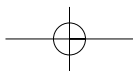
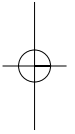
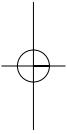


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This year again, the Americas were one of the most dangerous regions in the world for human rights defenders. In 2004, defenders and their families were victims of assassination (*Argentina, Brazil, Colombia, Guatemala*), enforced disappearance (*Colombia*), torture (*Colombia*), attacks and death threats (*Bolivia, Colombia, Ecuador, Guatemala, Haiti, Honduras, Mexico, Peru*), as well as harassment and surveillance (*Colombia, Guatemala, Honduras, Mexico*). The perpetrators of these violations (representatives of the government authorities, the army, and armed or private groups) continued to enjoy the greatest impunity.

Defenders were also subjected to arrest, legal actions and arbitrary detention (*Argentina, Chile, Colombia, Cuba, Ecuador, Guatemala, Mexico*), and some countries such as *Argentina, Chile, Colombia* and the *United States* increasingly invoked legislation on national security to justify the retaliation for their activities. Lastly, human rights defenders were targeted by smear campaigns undertaken at the highest levels of the State (*Colombia, Venezuela*) in order to discredit them in the eyes of the population, which in some cases had direct repercussions on their personal safety.

Whereas human rights defenders play a major role in the region, notably with regard to the fight against impunity, the protection of economic and social rights and the defence of indigenous populations, they had to cope with a particularly hostile attitude from the authorities, which failed to meet their obligation to protect them - when they were not directly responsible for the violations perpetrated against them. Indeed, the State services, responsible for protecting defenders, were sometimes the very ones attacking or threatening them (*Colombia, Ecuador*). Because of these reprisals, some defenders had to leave their city, if not their country.

Moreover, in many countries in Latin America (*Argentina, Colombia, Ecuador, Guatemala, Mexico*), the lack of political will to bring the pepe-

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trators of violations against defenders to justice led to a situation where absolute, structural and generalised impunity was encouraging further violations against them.

Abuse of the "security-first" concept and the erosion of human rights

For the past three years, in the context of the "international campaign against terrorism" that prevailed since the events of 11 September 2001, the re-activation of "security" legal provisions and the adoption of legislation supposedly meant to improve the society's security paradoxically worsened the situation of the women and men working to protect human rights.

In 2004 again, human rights defenders who denounced the new liberty-killing laws and the arbitrary nature of certain practices, as well as those defending economic, social and cultural rights were accused of being anti-patriotic or connected to terrorist groups.

In *Bolivia*, the overzealous judicial persecution against Mr. Francisco Cortés, former Colombian head of the Association of Rural Workers and Inhabitants (Asociación de Usuarios del Campo - ANUC-UR) in the Arauca province (Colombia), was symptomatic. Mr. Cortés, who was arrested on 10 April 2003 in La Paz, was still detained at the end of 2004. Because of grave threats he had received for several years in Colombia, Mr. Cortés went into exile in Bolivia in 2003. He was arrested there by an exceptionally large police force and in the presence of journalists who had been invited by the U.S. Embassy. Straight away described as a dangerous terrorist by the media, Mr. Cortés was then transferred to a high security prison where he was placed in solitary confinement. He was later accused of belonging to a Colombian guerrilla movement and of drug trafficking. On 6 December 2004, the La Paz court released him on parole, with a ban forbidding him to leave the territory. He also had to pay bail of US \$12,500 despite evidence of his extreme poverty given by defence, which appealed this decision. Whereas bail could be fully paid thanks to the mobilisation of international civil society, Mr. Cortés was placed in solitary confinement in a private prison on 10 January 2005, after the Prosecutor lodged an appeal¹.

¹ See Press Release, 17 January 2005.

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In *Chile*, the anti-terrorism law promulgated on 17 May 1984 by Augusto Pinochet, the procedural provisions of which had been partially amended on 14 February 1991 under the civilian government, was applied in an abusive manner in 2004 to sanction the arrest and detention of Mapuche community leaders, who try to protect their traditional land rights by standing up to forestry companies². By the end of 2004, 120 Mapuches were allegedly subjected to legal proceedings, 25 of them being tried under the anti-terrorist law that notably authorises the appearance of anonymous hooded witnesses, concealing information from the lawyers for the defence and doubling the punishments provided for in the Criminal Code. In this context, the acquittal, on 4 November 2004, of seven Mapuches and a non-Mapuche sympathiser, accused of setting up "an illegal association in order to commit terrorist acts", could be considered as a victory. However, the public Prosecutor appealed the ruling.

In *Colombia*, since President Mr. Álvaro Uribe Vélez came to power, the number of arrests and arbitrary detentions of human rights defenders steadily increased, as they were more and more frequently charged with "rebellion" and "terrorist activities" on the ground of various provisions of the Criminal Code that were reinstated for the occasion. This trend, which started in 2003 with a rise in the number of arbitrary detentions, became more marked in 2004. This "new" method of repression was made easier to apply with the reform of the Code of Criminal Procedure. This reform, which was adopted as soon as Mr. Uribe became President, resulted in a significant loss of independence of the Colombian judicial system, especially due to the reappointment of judges and of the State public Prosecutor. This situation might well be worsening as an accusatory justice system, allegedly more equitable and transparent, comes into force on 1 January 2005. This new system creates an imbalance between the powers of the prosecution and those of the defence since certain information can be withheld from the defence³. This method was also made easier through the creation of a "network of informers" (red de informantes) in 2003, which can, if necessa-

² See Compilation of cases below.

³ See Law 003/2002, which amends articles 116, 250, 251 of the 1991 Political Constitution.

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ry, become a collection of witnesses for the prosecution, paid to make false accusations. This system proved its effectiveness in 2004 as it was used in certain legal proceedings involving defenders, such as those undertaken against members of the Justice and Peace Commission (Comisión Justicia y Paz - CJP), who were accused of "corruption" and "rebellion"⁴. This system not only reduces the chances of having a fair, equitable trial, but also encourages an environment of already widespread impunity in Colombia.

Further, the Colombian authorities took advantage of the current "security first" climate to discredit human rights defenders by accusing them of being "auxiliaries or supporters of the guerrilla terrorist groups" (see below).

Finally, the Anti-Terrorist Statute (Bill 223), approved by the Congress on 10 December 2003, modifies the 1991 Colombian Constitution and gives increased power to the armed forces, e.g. by allowing them to make arrests, record or intercept communications and carry out searches without a warrant or judicial order. Since this Bill also empowers the security forces to investigate violations carried out by their own members, it compromises the principle of an independent enquiry. Although this reform remains a dead letter for the time being, since it was declared unconstitutional by the Constitutional Court on 31 August 2004, the government might decide to submit it again to the Congress in 2005, insofar as the court rejected it on the grounds of a procedural flaw, and not in its merits. If the Statute enters into force, it will unquestionably be used against human rights defenders and enhance the increasing tendency to use the courts against them. The UN Committee Against Torture expressed concern about this situation in its conclusions and recommendations dated February 2004, after its 31st session (November 2003). Paragraph 8(b), for instance, refers to "Constitutional reform bill No. 223/2003, which, if adopted, would seem to confer judicial powers on the armed forces and enable persons to be detained and questioned for up to 36 hours without being brought before a judge"⁵.

⁴ See Compilation of cases below.

⁵ See UN Document CAT/C/CR/31/1.

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In *Jamaica*, the 2003 Terrorism Prevention Bill, in its present format, endangers the human rights of the individual, in particular those of defenders. The broad definition of "terrorism offences"⁶ could be used to criminalise certain political activities or protests, thus jeopardising freedoms of speech, association and opinion.

In the *United States*, measures adopted following the events of 11 September 2001 were also detrimental to human rights defenders, against whom the "war against terrorism" still created a climate of intimidation. The situation became especially difficult for lawyers, who had to cope with manifold restrictions to their work, notably because of the Patriot Act which was adopted on 24 October 2001⁷. Reprisals (lawsuits, threats, intimidation, insults, etc.) were particularly directed against human rights defenders and lawyers who defended presumed terrorists insofar as they were often assimilated to their clients. For instance, Mrs. Lynne Stewart, a known activist and lawyer for an Egyptian religious figure who is also a spiritual leader of international jihad, was accused of supporting a terrorist organisation under the 1996 Anti-terrorism Act. She was arrested in 2002 and could be sentenced to up to a 40 years imprisonment term. Likewise, threats loomed over the careers of certain military lawyers who were appointed to defend Guantanamo prisoners.

Fighting impunity in conflict and post-conflict situations

Reprisal (assassination, death threats, arbitrary arrest and detention) was often taken against women and men working for peace, fighting impunity and denouncing the perpetrators of violence, in particular in conflict and post-conflict situations.

6 Section 3(2), for instance, provides that a "terrorist crime" is an offence constituted by an act or omission referred to in the definition of "terrorist activity": "Any person who commits an act, or omits to act, in the circumstances referred to in subsection (4) commits an offence if the act or omission intentionally causes (...) serious interference with or serious disruption of an essential service, facility or system, whether public or private".

7 The Patriot Act authorises tapping telephones without a warrant; there is no provision for mandatory judicial supervision for this act of personal monitoring, nor on the nature or extent of the surveillance.

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In *Colombia* for instance, civil society representatives who fought impunity and sought peaceful solutions to the conflict were stigmatised as being somehow connected to the guerrilla groups. This pernicious confusion reflects the extreme polarisation of Colombian society. In this context, human rights defenders were in the frontline for reprisals by paramilitary groups, often colluding with the army. There were many examples, e.g. academics and members of human rights associations such as the "José Alvear Restrepo" Lawyers' Collective Corporation (Corporación Colectivo de Abogados "José Alvear Restrepo" - CCAJAR), the Permanent Assembly for Corporation Human Rights (Asamblea Permanente de Derechos Humanos - APDH), Peace Communities and the Justice and Peace Commission⁸, whose members were victims of assassination, death threats and persecution. Similarly, for several years, a harassment and persecution campaign was directed against the Popular Women's Organisation (Organización Femenina Popular - OFP). On 28 January 2004, for instance Mrs. Inés Peña, 22, active member of the Youth Movement for the University Convention OFP-UNIPAZ (Movimiento Juvenil del Convenio Universitario OFP-UNIPAZ) and coordinator of OFP's "María Cano" documentation centre, was arbitrarily arrested, tortured, and mistreated by the paramilitary⁹.

In *Haiti*, those who called for bringing out the numerous human rights violations perpetrated under the former regime of President Mr. Jean-Bertrand Aristide were subjected to serious threats by former members of the now dissolved army, members of the pro-Aristide militia known as "chimera" and other mafia groups.

Although the transition government established after the fall of President Aristide on 28 February 2004 seemed to have created a more enabling climate for human rights defenders, the latter were still being targeted by smear campaigns and legal proceedings. For instance, after the not guilty verdict, on 16 August 2004, for two suspects - including the second highest leader of the Revolutionary Front for the Advancement and Progress of Haiti (Front pour l'avancement et le progrès d'Haiti - FRAPH), a paramilitary organisation - who were involved in the 1993 murder of Mr. Antoine Izmerly, a supporter of former

⁸ See Compilation of cases below.

⁹ *Idem*.

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President Aristide, the Minister of Justice criticised and mocked human rights defenders in both a statement to the press and at a ministerial meeting. Furthermore, on 25 August 2004, the National Coalition for Haitian Rights (NCHR), the Lawyers' Committee for the Respect of Civil Liberties (Comité des avocats pour le respect des libertés individuelles - CARLI), and the Platform of Haitian Human Rights Organisations (Plateforme des organisations haïtiennes des droits de l'Homme - POHDH), found out that they were being charged with "slander" for having told that at least one member of the jury had connections within the FRAPH. On 1 September 2004, the NCHR received a second summons to appear that was addressed to its director, Mr. Pierre Espérance, shortly after a report, entitled *The first criminal rulings of the post-Aristide period arise indignation*, was published¹⁰.

Similarly, in *Guatemala*, organisations fighting impunity for the crimes committed during the period of dictatorship (1980-1996) were often subjected to harassment and death threats. The especially heinous and humiliating attacks against NGOs' headquarters¹¹ not only aimed at dissuading their members from continuing their investigations but also to obtain information on the enquiries' goals and state of progress. One of the most serious threats for defenders came from the unceasing actions of illegal, clandestine armed groups that have connections with both organised crime and State agents. Impunity in the country reached such a level that the United Nations proposed, in 2003, the establishment of a Commission for the Investigation of Illegal Groups and Clandestine Security Organisations (Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad - CICIACS). Although an agreement on this subject was signed with the government in January 2004, it was rejected in May 2004 by Congressional members of the Presidential Human Rights Commission and the Governance Commission on the grounds that it allegedly violated the Constitution. Since the Constitutional Court declared several aspects of the agreement unconstitutional on 6 August 2004, the CICIACS will thus not be established. One of its main objectives was to draw attention to the vio-

¹⁰ More information is available on the website of the National Coalition for Haitian Rights: www.nchrhaiti.org.

¹¹ See Compilation of cases below.

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lations committed against human rights defenders, judges, witnesses and representatives of the civil society¹².

In *Peru*, human rights defenders working with the Truth and Reconciliation Commission (Comisión de la Verdad y Reconciliación - CVR), created in 2001 to identify perpetrators of human rights violations during the period of violence in Peru (1980-2000), were constantly threatened and their position became increasingly fragile in 2004. After the CVR remitted its report in August 2003, the trial of alleged perpetrators of violations was just beginning at the end of 2004, and defenders involved sensed a climate of retaliation. Thus, threats against Mrs. Gloria Cano on 20 October 2004¹³ took place in this context.

In *Venezuela*, Mr. Danilo Anderson, a State Prosecutor deeply involved in investigating the coup attempt of 11 April 2002, was assassinated on 18 November 2004 by a car bombing. He had already identified many people responsible for deaths during the unsuccessful coup, including policemen and mayors.

Discredit and smear campaigns against defenders

In many countries in Latin America, smear campaigns against human rights defenders were commonplace. The pro-governmental media often retransmitted the campaign messages, thus creating a climate of hostility against defenders and contributing to further isolating them from the population. Furthermore, these statements provided justification for attacks against defenders and, in certain cases, even triggered such violence.

In *Bolivia*, private groups sometimes defamed defenders' associations such as the Human Rights Permanent Assembly of Bolivia (Asamblea Permanente de los Derechos Humanos de Bolivia - APDHB). Indeed, APDHB members were subjected to several smear campaigns, as in Mr. Tamer Medina's case, who was insulted by persons

¹² This commission was mandated to investigate illegal armed groups and clandestine security organisations in the country. It is composed of three commissioners, one appointed by the Guatemalan government, one by the UN and one by the Organisation of American States (OAS).

¹³ See Compilation of cases below.

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whose interests were closely connected to those of the transnational petroleum companies. Furthermore, at the end of 2004, a smear campaign was launched by an alleged "human rights defenders" group against the APDHB national executive committee's members, just when APDHB was contributing to legal proceedings against the former President Mr. Gonzalo Sánchez de Lozada, and was mobilising civil society to participate in the new constitutive assembly, scheduled to meet in February 2005. The APDHB members were accused, *inter alia*, of "protecting delinquents", "appropriating funds", "embezzlement", "nepotism" and "treason".

In *Colombia*, President Mr. Álvaro Uribe Vélez and certain members of his government issued an increasing number of statements depreciating the work of defenders, challenging their legitimacy and credibility, especially by assimilating them to terrorists or their backers. These declarations sanctioned arbitrary actions taken against defenders by members of the army and State authorities. Speaking before the European Parliament on 10 February 2004, President Uribe reiterated his criticisms of the work achieved by human rights organisations, notably singling out the "José Alvear Restrepo" Lawyers' Collective¹⁴. In his speech to the UN Commission on Human Rights on 16 March 2004, the Vice-President of Colombia, Mr. Francisco Santos Calderón, asserted that representatives of UN monitoring structures, who visited Colombia in 2003, had come with "preconceived ideas". Such statements seriously weakened the security of defenders in the country. After a speech in May 2004 by President Uribe in Apartadó (Antioquia province), in which he sharply criticised the San José de Apartadó Peace Community as well as the Peace Brigades International (PBI), army troops and representatives of the intelligence services moved into the centre of the city of San José and, while filming, took note of the activities carried out by the community's leaders. International organisations were also targeted by these attacks. On 16 June 2004, for instance, during a police promotion ceremony, President Uribe declared that Amnesty International "did not condemn violations of international humanitarian law committed by the guerilleros", "legitimated terrorism" and that the organisation should decide whether it wanted to "stand by [...] the terrorists who kill

¹⁴ *Idem*.

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our policemen and our soldiers [...] or to stand by and respect the Colombian institutions". These declarations gave a free hand to paramilitary groups which, this year, increased the number of assassinations and death threats against defenders, whom they considered as "military targets", as stated in their pamphlets. On 5 August 2004, three spokespersons of social organisations working for peace and social justice in the Arauca region were shot dead at the home of one of them; their bodies were then disguised in guerrilla clothing and transported to a place where the army was carrying out a military operation. Although an enquiry into the situation showed that the whole scene was artificially created, some senior government sources stated, shortly after the event, that these people were "delinquents" and belonged to "a subversive movement"¹⁵.

In *Nicaragua*, a campaign was launched to discredit and harass the Nicaraguan Centre for Human Rights (Centro Nicaragüense para la Defensa de los Derechos Humanos - CENIDH) and its president, Mrs. Vilma Nuñez de Escorcia. On 21 October 2004, a government employee working for the national port authorities, Mr. Roberto Zelaya Blanco, published an editorial in the newspaper *La Bolsa de Noticias*, accusing CENIDH, *inter alia*, of covering human rights violations perpetrated by over 50,000 political prisoners and acts of international terrorism¹⁶.

In *Venezuela*, President Chávez almost systematically denounced the actions of certain organisations devoted to the protection and promotion of human rights, e.g. the Committee of the Relatives of the Victims of 27 February 1989 (Comité de Familiares de Víctimas del 27 de Febrero - COFAVIC), the Venezuelan Programme for Education and Action on Human Rights (Programa Venezolano de Educación y Protección de los Derechos Humanos - PROVEA) and the Apoyo Network in Support of Justice and Peace (Red de Apoyo para la Justicia y la Paz), purporting that they sought to heighten political unrest¹⁷. Furthermore, social organisations that receive foreign funds might be charged with "conspiring" or "betraying the country". This is for instance the case of Súmate, an association that was formally charged on 30 September 2004 by the 6th Bureau of the State Prosecutor's Office¹⁸.

¹⁵ *Idem.*

¹⁶ *Idem.*

¹⁷ *Idem.*

¹⁸ *Idem.*

Criminalisation of social protest and infringement to freedom of speech

In the United States as in several countries in Latin America, people who exercised their right to peaceful assembly in order to protest against State policies deemed contrary to human rights or against the excesses of globalisation were repressed. Peaceful gatherings and demonstrations were brutally repressed by an excessive and arbitrary use of force, leaving many victims in its wake (assassinations, mistreatment, and torture).

In *Argentina*, over 30 *piqueteros*¹⁹ were arrested in 2004 for having participated in protest actions, including Mr. Raul Castells, a leader of the Independent Movement of the Retired and Unemployed (Movimiento Independiente de Jubilados y Desocupados - MIJD), and members of the Territorial Liberation Movement (Movimiento Territorial de Liberación - MTL). On 25 June 2004, Mr. Martín Cisneros, *piquetero* and head of the Land and Housing Federation (Federación de Tierra y Vivienda - FTV), was shot dead in La Boca, Buenos Aires, just a few meters from a police station²⁰. This assassination was part of an intimidation campaign against the movement of the unemployed. It coincided with the commemoration of the second anniversary of the deaths of two other *piquetero* movement leaders, Mr. Maximiliano Kostecki and Mr. Dario Santillan²¹. The *piqueteros* had to face a fierce hostility from the media, which often described them as uncontrolled, violent groups. Excessive use of force during *piquetero* events in Argentina was further illustrated by the arrest of 25 of them after a demonstration to demand jobs and held on 30 November 2004 in Las Heras, Santa Cruz province, in front of the offices of the OIL petroleum company. Mrs. Karina Sauco, a member of the Solidarity Co-ordination for the Unemployed of Santa Cruz (Coordinadora de Desocupados Solidaridad de Santa Cruz), participated in the demonstration and was arrested on that same day when she returned home.

¹⁹ Name given to the movement of unemployed workers who lost their jobs because of abuses linked to globalisation and to the poor management of Argentinian economy in the 1990s, and that significantly grew in December 2001.

²⁰ See Compilation of cases below.

²¹ *Idem*.

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Mrs. Sauco, who was pregnant at the time, lost her baby as a result of the ill-treatment inflicted to her during her detention at the police station. She was released on 4 December 2004, but the charges of "resisting authority" and "impeding economic development"²² were still pending as of December 2004. Furthermore, over 20 persons were still detained as of end 2004, for participating in demonstrations more than a year ago.

In *Cuba*, most prisoners of conscience who had been condemned to harsh sentences for their opinions were still being detained, although several of them were granted freedom on parole for health reasons. This was the case of Mrs. Martha Beatriz Roque, a member of the Assembly to Promote Civil Society (Asamblea para Promover la Sociedad Civil) and the Institute of Independent Economists, Mr. Oscar Espinosa Chepe, an independent journalist, and Mr. Marcelo Lopez, a member of the Cuban Commission of Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional)²³. Furthermore, the defence of human rights was still not recognised as a legitimate activity; quite on the contrary, it was stigmatised as treason against Cuban sovereignty. Human rights defenders were subjected to systematic harassment, and none of the local human rights organisations has gained a legal status yet.

In *Ecuador*, four members of the Permanent Assembly for Human Rights (Asamblea Permanente de Derechos Humanos - APDH), Messrs. Fidel Narváez, Mauricio Gallardo, Mauro Castillo and Alexis Ponce, APDH spokesman, were brutally attacked in Quito on 16 November 2004, in the presence of the American Secretary of Defence, Mr. Donald Rumsfeld, during the 6th Defence Ministerial of the Americas. These four persons were peacefully demonstrating on the Plaza de Gobierno, their heads hooded as a reference to the prisoners tortured in Iraq, and were severely beaten when they approached the side entrance of the presidential palace. The crowd then prevented their arrest.

In *Mexico*, on 28 May 2004, during peaceful demonstrations held in Guadalajara, at the same time as the 3rd Summit of Heads of State and Government of Latin America, the Caribbean and the European Union,

²² *Idem.*

²³ *Idem.*

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dozens of participants who were protesting against the lack of consultation with civil society in the negotiations and the implementation of free trade agreements (MERCOSUR, EU/Mexico, etc.) were arrested and detained, often in solitary confinement. At least six of them suffered cruel and degrading treatment and acts of torture. The decision taken by the Mayor of Guadalajara²⁴, on 19 August 2004, not to investigate these grave violations is particularly worrying²⁵.

