim Sen were no longer valid in view of the changes made to its statutes. The Prosecutor, who had eight days to appeal against the decision to the Supreme Court, abandoned the case. As a consequence, the organisation remained open.

TURKMENISTAN

Restriction on the freedom of movement of several defenders⁶¹

Just prior to a visit to Turkmenistan by Mr. Rolf Ekeus, OSCE High Commissioner on National Minorities, several members of NGOs were ordered by the Ministry of National Security (MNB) to stay at home the day of his visit and to refrain from seeking to meet with him or persons accompanying him.

On 31 May 2005, as Mr. Ekeus was being received by the President of Turkmenistan, the homes of several activists were cordoned off by the police and plain-clothes MNB agents.

In particular, Mrs. **Nathalia Shabunts**, director of the human rights NGO Civic Dignity, was prevented from leaving her apartment and was therefore unable to take part in an international seminar.

61. See Annual Report 2004 and Urgent Appeal TKM 001/0603/OBS 027.1.

UNITED KINGDOM

Status of the investigation into the murder of Mrs. Rosemary Nelson⁶²

In November 2004, following lengthy proceedings aimed at obtaining the opening of a public inquiry into the assassination of Mrs. **Rosemary Nelson**, a panel was established, with “full powers to impel disclosure of documents and attendance of witnesses”. Mrs. Nelson, a lawyer and a member of the Committee on the Administration of Justice (CAJ), was murdered on 15 March 1999 in Lurgan, Northern Ireland.

On 19 April 2005, the chairman of the panel opened a preliminary inquiry into the death of Mrs. Nelson under the Inquiries Act, which was adopted by the British Parliament Royal Assent on 7 April 2005 and came into effect on 7 June 2005⁶³. The panel examined evidence and information supplied by the police at the end of 2005 and was expected to publish the conclusions of the preliminary inquiry in January 2007, after which time the public inquiry could begin.

Status of the investigation into the murder of Mr. Patrick Finucane⁶⁴

In 2004, the British government had agreed to open a public inquiry into the murder of Mr. **Patrick Finucane**, a lawyer known for his views in favour of human rights who was murdered in Belfast in 1989, once the trial of the presumed perpetrators of the murder would be over. On 23 September 2004, after Mr. Kenneth Barrett, a former paramilitary loyalist, had been sentenced to a life prison term, the Secretary of State for Northern Ireland had announced that an inquiry would be opened only on the basis of a new law “that would have to be passed by Parliament” and not on the basis of the existing law.

62. See Annual Report 2004.

63. According to this text, public inquiries are overseen by the government, which appoints - and removes - each member of the panel. The government may also restrict public access to inquiry evidence and testimony, and may decide, “in the public interest”, not to publish the inquiry’s findings.

64. See Annual Report 2004.

In 2005, the family of Mr. Finucane announced that they would not collaborate in an inquiry based on such a law. No panel was appointed.

UZBEKISTAN

Arbitrary arrests and detentions and violent acts against defenders during the events of Andijan⁶⁵

Following the events of Andijan in May 2005⁶⁶, numerous human rights defenders, who had denounced the disproportionate use of force against the demonstrators, were arbitrarily arrested, detained and subjected to ill-treatments. In addition, all the human rights organisations in the city were accused of supporting the *Akromists*, an Islamic movement opposed to the government, and judicial proceedings were initiated against the directors of a great number of these organisations.

Arbitrary detention of Messrs. Saidjahon Zaynabitdinov, Nurmuhhammad Azizov and Akbarali Oripov

On 21 May 2005, Mr. **Saidjahon Zaynabitdinov**, president of the human rights organisation *Appeliatsia* (Appeal), based in Andijan, was arrested and secretly detained after having denounced the events of Andijan and made statements to the international media. He was accused of [making] “a slur on the President of the Republic”, “infringing the constitutional order of the Republic of Uzbekistan”, “organising illegal public or religious assemblies”, “fabricating or disseminating material constituting a threat to security and public order” under Articles 159, 216 and 244 of the Criminal Code, and of “creating, administrating and participating in an extremist religious organisation, or separatist, fundamentalist or other illegal organisations” under Article 244.2 of the Criminal Code. Since his incarceration in Tashkent prison, where he was still being held at the end of 2005, Mr. Zaynabitdinov has not been allowed to meet neither his lawyers nor members of his family.

65. See Urgent Appeals UZB 001/0505/OBS 036, 036.1 and 036.2.

66. See above.

At the first hearing of his trial that started on 11 January 2006, *in camera*, Mr. Zaynabitdinov was sentenced to seven years of imprisonment by the Tashkent Court.

On 2 June 2005, Mr. **Nurmuhhammad Azizov**, chairman of the section of the Human Rights Society of Uzbekistan (HRSU) in Andijan, and Mr. **Akbarali Oripov**, a member of the human rights organisation Ezgulik, were arrested during searches of their homes by agents of the Ministry of the Interior of Markhamat in the Andijan region. Mr. Azizov was charged with “a slur on the President of the Republic”, “infringement of the constitutional order”, “fabrication and dissemination of material constituting a threat to public order and security” and “organisation of illegal public or religious assemblies”.

By the end of 2005, both men were still detained in Tashkent prison.

Harassment and ill-treatment of several dozens of human rights defenders

- On 22 May 2005, Mr. **Sobithon Ustabaev**, a member of the Namangan Group for the Protection of Human Rights, was arrested and sentenced to 15 days' imprisonment under the Uzbek administrative Code, after taking part in a peaceful demonstration against the events of Andijan. He was released after serving his term, and found refuge abroad.

- On the same day, a group of seventy people, under the orders of Mr. Ubdibulla Yamankulov, head of the Administration of the Djizak region, broke into the home of Mr. **Bakhtior Kamroev**, president of the Djizak section of HRSU. He and other members of his family were beaten, threatened with death and insulted.

- Some days later, Mr. **Ulugbek Bakirov** and Mr. **Fazleddin Gafurov**, Ezgulik members, were beaten and harassed by law enforcement officers in Andijan, while they were interviewing witnesses of the Andijan events.

- On 28 May 2005, Mr. **Dilmurad Muhitdinov**, president of the Markhamat section of Ezgulik, Mr. **Muhammadkodir Otahonov**, an Ezgulik member, and Mr. **Mussajon Bobojanov**, an Ezgulik member and chairman of the local organisation of the political party Birlik, were arrested. Their computers, CDs and other documents were seized.

- During the night of 29 to 30 May 2005, twelve members of Ezgulik from various regions were arrested at the home of Mr. **Hussan Yussupov**, also a member of Ezgulik, in Tashkent. Some of them were beaten and then sent back home by force. Afterwards, Mrs. **Vassila Inoiatova**, Ezgulik president, her husband and Mr. Hussan Yussupov were arrested and taken to the regional centre of the Ministry of the Interior in Sobir-Rakhimovskii. They were released on 30 May 2005.

- On 30 May 2005, Messrs. **Vakhid Karimov** and **Ilkhom Ashurov**, members of the Centre of Humanitarian Law, were detained for three hours in Bukhar. Their papers were confiscated and they were made to sign a document prohibiting them from leaving the city.

- On the same day, Mr. **Sotivoldi Abdullaev**, a HRSU member, was beaten by law enforcement officers outside his house in Tashkent, and had to spend fifteen days in hospital. In addition, Mr. **Iskandar Khudaiberganov**, president of the Centre of Democratic Initiatives, Mrs. **Bashorat Eshova**, a HRSU member, and Mr. **Azam Turgunov**, president of the human rights NGO Mazlum, were detained for several hours, while other human rights defenders were prevented by the police from leaving their homes.

- On 2 June 2005, Mr. **Muzaffarmirzi Iskhakov**, president of Ezgulik for the Andijan region, was arrested in this city and detained for several hours. Documents containing information on human rights defenders, the programme and charter of the Birlik political party, and several computers belonging to the Andijan section of Ezgulik were seized in his home. He was released on bail on 6 June 2005, but his papers were confiscated and, by the end of 2005, he was still prohibited from leaving the city.

- On 4 June 2005, in Mytan, law enforcement officers in the province of Samarkand arrested Messrs. **Abdusattor Irzaev** and **Khabibulla Okpulatov**, members of the Ishtikhanskii district section of HRSU, as well as Mr. **Norboy Kholjigitov**, HRSU president for this district. The three men were charged with "extortion" and detained at the security services base in Samarkand. Messrs. Irzaev and Okpulatov were released on 30 June 2005. On 13 June 2005, Mr. Khabibulla Okpulatov's son, Mr. **Youldash Okpulatov**, was subjected to intimidation and threats. Mr. **Aslitdin Suvankulov**, a lawyer for

Mr. Kholjigitov, was attacked after saying he would act as his defence lawyer. On 18 October 2005, the Samarkand Regional Criminal Court sentenced Mr. Norboy Kholjigitov to ten years' imprisonment and Messrs. Okpulatov and Irzaev to six years' imprisonment. By the end of 2005, a lawsuit initiated against Mr. **Khayatulla Kholjigitov**, the son of Mr. Norboy Kholjigitov and a HRSU member, was still in progress.

- On 4 June 2005, Mr. **Tulkin Karaev**, a HRSU member and an independent journalist working for the Institute for War and Peace Reporting (IWPR), was arrested and put under administrative detention for "hooliganism". He was released on 14 June 2005. On 16 June 2005, Mr. Karaev was again arrested and questioned, as well as Mr. **Akmal Akhmedov**, a journalist and member of the Initiative Group for Independent Defenders of Uzbekistan. Though he was released shortly afterwards, his passport was confiscated and he was prohibited from leaving the city. Mr. Karaev was granted political refugee status abroad.

- On 21 June 2005, Messrs. Sotivoldi Abdullaev and **Abdudjalil Vaimatov**, a HRSU member, were prevented from taking part in a demonstration to commemorate the victims of the "tragedy of Andijan" in Tashkent. Furthermore, about twenty people were arrested and detained at the police station.

Arbitrary detention of and judicial proceedings against Mrs. Mukhtabar Tojibaeva

On 13 May 2005, Mrs. **Mukhtabar Tojibaeva**, chairwoman of the Ardent Hearts' Club, a human rights organisation based in Margilan, in the Fergana valley, was prevented from leaving her home by several police officers. Later in the day, agents from the anti-terrorism department of the Ministry of Interior took her to the police station where she was detained until 16 May 2005, without her arrest being officially recorded.

In August 2005, the law and order forces again prevented Mrs. Tojibaeva from visiting Namagan, where she had to work.

On 7 October 2005, Mrs. Tojibaeva was arrested at home. While she was to attend the Third Platform on Human Rights Defenders organised by the NGO Frontline in Dublin (Republic of Ireland), sixteen officers from the Department of Home Affairs, including some

in masks and carrying wide bore rifles, broke into her home and searched the premises. They removed a computer and several documents. Mrs. Tojibaeva was then arrested and charged with “extortion” under Article 165.2b of the Criminal Code, in connection with a dispute with one of her employees to whom she had lent a large sum of money that was to be repaid to her. It was when this employee visited Mrs. Tojibaeva’s home and gave her some of the money that the law and order forces burst in. Earlier that day, at a press conference organised by the Fergana centre, she announced that she was being followed.

On 24 December 2005, fourteen other charges were filed against Mrs. Tojibaeva.

Arbitrary arrest and forced medical treatment of Mrs. Elena Urlaeva⁶⁷

In March 2005, Mrs. Elena Urlaeva, president of the Organisation for the Defence of Rights and Freedoms of Citizens of Uzbekistan and a member of the opposition party Ozod Dehkonlar, discovered that her name appeared on a “black list”, which was published by Mr. Safar Abdullaev, an independent journalist, and which anticipated various types of punishment for 65 persons, political activists and human rights defenders (being sent to a prison colony or psychiatric hospital, receiving an intravenous injection of the “lupus” virus etc.). The names of Mrs. **Nozima Kamalova**, director of the NGO Legal Aid Society (LAS), and Mrs. Mukhtabar Tojibaeva⁶⁸ were also on the list.

On 27 June 2005, in Tashkent, three members of the security forces visited the home of Mrs. Elena Urlaeva, where she was with Mr. **Rakhmatulla Alibaev**, a member of the Initiative Group for Independent Defenders of Uzbekistan. Mrs. Urlaeva was beaten and taken away by the security forces, while Mr. Alibaev was taken to an unknown location. The following day, Mrs. Urlaeva was fined after appearing in the offices of the Ministry of Interior to ask for the release of Mr. Alibaev. On this occasion, three men belonging to the Ministry beat her again and threatened her family.

67. See Annual Report 2002 and Urgent Appeal UZB 001/0505/OBS 036.2.

68. See above.

On 28 August 2005, Mrs. Elena Urlaeva was arrested and detained in the psychiatric hospital in Tashkent. On 21 October 2005, she was forced to take a medical treatment for schizophrenia, which could have incurable consequences for her future health. She was released from the hospital at the end of October 2005.

Finally, on 4 January 2006, Mrs. Urlaeva was arrested briefly while demonstrating against the detention of Mrs. Nadira Hidoyatova, coordinator of the opposition party Solar Coalition.

Threats and ill-treatment of Mrs. Urshida Togaeva⁶⁹

On 21 September 2005, an unknown person visited the home of Mrs. **Urshida Togaeva**, a HRSU member, on three occasions, asking her son where she was. When her son replied that she was away on a business trip, the man pronounced threats against her.

On 23 September 2005, two unknown persons began to watch her home.

The following day, while she was visiting her daughter, these men followed her and hit her in the stomach, threatening her and her family with death. Mrs. Togaeva lost consciousness and was hospitalised on 26 September 2005, where she remained in a coma for three days.

Reprisals against Mr. Tolib Yakubov and murder of his nephew⁷⁰

The persecution of Mr. **Tolib Yakubov**, HRSU president, continued in 2005. These reprisals increased sharply at the end of the year, particularly aimed at members of his family: on 5 November 2005, the apartment of his son-in-law, Mr. Azamzhon Farmanov, was ransacked and then set on fire, in Gulistan.

On the next day, the body of his nephew was discovered, chopped to pieces, in Djizak.

By the end of 2005, Mr. Yakubov was still being constantly followed by several men everywhere he was going.

69. See Urgent Appeal UZB 004/1005/OBS 091.

70. See Annual Report 2004.

Arbitrary arrest and detention of Mr. Abdurasul Hudainazarov⁷¹

On 21 July 2005, Mr. **Abdurasul Hudainazarov**, president of the Angren section of Ezgulik, was arrested in Korabog, as part of a criminal investigation conducted by the office of the Public Prosecutor of the city.

On 24 July 2005, he was charged with extorting 400 US dollars from Mr. Ilhom Zokirov, a police captain, and placed in detention. A resident of Angren, from whom Captain Zokirov had extracted this sum in exchange for his silence about an alleged theft of livestock, had approached Mr. Hudainazarov to get the money back from the captain. Mr. Hudainazarov had then contacted the police officer. However, immediately after Captain Zokirov returned the money to Mr. Hudainazarov, the police arrived and arrested him.

By the end of 2005, the date of his trial had not been set yet.

Dismantling of Internews Network and judicial proceedings against its members⁷²

On 4 August 2005, Mrs. **Khalida Anarbayeva**, former managing director of the representative office of Internews Network, an international organisation that protects the freedom of the press and access to information, and Mrs. **Olga Narmuradova**, accountant, were charged with violating Article 190.2.b of the Uzbek Criminal Code with regard to the “publication of information and production of unauthorised videos”. When the verdict was announced, the judge declared that Internews had “started meddling in the politics of Uzbekistan”.

On 6 September 2005, the appeal lodged by Mrs. Narmuradova was rejected by the Court of Tashkent, for lack of valid grounds. However, Mrs. Anarbayeva and Mrs. Narmuradova were granted a presidential amnesty and, for this reason, did not serve their sentences.

In addition, on 9 September 2005, the Court of Appeal in Tashkent ordered the dismantling of the Uzbek branch of the organisation, alleging that it had been carrying out activities without the necessary authorisation, and that it had used the logo of the association without the consent of the Ministry of Justice.

71. See Urgent Appeal UZB 002/0805/OBS 063.

72. See Urgent Appeals UZB 003/0805/OBS 066 and 066.1.

On 11 October 2005, the Tashkent Court of Appeal rejected Internews Network’s appeal without explanation.

The organisation had to publish this judicial decision within two months in the newspapers, and to settle its debts as soon as possible. However, as the organisation’s assets had been frozen in August 2004, it found it impossible to pay the required sum.

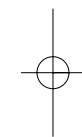
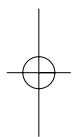
Judicial proceedings against LAS⁷³

At the beginning of 2005, the Ministry of Justice refused to acknowledge the annual report of the Legal Aid Society (LAS), without giving any reason, although the submission of this report is obligatory and a necessary condition for the organisations to keep their legal status. The representatives of the Ministry also added that their services were intended to monitor the activities and administrative documents of the organisation, to check their legality. After this examination, the city Justice Department raised some minor points, claiming that LAS had violated the law on NGOs.

On 26 December 2005, Mr. **Alisher Ergashov**, LAS lawyer, was summoned to the city Justice Department, where he was informed that the first hearing against the organisation would take place on 27 December 2005.

In addition, the organisation found it impossible to legally occupy any premises due to the legislation in force that prevents NGOs from accessing their bank accounts without official authorisation.

73. See Legal Aid Society (LAS).



NORTH AFRICA / MIDDLE EAST



SITUATION OF HUMAN RIGHTS DEFENDERS

In 2005, authoritarian regimes maintained their power and continued to dominate the region of North Africa and the Middle East, hindering the respect for fundamental freedoms, in particular those of association, assembly and expression.

In some countries, repression was such that it remained impossible to establish independent human rights associations (*Persian Gulf States, Libya*), whereas many other governments resorted to more pernicious strategies, accompanied with acts of violence. Defenders, including foreign humanitarian workers, further continued to be on the front line in conflict zones in *Iraq* and the *Occupied Palestinian Territories*.

In 2005, defenders were victims of assassinations, abductions and death threats (*Iraq*), acts of violence (*Bahrain, Morocco, Tunisia*), arbitrary arrests and judicial proceedings (*Algeria, Bahrain, Libya, Occupied Palestinian Territories, Saudi Arabia, Syria, Tunisia*), acts of harassment and intimidation (*Syria, Tunisia*), as well as infringements to their freedom of movement (*Occupied Palestinian Territories*).

Hindrances to freedom of association

In 2005, the situation remained extremely critical in the most closed countries of the region, which tolerated no opposition to their authority. In some States such as *Libya* and certain countries of the Persian Gulf (*Oman, Qatar, Saudi Arabia, United Arab Emirates*), where the possibility to establish independent associations was non-existent, defenders often had to take individual actions and were thus at increased risks of retaliation. Often, only pro-governmental organisations created by the authorities themselves were authorised to operate. In many other countries, obstacles to the exercise of freedom of association also endured.

In *Bahrain* for instance, the Bahrain Centre for Human Rights (BCHR) remained closed following an order of the Ministry of Labour and Social Affairs issued in September 2004.

In *Egypt*, the Nadeem Centre for the Rehabilitation of Victims of

Violence has still not been legally recognised since 2003, when its request for registration was rejected on formal grounds. The appeal lodged by the association was still pending in late 2005. Likewise, the Administrative Court refused the registration of the Egyptian Association Against Torture (EAAT) on 25 December 2005.

In *Morocco*, the Sahrawi Association for Victims of Grave Human Rights Violations Committed by the Moroccan State in Western Sahara did not receive the receipt for its registration request as the authorities refused to acknowledge its file. Moreover, the Sahara section of the Moroccan Truth and Justice Forum (FMVJ), whose headquarters have been sealed off since 2003, was still not able to appeal against this decision in 2005. Finally, the local section of the Moroccan Association for Human Rights (AMDH) in Western Sahara obtained the legal receipt acknowledging its registration file only once the AMDH head office interceded with the authorities in Rabat, which had refused on several occasions to issue this document.

Freedom of association was once again blatantly flouted in *Tunisia*, where many independent associations were still not legally recognised by the authorities, such as the National Council for Liberties in Tunisia (CNLT), the International Association for the Support of Political Prisoners (AISPP), the Tunisian Association Against Torture (ALTT), the Centre for the Independence of Justice and Lawyers (CIJA), the Assembly for Alternative International Development (RAID-ATTAC) and the Observatory for the Freedoms of the Press, Publishing and Creation (OLPEC). In addition, registration, when granted, was far from guaranteeing complete freedom of action for independent Tunisian associations. Indeed, new judicial proceedings were initiated against the Tunisian League for Human Rights (LTDH) to prevent the association from preparing and holding its national Congress. The first independent human rights NGO to be established in the country – in 1977 – remained thus subjected to nearly thirty trials in the sole aim to impede its activities. Besides, the headquarters of the Association of Tunisian Magistrates (AMT) were closed down by the Prosecutor of the Tunis Court in August 2005 after months of harassment against the association and its members. Finally, the national Congress of the Tunisian Journalists' Union (SJT), scheduled for 7 September 2005, was banned by the authorities, after the security services in Tunis summoned its director to inform him about this decision¹.

In the *United Arab Emirates*, the request of registration filed in March 2004 by a group of about twenty intellectuals in order to create the first human rights organisation in the country had still not been acknowledged by the end of 2005².

However, a positive evolution could be noted in *Israel*, where freedom of association seemed to have improved in 2005: indeed, on 3 March 2005, the Knesset finally rejected a bill it had been examining since 2003 and which provided for serious restrictions in NGOs foreign funding.

In *Lebanon*, a shockwave ran throughout the country following the assassination of former Prime Minister, Mr. Rafic Hariri, on 14 February 2005. As a consequence, in July 2005, the Cabinet repealed a decision it passed in the 1990s, obliging associations to obtain an explicit authorisation of the authorities prior to registration, in utter contravention of the provisions of the Ottoman Law on Associations (1909) in force at the time³. Following the repeal, restrictions on freedom of association were relatively softened. This evolution now remains to be concretely translated into practice.

Restrictions to freedom of expression

In *Algeria*, international human rights organisations were only selectively accepted in the country. In July 2005, for instance, in spite of a relative openness to international organisations, the authorities denied authorisation to FIDH and the Euro-Mediterranean Human Rights Network (EMHRN) to carry out an investigation mission and to participate in the Congress of the Algerian League for the Defence of Human Rights (LADDH) in September 2005.

1. See Closed Letter of the Committee for the Respect of Freedoms and Human Rights in Tunisia (CRLDHT), FIDH and OMCT to the United Nations Secretary General, 15 September 2005.

2. See Annual Report 2004.

3. The Ottoman Law provides for a simple declaration system: an association is considered as registered if the authorities have not opposed an explicit and necessarily justified refusal within 60 days following the declaration.

Threats and acts of retaliation were reported in *Bahrain*, in particular following the release of reports and public statements denouncing human rights violations in the country. Mr. Nabeel Rajab, BCHR vice-president, notably received numerous messages accusing him of “spying” and “treason”, after the association presented an alternative report on torture in Bahrain to the United Nations Committee against Torture in May 2005⁴.

In *Libya*, although the authorities regularly announced political reforms, several measures were adopted in order to limit access to the territory to international human rights associations. In particular, the Libyan government banned the NGO Forum due to be held before the Conference of Heads of States and Governments of the African Union convened in Sirte in July 2005, arguing that hotel facilities were insufficient for accommodating the defenders invited to participate in the Forum.

In *Syria*, press releases and public statements on the human rights situation in the country were still likely to be subjected to retaliation campaigns. For instance, Mr. Mohamed Ra’doun, chairman of the Arab Organisation for Human Rights in Syria (AOHRS), was arrested in May 2005 and accused of “disseminating false information” and “involvement in an international and illegal organisation”. He was then placed in confinement detention at the Adra prison for five months without being charged.

In *Tunisia*, access to human rights organisations and news websites, as well as online discussion forums and independent Tunisian news agencies, were frequently blocked by State authorities, which also regularly disrupted international media and NGOs websites relating to the World Summit on the Information Society (WSIS) convened in Tunis from 16 to 18 November 2005. A few weeks before the WSIS was held, all representatives of independent Tunisian associations, along with intellectuals criticising the regime, were prevented from communicating with foreign countries after their phone lines and personal Internet connections were interrupted. Independent media also encountered numerous administrative constraints – which did not target any other media in the country –, as for instance the online

4. See Conclusions of the Observatory international fact-finding mission in Bahrain, 25-28 September 2005.

newspapers *Kalima*, banned by the authorities since 2002, and *Alternatives citoyennes*. Censorship further remained widespread throughout the country, as all articles were to be submitted to the Ministry of the Interior for authorisation prior to diffusion. Unless conforming to the government’s requirements, journalists were recurrently harassed. For instance, Mr. Christophe Boltanski, a journalist for the French daily *Libération*, was brutally assaulted on 13 November 2005, and the tape of the team of the Belgian TV channel *RTBF* was seized by the authorities while investigating into the respect for rule of law and freedoms in Tunisia. This restrictive situation continued even after the WSIS was over.

Hindrances to freedom of peaceful assembly

In *Algeria*, members of the families of disappeared peoples who participated in weekly peaceful gatherings were once again in 2005 subjected to constant acts of retaliation by the authorities. Among others, Mr. Mouloud Arab, father of a disappeared, was arrested during a rally organised by SOS-Disappeared in September 2005. By late 2005, Mr. Arab was still being prosecuted for having distributed leaflets denouncing the situation of the families of disappeared, in Algiers. Besides, several opponents to the Draft Charter for Peace and National Reconciliation⁵, which was adopted by referendum on 29 September 2005, were repressed in the course of the summer. A conference on this topic, convened by the LADDH section in Tizi Ouzou, was notably banned by local authorities on the ground that “the conference rooms were strictly reserved for the supporters of the Charter”.

In *Bahrain*, police forces forcibly dispersed several demonstrations, in particular two rallies promoting the rights of the unemployed that had been organised in June and July 2005 by BCHR⁶.

Similar infringements to freedom of peaceful assembly were reported

5. The presidential decree on the Draft Charter, issued on 14 August 2005, was widely criticised by Algerian civil society. The Charter notably provides for a general amnesty for perpetrators of grave human rights violations committed during the civil conflict that has torn the country apart since 1992. As a consequence, the Charter denies the right to truth, justice and compensation to victims and their families.

6. See Conclusions of the aforementioned international fact-finding mission.

in *Egypt* during the presidential elections in September 2005, and more particularly during the first ballot of parliamentary elections on 9 November 2005. Other peaceful demonstrations were also violently repressed. For instance, on 30 July 2005, a march protesting against the political situation in the country was brutally dispersed and Mr. Kamal Abbas, general coordinator of the Centre for Trade Union and Workers' Services (CTUWS), was seriously injured by fifteen members of the security forces.

In *Lebanon*, a relative improvement of the respect for freedom of peaceful assembly was observed. However, families of Lebanese detainees in Syria and their defenders continued to be intimidated and harassed, especially until the withdrawal of the Syrian army from Lebanon in late April 2005. In particular, police forces violently dispersed a demonstration organised outside the Parliament in Beirut on 27 April 2005, which mainly gathered families of prisoners.

In *Morocco*, some peaceful rallies were violently disbanded, such as a sit-in advocating for the rights of the victims of the Tamassint earthquake (February 2004) and demonstrations in favour of the Sahrawi cause. Several members of AMDH, FMVJ and of the Sahrawi Association for Victims of the Grave Human Rights Violations Committed by the Moroccan State in Western Sahara were arrested during these demonstrations and remained detained by the end of 2005.

