

HUMAN RIGHTS DEFENDERS ON THE FRONT LINE

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**The Observatory for the Protection
of Human Rights Defenders / FIDH and OMCT**

**Human Rights Defenders
on the Front Line**

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INTRODUCTION: THE “NEW CRIMINALS” HUMAN RIGHTS DEFENDERS ON THE FRONT LINE

Forming an association or a union, investigating forced disappearances or arbitrary detentions, writing a report on torture, denouncing the consequences on the indigenous population of building a dam or documenting other human rights violations are actions that carry risks in more than 80 countries. Death threats, smear campaigns, physical abuses and acts of torture, reprisals against family members, bans on travel, confiscation of equipment, arbitrary arrest and detention are methods used to deter human rights defenders in many countries.

As a civil society’s capacity for action and mobilisation grows both nationally and internationally, so some governments react by mounting strategies to silence those independent voices.

In 2002 this trend was confirmed and amplified. Since the September 11 terrorist attacks, the paradigm has changed, making the context in which civil society operates more hostile. Security has become the absolute priority and the – legitimate and necessary – fight against terrorism is increasingly diverted from its primary objective and used by governments to establish or strengthen their hold on power at the expense of their commitments on human rights. Some governments, such as those of Uzbekistan, Russia, Egypt and Malaysia, have used these events to legitimise or reinforce their repressive practices, often with the encouragement or blessing of Western governments, which they themselves are setting a bad example and revising their alliances in the name of the international fight against terrorism. Consequently, those who dare to criticise regimes for their human rights abuses are more than ever on the front line, as governments and government-sponsored private groups clamp down. Defenders’ appeals for the Rule of Law and their denunciations of violations are perceived as threats by an increasing number of governments, whose reaction is to repress such “unpatriotic troublemakers” who are tarnishing their country’s image both nationally and internationally.

While this repression is not new, it is now part of a strategy to criminalise the human rights movement, which is all the more elaborate as that movement grows in importance.

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This criminalisation is evident in declarations by the authorities, which describe defenders as enemies of the State; categorise them as political opponents, criminals or terrorists; and accuse them of jeopardising national security.

In March 2002, the President of Georgia compared the activities of NGOs to those of terrorists and called for tight control of their finances¹.

These slanderous comparisons are accompanied by repressive measures: criminal charges, arbitrary arrests and detention, threats, surveillance and smear campaigns.

In Ethiopia, two defenders face charges with attempting to change the Constitution illegally after they advocated fundamental freedoms at a university conference.

Both the individual rights (right to life, freedom of speech, freedom of movement, etc.) and collective rights (freedom of association, freedom to hold meetings and demonstrations, etc.) of defenders and their families are targeted.

From Italy to Azerbaijan, via Algeria and Argentina, movements of social protest are put down with excessive force. Some governments refuse to acknowledge the social and economic motivation of these movements or to recognise their legitimacy. Organisers of demonstrations, associations that complain to the authorities about excessive use of force or inquire about the welfare of detainees, and people who document these events (journalists and photographers) are particularly vulnerable to reprisals from those responsible for abuses.

This criminalisation is backed by legislation, which many governments instrumentalise to political ends, to silence any form of opposition. We can cite criminal legislation, under which people can be easily charged for “troubles to public order”, “publishing State secrets”, “hooliganism”, “unconstitutional acts”, “defaming the authorities”.

The international campaign against terrorism has provided many governments with an opportunity to reinforce such legislation by creating new laws that, under the pretext of combating terrorism, can be used to restrict fundamental freedoms, particularly the freedom of association and the freedom to organise demonstrations.

Over a few days in June 2002, Russia adopted a law on political extremism that represents a threat to Russian civil society as a whole. The law gives no clear definition of “political extremism”, leaving it wide open to arbitrary interpretation. The prosecutor’s office or any other judicial body

1 All the examples cited in this introduction appear in the cases examined by the Observatory in 2002 and are included in the compilations below.

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can suspend or dissolve any organisation, union or religious group suspected of "extremism".

In the name of the combined fight against terrorism, the international community's criticism of governments that have scant regard for the Rule of Law has sharply decreased. This has given a number of governments free rein to carry out their strategies of repression.

Since the President of the USA declared Asia as the second front in the fight against terrorism, Malaysia and several other governments of the region have interpreted the new alliance against terrorism as carte blanche for repression of elements they consider subversive or detrimental to national security. All kinds of abuse are now being perpetrated in the name of the combat against terror.

Multilateral bodies have logically followed the governments that compose them. The fight against terrorism has dominated debates, to the detriment of an evaluation of human rights situations, despite this coming under their mandate. One year after its inception in autumn 2001, the United Nations Committee on Terrorism had received 207 reports from 163 governments. This enthusiasm contrasts with the cumulative delay of 1,371 reports regretted by the six UN committees in charge of monitoring the application of human rights treaties. In 2002 several regional organisations, including the European Union and the Organisation for Security and Co-operation in Europe (OSCE), adopted laws to combat terrorism, and the Convention Against Terrorism adopted by the member States of the Organisation of African Unity came into force. These texts, which come on top of existing regional conventions, have in common an extremely broad definition of "terrorism", which suggests that a large number of acts, including legitimate opposition and mobilisation of civil society, could fall under the "terrorist" heading.