In the *United States*, during the Republican convention held from 30 August to 2 September 2004, several hundreds of demonstrators were arrested in New York while peacefully protesting against the government's action, in particular the American policy in Iraq. Most of the people arrested were held in detention for two days.

Intensified attacks against defenders of economic, social and cultural rights

In the Americas region, a continent rife with inequality, 2004 was again a time of violence and judicial persecution of women and men fighting for the respect of trade unions rights, the rights to land and satisfactory environment, and the rights of indigenous populations.

Defending trade union rights

Colombia remained the most dangerous country in Latin America for trade unionists. In the context of the ongoing civil conflict, unions were likened to members of guerrilla groups, and business companies - including multinationals - did not hesitate to use violence, often hiring private security groups, to neutralise the unionists' actions especially in the context of social conflict. The security of Colombian trade unionists and their families thus deteriorated, despite the numerous recommendations issued by the International Labour Organisation (ILO). Furthermore, unions' freedom remained hindered by numerous legal obstacles. According to the National Union School (Escuela Nacional Sindical - ENS) statistics, bet-

²⁴ See FIDH Press Release, 25 August 2004.

²⁵ See Report dated 16 August 2004 of the National Commission on Human Rights.

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ween 1 January and 30 April 2004, 20 Colombian trade unionists were assassinated, two kidnapped, 143 received death threats, two were victims of violations of domestic privacy, one of attempted assassination and two other were arrested. During the conference, entitled *International Trade Union SOS against the Annihilation of the Colombian Trade Union Movement* organised by the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour (WCL) in September 2004 (see below), the Colombian delegation stated that 48 trade unionists had been killed between January and September 2004, including 16 of their leaders and nine women unionists. Perpetrators of such crimes enjoyed almost total impunity. Moreover, on 30 October and 1 November 2004, the Colombian government expelled four representatives of international trade union organisations, namely, Messrs. Victor Baez Mosquera, secretary general of the regional branch of ICFTU in the Americas (Organización Regional Interamericana de Trabajadores - CIOSL/ORIT), Antonio Rodríguez Fritz of the International Transport Workers' Federation (ITF), Rodolfo Benitez of Union Network International (UNI) and Cameron Duncan of Public Services International²⁶.

In a separate incident, the 60-day visa of British, Irish and Spanish union leaders who came to Colombia to attend a meeting of women unionists was cancelled, and their stay in the country was reduced to three days. On 25 October 2004, Mr. Alexánder López Maya, a member of Parliament and former president of the Cali Trade Union of Municipal Service Workers (Sindicato de Trabajadores de Las Empresas Municipales de Cali - SINTRAEMCALI), received written death threats while he was in Quito, Ecuador. On 23 August 2004, Mr. López Maya was warned that a group of serving or retired soldiers were intending to assassinate several political and trade union leaders as well as human rights defenders in Cali, Medellín, Barranquilla, Ibagué and Bogotá and that his name was on the list together with that of Mrs. Berenice Celeyta Alayón, chairperson of the Association for Social Research and Action (Asociación para la Investigación y Acción Social - NOMADESC) and Mr. Luis Hernández Monroy, president of SINTRAEMCALI.

²⁶ See Compilation of cases below.

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In *Guatemala*, repression of trade unionists also continued. Mr. Julio Rolando Raquec, secretary general of the Union Federation of Independent Labourers (FESTRI) and leader of the General Central of Guatemalan Workers (CGTG), was assassinated on 28 November 2004 and several trade union leaders were subjected to legal actions and threats²⁷.

In *Venezuela*, the situation of union rights defenders grew worse. In 2003, the government refused to recognise the elected leaders of the Workers Confederation of Venezuela (Confederación de Trabajadores de Venezuela - CTV) and issued an order to arrest the CTV secretary general, thus forcing him to leave the country. In 2004, the government persisted in its refusal to recognise the CTV and continued implementing its own policy, i.e. establishing pro-governmental trade unions in national enterprises.

Rights of the landless and indigenous populations

The very strong concentration of land in the hands of a small number of landowners and the unequal distribution of resources to the detriment of the civilian and indigenous populations, are key factors in the Latin American social unrest. In 2004, defenders were especially targeted because of their efforts to secure the rights of indigenous populations and peasants in *Bolivia, Brazil, Chile, Colombia, Guatemala, Honduras* and *Mexico*²⁸. They did not only receive direct threats from landowners and big businessmen but were also accused, even by the public at large, of obstructing the government's policy in support of a market economy. Their vulnerability was made even worse by the non-existence and/or ineffectiveness of State institutions in rural areas and the weakness of the judicial system, which often ruled in favour of those holding political and economic power.

In *Argentina*, on 21 and 24 October 2004, six members of the Santiago del Estero Movement of Small Farmers (Movimiento de campesinos de Santiago del Estero - Mocase) were arrested after landowners filed a complaint accusing them of "judicial disobedience", "incite-

²⁷ *Idem*.

²⁸ See UN Document E/CN.4/2004/94.

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ment to commit an offence", "theft", "property damage", "illegal claims to land" and "grievous bodily harm". These six persons were all released on 26 and 27 October 2004. This was the latest in a series of incidents in Santiago del Estero that had lasted for months, since farmers were intimidated and threatened in order to drive them off their lands.

In *Bolivia*, although the concept of Ancestral Community Lands (Tierras Comunales de Origen - TCO) is legally recognised, those who defend small farmers' and indigenous communities' rights had great difficulties in securing the recognition of these groups' rights, particularly in the framework of the "reallocation" process (saneamiento) of rural lands implemented by the National Institute for Agrarian Reform (Instituto Nacional de Reforma Agraria - INRA). This was especially true for the Centre for Research and Training of Peasant Farmers (Centro de Investigación y Promoción del Campesinado - CIPCA) in San Ignacio de Moxos (Beni region), which was accused (by the murderer himself) of commissioning the assassination of the city's mayor who was killed on 19 December 2003. Although the murderer later acknowledged that the CIPCA had nothing to do with the killing, the Municipal Council of San Ignacio de Moxos adopted two resolutions (on 12 January and 16 February 2004) cancelling the operating licence of the CIPCA regional office in Beni, on the grounds of an alleged connection with the mayor's killer and on the pretext that its activities were designed to overthrow the municipal government. The Beni high court declared these resolutions null and void on 16 March 2004, a decision which the Bolivian Constitutional Court confirmed on 23 June 2004.

Furthermore, the authorities did not react to the publication of a press release issued on 15 September 2004, in which businessmen and landowners announced that they were decided to "defending themselves by their own means"²⁹.

In *Brazil*, the scourge of slavery and conflicts related to land and property rights remained issues still very much alive. The situation was particularly alarming in the State of Pará, where violence was endemic and where trade unionists, rural workers, NGO members and lawyers

²⁹ *Idem*.

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remained targets of assassination, threats, intimidation and violence³⁰. On 7 February 2004, for instance, Mr. Ribamar Francisco dos Santos, agrarian policy coordinator of the Rural Worker's Union (Sindicato de Trabalhadores Rurais - STR) at Rondón do Pará, was killed by two unknown assailants³¹. Cases of grievous bodily harm were also recorded in the State of Minas Gerais, where several defenders of the landless were assassinated in 2004, as were three employees of the Ministry of Labour who were killed on 26 January 2004 while investigating the use of slavery in this State³². Although in some cases investigations led to the arrest and even the sentencing of persons who allegedly ordered the assassinations, a certain level of impunity still existed, notably by virtue of the Fleury Act that allows offenders condemned for the first time to remain free while pending appeals. For instance, the persons charged with the assassination of Mr. João Canuto de Oliveira were sentenced in May 2003 to 19 years and 10 months in prison but will remain free until all remedies for appeal have been exhausted³³.

In *Chile*, the Mapuche were still being criminalised, especially by accusations of terrorism (see above) and therefore were often targeted for reprisal. For instance, Mrs. Juana Calfunao Paillalef, Mapuche community leader, and her family were threatened with death on 26 September 2004 by a member of the National Indigenous Development Commission (Corporación Nacional de Desarrollo Indígena - CONADI), soon after the regional public Prosecutor had opened an investigation into the arson attack which had destroyed her home on 26 June 2004 and killed her uncle, Mr. Basilio Coñoenao. Later in the day, shots were fired at the makeshift house where Mrs. Juana Calfunao Paillalef and her family were living since the fire.

In *Colombia*, illegal armed groups, both paramilitary and guerrillas, were retaliating against the indigenous communities and their leaders who opposed the conflict and attempted to prevent the "threat of arms" from ruling their territory. In 2004, according to official statements the Vice-President's human rights programme, 70 indigenous people were

30 See Annual Report 2003.

31 See Compilation of cases below.

32 *Idem*.

33 See Annual Report 2003.

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assassinated, e.g. Mr. Mariano Suárez Chaparro Arhuacos, a 70-year old indigenous community leader who was killed by the FARC on 6 November 2004³⁴.

In *Ecuador*, the Sarayaku community was still being threatened because of its actions against the government-backed Argentinian oil company (Compañía General de Combustibles - CGC) that intends to continue working in the area although the Inter-American Commission for Human Rights (IACHR) demanded measures to be taken to protect the community. The glaring lack of protection by the Ecuadorian authorities was also obvious in the case of the Confederation of Indigenous Nationalities of Ecuador (Confederación de Nacionalidades Indígenas del Ecuador - CONAIE) whose president, Mr. Iza, received threats just after the CONAIE police escort had been withdrawn, without any warning or explanation³⁵.

In *Mexico*, Messrs. Isidoro Baldenegro López and Hermenegildo Rivas Carrillo, indigenous leaders of the Rarámuri de Coloradas de la Virgen community, in the municipality of Guadalupe y Calvo (Chihuahua State), were detained from 29 March 2003 to 23 June 2004 as a result of their campaign to stop all logging operations in the community's forests. Although the criminal charges were clearly based on trumped-up evidence, the authorities did not drop them. Furthermore, in the Sierra de Petatlán region, Guerrero State, numerous land rights defenders and ecologists were brutally repressed and detained in Acapulco since 1999. Many of them were farmers of Indian origins, mostly belonging to the Peasant Environmentalist Organisation (Organización de Campesinos Ecológicos de la Sierra de Petatlán y Coyuca de Catalán), and were sentenced to very long prison terms on the grounds of fallacious charges, such as illegally bearing arms or even murder, for their opposition to deforestation and to the violence of the *caciques* (powerful local notables) and of the army.

Lastly, the criminalisation of land rights defenders was particularly blatant in *Paraguay*, where hundreds of landless peasants - many of whom were members of the National Federation of Small Farmers (Federación Nacional Campesina - FNC) - were imprisoned. On 2 December 2004, 160 farmers were arrested as the police and the army

³⁴ See Compilation of cases below.

³⁵ *Idem*.

evicted them from the Carla María lands, in Caaguazú. Members of the Parliament who went to the area afterwards were able to see at first hand the violence of the security forces during this type of operations.

Mobilisation for regional and international protection of human rights defenders

Civil Society

The FIDH held its 35th International Congress in Quito, Ecuador, from 1 to 8 March 2004. The Congress especially focused on supporting Colombian human rights defenders. FIDH had originally planned to hold the Congress in Colombia but decided to change venues when President Álvaro Uribe Vélez, at the end of 2003, equated human rights defenders to terrorists. Prior to the Quito Congress, the FIDH nonetheless mandated a delegation composed of the FIDH president and Mrs. Shirin Ebadi, 2003 Nobel Peace Prize, to discuss the situation of defenders with the Colombian authorities.

The third Latin American Consultation on Human Rights Defenders was held in São Paulo, Brazil, from 25 to 27 August 2004. 87 representatives of human rights organisations and social movements from 20 countries throughout the Americas, representatives of the Organisation of American States (OAS), the Office of the UN Special Representative on Human Rights Defenders, members of international NGOs as well as African and Asian observers and activists met to analyse the changing context in which human rights defenders of the Americas are working, and tried to find solutions to violations of their rights. The final declaration highlighted the criminalisation of social protest as a new form of persecution against defenders. Indeed, "(some) States in the region have modified and others are planning to modify legislation to restrict or even criminalise human rights work and the legitimate right to protest, under the guise of anti-terrorist legislation". Special mention was also made of female defenders who suffer specific violations. Furthermore, the participants pledged to denounce the resort to intelligence services to interfere with and obstruct the work of human rights defenders.

On the occasion of the 10th anniversary of the presence of Peace Brigades International (PBI) in Colombia, PBI held a seminar in Bogotá on the situation of Colombian human rights defenders -attended by the

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Special Representative of the UN Secretary General on Human Rights Defenders, Mrs Hina Jilani, - and two other events in Brussels and Luxembourg. At this meeting, the Observatory presented a report listing all cases of repression against Colombian human rights defenders in 2004³⁶.

From 15 to 18 September 2004, the International Confederation of Free Trade Unions (ICFTU) and the World Conference of Labour (WCL) held a conference in Bogotá, Colombia, on *The International Trade Union SOS against the Annihilation of the Colombian Trade Union Movement*. At the end of the conference, a programme for the promotion and the defence of human and trade unions rights in Colombia was adopted. 47 representatives of trade unions from 19 countries and the International Federation of Trade Unions (IFTU) met with Colombian government officials, the public Prosecutor, the bureau of the Ombudsman, the auditor general of the Republic, trade unions leaders, the media as well as social and political leaders. They also contacted embassies and the representative of the Office of the United Nations High Commissioner for Human Rights in Colombia.

United Nations (UN)

At the 60th session of the UN Commission on Human Rights, held in Geneva from 15 March to 23 April 2004, Mrs. Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, presented her report for the year 2003³⁷. She stressed that the largest number of responses to her communications came from governments in Latin America, but that, as in the preceding years, the largest number (27,5%) of communications sent from her office had been addressed to governments in the Latin American region.

The Colombian government agreed to meet with the Special Representative in 2005 on the occasion of her presence in the country, when she will follow up the recommendations made after her 2001 visit

36 See Observatory Report, *Commemoración del décimo aniversario del proyecto PBI-Colombia*, September 2004.

37 See United Nations Document E/CN.4/2004/94.

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and see how the situation of the Colombian defenders has developed since.

Organisation of American States and Inter-American Commission on Human Rights

At its 119th ordinary session in March 2004, the Inter-American Commission on Human Rights (IACHR) reiterated its "concern for the vulnerability of human rights defenders in the Americas, especially following the comments made by high level authorities of some States about organisations dedicated to the defence of human rights". IACHR stressed that comments "questioning the work of human rights defenders could generate a grave risk to the life, personal integrity and work of activists and human rights defenders".

Furthermore, in a press release dated 28 October 2004, the IACHR referred to the concern it had expressed, at its 121st regular session, about the situation in Haiti. The Commission received allegations about "threats and other acts of violence and intimidation perpetrated against human rights defenders as well as journalists and the media". The Commission also observed on many occasions in the past "violations and coercion of this nature, if left undeterred, place human rights defenders (...) in vulnerable positions and effectively prevent them from carrying out their work". The Commission once again urged the "government to take all measures necessary to investigate, prosecute and prevent incidents of this nature".

At its 34th General Assembly, held from 6 to 8 June 2004 in Quito, Ecuador, the Organisation of American States (OAS) adopted a resolution entitled "Human Rights Defenders: Support for the Individuals, Groups and Organisations of Civil Society Working to Promote and Protect Human Rights in the Americas"³⁸. The General Assembly referred to the persisting conditions in the Americas that, directly or indirectly, prevent or hamper the work of individuals, groups or organisations working to protect and promote fundamental rights and stressed the importance of the work of human rights defenders to strengthen

³⁸ See Document of the Organisation of American States AG/RES.2036 (XXXIV-O/04).

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democratic institutions and improve national human rights systems. The Assembly invited the IACHR to conclude its report on the situation of human rights defenders in the Americas some time during the second half of 2004. By the end of 2004, the report, which was provided for in the OAS resolution of 4 June 2004³⁹, had not yet been published.

On 21 October 2004, the FIDH, on behalf of the Observatory, attended a hearing on the defence of human rights in the Americas held during the 35th OAS General Assembly in Washington, with members of the IACHR, and in conjunction with the Third Latin American Consultation. Many situations prevailing in all countries in the region were considered, and IACHR was in particular requested to publish the report stipulated by the OAS resolution as soon as possible.

European Union (EU)

The European Economic and Social Committee (EESC), in an Opinion on "Social Cohesion in Latin America and the Caribbean" (LAC) adopted at its 406th plenary session on 25-26 February 2004, stressed that in this very region human rights defenders were frequently persecuted, slandered, tortured or murdered. The Opinion also stated that persecuting and criminalising peaceful social movements seriously undermined attempts to combat social exclusion and inequality. According to the EESC, "an EU programme to protect human rights defenders in LAC would be very welcome"⁴⁰.

At their 28-29 May 2004 meeting in Guadalajara, Mexico, the Heads of State and Government of Latin America, the Caribbean and the European Union, in section 7 of the Guadalajara Declaration, stated that they were committed to "provide coherent and effective support to those individuals, organisations and institutions, including human rights defenders, working for the promotion and protection of human rights". Considering this Declaration, it is astonishing that the EU did not make any public statement against the violent repression of participants in the peaceful demonstrations held in the wings of the Summit and the deci-

³⁹ See OAS Resolution AG/RES 1842 (XXXII-0/02).

⁴⁰ See Document of the European Economic and Social Committee REX/152 *Social cohesion in Latin America and the Caribbean*.

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sion of the Mexican authorities not to investigate violations of human rights during these events (see above).

On 13 May and 11 June 2004, the EU called for the immediate release of all Cuban political prisoners and prisoners of conscience. In a resolution on Cuba, the European Parliament again condemned the arrest of more than 75 dissidents which constitutes an attack on the most basic human rights, in particular freedoms of expression and association⁴¹. In response to questions from the parliamentarians⁴², the European Commission mentioned that it was closely monitoring the question of imprisonment of human rights defenders and members of peaceful opposition in Cuba.

On 13 December 2004, at the 2630th meeting of the EU Council, under the "General Affairs and External Relations" item the Council stressed the importance of ensuring the safety of those individuals, organisations and institutions, including human rights defenders, working for the promotion and protection of human rights in Colombia, in keeping with the Guadalajara Declaration.

International Labour Organisation

On 10 June 2004, at the International Labour Conference organised by the International Labour Organisation (ILO), the OMCT took the floor to address the issue of trade unions in Colombia, emphasising that although Colombian labour laws guarantee the freedom of trade unionists, the assassination of union leaders continues and generally goes unpunished, thus revealing a serious breach of the State's duty to protect labour and human rights. While mention was made about the collusion between the authors of these crimes and certain sectors of the army, the governmental authorities and some private firms, the representative of the employers, Mr. Potter, asked that the speaker be interrupted, arguing that particular situations should not be discussed in a general debate as these are discussed, *inter alia*, in the Commission on Standards. Nobody expressed any dismay at this censorship, which was

⁴¹ See Resolution of the European Parliament on Cuba, P5_TA(2004)0379.

⁴² See written question of the European Parliament E-1751/04, 9 November 2004 - Answer given by Mr. Nielson on behalf of the Commission.

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endorsed by the president of the session, despite the fact that the OMCT had been refused the right to speak on Colombia at the session of the Commission on Standards, due to the opposition, again, of the employers' group. However, the global report of the Director General contained a page-long box dedicated to the problems of trade union freedoms in Colombia⁴³.

Commonwealth

Human rights defenders from the Caribbean member States of the Commonwealth held a workshop at Kingston, Jamaica, on 4-5 February 2004. The workshop was attended by representatives of human rights NGOs, Caribbean State governments, the United Nations, and the IACHR. The agenda included, *inter alia*, discussions on the United Nations Declaration on Human Rights Defenders, new challenges in the international promotion and protection of human rights defenders, and relations between governments and national defenders. Finally, defenders called for the creation of a Caribbean Human Rights Foundation to support their work in the region.

⁴³ See OMCT Press Release, 15 June 2004, *Coincidences*.

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ARGENTINA

Assassination of Mr. Martín Cisneros⁴⁴

On 25 June 2004, on his way home from work, Mr. **Martín Cisneros**, head of the Land and Housing Federation (Federación de Tierra y Vivienda - FTV), was shot dead in La Boca district, in Buenos Aires, just yards from a police station. Initially, the police made no attempt to arrest the alleged killer, Mr. Juan Carlos Duarte, despite the fact that several witnesses denounced the murder. Under public pressure, Mr. Duarte, known to be a protected police informer, was finally arrested and held in provisional detention.

At the end of 2004, although Mr. Duarte was still in detention, the investigation had not produced any result yet. It should be noted that this assassination took place in the context of a campaign of intimidation and arbitrary detentions waged against the movement of unemployed Argentines known as *piqueteros*.

⁴⁴ See Urgent Appeal ARG 001/0704/OBS 058.

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Arbitrary arrest and ill-treatment of the secretary general of the ATE⁴⁵

In the night of 4-5 July 2004, Mr. **Juan Eduardo Riquel**, secretary general of the Association of State Workers (Asociación de Trabajadores del Estado - ATE), section in Castelli, Chaco Province, was arrested there by policemen who produced no warrant. Mr. Riquel was arrested for intervening a few hours earlier, when police assaulted members of the Toba community, who were celebrating a popular festival at the Sarmiento Club.

The policemen took Mr. Riquel to the police station, beating him up on the way. After more than an hour of ill treatment and violence, Mr. Riquel started to display serious breathing difficulties. The policemen then decided to take him to the hospital in the north of the town, claiming that he was a detainee who had resisted authority. After receiving the appropriate care, and thanks to the assistance of doctors who did not inform the police of his recovery, Mr. Riquel was able to go home. However, charges were brought against him by the provincial police for "assault" and "resisting authority". Mr. Riquel also received threats from the policemen who had arrested him, including Corporal Juan Carlos Samaniego, who resented the fact that he had lodged a complaint.

Despite the complaint that Mr. Riquel filed with the Prosecutor, those responsible for his kidnapping and ill treatment were not sanctioned. At the end of 2004, he was still facing charges.

BOLIVIA**Aggression against CEJIS members⁴⁶**

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 the target of threats and attacks

⁴⁵ See Open Letter to the Argentinean authorities, 18 August 2004.

⁴⁶ See Annual Report 2003 and Urgent Appeal BOL 001/0303/OBS 014.1.

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due to their legal support for recognition of indigenous peoples' land rights. On 13 March and 25 September 2003 respectively, two CEJIS lawyers, Mr. **Cliver Rocha** and Mr. **César Blanco**, were assaulted in connection with their work.

On 12 November 2003, around 150 people burst into the regional CEJIS headquarters in Trinidad. They were looking for Mr. **Javier Aramayo**, regional director of the CEJIS, in order to assault him. These facts were the subject of a complaint lodged with the public Prosecutor.

Furthermore, on 5 January 2005, 30 armed members of the Association of Agricultural and Forestry Producers (Asociación de Productores Agrícolas y Forestales - ASAGRI) broke into the CEJIS offices in Riberalta and took away books, computers, fax machines and a short wave radio, all of which they burnt in a public square. Death threats were also issued against CEJIS staff.