In *Syria*, although the anti-riot police did not intervene against a demonstration gathering a few hundreds persons in Damascus in April 2005⁷, this remained a rare exception. Indeed, freedom of assembly was still widely hindered in the country in 2005. In September 2005 for instance, the General Assembly of the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF) convened in Khan al-Sheikh was disrupted by agents of the security services who occupied the premises, seized documents, took pictures of all present CDF members and threatened them.

In *Tunisia*, freedom of assembly remained systematically violated in 2005. Thus, the Citizens' Summit on the Information Society (CSIS), due to be held in the fringe of the WSIS, had to be cancelled

following the authorities' refusal to make a conference room available and the intimidation campaign against hotel directors to dissuade them from offering accommodation to the CSIS participants. Peaceful gatherings, such as a demonstration supporting hunger strikers in Tunis in November 2005, were systematically repressed by security forces. Besides, important police deployments prevented the CNLT General Assembly from being held on several occasions, while numerous LTDH sections had to cancel meetings due to similar pressures. Likewise, the holding of the second national RAID-ATTAC Congress was twice impeded by the police in 2005.

Human rights defenders in times of conflict

In 2005, the whole region was characterised by the deterioration of the situation in Iraq, as well as by the ongoing Israeli-Palestinian conflict.

In *Iraq*, a great number of attacks and kidnappings by extremist militias and/or non-identified groups created an utterly insecure environment for defenders. The death of Mrs. Marla Ruzicka, founder of the Campaign for Innocent Victims in Conflict (CIVIC), who was killed in a suicide bombing in Baghdad on 18 April 2005, as well as the abduction and confinement of Messrs. Norman Kember, Tom Fox, James Loney and Harmeet Singh Sooden, members of Christian Peacemaker Teams (CPT), an American pacifist NGO, on 27 November 2005, were representative of the situation in the country. In this context, journalists who attempted to report on the Iraqi political and human rights situation were particularly targeted: according to the Committee to Protect Journalists (CPJ), 23 journalists and media support workers were killed in the country in 2005 in relation to their professional activity.

In *Israel* and the *Palestinian Occupied Territories*, human rights defenders continued to be directly affected by the Israeli-Palestinian conflict due to the recurrent obstacles imposed by Israeli authorities on their freedom of movement. Many of them were notably prevented from travelling abroad to participate in civil society conferences or events convened by intergovernmental organisations. Activities of Palestinian NGOs members, in particular, remained daily obstructed, in a general context of severe hindrances to freedom of movement imposed by Israeli authorities in the Occupied Territories, such as the

7. Demonstrators were notably protesting against the 1963 Laws establishing the state of emergency as well as against the Special Courts, and calling on the authorities to release all persons sentenced by these courts.

“separation Wall” and the increasing number of checkpoints and road-blocks. These obstacles dramatically isolated Palestinian defenders, who were often prevented from testifying before international institutions. Access to information and detention centres similarly remained impeded for “security” reasons, whereas lawyers were regularly denied access to their clients. The obstacles imposed by Israeli authorities further gravely affected humanitarian and health assistance.

On 7 August 2005, the premises of the International Committee of the Red Cross in Khan Yunis, south of Gaza, were attacked. Likewise, on 18 May 2005, three armed and hooded men forcibly entered the health centre of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) in Far’a refugee camp, and chased out the doctor of the centre under the threat of their rifles. On 8 August 2005, Messrs. Steven Karl and Rasmi Ba’lousha, as well as Mrs. Christine Blunt, UNRWA members, were kidnapped in Khan Yunis and kept locked up for several hours by armed individuals, before being released following negotiations. On 14 August 2005, UNRWA subsequently decided to evacuate most of its staff in Gaza to Jerusalem and Amman (Jordan) for security reasons. Finally, on 29 December 2005, Mrs. Kate Burton, international coordinator for the Al-Mezan Centre for Human Rights, was abducted and detained for three days. By the end of 2005, her aggressors had not yet been identified.

Mobilisation for the regional and international protection of human rights defenders

United Nations (UN)

The Special Representative of the UN Secretary General on Human Rights Defenders, Mrs. Hina Jilani, visited *Israel* in October 2005; the conclusions of her visit shall be presented at the upcoming session of the United Nations Commission on Human Rights (UNCHR) in 2006. In a press release issued on 11 October 2005, Mrs. Jilani stated that she had notably visited Ramallah, Bethlehem, Nablus, Hebron, Bil’in village, Nazareth, Tel Aviv and Jerusalem. Although she underlined the relative openness of the government towards NGOs in Israel, excepting those working on the rights of minorities, the Special Representative expressed her concern about the environment in which human rights defenders operate in the Occupied Palestinian Territories, in particular the constraints on their freedoms

of movement and assembly. In particular, Mrs. Jilani denounced the daily acts of harassment, intimidation and humiliation these defenders face. She also noted that lawyers were regularly denied access to their clients, journalists were obstructed from reporting on human rights violations, and health professionals were hampered from providing medical and material assistance. Finally, the Special Representative reported on the violations committed by the security apparatus of the Palestinian National Authority against human rights defenders.

Mrs. Jilani further submitted a request for visiting *Iraq*, which was positively acknowledged by the authorities. Following her request for visit, renewed in 2004, *Egyptian* authorities formally demanded additional information, while Mrs. Jilani’s request for visiting *Tunisia* had still not been responded to by the end of 2005.

In her annual report to the 61st session of the UNCHR held in March-April 2005, the Special Representative indicated that 17,5% of her communications in 2004 had concerned cases in the region of North Africa and the Middle East.

From 27 to 29 June 2005, the Office of the UN High Commissioner for Human Rights, the United Nations Assistance Mission for *Iraq* (UNAMI) and the United Nations Office for Project Services (UNOPS) held a workshop gathering over 30 Iraqi human rights defenders in Amman, Jordan. This event aimed at strengthening NGOs capacities to engage in activities promoting human rights at the national, regional and international levels, at developing strategies to address past, current and future human rights violations, and at building a network through which NGOs could share information and develop a collaborative approach. Mrs. Hina Jilani opened the workshop.

The United Nations Human Rights Committee, during its 84th session held from 11 to 29 July 2005 in Geneva, expressed its concern “at the obstacles imposed on the registration and free operation of non-governmental human rights organisations” in *Syria*, and “the intimidation, harassment and arrest of human rights defenders”. The Committee further called on the Syrian Government to “immediately release all persons detained because of their activities in the field of human rights”.

On 14 October 2005, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Ambeyi Ligado, issued a press release on the situation in *Tunisia*,

shortly before the WSIS. Mr. Ligado notably underlined that he had “received reports of violations concerning freedom of opinion and expression in Tunisia (...), [including] the banning of a journalists’ union congress, the conviction to prison-terms of a lawyer for publishing controversial articles and smear campaigns against human rights activists particularly in conjunction with their right to freedom of expression and of association”.

European Union (EU)

In the framework of the Barcelona Process, the Association Agreement between *Algeria* and the European Union was ratified on 27 April 2005 and came into force on 1 September 2005. As any other Association Agreement reached between the EU and the countries in the region, it includes a human rights clause (Article 2), which sanctions human rights as a key element in the relations between the parties.

The European Parliament, in its resolution on the situation in *Lebanon* adopted on 10 March 2005, stressed that “the forthcoming signature of the Association Agreement with the EU will commit Syria to a political dialogue based on support for democracy, human rights and the rule of law and respect for international law”, and further underlined the importance of “[initiating] immediate cooperation by supporting civil society and independent NGOs [in Lebanon] through the MEDA programme and the European Initiative for Democracy and Human Rights”⁸.

On 8 September 2005, the Parliament adopted a resolution on *Syria*, which notably pointed out that “respect for human rights constitutes a vital component in any future EU-Syria Association Agreement”. Moreover, the Parliament called for the “setting up of a subcommittee on human rights with Syria in the framework of the Association Agreement, (...) so as to develop a structured dialogue on human rights and democracy”, and emphasised the importance of “civil society being consulted on and involved in the work of this subcommittee in order better to monitor the human rights situation” in the country⁹.

9. See European Parliament Resolution on Syria, P6_TA-PROV(2005)0340.

8. See European Parliament Resolution on Lebanon, P6_TA(2005)0076.

Finally, a resolution on human rights in *Morocco* was adopted on 27 October 2005, notably calling on the Moroccan authorities to “immediately release human rights supporters” and to ensure “the protection of the Sahrawi population [and] respect for their fundamental rights, including freedom of expression and freedom of movement”. The European Parliament also urged the Moroccan authorities to “facilitate access to the territory of Western Sahara for independent observers and representatives of human rights defence organisations and the international press” and deplored in this connection “the expulsion of several European delegations” in 2005¹⁰.

On 13 September 2005, the Presidency of the Council of the European Union issued a declaration on the obstruction of the LTDH activities in *Tunisia*, and notably expressed “its wish that the League will be able to continue its work to promote and protect human rights” in the country¹¹. In its resolution on Tunisia adopted on 29 September 2005, the European Parliament further expressed its concern “at the decision taken on 5 September 2005 to stay the Congress of the LTDH, which was due to take place from 9 to 11 September 2005 in Tunis” and called on “the authorities to allow LTDH, SJT and AMT to carry on their activities freely and to hold their congresses”. Taking note of “the lack of progress towards the release of Community funds intended to provide financial support for the projects undertaken by LTDH”, the Parliament also called on “the Tunisian Government to take immediate action to release the Community funds intended for the above-mentioned projects and rapidly to reach agreement on the modernisation plan for the justice system”. This resolution also requested “the EU-Tunisia Human Rights Subcommittee (...) to be made fully operational in order to discuss the overall human rights situation and, in particular, individual cases of abuse”¹². These preoccupations were reiterated after the WSIS was held, notably by the adoption, on 15 December 2005, of a resolution on “human rights and freedom of the press in Tunisia and evaluation of the WSIS held in Tunisia”, which gave rise to an unprecedented, intense debate at the

10. See European Parliament Resolution on Morocco, P6_TA-PROV(2005)0414.

11. See Declaration by the Presidency on behalf of the European Union 12240/05 (Presse 232), P 100/05.

12. See European Parliament Resolution on Tunisia, P6_TA-PROV(2005)0368.

plenary session of the European Parliament. European commissioners, as well as the EU Presidency, were present at the session, and their testimonies constituted the basis for this resolution¹³.

Mrs. Hélène Flautre, president of the Subcommittee on Human Rights of the European Parliament, in a press release issued on 15 November 2005, declared that “considering the seriousness of the situation in Tunisia, the EU/*Tunisia* Association Council, which is entitled to suspend the Association Agreement, shall meet without delay”. Indeed, Mrs. Flautre underlined that the organisation of the WSIS in Tunisia, “far from bringing a beneficial break in the country, gave rise to an increased repression. On 14 November, a preparatory meeting to the Citizens’ Summit, organised in fringe of the WSIS by Tunisian NGOs and civil society, was prevented from being held by police forces who violently assaulted Tunisian activists”.

Furthermore, ten years after the Barcelona Declaration was adopted, the EU started to implement its New Neighbourhood Policy, which represents an enhanced instrument for bilateral and regional policy relating to human rights. Several Action Plans, the realisation of which shall be required for any additional development assistance, started to be drafted and negotiated within this framework in 2005. These plans systematically include items on the fulfilment of human rights, and more specifically the protection and free operation of human rights defenders.

Civil Society

On 8 and 9 April 2005, the Tunisian League for Human Rights (LTDH) held a workshop on “human rights defenders protection mechanisms” at its headquarters in Tunis, with the support of the Observatory. Tunisian human rights defenders could notably establish a fruitful dialogue with Mrs. Hina Jilani, whose presence was all the more important that her official requests for visiting the country have always been rejected by the authorities. Algerian and Moroccan human rights activists also attended the seminar. This regional dimension gave rise to constructive discussions and experience sharing.

From 30 September to 2 October 2005, the meetings of the EuroMed Non-Governmental Platform in Malaga (Spain) gathered the EU Member States and civil society representatives of *Algeria, Egypt, Israel, Jordan, Morocco, Syria, Tunisia* and the *Palestinian National Authority*. This event, organised in the framework of the Barcelona process, set out a “disappointing assessment” of the first ten years of the Euro-Mediterranean partnership. On this occasion, the Platform assessed all levels of civil society participation in the Barcelona process, whether political, economic, human rights, cultural, or social. Participants further noted that “human rights violations are multiplying and hindrances to freedom of expression, association, or circulation tend to become the rule”, without any political consequences on Association Agreements or Action Plans. They further underlined that “the hindrance to the mobility of people, in this supposedly common Euro-Mediterranean space, only reinforces frustrations and encourages identity-based manifestations”. Civil society representatives finally concluded that “it is essential for the Euro-Mediterranean Partnership to be based on the respect of human rights in their universality and indivisibility”.

13. See European Parliament Resolution on Tunisia, P6_TA-PROV(2005)0525.

HUMAN RIGHTS DEFENDERS
IN THE LINE OF FIRE

ALGERIA

**Continued harassment of families
of the disappeared and their defenders¹**

Arbitrary arrest and judicial proceedings against Mr. Mouloud Arab

On 14 September 2005, Mr. **Mouloud Arab**, father of a disappeared, was arrested in front of the National Consultative Commission for the Promotion and Protection of Human Rights (*Commission nationale consultative pour la promotion et la protection des droits de l'Homme* – CNCPPDH) headquarters in Algiers, where he was attending the weekly rally organised by SOS Disappeared (*SOS-Disparu(e)s*) and distributing leaflets denouncing the situation of the families of the disappeared. Mr. Arab was put in police custody and released several hours later; in addition, his identity papers were confiscated and he could only retrieve them on the next day.

On 17 September 2005, Mr. Arab was brought before the Algiers Public Prosecutor's department for violating Article 96 of the Algerian Criminal Code, which prohibits the "distribution of leaflets posing a possible threat to national interests". Given his age, Mr. Arab was not detained but put on probation with an obligation to report to the police station every Wednesday until his case would fully be investigated.

On 25 September 2005, Mr. Arab appeared before the Algiers examining magistrate. The hearing was then scheduled for 28 September 2005, when Mr. Arab's lawyer asked for the hearing to be postponed based on medical grounds. The next hearing was scheduled for 13 February 2006.

1. See Annual Report 2004 and Press Release, 23 September 2005.

Harassment of SOS - Disappeared members

In the framework of the official campaign on the Draft Charter for Peace and National Reconciliation, which was to be submitted to referendum on 29 September 2005, Mrs. **Fatima Yous**, president of SOS - Disappeared, received several anonymous calls on her cell phone in September 2005. Unknown individuals notably urged her to leave Algerian territory without delay if she wanted to protect the families of the disappeared, her staff members as well as the association headquarters in Algiers.

Similarly, Mr. **Hacène Ferhati**, SOS – Disappeared treasurer, was subjected to anonymous harassment on his cell phone from 15 to 30 September 2005.

Lastly, on 17 and 18 September 2005, three police officers in plain-clothes arrived at the office of Mrs. **Fatima Nekkrouf**, president of the SOS - Disappeared section in Oran, and fully searched the premises without presenting a due warrant nor any official police ID. They further questioned Mrs. Nekkrouf about her activities within the association. In addition, she was subjected to death threats on the phone on several occasions during the same period.

Ill-treatment and arbitrary arrests of families of the disappeared – Constantine

On 22 September 2005, several members of families of disappeared were beaten up and arrested by the police in front of the Ramdane Ben Abdelmalek stadium in Constantine, where Mr. Bouteflika, President of the Republic of Algeria, was holding a rally promoting the Draft Charter for Peace and National Reconciliation. These families, along with several members of the Constantine Association for the Families of the Disappeared (*Association des familles de disparus de Constantine* – AFDC), a member organisation of the National Coordination of the Families of the Disappeared (*Coordination nationale des familles de disparus* – CNFD), had gathered in front of the stadium to request an interview with the President about the situation of their disappeared relatives. The police forces, however, prevented them from entering the stadium before severely beating them. Several persons were further arrested and taken to the central police station where they were questioned, including Mr. **Rabah Benlatrèche**, CNFD chairman and spokesperson, and Mrs. **Louisa**

Naïma Saker, AFDC secretary general, along with five other mothers of disappeared aged 60 to 75. All these persons were released without charges after an hour in custody.

Intimidation of the families of the disappeared and their defenders - Relizane²

Continued harassment of Mr. Mohamed Smaïn

In 2001, Mr. **Mohamed Smaïn**, chairman of the Relizane section of the Algerian League for the Defence of Human Rights (*Ligue algérienne de défense des droits de l'Homme* – LADDH), had been prosecuted for “defamation, calumny and reporting fictitious crimes” following a complaint filed by Mr. Mohamed Ferghane, former head of the Relizane militia, and eight other militiamen, after Mr. Smaïn had notified the Algerian press of the exhumation of a mass grave by the gendarmerie.

On 24 February 2002, Mr. Smaïn had been sentenced on appeal to one year in prison and a fine of 5,000 dinars (54 euros), and ordered to pay 30,000 dinars (320 euros) in damages to each of the plaintiffs.

By the end of 2005, Mr. Smaïn’s appeal against this judgement was still pending with the Supreme Court of Appeal.

In addition, Mr. Smaïn was subjected to numerous arbitrary actions in the course of 2005. His travel documents, driver license, national identity card, as well as the local council card (*fiche communale*) acknowledging his involvement in the fight for the liberation of Algeria, were notably confiscated by the authorities. By the end of 2005, his local council card had still not been returned, in spite of the decision in his favour rendered by the National Appeals Commission (*Commission nationale de recours*) and the numerous referrals he addressed to the President of the Republic.

Repression of a peaceful demonstration

On 26 October 2005, the weekly rally organised by the families of the disappeared in Relizane was forcibly dispersed by the police forces. Mrs. **Fatima Ali**, a 65-year-old wife and mother of two disappeared, was unable to go to work for five days following the violence she was subjected to during the demonstration. Mr. **Medhi Boubekeur**, aged

2. See Annual Report 2004.

72, was also severely beaten. Mrs. Ali, Mr. Boubkeur and 13 other relatives of disappeared were further called in for questioning and kept in police custody for several hours before being released. Mr. Wahab Beskri, the Relizane police superintendent, warned them against any further attempt to organise similar events.

Judicial proceedings against Mr. Belkacem Rachedi

On 17 January 2004, Mr. Mohamed Benguerroudje had lodged a complaint for “insults and threats” against Mr. **Belkacem Rachedi**, the son of a disappeared allegedly abducted by Mr. Benguerroudje. Mr. Rachedi had appeared before the Relizane High Court (*Tribunal de grande instance*) on 24 September 2004 and had then been sentenced to a suspended six-month prison term. The appeal was heard on 19 November 2005.

On 7 November 2005, Mr. Rachedi was once again called in for questioning and taken to the Relizane Court headquarters by agents of the court’s police department, following a summons order issued by the examining magistrate. He was then indicted for “insults and defamation” following a complaint lodged by Mr. Mohamed Ferghane, also allegedly involved in his father’s abduction. Mr. Rachedi was released on remand the same day.

By the end of 2005, no official investigation into this matter had been opened.

Judicial proceedings and acts of harassment against LADDH members³

Continued judicial harassment of Mr. Ghouh Hafnaoui

In 2004, Mr. **Ghouh Hafnaoui**, a journalist and chairman of the LADDH section in Djelfa, had been in all sentenced to eleven months of imprisonment and a total amount of 2,262,000 dinars (24,330 euros) fines and damages, following several complaints lodged by the *Wali* (Prefect) of Djelfa and his supporters in the framework of four cases for “defamation”, “insulting State authorities” and “illegally removing a document from prison”.

Mr. Hafnaoui had been placed in detention on 24 May 2004 and released on 25 November 2004, after the criminal chamber of the

Ouragna Court of Appeal had approved his request of parole. Mr. Hafnaoui had then referred to the Supreme Court of Appeal.

By the end of 2005, the four proceedings were still pending.

Release of Messrs. Tahar Larbi and Ahmed Hafnaoui

On 5 February 2005, Mr. **Tahar Larbi**, president of the LADDH branch in Labiodh Sidi Cheik (El Bayadh region), was released from prison after serving his term.

Mr. Tahar Larbi had been arrested on 4 June 2004 in Ouargla along with Mr. **Slimane Tahri**, a member of the LADDH Labiodh Sidi Cheik section, in a wave of arrests that also targeted seven members of the South Movement for Justice (*Mouvement du Sud pour la justice* – MSJ). On 25 October 2004, the Ouargla Court had sentenced Mr. Larbi to eight months in prison for “operating within an unregistered association” and “distributing leaflets posing a possible threat to the national interests”.

Moreover, Mr. **Ahmed Hafnaoui**, a MSJ member and brother of Mr. Ghouh Hafnaoui (who had been accused then discharged in this matter), had been directly summoned to appear during the 25 October 2004 hearing. He had then been charged, convicted, given a six-month prison sentence and placed in detention immediately after the verdict. Mr. Ahmed Hafnaoui was released on 10 April 2005 after serving his prison term.

In addition, Mr. Larbi and five of his relatives had been placed in custody at Labiodh Sidi Cheikh prison on 5 October 2003, after participating in a peaceful demonstration in support of the Independent National Union of Civil Servants (*Syndicat national autonome des personnels de l’administration publique* – SNAPAP) in September 2003. On 3 November 2003, Mr. Larbi had been brutally beaten by the prison director and his guards.

As of the end of 2005, the complaint for ill-treatment filed on 9 November 2003 by LADDH was still pending with the Public Prosecutor of the Saida Court.

On 24 November 2003, Mr. Larbi and his five family members had further been condemned to a three months’ suspended prison sentence by the El Bayadh court. They had all been released after the trial and appealed against the verdict. In late 2005, the case was still pending.

3. *Idem*.

Conviction and release of five members of the LADDH section in Ghardaia

On 14 October 2004, a warrant had been issued for the arrest of Messrs. **Mohamed Djelmani**, **Mohamed Oubaya**, **Ahmed Djeädi** and **Hamou Mesbah**, members of the LADDH section in Ghardaia, after the LADDH section had proposed to act as a mediator between the city's shopkeepers and the police forces. Although officially wanted, they did not receive any formal summons.

On 26 February 2005, Messrs. Djelmani, Oubaya, Djeädi and Mesbah freely gave themselves up to the police on the eve of the beginning of their trial. On 12 March 2005, all four were sentenced to a year suspended prison term by the Ghardaia Court on charges of "unlawful gathering and incitement to unlawful gathering", "obstruction of public thoroughfare" and "destruction of public property". They were released on the next day.

Mr. **Kamel Fekhar**, another member of the LADDH Ghardaia branch and national secretary in charge of association within the Socialist Forces Front (*Front des forces socialistes* – FFS, opposition party), had been arrested on 31 October 2004 and detained on remand until he was tried for the same charges along with Messrs. Djelmani, Oubaya, Djeädi and Mesbah, on 12 March 2005. Mr. Fekhar was condemned to five months in prison and was released on 5 April 2005 after serving his term.

Continued obstacles to the freedom of assembly of the LADDH section in Tizi Ouzou

In the framework of the official campaign promoting the Draft Charter for Peace and National Reconciliation, the LADDH section in Tizi Ouzou scheduled a conference on the topic for 27 August 2005. However, local authorities refused to let them use the communal hall of Illiten (Tizi Ouzou) on the ground that "the hall was strictly reserved for those supporting the Draft Charter".

In December 2004, this LADDH section had already been forced to cancel a conference organised as part of the celebration of the International Human Rights Day due to similar administrative interference.

Judicial proceedings against Mr. Abderrahmane Khelil

On 20 May 2002, Mr. **Abderrahmane Khelil**, head of the SOS-Disappeared Committee (*Comité SOS-Disparus*) and a LADDH member, had been arrested following a visit he had made to the University of Bouzaréah to investigate into the arrests of students during protest movements earlier that month. He had been detained in the El Harrache prison in extremely precarious conditions, and received a six-month suspended prison sentence on 26 May 2002 for "encouraging unarmed assembly". Mr. Khelil appealed against this decision.

At the end of 2005, the proceedings were still pending.

Continued harassment of SNAPAP members⁴

Seven board members of the Independent National Union of Civil Servants (SNAPAP) office in Oran had been arrested and suspended from their functions on the order of the *Wali* of Oran in March 2002, following a hunger strike they had started in protest against the closure of the SNAPAP office in Oran. In October 2002, they had been given a three-month suspended prison sentence and a 5,000 dinars (54 euros) fine. In January 2003, this verdict had been commuted on appeal to a 5,000 dinars fine, but the administration had maintained their suspension. In November 2005, these seven unionists were finally reinstated in their functions.

Moreover, in November 2004, the Algiers Court of First Instance had condemned Mr. **Rachid Malaoui**, SNAPAP secretary general, to a suspended prison sentence of one year and a 5,000 dinars fine for "defamation", following a complaint filed by the secretary general of the Algerian General Workers' Union (*Union générale des travailleurs algériens* – UGTA, pro-governmental union) for facts dating back to 2001. At that time, Mr. Malaoui had publicly criticised the UGTA takeover of the union scene and denounced the repeated attacks on independent trade unions. Mr. Malaoui, who was not in court when the verdict was handed down, had appealed against this decision. By the end of 2005, the proceedings were still pending.

4. *Idem*.

Lastly, in December 2003 and May 2004, former SNAPAP members, backed by the Ministry of Labour, had held a congress to establish another union, wearing the same name. In June 2004, the “genuine” SNAPAP had pressed charges for “usurpation” with the Algiers First Instance Court. A hearing was scheduled for 9 February 2005, but was then postponed sine die, and no date was scheduled by the end of 2005.

BAHRAIN

Continued repression of BCHR and its members⁵

Ill-treatment and continued harassment
of Messrs. Abdulhadi Al-Khawaja and Nabeel Rajab

On 18 May 2005, Mr. Nabeel Rajab, vice-president of the Bahrain Centre for Human Rights (BCHR), and his family were subjected to harassment following Mr. Rajab’s participation in the 34th session of the United Nations Committee against Torture in Geneva (Switzerland) on 11 and 13 May 2005, where he presented an alternative report on torture in Bahrain. In particular, numerous letters and text messages were sent to his home, Bahraini authorities and staff members of his firm, accusing him of “spying” and “treason”. Mr. Rajab lodged two complaints for harassment with the Public Prosecutor in June and July 2005. By the end of 2005, none of these complaints had been investigated.

Moreover, on 19 June 2005, the Committee of the Unemployed, created in January 2005 and backed up by BCHR, organised a peaceful rally calling on the King to create jobs. Three days before the demonstration took place, the central police station of the southern district summoned the coordinators of the event trying to intimidate them. On 19 June 2005, demonstrators were severely beaten by the anti-riot police and Mr. Abdulhadi Al-Khawaja, BCHR president, who was monitoring the march, sustained several injuries. Demonstrators were then taken to the southern district police station,

where they were beaten once again. Although they were released once their identity checked, Mr. Al-Khawaja refused to leave the station and called for an investigation to be carried out into the violence the demonstrators were subjected to. Mr. Al-Khawaja was then taken to the Prosecutor’s office to lodge his complaint. According to the Prosecutor, however, the demonstrators were the ones who beat up policemen, both during the rally and at the police station, and the police forces merely reacted in self-defence. One of the police officers even lodged a complaint for “assault and battery”.

On 22 June 2005, the Ministry of Labour contacted the Committee of the Unemployed in order to resume negotiations but broke them off again on 27 June 2005, as it refused that the Committee be represented by Mr. Al-Khawaja.

On 15 July 2005, the Committee organised another demonstration, planned to head towards the National Assembly, which had just adopted the national budget 2005-2006 without providing for any social welfare fund for the unemployed and low earners. Twenty-seven demonstrators, including Messrs. Al-Khawaja, Nabeel Rajab and **Abbas Al-Omran**, a member of the Committee, sustained injuries following police forcible dispersion. The three abovementioned had to be sent to hospital, and Mr. Rajab had to be hospitalised again in September 2005.