One of the objectives pursued by opportunistic governments in implementing these strategies to criminalise defenders is to control information on human rights. For the most repressive governments, this information is of crucial importance. Revelations on human rights violations, corruption, miscarriages of justice, or abuse by the police or army can lead to a country's condemnation by the international community or the suspension of international aid. In any case, they will tarnish the government's image, regionally and internationally.

These facts highlight a paradox of the beginning of the 21st century: at the same time as an increasingly sophisticated global system of communication is developing, governments are moving more energetically to control the means of communication and information about them.

In Tunisia, the founder and operator of a website on fundamental freedoms was sentenced to two years' imprisonment for spreading false

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information. Ironically, Tunisia will host the second World Summit on the Information Society in 2005.

The Internet is an extremely valuable tool for human rights defenders. It gives them direct access to the outside world and enables them to have greater impact on public opinion. At national level, the ability to receive and disseminate information allows NGOs to promote the main international and regional human rights instruments. At international level, it is a means to alert the international community to the human rights violations they witness.

Governments employ various methods to control information on human rights, including assassinations and abductions, death threats, torture, arbitrary arrest and detention, and prohibitions on leaving the country.

Alongside these radical methods to silence defenders, other more insidious reprisals have developed in recent years. While these may appear less violent at first, they are part of the same strategy to suppress dissent. The year 2002 confirmed this trend, and on all the continents, we are witnessing a systemisation of these methods. The Observatory has chosen to stress some of the most commonly used tactics in 2002.

Distorting information on human rights

The authorities organise smear campaigns against defenders in the official media to devalue the content of their information in the eyes of the population and the international community and thus cut them off from the support they need to continue their work.

In November 2002 the Ministry of Justice in Zimbabwe declared: “We have a number of foreign and local NGOs that conceal their activities under a vocabulary of human rights, democracy and promotion of civil society. Their goal is to destabilise the country”. The President has personally accused NGOs of interfering in national affairs and of being “little governments”.

In Ecuador and Honduras, human rights defenders are described as friends and protectors of criminals, because of their struggle for the right to a fair trial or to humane conditions of detention.

In contexts of tension or armed conflict, these campaigns can be genuinely life-threatening to defenders.

In the part of the Democratic Republic of Congo controlled by rebel forces, radio programs describe human rights defenders as “agitators” or “agents of Kinshasa”. This propaganda puts their lives in grave danger and they are often forced into hiding or exile.

In Colombia, many organisations are publicly accused of being a front for subversive groups or of collaborating with them. These accusations put their members in serious danger. Several organisations have been declared military targets by groups that take advantage of the suspicion surrounding

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the work of human rights defenders to commit violations with total impunity. Some organisations have denounced what they consider to be a witch hunt, spurred by a network of informers that can have an NGO's premises searched or defenders arrested on hearsay.

Manipulation and instrumentalisation of information on human rights

Given the role played by NGOs and the information they disseminate to the public about government policies, the most repressive governments are trying to move into the field of independent civil society and instrumentalise it. They do this in various ways. One of the most common is to set up governmental non-governmental organisations (GONGOs). These GONGOs take various forms and the links between them and the government can be more or less direct. But they always support the policies of their government and denigrate the message of independent NGOs, for example when NGOs are consulted at multilateral meetings. There are also NGOs that defend private partisan interests (religious sects, economic lobbies, etc.) to the detriment of the public interest, which is the defence of all universal rights and freedoms. The activities of these associations can seriously discredit independent NGOs working in the public interest. The issue of the consultative status of NGOs in international forums becomes crucial here. These forums are increasingly infiltrated and the amount of time that independent NGOs have to speak – in defence of victims whose interests are often neglected and to remind governments of the commitments they agreed to freely under international instruments – is reduced further every year. Truly independent NGOs must abide by the following principles: they must work in the public interest (this must appear in their charter and be visible in their activities); they must be genuine (real activities, publications, stances, etc.); they must not operate for profit; they must be independent from governments, political parties and private interests; they must have diverse sources of funding; they must apply transparency and internal democracy; they must exercise their freedom of speech, in particular to express criticism. It is by the implementation of these principles that the independence of human rights NGOs can be measured, taking into account the political context in which they operate, which can be an objective obstacle to the observance of some of these principles.

Obstructing the search for information

Defenders are sometimes prevented from making investigations by restrictions imposed on their freedom of movement.

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In the Occupied Palestinian Territories, during Israeli military operations, such as the ones that took place in April, human rights defenders were unable to conduct freely their investigations into the welfare of civilians: they were not allowed access to the sites, their equipment was destroyed and their offices were raided.

The authorities or armed groups linked to them confiscate computers and printers and steal floppy discs to hamper processing of information.

In Guatemala, many associations have had their offices raided and their equipment stolen during the night. Raids can also take place during the day: men, sometimes armed, break into premises, threaten staff and leave with computer equipment. In most cases, the authorities make no enquiry and these acts go unpunished.

Obstructing the dissemination of information

Governments seek to tighten their control of communication media through legislation to restrict the freedom of the press, block websites, arrest cyber-dissidents, suspend NGOs, etc.

In Cuba, a decree was enacted at the end of 2001 prohibiting the sale of computers, photocopiers and printers to associations, individuals and foundations without prior authorisation from the Ministry of the Interior.

In Vietnam, China and Tunisia, several defenders have been sentenced for posting their documents on the Internet.