BRAZIL

Assassination of three workers' rights lawyers⁴⁷

On 28 January 2004, Messrs. **Erastótenes de Almeida Gonçalves**, **Nelson José da Silva** and **João Batista Soares Lages**, three lawyers from the Brazilian Labour Ministry in Unaí, State of Minas Gerais, were shot dead in the head by strangers driving a Fiat Strada.

They were at the time heading for the estates of a big landowner (*fazendeiro*) in Minas Gerais State, in order to investigate a slavery case. Mr. **Ailton Pereira de Oliveira**, their driver, was seriously wounded, and died a few hours later in the hospital in Brasília.

On 25 and 26 July 2004, following an investigation conducted jointly by the federal, civil and military police forces and the federal public Prosecutor department, six suspects were arrested: Mr. Francisco Elder Pinheiro, believed to have hired the killers; the three hired killers them-

⁴⁷ See Press Release, 30 January 2004 and Open Letter to the Brazilian authorities, 30 December 2004.

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selves, Mesrrs. Erinaldo de Vasconcelos Silva, Rogério Alan Rocha Rios and William Gomes de Miranda; and two alleged intermediaries who are thought to have made the payments, Mr. Hugo Alves Pimenta and Mr. José Alberto de Castro. Thanks to a link established between Pimenta and the Mânica brothers, big agricultural producers in the region, Mr. Norberto Mânica was identified as having ordered the assassinations of the three civil servants, of whom one - Mr. Nelson José da Silva - had imposed a fine on him for failure to observe proper working conditions on his estates. Mr. Norberto Mânica was arrested on 13 August 2004 and was also accused of having threatened civil servants from the Ministry of Labour in December 2003. In addition, he was still facing charges relating to the violation of employees' rights, as does his brother, Antério Mânica, who was elected mayor of Unaí in October 2004.

On 10 December 2004, Judge Francisco de Assis Betti of the 9th federal court of Belo Horizonte (Minas Gerais State) decided that all the defendants (except Mr. Humbeto Ribeiro dos Santos) should be tried by a popular jury for homicide" and "forming a criminal group". Other landowners in the region might also be implicated in the assassination. Mr. Antério Mânica was allowed to take up his position as a mayor in January 2005, and this new status may force changes in how the case proceeds against him, in that civil officials are permitted to have their cases heard, in the first instance, by the State High Court (Tribunal de Justiça) rather than before a popular jury.

Since these events, inspectors of the Ministry of Labour in the region have been carrying out their work under police protection.

Sentences confirmed for those behind the assassination of Mr. João Canuto de Oliveira⁴⁸

On 23 May 2003, Mr. Adilson Laranjeira, former mayor of Rio Maria, and Mr. Vantuir de Paula, a farmer, were sentenced to 19 years and 10 months in prison by the popular court of Belém (Tribunal de Júri

48 See Press release, 7 April 2004; Open Letter to the Brazilian authorities, 30 December 2004; 2003 Annual Report; and report of the Observatory's judicial observation mission of 22-23 May 2003, *Trial of those behind the murder of João Canuto de Oliveira - Landless People and their defenders in the State of Pará*.

Popular de Belém), for having ordered the assassination of Mr. **João Canuto de Oliveira**, chairman of the Trade Union of Rio Maria Rural Workers, in 1985.

However, the judge decided to let the convicted free and to await the result of the appeal proceedings in accordance with the Fleury Act (1973), by which a person convicted for the first time may be set free while the appeal pending. Moreover, the Court of Justice of Pará (Tribunal de Justiça do Estado do Pará - TJE) refused to organise an appeal case heard by a jury.

Mr. Adilson Laranjeira and Mr. Vantuir de Paula lodged a request for the original sentence to be overturned. This request was unanimously rejected by the TJE on 14 September 2004.

On 8 October 2004, the convicted appealed this decision with the High Court of Justice (Superior Tribunal de Justiça) and the Federal Supreme Court (Supremo Tribunal Federal), in Brasília.

In December 2004, the appeal was still pending.

Assassination of Mr. Ribamar Francisco dos Santos⁴⁹

On 7 February 2004, Mr. **Ribamar Francisco dos Santos**, agrarian policy coordinator for the Trade Union of Rural Workers (Sindicato de Trabalhadores Rurais - STR) in Rondon do Pará, was shot dead in front of his home with two bullets in the head by two strangers. Mr. dos Santos had received threats for several weeks before his murder and his name had been added to a "death list". These facts had been reported to the authorities, but the security forces had offered him no protection.

At the end of 2004, the police had still not identified those responsible for the killing.

Since Mr. dos Santos's assassination, two other trade union leaders from STR-Rondon received death threats, often through anonymous phone calls. This was notably the case of Mrs. **Maria Joelma Dias da Costa**, chairwoman of the union and widow of Mr. **José Dutra da Costa**, former chairman of STR-Rondon, who was assassinated on 21 November 2000. Her name was also on the "death list" and she was regularly subjected to threats. Moreover, although her husband's mur-

⁴⁹ See Press release, 7 April 2004.

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derer, Mr. Wellington de Jesus Silva, was detained in the Marabá prison, Pará State, the man believed to have ordered the killing, the *fazendeiro* José Décio Barroso Nunes, was held for 13 days and then released before evidence against him could be properly examined.

Defenders of land rights threatened, harrassed and assassinated⁵⁰

In certain Brazilian States, the agrarian issue remains particularly worrying. The situation grows worse with the existence of private militias working for some of the *fazendeiros*. In 2004, the number of peasants and rural leaders killed remained one of the highest in Latin America, and impunity increased the climate of insecurity suffered by human rights defenders: between 1985 and 2003, out of 1,349 cases of murders linked to the struggle for land access, only 75 went to court.

On 29 January 2004, Mr. **Ezequiel de Moraes Nascimento**, chairman of the Workers' Association of Santa Maria das Barreiras, was assassinated by two men at his home in Redenção (Pará State), in front of his wife and seven-year-old daughter. Mr. Nascimento had spoken out against the violence perpetrated by some of the region's *fazendeiros*, and had already received death threats. At the end of 2004, the investigation conducted by the state authorities had produced no result.

On 23 March 2004, Mr. **Epitácio Gomes da Silva**, head of the Independent Peasants' Movement (Movimiento de Trabalhadores Rurais Independentes - MTRI), was assassinated in the town of Tailândia, Pará State. He had been coordinating a peasant action in preparation of a peaceful occupation of unexploited land. At the end of 2004, the Pará State had not revealed the results of the investigation.

From 3 to 9 June 2004, an international mission to investigate agrarian reform and human rights was conducted in Brazil, under the auspices of two international organizations for the defence of peasants' rights, Vía Campesina and FoodFirst Information & Action Network (FIAN). Some members of the mission were attacked by a *fazendeiro*, who fired

⁵⁰ See Open Letter to the Brazilian authorities, 30 December 2004.

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on them near the town of Montes Claros, Minas Gerais State. This man received a long prison sentence, but was then released in accordance with the Fleury Act (1973).

On 20 November 2004, a camp of the Landless Workers' Movement (Movimento dos Trabalhadores Rurais Sem Terra - MST), called Promised Land in Felisburgo, Jequitinhonha Valley, one of the poorest regions in Minas Gerais State, was attacked. Five landless peasants, who were among those responsible for organizing the camp, were killed, and 20 others were wounded.

CHILE

Sentencing of Mapuche leaders for terrorism⁵¹

In the context of the conflict between the Mapuche people and forestry companies and big landowners, the criminalisation of the Mapuche community leaders intensified in 2004.

On 2 January 2004, Mr. **Victor Ancalaf**, former leader of the Mapuche co-ordinating committee "Arauco Malleco", was sentenced to five years in prison, in accordance with the anti-terrorist Act 18314, enacted on 17 May 1984 by General Pinochet and modified under the first civilian government in February 1991. This law allows the prosecution to use anonymous witnesses, in violation of the right to a fair trial. At the end of 2004, Mr. Ancalaf remained in detention.

On 21 August 2004, Mr. **José Huenchunao Mariñan**, spokesman for the Mapuche coordinating committee "Arauco Malleco", and Mr. **Juan Millacheo Licán**, head of the Chekenko community, were sentenced by the court of Angol to ten years and one day in prison. At the end of 2004, they were still in detention. Three other members of the Mapuche community, Mrs. **Patricia Troncoso**, Mr. **Florencio Jaime**

⁵¹ See Press Release, 24 August 2004.

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Marileo and Mr. **Juan Patricio Marileo Saravia**, also received prison sentences.

These persons were charged with starting a "terrorist fire" (an offence punished by anti-terrorist Act 18.314) on land owned by the Mininco forestry company on 19 December 2001. This trial had begun on 27 July 2004 against 11 Mapuches from the Tricauko, San Ramon and Chekenko communities, in Ercilla commune. All denied the charges. During the trial, only the five above-mentioned people, out of the 11 charged, came before the court. The others were declared "rebels" for having failed to appear, and a permanent warrant was issued for their arrest. Amongst them were four Mapuche leaders: **José Osvaldo Cariqueo**, head of San Ramon, **Luis Catrimil**, head of Tricauko, Mrs. **Mireya Figueroa**, a Tricauko leader, and **José Llanquileo**, leader of the "Arauco Malleco" coordinating committee.

The trial was marred by numerous irregularities, particularly in the testimonies of the prosecution's witnesses and experts, which displayed contradictions and there is every indication that the accused did not receive a fair and equitable trial. This case is also evidence that defenders of Mapuche rights are more and more classed as terrorists.

COLOMBIA

Summary executions*Assassinations and forced disappearances of trade unionists and peasant leaders*

*Assassination of Mr. Jesús Rojas Castañeda*⁵². On 3 December 2003, in Barrancabermeja (Santander), Mr. **Jesús Rojas Castañeda**, a member of the Association of Municipal Teachers (Asociación de Educadores Municipales - ASDEM), brother of Mrs. **Jackeline Rojas Castañeda**,

⁵² See Annual Report 2003 and Colombia Special Appeal December 2003-April 2004.

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member of the Popular Women's Organization (Organización Femenina Popular - OFP) and brother-in-law of Mr. **Juan Carlos Galvis**, vice-chairman of the National Food Industry Trade Union (Sindicato Nacional de Trabajadores de la Industria de Alimentos - SINALTRAINAL) was killed. The murder seems to be connected with the work of this trade union in the defence of workers. At the end of 2004, even though detailed testimonies were provided, no suspect had been arrested and the investigation seemed to be at a standstill.

*Assassination of Mr. Orlando Frias Parada*⁵³. On 9 December 2003, Mr. **Orlando Frias Parada**, leader of the Communications Workers Union (Unión Sindical de Trabajadores de las Comunicaciones - USTC), was assassinated in Villanueva (Casanare). The murder happened as the USTC was speaking out against irregularities in the process whereby the national telecommunications company *Telecom* and 12 associated companies were being put into liquidation and merged into one company, Colombia Telecomunicaciones S.A.

*Assassinations of Messrs. Ricardo Barragan and Deyton Banguera*⁵⁴. Between 16 and 18 January 2004, Mr. **Ricardo Barragan**, an active member of the Cali Trade Union of Municipal Service Workers (Sindicato de Trabajadores de las Empresas Municipales de Cali - SINTRAEMCALI), and Mr. **Deyton Banguera**, a bodyguard for members of the union, were murdered in Cali (Valle). Mr. Barragan had been very active during protests against the privatisation of the public company EMCALI, in charge of water, electricity and telecommunications services.

*Assassination of Mr. Carlos Raul Ospina*⁵⁵. On 24 February 2004, Mr. **Carlos Raul Ospina**, treasurer of the local union MERTULUA was killed. MERTULUA is the civil servants' union of EMTULUA, a municipal company in Tulúa (Valle del Cauca), and a subsidiary of the Civil Services Union (Sindicato de Trabajadores y Empleados de

⁵³ See Colombia Special Appeal December 2003-April 2004.

⁵⁴ *Idem*.

⁵⁵ *Idem*.

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Servicios Públicos, Autónomos e Instantes Descentralizados de Colombia - SINTRAEMSDES). This assassination, carried out by unknown individuals riding a motorbike, seems to be linked to a series of well-publicized complaints, made by the union, condemning waste and poor management in Tulúa's public companies and denouncing certain representatives from the municipal authorities. The trade unionists had been subjected to threats from armed groups from the time these denunciations began.

*Assassinations of peasant leaders in Arauca district*⁵⁶. On 26 February, 10 March and 13 March 2004, over 20 people, most of them peasants, were murdered in Sabanas de Cravo Norte, in Puerto Rondon and in the town of Arauca. Among the victims were numerous members and leaders of the Arauca district Farmers' Association (Asociación Departamental de Usuarios Campesinos - ADUC), including Mesrrs. **Tiberio Cardoso Dueñas, Eduar Alexander Vargas, Yiye Velandia, Urley Cisnero Castillo, Freddy Cisnero Castillo, Alvaro Cisnero, Fabian Vargas** and **Pedro Pablo Campo Pinto**. It is believed that these assassinations were carried out by paramilitaries.

*Assassination of Mr. Angel Maria Rodriguez*⁵⁷. On 3 March 2004, Mr. **Angel Maria Rodriguez**, a peasant leader from the commune of Villahermosa (Tolima), former chairman of the Community Action Committee and member of the Association of Small and Medium Sized Tolima Farmers (Asociación de Pequeños y Medianos Agricultores del Norte del Tolima - ASOPEMA), was assassinated by unknown individuals probably belonging to a paramilitary group.

*Assassination of Mr. Luis Torres Perez*⁵⁸. On 4 March 2004, Mr. **Luis Torres Perez**, an active member of the Barranquilla (Atlántico) section of the National Association of Hospital Workers (Asociación Nacional de Trabajadores Hospitalarios de Colombia - ANTHOC), was assassinated while working at the town's general hospital, by unknown individuals who then got away.

56 *Idem.*

57 *Idem.*

58 *Idem.*

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*Assassination of the brother of Mr. Edgar Perea of a security agent and of his wife*⁵⁹. On 14 April 2004, Mr. **Edgar Perea**, leader of the Yumbo (Valle) section of the Union of the Pacific Iron and Steel Company (SINTRAMETAL), was the target of an attempt on his life, in which his brother, Mr. **Raul Perea Zuñiga**, was killed. On 2 May 2004, assailants again tried to assassinate Mr. Perea, killing instead a SINTRAMETAL-Yumbo bodyguard, Mr. **Hugo Fernando Castillo Sánchez**, and his wife, Mrs. **Diana Ximena Zuñiga**.

*Assassination of Mr. Carlos Alberto Chicaiza*⁶⁰. On 15 April 2004, Mr. **Carlos Alberto Chicaiza**, a committee member and publicity secretary for the Workers' Union of Civil Services (Sindicato de Trabajadores de la Empresa de Servicios Varios - SINTRAEMSIRVA), representing municipal employees, was assassinated while waiting for a bus in the town of Cali.

*Assassination of relatives of Mr. Efraín Guerrero*⁶¹. On 20 April 2004, several armed men entered the home of Mr. **Gabriel Remolina**, brother-in-law of Mr. **Efraín Guerrero**, a Coca-Cola worker and head of the Bucaramanga (Santander) section of SINALTRAINAL. The men fired indiscriminately at the whole family, killing Mr. Gabriel Remolina and his wife, Mrs. **Fanny Robles**, and injuring three of their children, including **Robinson Remolina**, who died a few hours later. Mr. Efraín Guerrero had taken part in a hunger strike of Coca-Cola workers in April 2004, in order to draw international attention to serious human rights violations inflicted on workers in the company⁶², and to demonstrate against the closure of ten production lines.

*Assassination of Mr. Fabián Burbano*⁶³. On 31 May 2004, Mr. **Fabián Burbano**, a temporary maintenance worker for the southern administra-

59 *Idem*.

60 *Idem*.

61 See Urgent Appeal COL 007/0404/OBS 027 and Colombia Special Appeal December 2003-April 2004.

62 See Urgent Appeal COL 004/0304/OBS 018.

63 See Colombia Special Appeal May-July 2004.

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tive division of the Colombian Petroleum Company (Empresa Colombiana de Petr leos - ECOPETROL) in Orito (Putumayo), was assassinated. Mr. Burbano had taken part in the strike called from 22 April to 28 May 2004 by the Oil Industry Workers Trade Union (Uni n Sindical Obrera - USO), to preserve ECOPETROL as a national and State company.

*Assassination of Mr. Luis Alberto Toro Colorado*⁶⁴: On 22 June 2004, Mr. **Luis Alberto Toro Colorado** was assassinated in the town of Bello (Antioquia). He was a member of the National Textile Workers' Union (Sindicato Nacional de Trabajadores de la Industria de Hilados, Tejidos, Textiles y Confecciones - SINALTRADIHITEXCO), affiliated to the Central United Organisation of Colombian Workers (Central Unitaria de Trabajadores - CUT), and sat on its governing council as a treasurer and a negotiator in union conflicts.

*Assassination of Mr. Miguel Espinosa*⁶⁵. On 30 June 2004, Mr. **Miguel Espinosa**, founding member of the national section of the CUT and of its section for the Atlantic  region, was assassinated in Barranquilla (Atl ntico).

*Assassination of Mrs. Carmen Elisa Nova Hern ndez*⁶⁶. On 15 July 2004, Mrs. **Carmen Elisa Nova Hern ndez**, treasurer for the Clinics and Hospitals Workers' Union in Santander (Sindicato de Trabajadores de Cl nicas y Hospitales de Santander - SINTRACLINICAS), was assassinated while on her way home. Two men on a motorbike fired three shots, killing her almost instantly. Mrs. Hern ndez was a nurse at Bucaramanga clinic for almost 30 years, and had gradually become involved in the defence of workers' rights within SINTRACLINICAS. The assassination happened in spite of complaints and requests for protection lodged by SINTRACLINICAS with the Prosecutor's department, the Defender of the People

64 *Idem*.

65 *Idem*.

66 See Urgent Appeal COL 012/0704/OBS 060 and Colombia Special Appeal May-July 2004.

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(Defensoría del Pueblo), the Ministry for Social Protection and institutions dedicated to the defence of human rights with the Colombian Vice President, following numerous other acts of harassment directed against the organisation, notably the attempted kidnap of the union's chairwoman in March 2002.

*Assassination of Mr. Benedicto Caballero*⁶⁷. On 21 July 2004, in the town of Mesitas del Colegio (Cundinamarca), Mr. **Benedicto Caballero** was assassinated as he was leaving the Tequendama Agrarian Cooperative (Cooperativa Agraria del Tequendama - COAGROTEMA). He was the vice-president of the National Federation of Agrarian Cooperatives (Federación Nacional de Cooperativas Agropecuarias - FENACOA) and coordinator of the COAGROTEMA. Mr. Caballero was shot dead by four hired killers on motorbikes.

*Assassinations of Mesrrs. Héctor Alirio Martínez, Jorge Eduardo Prieto Chamusero and Leonel Goyeneche Goyeneche*⁶⁸. On 5 August 2004, Mr. **Héctor Alirio Martínez**, chairman of ADUC, Mr. **Jorge Eduardo Prieto Chamusero**, chairman of ANTHOC in Arauca, and Mr. **Leonel Goyeneche Goyeneche**, director of the CUT, were assassinated. These three leaders were known as spokesmen for social organisations working for peace and social justice in Arauca, a district where inhabitants - indigenous and peasant communities as well as social movements - are subjected to recurrent human rights violations, especially since the implementation of the "democratic security" policy of President Álvaro Uribe Vélez (massacres, collective assassinations, forced disappearances, arbitrary detention, torture and degrading treatment). Since 2002, Mesrrs. Héctor Alirio Martínez and Jorge Eduardo Prieto Chamusero had both benefited from provisional protection measures (*medidas cautelares*) requested by the Inter-American Commission for Human Rights (IACHR) because of serious threats to their safety.

67 See Colombia Special Appeal May-July 2004.

68 See Urgent Appeal COL 013/0804/OBS 065 and Colombia Special Appeal August-December 2004.

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According to the authorities, these executions happened during a military operation, conducted by members of the Revéiz Pizarro mechanised battalion of the army based in Saravena (Arauca), on 5 August 2004, in the village of Caño Seco. Following these events, the Vice President of the Republic and the spokesman for the aforementioned battalion accused the victims of belonging to a subversive movement. The Defence Minister claimed that they were "delinquents", that were armed and were under arrest warrants.

However, according to the results of the Prosecutor's investigation, there was no fighting in that village on 5 August 2004 and the three union members appear to have been summarily executed. The Prosecutor ordered the detention of a non-commissioned officer in the army, two soldiers and a civilian. At the end of 2004, this civilian, Mr. Daniel Caballero Rozo, alias "Patilla", an alleged hired killer, was in detention at the Combita high security prison, in the north of Bogotá.

*Assassination of Mr. Gerardo De Jesús Velez and attempted assassination of Mr. Henry González López*⁶⁹. On 5 August 2004 Mr. **Gerardo De Jesús Velez** and Mr. **Henry González López**, members of the Worker's Trade Union of the San Carlos Refinery (Sindicato de Trabajadores del Ingenio de San Carlos), in Valle del Cauca, were shot by two hired killers on motorbikes when travelling to work in the company bus. Mr. González López, who was driving the bus, was seriously wounded, and Mr. De Jesús Velez died.

*Assassination of Miguel Córdoba*⁷⁰. On 26 August 2004, Mr. **Miguel Córdoba**, secretary of the Trade Union of Valle de Cauca Sugar Cane Workers, Growers and Manufacturers (Sindicato de Trabajadores, Cultivadores y Procesadores de la Caña de Azúcar de los Departamentos del Valle del Cauca - SINTRACANAVALC), was assassinated by three hired killers during an attack on the union.

*Disappearance of Mr. Gabriel Buitrago Duque*⁷¹. On 18 September 2004, peasant leader Mr. **Gabriel Buitrago Duque** disappeared on his way from

69 See Colombia Special Appeal August-December 2004.

70 *Idem.*

71 *Idem.*

HUMAN RIGHTS DEFENDERS HARASSED

Bogotá to his family home in Ibagué (Tolima). Mr. Buitrago had been one of the cornerstones of peasant mobilisation in 1995 in Tolima, and had been subjected to threats and forced removals for the past three years.

*Assassination of Mr. Juan de Jesús Miranda Uzula and assault on Mr. Arnoldo Cantilla*⁷². On 23 November 2004, taxi driver Mr. **Juan de Jesús Miranda Uzula**, affiliated to the Trade Union of Cartagena Taxi Drivers (Sindicato de Conductores de Taxi Cartagena - SINCONTAXCAR), was attacked and killed in the San Francisco district of Cartagena. The following day, Mr. **Arnoldo Cantilla**, also affiliated to SINCONTAXCAR, was himself attacked and wounded in the El Carmelo district of the town.