In addition, on 8 November 2005, Mr. Al-Khawaja was banned from participating in the Forum for the Future held on 11-12 November 2005 in Manama, Bahrain⁶. Mr. Al-Khawaja had previously been nominated as a civil society representative for the Forum, along with five other prominent human rights activists of the region at the conference of human rights defenders of the Broader Middle East and North Africa (BMENA) held in Doha (Qatar) on 7-8 November 2005 and entitled: “Civil society human rights dialogue: cooperation strategies between civil society and governments in order to promote and protect human rights”.

From 30 November to 14 December 2005, Mr. Al-Khawaja went on a hunger strike to draw the United Nations attention to the situation of human rights defenders in Bahrain.

5. See Annual Report 2004 and Conclusions of the Observatory international fact-finding mission in Bahrain, 25-28 September 2005.

6. The Forum for the Future, which gathered the G-8 member States and the States of the Broader Middle East and North Africa region (BMENA), aims at supporting the political, economic and educational reforms undertaken by BMENA countries.

Mr. Al-Khawaja was further arrested on 5 December 2005 while participating in a peaceful demonstration denouncing police violence against unemployed and their defenders and calling on King Hamad Bin Issa Al Khalifa to fight the ongoing impunity that security forces benefit from. During his one-hour detention at the police station, Mr. Al-Khawaja was subjected to ill-treatment and notably sustained a broken arm. He intended to denounce the ill-treatment suffered by Mr. **Mousa Abd Ali**, a member of the Committee of the Unemployed, who had been physically assaulted next to his home and sexually abused by security officers in plain-clothes on 27 November 2005. Mr. Abd Ali was also threatened in order to deter him from demonstrating again for the rights of the unemployed in front of the Manama Royal Court. His aggressors also declared that other members of the Committee would be subjected to the same treatment if a march organised by the Committee and scheduled for 29 November 2005, was not called off.

Finally, various clubs, societies and community centres were subjected to constant pressure to dissuade them from inviting Mr. Al-Khawaja as a contributor in their events. A seminar on the "Empowerment of the Disadvantaged" organised by the Alhadada Matam Community Centre was notably cancelled on 24 August 2005, because the Centre had planned to invite Mr. Al-Khawaja. In addition, a vast smear campaign was launched against him on 7 July 2005 in the *Gulf Daily News* newspaper, who accused him of "supporting violence".

Lack of legal recognition of BCHR

On 29 September 2004, BCHR had been closed down following an order of dismantling issued by the Minister of Labour and Social Affairs, Mr. Majeed Al-Alawi, who had also threatened the BCHR members to take punitive actions if they were to try to breach the Ministry's order.

On 31 January 2005, the High Civil Court dismissed the civil action filed by BCHR against the Ministry of Labour and Social Affairs on 12 October 2004.

On 11 April 2005, BCHR lodged an appeal with the High Civil Court of Appeal to protest against the association's closure. The Court adjourned the hearing on 19 April 2005 and referred the case to the Administrative Court, which also dismissed the appeal on 14 June 2005.

In August 2005, BCHR took the case to the Supreme Court of Appeal. By the end of 2005, the proceedings were still pending.

Furthermore, on 6 January 2005, the BCHR members announced that they would resume their activities in spite of the dissolution order and the sanctions threats. Soon after, members of three committees supported by BCHR – namely: the National Committee for Martyrs and Torture Victims, the Committee of the Unemployed and the National Committee for Adequate Housing – were regularly arrested, summoned and threatened by the police. For instance, Mr. **Abdulrauf Al-Shayed**, spokesperson for the National Committee for Martyrs and Torture Victims, was summoned on 12 November 2005 for "unauthorised activities".

Infringements of freedom of association⁷

In June 2004, the General Federation of Bahrain Trade Unions (GFBTU) had lodged a complaint against the Civil Service Bureau, after the Bureau had issued a circular to all ministerial departments prohibiting the creation of unions within the Ministries in January 2003.

On 27 February 2005, the High Civil Court, after having heard the case on four different occasions, declared that this case did not fall within its jurisdiction. This judgement was upheld by the Court of Appeal on 27 September 2005. GFBTU took the case to the Supreme Court of Appeal, where the proceedings were pending by the end of 2005.

Legal proceedings against Mrs. Ghada Jamsheer⁸

In 2005, Mrs. **Ghada Jamsheer**, president of the Women's Petition Committee (WPC) and of the Bahrain Social Partnership for Combating Violence Against Women, was subjected to judicial harassment. For the past four years, Mrs. Jamsheer has persistently advocated for the reform of Shari'a family jurisdiction in Bahrain and was thus the victim of recurrent smear campaigns and harassment.

7. See Annual Report 2004.

8. See Letter to the Bahraini authorities, 2 June 2005, and Conclusions of the above-mentioned international mission.

In 2002, the Ministry of Labour and Social Affairs had refused to register WPC, which campaigns in favour of a unified Family Code, a general reform of the Shari'a Court system, the reinforcement of the Supreme Judicial Council and the retirement of old judges.

On 5 February 2005, WPC members and supporters gathered in front of the Ministry of Justice to denounce discrimination against women. On that occasion, Mrs. Jamsheer called for the General Prosecutor, Mr. Abd Al-Rahman Bin Jabr Al-Khalifa, former head of the State Security Court, to be dismissed.

On 17 April 2005, the General Prosecutor accused Mrs. Jamsheer of "insulting the Shari'a judiciary" and "defamation against a judge", following several petitions and articles issued by WPC from October 2002 and June 2003, charges that carry a sentence up to fifteen years in prison under Article 70 of the Law decree No 47 on Press and Publishing and Article 216 of the Criminal Code. The general prosecution then referred the case to the High Criminal Court and scheduled the first hearing for 4 June 2005.

On 17 April 2005 again, a Shari'a judge lodged a complaint against Mrs. Jamsheer for "abusive language" allegedly held on the phone in the practice of his duties, filed on the basis of Articles n° 2/92 and 2/1/365 of the Criminal Code with the Fifth Lower Criminal Court. A hearing for litigation was appointed for 15 June 2005.

On 19 June 2005, the High Criminal Court decided to drop the charges pressed in the first case for procedural irregularities, as the Law on Press and Publishing provides that proceedings can only be initiated within three months after the incriminated publication (whereas WPC articles dated back to 2002 and 2003). On the same day, the High Criminal Court declared the two other actions did not fall under its jurisdiction and referred the judge's two complaints to the Lower Criminal Court. The hearing was scheduled for 28 December 2005 (decision n° 3/2238/2005/07).

On 15 November 2005, the Prosecutor appealed against these two decisions with the High Court of Appeal and notably demanded the Court to bring the three cases before the High Criminal Court. On 13 December 2005, the Court of Appeal upheld the aforementioned decisions of the High Criminal Court.

On 28 December 2005, the Lower Criminal Court discharged Mrs. Jamsheer for "insulting a judge in the practice of his duties", but did not rule on the charge of "insults over the phone". By the end of 2005, proceedings in this case were thus still pending, in spite of the public request introduced by seven Shari'a judges to drop all charges against Mrs. Jamsheer.

Lastly, the General Prosecutor accused Mrs. Jamsheer of "insulting" the former husband of divorced woman whose case had been handled by WPC, under Articles 2/92 and 2/1/365 of the Criminal Code (case n° 3938/2044). A hearing for litigation was scheduled for 19 June 2005 before the First Lower Court that discharged Mrs. Jamsheer on 28 June 2005.

In addition, Mrs. Jamsheer, who is also a member of the Bahrain Business Women's Society, was subjected throughout the year to recurrent inspections by the Ministry of Labour and Social Affairs, which slandered her activities and threatened to initiate judicial proceedings against her. Mrs. Jamsheer was notably summoned twice in November 2005 by the Ministry for alleged infringements fallaciously reported during inspections of her business firms.

Denial of Bahrain Women's Union registration⁹

Since 2001, 14 associations defending women's rights and duly registered with the Ministry of Labour and Social Affairs, as well as other women's committees and independent activists, have vainly sought to establish the Bahrain Women's Union (BWU).

Whereas BWU submitted a request for registration with the Ministry of Labour and Social Affairs in November 2001, this request remained pending at the end of 2005 in spite of the numerous changes BWU made to its charter in order to conform with the Ministry's demands.

9. *Idem.*

EGYPT

Attack on Mr. Kamal Abbas¹⁰

On 30 July 2005, Mr. **Kamal Abbas**, general coordinator of the Centre for Trade Union and Workers' Services (CTUWS), was severely injured by fifteen members of the security forces who first surrounded him, then tied up his arms before fiercely beating him. Mr. Abbas was participating in a peaceful demonstration denouncing the political situation in the country, which was brutally dispersed by security forces. Mr. Abbas notably sustained two broken ribs, in addition to numerous bruises in the head and back. On the next day, he filed a complaint with the General Prosecutor and an investigation into his assault was finally opened. By the end of 2005, however, no proper follow-up had been carried out.

Mr. Abbas had already been arrested, harassed and intimidated on numerous occasions as a result of his union activities. Other CTUWS members were also regularly subjected to harassment.

Continued harassment of EOHR members¹¹

On 20 November 2005, several members of the Egyptian Organisation for Human Rights (EOHR) were prevented from observing the second round of the parliamentary elections by the persons in charge of certain polling stations, in particular in Alexandria and Ismailia Governorates.

Moreover, Mr. **Sanad Ali Sanad**, an EOHR member, was abducted on that same day by supporters of Mr. Al-Hussieny Abu Qamar, a representative of the National Democratic Party (NDP), as he was entering the polling station at Al-Sabayha school (Port Said Governorate) in the early morning. Seven men threatened him with a sharp object and dragged him out of the school. Mr. Sanad was then blindfolded and taken to an unknown place where he was detained for several hours. While in detention, he fainted when his aggressors threatened him with death.

10. See International Confederation of Free Trade Unions (ICFTU).

11. See Annual Report 2004.

Lastly, proceedings against Mr. **Hafez Abu Sa'eda**, EOHR general secretary, were still pending by the end of 2005. Mr. Abu Sa'eda had been prosecuted for having accepted, in 1998, an unauthorised subsidy from the British Embassy, on the basis of Decree No. 4 of 1992, which prohibits the reception of foreign funding without prior authorisation.

Continued harassment of the Nadeem Centre for the Rehabilitation of Victims of Violence¹²

In 2005, the Nadeem Centre for the Rehabilitation of Victims of Violence, based in Cairo, was constantly kept under close police surveillance, notably during events organised by the Centre. Its phone lines seemed to be bugged, whereas electronic communications were often disrupted for no apparent technical reason.

In July 2003, the Centre, willing to adjust its legal statute to the 2002 Law No. 84 on associations, had submitted the required documents to register the association under the name of the Egyptian Association Against Torture (EAAT) with the Ministry of Social Affairs. However, its request had been rejected on formal grounds. Although the Centre appealed against this decision, the proceedings remained pending as of the end of 2005, thus impeding the association from being legally recognised.

IRAQ

Assassination and abduction of trade unions leaders¹³**Assassination and abduction of IFTU members¹⁴**

On 4 January 2005, Mr. **Hadi Saleh**, international secretary of the Iraqi Federation of Trade Unions (IFTU), was brutally tortured and murdered at his Baghdad home. Mr. Saleh had been sentenced to death in 1969 for his labour activities and served a five-year imprisonment

12. *Idem.*

13. See Urgent Appeal IRQ 001/0205/OBS 016.

14. *Idem.*

term before fleeing Iraq and settling abroad, where he had continued to work for labour rights in Iraq. He became a founding member of IFTU, after his return to the country in 2003. In spite of an investigation carried out by the Iraqi police, none of the perpetrators had been identified as of the end of 2005.

Messrs. **Saady Edan** and **Moaid Hamed**, president and secretary general of the IFTU section in Mosul, were respectively abducted on 27 January and 11 February 2005. Mr. Edan was released on 1 February, and Mr. Hamen on 25 February 2005.

Assassination of Mr. Ali Hassan Abb¹⁵

On 18 February 2005, Mr. **Ali Hassan Abd** (Abu Fahad), a union leader and prominent member of the Oil and Gas Union, was murdered on his way home, close to the Al-Dorah oil refinery in Baghdad. Mr. Ali Hassan Abd was one of the first activists to organise trade unions in the oil industry in a post-Saddam Iraq.

In spite of the investigation carried out by the Iraqi police, Mr. Ali Hassan Abd's assassination had still not been clarified by the end of 2005.

ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

Situation in Israel

Judicial proceedings against Mr. Jonathan Ben Artzi¹⁶

On 21 April 2004, Mr. **Jonathan Ben Artzi**, a pacifist student, had been sentenced to two months in prison and a fine of 2,000 NIS (New Israeli Shekels – 350 euros) by the Jaffa Military Court for refusing to serve in the Israeli armed forces. This ruling stipulated that if he did not pay the fine, Mr. Ben Artzi would serve an additional sentence of two months imprisonment. Mr. Ben Artzi appealed against this verdict to the High Military Court of Appeal.

On 18 July 2005, whereas the hearing had been adjourned twice on 9 and 16 July 2004, the High Military Court of Appeal suggested to

commute his sentence to “national service under military supervision”. Mr. Ben Artzi, however, refused this proposition, arguing that such an alternative measure should in no way be linked to the army. On 1 January 2006, the High Military Court of Appeal handed down its verdict in the Tel Aviv headquarters of the Israel Defence Forces (IDF). Whilst acknowledging Mr. Ben Artzi's pacifist status, the court sentenced him to four months in prison, including two that were commutable to a 2,000 NIS fine, from 15 February 2006 onwards. Mr. Ben Artzi announced his intention to appeal against this judgement to the Israeli Supreme Court.

Situation in the Occupied Palestinian Territories

Arbitrary detention of Mr. Ziyad Muhammad Shehadeh Hmeidan¹⁷

On 23 May 2005, Mr. **Ziyad Muhammad Shehadeh Hmeidan**, a fieldworker for the Palestinian human rights NGO Al-Haq, was arrested at Qalandiya checkpoint, between Ramallah and Jerusalem, before being transferred to the Moscobiyya detention centre, in Jerusalem, on 27 May 2005.

On 30 May 2005, the judge of the prison Military Court ordered that Mr. Hmeidan be held for another 18 days for investigation. Moreover, Mr. Hmeidan was banned from meeting with his legal counsel for eight days on the basis of a military order dating back to 1970 (Military Order 378).

On 16 June 2005, Mr. Hmeidan appeared before the Moscobiya Military Court, as his detention period was due to expire that day. During the hearing, the Prosecutor referred to a “secret file” of classified information that the Israeli authorities would have about him. On this basis, the Deputy Military Commander of the West Bank then decided to issue an administrative detention order for an indefinitely renewable period of six months.

On 28 June 2005, the Moscobiya Military Court confirmed the six-month administrative detention order issued by the Deputy Military Commander. The judge stipulated that the time Mr. Hmeidan had already spent in detention was to be included in the detention period and that he was thus to be released on 23 November 2005.

15. *Idem.*

16. See Annual Report 2004.

17. See Urgent Appeals ISR 001/0605/OBS 039, 039.1, 039.2 and 039.3.

On 3 July 2005, Mr. Hmeidan was transferred to the Ansar III (Ketziot) detention centre located in the Negev Desert, outside the Occupied Palestinian Territories, where detention conditions are known to be particularly poor.

On 10 September 2005, Mr. Hmeidan's appeal was dismissed by the Military Court, which argued that Mr. Hmeidan "[was] involved in activities posing a threat to the security of the region".

On 14 November 2005, Israeli authorities renewed his administrative detention order for another six months.

On 8 December 2005, the Military Court, which started to review this order on 27 November 2005, reduced Mr. Hmeidan's administrative detention term from six to four months, i.e. until 21 March 2006.

On 3 January 2006, the Military Court of the Ansar III detention centre dismissed Mr. Hmeidan's appeal, whereas his lawyers were denied access to the courtroom.

Mr. Hmeidan remained thus detained without official charges, while the evidence supporting his detention was not made available to his lawyer.

Continued obstacles to PCHR members' activities¹⁸

In 2005, members of the Palestinian Centre for Human Rights (PCHR) continued to be subjected to recurrent obstacles to their activities – in particular caused by the general obstacles to the freedom of movement imposed by the Israeli authorities.

For instance, Mr. **Khalil Shaheen**, a PCHR member, was prevented from participating in a conference on health and human rights organised in Cairo (Egypt) by the World Health Organisation from 12 to 14 July 2005.

Mr. **Raji Sourani**, PCHR director, was precluded from attending eight international conferences, in particular an event held in the House of Europe in Paris on 22 September 2005, as well as a conference of the Euro-Med Non-Governmental Platform organised in Malaga (Spain) on 30 September 2005 by the European Union in the framework of the Barcelona process.

Lastly, Mr. **Jaber Wishah**, PCHR vice-president, was prevented from attending the 3rd Platform for Human Rights Defenders, orga-

nised in Dublin (Ireland) by Frontline, as the Rafah international crossing point had been closed down for two months.

Moreover, PCHR members were subjected to an important intimidation campaign, along with legal experts of the Hickman&Rose law firm, who gathered evidences against Mr. Doron Almong, a retired Israeli general against whom the London (United Kingdom) General Prosecutor issued an arrest warrant on 10 September 2005. PCHR members and Hickman&Rose lawyers notably received numerous threats via email.

Obstacles to Addameer members' freedom of movement¹⁹

On 23 June 2005, Mr. **Khalil Abu Shammala**, director of the Addameer association, a Palestinian human rights NGO based in Gaza, was denied access through the Rafah international crossing point by the Israeli Defence Forces (IDF), while on his way to Cairo to provide testimony before the United Nations Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. Mr. Abu Shammala was detained for seven hours by the IDF before being released.

On 11 and 13 March 2005, Mr. Abu Shammala had already been prevented from crossing this checkpoint – the only one to leave the Gaza Strip – as he was attending international workshops.

Moreover, Mrs. **Khaleda Jarrar**, director of the Ramallah section of Addameer²⁰, was denied authorisation to attend the 3rd Platform for Human Rights Defenders in October 2005. Israeli authorities justified this decision with "security reasons".

Obstacles to Mr. Zahi Jaradat's freedom of movement²¹

On 15 September 2005, Mr. **Zahi Jaradat**, an Al-Haq volunteer worker, was prevented from travelling to Jordan, from where he was to flight to Tunis to participate in a training forum organised by the Arab

19. See Open Letter to the Israeli authorities, 22 July 2005.

20. The Addameer association split into two in 1996 in order to strengthen its efficiency in both Gaza and Ramallah cities, the Gaza region being too isolated.

21. See Annual Report 2004.

18. See Annual Report 2004.

Institute for Human Rights. When he arrived at the Allenby Bridge checkpoint, security forces informed him that his authorisation to leave the Occupied Territories had expired.

Continued restrictions and attacks against Israeli and international humanitarian workers and pacifists²²

On 25 January 2005, Mr. **Patrick O'Connor**, a US and Irish bi-national and a member of the International Solidarity Movement (ISM), was arrested by the Israeli secret police Shin Bet after planting olive tree seedlings in front of the "separation Wall" in the West Bank town of Biddu. Mr. O'Connor was accused of "illegal demonstration" and detained for a month at Maasiyahu prison in Ramle before he was expelled to the United States.

On 15 July 2005, Mr. **Abdullah Abu Rahme**, head of the Bil'in Popular Committee against the Wall, was arrested during a peaceful protest action against the "separation Wall" and detained at the Ofer military base. Mr. Abu Rahme was released on bail on 1 August 2005 upon condition that he shall no longer demonstrate near the Wall. However, charges of "assault of a police officer" were maintained. On 9 September 2005, Mr. Abu Rahme was arrested again by soldiers whilst giving an interview with an Egyptian TV channel. He appeared before the Military Court for "violating the curfew" on 13 September 2005. He was discharged and released that same day.

On 31 July 2005, Mrs. **Shora Esamilan**, a Swedish citizen and an ISM member, was arrested upon her arrival at Ben Gourion airport in Tel-Aviv, where the General Security Services (GSS) questioned her for ten hours about her relations with "certain Palestinians". Upon her refusal to answer, Mrs. Esamilan was immediately escorted back to the plane by five police officers who severely beat her.

On 14 December 2005, Mr. **Qasem Qasem**, president of the Palestinian Refugee League in Europe and a Finnish national, was denied entry into Israeli territory upon his arrival at Eilat airport. He was to attend a conference on the right of return in Nazareth on 16-18 December 2005.

22. *Idem*.

LEBANON

Ongoing judicial harassment of Mrs. Samira Trad²³

On 10 September 2003, Mrs. **Samira Trad**, director of the Frontiers Centre, an NGO for the defence of non-Palestinian refugees in Lebanon, had been summoned by the General Security office of the Beirut General Directorate. Mrs. Trad had then been questioned about the statutes of the Frontiers Centre and about a report on Iraqi refugees seeking asylum outside of Lebanon published by the association. Mrs. Trad had been released the next day and had been later informed that she was accused of "defamation against the authorities" (Article 386 of the Criminal Code) in connection with the aforementioned report.

This case was first heard on 14 November 2005, and the hearing was then postponed until 14 April 2006.

Furthermore, the investigation into the role played by members of the regional delegation of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Mrs. Trad's arrest was closed in 2005 and did not state any responsibility. On 4 February 2004, Mrs. Trad's lawyers had asked the Office of the UNHCR Inspector General in Geneva (Switzerland) to carry out an investigation after discovering that the incriminated report had been transmitted to the General Security by the UNHCR office in Beirut (Mrs. Trad had circulated the report to the HCR delegation for comment in June 2003).

In March 2005, the Frontiers Centre received a letter from the UNHCR office in Beirut informing its members that the General Security central office had requested the UNHCR delegation in Beirut to cease any working connection with the Centre as long as the Ministry of Interior had not approved its legal registration. Such an authorisation, however, is in no way provided for in Lebanese law.

Defamation campaign against Mr. Ghassan Abdallah²⁴

Mr. **Ghassan Abdallah**, executive director of the Palestinian Human Rights Organisation (PHRO), has been harassed and inti-

23. See Annual Report 2004 and Letters to the Office of the High Commissioner for Refugees, 1 April, 10 and 30 May 2005.

24. See Urgent Appeal LBN 001/1205/OBS 131.

midated since 15 November 2005, following a meeting with Mr. Samir Geagea, a former militiaman and leader of the Lebanese Forces (political party). This meeting took place within the framework of a PHRO programme entitled “Truth Leading to Reconciliation” aiming at establishing a Palestinian-Lebanese dialogue.

On 19 November 2005, an anonymous public statement, released on the Internet by individuals who presented themselves as PHRO board members, accused Mr. Abdallah and other PHRO members of “betrayal”, “working with international intelligence”, “belonging to networks like FIDH [which] is funded by the CIA and linked to several racist Israeli groups” and of “receiving funding from illegal sources”.

PHRO lodged a complaint for libel with the Beirut Civil Court on 26 November 2005, and an investigation was opened on 7 December 2005.

Some political parties then decided to conduct their own investigation into the meeting between Messrs. Abdallah and Geagea and into the allegations raised in the Internet statement. The Popular Frontiers Liberation Palestine – General Command party (PFLP-GC), in particular, allegedly asked one of PHRO security staff to convey information about PHRO members’ activities and movements. Other political formations were also believed to have attempted to interfere in the judiciary’s investigation.

On 17 December 2005, the Pro-Syrian Palestinian Alliance Parties convened a meeting in order to discuss Mr. Abdallah’s interview with Mr. Geagea and the complaint lodged by PHRO. On this occasion, PHRO representatives were insulted and threatened by representatives of the Fateh Movement and the PFLP-GC, and did not get the chance to express their opinion.

By the end of 2005, the investigation on the 19 November 2005 press release was still under way.

Lastly, on 10 November 2005, the Ministry of Interior acknowledged PHRO registration request for the first time and granted the association a record number. According to legal provisions, PHRO shall obtain its legal status unless the authorities formally reject its registration request within 60 days.

Ongoing judicial harassment of Mr. Muhamad Mugraby²⁵

On 26 February 2005, Mr. **Muhamad Mugraby**, a lawyer at the Beirut Bar particularly renowned as a legal counsel for political opponents and his restless fight against corruption in Lebanese legal circles, was called in for questioning by the Beirut General Security Forces. Mr. Mugraby was notably interrogated about a statement he made in November 2003 before the Mashrek Committee of the European Parliament, and in which he had denounced the failures of the Lebanese judicial system and mentioned his arbitrary detention earlier in August that year. Police officers, in particular, asked him to detail his position on the military justice system in the country. Mr. Mugraby’s file was then transferred to the Public Prosecutor’s office, which decided to press charges for “defamation of the military and its members” under Article 157 of the Military Criminal Code. The hearing was scheduled for 9 January 2006.

Furthermore, the two appeals filed by Mr. Mugraby with the Court of Appeal against the decisions of two disciplinary commissions of the Bar of Beirut (dating back to 2002 and 2003) that had withdrawn his right to exercise the profession were still pending by the end of 2005.

Moreover, the two legal actions filed by Mr. Mugraby with the Court of Appeal, respectively against thirteen judges involved in his August 2003 arrest and against the National Bar Association, remained pending as of the end of 2005.

Lastly, Mr. Mugraby was still targeted by judicial proceedings initiated in 2000 for “defamation of the judiciary” under Articles 391 (illegally wearing a professional uniform) and 393 (unlawful practice of a profession regulated by law) for facts dating back to 2000²⁶.

25. See Annual Report 2004 and Urgent Appeal LBN 001/0005/OBS 033.2.

26. Mr. Mugraby was charged in April 2000 after he issued a press release on the administration of justice in Lebanon.

LIBYA

Arbitrary detention and judicial harassment of Mr. Fathi El-Jahmi²⁷

On 4 April 2004, unidentified members of a security group had abducted Mr. **Fathi El-Jahmi**, an engineer and human rights defender.

Since his arrest, Mr. El-Jahmi has been denied access to his lawyer and no information was thus made available about his detention conditions. He reportedly refused to accept an agreement providing for his release if he committed himself to give up his freedom of expression.

By the end of 2005, Mr. El-Jahmi had been allegedly accused of “defaming the Head of State” and was apparently still arbitrarily detained in Benghazi, without a court of competent jurisdiction (the People’s Court was abolished on 12 January 2005) or a date for the hearing having been selected.

MOROCCO

Ongoing repression of peaceful assemblies²⁸

Several Moroccan human rights defenders were subjected to retaliation in 2005, following their participation in sit-ins and demonstrations denouncing the human rights situation in the country.

Continued harassment of AMDH members

During a demonstration organised by the Moroccan Labour Union (*Union Marocaine du Travail* – UMT) on 1 May 2005, Mr. **Aziz El-Ghazi**, former head of the Taounate section of the Moroccan Association for Human Rights (*Association marocaine des droits humains* – AMDH), was called in for questioning by the King’s Prosecutor in Fès. Mr. El Ghazi was interrogated about the speech he gave at the celebration opening, and was released without being charged.

27. See Annual Report 2004.

28. *Idem*.

On 15 May 2005, Messrs. **Fayçal Ouchen** and **Youness Saadi**, both members of the AMDH section in Rabat, were assaulted by the police while participating in a sit-in in front of the Parliament in Rabat.

Moreover, Messrs. **Moaâtassim El-Ghalbzouri**, **Salim Ghallit** and **Mohamed Aberkan**, leaders of the Tamassint Association for Local Development (*Association Tamassint pour le développement local*), were arrested on 11 May 2005, after they announced the organisation of a peaceful demonstration calling on the authorities to pay the compensations they had promised to the victims of the earthquake that devastated the Tamassint region in 2004.