Governments hinder communication between local NGOs and international NGOs and intergovernmental organisations by restricting access to the websites of international human rights organisations, by banning defenders from foreign travel, by restricting international telephone calls and by cutting off the telephone lines of NGOs and their members.

In Tunisia, Judge Yahyaoui, who wrote a letter denouncing the lack of independence of the Tunisian justice system, was prevented from attending the session of the United Nations Commission on Human Rights when the police confiscated his passport at the airport. Similarly, in November, Mr Khiari, a founding member of the National Council for Freedoms in Tunisia (CNLT), was banned from leaving the country for the seventh time.

In the post September 11 climate, judging by the practices documented in this fifth annual report of the Observatory, it seems that many governments see human rights defenders as “new criminals” who must be neutralised in the name of the fight against terrorism or with the means offered by it. Never has the term of “terrorist” been so perverted as to describe or discredit men and women in fact working against all forms of terrorisms, be they private, religious or governmental. In their struggle for equality, dignity and justice, they call for an end to the impunity from which

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the violators of universal standards of human rights benefit, for the penal liability of individuals and companies guilty of international crimes, and for the international accountability of governments that organise or tolerate human rights violations or fail in their duty to guarantee the exercise of those rights by all. At the same time, human rights defenders have achieved certain successes. 2002 marked a historic victory, when the International Criminal Court (ICC) came into existence on 1st July. The virulence of the opposition to this long-held project only confirms its extreme importance. Despite the obstacles, the protection of human rights is inexorably infusing international relations, including trade.

In this context, the systemization of repression against human rights defenders is a measure of the deterioration of freedoms. It is also and above all a proof of the effectiveness of their struggle. Protecting the freedom to defend human rights is vital to the future of us all.

UN DECLARATION ON HUMAN RIGHTS DEFENDERS

DECLARATION ON HUMAN RIGHTS DEFENDERS

**ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY
ON 9 DECEMBER 1998**

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, See Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23), chap. II, sect. A. in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, Resolution 217 A (III).

1. Adopts the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. Invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote

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universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

85th plenary meeting – 9 December 1998

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights Resolution 2200 A (XXI), annex. as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

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Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

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Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present

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Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

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Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party,

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as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

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3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

AFRICA

THE SITUATION OF HUMAN RIGHTS DEFENDERS

The civilian population remains the main victim of continuing armed conflict in Africa (summary executions, arbitrary arrest, torture, rape, disappearances, major population displacements, looting, etc.). The war in the *Democratic Republic of Congo* (DRC) for example continues unhindered and successive peace agreements such as that reached in Pretoria in December are systematically ignored. Efforts to resolve the conflict are resisted by the States involved, anxious first and foremost to protect their own political and economic interests. At the same time new flashpoints have emerged in *Côte d'Ivoire*, where the situation threatens the stability of the whole of western Africa, and the *Central African Republic*. Many other States apart from those directly affected by armed conflict manipulate elections and the constitution to prevent any change of government, and suppress opposition (using intimidation, arrest, detention, etc.). Freedom of expression and freedom of the press continue to be ignored in many countries (harassment and arrest of journalists, restrictive legislation, seizure of newspapers, etc.). Impunity and corruption are a cancer in political and economic systems, hindering the development of democracy in Africa. Furthermore, serious violations of economic and social rights, in particular the rights to land, health, water and food, continue to be reported. In *Zimbabwe* in particular, food shortages are related to the drought affecting all of southern Africa, but they are also the result of political factors including the lack of democratic scrutiny of food distribution and the extreme politicisation of the question of land rights. Lastly, by the end of 2002 only 21 States in the region had ratified the statute of the International Criminal Court.

Against this background, human rights defenders are amongst the main targets of those States hostile to pluralism in the expression of ideas and which refuse to recognise the fundamental role that defenders play in promoting the Rule of Law. Whenever an individual or a group denounces human rights violations by a government, the latter considers itself threatened and uses repressive methods, sometimes the worst repressive methods, to muzzle the “troublemakers” concerned.

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Criminalising the Work of Human Rights Defenders

In many African countries human rights defenders are regarded as “enemies of the State”. They are accused in particular of “threatening national security”, “fomenting coups”, “sedition”, and involvement in politics through interference in State affairs, support for political opposition movements or rebel movements, or working for foreign governments.

This is especially the case in countries suffering from armed conflict. In such countries, human rights defenders who promote peace are accused of working for the other side as in *Liberia*, *DRC* or most recently *Côte d’Ivoire*. Sometimes they are even treated as prisoners of war, as in the case of Sheikh K.M. Sackor, the director of Humanist Watch in *Liberia*, who was arrested in July and accused of collaborating with the Liberians United for Reconciliation and Democracy (LURD) rebel movement.

Numerous human rights defenders are subject to arbitrary prosecution, arrest, and detention. In the *DRC* the president of the Human Rights Observers’ Committee N’sii Luanda Shandwe has been held in detention since April 2002, and Willy Wenga Ilombe of the African Centre for Peace, Democracy and Human Rights has been in custody since February. Both are accused of contacts with persons believed to pose a threat to State security in the context of the assassination of L.D. Kabila¹. There are systematic irregularities in judicial procedures against human rights defenders, who are frequently held without charge or detained in secret for several months as in the case of the journalist Hassan Bility in *Liberia*². Furthermore, as evidenced by the cases described below, arrests are often carried out by order of military courts, as in the *DRC*, or cases are tried by military tribunals. Often those arrested are denied access to a lawyer, visitor, or medical assistance.