*Mr. Diofanol Sierra Vargas's murderer condemned*⁷³. On 15 November 2004, paramilitary César Julio Reina was sentenced to 21 years and 4 months in prison for the assassination, on 8 April 2002 in Barrancabermeja, of Mr. **Diofanol Sierra Vargas**, leader of SINALTRAINAL and OFP collaborator. Paramilitaries had followed him through the streets and gunned him down in front of his family.

Assassinations and forced disappearances of civil society representatives

*Assassination of Mrs. María Lucero Heano and her son, and acts of torture*⁷⁴. On 6 February 2004, Mrs. **María Lucero Heano** and her 16-years old son, **Yamid Daniel**, were executed by individuals in plain clothes, probably belonging to paramilitary groups. These men forced them to leave their house in the village of Puerto Esperanza, near El Castillo (Meta). Mrs. Lucero Heano called to her mother and children, who came out to try and prevent the kidnapping, but the paramilitaries prevented them from following. A few minutes later, the family heard several gunshots, but stayed in the house for fear of paramilitary reprisals. At

⁷² *Idem*.

⁷³ See Annual Report 2002 and Colombia Special Appeal August-December 2004.

⁷⁴ See Urgent Appeal COL 002/0204/OBS 010.

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dawn the next day, the bodies of Mrs. Lucero and her son were discovered. Yamid Daniel's body bore the marks of torture. Mrs. Lucero Heano had already been the target of one assassination attempt and had been threatened twice in the previous three years. She had spoken out against the situation of the people of Puerto Esperanza, who had been forcibly displaced, and to the continued presence of paramilitaries in the area. At the end of 2004, the investigation into these events had produced no results.

*Assassination of Mr. José Mendivil Cárdenas*⁷⁵. On 7 February 2004, Mr. **José Mendivil Cárdenas**, a human rights defender who worked for numerous social and human rights organisations, including Amnesty International, was assassinated in Barranquilla. The killing was carried out by two unidentified individuals who fired on Mr. Cárdenas's vehicle from their motorbike.

*Assassination of Mr. Carlos Bernal and Mr. Camilo Jiménez*⁷⁶. On 1 April 2004, Mr. **Carlos Bernal**, a lawyer and member of the Permanent Committee for Human Rights (Comité Permanente por los Derechos Humanos - CPDH), and his bodyguard, Mr. **Camilo Jiménez**, were killed by an unidentified man in the Prado Norte district of Cúcuta city (Norte de Santander). Mr. Bernal was also a former union leader at the Free University, and had been involved in improving human rights in Cúcuta and in Norte de Santander, within various regional and municipal administrations.

*Forced disappearance of Mr. Carlos Alberto Hurtado Aramburo and arrest of Mr. Luis Bernabé Angulo Aramburo*⁷⁷. On 11 May 2004, two unidentified men arrived in a taxi at the home of Mr. **Carlos Alberto Hurtado Aramburo** in Buenaventura (Valle de Cauca), and kidnapped him. Carlos Alberto Hurtado Aramburo is the nephew of Mr. **Jorge Issac Aramburo García**, one of the most important leaders in the history of the

⁷⁵ *Idem*.

⁷⁶ See Press Release, 6 April 2004 and Colombia Special Appeal December 2003-April 2004.

⁷⁷ See Urgent Appeal COL 008/0504/OBS 038 and Colombia Special Appeal May-July 2004.

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Black Movement in Colombia, and leader of the community council of the United Blacks' Association of Río Yurumanguí (Consejo Comunitario y de la Asociación de Negros Unidos del río Yurumanguí - APONURY). This disappearance clearly constitutes an act of reprisal aimed at Mr. Aramburo García's family, intended to discourage him from pursuing his activities to promote the rights of the Afro-Colombian community.

Since 2000, 11 members of his family have been assassinated by paramilitary groups operating in Buenaventura. On 1 October 2003, the IACHR had asked for protection measures for Mr. Aramburo García and his family.

On 26 August 2004, another nephew of Mr. Aramburo's, Mr. **Luis Bernabé Angulo Aramburo**, was arrested by elements of the Navy's infantry division, with a warrant from the Prosecutor. Mr. Luis Bernabé Angulo Aramburo is a leading member of APONURY in Buenaventura. Suspected of having links with the Colombian Revolutionary Armed Forces (Fuerzas Armadas Revolucionarias de Colombia - FARC), he was charged with terrorism, kidnap and rebellion. When he was arrested, he had just received a grant for his community from the Colombian Institute of Electrical Energy, in his position as a treasurer of the Electrification Committee for the village of Río Yuramanguí (Comité de Electrificación de la Vereda Juntas del Río Yuramanguí).

*Assassination of Mr. Freddy Arias Arias*⁷⁸. On 3 August 2004, Mr. **Freddy Arias Arias**, director of the Kankuamo Indigenous Organisation in Vallepujar (Cesar), was assassinated by two unidentified persons. Mr. Freddy Arias Arias had spoken out against systematic human rights violations suffered by the indigenous populations of Kankuamo between 2002 and 2004, including the assassinations of more than 100 people, and the forced removal of more than 1,000.

*Assassination of Pr. Alfredo Correa de Andreis*⁷⁹. On 17 September 2004, Mr. **Alfredo Correa de Andreis**, a professor and member of the University Network for Peace, and his bodyguard, Mr. **Edward Ochoa**

78 See Urgent Appeal COL 013/0804/OBS 065 and Colombia Special Appeal May-July 2004.

79 See Press Release, 20 September 2004.

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Martínez, were killed in Barranquilla. The two men were attacked by two hired killers on a moped, a few streets away from Mr. Correa de Andreis' home, in the El Prado district of the town. Mr. Correa de Andreis had worked for the past 23 years as a researcher at the Northern University and Simón Bolívar University and was a fervent defender of peace, democracy and human rights. He had previously been falsely accused by the Prosecutor's office in Cartagena (Bolívar) of being 'the ideologist of the Caribbean branch of the FARC and had been arrested on 17 June 2004, in Barranquilla, on the basis of the testimonies from three demobilized guerrilleras. He had been released in July 2004 for lack of evidence, thanks to national and international mobilisation.

*Assassination of Mrs. Teresa Yarse*⁸⁰. On 6 October 2004, Mrs. **Teresa Yarse** was assassinated. She was the head of the Women's Association of Independences (Asociación de Mujeres de las Independencias - AMI) in Medellín (Antioquia), and vice-chairwoman of the Community Action Committee for "Independence 3", an organisation affiliated to the AMI. Mrs. Yarse was near her home, on the local sports ground, when she was gunned down with three bullets. This crime is attributed to paramilitary groups, who control the working-class area of Medellín popular district Commune 13. The AMI is a women's organisation that not only promotes women's rights, but also tries to combat the poverty in which Commune 13's inhabitants live.

*Assassination of Mr. Mariano Suárez Chaparro*⁸¹. On 6 November 2004, Mr. **Mariano Suárez Chaparro**, indigenous leader and "Mamo" (one of the most highly respected authorities) of the indigenous Arhuaco Community in Sierra Nevada de Santa Marta, was executed in the village of El Chinchorro (Magdalena). At the time of his assassination, Mr. Suárez Chaparro was organising the establishment of a new site for his community on the banks of the Aracataca River. Members of the FARC, who are thought to be opposed to the creation of new indigenous settlements in this area, are probably behind the murder.

80 See Urgent Appeal COL 017/1004/OBS 079.

81 See Urgent Appeal COL 022/1104/OBS 087 and Colombia Special Appeal, August-December 2004.

Mr. Suárez Chaparro had played a major role in the process of unification and cultural revitalisation conducted for several years by the Arhuaco people. He had received threats from the Front 19 of the FARC for encouraging the union of the Arhuacos with members of the indigenous Kogui community.

*Assassination of Mr. José Joaquín Cubides*⁸². On 7 November 2004, Mr. **José Joaquín Cubides** was shot dead at his home, in front of his wife and children. He was a coordinator for the Civil Society Permanent Assembly for Peace (Asamblea Permanente de la Sociedad Civil por la Paz - APSCP) in the town of Fortul (Arauca) and general secretary of the Trade Union of Small and Medium-Sized Agricultural Producers (Sindicato de Pequeños y Medianos Productores del Agro - SINDEAGRO). His home had already been searched several times before his murder, the last time on 6 November 2004. The Assembly, which promotes a political, negotiated solution to the armed conflict tearing Colombia apart, is a civil initiative, whose members come from various churches and social, cultural, political and human rights organisations, across the country.

Arbitrary detentions

Arbitrary detentions of trade unionists and peasant leaders

*Arbitrary detentions of Mr. Policarpo Camacho and Mrs. Gloria Holguín*⁸³. On 8 January 2003, Mr. **Policarpo Camacho** and Mrs. **Gloria Holguín**, leaders of the National Unionist Unitarian Federation of Farmers (Federación Nacional Sindical Unitaria Agropecuaria - FEN-SUAGRO), were detained in Calarcá (Quindío), after their apartment was searched. While Mrs. Holguín was finally released without charges a few days after her arrest, Mr. Camacho was charged with rebellion. Because of his age (71), he was released in mid-March 2004, after 13 months in detention.

⁸² See Urgent Appeal COL 021/1104/OBS 086 and Colombia Special Appeal August-December 2004.

⁸³ See Annual Report 2003.

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*Arbitrary detention of Mr. Hermes Vallejo Jiménez*⁸⁴. On 12 August 2003, Mr. **Hermes Vallejo Jiménez**, a member of ASOPEMA, was arrested in Bogotá. On 26 October 2004, the Quinto Penal del Circuito court acquitted him and four other trade unionists, for lack of evidence. Witnesses, who afterwards turned out to have been manipulated during the trial, had accused them of belonging to a section of the National Liberation Army (Ejército de Liberación Nacional - ELN) known as the "Bolcheviques de Líbano".

*Arbitrary detention of SINDEAGRICULTORES leaders*⁸⁵. On 11 June 2004, in Sincelejo (Sucre), Mr. **Eliécer Florez**, treasurer for the Administrative Council of the Small and Medium-Sized Agricultural Workers' Union of Sucre (Sindicato de Pequeños y Medianos Agricultores de Sucre - SINDEAGRICULTORES), was arrested by agents of the Judicial Investigation and Intelligence Service (Seccional de Policía Judicial e Investigación - SIJIN). This detention comes in the context of a policy of mass detentions of peasants affiliated to the National Unionist Unitarian Federation of Farmers (Federación Nacional Sindical Agropecuaria - FENSUAGRO) in the Sucre and Cauca regions.

The same day, Mr. **Luis Miguel Gómez**, chairman of SINDEAGRICULTORES, was also arrested by police in the town of Coloso (Sucre). After two hours in detention, Mr. Gómez was released, only to be re-arrested that same evening. On this occasion, Mr. Gómez was subjected to threats and pressure in an attempt to make him join the network of police informers, which he categorically refused to do.

*Arbitrary detention of Mr. Eduardo Hernández Cabrera*⁸⁶. On 14 October 2003, Mr. **Eduardo Hernández Cabrera**, a trade union leader in the public companies of Espinal commune (Tolima), disappeared, after having been approached by some unknown individuals, probably members of the Unified Action Group for Personal Freedom

84 See Annual Report 2003 and Colombia Special Appeal August-December 2004.

85 See Annual Report 2003 and Colombia Special Appeal May-July 2004.

86 See Annual Report 2003.

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(Grupo de Acción Unificada por la Libertad Personal - GAULA), made up of people from the Security Administrative Department (Departamento Administrativo de seguridad - DAS), the Technical Enquiry Corps (Cuerpo tecnico de investigaciones - CTI), the Prosecutor's office and the armed forces. In November 2003 he was said to be detained in Ibagué Prison. Meanwhile, his sister, Mrs. **Rocío del Pilar Hernández Cabrera**, was also arrested in Villavicencio (Meta). They were released without charges in June 2004 and February 2004 respectively.

*Assassination, arbitrary searches and arrests of members of the ACA*⁸⁷. Mrs. **Luz Perly Córdoba**, chairwoman of the Farmers' Association of Arauca (Asociación Campesina de Arauca - ACA), general secretary of the FENSUAGRO and head of its human rights department, had to leave Arauca to live in Bogotá, because of death threats by soldiers and paramilitaries. The IACHR had asked for measures to be taken for her protection.

On 18 February 2004, Mrs. Perly Córdoba was arrested by DAS members in Bogotá, who had a warrant from the Prosecutor. She was detained on DAS premises in Palo Quemao until the evening of 21 February 2004. She was then transferred to the "Buen Pastor" detention centre in Bogotá, where she remained at the end of 2004.

Following her arrest, her home was searched during a police swoop. Her computer's hard disk was seized, as well as floppy disks, documents and photos. Moreover, several members of the Judicial Investigation and Intelligence Police Authority (Dirección de Policía Judicial e Investigación - DIJIN), the CTI, the DAS, and the ordinary police force searched the offices of the ACA in Arauquita, claiming to be looking for subversive documents, in accordance with a warrant issued by the Prosecutor, Mr. José Ramon Uribe. They confiscated documents and equipment. They also searched the house of Mrs. **Nubia Vega**, head of the ACA, and arrested Mesrrs. **Víctor Enrique Amarillo** and **Moisés Elías Eregua**, body-

⁸⁷ See Urgent Appeals COL 003/0204/OBS 014, COL 018/1004/OBS 082, Colombia Special Appeals December 2003-April 2004, May-July 2004 and August-December 2004.

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guards chosen by the Ministry of the Interior to protect ACA members, as requested by the IACHR.

On 19 February 2004, Mr. **Juan Jesús Gutiérrez**, ACA's treasurer, was arrested in Saravena and taken to the army's 18th Brigade, following the issue of arrest and search warrants by the Prosecutor's Support Unit (Fiscalía) in Arauca. He was denied a visit from a lawyer, as well as food and clothing.

On 3 March 2004, Mr. **Rodolfo Rios Lozano**, a defence lawyer for political prisoners, who was providing Mrs. Luz Perly Cordoba's defence, and who was regularly subjected to harassment and death threats, received telephone threats ordering him to leave the country.

Mrs. Luz Perly, Mr. Juan Jesús Gutiérrez and the whole executive council of the ACA, despite benefiting from the protection programme set up by the Ministry of the Interior and protection measures dictated by the IACHR, were accused of rebellion and criminal association. On 6 May 2004, Mrs. Luz Perly Córdoba abandoned her public defence in midst of preparations for her trial, due to the absence of procedural guarantees and to the disrespect of her rights.

On 23 February 2004, Mr. **Martiniano Mosquera Cosme**, a nursing auxiliary at the Health Centre in Saravena, was captured without a warrant by members of the army, in place of his brother, Mr. **Pedro Jaime Mosquera Cosme**, a leading figure in the ACA, whom the soldiers were unable to find. During this operation, several other members of the ACA were detained, including Mesrrs. **Andrés Pérez, Vicente Blanco, Fanny Quiroga, Abelardo Barajas, William Gómez, Héctor Carrillo, Neftalí Romero, Elver Ramírez, Luis Alfredo García Lamus, and Mauricio Lamus Flórez.**

It finally became clear that Mr. Pedro Jaime Mosquera Cosme had been assassinated in obscure circumstances. His body, which bore marks of torture, was found on 7 October 2004 in Arauca.

On 16 December 2004, Mr. **Oswaldo Martínez**, a member of the ACA, was detained in the offices of the DAS, without being informed of the reasons for his detention. At the end of 2004, he remained in detention in Bogotá and charged with rebellion.

*Arbitrary detention of Mr. Carlos Alberto Nuñez Flores*⁸⁸. On 1 March 2004, Mr. **Carlos Alberto Nuñez Flores**, vice-chairman of the peasants' group ADUC, was arrested in Saravena by members of the army, for the third time since December 2003. During these detentions, he was accused of being a guerrillero and an ideologue behind guerrilla operations.

*Arbitrary detention and legal proceedings against several ECOPETROL workers on strike*⁸⁹. Since the start of the nationwide strike called for by the Oil Industry Workers Trade Union (USO) with the aim of preserving ECOPETROL as a national and State concern, many trade unionists have been subjected to legal proceedings, and some were arbitrarily detained, sometimes in degrading conditions. This was notably the case of Messrs. **Fredys Fernández Suarez, Luis Roberto Schmalbach Cruz, Ignacio Vecino, Fernando Jiménez, Humberto Rodriguez, Sandro Efrey Suarez** and **Ricardo Harold Forero**. Mr. Humberto Rodriguez was arrested by the national police on 14 May 2004 in Barrancabermeja, without being told of the reason for his arrest and without a warrant. He was then informed that he was accused of threatening a colleague, and released 26 hours later. On 18 May 2004, Mr. Sandro Efrey and Ricardo Harold were arrested in Barrancabermeja by armed civilians, who then handed them over to members of the national police who arrived ten minutes later. They were accused of having insulted third parties and caused damage to their property. It was claimed that they had been caught in the act, despite the fact that the police were not present at the time of their arrest. They remained in custody for about four days in an improvised cell - in reality a bathroom - at the premises of the army's Magdalena Medio Special Operations Unit (COEMM).

*Arbitrary detention of M Ricardo Fabián Otalvaro Osorio*⁹⁰. On 19 June 2004, in the context of Operation Corinto III in the Cauca region, Mr. **Ricardo Fabián Otalvaro Osorio**, a farmer and affiliated member of the Corinto Association of Agricultural Reserves (Asociación Zonas de Reserva Campesina de Corinto), living in the village of Cominera, was

88 See Colombia Special Appeal December 2003-April 2004.

89 See Colombia Special Appeal May-July 2004.

90 *Idem*.

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arrested by the DAS, agents of the Third Brigade, the CTI and the Prosecutor's Office. His arrest took place at dawn, at his mother's house. The doors were forced and he was violently dragged out.

At the end of December 2004, Mr. Ricardo Fabián Otalvaro Osorio was still imprisoned in the buildings of the army's Third Brigade and charged with rebellion.

*Illegal searches and detention of USO members*⁹¹. On 17 June 2004, members of the Barrancabermeja police arrested the trade union leader Mr. **Ramón Rangel**, after violently entering the USO offices in Barrancabermeja without a warrant. In all, nine workers were detained: Mesrrs. **Fernando Rojas, Debinson Noriega, Freddy Toro Galvis, Virgilio de la Rosa Diaz, Oscar Javier Celis, Jairo Carvajal, Hernando Ariza** and **Luis Daniel Polo**.

*Arbitrary detention of Mr. Adolfo Tique*⁹². On 18 July 2004, Mr. **Adolfo Tique**, a peasant leader and member of ASOPEMA, affiliated to FEN-SUAGRO, was arbitrarily arrested by troops from mobile brigade number 8, who forcibly detained him and took him to an unknown place. Mr. Tique had no access to a legal authority and no formal charge was brought against him at the time of his arrest.

*Arbitrary detention of Mr. Samuel Morales Flores and Mrs. Raquel Castro*⁹³. On 5 August 2004, Mr. **Samuel Morales Flores**, chairman of the CUT in Arauca, and Mrs. **Raquel Castro**, a member of the Arauca Teachers' Association (Asociación de Educadores de Arauca - ASE-DAR), were arbitrarily detained by members of the army's Revéz Pizarro mechanized battalion based in Saravena (Arauca), who carried out a military operation that same day, in the village of Caño Seco.

91 *Idem*.

92 *Idem*.

93 See Urgent Appeal COL 013/0804/OBS 065 and Colombia Special Appeal August-December 2004.

Arbitrary detentions of members of the civil society

*Arbitrary detention of the chairwoman of the Arauca section of the CPDH*⁹⁴. On 3 March 2003, Mrs. **Teresa Cedeño Galíndez**, a lawyer and chairwoman of the Arauca Section of the Permanent Committee for Human Rights (Comité Permanente de Derechos Humanos - CPDH) and member of the national "Eduardo Umaña Mendoza" Association of Defence Lawyers, was arrested and tortured in Bogotá by members of the national police force, after she protested about the fact that the national police force was exercising certain functions which properly belong to the CTI. Mrs. Cedeño was released on 4 March 2003, following national and international protests.

On 30 July 2003, Mrs. Cedeño was again arrested in Bogotá and charged with "technical fraud" after having given a speech at the Ministry of Foreign Affairs a few hours before to State representatives responsible for the implementation of protection measures. During this statement, she spoke out against the persecution of lawyers who defend human rights in Arauca and attributed responsibility for it to members of the Support Unit of the National Attorney General's Office, to military leaders and to some security organisations. On 1 August 2003, Mrs. Cedeño was hospitalised, before being transferred on 2 August to the women's prison "El Buen Pastor". On 6 August 2003, the Prosecutor's office confirmed the charges against Mrs. Cedeño and ruled that she should be released on bail on 8 August 2003.

In November 2004, Mrs. Cedeño Galíndez was summoned to appear before the court. The "José Alvear Restrepo" Lawyers' Collective Corporation (CCAJAR), representing her, appealed the summons.

At the end of October 2004, Mrs. Teresa Cedeño Galíndez was once again subjected to threats in Arauca and was forced to leave the country.

*Accusations against members of the Justice and Peace Commission*⁹⁵. On 21 August 2003, the general head of the armed forces, Mr. Jorge

94 See Annual Report 2003 and Colombia Special Appeal December 2003-April 2004.

95 See Annual Report 2003.

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Enrique Mora Rangel, organised a press conference during which he accused members of the Justice and Peace Commission (Comisión Justicia y Paz - CJP) of "abuse of trust" and of "creating illegal groups", describing the communities of the CJP as "FARC concentration camps administered by an NGO called Justice and Peace". These declarations from General Mora Rangel were repeated in the press, which helped stigmatising and discrediting the CJP both nationally and internationally. It then turned out that criminal proceedings had been opened against the CJP in four separate cases, two for rebellion, one for creation of illegal groups and one for breach of trust. These accusations mentioned 15 members of the Coordinating Committee of the Cacarica community and the following members of Justice and Peace: Mr. **Danilo Rueda**, Father **Daniel Vásquez**, Mrs. **Ana María Lozano**, Mr. **Enrique Chimonja** and Mr. **Abilio Peña**. These proceedings were based solely on unverified testimonies, and some of the witnesses have admitted that they were paid for testifying.

On 28 January 2005, the Second Specialised Prosecutor (Fiscal Segunda Especializada) with the National Human Rights Unit dropped the charges for rebellion against them.

On 8 October 2003, the IACHR required the Colombian State to respect the right of members of the Justice and Peace Commission to a fair trial - in particular with regard to time limits and the cumulative nature of the proceedings - and that the remarks made on 21 August 2003 should be publicly rectified. Despite the IACHR's recommendations, the six months' duration for the preliminary phase of an investigation, inscribed in the Criminal Code, was not respected.

*Arbitrary detention of Mr. Ismael Uncacias*⁹⁶. On 2 March 2004, Mr. **Ismael Uncacias**, leader of the Indigenous Communities of Arauca and ex-chairman of the former Regional Indigenous Council of Arauca (CRIA), now the Association of Councils and Traditional Indigenous Authorities of Arauca (Asociación de Cabildos y Autoridades Tradicionales Indígenas de Arauca - ASCADITAR), was arbitrarily detained by Reinaldo Alarcon, a former guerillero turned into an infor-

⁹⁶ See Colombia Special Appeal December 2003 - April 2004.