The demonstration took place on 19 May 2005 and was repressed by the police forces that violently beat nine persons, including Messrs. **Omar Lmalem** and **Said Aachir**, members of the AMDH section in El-Hoceima. Messrs. Lmalem and Aachir were arrested along with twelve other demonstrators and briefly detained. However, Messrs. El Ghalbzouri, Ghallit and Aberkan, appeared before the El-Hoceima Court of First Instance on 26 May 2005 and were sentenced to six and eight months’ imprisonment for “insulting State authorities” and “incitement to rioting”. On 6 October 2006, the El-Hoceima Court of Appeal upheld this verdict. Messrs El Ghalbzouri, Ghallit and Aberkan were granted pardon on 24 November 2005 and subsequently released.

Another sit-in was organised in front of the UMT headquarters in Taza on 12 June 2005 as a solidarity movement with the population of Tamassint. On that occasion, police forces arrested Messrs. **Mohamed El-Aji** and **Ahmed Rouassi**, both members of the AMDH section in Taza. On 15 June 2005, they appeared before the court and were charged with “organising an unauthorised demonstration” and “insulting the King”. On 6 July 2005, Mr. El-Aji was condemned to one year imprisonment and a 5,000 dirhams (456 euros) fine, while Mr. Rouassi was discharged. By the end of 2005, Mr. El-Aji remained detained in Taza civil prison.

On 12 June 2005, Mr. **Amal Lhoussaine**, a member of the AMDH section in Taroudant and president of the town cultural association, was summoned by the police and brought before the court that same day. Mr. Lhoussaine was accused of “unlawful gathering on public thoroughfare” after participating in a support sit-in for the Tamassint region. He was released on remand on 30 June 2005,

and condemned, after the hearing was postponed on several occasions, to a 1,200 dirhams (110 euros) fine by the Taroudant Court on 17 October 2005.

Continued harassment of ANDCM members

Members of the Morocco National Association of the Unemployed Graduates (*Association nationale des diplômés chômeurs du Maroc – ANDCM*), which has not been legally recognised by the authorities yet, continued to be harassed in 2005.

Ten ANDCM activists, including Mr. **Thami El-Khyat**, the association president, had been arrested in Ksar El-Kebir in October 2004, during a nation-wide protest movement organised by ANDCM. On 4 January 2006, they appeared again before the Tanger Court of Appeal but the judicial proceedings remained pending.

On 24 July 2005, Mr. Thami El-Khyat and Mr. **Mohammed Hadi**, a member of the ANDCM executive committee, were arrested in Agadir right before holding a national coordination session for all ANDCM sections. Messrs. El-Khyat and Hadi were taken to the Agadir central police station and held for several hours before being released without charges.

Moreover, six ANDCM activists were arrested in October 2005 while participating in a regional coordination meeting between ANDCM sections in Souk Sebt-Beni Mellal and Ouled Ayad. They were condemned to a six-month imprisonment sentence. On 9 December 2005, several sit-ins organised by the Rabat ANDCM section in front of the Rabat-Salé prefectorial offices, were brutally dispersed, leaving several participants injured.

Similarly, security forces systematically dispersed the sit-ins organised by the Association of Unemployed Senior Executives (*Union des cadres supérieurs au chômage*). Mr. **Mâati Cherkaoui**, a member of the Association, was arrested on 30 June 2005 at the UMT headquarters in Rabat. Mr. Cherkaoui, who faced charges of “violence against a State agent in the exercise of his duties”, “intimidation with a knife” and “throwing stones”, was finally discharged on 6 December 2005.

Arbitrary detention, judicial proceedings and ill-treatment against members of Saharawi organisations²⁹

Arbitrary detention of FMVJ and AMDH members

- On 27 May 2005, Messrs. **Iguilid Hamoudi** and **Laatik Mouradi**, respectively president and member of the AMDH section in Laayoun, were arrested and taken to the office of the court’s police department where they were accused of “treason” and subjected to ill-treatment. While in custody, police reportedly strongly insulted AMDH.

Messrs. Hamoudi and Mouradi were released on 28 May 2005. On the next day, however, they were separately summoned by the police, who vainly attempted to force Mr. Hamoudi to sign a completely made-up police report, and Mr. Mouradi to sign the sign out register.

- In June 2005, Mr. **Lidri Lahoussine**, an AMDH founding member and member of the Moroccan Truth and Justice Forum (*Forum marocain Vérité et Justice – FMVJ*), was violently beaten by the Moroccan security forces during a demonstration denouncing the deterioration of the human rights situation in Western Sahara. Mr. Lahoussine notably sustained severe head injuries.

Moreover, Messrs. **Mohamed El-Moutaouakil** and **Mohamed Fadel Gaoudi**, members of the FMVJ national council, were arrested by six security agents at Mr. El-Moutaouakil’s home in Casablanca on 20 July 2005. They were transferred to Laayoun on the next day, while sixteen security officers led an unwarranted search at Mr. El-Moutaouakil’s home. Later that day, Mr. **Brahim Noumria**, a member of the AMDH section in Laayoun, Mr. **Larbi Messaoud**, a member of the FMVJ Sahara section, and Mr. Lidri Lahoussine were arrested in Laayoun.

Mr. Gaoudi was released on 23 July 2005 on the order of the examining magistrate of the Laayoun Court of Appeal, whereas Messrs. El-Moutaouakil, Noumria, Messaoud and Lahoussine were transferred to the Laayoun Black Prison. Along with other Saharawi human rights defenders arrested during the same wave of arrests, they were accused of “inciting and participating in the creation of a criminal group aimed at committing crimes”, “placing explosive engines on public thoroughfare”, “obstruction of public thoroughfare” (Articles 293, 294, 585,

29. See Annual Report 2004 and Urgent Appeal MAR 001/1105/OBS 105.

591, 267, 304 and 129 of the Criminal Code), “incitement to violence against State agents” and “incitement to disobedience” (Articles 8, 19 and 20 of the 1958 Dahir Code of Public Liberties).

While detained at the central station of the Flying Intervention Squad (*Compagnie mobile d'intervention* – PC-CMI), Messrs. Noumria and Lahoussine were reportedly subjected to ill-treatment and torture, which the Public Prosecution denied.

On 1 August 2005, Messrs. El-Moutaouakil, Noumria, Messaoud and Lahoussine were secretly transferred to Oukacha prison near Casablanca and went on a hunger strike on 9 August 2005 to protest against the violations of their rights. They refused to undergo any medical check-up and rejected all contacts with their families until they stopped their strike on 27 September 2005.

The first hearing of their case, scheduled for 30 November 2005, was postponed until 6, then 13 December 2005. On that day, the Laayoun Court of Appeal sentenced Messrs. El-Moutaouakil, Noumria, Messaoud and Lahoussine to ten months in prison for “participating in and inciting violent protest activities”.

- During the night of 30 to 31 October 2005, members of the Urban Security Group (*Groupe urbain de sécurité* – GUS) and other Moroccan security forces forcibly dispersed a mass demonstration promoting the Saharawi cause, in Laayoun. Mr. Hamdi Lambarki, one of the demonstrators, was notably beaten to death.

Over 70 persons were further arrested, including Mr. **Lakhal Mohamed Salem**, a member of the Saharawi Association for Victims of the Grave Violations Committed by the Moroccan State in Western Sahara.

Around 3.00 am, Messrs. Iguilid Hamoudi, Mohamed Fadel Gaoudi and **Brahim Sabbar**, general secretary of the aforementioned Association, arrived at the Laayoun central police station to inquire about Mr. Mohamed Salem’s situation. They were then fiercely beaten by GUS agents outside the station. Mrs. **Yaya Manni**, a member of the Association for Victims of the Grave Violations Committed by the Moroccan State and spouse of Mr. Fadel Gaoudi, and his sisters, Mrs. **Mariam Aicha** and **Soukaina**, were also beaten as they attempted to give them assistance.

Mr. Lakhal Mohamed Salem was released without charges on 31 October 2005.

A few hours later on 31 October 2005, Mr. **Brahim Dahane**, a former victim of disappearance and president of the Saharawi Association for Victims of the Grave Violations Committed by the Moroccan State in Western Sahara, was arrested during a spontaneous assembly organised in front of young Mr. Hamdi Lambarki’s family house by GUS officers. At the time of his arrest, Mr. Dahane was on the phone, conveying information about Mr. Lambarki’s death to the Spanish news agency *EFE*.

Mr. Dahane appeared before the general Prosecutor of the Laayoun Criminal Court who ordered his transfer to the Black Prison on 1 November 2005. Mr. Dahane was accused of “forming a criminal group” and “belonging to an unauthorised association”. As of the end of 2005, he was still detained awaiting trial.

Obstacles to freedom of movement and refusal to return passports³⁰

On 27 March 2003, Mr. Brahim Dahane and 12 other Saharawi human rights activists and members of families of disappeared had been prevented from leaving Moroccan territory while on their way to Switzerland to participate in meetings on forced disappearances in Western Sahara. Police forces had then seized their passports. By the end of 2005, the delegation members residing in Laayoun like Mr. Dahane had still not been returned their passports, in spite of numerous requests.

Ongoing harassment of the FMVJ Sahara section and its members³¹

Ongoing harassment of Mr. Lahoussine Moutik

In February 2002, Mr. **Lahoussine Moutik**, president of the FMVJ Sahara section, had been dismissed from his job as a director of the accounts and IT department of a large company, following an interview with the *ad hoc* commission on Western Sahara of the European Commission earlier that month. Although the Laayoun Courts of First Instance and Appeal had ruled in his favour, Mr. Moutik had still not received all of his severance pay and had still been denied a work certificate by the end of 2005.

30. See Annual Report 2004.

31. *Idem*.

Moreover, Mr. Moutik remained at constant risk of administrative sanctions, as the financial consultancy firm he created in 2002 had not been registered yet. Indeed, the Laayoun Court of First Instance had refused, with no apparent reason, to issue a registration certificate with the trade register.

By the end of 2005, Mr. Moutik's appeal to the Rabat Supreme Court of Appeal was pending.

Lack of legal recognition of the FMVJ Sahara section

On 18 June 2003, the Laayoun Court of First Instance had decided to disband the FMVJ Sahara section for "carrying out illegal and separatist activities in breach with its own statutes". The verdict had also included a ban on all meetings of members of the section, the closing of its premises and the liquidation of the section's assets that were to be transferred to the FMVJ executive office.

By the end of 2005, the verdict had still not been legally transmitted to the office of the court registrar, although this procedure is mandatory by law for appealing against a decision. Therefore, the Sahara section of FMJV had not yet been able to appeal against the verdict, and its head office, including equipment and documents, were still sealed off.

SAUDI ARABIA

Sentencing and release of Messrs. Ali Al-Domainy, Abdullah Al-Hamad, Matrouk Al-Faleh and Abd Al-Rahman Allahim³²

On 15 May 2005, Messrs. **Ali Al-Domainy, Abdullah Al-Hamad** and **Matrouk Al-Faleh**, three human rights defenders known for their long and active involvement in the promotion of democratic reforms, were respectively sentenced to nine, seven and six years of imprisonment by the Riyadh Criminal Court for "stirring up sedition and disobeying the ruler". Only two of their family members were allowed to attend the hearing, which was held in camera, allegedly for "maintaining public order".

32. See Annual Report 2004 and Urgent Appeals SAU 001/0304/OBS 0173 and 0174.

On 23 July 2005, the Riyadh Court of Appeal upheld the verdict of the Criminal Court. On 8 August 2005, Messrs. Al-Domainy, Al-Hamad and Al-Faleh were granted a royal pardon by King Abdullah Bin Abd Al-Azi Al-Saud, and subsequently released.

The three men had been detained since 15 March 2004 for criticising, along with nine other human rights activists, the lack of independence of the newly established National Human Rights Committee and for submitting a request for the creation and registration of an independent human rights organisation. By the end of 2005, this request had not been acknowledged nor processed.

Moreover, Mr. **Abd Al-Rahman Allahim**, a legal counsel for Messrs. Al-Domainy, Al-Hamad and Al-Faleh and a human rights defender, was accused in January 2005 of breaching the pledge he was forced to sign at the end of his first detention in early 2004, and in which he had stated that he would cease his activities in favour of political reforms and human rights. Mr. Allahim had been detained since 9 November 2004 at the Al Ha'ir prison, after circulating a letter addressed by his three clients to Prince Abdullah Al-Saud to the *Agence France Presse* (AFP). Mr. Allahim was also granted royal pardon on 8 August 2005.

SYRIA

Ongoing harassment of CDF members³³

Judicial proceedings against and acquittal of Mr. Aktham Naisse³⁴

Mr. **Aktham Naisse**, a Syrian lawyer and president of the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF), had been arrested on 13 April 2004 in Latakia, after the CDF had published their annual report on human rights violations in Syria and issued several statements denouncing violence against Kurdish communities in the north of the country. Mr. Naisse, who had been accused of "opposing the objectives of the revolution" and "disseminating false information aiming at weakening

33. *Idem*.

34. See Annual Report 2004 and Press Releases, 22 and 27 April 2005, 23 and 28 June 2005.

the State”, was granted bail by the Supreme State Security Court (SSSC) on 17 April 2004, in the presence of an Observatory’s delegate.

On 12 January 2005, Mr. Naisse won the 2005 Martin Ennals Award for Human Rights Defenders (MEA)³⁵.

On 16 January 2005, whereas the SSSC was to hold another hearing, a trial observation mission mandated by the Observatory was prevented from attending the hearing by Syrian authorities as its delegate was denied a visa. That same day, the hearing was postponed until 24 April 2005, then 26 June 2005.

On 26 June 2005, the SSSC decided to drop all charges against Mr. Naisse and announced that Mr. Naisse was found not responsible for “the activities” with which he was charged, in the presence of a delegate mandated by the Observatory and the International Commission of Jurists (ICJ). Although the Court ought to refund Mr. Naisse the amount paid for his bail (10,000 Syrian Pounds – 146 euros) in August 2004, by the end of 2005 he had not received any refunding.

Since he was released, Mr. Naisse encountered recurrent difficulties as a lawyer. Indeed, following the massive defamation campaigns orchestrated by the authorities in pro-governmental media, his clients were reluctant to consult him. Moreover, Mr. Naisse remained subjected to increasing pressures, notably since CDF and OMCT presented an alternative report before the United Nations Human Rights Committee in July 2005.

Lastly, Mr. Naisse’s telephone line was still bugged and his electronic mail remained under constant surveillance.

Arbitrary arrest of Mr. Kamal Labwani

Mr. **Kamal Labwani**, a CDF board member who had been arbitrarily detained in a wave of arrests targeting ten opponents and human rights activists and released at the end of 2004, was arrested again on 8 November 2005.

35. See Press Releases, 12, 14 and 17 January 2005. The Martin Ennals Award (MEA) for Human Rights Defenders, created in 1993, brings together the eleven most important international human rights organisations to offer protection to human rights defenders. The Jury is composed of: Amnesty International, Human Rights Watch, Human Rights First, FIDH, the International Commission of Jurists (ICJ), OMCT, Diakonie Germany, the International Service for Human Rights, International Alert, Huridocs and Defence for Children International (DCI).

In October 2005, Mr. Labwani made a statement while on a stay in the United States. In this statement, which was broadcast by the *Al-Hourra* American TV channel, he notably warned that the adoption of international sanctions against Syria should not affect the population. Mr. Labwani was arrested upon arrival at Damascus airport and appeared on 11 November 2005 before the Ordinary Court, which indicted him with “damaging the nation’s image” – a charge liable to up to three years imprisonment.

By the end of 2005, Mr. Labwani remained detained at the Adra prison, whereas no further hearing had been scheduled.

Continued obstacles to freedom of assembly and intimidation of CDF members

In 2005, the CDF members continued to be subjected to constant harassment by the security forces. Their phone lines, in particular, were bugged and they were recurrently summoned by the police.

In November 2005 for instance, Mr. **Khoder Abdel Karine**, a CDF member, was forcibly taken home from his workplace by agents of the political police, who searched his house without a warrant and seized numerous documents about the CDF activities. Mr. Abdel Karine was further summoned on four different occasions by the same police department.

Moreover, the CDF general assembly, held on 24 September 2004 in Khan Al-Sheikh, was disrupted by agents of the security services who occupied the premises for an hour. Police officers seized numbers of documents, took photographs of all CDF members present and threatened them before leaving. Earlier that day, the police had already come to Mr. Aktham Naisse’s home assuming the assembly would take place there.

Arbitrary arrest and detention of Mr. Mohamed Ra’doun³⁶

On 22 May 2005, the Syrian security forces attacked the Latakia office of Mr. **Mohamed Ra’doun**, a lawyer and chairman of the Arab Organisation for Human Rights in Syria (AOHRS). Mr. Ra’doun was arrested and taken first to the security forces’ office, then to Damascus to appear before the SSSC Prosecutor without access to legal counsel.

36. See Urgent Appeal SYR 001/0505/OBS 035.

He was accused of “circulating false information” and “involvement in an international, illegal organisation”. Mr. Ra’doun’s arrest and detention were believed to be a retaliation measure following the AOHRS press releases and statements denouncing the human rights situation in Syria.

Mr. Ra’doun, who was placed in confinement detention at the Adra prison, close to Damascus, was granted presidential pardon and was subsequently released on 2 November 2005. All charges against him were then dropped.

Ongoing detention of Messrs. Aref Dalilah and Habib Hissa³⁷

By the end of 2005, Mr. **Aref Dalilah**, a professor of economics and a human rights defender, and **Habib Hissa**, a lawyer and a founding member of the Human Rights Association in Syria (HRAS), were still detained in spite of their poor health conditions.

Messrs. Dalilah and Hissa had been arrested in September 2001 and sentenced respectively to ten and five years in prison in August 2002. They had also been deprived of their civil and political rights.

TUNISIA

Ongoing harassment of LTDH and its members

The Tunisian League for Human Rights (*Ligue tunisienne des droits de l’Homme* – LTDH) continued to be subjected to retaliation, notably aiming at preventing the organisation and holding of the League’s Congress scheduled for September 2005.

Infringements of freedom of assembly and ill-treatment of LTDH members³⁸

The congress of the local LTDH section in Nabeul was prevented from being held as scheduled on 19 August 2005 by a large number of policemen.

Similarly, police forces impeded the holding of LTDH members’ meetings organised by eight LTDH local sections in Jendouba, Bizerte,

Sousse, Gabès, Monastir, Kebeli, Mahdia and Mateur from 16 to 19 September 2005. On 19 September 2005, the police notably surrounded the Mahdia section’s premises and banned its members from entering the office. Mr. **Mohamed Ataya**, president of the section, was violently hit on the throat, chest and abdomen by policemen and had to be rushed to hospital as he was struck down by a tachycardia crisis.

Another information meeting in the premises of the Bizerte section was once again impeded on 25 September 2005.

On 2 October 2005, large police forces similarly hampered the holding of meetings organised by the committees of eleven LTDH sections in Bizerte, Mateur, Sousse, Monastir, Sfax, Nefta-Tozeur, Kélibia-Korba, Kébili, Kairouan, Jendouba and Gabès. In Gabès however, the meeting could be held in the premises of the Progressive Democratic Party (*Parti Démocratique Progressiste* – PDP, opposition party), whereas a hundred of LTDH activists *de facto* organised the meeting on the street in Jendouba.

On the same day, police forces surrounded the homes of Mr. **Abderhamen Hedhili**, a board member of the LTDH section in Ksibet El-Madiouni, and Mr. **Mongi Ben Salah**, a trade unionist and member of the LTDH section in Monastir, who was ordered not to leave the city of Moknine, where he lives.

In Kairouan, Mr. **Messaoud Romdhani**, president of the LTDH local section, was taken by the local police commander to a deserted street and was then fiercely beaten. Moreover, the head of the emergencies department of the regional hospital refused to deliver him a medical certificate stating his injuries, and argued she had received orders from the police. Moreover, Mr. **Taoufik El-Gaddeh**, secretary general of the LTDH section in Kairouan, Messrs. **El Ajili**, **Abdelaziz Serri** and Mrs. **Fathi El-Ltaïef**, deputy secretary generals of the Regional Labour Union (*Union régionale du travail*), as well as Messrs. **Mekki El-Aydi**, **Mouldi Romdhani** and Mrs. **Zakia Dhiffaoui** were assaulted. Mrs. Dhiffaoui was notably called in for questioning and detained for several hours.

Lastly, in Mateur, the police refused to acknowledge the complaint filed by Mr. **Mohamed Salah Nehdi**, president of the LTDH local section, Messrs. **Chedly Maghraoui**, **Abderrahmane Morsani** and Mrs. **Fethi Maghzaoui**, LTDH members, and Mr. **Chokri Dhouibi**, president of the LTDH section in Nefta, who were all subjected to police violence.

37. See Annual Report 2004.

38. See Press Release, 29 August 2005 and Urgent Appeal TUN 005/1005/OBS 089.

Hindrances to the holding of LTDH Congress³⁹

On 21 August 2005, the LTDH Executive Committee had to postpone the association National Council, as numerous police officers in plain-clothes and members of the Democratic Constitutional Rally (*Rassemblement constitutionnel démocratique* – RCD, ruling party) surrounded the LTDH headquarters in Tunis in order to prevent the LTDH local sections' presidents and members of the national Council from entering the building. The Council was rescheduled for 31 August 2005. On that day, police forces once again blocked the premises and notably attacked Messrs. **Abderrahmen Hedhili**, a member of the LTDH Steering Committee, and **Ali Taghraouit**, Bizerte section's secretary general. However, the Council could be held and decided that the LTDH National Congress be organised on 9-11 September 2005.

22 persons claiming to be LTDH members but known as RCD supporters then initiated judicial proceedings against the association in order to prevent the holding of the National Congress. On 2 September 2005, Mrs. Odile Sidem Poulain, a lawyer mandated by the Observatory, was denied access to the summary hearing held that day under the pretext of being a foreigner. The hearing was postponed until 5 September 2005, when the Tunis Court of First Instance ordered LTDH to "adjourn the Congress session scheduled for 9, 10 and 11 September 2005" as well as "all preparatory work aiming at facilitating such an event [...] until a definitive judgment is rendered in the procedure on the substance". The LTDH Congress could thus not take place.

On 8 November 2005, the opening hearing of the trial on the substance of the case, which was initially scheduled for 26 November 2005, was brought forward to 12 November 2005 with no official reason. On 12 November 2005, the hearing was postponed until 3, then 24 December 2005, when it was finally scheduled for 25 February 2006.

Finally, the appeal filed with the Supreme Court of Appeal to quash the proceedings against the LTDH Steering Committee appointed following its 5th Congress was still pending by the end of 2005. On 21 June 2001, the Tunis Court of Appeal had confirmed the verdict of

the Court of First Instance to cancel the proceedings of the last LTDH Congress (October 2000), on the basis of a complaint lodged by four LTDH members, also RCD supporters.

Judicial proceedings against LTDH sections⁴⁰

Judicial proceedings aiming at cancelling the merger of several LTDH sections

Following complaints lodged by RCD supporters, also LTDH members, in 2004 and February 2005, several congresses of LTDH local sections -during which the merger of these sections was to be officially announced- had been prevented from being held after summary judgements had been handed down. The LTDH branches planning to merge were as follow: the Korba and Kébili sections; the Hammam-Lif Ez-zahra and Radhès sections; the Sijoumi, Monfleury and El-Ourdia sections; the La Goulette - Le Kram and La Marsa sections; the Tozeur and Nefta sections; the Bardo, El-Omrane and El-Menzah sections; the Tunis Médina and Tunis Bab Bhar sections.

In 2005, these summary judgements were upheld by verdicts on the substance respectively handed down on 5 and 26 January 2005, 15, 22 and 29 June and 9 July 2005 in the case of the last two abovementioned mergers. LTDH appealed against these decisions, but none of these cases had been examined by the Court of Appeal by the end of 2005.

Judicial proceedings to prevent the creation of a second LTDH section in Sfax

In January 2003, two congresses of the Sfax branch aiming at establishing a second section in the city had been banned following a complaint lodged by four RCD members. This decision had been upheld by the Tunis Court of First Instance in 2003, and by the Tunis Court of Appeal in June 2004. By the end of 2005, the case was still pending before the Supreme Court of Appeal.

Legal action to cancel the proceedings against the Gabès section Congress

In December 2002, following the congress of the LTDH section in Gabès, one of the participants had filed a complaint to have the con-

39. See Press Releases, 29 August 2005, 1, 2 and 6 September and 10 November 2005.

40. See Annual Report 2004.

gress proceedings cancelled. The cancellation had been confirmed by a decision of the Gabès Court of First Instance in May 2003. By the end of 2005, LTDH had not been able to appeal against this decision since the association had still not been legally notified of the verdict.

Harassment of the Monastir section

In 2002, the owner of the premises of the section had obtained cancellation of the tenancy contract that had just been signed with the LTDH section in Monastir, arguing that she was not in full possession of her faculties at the time of signing. LTDH had appealed against the decision and had been able to rent another office from September 2003. However, the appeal proceedings were still under way as of the end of 2005 and LTDH was still not refunded the rents it had paid at the time.

Continued obstacles to LTDH funding⁴¹

In April 2001, the European Union (EU) had granted LTDH funding for its modernisation and restructuring, as well as for the development of a programme on the administration of justice under the European Initiative for Democracy and Human Rights (EIDHR). Whilst the first volume of the grant had duly been allocated, the second volume has been frozen by Tunisian authorities since August 2003 under Law No. 154 (1959) and the decree of 8 May 1922 on charities “recognised of national interest”, although LTDH does not come under this status.

By the end of 2005, LTDH funding granted by the EU was still frozen.

Moreover, since 2004, the Tunisian government has frozen a 15,000 US dollars (12,719 euros) subsidy granted to LTDH for the development of its website by the Global Fund for Human Rights headed by Mrs. Mary Robinson. By the end of 2005, LTDH had still not been able to receive this subsidy.

Without this funding, LTDH faced serious financial difficulties, thus restricting its activities. It was notably problematic for the association’s headquarters and local sections to pay the premises rents, and some offices had to be closed down.

41. *Idem.*

Judicial proceedings and harassment of LTDH leaders and members⁴²

In December 2002, a RCD supporter and member of the LTDH Jendouba section lodged a complaint against Mr. **Hamda Mezguich**, a member of the Bizerte section, for alleged “acts of violence” during the Jendouba section Congress (September 2002). The proceedings were still under way in late 2005.

By the end of 2005, the judicial proceedings initiated against Messrs. **Mokhtar Trifi** and **Slaheddine Jouchi**, LTDH president and first vice-president, also remained pending. They had both been charged with “failing to abide by a court verdict” in December 2000 and with “circulating false information” in March 2001.

Lastly, Mrs. **Safia Mestiri Chebbi**, president of the La Goulette-Le Kram-La Marsa section, had been sentenced on 30 June 2004 by the Carthage Cantonal Court to a 60 dinars (37 euros) fine, on the fallacious charge of “insulting a civil servant”. On 8 December 2004, the sentence had been upheld on appeal by the Tunis Court of First Instance. Mrs. Mestiri Chebbi had appealed against this decision with the Supreme Court of Appeal, and the proceedings were still pending by the end of 2005.

Defamation campaign against Mr. Khemais Ksila⁴³

A large defamation campaign was launched on 8 June 2005 against Mr. **Khemais Ksila**, LTDH general secretary and a board member of the Arab Institute for Human Rights (*Institut Arabe des droits de l’Homme* – IADH). The day before, Mr. **Taïeb Baccouche**, IADH president, had made a statement denouncing the Tunisian authorities decision to freeze all IADH assets emanating from foreign funding on the basis of the Law to Combat Terrorism and Money Laundering.