States exploit their legal arsenals to muzzle anyone who dares to express criticism. In *Tanzania* two defenders³ were charged with sedition for having called for an international commission of enquiry to investigate the 1996 Bulyanhulu mine massacre. In *Ethiopia* two defenders⁴ were charged with attempting to alter the constitution by illegal means because of their promotion of fundamental freedoms, in particular academic freedom, at a university conference. In *Guinea-Bissau* the controversial trial of the vice-president of the Human Rights League and a former president of the same organisation took place against the background of an intensifying crackdown

1 See Compilation below.

2 *Idem*.

3 *Idem*.

4 *Idem*.

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by the regime. The apparent aim was to neutralise the League and punish the two for having expressed criticism of the authorities. They were charged with siphoning off funds intended for the League provided by an international human rights NGO – an allegation not confirmed by the donor in question. In December both received suspended prison sentences, two months for the former President and two years for the vice-president, and their political rights were suspended. They had previously been held for several days in January and February 2002 respectively for the same case.

Similar strategies are used to organise campaigns of defamation against human rights defenders. In the rebel-controlled area of the *DRC* defenders are described in radio broadcasts as “agitators” or “opponents”. In *Zimbabwe* the authorities are directly responsible for such campaigns⁵. In November the justice minister, speaking before parliament, presented a list of NGOs, “most of them funded from abroad”, considered a threat to peace and national security. The minister declared that, “We have a range of foreign and local NGOs which dissimulate their activities behind semantics related to human rights, democracy and the promotion of civil society. Their aim is to destabilise the country.” The President published an article in October accusing NGOs of interference in state affairs and acting as “little governments”.

These campaigns denigrating the work of NGOs are a threat to defenders and their families. Campaigns can take various forms. Some are particularly pernicious like the setting up in *Congo-Brazzaville* of an NGO which according to the media was intended to “effectively counter misinformation spread internationally by the FIDH and the Congolese Observatory of Human Rights”⁶. In December, in an interview in *Jeune Afrique – L’Intelligent* the President described the Congolese Observatory of Human Rights as “anything but apolitical”. The independence of human rights NGOs is threatened in *Niger*, *Burundi* and *Rwanda*, where defenders are increasingly accused of supporting opposition parties. They are regarded with increasing suspicion by the highest authorities and are suffering the consequences of a climate of increasing tension and hostility. In *Niger* for example, a decree⁷ issued in August prohibits “the dissemination by any means of information or allegations that could threaten national defence operations”. In *Cameroon* NGOs face hostility from the authorities who try to denigrate the statements and actions of human rights defenders. Another

⁵ *Idem*.

⁶ See “Les organisations de défense des droits de l’Homme au Congo se rassemblent dans une fédération”, *Les Dépêches de Brazzaville*, 23 August 2002.

⁷ Decree n°2002-210/PRN/MDM, 5 August 2002.

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example of the same attitude is the authorities' unwillingness to co-operate with international NGOs. For example when the FIDH and the OMCT sent an international mission to the country in January, all requests for meetings with the authorities were refused, and one member of the mission was not able to obtain a visa.

This tendency to criminalise human rights defenders has been accentuated in the wake of the 11 September attacks and the international campaign against terrorism. The Organisation of African Unity's Convention against Terrorism entered into force in September 2002 following ratification by 15 States. It contains such a broad definition of terrorism that it could cover any form of protest. For example, legitimate opposition carried out in respect of universal human rights standards could be labelled a terrorist act simply because the authorities considered that a threat existed to property or persons. The terms of the Arab Convention against terrorism, which entered into force in 1999, are just as broad and there is concern over its effect on civil society. A number of States such as *South Africa*, *Tanzania*, *Uganda* and *Zimbabwe* have already passed or envisage passing legislation against terrorism which could be used against civil society protest movements. For example, in *Zimbabwe* any individual "undermining the authority of the President" may be found guilty of an act of terrorism. *Tanzania* passed an anti-terrorism act on 25th November and once again the definition of terrorist crime is a broad one covering for example "all persons who intimidate the public" or "those who pose a threat to national security". In addition, the interior minister has the power to declare any individual an international terrorist without consultation and the police can arrest, without warrant, anyone suspected of an offence related to a terrorist act. The police are also authorised to intercept communications in direct violation of the law on privacy.

These measures strengthen States' arsenals of security measures that are already being used to repress freedom of expression.

Researching for Information and Denouncing Human Rights Violations

Those who denounce human rights violations (members of NGOs, lawyers, trade unionists, students, journalists, etc.) face considerable risks in a large majority of African countries. The violence committed this year against lawyers and those who combat impunity is a good example.