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mer who was travelling in an army patrol car, and taken to the battalion headquarters of the 18th mechanised group, where he was subjected to intimidation and threats. He was released after 28 hours.

*Arbitrary detention of Mr. Mauricio Avilez Álvarez*⁹⁷. On 10 June 2004, Mr. **Mauricio Avilez Álvarez**, a representative of the human rights group Colombia-Europe-United States Coordination (Coordinación Colombia-Europa-Estados Unidos - CCCEU), was arrested in Barranquilla by GAULA members. They took him to the local police cells. He was officially charged with rebellion, extortion and aggravated homicide, having been held responsible for planting a bomb that killed one person in the SAO shopping centre in Barranquilla on 16 December 2003. However, Mr. Avilez Álvarez was taking part in a coordination workshop that day, and so could not have been involved in the killing. It appears that he was since released.

*Arbitrary detention of Mesrrs. Hernan Rua, Leonardo Rua, Roland Higuita and "Pasajeros" band members*⁹⁸: On 12 June 2004, in Copacabana (Antioquia), the members of the rock band "Pasajeros" were arrested just as they were about to give a concert in solidarity with the community of northern Antioquia, an event organised by the CUT to protest about the "social tax" and the tax on increased property values (cobro de la valorización). During the assembly, unidentified individuals in civilian dress took photos and filmed the participants. Later, members of the Elite Anti-Terrorist Corps (Cuerpo Elite Antiterrorista - CEAT) demanded the identity papers of Mesrrs. **Hernan Rua Ceballos**, **Leonardo Rua Ceballos** and **Roland Higuita Marin**, and of all the band members of "Pasajeros", and informed them that they were going to be arrested, although no arrest warrant was produced. A few moments later, a local prosecutor arrived and ordered their detention under the pretext that they were suspected of participation in insurrectional movements. The members of "Pasajeros" were also charged with rebellion and terrorism.

⁹⁷ See Urgent Appeal COL 011/0604/OBS 048.

⁹⁸ See Colombia Special Appeal May-July 2004.

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The Prosecutor of office 51, attached to the CEAT, ordered an investigation to be opened and an arrest warrant to be issued, without making any attempt to evaluate or challenge the witness statements taken by the criminal investigation police.

*Arbitrary detention of Mr. José Guillermo Larios Gómez*⁹⁹. On 29 November 2004, in Bogotá, Mr. **José Guillermo Larios Gómez**, a member of the Regional Corporation for the Defence of Human Rights (Corporación Regional para la Defensa de los Derechos Humanos - CREDHOS), was followed and then arrested by three men identified as being members of the DAS. On 30 November 2004, Mr. Gómez was said to be held in a room belonging to the DAS in Paloquemao, Bogotá. On 1 December 2004, the media announced that he was suspected of being a guerrillero and of complicity with terrorist acts.

*Questioning of, and legal proceedings against Father Joakín Mayorga*¹⁰⁰. On 7 December 2004, Father **Joakín Mayorga**, head of Justice and Peace (Justicia y Paz) within the diocese of Magangué (Magdalena), was arrested and placed in detention following a legal investigation into his work in Magangué and his position as a priest and human rights defender. Father Joakín Mayorga was freed the same day and was then informed by officer Pérez, from the San Gil police station, that his detention was due to mistaken identity. Father Joakín Mayorga had already been detained under similar circumstances in August 2004 in the town of Onzaga (Santander).

At the end of 2004, Father Joakín Mayorga was facing trial for the alleged offences of slander and insults. The action was brought by members of the Colombian army's Nariño battalion, from the town of El Banco (Magdalena). The charge related to his public condemnation of the arbitrary detention, forced disappearance and assassination of three minors, Jiovanny Vega Atencio, Jairo Villalba and Nolberto Campusano Zuleta, and the forced disappearance of 13-year-old Osnaider Solano Zuleta, in the village of El Coco at the end of January 2004¹⁰¹.

99 See Colombia Special Appeal August-December 2004.

100 See Urgent Appeal COL 023/1204/OBS 093 and Colombia Special Appeal August-December 2004.

101 See Urgent Appeal OMCT COL 161104 (grave human rights violations inflicted on populations in the south of Bolívar).

Threats, harassment and attacks

Threats, harassment and attacks against trade unionists

*Harassment and threats against members of SINALTRAINAL*¹⁰². On 28 January 2004, Mr. **German Cataño**, chairman of the Santa Maria (Magdalena) section of SINALTRAINAL, was threatened by armed unidentified individuals who turned up at the union's offices. These threats came when the union was trying to prevent the illegal closure of ten Coca-Cola production lines in a number of municipalities.

On 19 March 2004, the United Self-Defence Forces of Colombia (Auto-Defensas Unidas de Colombia - AUC) issued a press release threatening to turn SINALTRAINAL members into "military objectives" unless they left the town of Palmira (Valle de Cauca) within three months. These threats were made four days after SINALTRAINAL members in Bucaramanga, Cúcuta, Barrancabermeja, Carthagená, Valledupar, Cali, Medellín and Bogotá had begun a hunger strike to draw the international community's attention to serious human rights abuses suffered by Coca-Cola workers (assassinations, forced disappearances, acts of harassment, death threats, etc.).

Moreover, just a few days after the publication of the Palmira third civil court judge's decision ordering the reinstatement of two workers at the company of Burns Philp Colombia S.A., a letter written in the same tone arrived at the offices of the Palmira section of SINALTRAINAL. It stated that the association's leaders were instigating insurrection in the Cauca Valley.

On 14 April 2004, Mr. **Onofre Esquivel**, a member of the national leadership of SINALTRAINAL and a factory worker for the Nestlé multinational in Bulgalagrande (Valle), was threatened at his home by several individuals travelling in two vehicles. Mr. Onofre Esquivel had already received death threats from the AUC on 11 October 2003, and his house had been searched on 22 October 2003. These acts of harassment took place when workers affiliated to SINALTRAINAL were negotiating a list of demands with Nestlé.

¹⁰² See Urgent Appeals COL 004/0304/OBS 018 and COL 007/0404/OBS 027, and Colombia Special Appeal December 2003-April 2004.

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*Threats against ASOINCA members*¹⁰³. On 9 January 2004, a letter addressed to the management of the Cauca Teachers Association (Asociación de Institutores del Cauca - ASOINCA), and containing threats against the academics, which it defined as "terrorists, disguised as democrats", was received at the association's headquarters in Popayan. From the beginning of January 2004 onwards, a number of phone calls were received at the headquarters of ASOINCA threatening its management. Moreover, on 15 March 2004, at 4.00 a.m. an individual who had already been noticed on three occasions near the house, loitered in front of the home of professor **José Elias Chanchi**, a member of the ASOINCA management. The same individual came back later that morning.

*Threats against Mr. Jesus Alfonso Naranjo and Mr. Mario Mora*¹⁰⁴. On 21 January 2004, Mr. **Jesus Alfonso Naranjo** and Mr. **Mario Mora**, trade union leaders of the sections of Barranquilla and Bolivar of ANTHOC, received a leaflet with the heading of the AUC of Magdalena Medio, in which they were accused of defending the guerrillas, and which consequently declared them to be "military targets". These statements came on top of other threats that these men had received in December 2003.

*Threats against ASEDAR*¹⁰⁵. On 23 January 2004, the management of the ASEDAR - which had met for a protest action against the departmental government's policy - received threats by the AUC. Mr. **Jaime Castillo**, president of the management committee, Mr. **Celedonio Jaimes**, general secretary, Mr. **Francisco Rojas**, former president and Mr. **Marcos Garcia**, affiliated professor, were directly denounced and threatened by paramilitaries through posters, leaflets and appeals.

*Threats and attempted attacks against SINTRAEMCALI*¹⁰⁶. On 6 February 2004, a bomb placed against the entrance of the SINTRAEMCALI was discovered only twelve hours after its president, Mr. **Luis Hernandez**, had denounced the serious threats and persecu-

103 See Colombia Special Appeal May-July 2004.

104 *Idem*.

105 *Idem*.

106 See Colombia Special Appeal December 2003-April 2004.

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tion suffered by the union since the beginning of 2004 before a security council composed of the region's authorities (administrative, military and the police). Mr. Luis Hernandez particularly provided proof enabling the identification of the AUC as being responsible for the threats. He also denounced the assassination, in January 2004, of Mr. Ricardo Barragan, a member of SINTRAEMCALI, and of Mr. Deyton Banguera, a union body guard¹⁰⁷, as well as the telephone harassment suffered by the adviser of SINTRAEMCALI's Human Rights Department, Mrs. **Berenice Celeyta**, and the slanderous accusations brought publicly against the union by the Colombian President Mr. Uribe Vélez.

On 5 May 2004, a large police contingent consisting of members of the Mobile Anti-Riot Squad (Escuadrón Móvil Anti Disturbios - ESMAD) and the military police, attacked the workers affiliated to SINTRAEMCALI and the inhabitants of the district. As the workers were meeting in order to examine the implications of the Collective Agreement brought in the day before, the police fired several shots, throwing the district's inhabitants into a panic¹⁰⁸.

*Threats against members of USO*¹⁰⁹. On 7 February 2004, a letter was sent by fax to the USO headquarters in Carthagena (department of Bolivar), in which direct threats were addressed to Mr. **Rodolfo Vecino Acedo**, the director of the section, and to his family, to Mr. **Hernando Meneses Veladès**, director of the national USO, and to Mr. **Rafael Cabarcas Cabarcas**, adviser to the Carthagena section. The letter, as well as accusing the trade unionists of being "guerrilla collaborators", threatened them and their spouses, children and other family members, giving very precise details regarding their movements and activities.

In addition, on 6 November 2004, an unidentified person driving a motorcycle followed the security vehicle in which Mr. Cabarcas was travelling. On 21 October 2004, his nine-year-old son José Luis had been the victim of an attempted kidnapping in the district of la Concepción.

107 See above.

108 See Colombia Special Appeal May-July 2004.

109 See Colombia Special Appeals December 2003-April 2004 and August-December 2004.

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*Surveillance and assassination attempt during a peaceful gathering*¹¹⁰. On 26 February 2004, on the occasion of the protest against the Free Trade Area of the Americas (Área de Libre Comercio de las Américas - ALCA), organised in Cali by the CUT section, two people were discovered illegally filming a union meeting. These individuals, who were trying in particular to film the union leaders, were detained until the arrival of the police. They then put the police in telephone contact with their superior, and immediately passed from the status of suspects to that of victims whom the police then tried to protect, which seems to point out to their being State security agents.

Shortly after these events took place, Mr. **Oscar Figueroa**, a trade union leader, was the victim of an attempted attack on the part of unidentified persons who pursued him by car and motorcycle as he was leaving the protest.

*Surveillance of the home of Mr. Tomas Ramos and search of his father's house*¹¹¹. On 22 April 2004, certain members of the family of Mr. **Tomas Ramos**, a leader of the CUT, reported that a van was watching their house while he was taking part in the Coordination of Human Rights in Barranquilla (which provides legal support for displaced persons) in his capacity of representative of the CUT. On 28 April 2004, the home of Mr. Ramos' father was searched by police officers who claimed to be looking for weapons.

*Aggression of Mr. Jorge Enrique Giraldo Reina and Mr. Luis Hernando Ortiz Bejarano*¹¹². On 29 April 2004, during the election of the new board of directors of the Cali section of the National Association of Officials and Employees of the Judicial Branch (Asociación Nacional de Empleados y Funcionarios de la Rama Judicial - ASONAL JUDICIAL), which was held at the law courts, the trade unionists Mr. **Jorge Enrique Giraldo Reina** and Mr. **Luis Hernando Ortiz Bejarano** were verbally and physically attacked by officer Carlos Meneses Patiño and lieutenant Omar Marino Muñoz Potes, police officers under the orders of commander Carlos Yimi Meneses Patiño. The two policemen ente-

110 See Colombia Special Appeal December 2003-April 2004.

111 See Colombia Special Appeal May-July 2004.

112 *Idem*.

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red the building claiming that it was their intention to prevent the inauguration of a mural painted by the employees of the law courts affiliated to ASONAL JUDICIAL. Mr. Luis Hernando Ortiz, candidate to the executive board of the union, was then beaten by Mr. Carlos Meneses for insisting that the ceremony continue despite the arrival of the two policemen. Mr. Jorge Henrique Giraldo was also beaten by lieutenant Muñoz, and was sprayed gas in his face.

*Threats and harassment against Mr. Oscar Arturo Orozco Sánchez*¹¹³. In May 2004, Mr. **Oscar Arturo Orozco Sánchez**, president of the vice-management of the Electricity Workers' Union of Colombia (Sindicato de la Electricidad de Colombia - SINTRAELECOL) and of the Caldas section of the CUT, received threats and was subjected to a harassment campaign, particularly in the form of a dismissal procedure started against him by Mr. Hugo Emilio Velez Melguizo, manager of the hydroelectric plant of Caldas (Central Hidroeléctrica de Caldas - CHEC). On the basis of a risk assessment study carried out by the DAS following these incidents, the Ministry of the Interior assigned him two escorts comprising two vehicles and five body guards, as well as the reinforcement of the premises of their trade union headquarters.

*Repression of trade union protests*¹¹⁴. On 1st May 2004, the workers and peoples' march organised by the workers associations of the country in Bogotá was brutally dispersed by ESMAD forces, which attacked the rear end of the march and brutalized the marchers. Moreover, during the protest which took place on the same day in Medellín, Ms. **Leydy Acevedo**, a student, was beaten up by a police officer and suffered a head injury.

*Threats against Mr. Pedro Galeano and Mr. Eduardo Rugeles*¹¹⁵. On 2 June 2004, teachers Messrs. **Pedro Galeano** and **Eduardo Rugeles**, leaders of the University Workers Union of Colombia (SINTRAUNICOL), linked with the University of Tolima, were threatened through the post both at their homes and at the union headquarters in the same town. The Ministries of the Interior and of Justice never followed up on

113 *Idem.*

114 *Idem.*

115 *Idem.*

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the requests for protection submitted by the SINTRAUNICOL leaders following these incidents. On 12 July 2004, the trade unions also informed the University of Tolima of these facts and demanded that the lives of the threatened people be protected. On 19 July 2004, the management of the University of Tolima addressed a letter to Mr. Galeano and Mr. Rugeles, in which it stated that they should continue to work as usual at the university, otherwise they would be punished.

*Fierce repression of a demonstration in Barrancabermeja*¹¹⁶. On 17 June 2004, the Barrancabermeja police attacked and mistreated civilians and journalists who were starting out on a peaceful protest demonstration together with the leaders and members of the USO to claim for the respect of their rights as workers. The demonstration was brutally repressed by the ESMAD. A journalist of the *Télévision Enlace* channel, Mrs. **Luz Dary Innes**, was wounded, and Messrs. **Wilson Lozano**, **Reinaldo Patiño**, **Jhon Jairo León** and **Ricardo Mejía**, journalists and photographers, were unable to perform their job of informing the public owing to police repression.

*Threats against Mr. Miguel Antonio Ruíz Beltrán and Mr. William José Paternina Hernández*¹¹⁷. On 24 June 2004, Mr. **Miguel Antonio Ruíz Beltrán**, a member of the board of directors of the SINTRAEMSDES, was approached by an individual who claimed to know him, saying that he had attended a trade union meeting of the section of Sucre of SINTRAEMSDES at which Mr. Ruíz Beltrán had also been present. According to this person, eight people who had also taken part in this meeting were preparing an assassination attempt against him. These eight people in particular would have enjoyed the logistic support of a worker of the organisation, who would have been paid for collaborating. Mr. Ruíz Beltrán had already received threats in 2002. Furthermore, Mr. **César Castillo Moreno**, the union's vice-president, was the victim of a phone harassment campaign.

116 *Idem.*

117 *Idem.*

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*The AUC threaten with death Arauca social leaders and activists*¹¹⁸. On 22 October 2004, leaflets signed by members of the AUC, claiming to belong to the "Conquerors' Block of Arauca" (Bloque Vencedores de Arauca), were distributed in the town of Saravena, accusing the leaders of eleven trade unions and social organisations known for their commitment to the defence of human rights, of being "obstacles to the society", owing to their opposition to government policies, and warning them to leave the region as soon as possible. The paramilitaries also pointed out that they would not allow any opposition to the State's policies, which they consider to be right for the country. The following organisations were explicitly targeted: ANTHOC, CUT, the Regional Youth and Student Association (Asociación Juvenil y Estudiantil Regional - ASOJER), the Municipality Action Group (Asociación Comunal de Juntas - ASOJUNTAS), ASEDAR, the Community Aqueduct and Sewer Company (Empresa Comunitaria de Acueducto y Alcantarillado - ECAAS), the National Association of Peasant Workers (Asociación Nacional de Usuarios Campesinos - ANUC), Cooperativa (COOPE-CARNES), the Civil Servants' Trade Union of the Municipality of Medellín (Sindicato de Trabajadores de la Alcaldía Municipal - SIDEM), the Education Workers' Union in Arauca (Organización Sindical del personal administrativo y de servicios de los planteles educativos in Arauca - SINTRENAL), and SINTRAEECOL.

*Members of SINTRAUNICOL declared as military targets*¹¹⁹. On 30 October 2004, a pamphlet signed by the "National University Commandos" (Comandos Nacionales Universitarios) of the armed forces of the AUC, containing death threats against several of the union's members and demanding its dissolution, was sent to the offices of the Bogotá section of SINTRAUNICOL. Messrs. **Antonio Flórez, Milena Cobo, Ariel Díaz, Carlos Gonzáles, Ibagué Eduardo Camacho Rúguelos** and **Alvaro Villamizar Mogollon**, who were declared "military targets" to be executed by the end of 2004, were specifically mentioned. The AUC claimed that

118 See Urgent Appeal COL 018/1004/OBS 082 and Colombia Special Appeal August-December 2004.

119 See Urgent Appeal COL 020/1104/OBS 085 and Colombia Special Appeal August-December 2004.

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"certain members were openly ready for armed combat, while others pulled strings in the dark, including certain adherents of SINTRAUNICOL who disguised themselves as defenders of the workers and human rights and infiltrated universities and colleges in order to strengthen their military machine". In addition, the pamphlet proclaimed that these "University Commandos" aimed at "eliminating the communist threat posed by educational institutions, even if they had to use armed force to do so".

On 30 November 2004, the Bogotá section of SINTRAUNICOL once more received a pamphlet signed by the National University Commandos, containing death threats against several of its members, including Mr. **Álvaro Villamizar**, treasurer of the Bucaramanga section and a member of the National Coordination of Human Rights. In addition, on 16 December 2004, as he was leaving the industrial university of Colombia (UIS), Mr. Álvaro Villamizar was approached by two men who threatened and insulted him.

On 26 November 2003, the AUC paramilitaries had decreed various SINTRAUNICOL human rights leaders at a national level to be military targets, including Mesrrs. Antonio Flores González, Alvaro Villamizar Mogollon, Ibagué Eduardo Camacho Rúguelles, Ana Milena Cobos, Carlos González, and Ariel Díaz.

On 6 May 2004, preventive measures were requested for the protection of teachers and workers of the University of Cordoba who had united in the Association of University Teachers (Asociación de Profesores Universitarios - ASPU) and SINTRAUNICOL - Cordoba, and on 30 June 2004 a request had been submitted to the human rights and international humanitarian law department of the Ministry of Foreign Affairs to the effect that, in keeping with these preventive measures, protection measures be implemented in favour of ASPU and of SINTRAUNICOL - Cordoba members.

*Expulsion of Victor Báez, Antonio Rodríguez Fritz, Rodolfo Benitez, Cameron Duncan and Pilar Morales*¹²⁰. On 30 October and 1 November 2004, several international trade union leaders, including Mesrrs. **Victor Báez Mosquera**, secretary general of the Inter-American Regional Organisation of Workers of ICFTU (Organización Regional

¹²⁰ See Colombia Special Appeal August-December 2004.

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Interamericana de Trabajadores - CIOSL-ORIT), **Antonio Rodríguez Fritz** of the International Transport Workers' Federation (ITF), **Rodolfo Benitez** of Union Network International (UNI), Mr. **Cameron Duncan**, secretary of Public Services International (PSI) and Mrs. **Pilar Morales** of the Trade Union Confederation of Workers' Commissions (Confederación sindical de comisiones obreras - CC.OO) of Madrid, who had been invited to participate in the 4th National Active Women Congress organised by the CUT in Colombia, were prevented from entering the country and were expelled by governmental order upon their arrival at the Colombian airport of El Dorado. The government is also believed to have published a list of trade union representatives banned from Colombia, which in particular is said to include the names of several members of an international solidarity mission in Colombia in September 2004, organised by the Confederation of Colombian Workers (Confederación de Trabajadores de Colombia - CTC), affiliated to ICFTU, the General Confederation of Democratic Workers (Confederación General de Trabajadores Democraticos - CGTD), affiliated to the World Confederation of Labour (WCL), the United Workers Central Organisation (Central Unitaria de Trabajadores - CUT), and the Confederation of Colombian Pensioners (Confederación de Pensionados de Colombia - CPC), ICFTU, WCL and their regional organisations CIOSL-ORIT and the Latin American Central of Workers (Central Latinoamericana de Trabajadores - CLAT/WCL). The mission had approached the government and President Uribe to end the assassinations of Colombian trade unionists and all other forms of anti-unionist repression widespread in the country. Three of the four above mentioned representatives had attended a meeting with the President, Mr. Uribe, on 16 September 2004.

*Harassment and threats against USO-Carthagena section*¹²¹. On 3 November 2004, in the Plaza de Toros in Cartagena de Indias, three officers of the national police intercepted the security van assigned to the Carthagene section of the USO, on board of which travelled Mr. **Jorge Ortega Hernández**, Mr. **Antonio de la Torre Goez** and Mr. **Heriberto Bolívar Defex**, members of the USO management committee.

121 *Idem*.

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On 6 November 2004, Mr. **Isaac Barcenas Barcos**, the general secretary of USO's Cartagena section, was subjected to harassment and threatened with death by two people on a motorcycle.

*Aggression against Mr. Jairo Machado Moreno*¹²². On 21 November 2004, some representatives of the criminal investigation police, as well as some members of the army and of the Attorney General's office carried out a brutal search of the home of Mr. **Jairo Machado Moreno**, leader of the Bolívar section of SINTRAELECOL, whose left hand was fractured.

Threats, harassment and attempted assassination against members of the civil society

*Threats against members of FUN and of MODEP*¹²³. In December 2003, the members of the National University Federation (FUN) and of the Movement for the Defence of the People (MODEP), which is also formed by members of the commissions of FUN, were threatened, denounced and intimidated by paramilitary groups. In particular, **Adriana Lozano**, **Miguel Angel Barriga**, **Yamil Garzón** and **Claudia Angélica Beltran**, members of FUN, have been made the object of direct denunciations and threats. Already in November 2003, five university students members of FUN had been arrested for 6 days on arbitrary charges in Cucuta, while they were returning from the 2nd Peoples' Congress in Caracas, Venezuela. Accused of being rebels, they had been the victims of intimidation and ill-treatment on the part of the authorities.