In response, an official Tunisian source then stated to the *Agence France Presse* (AFP) that IADH was notably reproached that “one of its board members was sentenced to 10 years in prison in 2002”. This statement was broadly disseminated by a number of national and regional newspapers and websites such as *Al-Sabah*, *Al-Jazeera Net*, and the *Haqâ’iq (Realities)* magazine.

42. *Idem.*

43. See Annual Report 2004 and FIDH Press Release, *Tunisia and the World Summit on Information Society - a Chronology: April-November 2005*, 10 November 2005.

Mr. Ksila decided to resign from his position within IADH in late August 2005. Soon after, the measures against the association to freeze the assets were lifted.

Ongoing pressures against CNLT and its members

Obstacles to freedom of assembly⁴⁴

On 16 January 2005, a large police force was deployed around the headquarters of the National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie* – CNLT) in Tunis to prevent the association general assembly from being held. Moreover, by the end of 2005, CNLT had still not been legally recognised by the authorities, in spite of numerous registration requests. Indeed, the Administrative Court did not schedule any date for the opening hearing of a litigation trial initiated by the association, following a CNLT complaint lodged in April 1999 for abuse of power against the Ministry of Interior, who had refused without any official reason to deliver its legal consignment note as provided for by law.

The general assembly of CNLT had previously been impeded on 11 December 2004, when police forces had forcibly dispersed CNLT members.

On 28 January 2005, the police blocked the entrance of CNLT headquarters, although no particular meeting was scheduled for that day. On the next day, CNLT staff found the premises front door forced open and the computers damaged, whereas the Internet connection was shut down.

On 12 February 2005, over a hundred plain-clothes police officers surrounded CNLT headquarters and informed the association members they had received orders to prevent by any means the general assembly, which had been postponed on numerous occasions, from being held.

Similarly, on 3 September 2005, a large police force was deployed around the CNLT office and precluded members of the liaison committee from entering the building, which remained strictly barricaded until late 4 September 2005.

44. See Annual Report 2004, Urgent Appeal TUN 001/0105/OBS 007 and Press Release, 15 February 2005.

Lastly, a similar police force cordoned off the whole neighbourhood and prevented CNLT members from accessing the office and holding a general meeting on 29 December 2005. Police officers in plain clothes remained stationed at the building front door until late afternoon.

Death threats and harassment of Mr. Abderraouf Ayadi⁴⁵

In early January 2005, Mr. **Abderraouf Ayadi**, a lawyer, a CNLT member and former secretary general, was informed by mail of the termination of the rental contract of his law firm premises, without prior notice. By the end of 2005, Mr. Ayadi was still at risk of being evicted from his office.

Besides, on 18 January 2005, Mr. Ayadi received an anonymous phone call threatening him with death if he did not give up his work as a legal counsel for Mr. Mustapha Ben Jaafar, general secretary of the Democratic Forum for Labour and Liberties (*Forum démocratique pour le travail et les libertés* – FDTL, opposition party). Moreover, Mr. Ayadi was insulted and threatened by an offender within the framework of a civil case on 15 January 2005, in the presence of a police superintendent who refused to report on the incident.

Finally, his law firm was under constant surveillance of plain-clothes police officers who regularly threatened his clients in order to dissuade them from consulting him. For instance, Mr. Belaaj, one of Mr. Ayadi's clients, was called in for questioning by the political police in January 2005 and interrogated about his motives to consult Mr. Ayadi as a counsel. Following these pressures, Mr. Belaaj removed his case from Mr. Ayadi's law firm.

Defamation campaign against Mrs. Sihem Bensedrine⁴⁶

Mrs. **Sihem Bensedrine**, CNLT spokesperson and editor-in-chief of the online *Kalima* newspaper, banned by Tunisian authorities, was subjected for several weeks in May 2005 to a violent defamation campaign orchestrated by a number of national newspapers such as *al-Chourouk*, *al-Hadith*, *l'Observateur* and *as-Sarih*. The campaign started right after the World Press Freedom Day was celebrated by

45. See Annual Report 2004 and Urgent Appeal TUN 001/0105/OBS 007.

46. See Annual Report 2004 and Press Release, 1 June 2005.

CNLT on 5 and 6 May 2005, and on the occasion of which the association released a report denouncing the disinformation fostered by some pro-governmental newspapers.

In addition, Mr. Abdelhamid Riahi, editor-in-chief of the *al-Chourouk* daily newspaper and author of numerous insulting, libellous and obscene articles against Mrs. Bensedrine, was commissioned officer of the national Order of cultural merit by the President of the Republic, Mr. Zine Al-Abidin Ben Ali, on National Culture Day on 27 May 2005.

By the end of 2005, the complaints for libel and insults lodged by Mrs. Bensedrine had still not been examined.

Death threats and assault against Mr. Ben Khémmiss⁴⁷

On 1 September 2005, Mr. **Abdelkader Ben Khémmiss**, CNLT secretary general, was attacked, insulted and threatened with death in Kef market (in the north of the country) by several delinquents close to the headmen of the city black market.

Mr. Ben Khémmiss went to file a complaint at the closest police station, where he was insulted and beaten anew by six police officers. He was then put in police custody for two hours, before being violently kicked out of the station. Mr. Ben Khémmiss, who could thus not lodge his complaint for assault, filed another action for violence and abuse of power with the Court of Kef. By the end of 2005, the case had not been examined.

These attacks followed the release of two articles written by Mr. Khémmiss and denouncing the practices of certain criminal groups, as well as the protection they benefit from by the local authorities. These articles were published in July 2004 and August 2005 by the *e/-Maoukef* weekly newspaper.

Harassment of Mr. Hédi Menai⁴⁸

On 16 September 2005, police officers surrounded the law firm of Mr. **Hédi Menai**, a member of the Tunisian Bar Association, a CNLT founding member and former leader and coordinator of the Jendouba Federation of the Democratic Forum for Labour and Liberties (*Forum démocratique pour le travail et les libertés* – FDTL, opposition party).

Mr. Menai was then unable to enter his office.

Two days later, on 18 September 2005, Mr. Menai's driver, Mr. Fethi Taboui, was arbitrarily arrested. Mr. Taboui, who had previously been approached by the police asking him to collaborate and refused their offer, was finally released on 21 September 2005. The prosecution further closed the complaint for arbitrary detention filed against him. Mr. Taboui's arrest was most likely aimed at paralysing Mr. Menai's activities, as he cannot drive himself due to a handicapped leg. Similarly, Mrs. Leyla Ayadi, Mr. Menai's secretary, was recurrently harassed by the police who tried to convince her to quit her position.

The heavy surveillance under which Mr. Menai was placed significantly intensified after he was elected a member of the CNLT Steering Committee in 2001. In particular, officers in plain-clothes and State agents regularly surrounded his office in order to dissuade his clients to come and consult him, and also tried to discredit him in the Jendouba Governorate Courts, where he pleads.

Ongoing retaliation against Mrs. Neziha Rejiba and Mr. Omar Mestiri⁴⁹

On 3 December 2005, Mrs. **Neziha Rejiba**, *alias* Om Zied, editor-in-chief of the online *Kalima* newspaper and head of communications for the CNLT liaising committee, was warned to "watch her steps" by a source close to the executive, who informed her of the authorities dissatisfaction with some of her articles denouncing the authoritarian excess of the regime and the corruption of the circles close to power. On 14 November 2005, shortly before the World Summit on the Information Society (WSIS), whereas she was to participate in a preparatory meeting to the Citizen's Summit on the Information Society, scheduled to be held at the Goethe Institute in Tunis, and banned afterwards, Mrs. Rejiba was violently told off by members of the security forces, and sustained a heart faint. Mrs. Rejiba was further kept under close, constant surveillance by the political police during the whole WSIS.

Similarly, Mr. **Omar Mestiri**, former CNLT secretary general, was taken away by police officers in plain-clothes and fiercely beaten as he was about to take part in the above-mentioned meeting at the Goethe Institute.

47. See Urgent Appeal TUN 004/0905/OBS 079.

48. See Urgent Appeal TUN 006/1005/OBS 100.

49. See Annual Report 2004.

Harassment of Tunisian lawyers and magistrates

Adoption of the Law on the Tunisian Judicial System⁵⁰

President Ben Ali promulgated the Law on the Tunisian Judicial System on 4 August 2005, after it was adopted by the National Assembly on 30 July 2005. This law considerably limits the independence and power of the judges and represents another attempt to muzzle any independent stance of the judiciary. It notably denies judges the right to contest administrative decisions before courts or to appeal against disciplinary sanctions with the Administrative Court. According to the new law, this right shall be restricted to a mere petition to an “appeals commission” (*commission des recours*) stemming from the Higher Council of Magistracy (*Conseil supérieur de la magistrature* – CSM).

AMT closed down and obstacles to freedom of association⁵¹

On 1 August 2005, two days after the aforementioned law was adopted, the Ministry of Justice ordered the disciplinary transfer of about thirty members of the Association of Tunisian Magistrates (*Association des magistrats tunisiens* – AMT) to towns sometimes located over 400 km away from their homes. For instance, Mrs. **Kalthoum Kennou**, AMT secretary general, was transferred to Kairouan (160 km away from Tunis), whereas Mrs. **Wassila Kaabi**, an AMT member, was transferred to Gabès (420 km away from Tunis).

These retaliation measures notably followed the adoption of a general motion carried by the AMT 10th Congress in December 2004, and presenting institutional demands on the independence of the judiciary. In addition, on 31 May 2005, an AMT memorandum underlined the urge to reform the CSM in order to establish a truly independent judiciary, notably by electing the majority of its members.

Lastly, on 29 August 2005, Mr. **Ahmed Rahmouni**, AMT president, was summoned by the Prosecutor of the Tunis Court of First Instance who asked him to hand over the key of the AMT headquarters. On the

next day, the Prosecutor called in all members of the AMT office and reiterated his request. On 31 August 2005, the office staff members found the locks changed and could thus not enter the premises.

Intimidation and harassment campaign against Mr. Mohammed Abbou’s lawyers⁵²

On 29 April 2005, Mr. **Najib Hosni**, Mr. **Samir Ben Amor** and Mr. **Ousama Bou Thalja**, all three lawyers, arrived at the prison of Kef after having been authorised to visit their client, Mr. **Mohammed Abbou**, a member of the International Association for the Support of Political Prisoners (*Association internationale pour le soutien des prisonniers politiques* – AISPP), and former head of CNLT, sentenced to three years and a half in jail, in particular for having denounced the detention conditions in Tunisian prisons on the Internet.

Upon their arrival, Mr. Hosni was denied access to the prison, whereas Mr. Ben Amor, who was authorised to meet with Mr. Abbou, could only speak to him for a few minutes before she was violently taken away by the prison guards. The director of the prison, as well as one of the guards later lodged a fallacious complaint against Mr. Ben Amor for “property destruction” and “assault and battery against a prison guard”. Mr. Ben Amor appeared before the examining magistrate in May 2005, and by the end of 2005 he had not yet been summoned to appear again.

On 3 May 2005, CSM further criticised “the abuses, excess and other drifts” of certain lawyers and requested the magistrates to “take all necessary steps to maintain order” in the courts.

On 5 May 2005, Mr. Abbou’s lawyers – Mr. Ben Amor, Mrs. **Radhia Nasraoui**, president of the Tunisian Association Against Torture (*Association de lutte contre la torture en Tunisie* – ALTT), Mr. **Ayachi Hammami**, president of the Mohammed Abbou Support Committee, and Mr. Abderraouf Ayadi – were informed that they were to appear before the CSM disciplinary committee. Although the Tunis section of the National Bar Association decided to consider the matter closed, the Public Prosecutor appealed against this decision. By the end of 2005, the case was still pending.

50. See Urgent Appeal TUN 003/0905/OBS 077.

51. *Idem*.

52. See Press Release, 6 May 2005.

Lastly, on 6 May 2005, police forces surrounded and forcibly dispersed a sit-in organised since 4 April 2005 in front of the Tunis Bar House by the lawyers and members of the Mohammed Abbou Support Committee, inflicting severe ill-treatment to some of the demonstrators.

Harassment of Mr. Lotfi Hajji⁵³

On 4 May 2005, Mr. Lotfi Hajji, president of the Founding Committee of the Tunisian Journalists' Union (*Syndicat des journalistes tunisiens – SJT*), was detained for over four hours at the Bizerte police station. On that occasion, he was strongly warned against the consequences of holding the leadership of an “illegal” union and his stances in the international press.

On 9 May 2005, Mr. Hajji was once again summoned by the police after participating in a conference organised in Tunis on 6 May 2005 by local associations, and three days only after a SJT report on the situation of the press in Tunisia was published, on the occasion of the World Press Freedom Day.

Mr. Hajji was further questioned about his activities within the union by the police department of the Bizerte district on 19 August 2005. He was then ordered not to publish any other article on behalf of SJT and informed that he would lay himself open to prosecution if contravening this order.

On 23 August 2005, Mr. Hajji was once again called in for questioning.

Lastly, he was interrogated by the Tunis security department on 24 August 2005. The security officers notably notified him the ban decision against the holding of the SJT National Congress, initially scheduled for 7 September 2005.

Continued pressures against AISPP and its members⁵⁴

In spite of numerous requests submitted by the International Association for the Support of Political Prisoners (*Association internationale pour le soutien des prisonniers politiques – AISPP*), created

in November 2002, to obtain legal recognition with the Ministry of the Interior, the organisation had not been recognised yet by the Tunisian authorities by the end of 2005.

Furthermore, the weekly meetings of the AISPP Executive Committee, held at the organisation head office or at the homes of its members, were systematically impeded by major deployments of police forces in 2005.

In addition, the movements and professional activities of Mr. Mohammed Nouri, AISPP president, were closely watched throughout 2005, and his clients were regularly intimidated.

Mrs. Saïda Akrami, AISPP secretary general, was similarly subjected to constant harassment by the political police, who for the past few years has daily surrounded her office and intimidated her clients. Mrs. Akrami was regularly trailed by police officers, whereas the Ministry of Finance imposed a tax inspection on her law firm.

Pressure on RAID-ATTAC⁵⁵

By the end of 2005, the Assembly for Alternative International Development (*Rassemblement pour une alternative internationale de développement – RAID-ATTAC*) had still not been legally recognised by the Tunisian authorities.

The second Congress of the association⁵⁶, initially scheduled for 26 and 27 June 2004, then postponed until 24–25 October 2005 following a ban issued by the Ministry of the Interior, could not be held in the course of the year due to the intervention of police forces on two different occasions in 2005.

Continued harassment of the League of Free Tunisian Writers and its members⁵⁷

The League of Free Tunisian Writers (*Ligue des écrivains libres*), established in 2001, had still not received legal status by the end of 2005, whereas its members and activities remained severely repressed in the course of the year.

55. *Idem*.

56. In 2001, the Ministry of the Interior attempted to prevent the first congress from being held, leading to police violence against the RAID-ATTAC members.

57. See Annual Report 2004.

53. See Urgent Appeals TUN 002/0805/OBS 072 and TUN 004/0905/OBS 079.

54. See Annual Report 2004.

Hunger strike of several activists and violent repression of a support demonstration⁵⁸

On 18 October 2005, Messrs. **Ahmed Néjib Chabbi**, secretary general of the Progressive Democratic Party (PDP), Abderraouf Ayadi, **Hamma Hammami**, spokesperson for the Communist Workers' Party of Tunisia (*Parti Communiste Ouvrier de Tunisie – PCOT*), Mohammed Nouri, Ayachi Hammami, **Samir Dilou**, a member of AISPP and of the Mohammed Abbou Support Committee, **Mokhtar Yahyaoui**, a judge and president of the Centre for the Independence of the Judiciary (*Centre pour l'indépendance de la justice – CIJ*), and Lotfi Hajji started an unlimited hunger strike in Tunis as a protest action against the deteriorating situation of fundamental rights and freedoms in Tunisia. These activists notably called for the respect of the freedoms of assembly, association, opinion, information and communication, and demanded the legal recognition of all political parties, the release of all political prisoners and unrestricted access to the Internet.

The authorities first deployed a large police force around Mr. Ayachi Hammami's office, where the strikers were gathered, then launched a vast defamation campaign, referring to the strikers as "a small, hostile minority", lacking "basic patriotic consciousness" and "seeking to be prejudicial to the interests [of the country] and its image throughout the world", right before Tunis hosted the WSIS.

The Tunisian authorities further described the Committee press releases about the strikers' health as "an additional stratagem aiming at manipulating public opinion". These statements were notably widely broadcast by the *AFP* on 1 November 2005.

On 8 November 2005, the police fiercely repressed a peaceful support rally organised in favour of the strikers in front of the Ibn Khaldoun House of Culture in Tunis. Mr. Mokhtar Trifi, in particular, was assaulted and dragged on the floor by his aggressors who brutally beat him in the eyes, right in front of his daughter and wife. Mr. **Mohammed Jmour**, a member of the National Council of the Bar Association, was also attacked while attempting to give assistance to

58. See Joint FIDH-OMCT Press Release, 21 October 2005 and Observatory Press Release, 9 November 2005.

Mr. Trifi. The police officers also took away the purse and video camera of a French journalist who was filming the whole scene. Moreover, Messrs. **Mounir Fallah**, **Chawki Laarif** and **Salah Belhouichet**, activists of the General Union of Tunisian Students (*Union générale des étudiants de Tunisie – UGET*), were also assaulted, arrested and briefly detained.

In addition, Mr. Abderahmane Bouzayyane, a bailiff, visited Mr. Hammami's law firm on that same day and notified him that the owner of the premises had issued an order to evict him within 24 hours, under the pretext that the actual use of the office was not the one specified by the rental agreement. This notification also requested the "immediate suspension, within 24 hours, of all activities inconsistent with the terms of the rental agreement".

Lastly, Messrs. Chabbi, Khémaïss Ksila and **Khémaïss Chammari**, former FIDH vice-president, were notably targeted by a defamation campaign, relayed in both Tunisia and France, and which slandered the persons involved in the "18 October National Association for Rights and Liberties" (*Collectif national du 18 octobre pour les droits et les libertés*) and the "18 October Forum for Debates" (*Forum de débats du 18 octobre*), established following the hunger strike.

Obstacles to the organisation and cancellation of the CSIS⁵⁹

On 9 November 2005, a week before the Citizens' Summit on the Information Society (CSIS) was due to start in the fringe of the World Summit on the Information Society (WSIS), the coalition of Tunisian and international organisations responsible for organising the CSIS was informed that the conference hall it had reserved for holding this 3-day event would not be available. Moreover, all hotel owners contacted by the CSIS Organising Committee were subjected to numerous pressures by the authorities to dissuade them from accepting its reservation requests.

As a result, the coalition was forced to cancel the whole event and parallel activities on 15 November 2005.

In addition, all leaders of independent Tunisian NGOs were prevented from communicating with foreign countries after their phone

59. See CSIS Organisation Committee, which gathers 19 Tunisian and international organisations.

lines were taped and their Internet connections disrupted during a few weeks before and after the World Summit. By the end of 2005, many of them were still encountering similar problems.

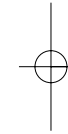
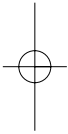
UNITED ARAB EMIRATES

Denial of registration of a human rights organisation⁶⁰

The registration request filed in March 2004 by a group of about twenty intellectuals for the creation of the very first human rights organisation in the Emirates had not been acknowledged by late 2005, although the Ministry of Labour and Social Affairs, in charge of the registration process, had a one month period to respond. The creation of this organisation was *de facto* prohibited, as an official and therefore explicit authorisation by the Ministry is compulsory by law for the registration of an NGO.

60. See Annual Report 2004.

STATISTICS



TYPOLOGY AND STATISTICS OF THE REPRESSION AGAINST HUMAN RIGHTS DEFENDERS*

STATES**	Assassinations / Assassination attempts	Enforced disappearances	Ill-treatments, torture	Physical attacks / Assaults	Death threats	Arrests without detention	Arbitrary detentions***		Judicial proceedings	Sentencing		Harassment	Searches, breaks-in, illegal seizure (office or home)	Defamation	Obstacles to freedom of movement	Reprisals at work (abusive layoff, forced dismissal...)	Releases			End of judicial proceedings	Number of defenders
							Prison	House arrest		Prison	Fine						Temporary	Definitive			
AFRICA																					
Burundi	.	.	.	3	1	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	3
Cameroon	.	.	.	.	.	4	3	.	9	3	1	5	.	1	.	.	.	3	1	2	17
Chad	.	.	.	3	1	5	4	.	.	.	.	4	1	1	.	.	.	.	4	.	11
Congo-Brazza	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	.	.	.	.	.	1
Côte d'Ivoire	.	.	.	1	1	.	.	.	.	.	.	.	.	1	.	.	.	.	.	.	1
Djibouti	.	.	.	.	.	17	17	.	12	.	.	1	.	.	.	16	.	.	17	12	18
DRC	3	.	8	4	9	26	2	.	7	3	1	43	2	5	1	.	.	22	.	70	
Eritrea	.	.	.	.	.	3	3	.	.	.	.	.	.	.	.	.	.	.	.	.	3
Ethiopia	.	.	2	1	.	20	14	.	10	.	.	8	2	.	.	.	.	5	3	5	22
Kenya	.	.	3	.	.	24	13	.	19	.	.	.	.	.	.	.	.	6	5	.	22
Liberia	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	.	1
Mauritania	.	.	1	.	.	.	4	.	10	.	.	.	4	.	.	.	.	10	1	.	12
Niger	1	.	.	1	.	14	14	.	9	2	1	1	.	.	.	.	.	4	10	.	14
Nigeria	.	.	.	.	.	1	.	.	1	.	.	.	1	.	.	.	.	.	.	.	1
Rwanda	.	.	.	.	.	1	1	.	.	.	.	.	1	.	.	.	.	.	1	.	3
Senegal	.	.	.	.	.	3	.	.	1	.	.	3	.	.	.	.	.	.	.	.	4
Sierra Leone	.	.	.	1	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Somalia	1	.	.	1	2	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	4
Sudan	.	3	2	.	.	10	10	.	5	.	.	1	.	1	.	.	.	3	5	.	14
Tanzania	.	.	2	.	.	2	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2
Togo	.	.	.	2	1	0	.	.	.	.	.	3	.	1	.	.	.	.	.	.	5
Uganda	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	.	.	.	.	.	1
Zimbabwe	.	5	6	.	1	18	8	.	3	.	.	6	1	.	.	.	.	.	11	1	31
Sub total	5	8	24	17	16	148	93	0	86	8	3	77	13	10	2	17	31	80	20	261	
AMERICAS																					
Argentina	1	1	2	1	1	1	1	.	1	.	.	5	1	.	.	.	.	.	1	.	10
Bolivia	1	.	1	.	2	1	.	1	9	.	.	3	.	1	.	.	.	.	.	.	14
Brazil	7	.	.	3	11	.	.	.	3	.	.	8	.	2	.	.	.	.	.	.	30
Chile	.	.	.	1	.	7	12	.	17	1	.	5	2	.	.	.	.	2	1	.	19
Colombia	47	7	8	4	77	42	36	.	19	.	.	36	7	.	.	2	1	20	9	224	
Cuba	.	.	2	.	.	1	3	2	1	1	.	5	.	.	.	.	2	2	.	12	
Ecuador	2	.	.	1	2	.	.	.	.	.	.	9	1	.	.	.	.	.	.	.	12
El Salvador	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	.	.	.	.	.	1
Guatemala	6	.	.	3	8	.	.	.	1	.	.	17	1	.	.	1	.	.	.	.	28
Haiti	1	.	.	2	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	3
Honduras	1	.	.	3	3	9	5	.	1	.	.	3	4	.	.	.	.	2	.	.	16
Jamaica	1	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Mexico	9	1	1	1	1	4	4	.	1	1	.	10	2	.	.	.	1	4	.	23	
Paraguay	.	.	.	.	1	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Peru	.	.	.	.	2	.	.	.	.	7	.	16	.	9	.	.	.	.	.	.	21
Venezuela	3	.	.	.	.	.	.	.	2	.	.	.	.	1	.	.	.	.	.	.	5
Sub total	79	9	14	19	108	65	61	3	55	10	0	118	18	13	0	3	6	30	9	420	

* These statistics are based on cases of individual repression presented in this report.

** This list is not exhaustive ; indeed, in some closed States, such as Burma, Equatorial Guinea, Laos, North Korea, the United Arab Emirates or Qatar, systematic repression by the authorities makes it impossible to carry out any organised human rights activity.

*** These figures concern cases of detentions that started in 2005 or in the past years.

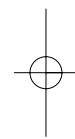
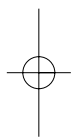
TYPOLGY AND STATISTICS OF THE REPRESSION AGAINST HUMAN RIGHTS DEFENDERS*

STATES**	Assassinations / Assassination attempts	Enforced disappearances	Ill-treatments, torture	Physical attacks / Assaults	Death threats	Arrests without detention	Arbitrary detentions***		Judicial proceedings		Sentencing	Harassment	Searches, breaks-in, illegal seizure (office or home)	Defamation	Obstacles to freedom of movement	Reprisals at work (abusive layoff, forced dismissal...)	Releases		End of judicial proceedings	Number of defenders
							Prison	House arrest	Prison	Fine							Temporary	Definitive		
ASIA																				
Afghanistan	.	1	1
Bangladesh	2	.	.	2	.	1	.	.	2	.	.	1	.	.	.	1	.	.	7	
Cambodia	.	.	.	.	.	7	3	.	6	1	.	.	.	.	.	.	2	.	11
China	.	.	11	.	.	12	29	3	3	2	.	13	1	.	.	.	6	.	48	
India	.	.	.	.	1	8	.	.	3	.	.	1	.	.	.	.	8	.	9
Indonesia	.	.	.	.	4	1	.	.	1	.	1	1	.	.	.	.	.	.	6
Iran	.	.	3	.	.	11	4	.	14	4	.	1	.	.	.	.	10	2	21
Malaysia	.	.	.	.	.	.	.	.	1	.	.	.	.	.	.	.	.	.	1
Maldives	.	.	.	.	.	.	.	.	1	.	.	.	.	.	.	.	.	.	1
Nepal	1	.	2	.	.	77	56	.	1	.	.	1	2	.	.	.	49	.	95	
Pakistan	2	.	.	.	.	.	.	.	.	.	.	2	.	.	.	.	.	.	4
Philippines	21	.	1	.	.	.	1	.	1	.	.	.	.	.	.	.	.	.	22
South Korea	.	.	.	.	.	3	3	.	2	.	.	.	.	.	.	.	2	.	3
Thailand	.	.	.	1	.	.	.	.	1	.	.	1	.	.	.	.	.	.	3
Vietnam	.	.	.	.	.	.	3	2	.	.	.	5	.	2	.	.	.	.	12
Sub total	26	1	17	3	5	120	99	5	32	11	1	26	3	2	1	8	72	2	243	
EUROPE																				
Azerbaijan	.	.	.	.	1	.	.	.	.	.	.	2	.	2	.	.	.	.	5
Belarus	.	.	.	1	.	.	.	.	5	1	3	.	.	1	.	.	1	.	9
Croatia	.	.	.	.	1	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Georgia	.	.	.	.	.	.	.	.	.	.	1	.	.	.	.	.	.	.	1
Greece	.	.	.	1	.	3	1	.	2	.	.	1	.	1	.	.	1	2	5	
Kazakhstan	.	.	.	.	.	1	1	.	.	.	.	.	.	.	.	.	.	.	1
Kyrgyzstan	1	.	.	.	1	.	.	.	1	.	.	3	.	.	.	.	.	1	3
Russian Fed.	3	1	.	1	.	.	.	.	7	2	11	.	2	5	.	.	1	1	19
Serbia-Monte.	.	.	.	3	1	.	.	.	2	.	2	.	1	1	.	.	.	.	6
Turkey	.	.	.	.	4	.	.	.	11	.	.	.	.	.	.	.	.	.	11
Turkmenistan	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1	.	.	.	2
Uzbekistan	.	.	7	1	2	25	21	.	7	5	7	.	1	.	7	.	15	2	37	
Sub total	4	1	7	7	10	29	23	0	35	5	3	31	4	9	12	1	1	8	101	
MIDDLE EAST/ NORTHERN AFRICA																				
Algeria	.	.	3	.	1	11	3	.	9	5	.	3	1	.	.	.	3	.	20	
Bahrain	.	.	5	.	.	.	.	.	1	.	5	.	.	.	.	.	.	1	6
Egypt	.	1	2	.	1	.	.	.	1	.	.	.	.	.	.	.	1	.	3
Iraq	3	7	1	.	.	.	.	.	.	.	.	.	.	.	.	.	2	.	10
Israel/Occupied Palestinian Terr.	.	3	1	.	.	6	5	.	1	.	.	.	.	8	.	.	5	1	14
Lebanon	.	.	.	.	.	.	.	.	5	.	1	.	.	1	.	.	.	.	3
Libya	.	.	.	.	.	.	1	.	1	.	.	.	.	.	.	.	.	.	1
Morocco	.	.	11	2	.	21	12	.	11	6	2	1	1	.	.	.	7	2	29	
Saudi Arabia	.	.	.	.	.	.	.	.	1	3	.	.	.	.	.	.	.	4	4
Syria	.	.	.	.	.	2	3	.	3	.	.	3	1	.	.	.	2	2	6
Tunisia	.	.	18	4	1	7	7	.	9	.	.	14	.	.	3	.	7	.	51	
Sub total	3	11	41	6	3	47	31	0	42	14	2	27	3	9	8	3	0	31	10	147
TOTAL	117	29	103	52	142	409	307	8	250	48	9	278	41	43	50	25	46	230	49	1172

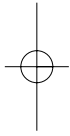
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INTERNATIONAL AND REGIONAL PROTECTION



**DECLARATION ON HUMAN RIGHTS DEFENDERS
ADOPTED BY THE GENERAL ASSEMBLY
OF THE UNITED NATIONS
DECEMBER 9, 1998**

General Assembly resolution 53/144

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, See Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23), chap. II, sect. A. in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, Resolution 217 A (III).