In *Mauritania*, lawyers are subject to systematic pressure, in the form of interrogations, phone tapping or surveillance. This year the authorities multiplied their use of irregularities and manipulation to influence the election of the head of the National Bar Association in order to bring the Association under their control. Despite these manoeuvres, Mahfoud Ould

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Bettah, the former holder of the post, was re-elected in June by an absolute majority. But the election was then declared invalid. Between the two rounds pressure was exerted on members and the police were present in the room during voting. Supporters of Mahfoud Ould Bettah decided not to participate in protest at the irregularities. A candidate close to the authorities was officially recognised by the public prosecutor's office on 16th December. In *Nigeria*, B. Igwe, the chairman of the Onitsha bar, and his wife were murdered on 1st September shortly after leaving the National Bar Conference where they and other colleagues had denounced abuses committed by the Anambra state government. A few days earlier, senior members of the government had threatened lawyers involved in the same campaign. Two lawyers belonging to the Law Society in *Zimbabwe* were arrested in June following their criticism of efforts made to undermine the independence of the judiciary and of the arbitrary dismissal of a number of judges. In *Sudan*, lawyers are among the main targets of repression and face arbitrary arrest, threats, and violence as in the case of Gazi Suleiman this year. In the *DRC* Sébastien Kayembe, the chairman of the Congolese Observatory of Human Rights, who is defending a number of those accused of the murder of president L.D. Kabila, was abducted and tortured by five persons including two in military uniform.

Among the main targets of repression are members of generalist NGOs or victims' associations involved in the struggle against impunity who have been working on court cases for a number of years. One notable example is in *Congo Brazzaville* where a number of complaints have been filed against those suspected of involvement in the Brazzaville Beach disappearances in 1999 (threats, searches,...). Another is in *Côte d'Ivoire* where campaigns are being waged against impunity. Yet another is in *Chad*, where complaints have been filed in Brussels against Hissein Habré and his close collaborators. And lastly in *Tanzania* some members of the association Lawyers' Environmental Action Team, which has called for an independent enquiry into the 1996 Bulyanhulu mine massacre, have been charged with sedition. Pressure has been put on the defenders involved in all the above cases to cease their activities.

Defenders suffer violations both of their individual and of their collective rights. In 2002 there were serious violations of their right to life, to freedom of movement, to communicate information, to assemble and to demonstrate. These violations pose a more general threat to freedom of expression.

This year the Observatory has reported cases of physical attacks, attempted murder, death threats, ill treatment, and acts of torture in *Congo Brazzaville*, *Burundi*, *Cameroon*, *Mauritania*, *Ethiopia*, *Liberia*, *Sudan*, *DRC* and *Chad*. For example six defenders from the Chadian League of Human Rights (LTDH) have been tortured and subject to ill treatment. The

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perpetrators, mostly members of the police, have not been prosecuted or punished; impunity is rife. The LTDH filed a complaint after two members of the Maro section had been tortured following their arrest by the head of the National Security Agency (ANS) and subsequent detention at the ANS headquarters in October. No result was forthcoming by the end of December despite the fact that the head of the ANS concerned had previously been reported as a torturer working for Hissein Habré's political police. Many human rights defenders are forced to go abroad to escape this violence and impunity.

This year many African human rights defenders have been prevented from travelling to meetings organised by NGOs and even those organised by international organisations. The report lists many such cases from *Cameroon*, *Mauritania*, *Sudan*, and *Nigeria*. Individuals have also been stopped at the airport, interrogated, and their passports confiscated. Sometimes pressure is put on them before the date of departure. In *Mauritania* for example a representative of the Forum of National Human Rights Organisations (an association which like its 13 member NGOs is not officially recognised) was coerced in a number of ways, some relating to her work, just a few days before she was due to depart for a meeting of the African Commission on Human and Peoples' Rights in Banjul in November 2002. She decided not to travel to this meeting. Similar pressure was exerted on the chairman of the association *SOS Esclaves* (SOS Slaves) who was taken in for questioning just before a meeting of the same Commission in Pretoria. Furthermore, human rights defenders are subject to harassment when they travel within the country and in some cases are refused authorisation to travel to places where they are to carry out investigations. An example of such practice was the refusal by the authorities of permission for a team of independent experts to travel to Bulyanhulu in *Tanzania*. The dissemination of information relating to human rights may also be hindered. For example, in *Nigeria*, 2000 copies of a joint report by the OMCT and the Centre for Law Enforcement Education (CLEEN), entitled "Hope Betrayed? A report on Impunity and State-Sponsored Violence in Nigeria", sent to the country for general distribution, were seized by customs in October.

Defenders regularly suffer reprisals following the publication of reports or the communication of information on human rights, especially if that information has been made available abroad and therefore risks tarnishing the international reputation of the country concerned. Defenders who speak on international radio are often subsequently interrogated, as in *Congo-Brazzaville*, *Mauritania* and the *DRC*, or on their return from international meetings, as in *Sudan*. Floribert Chebeya, chairman of the *Voix des Sans Voix* (Voice of the Voiceless) in the *DRC* was forced into hiding to avoid arrest. He had received two summons from the *Cour d'ordre militaire* (Military Order

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Court) following two declarations which he had made to the press at the end of December on the trial of those accused of assassinating L.D. Kabila. Members of associations are subject to harassment following contacts with IGOs, as in *Sudan*, or international NGOs, as in the eastern part of the *DRC*, or after helping prepare reports published in collaboration with international NGOs as in *Nigeria* and *Mauritania*.

The right of assembly and demonstration is still flouted in many countries. This year a number of human rights meetings have been banned in the *DRC* both in the area under the control of J. Kabila's government and in Kisangani in the east. Since September 2001 the *Voix des Sans Voix* in Kinshasa has not been able to organise press conferences and other public meetings in venues suitable for large numbers of people. During a co-ordination meeting in Kinshasa in August between 11 NGOs and the Prosecutor of the *Cour d'ordre militaire* the latter stated that he would punish any attempt by NGOs to organise sit-ins, marches or other protests to campaign for the liberation of the two defenders N'sii Luanda Shandwe and Willy Wenga Ilombe. In May in Kisangani the authorities refused permission for MONUC (the United Nations Organization Mission in the Democratic Republic of Congo) to hold a meeting at the Palm Beach Hotel on inter-Congolese dialogue. The meeting had to be transferred to MONUC headquarters.