*President Uribe repeats his accusations against human rights activists*¹²⁴.

President Álvaro Uribe Vélez continued to discredit the work of human rights organisations in the name of the fight against terrorism,

¹²² *Idem*.

¹²³ See Colombia Special Appeal December 2003-April 2004.

¹²⁴ See Press Releases, 12 February and 1 June 2004, Open Letter to the Colombian authorities, 7 June 2004, and Colombia Special Appeal May-July 2004.

thus aggravating the climate of violence which activists face daily in Colombia.

In his statements before the European Parliament on 10 February 2004, in Strasbourg (France), President Uribe criticised the work of certain organisations for the defence and safeguard of human rights in Colombia, mentioning in particular the CCAJAR. He also accused some of these organisations of using the issue of human rights as a cover-up for terrorist acts, and the defenders were portrayed as auxiliaries or sympathizers of the guerrilla. These statements go to add to those of the 8 and 11 September 2003, in which President Uribe had accused certain NGOs of "hiding behind the banner of human rights" and of being "terrorism's spokespersons".

Moreover, in a statement made before a security council on 27 May 2004 in Apartadó, in the department of Antioquia, President Uribe criticized in lively terms the Peace Community of San Jose de Apartadó¹²⁵, as well as the members of the Peace Brigades International (PBI) and of several other NGOs operating in the region. He accused them of hindering the work of the authorities, in particular that of the Human Rights Unit of the Prosecutor's Office. He declared that the government was prepared to support this office with the help of the police and the armed forces, and that the arrest or expulsion of opponents on the charge of obstruction to justice was not to be excluded. He thus insisted on the fact that "foreigners who hinder the administration of justice in Colombia shall not benefit from any kind of immunity" and warned that "if it proves necessary to deport those who do not abide, it will be done".

Following this speech, army troops accompanied by representatives of the intelligence services - members of the DAS and of the SIJIN - circulated on 2 June 2004 in San José de Apartadó, filming the members of the community and demanding the names, addresses and activities of its leaders, including those of Mr. **Wilson David** and Mr. **Gildardo Tuberquia**. Information was also requested regarding the dates and reasons for the meetings held by these leaders. In addition, certain members of the DAS and of the SIJIN spoke to some PBI representatives

¹²⁵ Name of a camp set up by displaced persons in the district of San José near the town of Apartado.

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who were in San José at the time and, despite the fact that their papers were in order, summoned them to appear the next day in order for their personal details to be verified at the DAS in Apartadó.

Finally, on 16 June 2004, during a promotion ceremony of the Colombian police, President Uribe accused Amnesty International of not condemning the violations of humanitarian law perpetuated by the guerrillas and of legitimating terrorism.

*Torture, threats and harassment of OFP members*¹²⁶

– *Attempted assassination of Mrs. Yolanda Becerra.* On 27 January 2004, a group of armed individuals fired against three members of the Popular Women's Organisation (Organización Feminina Popular - OFP), among whom was their leader, Mrs. **Yolanda Becerra**. The latter were accompanied by a humanitarian commission consisting of four delegates of the Norwegian Refugee Council, two representatives of the Consultants in Latin American Projects (Consejería en Proyectos Latinoamericanos) and a member of PBI, and intended to visit some accommodation projects run by OFP for displaced women and women who are the sole supporters of their families in the south of the department of Bolívar.

On 24 December 2004, Mrs. Yolanda Becerra learnt that a paramilitary of Barrancabermeja had claimed that he intended to assassinate her and that he had been constantly following her for a month.

– *Detainment and torture of Mrs. Inés Peña.* On 28 January 2004, Ms. **Inés Peña**, aged 22 and a militant of the Youth Movement of the University Convention OFP-UNIPAZ (Movimiento Juvenil del Convenio Universitario OFP- UNIPAZ), as well as the co-ordinator of the "María Cano" documentation centre of the OFP, was detained and tortured by paramilitaries. The latter forced her at gunpoint to get in a vehicle near the main police station of Barrancabermeja. Ms. Peña also hosts and is a member of the editorial committee of the television programme *La Mohana*, as well as a member of the human rights youth network of the regional Peoples' defender's Office (Defensoría Regional

¹²⁶ See Annual Report 2003, Urgent Appeal COL 002/1003/OBS 053.1 and Colombia Special Appeal December 2003 - April 2004.

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del Pueblo). The paramilitaries shaved her head and burnt the soles of her feet with boiling water; they also intimidated her to leave the OFP. She was then dumped behind the Coliseum Luis F. Castellano, a strategic spot regularly checked by the army.

No further threats or new aggressions on the part of the paramilitaries had been directed at Ms. Peña at the end of 2004. Nevertheless, following her reports to the authorities, the latter, rather than enquiring into the actions perpetrated against her, had decided to keep her under surveillance.

– *Attack against the OFP in Barrancabermeja.* On 6 March 2004, some OFP members found a Molotov cocktail in front of the door of the Casa de la Mujer (Women's Home), in Barrancabermeja, two days before Women's Day, on the occasion of which the OFP had planned several activities. This attack was probably carried out in retaliation against the Campaign for Civility that the women members of the organisation had carried out door-to-door in town the day before.

– *Impunity in the assassination of Mrs. Esperanza Amarís.* At the end of 2004, the enquiry into the assassination on 16 October 2003, of Mrs. **Esperanza Amarís**, an OFP member, following her kidnapping in Barrancabermeja on the part of three members of the paramilitary group the Bolívar Central Block (AUC), failed to identify those responsible. Witnesses of the assassination were threatened. For example, Mrs. **Graciela Alfaro**, also a member of the OFP and a key witness in the case, had to leave Barrancabermeja following threats issued by the paramilitaries against her and her family.

*Harassment of the Education Corporation COMBOS*¹²⁷. In February 2004, the Education Corporation COMBOS, a Colombian NGO which works to defend the rights of children and women of the poorer strata of the population, was subjected to acts of harassment. Unidentified men burst into the organisation's headquarters in Medellín on several occasions and intimidated the people present. On 17 February 2004 and

127 See Colombia Special Appeal December 2003-April 2004.

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in the following days, Mr. **Pietro Carobbio**, a volunteer worker for COMBOS, was also threatened several times out on the street.

*Harassment of Mrs. Lilia Solano*¹²⁸. In March 2004, Mrs. **Lilia Solano**, who teaches at the National University of Bogotá and is the director of the NGO "Justice and Life Project" (Proyecto Justicia y Vida), was the victim of particularly serious harassment and threats endangering her life and safety as well as those of her students. Indeed, the Bolívar Central Block (AUC) accused her on their web site of being a "narco-guerrilla ideologist" who "corrupts the mind of the students".

*Harassment and threats against indigenous activists*¹²⁹. Threats were received by some members of the Colombian delegation which took part in the 35th World Congress of the FIDH which was held in Quito, in Ecuador, from 1 to 6 March 2004. On 2 March 2004, while Mr. **Gilberto Arlanht Ariza**, leader of the indigenous group Kankuamo, was speaking up at the congress against the mass killing which is being perpetrated against his people since 2001, an armed group broke into his home in Bogotá and attacked and threatened the people present, as well as Mr. Arlanht Ariza himself. In the same way, on 3 March 2004, leaflets were distributed during the General Assembly of the University of Tolima accusing two students who were taking part in the Quito congress, Mr. **Germán Acosta** and Mr. **Diego Sierra**, of being part of the guerrilla. The leaflets also accused other members of the University Welfare Students' Committee (Comité Estudiantil de Bienestar Universitario) of supporting violent protest actions.

128 See Urgent Appeal COL 014/0904/OBS 068 and Colombia Special Appeal August-December 2004.

129 See Open Letter to the Colombian Authorities, 25 March 2004 and Colombia Special Appeal December 2003-April 2004.

*Threats against the José Alvear Restrepo Lawyers Collective Corporation (CCAJAR)*¹³⁰

– *Threats on the part of the AUC*¹³¹. On 6 March 2004, the José Alvear Restrepo Lawyers Collective Corporation (Corporación Colectivo "José Alvear Restrepo" - CCAJAR) received a threatening letter signed by the AUC, which accused the members of the Collective, as well as "the communist revolutionaries of the departments of Risaralda et Cundinamarca" of being part of the guerrillas, thus marking them out as their potential targets. At the end of the letter was a list of persons directly designated as targets, including Mr. **Alirio Uribe Muñoz**, president of the CCAJAR, and Mr. **Reinaldo Villalva Vargas**, a lawyer belonging to the association.

– *Harassment of Mr. Pedro Julio Mahecha Ávila on the part of the DAS*¹³². Mr. **Pedro Julio Mahecha Ávila**, a lawyer member of CCAJAR, and currently part of a team of lawyers defending three Irish citizens - Messrs. Niall Connolly, James Monaghan and Martin Mc Kauley - was harassed by the DAS, who accused him of being a member of the FARC. On 14 May 2004, while he was in Carthagena for work reasons, he was followed by some persons who were identified as DAS officials. The pressures made on him were so strong that Mr. Mahecha Ávila was forced to ask for the help of the police and finally to leave the town and cancel his trip to Barranquilla, which was planned as part of the European Union's "Country, democracy and development" programme. Following a petition issued by CCAJAR, the head of the judicial section was questioned in relation with these incidents. The latter, while acknowledging the facts, denied any operation was underway concerning Mr. Mahecha Avila, and claimed that the harassment had been part of a wider crime prevention programme within the region.

130 See Urgent Appeals COL 008/0504/OBS 038, COL 010/0604/OBS 044, COL 014/0904/OBS 068, Colombia Special Appeals December 2003-April 2004 and May-July 2004.

131 See Colombia Special Appeal December 2003-April 2004.

132 See Urgent Appeal COL 010/0604/OBS 044 and Colombia Special Appeal May-July 2004.

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– *Harassment of Mrs. Diana Teresa Sierra Gomez*¹³³. Mrs. **Diana Teresa Sierra Gomez**, a CCAJAR member who was to travel to The Hague (Netherlands) on 2 September 2004 to take part in the Assembly of States Parties to the International Criminal Court (ICC), was obliged to cancel her departure for fear of retaliations by the DAS. Indeed, on the same day, the CCAJAR was informed of a trustworthy witness according to whom the DAS intended to arrest Mrs. Sierra Gomez at the airport of El Dorado in Bogotá. Mr. Carlos Franco, the director of the Presidential Programme for Human Rights of the Vice-Presidency of the Republic stated that an enquiry would be carried out into the incident.

– *Harassment of and theft of information from a CCAJAR member*¹³⁴. On 1 October 2004, Mr. **Efraín Cruz Gutiérrez**, legal assistant for the CCAJAR, was followed by a jeep from the offices of the Prosecutor of Bogotá on his way to the Collective's offices. The Transport Secretariat later found that the registration plates of the car in question corresponded to those of an official vehicle registered with the municipality of Ubaté in the department of Cundinamarca.

The home of Mr. Efraín Cruz Gutiérrez had already been burgled on 15 September 2004, and his personal computer and fax stolen, among other things, while other objects which could have been more easily carried and of greater value had not been taken away. The stolen items contained important data relating to the work that Mr. Efraín Cruz is performing as a human rights activist for the CCAJAR.

– *Serious harassment and threats against Mrs. Claudia Julieta Duque*¹³⁵. On 7 September 2004, Mrs. **Claudia Julieta Duque**, a journalist who has been working for the CCAJAR since August 2003, took a taxi to return home but noticed that the driver - who was an employee of the taxi company "Tax Aeropuerto" - was behaving in a suspect manner, and questioned her concerning the phone conversation she had just had with some members of the Foundation for the Freedom of Press. After

133 See Urgent Appeal COL 014/0904/OBS 068.

134 See Urgent Appeal COL 014/0904/OBS 068.1.

135 See Urgent Appeals COL 015/0904/OBS 070 and 070.1 and Colombia Special Appeal August-December 2004.

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dropping her off, the driver parked and took notes. On the same day, Mrs. Julieta Duque received a vulgar message on her answering machine in which she was threatened with death. These facts were reported to colonel Luis Alfonso Novoa, the director of the National Police's Human Rights Department and to sergeant Fabio Cepeda. The latter told Mrs. Julieta Duque that no enquiry could be carried out without an order of the Public Prosecutor's Office (*Procuraduría*) or of the Prosecutor General's Office (*Fiscalía*), which had decided not to follow up on the case as of the end of 2004.

Moreover, on 17 November 2004, Mrs. Claudia Julieta Duque received a call on her cell phone in which a male voice checked her identity and also mentioned the name of her 10-year-old daughter. Without identifying himself, the man then told her that he would be obliged to kill her daughter. The phone number from which the call was made was immediately tried, and a man finally answered, who said his name was Alex. In the background, the sound of walkie-talkies could be heard, like those commonly used by the State police. The man was then asked if he was in a CAI (Centro de Atención Inmediata de la Policía), at which he answered that he was at the corner of Caracas avenue and the sixth road. This address corresponds to the buildings of the SIJIN and of the headquarters of the police task force (Fuerza Disponible) and of the metropolitan police. These acts of harassment took place two days after the Protection Programme for journalists was finally approved by the Ministry of the Interior, and after a Security Plan was approved especially for Mrs. Julieta Duque, according to which she had been granted the use of an armoured vehicle as well as other protection measures.

On 15 December 2004, Mrs. Claudia Julieta Duque decided to leave the country because of the danger to herself and her daughter.

Already in June 2004, sergeant Fabio Cepeda had advised the journalist to leave her house for security reasons, advice which she followed until August 2004. On this occasion, Mrs. Duque had given sergeant Cepeda a list of phone numbers from which she had received threatening calls, as well as of number plates of cars which had followed her in the course of the year 2004. This situation was communicated to the Risk Assessment Committee (CRER) of the Ministry of the Interior, which communicated on 30 June 2004 that it would take security measures in this respect.

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– *Slander of the CCAJAR by the governor of the department of Cesar.* On 11 October 2004, during a meeting held at Valledupar regarding the implementation of protection measures for the Kankuamo indigenous community of Sierra Nevada de Santa Marta, the governor of Cesar, Mr. Hernando Molina Araujo, verbally attacked the CCAJAR, explaining that he considered their work to be subversive and their critiques of the government to be an obstacle to peace in the country. These declarations followed a comment made by the lawyer Mrs. **Jomary Ortegón Osorio**, who expressed some anxiety regarding the governor's announcement of a government-supported plan of negotiations with the paramilitary groups of the region.

– *Escape of a soldier charged with several aggressions and assassinations of trade unionists*¹³⁶. On 3 November 2004, Mr. César Maldonado Vidales, a retired army major general, escaped from the structures of the military battalion of Bogotá where he had been held since 28 October 2004, when the High Court of Bogotá confirmed his sentence to 27 years imprisonment for his moral responsibility in the attack carried out in December 2000 against Mr. **Wilson Borja**, then president of the National Federation of State Workers (FENALTRASE) and today a member of Parliament¹³⁷. A few days after his escape, certain members of the family of Major César Maldonado Vidales and his lawyer, Mrs. Gloria Duarte, accused the CCAJAR of being responsible for his disappearance. The CCAJAR was the plaintiff for Mr. Wilson Borja and also represents - in another proceeding involving Major César Maldonado Vidales - the members of the families of trade unionists **Ramon Alirio Perez**, who survived, and **Nelson Ortega** and **Gerardo Lievano**, who were tortured and assassinated during events which took place in Bucaramanga in 1992. These facts pose a real threat to the CCAJAR, which had already been subjected to several acts of harassment linked to these cases¹³⁸.

136 Open Letter to the Colombian Authorities, 12 November 2004 and Colombia Special Appeal August-December 2004.

137 See Annual Report 2000.

138 See Annual Report 2002.

– *Enquiry into the attempted assassination and threats against Mrs. Soraya Gutiérrez Arguello*¹³⁹. On 14 February 2003, the car of Mrs. **Soraya Gutiérrez Arguello**, a lawyer belonging to the CCAJAR, had been intercepted by a vehicle from which several men armed with sub-machine guns had descended. Mrs. Gutiérrez had managed to lose her aggressors, but the front window of her car had been damaged by several bullets. In the days before, Mrs. Gutiérrez Arguello had received a number of anonymous phone calls at her home. She had reported her attempted assassination to the national police and her car had been taken to the DAS in order to carry out ballistic tests.

Furthermore, on 20 February 2003, the household help of Mrs. Gutiérrez had received three phone calls from a man asking where the latter was, and on 3 March 2003, a man phoned at Mrs. Gutiérrez's house and asked at what time her daughter came home from school. A few moments later, as the household help went to pick the little girl up from school, she noticed that she was being followed by a taxi, whose driver, having pulled up alongside her had asked whether she was going to pick up Soraya's daughter. He had then parked and got out of the car, and only driven off once the little girl had arrived. On that same day, the concierge of the building in which Mrs. Gutiérrez lives informed her that a man claiming to work for Cablecentro had asked for the number of her apartment. After checking, it was ascertained that Cablecentro had not sent anyone to that address. These extremely serious incidents had been reported to the Attorney General, who is in charge of enquiries into harassment and threats against the members of the CCAJAR.

Following the report of these two cases, despite the fact that an enquiry was officially opened, no investigations have been carried out at the end of 2004.

*Search of the headquarters of the Peace Community of San José de Apartadó*¹⁴⁰. On 12 March 2004, the headquarters of the organisation Peace Community of San José de Apartadó (Antioquia) was searched by collaborators of the Prosecutor General, accompanied by soldiers of the Berajano Muñoz battalion and of the DAS. Following this search and

139 See Annual Report 2003.

140 See Colombia Special Appeal December 2003-April 2004.

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that of her own home, Mrs. **Diana Valderrama**, a member of the Internal Council of the Peace Community, was arrested for "possession of documents inciting the population to keep on the margin of the conflict and not collaborate with the armed forces, including the army". During the time she was detained, Mrs. Diana Valderrama was threatened and intimidated by hooded individuals. She was released 24 hours later without charges.

*Death threats against Mr. Ademir Luna and attempted assassination of one of his relatives*¹⁴¹. On 29 March 2004, two men on a motorcycle approached the taxi belonging to Mr. Eduardo Luna, the father of Mr. **Ademir Luna**, a journalist and member of the Regional Corporation for the Defence of Human Rights (Corporación Regional para la Defensa de los Derechos Humanos - CREDHOS) in Barrancabermeja.

Mr. **Fabian Correa**, who usually drives the vehicle, was forced to turn into a dead end. He was then threatened at gunpoint and told: "Are you Ademir Luna? We are going to kill you". Mr. Fabian Correa was then pushed against the car, and his attackers -, insulting him all the while - poured petrol over him and the car and threatened to set him on fire. They then tried, in vain, to do so, but as their lighter did not work they left. The taxi driver immediately reported the fact to the police. Mr. Ademir Luna had already been the victim of several threats and intimidations, including on 3 February 2004, when several men watched and loitered around his house.

His partner, Mrs. **Janeth Montoya**, who is also a journalist, had been forced to leave the town of Barrancabermeja in November 2003 and had given up her job at the newspaper *Vanguardia Liberal* following death threats against her issued by paramilitary groups.

*Threats and harassment against Mr. Guillermo Castaño Arcila and Mrs. Luz Adriana González Correa*¹⁴². In April 2004, Mr. **Guillermo Castaño Arcila** and Mrs. **Luz Adriana González Correa**, respectively president

141 See Urgent Appeal COL 006/0404/OBS 023 and Colombia Special Appeal December 2003-April 2004.

142 See Urgent Appeal COL 009/0504/OBS 040 and Colombia Special Appeal May-July 2004.

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and secretary general of the Risaralda section of the CPDH, were harassed and threatened on several occasions. During more than three weeks, a group of armed men tailed Mrs. González Correa, and in February 2004, several individuals stationed at night in a white car in front of the door of the country house of Mr. Guillermo Castaño Garcia. When questioned by the concierge, they started the car and drove off at high speed without proffering any explanation. The next day, on the same spot where the car had been parked, a bag was found containing blankets, clothes and two towels bearing the initials of the Colombian National Army. Two days later, two of the men came to claim their bag back, explaining that it contained provisions for a few days' fishing outing.

Subsequently, on 14 April 2004, on two occasions, a man claiming to be part of an illegal armed group phoned the apartment of Mr. Castaño Arcila demanding that he pay him 10 million pesos, or that they would set fire to his country house. Mr. Castaño Arcila complained with the DAS about the incident, but without success.

These events took place at the time when trustworthy sources claimed the existence of a conspiracy to assassinate Mr. Arcila and Mrs. Correa, in which persons close to the national intelligence services were said to be involved.

Paramilitary groups had already threatened Mrs. González Correa and Mr. Castaño Arcila through a press release distributed on 22 August 2002, and they had consequently been included - on 27 August 2002, together with several trade unionists and other members of the Committee - in an IACHR protection scheme.

*Search and harassment of the APSCP*¹⁴³. On 4 May 2004, four unidentified armed and hooded persons burst into the offices of the Permanent Assembly of Civil Society for Peace (Asamblea Permanente de la Sociedad Civil por la Paz - APSCP) and asked the person there for information regarding the office hours of the secretary general of the organisation. They then tied up his hands and feet and threatened him with automatic weapons. The criminals searched

143 See Urgent Appeal COL 021/1104/OBS 086 and Colombia Special Appeals May-July 2004 and August-December 2004.

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the offices and stole a cell phone and the money contained in one of the cashboxes.

During the night of 10 November 2004, seven armed men, five of them hooded, burst into the APSCP premises in the La Soledad district in Bogotá. The men obliged the person who was in the office at the time to lie face down on the floor and then started to take the hard disks from the computers. Nevertheless, the attempted theft failed thanks to the help of neighbours and of the security guard of the nearby school of criminology of the Prosecutor General's Office (Escuela de Criminalística de la Fiscalía), who exchanged gunshots with the intruders.

*Threats against Mr. César Augusto González Ortiz*¹⁴⁴. On 29 June 2004, Mr. **César Augusto Gonzalez Ortiz**, a law student at the national university, received three consecutive messages on his mobile phone threatening him with death. Mr. César Augusto González Ortiz is a student leader, co-founder of the Student Council of the Law and Political and Social Sciences Faculty of the national university, as well as of the AURORA human rights project of the same faculty. He was also the instigator in 1999 of the campaign for the liberation of the USO leaders, and of the Colombian Platform for Human Rights, Democracy and Development (Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo)¹⁴⁵.