1. Adopts the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect

Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. Invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

85th plenary meeting - 9th December 1998

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from

the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1 - Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3 - Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework

within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4 - Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5 - For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6 - Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7 - Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

- (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
- (b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10 - No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11 - Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in

reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13 - Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15 - The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16 - Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17 - In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19 - Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20 - Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

INTERNATIONAL PROTECTION (UN)
**MANDATE AND ACTIVITIES OF THE SPECIAL
REPRESENTATIVE OF THE UN SECRETARY GENERAL
ON HUMAN RIGHTS DEFENDERS**

Resolution on Human Rights Defenders adopted by the United Nations Commission on Human Rights on 26 April 2000, during the 56th session¹

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reiterating the importance of this Declaration and its promotion and implementation,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of all human rights and fundamental freedoms,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are often subjected to threats, harassment, insecurity, arbitrary detention and extra-judicial executions,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/95) on ways for effective promotion and implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally

1. Resolution E/CN.4/RES/2000/61.

Recognized Human Rights and Fundamental Freedoms, submitted pursuant to Commission resolution 1999/66 of 28 April 1999;

2. Calls upon all States to promote and give effect to the Declaration;

3. Requests the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration; the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations;

4. Urges all Governments to cooperate with and assist the Special Representative of the Secretary-General in the performance of his or her tasks and to furnish all information in the fulfilment of his or her mandate upon request;

5. Requests the Secretary-General to provide the Special Representative with all necessary assistance, in particular the staff and resources deemed necessary to fulfil his or her mandate;

6. Requests the Special Representative to submit annual reports on his/her activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities;

7. Decides to consider this question at its fifty-seventh session under the agenda item entitled "Promotion and protection of human rights".

[...]

*(Adopted by a roll-call vote
of 50 votes to none, with 3 abstentions)*

Nomination of the Special Representative

On 18 August 2000, Mrs. Hina Jilani from Pakistan was appointed as Special Representative of the UN Secretary General on Human Rights Defenders

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THE PROTECTION OF HUMAN RIGHTS DEFENDERS
WITHIN THE AFRICAN UNION (AU)

**Resolution on the appointment of a Special Rapporteur
on human rights defenders in Africa, adopted by the General
Assembly, during its 38th Ordinary Session, held from 21st
November to 5th December 2005 in Banjul, The Gambia**

The General Assembly,

Recalling its mandate to promote human and peoples' rights and ensure their protection in Africa under the African Charter on Human and Peoples' Rights;

Mindful that in the Grand Bay (Mauritius) Declaration and Plan of Action, the Organisation of African Unity (African Union) called on Member States "to take appropriate steps to implement the UN Declaration on Human Rights Defenders in Africa";

Reaffirming the importance of the observance of the purposes and principles of the African Charter for the promotion and protection of all human rights and fundamental freedoms;

Reaffirming the commitment of the African Commission on Human and Peoples' Rights in the promotion and protection of the rights of human rights defenders;

Recognising the crucial contribution of the work of human rights defenders in promoting human rights, democracy and the rule of law in Africa;

Recalling the Resolution adopted at the 35th Ordinary Session held from 21 May to 4 June 2004 in Banjul, The Gambia by which the African Commission appointed the Special Rapporteur on Human Rights Defenders in Africa;

Considering that the term of Mrs. Jainaba Johm as a Member of the African Commission came to an end along with her mandate as Special Rapporteur on the 21 November 2005;

Appreciating the work that Mrs. Jainaba Johm has done as Special Rapporteur for Human Rights Defenders;

Emphasizing the importance of the work of the Special Rapporteur as regards the search for solutions to the problems arising from the protection of human rights defenders;

Decides to appoint Commissioner Reine Alapini-Gansou as the Special Rapporteur on Human Rights Defenders in Africa for a period of two years effective 5th December 2005.

**THE PROTECTION OF HUMAN RIGHTS DEFENDERS
WITHIN THE ORGANIZATION OF THE AMERICAN STATES
(OAS)**

**Press release on the creation of the “Special Unit on
Defenders” within the Inter-American Commission on Human
Rights (IACHR), 7th December 2001²**

The Executive Secretary of the Inter-American Commission on Human Rights (IACHR), Dr. Santiago A. Canton, decided to create a Human Rights Defenders Functional Unit within the Office of the Executive Secretary to coordinate the activities of the Executive Secretariat in this field.

The Unit's main function will be to receive information regarding the situation of human rights defenders in the Hemisphere, keep in touch with nongovernmental and governmental organizations, and coordinate the work of the Executive Secretariat with regard to human rights defenders in the Americas.

This initiative takes into account resolution AG/RES. 1818 (XXXI-O/01), adopted by the General Assembly of the OAS at its thirty-first regular session, which requests the Inter-American Commission on Human Rights to continue to pay due attention to the situation of human rights defenders in the Americas and to consider preparing a comprehensive study in this area, which, inter alia, describes their work, for study by the pertinent political authorities.

The Executive Secretary said this was an important step to protect the rights of those whose fundamental mission it is to defend the human rights of all human beings disinterestedly, risking their own lives and safety in the process.

Any communication may be sent to IACHR headquarters or by e-mail to CIDHDefensores@oas.org or fax : + 1 202 458 39 92.

2. Press Release no. 32/01. www.oas.org/OASpage/press2002/sp/año09/año2001/diciembre01/CIDH12701-32.htm

Resolution AG/RES 2036 (XXXIV-O/04) adopted by the General Assembly of the OEA, on 8th June 2004

“Human rights defenders in the Americas: support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas”³

The General Assembly,

Having seen the Annual Report of the Permanent Council to the General Assembly (AG/doc.4265/04 add. 3 corr. 1) as it pertains to this topic and resolution AG/RES. 1920 (XXXIII-O/03), “Human Rights Defenders: Support for the Individuals, Groups, and Civil Society Organizations Working to Promote and Protect Human Rights in the Americas”;

Concerned that situations persist in the Americas that, directly or indirectly, prevent or hamper the work of individuals, groups, or organizations working to protect and promote fundamental rights;

Considering that member states support the work carried out by human rights defenders and recognize their valuable contribution to the promotion, observance, and protection of human rights and fundamental freedoms in the Americas, and to the representation and defense of individuals, minorities, and other groups of persons whose rights are threatened or violated;

Taking note that in 2003, in its decisions granting provisional measures, the Inter-American Court of Human Rights highlighted the importance of the work of human rights defenders to the development of democracies in the Americas;

Taking into account the work accomplished by the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights and the member states’ replies to the questionnaire drawn up by that unit with a view to preparing a comprehensive report on the subject; and

Underscoring that the performance by human rights defenders of their tasks contributes actively to strengthening democratic institutions and improving national human rights systems,

3. www.oea.org/default.htm

Resolves:

1. To reiterate its support for the work carried out, at both the national and regional levels, by human rights defenders; and to recognize their valuable contribution to the promotion, observance, and protection of human rights and fundamental freedoms in the Hemisphere.

2. To condemn actions that directly or indirectly prevent or hamper the work of human rights defenders in the Americas.

3. To encourage human rights defenders to continue to work selflessly for the enhancement of national human rights systems for the consolidation of democracy, in accordance with the principles contained in the United Nations Declaration on Human Rights Defenders.

4. To urge member states to continue stepping up their efforts to adopt the necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders, and to conduct thorough and impartial investigations in all cases of violations against human rights defenders, ensuring that the findings thereof are transparent and publicized.

5. To invite the Inter-American Commission on Human Rights (IACHR) to conclude its comprehensive report on the situation of human rights defenders in the Americas, in keeping with resolution AG/RES. 1842 (XXXII-O/02), for presentation to the Permanent Council and consideration, if possible, in the second half of 2004.

6. To request the IACHR to:

- a. Continue to give due consideration to this matter at the level it deems appropriate;
- b. Continue intensifying its dialogue and cooperation with the Special Representative of the United Nations Secretary-General on Human Rights Defenders; and
- c. Include in its annual report a section on the work of the Unit for Human Rights Defenders of the IACHR.

7. To invite member states to promote the dissemination and enforcement of the instruments of the inter-American system and the decisions of its bodies on this matter, as well as the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

8. To invite member states to consider the preparation and implementation of national plans to apply the principles contained in the United Nations Declaration mentioned in the preceding paragraph, for which purpose they may also request the advisory services of the IACHR.

9. To urge member states that have not yet done so to reply to the questionnaire prepared by the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights.

10. To request the Permanent Council to report to the General Assembly at its thirty-fifth regular session on the implementation of this resolution, which will be carried out in accordance with the resources allocated in the program-budget of the Organization and other resources.

THE PROTECTION OF HUMAN RIGHTS DEFENDERS WITHIN THE EUROPEAN UNION (EU)

Ensuring Protection – European Union Guidelines on Human Rights Defenders³

I. Purpose

1. Support for human rights defenders is already a long established element of the European Union's human rights external relations policy. The purpose of these Guidelines is to provide practical suggestions for enhancing EU action in relation to this issue. The Guidelines can be used in contacts with third countries at all levels as well as in multi-lateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the Union for human rights defenders at risk and suggest practical means to support and assist human rights defenders. An important element of the Guidelines is support for the Special Procedures of the UN Commission on Human Rights, including the UN Special Representative on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The Guidelines will assist EU Missions (Embassies and Consulates of EU Member States and European Commission Delegations) in their approach to human rights defenders. While addressing specific concerns regarding human rights defenders is their primary purpose, the Guidelines also contribute to reinforcing the EU's human rights policy in general.

II. Definition

2. For the purpose of defining human rights defenders for these Guidelines operative paragraph 1 of the "UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to

4. These Guidelines were adopted by the Council of the European Union on 15 June 2004.

Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms” (see Annexe I), which states that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels” is drawn upon.

3. Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence.

III. Introduction

4. The EU supports the principles contained in the Declaration on the Right and responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Although the primary responsibility for the promotion and protection of human rights lies with states, the EU recognises that individuals, groups and organs of society all play important parts in furthering the cause of human rights.

The activities of human rights defenders include:

- documenting violations;
- seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support; and
- combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.

5. The work of human rights defenders often involves criticism of government’s policies and actions. However, governments should not see this as a negative. The principle of allowing room for independence of mind and free debate on a government’s policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights. Human rights defenders can assist governments in promoting and protecting human rights. As part of consultation processes they can play a key role in helping to draft

appropriate legislation, and in helping to draw up national plans and strategies on human rights. This role too should be recognised and supported.

6. The EU acknowledges that the activities of Human Rights Defenders have over the years become more recognised. They have increasingly come to ensure greater protection for the victims of violations. However, this progress has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes it is important to ensure the safety and protect the rights of human rights defenders. In this regard it is important to apply a gender perspective when approaching the issue of human rights defenders.

IV. Operational Guidelines

7. The operational part of the Guideline is meant to identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries, within the context of the Common Foreign and Security Policy.

Monitoring, reporting and assessment

8. EU Heads of Mission are already requested to provide periodic reports on the human rights situation in their countries of accreditation. The Council Working Party on Human Rights (COHOM) has recently approved the outline of fact sheets to facilitate this task. In line with these fact sheets Missions should address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against human rights defenders. In this contexts HoMs should be aware that the institutional framework can have a major impact on the ability of human rights defenders to undertake their work in safety. Issues such as legislative, judicial, administrative or other appropriate measures, undertaken by States to protect persons against any violence, threats retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of any of the rights referred to the UN Declaration on Human Rights Defenders are all relevant in this regard. Where it is called for, HoMs should make recommendations to COHOM for possible EU actions, including condemnation of threats and attacks against human rights defenders,

as well as for demarches and public statements where human rights defenders are at immediate or serious risk. HoMs should also report on the effectiveness of EU actions in their reports.

9. The HoMs reports and other relevant information, such as reports and recommendations from the Special Representative of the Secretary General for Human Rights Defenders, UN Special Rapporteurs and Treaty Bodies as well as non-governmental organisations, will enable COHOM and other relevant working parties, to identify situations where EU actions are called upon and decide actions to be taken or, where appropriate, make recommendations for such action to PSC / Council.

Role of EU Missions in supporting and protecting human rights defenders

10. In many third countries EU Missions (Embassies of EU Member States and European Commission Delegations) are the primary interface between the Union and its Member States and human rights defenders on the ground. They therefore have an important role to play in putting into practice the EU's policy towards human rights defenders. EU Missions should therefore seek to adopt a proactive policy towards human rights defenders. They should at the same time be aware that in certain cases EU action could lead to threats or attacks against human rights defenders. They should therefore where appropriate consult with human rights defenders in relation to actions which might be contemplated. Measures that EU Missions could take include:

- co-ordinating closely and sharing information on human rights defenders, including those at risk;
- maintaining, suitable contacts with human rights defenders, including by receiving them in Missions and visiting their areas of work, consideration could be given to appointing specific liaison officers, where necessary on a burden sharing basis, for this purpose;
- providing, as and where appropriate, visible recognition to human rights defenders, through the use of appropriate publicity, visits or invitations;
- attending and observing, where appropriate, trials of human rights defenders.

Promotion of respect for human rights defenders in relations with third countries and in multilateral fora

11. The EU's objective is to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-state actors. In its contacts with third countries, the EU will, when deemed necessary, express the need for all countries to adhere to and comply with the relevant international norms and standards, in particular the UN Declaration. The overall objective should be to bring about an environment where human rights defenders can operate freely. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the protection of human rights defenders. Actions in support of these objectives will include:

- where the Presidency, or the High Representative for the CFSP or EU Special Representatives and Envoys, or European Commission are making country visits they will, where appropriate, include meetings with, and raising individual cases of, human rights defenders as an integral and part of their visits to third countries;
- the human rights component of political dialogues between the EU and third countries and regional organisations, will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary;
- working closely with other like minded countries with similar views notably in the UN Commission on Human Rights and the UN General Assembly;
- promoting the strengthening of existing regional mechanisms for the protection of human rights defenders, such as the focal point on human rights defenders of the African Commission on Human and Peoples' Rights and the special Human Rights Defenders Unit within the Inter-American Commission on Human Rights, and the creation of appropriate mechanisms in regions where they do not exist.

Support for Special Procedures of the UN Commission on Human Rights, including the Special Representative on Human Rights Defenders

12. The EU recognises that the Special Procedures of the UN Commission on Human Rights (Special Rapporteurs, Special Representatives, Independent Experts and Working Groups) are vital to international efforts to protect human rights defenders because of their independence and impartiality; their ability to act and speak out on violations against human rights defenders worldwide and undertake country visits. While the Special Representative for Human Rights Defenders has a particular role in this regard the mandates of other Special Procedures are also of relevance to human rights defenders. The EU's actions in support of the Special Procedures will include:

- encouraging states to accept as a matter of principle requests for country visits by UN Special Procedures;
- promoting via EU Missions, the use of UN thematic mechanisms by local human rights communities and human rights defenders including, but not limited to facilitating the establishment of contacts with, and exchange information between, thematic mechanisms and human rights defenders;
- since the Special Procedures are unable to carry out their mandate in the absence of adequate resources, EU Member States will support the allocation of sufficient funds from the general budget to the Office of the High Commissioner for Human Rights.

Practical supports for Human Rights Defenders including through Development Policy

13. Programmes of the European Community and Member States aimed at assisting in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries are among a wide range of practical supports for assisting human rights defenders. These can include but are not necessarily limited to the development co-operation programmes of Member States. Practical supports can include the following:

- bi-lateral human rights and democratisation programmes of the European Community and Member States should take further account of the need to assist the development of democratic processes and institutions, and the promotion and protection of

- human rights in developing countries by, inter alia, supporting human rights defenders through such activities as capacity building and public awareness campaigns;
- by encouraging and supporting the establishment, and work, of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including, National Human Rights Institutions, Ombudsman's Offices and Human Rights Commissions.
- assisting in the establishment of networks of human rights defenders at an international level, including by facilitating meetings of human rights defenders;
- seeking to ensure that human rights defenders in third countries can access resources, including financial, from abroad;
- by ensuring that human rights education programmes promote, inter alia, the UN Declaration on Human Rights Defenders.

Role of Council Working Parties

14. In accordance with its mandate COHOM will keep under review the implementation and follow-up to the Guidelines on Human Rights Defenders in close co-ordination and cooperation with other relevant Council Working Parties. This will include:

- promoting the integration of the issue of human rights defenders into relevant EU policies and actions;
- undertaking reviews of the implementation of the Guidelines at appropriate intervals;
- continuing to examine, as appropriate, further ways of co-operating with UN and other international and regional mechanisms in support of human rights defenders.
- Reporting to Council, via PSC and COREPER, as appropriate on an annual basis on progress made towards implementing the Guidelines.

ANNEXES

ANNEX 1

PARTNER ORGANISATIONS AND CONTRIBUTORS

International NGOs

- . Agir ensemble pour les droits de l'Homme
- . Amnesty International
- . Committee to Protect Journalists (CPJ)
- . Fédération internationale d'action des chrétiens pour l'abolition de la torture (FIA-CAT)
- . Foundation Martin Ennals
- . Forefront
- . Frontline
- . Human Rights First
- . Human Rights House
- . Human Rights Watch (HRW)
- . International Commission of Jurists (ICJ)
- . International Confederation of Free Trade Unions (ICFTU)
- . International Federation of Journalists (IFJ)
- . International Freedom of Expression Exchange (IFEX)
- . International Gay and Lesbian Association (ILGA)
- . International Gay and Lesbian Human Rights Commission (IGLHRC)
- . International Helsinki Federation (IHF)
- . International League for Human Rights (ILHR)
- . International Service for Human Rights (ISHR)
- . Peace Brigades International (PBI)
- . Reporters Without Borders (RSF)
- . World Confederation of Labour (WCL)
- . 11.11.11

Regional NGOs

Africa

- . Afronet
- . African Centre for Human Rights
- . Union interafricaine des droits de l'Homme (UIDH)

Americas

- . Central Latinoamericana de Trabajadores (CLAT)
- . Centro por la Justicia y el Derecho Internacional (CEJIL)
- . Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)
- . Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM)
- . Enlace Mapuche Internacional

- . Fundação Interamericana de Defesa dos Direitos Humanos (FIDDH)
- . Observatorio Control Interamericano de los Derechos de los y las Migrantes (OCIM)
- . One World América Latina
- . Organización Regional Interamericana de Trabajadores (ORIT)
- . Osservatorio Informativo Indipendente sulla Regione Andina e il Latinoamerica (SELVAS), Italia
- . Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)

Asia

- . Asian Center for the Progress of Peoples (ACPP)
- . Asian Federation Against Involuntary Disappearances (AFAD)
- . Asian Forum for Human Rights and Development (Forum Asia)
- . South Asian Human Rights Documentation Centre (SAHRDC)

Europe

- . Equipo Nizkor

North Africa / Middle East

- . Euro-Mediterranean Human Rights Network (EMHRN)

National NGOs**Algeria**

- . Association des familles de disparus en Algérie
- . Collectif des familles de disparus en Algérie
- . Coordination nationale des familles de disparus (CNFD)
- . Ligue algérienne de défense des droits de l'Homme (LADDH)
- . SOS disparus

Argentina

- . Centro de Estudios Legales y Sociales (CELS)
- . Comité de Acción Jurídica (CAJ)
- . Liga Argentina por los Derechos del Hombre (LADH)
- . Servicio Paz y Justicia (SERPAJ)

Azerbaijan

- . Azerbaijani Committee of the Helsinki Citizen's Assembly
- . Center for the Protection of Conscience and Religious Freedom (DEVAMM)
- . Human Rights Center of Azerbaijan (HRCA)

Bahrain

- . Bahrain Centre for Human Rights (BCHR)
- . Bahrain Society for Human Rights (BHRS)

Bangladesh

- . Ain Oshalish Kendra
- . Bangladesh Rehabilitation Centre for the Victims of Torture (BRCT)
- . Human Rights Congress for Bangladesh Minorities (HRCBM)
- . ODIKHAR
- . PRIP Trust

Belarus

- . Helsinki Committee for Human Rights
- . Viasna

Bhutan

- . Peoples Forum for Human Rights and Development (PFHRD)
(based in Katmandu, Nepal)

Bolivia

- . Asamblea Permanente de Derechos Humanos (APDHB)
- . Centro de Estudios Jurídicos e Investigación Social (CEJIS)
- . Equipo Nizkor

Bosnia-Herzegovina

- . Helsinki Committee for Human Rights

Brazil

- . ACAT-Brasil
- . Centro de Defesa da Criança e do Adolescente Yves de Roussan (CEDECA / BA)
- . Centro de Justiça Global (JC)
- . Comissão Pastoral da Terra (CPT)
- . Consejo Indigenista Misionero (CIMI)
- . Federación de los Trabajadores de la Agricultura (FETAGRI)
- . Movimento dos Trabalhadores Rurais Sem Terra (MST)
- . Movimento Nacional dos Direitos Humanos (MNDH)
- . Terra de Direitos

Burkina Faso

- . Mouvement burkinabé des droits de l'Homme et des peuples (MBDHP)

Burundi

- . Centre indépendant de recherche et d'initiatives pour le dialogue (CIRID)
- . Ligue burundaise des droits de l'Homme (ITEKA)

Cambodia

- . Cambodian Centre of Human Rights (CCHR)
- . Cambodian League for the Promotion and Defence of Human Rights (LICADHO)

Cameroon

- . ACAT-Cameroun
- . Human Rights Defence Group
- . Mouvement pour la défense des droits de l'Homme et des libertés (MDDHL)
- . Maison des droits de l'Homme du Cameroun

Central African Republic

- . Ligue centrafricaine des droits de l'Homme (LCDH)
- . Organisation pour la compassion des familles en détresse (OCODEFAD)

Chad

- . Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDDH)
- . Collectif des associations de défense des droits de l'Homme (CADH)
- . Ligue tchadienne des droits de l'Homme (LTDH)

Chile

- . Corporación de Promoción y de Defensa de los Derechos del Pueblo (CODEPU)
- . Observatorio de Derechos de los Pueblos Indígenas

China

- . Human Rights in China (HRIC), based in USA
- . Chinese Rights Defenders (CRD)

Colombia

- . Asamblea Permanente de la Sociedad Civil por la Paz
- . Asociación de Educadores de Arauca (ASEDAR)
- . Asociación de Institutores de Antioquia (ADIDA)
- . Asociación Nacional de Ayuda Solidaria (ANDAS)
- . Asociación Nacional de Usuarios Campesinos - Unidad y Reconstrucción (ANUC - UR)
- . Central Unitaria de Trabajadores (CUT)
- . Colombia Campesina
- . Comisión Colombiana de Juristas (CCJ)
- . Comisión Intereclesial de Justicia y Paz
- . Comité Permanente por la Defensa de Derechos Humanos (CPDH)
- . Comité Permanente para la Defensa de los Humanos "Héctor Abad Gómez"
- . Comunidad de Paz de San José de Apartado
- . Corporación Colectiva de Abogados "José Alvear Restrepo" (CCAJAR)
- . Corporación Jurídica Libertad
- . Corporación para la Defensa y Promoción de los Derechos Humanos (REINICIAR)
- . Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)
- . Corporación Social para la Asesoría y Capacitación Comunitaria (COSPACC)
- . Escuela Nacional Sindical de Colombia (ENS)
- . Federación Nacional Sindical Unitaria Agropecuaria (FENSUAGRO - CUT)
- . Fundación Comité de Solidaridad con los Presos Políticos (FCSP)
- . Organización Femenina Popular (OFP)
- . Organización Internacional de Derechos Humanos - Acción Colombia (OIDHACO)
- . Sindicato Nacional de Trabajadores de las Industrias de Alimentos (SINALTRAINAL)
- . Union Sindical Obrera (USO)

Congo (Democratic Republic of)

- . Association africaine de défense des droits de l'Homme (ASADHO)
- . Centre des droits de l'Homme et du droit humanitaire (CDH)
- . Collectif des associations de défense des droits de l'Homme
- . Comité des observateurs des droits de l'Homme (CODHO)
- . Coordination des actions de promotion de la paix et des droits de l'humain (CAPDH)
- . Groupe évangélique pour la non-violence (GANVE)
- . Groupe Lotus
- . Héritiers de la Justice
- . Journalistes en danger (JED)
- . Justice et libération
- . Justice Plus
- . Les Amis de Nelson Mandela (ANM)
- . Ligue des électeurs (LE)
- . Observatoire congolais des droits humains (OCDH)

- . Solidarité Katangaise
- . Voix des sans voix (VSV)

Côte d'Ivoire

- . Ligue ivoirienne des droits de l'Homme (LIDHO)
- . Mouvement ivoirien des droits humains (MIDH)

Cuba

- . Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)
- . Coalición de Mujeres Cubano-Americanas
- . Directorio Democrático Cubano
- . Fundación Cubana de Derechos Humanos

Djibouti

- . Ligue djiboutienne des droits de l'Homme (LDDH)
- . Union des travailleurs du port (UTP)

Ecuador

- . Asamblea Permanente de Derechos Humanos (APDH)
- . Centro de Documentación de Derechos Humanos "Segundo Montez Mozo" (CSMM)
- . Comisión Ecuemenica de Derechos Humanos (CEDHU)
- . Confederación de Nacionalidades Indígenas del Ecuador (CONAIE)
- . Fundación Regional de Asesoría en Derechos Humanos (INREDH)

Egypt

- . Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP)
- . Arab Program for Human Rights Activists (APHRA)
- . Egyptian Organisation for Human Rights (EOHR)
- . Hisham Mubarak Center for Law
- . Nadeem Center