Demonstrations emanating from independent civil society, especially students, are regularly subject to repression in a number of countries. In *Sudan* in October, a demonstration organised by students from Khartoum University to commemorate the 38th anniversary of protests in 1964 against the military regime was violently suppressed by the police. A number of students have since been arrested and tortured. Some have been forced to sign declarations promising not to take part in similar demonstrations against the regime in the future. The authorities ordered the closure of Khartoum University in November⁸. In *Burkina Faso* several students belonging to the National Association of Burkinabe students were arrested following a demonstration at Ouagadougou University on 21st November. Members of the association then organised pickets to call for the release of their colleagues. A General Assembly to be held on the campus on 12th December was banned by the authorities and large numbers of police were deployed to prevent students attending. Some of those arrested were

8 The OMCT, in the person of Osman Humaida, Secretary General of the Sudanese Organisation Against Torture, spoke at a hearing called by the European Parliament's Committee on Development on the human rights situation in Sudan, and in particular on cases of torture brought to its notice.

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released at the end of December for lack of evidence. Bertrand Meda, Yacouba Bologho and Pierre Wend Kouni Zagrè were sentenced to one month in prison and a fine. A mission sent by the Observatory to *Ethiopia* was able to report on the successive waves of arrests of demonstrators which followed similar arrests in 2001. In March 2002, student marches organised in several towns in the Oromiya region to protest against the regional government's education and land distribution policies were broken up violently. Between 2 and 5 people are reported to have been killed, a dozen wounded and several students and university teachers arrested. Students organised a demonstration in Addis Ababa in May after the Oromiya regional government refused to allow a meeting to discuss the fate of those arrested previously in the region. On this occasion almost 200 students were arrested.

Legislation Restricting Freedom of Association

Uganda's NGO bill, which was being debated in 2001, has not become law this year. It still however represents a threat to human rights because it provides for more stringent controls to be exercised by the department responsible for registering NGOs and harsher punishments for unregistered NGOs. Local NGOs explain that the parliament has concentrated on bills related to the effects of the 11 September attacks, in particular the adoption of anti-terrorist legislation. Restrictive anti-terrorist legislation which entered into force in May stipulates the death penalty for anyone publishing information promoting terrorism. The definition of terrorism given is a broad one: "the illegal use or threat of violence to promote or attain political, religious, economic, cultural, or social objectives".

It is still difficult to assess the impact of *Rwanda's* 2001 law on non-profit associations. NGOs are however concerned about provisions contained in the legislation enabling the authorities to control the budget, operations and management of associations. One requirement is for associations to file a list of their members when registering. Each member is required to go in person to a notary's office within the justice ministry. Some people may be reluctant to do this for fear of reprisals. It should also be noted that this law was used to suspend of the activities of the Modest and Innocent Association (AMI), although the procedure laid down was not respected, in that the suspension order was issued by a Prefect and not, as the law requires, by the justice minister.

As described in detail in this report, a circular published by the Public Service Labour and Social Welfare Ministry of *Zimbabwe* required NGOs to register under the Private Voluntary Organisations Act (PVO Act) and to cease all activities until this is done. NGOs not complying with this requirement are to be shut down and their members arrested and

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prosecuted. The circular is part of the implementation of the PVO Act, passed in 1997, subsequently amended on a number of occasions, notably in 2001, but never really enforced.

In *Tanzania*, a draft law on NGOs, hurriedly prepared according to local organisations, was debated by parliament without any prior consultation with NGOs. However an immediate mobilisation of NGOs led to an amended text being published on 11th November which took into consideration a number of proposed improvements emanating from civil society. The bill still includes restrictive measures. The definition (restricted to “defence of the public interest”) is still too vague and should include the protection and defence of human rights and the environment, etc. The “NGO Bureau” retains an important role and responsibilities that could grow exponentially. For example the Bureau issues political directives to NGOs to enable the latter to harmonise their activities with national policy. This provision calls into question the non-governmental nature of NGOs. Another example is the right of the Bureau to carry out enquiries on all aspects of the operations of NGOs. Procedures for registering NGOs should be further simplified, made more transparent and decentralised to ensure full freedom of expression, and the criminal offence of non-registration should be eliminated.

Mobilisation of the International and Regional Community

United Nations

The Special Representative of the UN Secretary General on Human Rights Defenders presented her report covering the year 2001 to the 58th session of the UN Commission on Human Rights in April 2002. During the period of the report she had dealt with cases concerning 13 States: Cameroon, the Central African Republic, Chad, the DRC, Equatorial Guinea, Ethiopia, Kenya, Mauritania, Rwanda, Sudan, Tanzania, Togo and Uganda. She had only received replies covering all cases from two governments (Ethiopia and Mauritania).

In her report to the UN General Assembly in November 2002, the Special Representative reviewed the situation as regards repressive actions against human rights defenders in Africa. She called on States in particular to recognise the legitimate role of defenders, by implementing the Declaration on Human Rights Defenders, by defending and promoting the provisions of the Declaration amongst members of the security forces, by investigating attacks on defenders and prosecuting those responsible, and by reforming their legal systems to conform to international instruments.