*Threats and harassment against two leaders of the League of Displaced Women*¹⁴⁶. On 2 July 2004, around midnight, a group of three people, two of them hooded, broke into the home of Mrs. **Ana Luz Ortega Vásquez**, a leader of the League of Displaced Women (Liga de Mujeres Desplazadas), in the Pozón district in Carthagen. The intruders then had everyone leave the house at gunpoint and kept Mrs. Ortega Vásquez and her seven children as hostages. They then stole some

144 See Colombia Special Appeal May-July 2004.

145 Colombian section of the Inter-American Platform for Human Rights, Democracy and Development, which is formed by various human rights NGOs, social organisations and other institutions of Colombian civil society.

146 Colombia Special Appeal May-July 2004.

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valuable objects and threatened to take Mrs. Ortega Vásquez's eldest son, aged 15. The same mode of action was used the same evening in the home of Mrs. **Irene Leonor Toro Trios**, a leader of the same association who lives next to Mrs. Ortega Vásquez's house, and who was also kept hostage by force.

*Persecution and harassment of Mr. Rodrigo Villabón and Mr. Walter Mondragón*¹⁴⁷. From 13 to 17 July 2004, a mission to monitor the situation of human rights and of international humanitarian law was carried out in the region of Guaviare, commissioned by the CCAJAR, the Reiniciar Corporation, the CPDH, the FENSUAGRO and the National Solidarity Aid Association (Asociación Nacional de Ayuda Solidaria - ANDAS). Following this mission, in which they had taken part, Mr. **Rodrigo Villabón**, leader of the community of the town of Calamar (Guaviare), and Mr. **Walter Mondragón**, a lawyer of the Reiniciar Corporation, arrived in Bogotá on 21 July 2004, and were then subjected to acts of persecution and harassment. An unidentified person visited Mr. Villabón in a car with tinted windows, without a rear registration plate. The person insisted to be given Mr. Villabón's phone number, who refused. As for Mr. Mondragón, he declared that he was followed incessantly by an unknown person both near his office and in other places.

*Threats against Arauca social and trade union leaders*¹⁴⁸. On 23 and 24 October 2004, some pamphlets signed by the paramilitaries of the "Conquerors' Block of Arauca" (Bloque Vencedores de Arauca) once again addressed threats against some citizens as well as social and trade union leaders of Arauca, whom they claimed to be collaborators of the guerrilla. A list also designated certain members of social organisations as "military targets", including the president of the Arauca section of the CPDH, Mrs. **Teresa de Jesús Cedeño Galindo**, the municipal councillor of Saravena, Mr. **Donald Sánchez**, and the former councillor, Mr. **William Reyes Cadena**.

147 *Idem*.

148 See Colombia Special Appeal August-December 2004.

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*Search, harassment and death threats against a member of CREDHOS*¹⁴⁹. On 25 October 2004, six men and one woman, some of whom armed, arrived at the apartment of Mrs. **Audrey Robayo Sánchez**, a member of the leadership of the CREDHOS and of the Women for the Future Foundation (Mujer y Futuro), in Bucaramanga. These individuals, who introduced themselves as members of the Prosecutor's Office, of the DAS and of the CTI, entered her apartment with a video camera and a search warrant. They filmed every detail, but never mentioned the reason for this. Subsequently, they asked Mrs. Robayo Sánchez and her mother to identify themselves and show their ID. The information thus obtained was communicated via radio.

After almost one hour of fruitless search, the people in question drew up a report; a document signed by a man identified as being the Prosecutor, a representative of the Immediate Reaction Unit (Unidad de Reacción Inmediata - URI), and by Mrs. Robayo Sánchez herself. According to this document, nothing had been found and nobody had been arrested. Finally, the Prosecutor said that they had been looking for weapons and explosives belonging to the FARC.

The IACHR has granted protection to Mrs. Robayo Sánchez since 2000, when she was forced to leave the town of Barrancabermeja owing to death threats directed at her by paramilitary groups.

Threats, harassment and attacks against civil servants involved in human rights protection

*Threats against Mrs. Alba Luz Pinilla*¹⁵⁰. On 15 January 2004, Mrs. **Alba Luz Pinilla**, peace councillor at the town hall of Bucaramanga, received death threats from the Bolívar Central Block of the AUC, who sent her pictures of a man who had pretended to be a "displaced" person a few months earlier, and who was under orders to kill her. On 25 February 2004, this person came to the town hall but did not managed to meet her.

149 See Urgent Appeal COL 019/1104/OBS 083 and Colombia Special Appeal August-December 2004.

150 See Colombia Special Appeal December 2003-April 2004.

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*Search of the headquarters of the Human Rights Committee of the Senate of the Republic*¹⁵¹. On 30 March 2004 in Bogotá, some CTI agents brandishing an arrest warrant, searched the headquarters of the Human Rights Committee of the Senate of the Republic. The investigators tried to obtain information regarding various matters, took away copies of the Commission's documents and asked the names of about twenty people, including those of social, trade union, and political leaders, as well as of human rights activists who had recently left the country for security reasons. The search was carried out four days after two members of the Committee had received a summons to appear to answer for the alleged crimes of "traffic of emigrants and false complaint".

CUBA

Conviction of human rights activists¹⁵²

On 26 April 2004, several members of the Cuban Foundation for Human Rights (Fundación Cubana de Derechos Humanos), including its president, Mr. **Juan Carlos González Leiva**, and independent journalists, were sentenced to harsh prison terms. They had been arrested on 4 March 2002 while peacefully demonstrating against attacks, that same day, against independent journalist Mr. **Jesús Álvarez Castillo**¹⁵³. There was no trial for two years. They were accused of "insulting the reputation of the Cuban President," "resisting and disobeying public authority," and "contributing to the disturbance of public order." Mr. Juan Carlos González Leiva was sentenced to house arrest for four years.

Other members of the Cuban Foundation for Human Rights were also convicted, including Mr. **Delio Laureano Requeijo Rodríguez** (2 and a half years imprisonment with parole), Mr. **Virgilio Mantilla Arango** (7 years imprisonment), Mrs. **Ana Peláez García** and Mrs. **Odalmis Hernández Márquez** (3 years' house arrest). The brothers Messrs. **Antonio** and Mr. **Enrique García Morejon**, members of the

151 *Idem*.

152 See Annual Report 2003 and Urgent Appeal CUB 001/0504/OBS 033.

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Christian Liberation Movement (Movimiento Cristiano Liberación - MCL) and supporters of the Varela Project¹⁵⁴, were sentenced to 3 and a half years imprisonment. Last, Mr. **Lázaro Iglesias Estrada** and Mr. **Carlos Brizuela Yera**, members of the Camagüey College of Independent Journalists (Colegio de Periodistas Independientes de Camagüey - CPIC), were sentenced to three years imprisonment.

Mrs. Marta Beatriz Roque, Mr. Marcelo Lopez and Mr. Oscar Espinosa Chepe released on parole¹⁵⁵

Mrs. **Martha Beatriz Roque**, a member of the Assembly to Promote Civil Society (Asamblea para la Promoción de la Sociedad Civil - APSC) and the Institute of Independent Economists (Instituto de Economistas Independientes - IEI), was released on 22 July 2004. She had been arrested on 20 March 2003 during a mass wave of arrests of Cuban human rights defenders carried out between 18 and 26 March 2003. On 7 April 2003, she was sentenced, along with 33 of the 79 persons arrested, to 20 years imprisonment for "conspiracy." There is every indication that she was released as a result of the pressure by the international community.

After a meeting between the Cuban minister of foreign affairs, Mr. Felipe Perez Roque, and the Spanish ambassador to Cuba, Mr. Carlos Alonso Zaldivar, on 25 November 2004, Mr. **Oscar Espinosa Chepe**, an independent journalist sentenced to 20 years imprisonment, and Mr. **Marcelo Lopez**, a member of the Cuban Commission of Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional - CCDHRN) who was sentenced to 15 years imprisonment, were also granted parole ("licencia extrapenal") on 29 November 2004 for health reasons.

However, the majority of the 33 other dissidents, also arrested in March 2003, were sentenced to between 15 and 25 years imprisonment

153 See Annual Report 2002.

154 The Varela Project (2002) is calling for a referendum on freedom of expression and association, the opportunity to create businesses, the release of all political prisoners and changes in electoral law. As of May 2002, its petition had garnered 11,000 signatures.

155 See Annual Report 2003 and Urgent Appeal CUB 001/0403/OBS 018.1.

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for conspiring with U.S. representatives in Cuba. In late 2004, most of them were still in prison, including Mr. **Marcelo Cano Rodriguez**, a member of the CCDHRN, Mr. **Hector Palacio Ruiz**, director of the Center of Social Studies (Centro de Estudios Sociales), and Mr. **Ricardo Gonzáles**, president of the Society of Independent Journalists (Sociedad de Periodistas Independientes Manuel Márquez Sterling) and the Cuban representative of Reporters Without Borders.

ECUADOR

Persecution of the CONAIE and its president¹⁵⁶

On 1 February 2004, Mr. **Leonidas Iza**, then president of the Confederation of Indigenous Nationalities of Ecuador (Confederación de Nacionalidades Indígenas de Ecuador - CONAIE), was the victim of an assassination attempt in Quito. He was outside the CONAIE offices with several family members when an unidentified group of men attacked and opened fire on them. Three of his family members were wounded.

This attack appears to be related to Mr. Leonidas Iza's work to protect indigenous populations and his public statements criticising the North American Free Trade Treaty, the Free Trade Area of the Americas Agreement and the current government's policies. In March 2004, following a request from the Centre for Economic and Social Rights (Centro de Derechos Económicos y Sociales - CDES), the IACHR asked for preventive measures to protect him. They were still in force in late 2004. However, the police escort that authorities provided CONAIE members was unable to prevent further acts of harassment.

On 13 October 2004, Mr. Iza received a death threat on his cell phone against him and his family. In addition, at daybreak on 14

¹⁵⁶ See Urgent Appeals ECU 001/0204/OBS 008 and 008.1.

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October 2004, CONAIE headquarters in Quito were robbed. Several computers containing information critical to the indigenous movement were stolen. It should be noted that, unlike previous days, on the evening prior to the robbery, police officers responsible for protecting CONAIE headquarters were not present.

The theft and the threats against Mr. Iza were reported to the Prosecutor's office (Ministerio Fiscal), but as of the end of 2004, no investigation had been conducted into the matter and the complaints had not been pursued. The threats against Mr. Iza appeared to decline as the end of his term as CONAIE president approached.

However, when the organisation's convention opened on 21 December 2004, one of the candidates for CONAIE's presidency, Mr. **Marlon Monti**, director of Sarayaku's Kichwa community, received a threatening telephone call. He received another call from the same number the next morning, threatening him with death if he did not withdraw his candidacy. Mr. Monti and the members of the community he represents were granted protective measures by the Inter-American Court and Commission for Human Rights but authorities were unable to implement those measures.

Death threats and arbitrary imprisonment against Mr. Floresmilo Villalta¹⁵⁷

Mr. **Floresmilo Villalta**, president of the peasant organisation, "Free Ecuador" (Ecuador Libre), and 14 peasants from the Las Golondrinas region were arrested on 9 March 2004. Mr. Pedro José Arteta, a lawyer for the BOTROSA sawmill, accused Mr. Villalta of fomenting terrorist acts against the company. Mr. Villalta was later released and charges against him were dropped. Mr. Villalta had been subjected to numerous acts of harassment and persecution by this forest products company. He has received death threats since 1997 as a result of his activities.

Since 1998, the Las Golondrinas peasants have been involved in a conflict with the sawmill, which was awarded 3,123 hectares from the National Agricultural Institute (Instituto Nacional de Desarrollo Agropecuario - INDA) in the El Pambilar sector. This action was taken

¹⁵⁷ See Urgent Appeal ECU 002/0404/OBS 020.

despite preliminary reports acknowledging peasant ownership of the lands. The adjudication was the basis for subsequent logging operations, which had adverse impacts on the forest heritage, and resulted in violations of the rights of the peasants in the area, who were subjected to imprisonment, persecution, violence, threats and legal action by the logging company.

Ecological and humanitarian organisations filed a complaint with the Esmeralda Defender of the People (Defensoría del Pueblo) alleging mistreatment and objecting to the illegal action of handing over land to the logging company. After several years of struggle, the region's peasants, working together through the Free Ecuador organisation, obtained protection from the Second Chamber of the Constitutional Court, which decided "to suspend the aforementioned adjudication."

Death threats against and harassment of Mr. José Serrano Salado¹⁵⁸

On 23 April 2004, Mr. **José Serrano Salado**, a lawyer and member of the Centre for Economic and Social Rights (Centro de Derechos Económicos y Sociales - CDES), was attacked and threatened with death as he was preparing to meet with the indigenous members of the Amazon community of Sarayaku, Pastaza province. On his way to Quito, three individuals, one armed, intercepted his vehicle and forced him to stop. They then forced him into their own vehicle, where they beat, insulted and threatened him, ordering him to stop defending the Indians of Sarayaku. They then released him, with a warning that next time they would kill him.

On 24 April 2004, Mr. Serrano Salado and other CDES members filed a complaint with the Pichincha Prosecutor's office.

Mr. Serrano Salado had previously received telephone threats. They were very probably related to the organisation's support of the indigenous community of Sarayaku, which opposed the plans of the General Fuel Company (Compañía General de Combustibles - CGC), an Argentine petroleum company supported by the government, to deve-

158 See Urgent Appeal ECU 003/0404/OBS 031.

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lop its activities on their lands. By late 2004, no investigation had been launched regarding the complaint and those responsible for the attack against Mr. Serrana Salado had still not been identified.

The CDES also appeared before the IACHR, which extended protective measures on behalf of the Sarayaku community, Mr. Serrana Salado and other CDES members. The leaders of the Sarayaku people had received death threats in February 2003 for refusing to cede their lands in exchange for financial and material compensation offered by the CGC¹⁵⁹.

On 6 July 2004, at the Commission's request, the Inter-American Court of Human Rights also ordered provisional measures on behalf of the Sarayaku community and CDES members. However, the government and the courts had not yet taken any concrete action to implement that decision.

Following the Court's order, Ecuador's President Mr. Lucio Gutiérrez invited journalists from the Amazon region to meet with him in late August 2004. During that interview, he stated that NGOs with certain political views had turned the Sarayaku community's case into a political matter when it was merely a problem between two families. He also stated that the petroleum project and development on Sarayaku land would proceed.

GUATEMALA

Assassinations*Assassination of Mr. Diego Xon Salazar*¹⁶⁰

On 3 April 2003, armed men kidnapped Mr. **Diego Xon Salazar**, a member of the Mutual Support Group (Grupo de Apoyo Mutuo - GAM) representing families of victims of human rights violations in

¹⁵⁹ See Annual Report 2003.

¹⁶⁰ *Idem*.

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Guatemala, from his home in Comanchaj, Chichicastenango department. His body was found on 5 April 2003. As of late 2004, this killing remained unpunished and no investigation had been undertaken.

*Assassination of Mr. Hugo Oswaldo Gutiérrez Vanegas*¹⁶¹

On 5 June 2004, Mr. **Hugo Oswaldo Gutiérrez Vanegas**, president of the "Protierra de La Pita" Committee in Santa Ana (Petén region), was killed by machete blows while returning home after participating in a training session. Mr. Gutiérrez Vanegas, leader of a village community, opposed land expropriations in the region and had founded the group "Communities United", composed of the communities of La Pita, El Zapote, El Mango, La Sardina, El Juleque and Santa Ana Vieja to protest those actions. Mr. Gutiérrez was vice-president of the peasant group, which still faced obstacles to winning legal recognition from local authorities.

Two months before he was killed, there had been an attempt on Mr. Gutiérrez Vanegas' life but the authorities did not respond to this gunshot attack. Other human rights defenders and community leaders in the region fighting to protect their lands were subjected to regular death threats.

The Prosecutor responsible for the inquiry into Mr. Gutiérrez Vanegas' killing quickly concluded that it involved a "crime of passion." However, a criminal law attorney and his team of investigators proved that not only was the killing crime politically motivated but that local authorities - even the mayor of Santa Ana - might have been involved. The results of the investigation had not been made public in late 2004. In addition, the Apostolic Vicariate of Petén announced that it would resubmit the case so that legal proceedings would be initiated.

*Assassination of Mr. Julio Rolando Raquec*¹⁶²

On 28 November 2004, Mr. **Julio Rolando Raquec**, secretary general of the Union Federation of Independent Workers (Federación Sindical de Trabajadores Informales - FESTRI) and member of the

161 See Urgent Appeal GTM 002/0604/OBS 043.

162 See Urgent Appeal GTM 007/1204/OBS 091.

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General Central of Guatemalan Trade Union Conference (Central General de Trabajadores de Guatemala - CGTG) was shot to death in Guatemala City when returning to his apartment. He was still alive when city emergency personnel transported him to the San Juan de Dios hospital, where he died of multiple wounds on the morning of 29 November.

In March 2004, Mr. Julio Rolando Raquec's home had already been searched; he had been the victim of violence and threatened with death if he notified the authorities. In June 2004, he was attacked and made a verbal complaint with former government Minister Mr. Conte Cojulun, asking that the area around his home be secured and that access to the area where he travelled be restricted. Mr. Rolando Raquec had also received threats that his daughters would be raped if he continued his activism on behalf of workers. However, despite the complaints filed, the individuals responsible for the threats were never identified and Mr. Rolando Raquec was never provided any protection.

An investigation into this murder was underway but produced no results as of late 2004. CGTG representatives met with the private affairs secretary of the public Prosecutor's office as well as with Guatemala's Vice-President, Mr. Eduardo Stein Barrillas, in a meeting that also included a representative from the public Prosecutor's office and from the government Ministry's Office (Gobernación). At that time, those officials promised to present the results of the investigation during a subsequent meeting.

Rumours circulated in the neighbourhood regarding the killers' intention to also murder family members, but as of the end of 2004, Mr. Julio Rolando Raquec's wife and daughters were believed to be safe and not to have received any direct threats.

Harassment and raids of organisations' headquarters*Harassment of the CNOC¹⁶³*

During the night of 5 March 2004, unknown persons entered and raided the regional headquarters of the National Coordination of

¹⁶³ See Open Letter to the Guatemalan Authorities, 22 July 2004.

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Peasant Organisations (Coordinadora Nacional de Organizaciones Campesinas - CNOC) in Petén department. Several days earlier, the headquarters' employees had received threatening telephone calls. On 1 October 2003, the organisation's offices had been ransacked and files relating to land conflicts were stolen.

Threats, attacks, forcible confinement and harassment of members of the CALDH¹⁶⁴

On 11 March 2004, Mr. **Edwin Galicia**, driver for the Centre for Human Rights Legal Action (Centro de Acción Legal para los Derechos Humanos - CALDH), was forcibly held and his vehicle stolen and then abandoned. These events occurred one week after CALDH testified before an unofficial Canadian jury court¹⁶⁵ about killings perpetrated during the armed conflict.

On 14 and 15 July 2004, the home of Mrs. **Edda Gaviola**, CALDH director, was ransacked.

On 30 July 2004, the CALDH headquarters in Guatemala City received anonymous telephone calls warning that a bomb had been placed on its premises.

On 1 August 2004, the CALDH office in Rabinal, Baja Verapaz, received a written message threatening its members and, specifically, Mr. **Miguel Ángel Albizués**, the organisation's spokesperson, who witnessed the 1982 Plan de Sánchez massacre. The threats also targeted human rights organisations that condemned the Plan de Sánchez massacre¹⁶⁶.

Finally, on 11 September 2004, Mr. **Mario Minera**, coordinator of the local empowerment and democratic development program, was the vic-

164 See Open Letter to the Guatemalan Authorities, 22 July 2004, and Urgent Appeals GTM 004/0804/OBS 064 and 064.1.

165 A symbolic tribunal intended to draw public attention to violations that remain unpunished.

166 During this massacre, some 268 people (most of whom were from the Maya Aché community) were killed. The Inter-American Court for Human Rights found the Guatemalan government responsible for the events and the trials of those allegedly involved (specifically, highly-placed army officials serving during the presidency of General Ríos Montt) were underway as of late 2004 before the Public Prosecutor, the Inter-American Court and the IACHR.

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tim of an armed attack outside Guatemala City area while driving to Solola for a business meeting in a CALDH vehicle. Two armed men threatened him with death and forced him into their car. They held him for a half-hour, taking documents related to his activities with CALDH. In addition, Mrs. **Andrea Barrios**, a member of CALDH's women's rights program, with whom he was meeting, observed several strange cars that then tailed her.

Acts of harassment against the PDH and the human rights section of the Public Prosecutor's Office¹⁶⁷

Members of the Office of the Human Rights Prosecutor (Procuraduría de Derechos Humanos - PDH) and the human rights section of the Public Prosecutor's Office experienced multiple acts of harassment and threats.

On 11 March 2004, individuals riding a motorcycle chased the automobile carrying Mrs. **Thelma Ines Peláez Pinnelo de Lam**, a special prosecutor (fiscal) in the human rights section of the Public Prosecutor's Office who had previously been subjected to threats and harassment in 2003¹⁶⁸. After being cut off by Mrs. Peláez's bodyguards, the individuals identified themselves as army members and said that the prosecutor should "leave things alone." That same day, a car followed Mrs. Peláez's vehicle for more than an hour.

In September 2004, Mrs. Thelma de Lam was transferred to the appeals unit of the Public Prosecutor's Office (Unidad de Impugnaciones en el Ministerio Público), where she handles prosecutions dealing with human rights. Since that time, she had not received further threats but had experienced discrimination at work, where she faces obstacles to pursuing her investigations. In addition, her salary was reduced.

On 19 March 2004, Mr. **Erick Villatoro**, an assistant to the PDH in San Marcos, received multiple anonymous telephone death threats.

Finally, in late 2004, no one had yet been punished for the 11 June 2003 killing of Mr. **José Israel López López**, a lawyer and assistant at the

¹⁶⁷ See Annual Report 2003 and Open Letter to Guatemalan Authorities, 22 July 2004.

¹⁶⁸ See Annual Report 2003.

PDH. Those responsible for the crime had not yet been identified and the investigation provided no results¹⁶⁹.

Repression against trade union activists¹⁷⁰

Arbitrary detention and release of trade union activists¹⁷¹

Arrests of Mr. Victoriano Zacarías Mindez, Mr. Wilson Amelio Carreto López and Mr. Miguel Angel Ochoa. On 25 February 2004, Mr. **Victoriano Zacarías Mindez**, executive secretary of the CGTG and secretary general of the Drivers' Trade Union (Sindicato de Pilotos Automovilistas y Similares de Guatemala), as well as Mr. **Wilson Amelio Carreto López** and Mr. **Miguel Angel Ochoa**, directors of the Truck Drivers' Union (Unión de Pilotos de Transporte Pesado por Carretera) in Guatemala City, were arrested by State security forces. They were demonstrating against the implementation of measures to reduce the circulation of heavy trucks in the capital. The detainees were charged with terrorism because of a gasoline spill from two tanks placed at a crossroads in the city centre. However, these incidents were the work of other individuals who infiltrated the demonstration to provoke disorder. After four months of detention, they agreed to a plea bargain (pleading guilty to three of the six minor offences with which they were charged) and were released on parole on 2 June 2004. Although Mr. Victoriano Zacarias Mindez and Mr. Wilson Carreto returned to their activist work with the CGTG, Mr. Miguel Angel Ochoa lost his job and ended all activism.