El Salvador

- . Comisión de Derechos Humanos de El Salvador (CEDHES)

Ethiopia

- . Action Aid Ethiopia
- . Ethiopian Human Rights Council (EHRCO)
- . Ethiopian Free Press Journalists' Association (EFJA)
- . Ethiopian Teachers' Association (ETA)

Gambia

- . Gambian Press Union

Georgia

- . Human Rights Information and Documentation Centre (HRIDC)

Greece

- . Greek Helsinki Monitor (GHM)
- . Centre for Research and Action on Peace (KEDE - Stop Now)

Guatemala

- . Casa Alianza

- . Central General de Trabajadores de Guatemala (CGTG)
- . Centro de Acción Legal en Derechos Humanos (CALDH)
- . Comisiatura de los Derechos Humanos de Guatemala
- . Coordinación de ONG y Cooperativas (CONGCOOP)
- . Coordinadora Nacional de Organizaciones Campesinas (CNOC)
- . Grupo de Apoyo Mutuo (GAM)
- . Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio (H.I.J.O.S - Guatemala)
- . Movimiento Nacional por los Derechos Humanos de Guatemala (MNDH)

Haiti

- . Comité des avocats pour le respect des libertés individuelles (CARLI)

Honduras

- . Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y su familiares (CPTRT)
- . Comité de Familiares de Detenidos-Desaparecidos en Honduras (COFADEH)
- . Comité para la Defensa de los Derechos Humanos (CODEH)

India

- . Centre pour l'organisation de la recherche et de l'éducation (CORE)
- . People's Union for Civil Liberties (PUCL)
- . People's Watch - Tamil Nadu

Indonesia

- . KONTRAS Aceh

Iran

- . Defenders of Human Rights Center (DHRC)
- . Ligue pour la Défense des Droits de l'Homme en Iran (LDDHI)

Israel

- . ACRI
- . Adalah
- . B'Tselem
- . Palestinian Human rights Monitoring Group (PHRMG)
- . Palestinian Human Rights Information Centre (PHRIC)
- . Public Committee Against Torture in Israel (PCATI)

Kazakhstan

- . Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR)

Kenya

- . Kenyan Human Rights Commission (KHRC)
- . International Commission of Jurists (ICJ-Kenya)

Kyrgyzstan

- . Bureau on Human Rights and Law
- . Kyrgyz Committee for Human Rights (KCHR)

Lebanon

- . Frontiers Center
- . Palestinian Human Rights Organisation (PHRO)
- . Soutien aux Libanais détenus arbitrairement (SOLIDA)

Liberia

- . Liberia Watch for Human Rights (LWHR)

Libya

- . Libyan League for Human Rights

Malaysia

- . Suara Rakyat Malaysia (Suaram)

Mauritania

- . Association mauritanienne des droits de l'Homme (AMDH)
- . Forum des organisations nationales de défense des droits de l'Homme (FONADH)
- . SOS Esclaves

Mexico

- . Centro de Derechos Humanos "Fray Bartolomé de Las Casas"
- . Centro de Derechos Humanos "Miguel Agustín Pro Juárez", AC
- . Colectivo contra la Tortura y la Impunidad (CCTI)
- . Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
- . Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
- . Servicio Internacional para la Paz (SIPAZ)

Morocco

- . Asociación de Familiares de Presos y Desaparecidos Saharauis (AFAPREDESA), based in Spain
- . Association marocaine des droits humains (AMDH)
- . Forum marocain Vérité Justice (FMVJ)
- . Organisation marocaine des droits humains (OMDH)

Nepal

- . Advocacy Forum Nepal
- . Centre for Victims of Torture (CVICT)
- . Informal Sector Service Center (INSEC)
- . National Society for Human Rights (NSHR)

Nicaragua

- . Centro Nicaragüense de Derechos Humanos (CENIDH)

Niger

- . Association nigérienne de défense des droits de l'Homme (ANDDH)
- . Collectif des organisations de défense des droits de l'Homme et de la démocratie au Niger (CODDH)
- . Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques (CROISADE)
- . Comité national de coordination de la Coalition équité / qualité contre la vie chère au Niger
- . Timidria

Nigeria

- . Civil Liberties Organisation (CLO)
- . CLEEN Foundation

Northern Ireland

- . Committee on the Administration of Justice (CAJ)

Occupied Palestinian Territories

- . Addameer
- . Al-Haq
- . Al-Mezan Centre for Human Rights
- . DCI - Palestine (Defence of Children International)
- . Palestinian Centre for Human Rights (PCHR)

Pakistan

- . Human Rights Commission of Pakistan (HRCP)
- . Human Rights Education Forum Pakistan (HREF)
- . National Commission for Justice and Peace, branch of Pakistan

Peru

- . Asociación Pro Derechos Humanos (APRODEH)
- . Comisión de Derechos Humanos (COMISEDH)
- . Coordinadora Nacional de Derechos Humanos (CNDDHH)
- . Fundación Ecueménica para el Desarrollo y la Paz (FEDEPAZ)

Philippines

- . Alliance for the Advancement of People's Rights (KARAPATAN)
- . May First Labour Centre (Kilusang Mayo Uno - K MU)
- . Philippine Alliance of Human Rights Advocates (PAHRA)
- . PREDA Foundation
- . Task Force Detainees of the Philippines (TFDP)

Russian Federation

- . Association of the Soldiers' Mothers of Saint - Petersburg
- . Caucasian Knot
- . Comité Tchétchénie, France
- . Memorial Human Rights Centre (Moscow, Nazran and Grozny)
- . Chechen Committee of National Salvation (CCNS)
- . Russian-Chechen Friendship Society (RCFS)
- . Union of the Soldiers' Mothers Committees

Rwanda

- . Réseau international pour la promotion et la défense des droits de l'Homme au Rwanda (RIPRODHOR)

Senegal

- . Organisation nationale des droits de l'Homme (ONDH)
- . Rencontre africaine des droits de l'Homme (RADDHO)

Serbia - Montenegro

- . Center for Anti-War Action (CAA)
- . Humanitarian Law Center (HLC)
- . Helsinki Committee for Human Rights in Serbia

Sierra Leone

- . Forum of Conscience (FOC)

South Korea (Republic of Korea)

- . Korean Confederation of Trade Union (KCTU)
- . Korean Government Employees' Union (KGEU)
- . MINBYUN- Lawyers for a Democratic Society

Sudan

- . Sudan Organization Against Torture (SOAT)

Syria

- . Comités de défense des libertés démocratiques et des droits de l'Homme en Syrie (CDF)
- . Human Rights Association in Syria (HRAS)

Tanzania

- . Legal and Human Rights Centre (LHRC)

Thailand

- . Union for Civil Liberties (UCL)

Togo

- . ACAT-Togo
- . Ligue togolaise des droits de l'Homme (LTDH)

Tunisia

- . Association de lutte contre la torture en Tunisie (ALTT)
- . Comité pour le respect des libertés et des droits de l'Homme en Tunisie (CRLDHT)
- . Conseil national pour les libertés en Tunisie (CNLT)
- . Ligue tunisienne des droits de l'Homme (LTDH)

Turkey

- . Human Rights Association (IHD)
- . Human Rights Foundation in Turkey (HRFT)

Uganda

- . Foundation for Human Rights Initiative

United States of America

- . Centre for Constitutional Rights (CCR)

Uzbekistan

- . Ezzulik
- . Human Rights Society of Uzbekistan (HRSU)
- . Internews Network (Uzbek branch)
- . Legal Aid Society (LAS)

Venezuela

- . Comité de Familiares de Víctimas del 27 de Febrero (COFAVIC)
- . Red de Apoyo por la Justicia y la Paz (REDAPOYO)
- . Observatorio Venezolano de Prisiones (OVP)
- . Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA)

Vietnam

- . Vietnam Committee for the Defence of Human Rights
- . International Buddhist Information Bureau

Zimbabwe

- . Zimbabwe Human Rights Association (ZIMRIGHTS)
- . Zimbabwe Lawyers for Human Rights (ZLHR)
- . Zimbabwe Human Rights NGO Forum

ANNEX 2

**THE OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS:
AN FIDH AND OMCT JOINT PROGRAMME**

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

With this aim, the Observatory seeks:

- a) a mechanism of systematic alert of the international community on cases of harassment and repression against defenders of human rights and fundamental freedoms, particularly when they require an urgent intervention;
- b) the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- c) international missions of investigation and solidarity
- d) a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- e) the preparation, publication and world-wide diffusion of reports on violations of the rights and freedoms of individuals or organisations, that work for human rights around the world;
- f) sustained action with the United Nations (UN) and more particularly the Special Representative of the Secretary General on Human Rights Defenders and as necessary with geographic and thematic Special Rapporteurs and Working Groups;
- g) sustained lobbying with various regional and international inter-governmental institutions, especially the African Union (AU), the Organisation of American States (OAS), the European

Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States and the International Labour Organisation (ILO).

The Observatory's activities are based on the consultation and the co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by the OMCT and FIDH:

"Each person victim or risking to be the victim of reprisals, harassment or violations, due to his compromise exercised individually or in association with others, in conformity with international instruments of protection of human rights, in favour of the promotion and realisation of rights recognised by the Universal Declaration of Human Rights and guaranteed by several international instruments".

To ensure its activities of alert and mobilisation, the Observatory has a system of communication devoted to defenders in danger.

This system, known as the Emergency Line, is accessible through:

Email : Appeals@fidh-omct.org

Tel : + 33 (0) 1 43 55 55 05 / Fax : + 33 (0) 1 43 55 18 80 (FIDH)

Tel : + 41 22 809 49 39 / Fax : + 41 22 809 49 29 (OMCT)

Animators of the Observatory

From the headquarters of FIDH (Paris) and OMCT (Geneva), the Observatory's Programme is supervised by Antoine Bernard, Executive Director of FIDH and Juliane Falloux, Deputy Executive Director, and Eric Sottas, Director of OMCT and Anne-Laurence Lacroix, Deputy Director.

At FIDH, the programme is managed by Catherine François, Programme Director of the Observatory, with the assistance of Sylvie Mostaert, Marta Kielczewska, Isabelle Brachet, Jimena Reyes, Alexandra Koulaeva, Marceau Sivieude, Stéphanie David, Seynabou Benga, Marie Camberlin, Florent Geel, Antoine Madelin, Césaria

Mukarugwiza, Gaël Grilhot, Nicolas Barreto-Diaz, Alexandra Pomeon and Bénédicte Piton.

At OMCT, the Observatory is managed by Delphine Reculeau, Programme Manager, with the assistance of Clemencia Devia Suarez, Mariana Duarte, Estefanía Guallar Ariño and Laëtitia Sedou.

The Observatory's activities are assisted by the local partners of FIDH and OMCT.

Operators of the Observatory

FIDH

The International Federation for Human Rights (FIDH) is an international nongovernmental organisation for the defence of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 141 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in more than one hundred countries. These last years the FIDH has developed with its partners organisations, an action programme for economic, social and cultural rights and for the promotion of international justice and helping victims to achieve greater justice. In recent years, FIDH has adopted legal intervention as a mode of action.

FIDH has either consultative or observer status with the United Nations, the UNESCO, the Steering Committee for Human Rights (CDDH) of the Council of Europe, the International Organisation of the Francophonie, the African Commission for Human and Peoples' Rights, the International Labour Organisation and the Commonwealth.

FIDH is also in constant and systematic contact with the European Union and the United Nations through its permanent delegations in Geneva, Brussels, The Hague and New-York. FIDH facilitates each year the access and use of existing international mechanisms to more than 200 representatives of its member organisations, and also relays and supports their activities on a daily basis.

The International Board is comprised of: Sidiki Kaba, President; Catherine Choquet, Olivier de Schuter, Driss El Yazami, Philippe Kalfayan, Luis Guillermo Perez, Secretaries general ; Philippe Vallet,

Treasurer; and of Dobian Assingar (Chad), Souhayr Belhassen (Tunisia), Akin Birdal (Turkey), Juan Carlos Capurro (Argentina), Karim Lahidji (Iran), Fatimata Mbaye (Mauritania), Siobhan Ni Chulachain (Ireland), Vilma Nuñez de Escorcía (Nicaragua), Jose Rebelo (Portugal), Raji Sourani (Palestine), Peter Weiss (United States), Pie Ntakarutimana (Burundi), Michel Tubiana (France), Alirio Uribe (Colombia), Vo Van Ai (Viet Nam), vice-presidents.

OMCT

Created in 1986, the World Organisation Against Torture (OMCT) is currently the largest international coalition of NGOs fighting against torture, summary executions, forced disappearances and all other types of cruel, inhuman or degrading treatment. It coordinates the SOS-Torture network that is made up of 282 non-governmental organisations in more than 90 countries and seeks to strengthen and accompany their activities on the field. The structure of the SOS-Torture network has allowed OMCT to reinforce local activity while favouring the access of national NGOs to international institutions. Support is granted to individual victims or potential victims of torture through urgent campaigns (notably in favour of children, women, and human rights defenders) and urgent legal, social and medical assistance. It is also more general in nature, through the submission of reports to the various United Nations mechanisms.

A delegation of the International Secretariat has been appointed to promote activities in Europe. OMCT has either consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the International Labour Organisation (ILO), the International Organisation of the Francophonie, the African Commission on Human and Peoples' Rights and the Council of Europe.

Its Executive Council is composed of: Elisabeth Reusse-Decrey, President, Denis von der Weid, Vice-President, Olivier Mach, Vice-President, Anna Biondi, Yves Berthelot, José Domingo Dougan Beaca, Treasurer, Catherine Fauchier-Magnan, José Figueiredo, Alphonse Mac Donald, Florence Notter, Pascal O'Neill, Christine Sayegh, Katherine Shiraishi and Anthony Travis. Delegates Assembly, elected in December 2001, is composed of twenty three members. For Africa: Madeleine Afite, Innocent Chukwuma, Aminata Dieye, Osman Hummida and Guillaume Ngefa; for Latin America: Ernesto

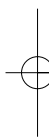
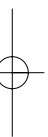
Alayza Mujica, Helio Bicudo, Alberto León Gómez, and Alicia Pérez Duarte; for North America: Al Bronstein, for Asia: Joseph Gathia, Ravi Nair, Elisabeth P. Protacio and Khalida Salima; for Europe: Panayote Elias Dimitras, Nazmi Gür, Hélène Jaffe, Tinatin Khidasheli and Frauke Seidensticker; for North Africa and Middle East: Mohammad Abu-Harthieh, Hassam Moosa, Radhia Nasraoui and Lea Tsemel.

Thanks

The Observatory wishes to thank for their support the Swedish International Development Cooperation Agency (SIDA), the French Ministry of Foreign Affairs, the Inter-governmental Agency of the Francophonie, the Royal Ministry of Foreign Affairs of Norway, the Finnish Ministry of Foreign Affairs, OAK Foundation, along with all the persons, national and international organisations, intergovernmental organisations and media which responded to the Observatory's requests and supported its actions.

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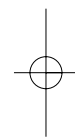
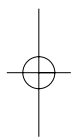




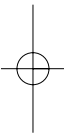
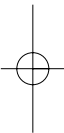
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INTERNATIONAL AND REGIONAL PROTECTION



**DECLARATION ON HUMAN RIGHTS DEFENDERS
ADOPTED BY THE GENERAL ASSEMBLY
OF THE UNITED NATIONS
DECEMBER 9, 1998**

General Assembly resolution 53/144

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, See Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23), chap. II, sect. A. in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, Resolution 217 A (III).

1. Adopts the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect

Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. Invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of Human Rights: A Compilation of International Instruments.

85th plenary meeting - 9th December 1998

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from

the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1 - Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3 - Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework

within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4 - Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5 - For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6 - Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7 - Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

- (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
- (b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10 - No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11 - Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in

reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13 - Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15 - The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16 - Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17 - In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19 - Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20 - Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

INTERNATIONAL PROTECTION (UN)
**MANDATE AND ACTIVITIES OF THE SPECIAL
REPRESENTATIVE OF THE UN SECRETARY GENERAL
ON HUMAN RIGHTS DEFENDERS**

Resolution on Human Rights Defenders adopted by the United Nations Commission on Human Rights on 26 April 2000, during the 56th session¹

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reiterating the importance of this Declaration and its promotion and implementation,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of all human rights and fundamental freedoms,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are often subjected to threats, harassment, insecurity, arbitrary detention and extra-judicial executions,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/95) on ways for effective promotion and implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally

1. Resolution E/CN.4/RES/2000/61.

Recognized Human Rights and Fundamental Freedoms, submitted pursuant to Commission resolution 1999/66 of 28 April 1999;

2. Calls upon all States to promote and give effect to the Declaration;

3. Requests the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration; the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations;

4. Urges all Governments to cooperate with and assist the Special Representative of the Secretary-General in the performance of his or her tasks and to furnish all information in the fulfilment of his or her mandate upon request;

5. Requests the Secretary-General to provide the Special Representative with all necessary assistance, in particular the staff and resources deemed necessary to fulfil his or her mandate;

6. Requests the Special Representative to submit annual reports on his/her activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities;

7. Decides to consider this question at its fifty-seventh session under the agenda item entitled "Promotion and protection of human rights".

[...]

*(Adopted by a roll-call vote
of 50 votes to none, with 3 abstentions)*

Nomination of the Special Representative

On 18 August 2000, Mrs. Hina Jilani from Pakistan was appointed as Special Representative of the UN Secretary General on Human Rights Defenders

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THE PROTECTION OF HUMAN RIGHTS DEFENDERS
WITHIN THE AFRICAN UNION (AU)

**Resolution on the appointment of a Special Rapporteur
on human rights defenders in Africa, adopted by the General
Assembly, during its 38th Ordinary Session, held from 21st
November to 5th December 2005 in Banjul, The Gambia**

The General Assembly,

Recalling its mandate to promote human and peoples' rights and ensure their protection in Africa under the African Charter on Human and Peoples' Rights;

Mindful that in the Grand Bay (Mauritius) Declaration and Plan of Action, the Organisation of African Unity (African Union) called on Member States "to take appropriate steps to implement the UN Declaration on Human Rights Defenders in Africa";

Reaffirming the importance of the observance of the purposes and principles of the African Charter for the promotion and protection of all human rights and fundamental freedoms;

Reaffirming the commitment of the African Commission on Human and Peoples' Rights in the promotion and protection of the rights of human rights defenders;

Recognising the crucial contribution of the work of human rights defenders in promoting human rights, democracy and the rule of law in Africa;

Recalling the Resolution adopted at the 35th Ordinary Session held from 21 May to 4 June 2004 in Banjul, The Gambia by which the African Commission appointed the Special Rapporteur on Human Rights Defenders in Africa;

Considering that the term of Mrs. Jainaba Johm as a Member of the African Commission came to an end along with her mandate as Special Rapporteur on the 21 November 2005;

Appreciating the work that Mrs. Jainaba Johm has done as Special Rapporteur for Human Rights Defenders;

Emphasizing the importance of the work of the Special Rapporteur as regards the search for solutions to the problems arising from the protection of human rights defenders;

Decides to appoint Commissioner Reine Alapini-Gansou as the Special Rapporteur on Human Rights Defenders in Africa for a period of two years effective 5th December 2005.

**THE PROTECTION OF HUMAN RIGHTS DEFENDERS
WITHIN THE ORGANIZATION OF THE AMERICAN STATES
(OAS)**

**Press release on the creation of the “Special Unit on
Defenders” within the Inter-American Commission on Human
Rights (IACHR), 7th December 2001²**

The Executive Secretary of the Inter-American Commission on Human Rights (IACHR), Dr. Santiago A. Canton, decided to create a Human Rights Defenders Functional Unit within the Office of the Executive Secretary to coordinate the activities of the Executive Secretariat in this field.

The Unit's main function will be to receive information regarding the situation of human rights defenders in the Hemisphere, keep in touch with nongovernmental and governmental organizations, and coordinate the work of the Executive Secretariat with regard to human rights defenders in the Americas.

This initiative takes into account resolution AG/RES. 1818 (XXXI-O/01), adopted by the General Assembly of the OAS at its thirty-first regular session, which requests the Inter-American Commission on Human Rights to continue to pay due attention to the situation of human rights defenders in the Americas and to consider preparing a comprehensive study in this area, which, inter alia, describes their work, for study by the pertinent political authorities.

The Executive Secretary said this was an important step to protect the rights of those whose fundamental mission it is to defend the human rights of all human beings disinterestedly, risking their own lives and safety in the process.

Any communication may be sent to IACHR headquarters or by e-mail to CIDHDefensores@oas.org or fax : + 1 202 458 39 92.

2. Press Release no. 32/01. www.oas.org/OASpage/press2002/sp/año09/año2001/diciembre01/CIDH12701-32.htm

Resolution AG/RES 2036 (XXXIV-O/04) adopted by the General Assembly of the OEA, on 8th June 2004

“Human rights defenders in the Americas: support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas”³

The General Assembly,

Having seen the Annual Report of the Permanent Council to the General Assembly (AG/doc.4265/04 add. 3 corr. 1) as it pertains to this topic and resolution AG/RES. 1920 (XXXIII-O/03), “Human Rights Defenders: Support for the Individuals, Groups, and Civil Society Organizations Working to Promote and Protect Human Rights in the Americas”;

Concerned that situations persist in the Americas that, directly or indirectly, prevent or hamper the work of individuals, groups, or organizations working to protect and promote fundamental rights;

Considering that member states support the work carried out by human rights defenders and recognize their valuable contribution to the promotion, observance, and protection of human rights and fundamental freedoms in the Americas, and to the representation and defense of individuals, minorities, and other groups of persons whose rights are threatened or violated;

Taking note that in 2003, in its decisions granting provisional measures, the Inter-American Court of Human Rights highlighted the importance of the work of human rights defenders to the development of democracies in the Americas;

Taking into account the work accomplished by the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights and the member states’ replies to the questionnaire drawn up by that unit with a view to preparing a comprehensive report on the subject; and

Underscoring that the performance by human rights defenders of their tasks contributes actively to strengthening democratic institutions and improving national human rights systems,

3. www.oea.org/default.htm

Resolves:

1. To reiterate its support for the work carried out, at both the national and regional levels, by human rights defenders; and to recognize their valuable contribution to the promotion, observance, and protection of human rights and fundamental freedoms in the Hemisphere.

2. To condemn actions that directly or indirectly prevent or hamper the work of human rights defenders in the Americas.

3. To encourage human rights defenders to continue to work selflessly for the enhancement of national human rights systems for the consolidation of democracy, in accordance with the principles contained in the United Nations Declaration on Human Rights Defenders.

4. To urge member states to continue stepping up their efforts to adopt the necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders, and to conduct thorough and impartial investigations in all cases of violations against human rights defenders, ensuring that the findings thereof are transparent and publicized.

5. To invite the Inter-American Commission on Human Rights (IACHR) to conclude its comprehensive report on the situation of human rights defenders in the Americas, in keeping with resolution AG/RES. 1842 (XXXII-O/02), for presentation to the Permanent Council and consideration, if possible, in the second half of 2004.

6. To request the IACHR to:

- a. Continue to give due consideration to this matter at the level it deems appropriate;
- b. Continue intensifying its dialogue and cooperation with the Special Representative of the United Nations Secretary-General on Human Rights Defenders; and
- c. Include in its annual report a section on the work of the Unit for Human Rights Defenders of the IACHR.

7. To invite member states to promote the dissemination and enforcement of the instruments of the inter-American system and the decisions of its bodies on this matter, as well as the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

8. To invite member states to consider the preparation and implementation of national plans to apply the principles contained in the United Nations Declaration mentioned in the preceding paragraph, for which purpose they may also request the advisory services of the IACHR.

9. To urge member states that have not yet done so to reply to the questionnaire prepared by the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights.

10. To request the Permanent Council to report to the General Assembly at its thirty-fifth regular session on the implementation of this resolution, which will be carried out in accordance with the resources allocated in the program-budget of the Organization and other resources.

THE PROTECTION OF HUMAN RIGHTS DEFENDERS WITHIN THE EUROPEAN UNION (EU)

Ensuring Protection – European Union Guidelines on Human Rights Defenders³

I. Purpose

1. Support for human rights defenders is already a long established element of the European Union's human rights external relations policy. The purpose of these Guidelines is to provide practical suggestions for enhancing EU action in relation to this issue. The Guidelines can be used in contacts with third countries at all levels as well as in multi-lateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the Union for human rights defenders at risk and suggest practical means to support and assist human rights defenders. An important element of the Guidelines is support for the Special Procedures of the UN Commission on Human Rights, including the UN Special Representative on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The Guidelines will assist EU Missions (Embassies and Consulates of EU Member States and European Commission Delegations) in their approach to human rights defenders. While addressing specific concerns regarding human rights defenders is their primary purpose, the Guidelines also contribute to reinforcing the EU's human rights policy in general.

II. Definition

2. For the purpose of defining human rights defenders for these Guidelines operative paragraph 1 of the "UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to

4. These Guidelines were adopted by the Council of the European Union on 15 June 2004.

Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms” (see Annexe I), which states that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels” is drawn upon.

3. Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities. The definition does not include those individuals or groups who commit or propagate violence.

III. Introduction

4. The EU supports the principles contained in the Declaration on the Right and responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Although the primary responsibility for the promotion and protection of human rights lies with states, the EU recognises that individuals, groups and organs of society all play important parts in furthering the cause of human rights.

The activities of human rights defenders include:

- documenting violations;
- seeking remedies for victims of such violations through the provision of legal, psychological, medical or other support; and
- combating cultures of impunity which serve to cloak systematic and repeated breaches of human rights and fundamental freedoms.

5. The work of human rights defenders often involves criticism of government’s policies and actions. However, governments should not see this as a negative. The principle of allowing room for independence of mind and free debate on a government’s policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights. Human rights defenders can assist governments in promoting and protecting human rights. As part of consultation processes they can play a key role in helping to draft

appropriate legislation, and in helping to draw up national plans and strategies on human rights. This role too should be recognised and supported.

6. The EU acknowledges that the activities of Human Rights Defenders have over the years become more recognised. They have increasingly come to ensure greater protection for the victims of violations. However, this progress has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes it is important to ensure the safety and protect the rights of human rights defenders. In this regard it is important to apply a gender perspective when approaching the issue of human rights defenders.

IV. Operational Guidelines

7. The operational part of the Guideline is meant to identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries, within the context of the Common Foreign and Security Policy.

Monitoring, reporting and assessment

8. EU Heads of Mission are already requested to provide periodic reports on the human rights situation in their countries of accreditation. The Council Working Party on Human Rights (COHOM) has recently approved the outline of fact sheets to facilitate this task. In line with these fact sheets Missions should address the situation of human rights defenders in their reporting, noting in particular the occurrence of any threats or attacks against human rights defenders. In this contexts HoMs should be aware that the institutional framework can have a major impact on the ability of human rights defenders to undertake their work in safety. Issues such as legislative, judicial, administrative or other appropriate measures, undertaken by States to protect persons against any violence, threats retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of any of the rights referred to the UN Declaration on Human Rights Defenders are all relevant in this regard. Where it is called for, HoMs should make recommendations to COHOM for possible EU actions, including condemnation of threats and attacks against human rights defenders,

as well as for demarches and public statements where human rights defenders are at immediate or serious risk. HoMs should also report on the effectiveness of EU actions in their reports.

9. The HoMs reports and other relevant information, such as reports and recommendations from the Special Representative of the Secretary General for Human Rights Defenders, UN Special Rapporteurs and Treaty Bodies as well as non-governmental organisations, will enable COHOM and other relevant working parties, to identify situations where EU actions are called upon and decide actions to be taken or, where appropriate, make recommendations for such action to PSC / Council.