The Special Representative was invited to visit the DRC but requests addressed to Nigeria, Zimbabwe, Chad, Equatorial Guinea and Togo have gone unanswered.

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Furthermore, two resolutions were adopted at the 58th session of the Commission on Human Rights which referred explicitly to restrictions on freedom of association and violations targeting human rights defenders, one on Sudan, the other on the DRC⁹.

African Union

In 2002, the Observatory continued its efforts to encourage the African Commission on Human and Peoples' Rights to act on reports submitted to the UN Commission on Human Rights in 2001 and 2002 by the Special Representative highlighting the need for co-operation between her office and regional IGOs.

The Observatory and the International Service for Human Rights (ISHR) worked together to facilitate the Special Representative's attendance at the Commission's session in Pretoria in May. There she had the opportunity to meet the commissioners and delegates from States and NGOs present at the meeting. She was able to address the meeting and present her mandate. In her November 2002 report to the General Assembly she expressed the hope that she would be able to pursue dialogue with the Commission in order to "work on joint strategies and identify possible joint initiatives and actions"¹⁰.

During discussion of the item on the agenda dealing with human rights defenders at the Pretoria and Banjul (October) meetings of the Commission, the Observatory recalled the need for the Commission to make specific provision to deal with matters relating to human rights defenders (a focus point or a Special Rapporteur). Such a mechanism is made necessary by the scale of repression of defenders, and because of the need to promote the Declaration on Human Rights Defenders adopted by the UN General Assembly in 1998 and to promote the role of defenders to States. The same message was also communicated at the Banjul session by local associations belonging to FIDH and OMCT.

The two NGO meetings held before the Commission's October session in Banjul (the NGO Forum organised by the African Centre for Human Rights and that organised by the Institute for Human Rights and Development in Africa) also dedicated a session to the situation of human rights defenders. Here also there was a contribution from the Observatory. At the opening session of the Commission, the representative of the Forum called for specific provisions relating to human rights defenders.

9 Reference: Human Rights Commission Resolution 2002/14 on the Human Rights Situation in the Democratic Republic of Congo; Human Rights Commission Resolution 2002/14 on the Human Rights Situation in Sudan.

10 Cf. Section below on International Protection.

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Despite this encouragement once again the Commission has not adopted any resolutions on this issue this year.

European Union (EU)

The situation of human rights defenders in Africa only rarely receives any attention from European Union institutions. The EU did issue two declarations on defenders in Liberia¹¹ (one on Tiawan Gongloe and another on Hassan Bility), a Declaration on Nigeria that emphasises the role of human rights NGOs in Safiya Hussaini's appeal against a conviction by a lower court for adultery¹², and lastly a Declaration on the arrest of union leaders in Zimbabwe¹³. The EU also expressed its concern about restrictions to press freedom in a message to the Togolese government alongside the EU-Africa inter-ministerial meeting in November 2002. The European Parliament adopted three resolutions on Zimbabwe on the question of obstacles to freedom of expression and freedom of the press. The July resolution highlights intimidation of those involved in the legal process with particular reference to the arrest of members of the Law Society¹⁴. The Parliament also passed a resolution in June on the situation in the Democratic Republic of Congo¹⁵. This called on the Rally for Democracy (RCD)-Goma to respect the work of local NGOs, churches and civil society in defending human rights" and invited President Kabila and his government to respect their promises concerning "the protection of the rights of those who work to defend human rights".

11 Cf. Liberia: detention of Tiawan Gongloe, legal expert on human rights - 30/4/2002 - Press: 120 Nr: 8483/02/Human Rights Situation - 31/7/2002 - Press: 231 Nr: 11431/02.

12 Cf. Nigeria: decision to allow the appeal of Mrs Safiya Hussaini - 27/3/2002 - Press: 88 Nr: 7566/02.

13 Cf. Zimbabwe: Arrest of Union Leaders - 23/12/2002 - Press: 419 Nr: 15886/02.

14 Cf. European Parliament Resolution on Zimbabwe; Minutes of 04/07/2002, based on document A5-0251/2002.

15 Cf. European Parliament Resolution on the recent massacre in Kisangani (Democratic Republic of Congo); Minutes of 13/06/2002, based on document A5-0147/2002.

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BURKINA FASO

Pressure on UIDH and MBDHP ¹⁶

The 1995 headquarters agreement between the Burkinabe government and the Inter-African Union for Human Rights (UIDH) was challenged in 1999, and the situation has not changed since.

Furthermore, magistrates who are members of the Burkinabe Movement for Human and Peoples' Rights (Mouvement burkinabé des droits de l'Homme et des peuples – MBDHP) and were on leave of office, have still not had their careers revalidated. Examples are Mr. **Halidou Ouédraogo**, Chairman of the MBDHP and the UIDH, and Mr. **Christophe Compaoré**, an MBDHP officer and secretary of the UIDH. Mr. Ouédraogo is coming to the end of his period of detachment, the Justice minister having told him to either return to his post, resign or take early retirement. The African Commission of Human and Peoples' Rights had issued a statement in late 2000, asking the Burkinabe authorities to settle these temporary leave and reclassification questions rapidly.