Acquittal of Mr. Rigoberto Dueñas Morales. On 19 August 2004, the 11th chamber of the Criminal Sentencing Court (Tribunal undécimo de Sentencia) acquitted Mr. **Rigoberto Dueñas Morales**, deputy secretary general of the CGTG, and ordered his immediate release. The public Prosecutor's office, the Guatemala Social Security Institute (IGSS) and

¹⁶⁹ *Idem.*

¹⁷⁰ See Urgent Appeal GTM 003/0704/OBS 052 and Open Letter to the Guatemalan Authorities, 22 July 2004.

¹⁷¹ See Urgent Appeals GTM 001/0304/OBS 016, 016.1 and Open Letter to the Guatemalan Authorities, 22 July 2004.

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the national Prosecutor general's office (Procuraduría General de la Nación) appealed the decision. The ruling in appeal will likely be issued in 2005. Mr. Dueñas Morales had been assumed guilty of crimes against the IGSS, including fraud and possession of stolen goods. His lawyer had requested that his client be freed for lack of evidence. The 10th criminal court of first instance denied the request. Later, the national attorney general, Mr. Carlos David de Leon Argueta, concluded that sufficient evidence was lacking to proceed against the CGTG leader and called for his release, an end to the trial and a ruling against those responsible. However, during the public hearing, the judge rejected the attorney general's position and Mr. Dueñas remained in detention.

Although he is now free, Mr. Rigoberto Dueñas Morales is not authorised to leave the country. He serves, again, as the CGTG's representative to the Ministry of Labour and Social Security's Tripartite Commission of International Affairs on Labour Matters (Comisión Tripartita en Asuntos Internacionales en Trabajo del Ministerio de Trabajo y Previsión Social), as provided for in Convention 144 of the International Labour Organisation (ILO)¹⁷².

*Threats against trade union leaders*¹⁷³

Threats against trade union leaders at the Kern's company. On 29 June 2004, death threats against trade union leaders at the food company Kern's were found at the company premises. These threats continued through late 2004. By the end of the year, no action had been taken in response to the complaint filed with the public Prosecutor.

Threats against Mr. Herminio González. On 30 June 2004, Mr. **Herminio González**, secretary general of the Union of Esquipulas municipality Workers and deputy secretary general of the National Federation of Civil Servants (FENASEP), a trade union that defends the rights of local government workers, received telephone death

¹⁷² Agreement on the tripartite consultations on international labour standards, 1976.

¹⁷³ See Urgent Appeal GTM 003/0704/OBS 052 and Open Letter to the Guatemalan Authorities, 22 July 2004.

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threats from an unknown person. This person warned that he was being watched and demanded that he leave his home, threatening him with death if he did not comply. The person who issued the threats also referred to the conflict that followed the municipal government's unlawful termination of Mr. González and 41 other employees on 17 September 2002, after they criticized human rights violations perpetrated against them.

In late 2004, Mr. Herminio González, who now worked for the CGTG, was still receiving telephone threats. To date, the complaint filed with the public Prosecutor had not been investigated.

Threats against Mrs. Imelda López de Sandoval. Mrs. **Imelda López de Sandoval**, CGTG and FENASEP executive secretary and secretary general of the Union of Civil Aviation Workers (Sindicato de Trabajadores de Aeronautica Civil - STAC) at Guatemala City's La Aurora airport, received anonymous telephone and written threats, discrediting her and demanding that she end her trade union activities. The first attack against her occurred in 2003, when the brakes and electrical system of the car she was driving were tampered with. After a second unsuccessful attempt, during the week of 18 October 2004, to provoke an accident by sabotaging her car, her superiors sought to transfer her to another unit. She refused. Mrs. Imelda López de Sandoval filed a complaint with the public Prosecutor, but as of late 2004, the enquiry had produced no results.

In November 2004, a car followed her for two days when she left work.

On 1 December 2004, Mrs. López de Sandoval was again the victim of a similar attack on her car. It also failed.

Following these events, the STAC filed a complaint with the Prosecutor's office of the Public Ministry and, subsequently, with the ILO.

Searches of organisations' headquarters¹⁷⁴

On 19 September 2004, break-ins were committed at the Guatemala City offices of the social welfare organisations, Migrants' House (Casa

¹⁷⁴ See Urgent Appeal GTM 004/0904/OBS 072.

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del Migrante) and Peace and Third World (Paz y Tercer Mundo). For more than 10 years, the Migrants' House has been investigating those responsible for human trafficking and has sought to ensure the rights of internal and international migrants. During the break-in, databases and files related to these enquiries were stolen. The premises of the organisation Peace and Third World, which addresses socio-economic and community development of uprooted peoples and victims of armed conflict, were also ransacked. Many files and data, as well as computer equipment and passport information, were also stolen. This organisation had been subject to acts of intimidation in May 2004, when its Ixcán office was targeted by gunfire.

In addition, several weeks earlier, the offices of two other Guatemala City social organisations, the Amatitlaneca Progressive Union and the COOSADECO Cooperative, had been ransacked. Files and important documents, as well as a large sum of money, were stolen.

As of late 2004, these four incidents had not been investigated.

Acquittal of Mr. Bruce Harris¹⁷⁵

On 30 January 2004, the 12th chamber of the Criminal Sentencing Court (Tribunal Duodécimo de Sentencia) announced that charges were being dropped against Mr. **Bruce Harris**, director of the NGO Casa Alianza.

Mr. Harris had been prosecuted for defamation and could have been sentenced to five years imprisonment for his statements during a 1997 press conference, at which he announced the results of an investigation into child trafficking and accused several lawyers of involvement in irregular adoptions.

¹⁷⁵ See Annual Report 2003 and Press Releases, 22 January 2004 and 2 February 2004.

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HAITI**Attack and harassment of CEDH leaders¹⁷⁶**

In the night of 1-2 August 2004, Mr. **Jean Claude Bajoux** and Mrs. **Sylvie Bajoux**, leaders of the Ecumenical Centre for Human Rights (Centre oecuménique des droits de l'Homme - CEDH), a human rights organisation based in Port-au-Prince, were targeted at their home by two armed men. Warned immediately, police did not come to assess the situation until around 10.00 am. These events occurred during the 5th Citizens' Forum for the reform of criminal justice, for which Mr. Bajoux was the spokesperson. FIDH *chargés de mission* were also present in Haiti at the time, and had extensively benefited from the CEDH's assistance to organise their mission.

Mr. and Mrs. Bajoux had already been subjected to attacks and threats in the past because of their work in favour of human rights in Haiti. In October 2003, when returning to their home, they were attacked by armed men. Armed guards intervened by firing to the air, which caused the assailants to flee. Similarly, in July 2002, the Bajoux residence was taken under assault by men who, threatening with arms, confined Mrs. Bajoux and four employees who were present. It was not until they noticed that Mr. Bajoux was absent that they fled the scene.

HONDURAS**Death threats and new harassment against the CPTRT¹⁷⁷**

The Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Relatives (Centro de Prevención,

¹⁷⁶ See Urgent Appeal HAI 001/0804/OBS 063.

¹⁷⁷ See Annual Report 2003 and Urgent Appeal HND 001/0503/OBS 024.1.

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Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares - CPTRT) and its staff still faced acts of harassment and serious threats. The Centre's director, Mr. **Juan Almendares**, was the victim of death threats.

In the night of 26-27 October 2004, the CPTRT new offices in Tegucigalpa, the capital, were searched, and those responsible stole money, destroyed office equipment, and searched through documents and archives. Furthermore, those who committed the crime wrote threats on the walls and, as a death threat against the director, arranged books in the form of a cross on the floor of his office. This most recent attack against the CPTRT is likely linked to the support that this organisation gave, during a recent campaign, in favour of an independent legal system before the Honduras department of security. Ten judges had written a letter saying they were feeling threatened for having defended legal independence in Honduras. In this letter, the judges expressed their concern about the human rights situation in the country, and particularly about the increase in the number of violent deaths, and they referred to the anti-democratic attitude of the State Secretary of the Public Security Office (Secretario de Estado de la Oficina Publica de la Seguridad), Mr. Oscar Arturo Alvarez Guerrero. The CPTRT had supported some lawyers who had been dismissed from their duties at the Public Ministry for having also expressed their concern about human rights violations and corruption in the country, particularly through a letter written to the President of the Republic of Honduras.

The CPTRT offices had already been searched on 12 May 2003. On this occasion, the attackers broke the office door and searched the computers for confidential information and archives. Following these events, the CPTRT decided to move into the offices that were searched in October 2004.

MEXICO**Investigation into the assassination of Mrs. Digna Ochoa y Plácido¹⁷⁸**

On 19 October 2001, 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, was killed by an unidentified person in her office in Mexico City. In 2003, the official investigation, led by the State Public Prosecutor of Mexico City (Procuraduría General de Justicia del Distrito Federal), concluded that it was a case of suicide. In June 2003, the IACHR presented the authorities with a report that revealed several irregularities in the investigation. The report particularly pointed out the lack of precision with which the first autopsy 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 also highlighted the lack of attention given to all the different investigative leads. Despite this criticism, the case was closed, apparently without any resolution of these shortcomings.

On 15 November 2004, the Counsel for the Law and Human Rights (Consejo para la Ley y los Derechos Humanos), a Mexican NGO, published a report on Mrs. Ochoa's murder after having conducted an independent investigation. This report stated that the official investigation was carried out in the non-respect of the national law and of the human rights of the victim and her family. It is also likely that the criminal investigation was manipulated. The NGO filed a complaint with the federal district Commission for Human Rights in order to prove that Mrs. Digna Ochoa y Plácido was indeed assassinated.

¹⁷⁸ See Annual Report 2001.

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Threats against Mr. Arturo Solís¹⁷⁹

On 4 February 2004, Mr. **Arturo Solís**, chairman of the Centre for Border Studies and the Promotion of Human Rights (Centro de Estudios Fronterizos de Promoción de los Derechos Humanos - CEF-PRODHAC), received death threats over the telephone. He had previously received similar threats in January 2004, after having made public statements on the presumed responsibility of the Mexican police in the December 2003 assassination of businessman Mr. José Antonio Cervantes Ezpeleta.

Threats and harassment against a member of the Human Rights Committee¹⁸⁰

The Human Rights Committee, an affiliate of the Mexican League for the Defence of Human Rights (Liga Mexicana por la Defensa de los Derechos Humanos - LIMEDDH), received threats aimed particularly at Mr. **Fray Blas Alvarado**, secretary of the Tenosique section of the Committee in the state of Tabasco, on the Guatemalan border. On 6 February 2004, Mr. Alvarado received a threatening letter tied to an iguana's tail that was hidden in a plastic bag. Mr. Alvarado has been threatened since 2002 because of his activities in favour of illegal migrants, to whom he provides legal and social support.

Harassment of women's rights defenders in the State of Chihuahua¹⁸¹

Women's rights defenders in the State of Chihuahua, and particularly lawyer Mrs. **Luz Esthela Castro**, Mrs. **Guadalupe Ramos**, Mr. **Gabino Gómez**, husband of lawyer Mrs. **Alma Gómez**, all three members of "Justice for our Daughters" (Justicia para Nuestras Hijas), were harassed by the public Prosecutor of the State of Chihuahua.

¹⁷⁹ See Urgent Appeal MEX 001/0204/OBS 012.

¹⁸⁰ See Urgent Appeal MEX 003/0304/OBS 015.

¹⁸¹ See Open Letter to the Mexican authorities, 19 March 2004.

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On 13 February 2004, the day before the celebration of "V-Day" (global movement "Against violence against women"), in which Mrs. Luz Esthela Castro, Mrs. Alma Gomez and Mr. Gabingo Gomez were to participate, the Prosecutor decided to open an investigation into serious crimes supposedly committed by Mrs. Castro, Mr. Gómez, and Mrs. Guadalupe Ramos, including acts of rebellion, individual resistance to authority, and denial of freedom, whereas none of the parties was aware of such incidents.

These incidents seem to be related to the activity of Mrs. Esthela Castro, Mrs. Alma Gómez and Mr. Gabino Gómez, and of members of organisations such as "El Barzon," an NGO that regroups numerous Mexicans affected by the fall of the peso in 1994, particularly farmers, peasants, and manual labourers. They occurred just a few weeks before the Chihuahua Court opened on 6 March 2004, for the judgment of government employees suspected of involvement in the assassination of women in the region. Mrs. Luz Esthela Castro and Mrs. Alma Gomez are lawyers known for their fight in favour of women's rights in Chihuahua and who closely work with the defence of women assassinated both in Ciudad Juarez and in Chihuahua¹⁸².

Arbitrary detention of the environmental activist Mr. Felipe Arreaga Sánchez¹⁸³

On 3 November 2004, Mr. **Felipe Arreaga Sánchez**, secretary of the Sierra de Petatlán Environmental Organisation (Organización Ecológica de la Sierra de Petatlán - OESP), in the State of Guerrero, was arrested by the ministerial police of the State of Guerrero in Petatlán while he was returning from the "Sierra". He was accompanied by the Parazal city commissioner, Mr. Damián Ruiz. Mr. Felipe Arreaga Sánchez is a known human rights defender involved in the fight against the deforestation of the Guerrero Sierra. In the past, he had already

¹⁸² Since 1993, more than 400 women and girls have disappeared and have been assassinated in Ciudad Juárez and in Chihuahua. These cases have gone unpunished, particularly because of corruption among police and legal authorities.

¹⁸³ See Urgent Appeal MEX 004/1204/OBS 094.

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been the victim of harassment by military and police authorities because of his activities.

Mr. Arreaga Sánchez's detention is founded on the charge of the homicide of Mr. Abel Bautista Guillén. Mr. Guillén was the son of Nino Bautista, known as the "Cacique" (someone who holds a lot of power in a region, sometimes including power over the region's authorities) and who worked in the region's wood business. The homicide occurred on 30 May 1998, near the village of Mameyal. Mr. Arreaga Sánchez was also accused of "criminal association." Yet six years ago, on the date of the crime, Mr. Sánchez was in the village of Las Mesas, recovering from a spinal column injury that prevented him from walking. According to the evidence produced, this accusation and the detention that followed are unfounded and seem to represent the beginning of a new surge in the repression of environmental defenders. On 9 November 2004, Mr. Sánchez was officially informed by the main criminal secretary, Mr. Alberto Gómez Ramírez, of the warrant issued against him and decreed by the main criminal judge, Mr. José Jacobo Orostieta Pérez. Later, on 15 November 2004, evidence proving Sánchez's innocence was presented. Yet the judge considered to be insufficient the statements by witnesses saying they had seen and aided Mr. Sánchez in the village of Las Mesas at the time Mr. Guillén was assassinated. The criminal judge, who issued the warrant, considered that the accused is responsible for providing the evidence.

In late 2004, Mr. Sánchez shared his cell with 15 other inmates in the prison of Zihuatanejo, and the extremely precarious detention conditions somewhat worsened his back pain.

The members of the Sierra de Petatlán environmental organisation have on several occasions been the victims of accusations, threats, persecutions, and even assassinations. Environmentalists Messrs. and Mrs. **Aniceto Martínez, Elena Barajas, Romualdo Gómez García, Salomé Sánchez Ortíz, Jesús Cabrera González, Sergio Cabrera Gonzáles**, members of the organisation, were assassinated between May 1998 and May 1999.

NICARAGUA

**Slander and harassment of the CENIDH and its president,
Mrs. Vilma Núñez¹⁸⁴**

On 21 October 2004, an editorial written by Mr. Robert Zelaya Blanco, a government employee working for the national ports authority, and published in the newspaper *la Bolsa de Noticias*, launched serious accusations against the Nicaraguan Center for Human Rights (Centro Nicaragüense para la Defensa de los Derechos Humanos - CENIDH) and its president, Mrs. **Vilma Nuñez de Escorcía**, who was victim of a campaign to harass and discredit her. Among other accusations, the CENIDH was accused of covering human rights violations perpetrated by over 50,000 political prisoners and acts of international terrorism. These accusations have had a serious impact on the reputation and work of the CENIDH, and particularly those of its president, and exposed them to reactions that could endanger their lives as well as their personal integrity.

These acts were allegedly provoked by the CENIDH's work in favour of human rights. In particular, the CENIDH denounced Mr. Zelaya Blanco's lack of effectiveness in the affair of the Puerto Cabezas and Bilwi harbour in the autonomous region of the North Atlantic. On 18 October 2004, it also criticized the government's recent use of the Inter-American Democratic Charter, through which the government invoked a possible interruption of constitutional and democratic order so that the Organisation of American States (OAS) would intervene; these manoeuvres were aimed at distracting public opinion from the investigations into the funding of the 2001 electoral campaign. Furthermore, in an article dated 27 October 2004, *La Bolsa de Noticias* published new information according to which a group of former political prisoners was involved in negotiations with the United States embassy in order to make sure that no visa allowing Mrs. Vilma Nuñez de Escorcía to enter that country would be issued.

184 See Open Letter to the Nicaraguan authorities, 5 November 2004.

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The CENIDH had already been the object of a campaign to discredit and harass it in 2001 following which the IACHR accorded protective measures for Mrs. Vilma Nuñez de Escorcía¹⁸⁵.

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Threats against Mrs. Gloria Cano Legua¹⁸⁶

On 20 October 2004, Mrs. **Gloria Cano Legua**, a lawyer and head of the legal department of the Association for the Defence of Human Rights (Asociación Por Derechos Humanos - APRODEH) in Lima, received a threatening text message on her mobile phone while she was at her office. This message was sent from a public phone booth or from the Internet.

On 22 October 2004, Mrs. Cano Legua lodged a complaint right before leaving for Washington to participate in the hearings and work meetings of the IACHR's 121st session. This complaint was presented on 25 October 2004 by the APRODEH to the State public Prosecutor.

Mrs. Cano Legua received this message one day after the APRODEH published a press statement on 19 October 2004, in which the lawyer expressed her concern about the measures taken by the Third Special Criminal Court (Tercer Juzgado Penal Especial), which had accorded, before their sentencing, freedom to Mr. Vladimiro Montesinos Torres, former head of Peruvian secret services and presidential advisor of President Fujimori's administration during his presidency, Mr. Nicola de Bari Hermoza Rios, former General Commander of the army under Fujimori's regime, and Mr. Roberto Huamán Azcurra, former head of the army's intelligence department. These three men were detained for 18 months after the opening of a trial for the murder of three members of the Tupac Amaru

¹⁸⁵ See Annual Report 2001.

¹⁸⁶ See Urgent Appeal PER 001/0103/OBS 005.2.

Revolutionary Movement (Movimiento Revolucionario Tupac Amaru - MRTA) as part of the rescue operation known as "Operation Chavin Huantar" for hostages detained in the home of the Japanese Ambassador in Peru (1997).

Since 2001, Mrs. Cano Legua has been the lawyer for the families of this operation's victims before the national bodies and the IACHR.

In January 2003¹⁸⁷, as well as in March and July 2004, Mrs. Cano Legua and the APRODEH received threats due to their human rights activities. These threats were reported to the police but the case was closed as those responsible were not identified. Furthermore, after the threats received in 2003, Mr. Miguel Jugo, executive director of the Association, asked authorities for measures to be taken to protect APRODEH employees. Such measures had been accorded during five months in 2003 in the form of a police officer protecting the association's property. This protection has again been provided since March 2004, but only during working hours.

Harassment of Pr. Segundo Jara Montejo¹⁸⁸

On 20 December 2004, at dawn, 12 members of the Aucayacu national police, Tingo María province, Huánaco department, entered the home of Pr. **Segundo Jara Montejo**, chairman 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. The officers claimed that they had found in the area subversive pamphlets and red fabric, which were supposed to signify the presence of communist activities. During this intervention led by police chief Mr. Abelardo Serpa, Prosecutor Rubén López, accompanying the police, ordered the officers to enter Mr. Jara Montejo's home. Nothing compromising was found.

These events coincided with the opening, at the instigation of human rights organisations, of legal proceedings concerning human rights violations that took place in Peru during the particularly violent

¹⁸⁷ See Annual Report 2003.

¹⁸⁸ See Urgent Appeal PER 001/1204/OBS 098.

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period of 1980-2000. These proceedings were the result of the work of the Truth and Reconciliation Commission, created to determine the circumstances of human rights violations committed by the Peruvian State and by armed opposition groups during this period. The Commission's report was published in August 2003.

VENEZUELA**Smear campaign against human rights NGOs¹⁸⁹**

On 15 February 2004, during its weekly Sunday program *Allô President*, retransmitted on radio and television, the President of the Republic of Venezuela, Mr. Hugo Chávez Frías, made several statements about the funding of different human rights organisations. In particular, the President indicated that some of these organisations received money from the United States government through the National Endowment for Democracy (NED), a body that receives and distributes funds from the United States government and Congress. He thus claimed that the Centre for Justice and International Law (CEJIL), an NGO with its headquarters in Washington, had received money from the NED to distribute or use in order to indoctrinate human rights NGOs in Venezuela, so that they would "attack and denounce the Venezuelan government within the Inter-American system of human rights." In his speech, the President also mentioned, among others, the Network in Support of Justice and Peace (Red de Apoyo por la Justicia y la Paz), the Committee of Parents of Victims (Comité de Familias de Víctimas del 27 de Febrero - COFAVIC) and the Venezuelan Programme for Education and Action in Human Rights (Programa Venezolano de Educación - Acción en Derechos Humanos - PROVEA).

¹⁸⁹ See Press Release, 19 February 2004.

Legal proceedings against members of Súmate¹⁹⁰

On 30 September 2004, public Prosecutor Mrs. Luisa Ortega Díaz, from the 6th Bureau of the State Prosecutor's office, asked the court 41 of the metropolitan region of Caracas for the enforcement of measures denying freedom to Mrs. **María Corina Machado**, Mr. **Alejandro Plas**, Mr. **Luis Enrique Palacios** and Mr. **Ricardo Esté**, four leaders of the Súmate organisation. The Súmate organisation is a non-profit association that works to defend freedoms of expression and opinion, individual freedoms, as well as the full exercise of constitutional rights and responsibilities. In particular, this organisation produces a follow-up of electoral processes and published a critical report on the recent referendum to dismiss Mr. Chávez.

Mrs. María Corina Machado and Mr. Alejandro Plas were accused of "conspiracy against the Republic," a crime provided for in article 132 of the Criminal Code, and Mr. Luis Enrique Palacios and Mr. Ricardo Esté were accused of complicity. In late 2004, the court had not yet made a ruling concerning these charges, but if confirmed, the four leaders of Súmate would be arrested.

On 2 November 2004, the Supreme Court of Justice (Tribunal Supremo de Justicia) ordered that the accused remain free during their trial, for which the preliminary hearing would be determined by the court 41.

¹⁹⁰ See Urgent Appeal VEN 001/1004/OBS 076.