Role of EU Missions in supporting and protecting human rights defenders

10. In many third countries EU Missions (Embassies of EU Member States and European Commission Delegations) are the primary interface between the Union and its Member States and human rights defenders on the ground. They therefore have an important role to play in putting into practice the EU's policy towards human rights defenders. EU Missions should therefore seek to adopt a proactive policy towards human rights defenders. They should at the same time be aware that in certain cases EU action could lead to threats or attacks against human rights defenders. They should therefore where appropriate consult with human rights defenders in relation to actions which might be contemplated. Measures that EU Missions could take include:

- co-ordinating closely and sharing information on human rights defenders, including those at risk;
- maintaining, suitable contacts with human rights defenders, including by receiving them in Missions and visiting their areas of work, consideration could be given to appointing specific liaison officers, where necessary on a burden sharing basis, for this purpose;
- providing, as and where appropriate, visible recognition to human rights defenders, through the use of appropriate publicity, visits or invitations;
- attending and observing, where appropriate, trials of human rights defenders.

Promotion of respect for human rights defenders in relations with third countries and in multilateral fora

11. The EU's objective is to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-state actors. In its contacts with third countries, the EU will, when deemed necessary, express the need for all countries to adhere to and comply with the relevant international norms and standards, in particular the UN Declaration. The overall objective should be to bring about an environment where human rights defenders can operate freely. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the protection of human rights defenders. Actions in support of these objectives will include:

- where the Presidency, or the High Representative for the CFSP or EU Special Representatives and Envoys, or European Commission are making country visits they will, where appropriate, include meetings with, and raising individual cases of, human rights defenders as an integral and part of their visits to third countries;
- the human rights component of political dialogues between the EU and third countries and regional organisations, will, where relevant, include the situation of human rights defenders. The EU will underline its support for human rights defenders and their work, and raise individual cases of concern whenever necessary;
- working closely with other like minded countries with similar views notably in the UN Commission on Human Rights and the UN General Assembly;
- promoting the strengthening of existing regional mechanisms for the protection of human rights defenders, such as the focal point on human rights defenders of the African Commission on Human and Peoples' Rights and the special Human Rights Defenders Unit within the Inter-American Commission on Human Rights, and the creation of appropriate mechanisms in regions where they do not exist.

Support for Special Procedures of the UN Commission on Human Rights, including the Special Representative on Human Rights Defenders

12. The EU recognises that the Special Procedures of the UN Commission on Human Rights (Special Rapporteurs, Special Representatives, Independent Experts and Working Groups) are vital to international efforts to protect human rights defenders because of their independence and impartiality; their ability to act and speak out on violations against human rights defenders worldwide and undertake country visits. While the Special Representative for Human Rights Defenders has a particular role in this regard the mandates of other Special Procedures are also of relevance to human rights defenders. The EU's actions in support of the Special Procedures will include:

- encouraging states to accept as a matter of principle requests for country visits by UN Special Procedures;
- promoting via EU Missions, the use of UN thematic mechanisms by local human rights communities and human rights defenders including, but not limited to facilitating the establishment of contacts with, and exchange information between, thematic mechanisms and human rights defenders;
- since the Special Procedures are unable to carry out their mandate in the absence of adequate resources, EU Member States will support the allocation of sufficient funds from the general budget to the Office of the High Commissioner for Human Rights.

Practical supports for Human Rights Defenders including through Development Policy

13. Programmes of the European Community and Member States aimed at assisting in the development of democratic processes and institutions, and the promotion and protection of human rights in developing countries are among a wide range of practical supports for assisting human rights defenders. These can include but are not necessarily limited to the development co-operation programmes of Member States. Practical supports can include the following:

- bi-lateral human rights and democratisation programmes of the European Community and Member States should take further account of the need to assist the development of democratic processes and institutions, and the promotion and protection of

- human rights in developing countries by, inter alia, supporting human rights defenders through such activities as capacity building and public awareness campaigns;
- by encouraging and supporting the establishment, and work, of national bodies for the promotion and protection of human rights, established in accordance with the Paris Principles, including, National Human Rights Institutions, Ombudsman's Offices and Human Rights Commissions.
- assisting in the establishment of networks of human rights defenders at an international level, including by facilitating meetings of human rights defenders;
- seeking to ensure that human rights defenders in third countries can access resources, including financial, from abroad;
- by ensuring that human rights education programmes promote, inter alia, the UN Declaration on Human Rights Defenders.

Role of Council Working Parties

14. In accordance with its mandate COHOM will keep under review the implementation and follow-up to the Guidelines on Human Rights Defenders in close co-ordination and cooperation with other relevant Council Working Parties. This will include:

- promoting the integration of the issue of human rights defenders into relevant EU policies and actions;
- undertaking reviews of the implementation of the Guidelines at appropriate intervals;
- continuing to examine, as appropriate, further ways of co-operating with UN and other international and regional mechanisms in support of human rights defenders.
- Reporting to Council, via PSC and COREPER, as appropriate on an annual basis on progress made towards implementing the Guidelines.

ANNEXES

ANNEX 1

PARTNER ORGANISATIONS AND CONTRIBUTORS

International NGOs

- . Agir ensemble pour les droits de l'Homme
- . Amnesty International
- . Committee to Protect Journalists (CPJ)
- . Fédération internationale d'action des chrétiens pour l'abolition de la torture (FIA-CAT)
- . Foundation Martin Ennals
- . Forefront
- . Frontline
- . Human Rights First
- . Human Rights House
- . Human Rights Watch (HRW)
- . International Commission of Jurists (ICJ)
- . International Confederation of Free Trade Unions (ICFTU)
- . International Federation of Journalists (IFJ)
- . International Freedom of Expression Exchange (IFEX)
- . International Gay and Lesbian Association (ILGA)
- . International Gay and Lesbian Human Rights Commission (IGLHRC)
- . International Helsinki Federation (IHF)
- . International League for Human Rights (ILHR)
- . International Service for Human Rights (ISHR)
- . Peace Brigades International (PBI)
- . Reporters Without Borders (RSF)
- . World Confederation of Labour (WCL)
- . 11.11.11

Regional NGOs

Africa

- . Afronet
- . African Centre for Human Rights
- . Union interafricaine des droits de l'Homme (UIDH)

Americas

- . Central Latinoamericana de Trabajadores (CLAT)
- . Centro por la Justicia y el Derecho Internacional (CEJIL)
- . Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)
- . Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM)
- . Enlace Mapuche Internacional

- . Fundação Interamericana de Defesa dos Direitos Humanos (FIDDH)
- . Observatorio Control Interamericano de los Derechos de los y las Migrantes (OCIM)
- . One World América Latina
- . Organización Regional Interamericana de Trabajadores (ORIT)
- . Osservatorio Informativo Indipendente sulla Regione Andina e il Latinoamerica (SELVAS), Italia
- . Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)

Asia

- . Asian Center for the Progress of Peoples (ACPP)
- . Asian Federation Against Involuntary Disappearances (AFAD)
- . Asian Forum for Human Rights and Development (Forum Asia)
- . South Asian Human Rights Documentation Centre (SAHRDC)

Europe

- . Equipo Nizkor

North Africa / Middle East

- . Euro-Mediterranean Human Rights Network (EMHRN)

National NGOs**Algeria**

- . Association des familles de disparus en Algérie
- . Collectif des familles de disparus en Algérie
- . Coordination nationale des familles de disparus (CNFD)
- . Ligue algérienne de défense des droits de l'Homme (LADDH)
- . SOS disparus

Argentina

- . Centro de Estudios Legales y Sociales (CELS)
- . Comité de Acción Jurídica (CAJ)
- . Liga Argentina por los Derechos del Hombre (LADH)
- . Servicio Paz y Justicia (SERPAJ)

Azerbaijan

- . Azerbaijani Committee of the Helsinki Citizen's Assembly
- . Center for the Protection of Conscience and Religious Freedom (DEVAMM)
- . Human Rights Center of Azerbaijan (HRCA)

Bahrain

- . Bahrain Centre for Human Rights (BCHR)
- . Bahrain Society for Human Rights (BHRS)

Bangladesh

- . Ain Oshalish Kendra
- . Bangladesh Rehabilitation Centre for the Victims of Torture (BRCT)
- . Human Rights Congress for Bangladesh Minorities (HRCBM)
- . ODIKHAR
- . PRIP Trust

Belarus

- . Helsinki Committee for Human Rights
- . Viasna

Bhutan

- . Peoples Forum for Human Rights and Development (PFHRD)
(based in Katmandu, Nepal)

Bolivia

- . Asamblea Permanente de Derechos Humanos (APDHB)
- . Centro de Estudios Jurídicos e Investigación Social (CEJIS)
- . Equipo Nizkor

Bosnia-Herzegovina

- . Helsinki Committee for Human Rights

Brazil

- . ACAT-Brasil
- . Centro de Defesa da Criança e do Adolescente Yves de Roussan (CEDECA / BA)
- . Centro de Justiça Global (JC)
- . Comissão Pastoral da Terra (CPT)
- . Consejo Indigenista Misionero (CIMI)
- . Federación de los Trabajadores de la Agricultura (FETAGRI)
- . Movimento dos Trabalhadores Rurais Sem Terra (MST)
- . Movimento Nacional dos Direitos Humanos (MNDH)
- . Terra de Direitos

Burkina Faso

- . Mouvement burkinabé des droits de l'Homme et des peuples (MBDHP)

Burundi

- . Centre indépendant de recherche et d'initiatives pour le dialogue (CIRID)
- . Ligue burundaise des droits de l'Homme (ITEKA)

Cambodia

- . Cambodian Centre of Human Rights (CCHR)
- . Cambodian League for the Promotion and Defence of Human Rights (LICADHO)

Cameroon

- . ACAT-Cameroun
- . Human Rights Defence Group
- . Mouvement pour la défense des droits de l'Homme et des libertés (MDDHL)
- . Maison des droits de l'Homme du Cameroun

Central African Republic

- . Ligue centrafricaine des droits de l'Homme (LCDH)
- . Organisation pour la compassion des familles en détresse (OCODEFAD)

Chad

- . Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDDH)
- . Collectif des associations de défense des droits de l'Homme (CADH)
- . Ligue tchadienne des droits de l'Homme (LTDH)

Chile

- . Corporación de Promoción y de Defensa de los Derechos del Pueblo (CODEPU)
- . Observatorio de Derechos de los Pueblos Indígenas

China

- . Human Rights in China (HRIC), based in USA
- . Chinese Rights Defenders (CRD)

Colombia

- . Asamblea Permanente de la Sociedad Civil por la Paz
- . Asociación de Educadores de Arauca (ASEDAR)
- . Asociación de Institutores de Antioquia (ADIDA)
- . Asociación Nacional de Ayuda Solidaria (ANDAS)
- . Asociación Nacional de Usuarios Campesinos - Unidad y Reconstrucción (ANUC - UR)
- . Central Unitaria de Trabajadores (CUT)
- . Colombia Campesina
- . Comisión Colombiana de Juristas (CCJ)
- . Comisión Intereclesial de Justicia y Paz
- . Comité Permanente por la Defensa de Derechos Humanos (CPDH)
- . Comité Permanente para la Defensa de los Humanos "Héctor Abad Gómez"
- . Comunidad de Paz de San José de Apartado
- . Corporación Colectiva de Abogados "José Alvear Restrepo" (CCAJAR)
- . Corporación Jurídica Libertad
- . Corporación para la Defensa y Promoción de los Derechos Humanos (REINICIAR)
- . Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)
- . Corporación Social para la Asesoría y Capacitación Comunitaria (COSPACC)
- . Escuela Nacional Sindical de Colombia (ENS)
- . Federación Nacional Sindical Unitaria Agropecuaria (FENSUAGRO - CUT)
- . Fundación Comité de Solidaridad con los Presos Políticos (FCSP)
- . Organización Femenina Popular (OFP)
- . Organización Internacional de Derechos Humanos - Acción Colombia (OIDHACO)
- . Sindicato Nacional de Trabajadores de las Industrias de Alimentos (SINALTRAINAL)
- . Union Sindical Obrera (USO)

Congo (Democratic Republic of)

- . Association africaine de défense des droits de l'Homme (ASADHO)
- . Centre des droits de l'Homme et du droit humanitaire (CDH)
- . Collectif des associations de défense des droits de l'Homme
- . Comité des observateurs des droits de l'Homme (CODHO)
- . Coordination des actions de promotion de la paix et des droits de l'humain (CAPDH)
- . Groupe évangélique pour la non-violence (GANVE)
- . Groupe Lotus
- . Héritiers de la Justice
- . Journalistes en danger (JED)
- . Justice et libération
- . Justice Plus
- . Les Amis de Nelson Mandela (ANM)
- . Ligue des électeurs (LE)
- . Observatoire congolais des droits humains (OCDH)

- . Solidarité Katangaise
- . Voix des sans voix (VSV)

Côte d'Ivoire

- . Ligue ivoirienne des droits de l'Homme (LIDHO)
- . Mouvement ivoirien des droits humains (MIDH)

Cuba

- . Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)
- . Coalición de Mujeres Cubano-Americanas
- . Directorio Democrático Cubano
- . Fundación Cubana de Derechos Humanos

Djibouti

- . Ligue djiboutienne des droits de l'Homme (LDDH)
- . Union des travailleurs du port (UTP)

Ecuador

- . Asamblea Permanente de Derechos Humanos (APDH)
- . Centro de Documentación de Derechos Humanos "Segundo Montez Mozo" (CSMM)
- . Comisión Ecuemenica de Derechos Humanos (CEDHU)
- . Confederación de Nacionalidades Indígenas del Ecuador (CONAIE)
- . Fundación Regional de Asesoría en Derechos Humanos (INREDH)

Egypt

- . Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP)
- . Arab Program for Human Rights Activists (APHRA)
- . Egyptian Organisation for Human Rights (EOHR)
- . Hisham Mubarak Center for Law
- . Nadeem Center

El Salvador

- . Comisión de Derechos Humanos de El Salvador (CEDHES)

Ethiopia

- . Action Aid Ethiopia
- . Ethiopian Human Rights Council (EHRCO)
- . Ethiopian Free Press Journalists' Association (EFJA)
- . Ethiopian Teachers' Association (ETA)

Gambia

- . Gambian Press Union

Georgia

- . Human Rights Information and Documentation Centre (HRIDC)

Greece

- . Greek Helsinki Monitor (GHM)
- . Centre for Research and Action on Peace (KEDE - Stop Now)

Guatemala

- . Casa Alianza

- . Central General de Trabajadores de Guatemala (CGTG)
- . Centro de Acción Legal en Derechos Humanos (CALDH)
- . Comisiatura de los Derechos Humanos de Guatemala
- . Coordinación de ONG y Cooperativas (CONGCOOP)
- . Coordinadora Nacional de Organizaciones Campesinas (CNOC)
- . Grupo de Apoyo Mutuo (GAM)
- . Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio (H.I.J.O.S - Guatemala)
- . Movimiento Nacional por los Derechos Humanos de Guatemala (MNDH)

Haiti

- . Comité des avocats pour le respect des libertés individuelles (CARLI)

Honduras

- . Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y su familiares (CPTRT)
- . Comité de Familiares de Detenidos-Desaparecidos en Honduras (COFADEH)
- . Comité para la Defensa de los Derechos Humanos (CODEH)

India

- . Centre pour l'organisation de la recherche et de l'éducation (CORE)
- . People's Union for Civil Liberties (PUCL)
- . People's Watch - Tamil Nadu

Indonesia

- . KONTRAS Aceh

Iran

- . Defenders of Human Rights Center (DHRC)
- . Ligue pour la Défense des Droits de l'Homme en Iran (LDDHI)

Israel

- . ACRI
- . Adalah
- . B'Tselem
- . Palestinian Human rights Monitoring Group (PHRMG)
- . Palestinian Human Rights Information Centre (PHRIC)
- . Public Committee Against Torture in Israel (PCATI)

Kazakhstan

- . Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR)

Kenya

- . Kenyan Human Rights Commission (KHRC)
- . International Commission of Jurists (ICJ-Kenya)

Kyrgyzstan

- . Bureau on Human Rights and Law
- . Kyrgyz Committee for Human Rights (KCHR)

Lebanon

- . Frontiers Center
- . Palestinian Human Rights Organisation (PHRO)
- . Soutien aux Libanais détenus arbitrairement (SOLIDA)

Liberia

- . Liberia Watch for Human Rights (LWHR)

Libya

- . Libyan League for Human Rights

Malaysia

- . Suara Rakyat Malaysia (Suaram)

Mauritania

- . Association mauritanienne des droits de l'Homme (AMDH)
- . Forum des organisations nationales de défense des droits de l'Homme (FONADH)
- . SOS Esclaves

Mexico

- . Centro de Derechos Humanos "Fray Bartolomé de Las Casas"
- . Centro de Derechos Humanos "Miguel Agustín Pro Juárez", AC
- . Colectivo contra la Tortura y la Impunidad (CCTI)
- . Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
- . Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
- . Servicio Internacional para la Paz (SIPAZ)

Morocco

- . Asociación de Familiares de Presos y Desaparecidos Saharais (AFAPREDESA), based in Spain
- . Association marocaine des droits humains (AMDH)
- . Forum marocain Vérité Justice (FMVJ)
- . Organisation marocaine des droits humains (OMDH)

Nepal

- . Advocacy Forum Nepal
- . Centre for Victims of Torture (CVICT)
- . Informal Sector Service Center (INSEC)
- . National Society for Human Rights (NSHR)

Nicaragua

- . Centro Nicaragüense de Derechos Humanos (CENIDH)

Niger

- . Association nigérienne de défense des droits de l'Homme (ANDDH)
- . Collectif des organisations de défense des droits de l'Homme et de la démocratie au Niger (CODDH)
- . Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques (CROISADE)
- . Comité national de coordination de la Coalition équité / qualité contre la vie chère au Niger
- . Timidria

Nigeria

- . Civil Liberties Organisation (CLO)
- . CLEEN Foundation

Northern Ireland

- . Committee on the Administration of Justice (CAJ)

Occupied Palestinian Territories

- . Addameer
- . Al-Haq
- . Al-Mezan Centre for Human Rights
- . DCI - Palestine (Defence of Children International)
- . Palestinian Centre for Human Rights (PCHR)

Pakistan

- . Human Rights Commission of Pakistan (HRCP)
- . Human Rights Education Forum Pakistan (HREF)
- . National Commission for Justice and Peace, branch of Pakistan

Peru

- . Asociación Pro Derechos Humanos (APRODEH)
- . Comisión de Derechos Humanos (COMISEDH)
- . Coordinadora Nacional de Derechos Humanos (CNDDHH)
- . Fundación Ecueménica para el Desarrollo y la Paz (FEDEPAZ)

Philippines

- . Alliance for the Advancement of People's Rights (KARAPATAN)
- . May First Labour Centre (Kilusang Mayo Uno - KМУ)
- . Philippine Alliance of Human Rights Advocates (PAHRA)
- . PREDA Foundation
- . Task Force Detainees of the Philippines (TFDP)

Russian Federation

- . Association of the Soldiers' Mothers of Saint - Petersburg
- . Caucasian Knot
- . Comité Tchétchénie, France
- . Memorial Human Rights Centre (Moscow, Nazran and Grozny)
- . Chechen Committee of National Salvation (CCNS)
- . Russian-Chechen Friendship Society (RCFS)
- . Union of the Soldiers' Mothers Committees

Rwanda

- . Réseau international pour la promotion et la défense des droits de l'Homme au Rwanda (RIPRODHOR)

Senegal

- . Organisation nationale des droits de l'Homme (ONDH)
- . Rencontre africaine des droits de l'Homme (RADDHO)

Serbia - Montenegro

- . Center for Anti-War Action (CAA)
- . Humanitarian Law Center (HLC)
- . Helsinki Committee for Human Rights in Serbia

Sierra Leone

- . Forum of Conscience (FOC)

South Korea (Republic of Korea)

- . Korean Confederation of Trade Union (KCTU)
- . Korean Government Employees' Union (KGEU)
- . MINBYUN- Lawyers for a Democratic Society

Sudan

- . Sudan Organization Against Torture (SOAT)

Syria

- . Comités de défense des libertés démocratiques et des droits de l'Homme en Syrie (CDF)
- . Human Rights Association in Syria (HRAS)

Tanzania

- . Legal and Human Rights Centre (LHRC)

Thailand

- . Union for Civil Liberties (UCL)

Togo

- . ACAT-Togo
- . Ligue togolaise des droits de l'Homme (LTDH)

Tunisia

- . Association de lutte contre la torture en Tunisie (ALTT)
- . Comité pour le respect des libertés et des droits de l'Homme en Tunisie (CRLDHT)
- . Conseil national pour les libertés en Tunisie (CNLT)
- . Ligue tunisienne des droits de l'Homme (LTDH)

Turkey

- . Human Rights Association (IHD)
- . Human Rights Foundation in Turkey (HRFT)

Uganda

- . Foundation for Human Rights Initiative

United States of America

- . Centre for Constitutional Rights (CCR)

Uzbekistan

- . Ezzulik
- . Human Rights Society of Uzbekistan (HRSU)
- . Internews Network (Uzbek branch)
- . Legal Aid Society (LAS)

Venezuela

- . Comité de Familiares de Víctimas del 27 de Febrero (COFAVIC)
- . Red de Apoyo por la Justicia y la Paz (REDAPOYO)
- . Observatorio Venezolano de Prisiones (OVP)
- . Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA)

Vietnam

- . Vietnam Committee for the Defence of Human Rights
- . International Buddhist Information Bureau

Zimbabwe

- . Zimbabwe Human Rights Association (ZIMRIGHTS)
- . Zimbabwe Lawyers for Human Rights (ZLHR)
- . Zimbabwe Human Rights NGO Forum

ANNEX 2

**THE OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS:
AN FIDH AND OMCT JOINT PROGRAMME**

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

With this aim, the Observatory seeks:

- a) a mechanism of systematic alert of the international community on cases of harassment and repression against defenders of human rights and fundamental freedoms, particularly when they require an urgent intervention;
- b) the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- c) international missions of investigation and solidarity
- d) a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- e) the preparation, publication and world-wide diffusion of reports on violations of the rights and freedoms of individuals or organisations, that work for human rights around the world;
- f) sustained action with the United Nations (UN) and more particularly the Special Representative of the Secretary General on Human Rights Defenders and as necessary with geographic and thematic Special Rapporteurs and Working Groups;
- g) sustained lobbying with various regional and international inter-governmental institutions, especially the African Union (AU), the Organisation of American States (OAS), the European

Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States and the International Labour Organisation (ILO).

The Observatory's activities are based on the consultation and the co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by the OMCT and FIDH:

"Each person victim or risking to be the victim of reprisals, harassment or violations, due to his compromise exercised individually or in association with others, in conformity with international instruments of protection of human rights, in favour of the promotion and realisation of rights recognised by the Universal Declaration of Human Rights and guaranteed by several international instruments".

To ensure its activities of alert and mobilisation, the Observatory has a system of communication devoted to defenders in danger.

This system, known as the Emergency Line, is accessible through:

Email : Appeals@fidh-omct.org

Tel : + 33 (0) 1 43 55 55 05 / Fax : + 33 (0) 1 43 55 18 80 (FIDH)

Tel : + 41 22 809 49 39 / Fax : + 41 22 809 49 29 (OMCT)

Animators of the Observatory

From the headquarters of FIDH (Paris) and OMCT (Geneva), the Observatory's Programme is supervised by Antoine Bernard, Executive Director of FIDH and Juliane Falloux, Deputy Executive Director, and Eric Sottas, Director of OMCT and Anne-Laurence Lacroix, Deputy Director.

At FIDH, the programme is managed by Catherine François, Programme Director of the Observatory, with the assistance of Sylvie Mostaert, Marta Kielczewska, Isabelle Brachet, Jimena Reyes, Alexandra Koulaeva, Marceau Sivieude, Stéphanie David, Seynabou Benga, Marie Camberlin, Florent Geel, Antoine Madelin, Césaria

Mukarugwiza, Gaël Grilhot, Nicolas Barreto-Diaz, Alexandra Pomeon and Bénédicte Piton.

At OMCT, the Observatory is managed by Delphine Reculeau, Programme Manager, with the assistance of Clemencia Devia Suarez, Mariana Duarte, Estefanía Guallar Ariño and Laëtitia Sedou.

The Observatory's activities are assisted by the local partners of FIDH and OMCT.

Operators of the Observatory

FIDH

The International Federation for Human Rights (FIDH) is an international nongovernmental organisation for the defence of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 141 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in more than one hundred countries. These last years the FIDH has developed with its partners organisations, an action programme for economic, social and cultural rights and for the promotion of international justice and helping victims to achieve greater justice. In recent years, FIDH has adopted legal intervention as a mode of action.

FIDH has either consultative or observer status with the United Nations, the UNESCO, the Steering Committee for Human Rights (CDDH) of the Council of Europe, the International Organisation of the Francophonie, the African Commission for Human and Peoples' Rights, the International Labour Organisation and the Commonwealth.

FIDH is also in constant and systematic contact with the European Union and the United Nations through its permanent delegations in Geneva, Brussels, The Hague and New-York. FIDH facilitates each year the access and use of existing international mechanisms to more than 200 representatives of its member organisations, and also relays and supports their activities on a daily basis.

The International Board is comprised of: Sidiki Kaba, President; Catherine Choquet, Olivier de Schuter, Driss El Yazami, Philippe Kalfayan, Luis Guillermo Perez, Secretaries general ; Philippe Vallet,

Treasurer; and of Dobian Assingar (Chad), Souhayr Belhassen (Tunisia), Akin Birdal (Turkey), Juan Carlos Capurro (Argentina), Karim Lahidji (Iran), Fatimata Mbaye (Mauritania), Siobhan Ni Chulachain (Ireland), Vilma Nuñez de Escorcía (Nicaragua), Jose Rebelo (Portugal), Raji Sourani (Palestine), Peter Weiss (United States), Pie Ntakarutimana (Burundi), Michel Tubiana (France), Alirio Uribe (Colombia), Vo Van Ai (Viet Nam), vice-presidents.

OMCT

Created in 1986, the World Organisation Against Torture (OMCT) is currently the largest international coalition of NGOs fighting against torture, summary executions, forced disappearances and all other types of cruel, inhuman or degrading treatment. It coordinates the SOS-Torture network that is made up of 282 non-governmental organisations in more than 90 countries and seeks to strengthen and accompany their activities on the field. The structure of the SOS-Torture network has allowed OMCT to reinforce local activity while favouring the access of national NGOs to international institutions. Support is granted to individual victims or potential victims of torture through urgent campaigns (notably in favour of children, women, and human rights defenders) and urgent legal, social and medical assistance. It is also more general in nature, through the submission of reports to the various United Nations mechanisms.

A delegation of the International Secretariat has been appointed to promote activities in Europe. OMCT has either consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the International Labour Organisation (ILO), the International Organisation of the Francophonie, the African Commission on Human and Peoples' Rights and the Council of Europe.

Its Executive Council is composed of: Elisabeth Reusse-Decrey, President, Denis von der Weid, Vice-President, Olivier Mach, Vice-President, Anna Biondi, Yves Berthelot, José Domingo Dougan Beaca, Treasurer, Catherine Fauchier-Magnan, José Figueiredo, Alphonse Mac Donald, Florence Notter, Pascal O'Neill, Christine Sayegh, Katherine Shiraishi and Anthony Travis. Delegates Assembly, elected in December 2001, is composed of twenty three members. For Africa: Madeleine Afite, Innocent Chukwuma, Aminata Dieye, Osman Hummida and Guillaume Ngefa; for Latin America: Ernesto

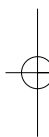
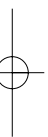
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