In early 2002 the authorities, Security Minister Djibril Bassolet in particular, ran a smear campaign and issued threats against Mr. Ouédraogo and Mr. **Chrysogone Zougmore**, General Secretary of the MBDHP, after the MBDHP's annual public conference at the American Cultural Centre, where Mr. Zougmore denounced the perpetration of at least 106 extra-judicial killings in November and December 2001.

In a tense political situation, MBDHP members are being intimidated by telephone calls, messages to their families, patrols around their homes. Sometimes they are questioned by the police. Mr. Ouédraogo, for example, was called in for questioning on 18th December 2002 following his public

¹⁶ See Annual Report 2001.

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statements on radio about the one-month prison sentence on **Bertrand Meda**, chairman of the Burkina Faso National Students' Association (ANEB), and ANEB members **Yacouba Bologho** and **Pierre Wend Kouni Zagré**. The three were arrested in November, along with three other people after a students' general meeting about the doubling of college fees.

BURUNDI

Ill-treatment against Iteka members¹⁷

When an Iteka League delegation went into Bururi district on 15th February 2002 to open a new branch, the team's driver Mr. **Edouard Banani** was arrested. District Commander Major Bizuru accused him of coming to the district on a "suspect" mission, slapped his face, dragged him on the ground and tore up his licence before locking him in the town brigade's cells. When Mr. **Edouard Biha**, national co-ordinator of Iteka branches, asked the major why he had arrested Mr. Banani, the major slapped his face in public and tore his jacket. Mr. Banani was released the following evening. The delegation's vehicle was seized and kept by the brigade.

CAMEROON

Pressure on ACAT continues¹⁸

Members of the Christians' Action for the Abolition of Torture (Action chrétienne pour l'abolition de la torture – ACAT) in Douala are still under surveillance and constant pressure from the authorities. Their movements are monitored by individuals who watch the front door of the organisation's premises, and the telephone is still tapped. Mrs. **Madeleine Afite**, Co-ordinator of ACAT-Littoral, received anonymous phone calls at home and on

¹⁷ See Urgent Appeal BDI 001/0202/OBS 012.

¹⁸ See Annual Report 2001.

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her cell phone in 2002. In April, she was held at the airport by a police officer who berated her for an hour and confiscated her papers to intimidate her. In the end the papers were returned to her by another policeman, who told her in mocking tones to go and lodge a complaint wherever she liked. In June, someone came into the offices on several occasions uttering death threats against those present. After ACAT had brought an action at law, the person was arrested and transferred to the Douala central prison. He was due to be questioned by an assistant public prosecutor so that the case could be presented to an examining magistrate, but he was released without being questioned or brought to court. The information published by ACAT is often systematically denied by the authorities, which continue to regard the members of this organisation as opponents and subversives.

Continuing harassment on MDDHL¹⁹

Mr. **Abdoulaye Mathe**, Chairman of the Movement for the Defence of Human Rights and Freedoms (Mouvement pour la défense des droits de l'Homme et des libertés - MDDHL), an NGO based in the Far North region, was prevented from leaving the country on 16th January 2002, while on his way to Ireland to attend an international conference on human rights defenders. He was arrested in the plane just before take-off, by members of the National Centre for External Investigations (CNRE). He was held for five hours and released after being forced to pay a fine of 70,000 CFA francs, no grounds being given. His air ticket and the documents he was carrying were confiscated. The documents concerned the MDDHL's investigations into more than 800 cases of forced disappearances, torture and summary execution by the special units of the "anti-gang" brigades of Lieutenant-Colonel Pom. These brigades, sent to the North and far North in 1999, initially to put an end to banditry in those provinces, are notorious for their frequent ill-treatment of civilians. Much of the information the MDDHL had gathered about the activities of these brigades had already been stolen, at the time of Mr. Mathe's August 2001 arrest and during two raids on the MDDHL head office in October of that year, in which the NGO's offices were completely wrecked.

In late February 2002, MDDHL photographer Mr. **Aminou** was released, following his abduction by Colonel Pom's men in 1999; the experience left him traumatised by the many torture sessions he had been subjected to during his detention.

¹⁹ See Annual Report 2001.

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The “anti-gang” brigades were dissolved in May 2002. Since then, the threat to the lives of MDDHL members has diminished. Nonetheless, defending human rights in northern Cameroon is still a high-risk activity. In particular, members of MDDHL are berated and threatened by traditional chiefs because of the NGO’s increasingly active opposition to the abductions, extortion and other abuses committed by local chiefs.

CHAD

Harassment and torture of LTDH members²⁰

On 28th February 2002, Mr. **Baldal Oyamta**, General Secretary of the Chadian League of Human Rights (Ligue tchadienne des droits de l’Homme - LTDH), and one of his colleagues were molested for no apparent reason by Republican Guard soldiers serving in the district of Chagoua, N’djamena.

In April 2002, members of the Ati branch were subjected to pressure from the authorities and security forces. Mr. **Adariss Younouss**, Chairman of the Djedda branch, was subjected to inhuman treatment on the pretext that his activities were of a political nature.

On 3rd October 2002, Mr. **Sylahorbe Maningonal**, Communication Secretary of the Maro branch of LTDH, was arrested by Mr. Doudet, local chief of the National Security Agency (ANS). When Mr. **David Mamtadjian**, Chairman of the branch, went to the ANS to find out why Mr. Maningonal was being detained, he too was arrested. Both men were severely tortured and then transferred to the prison in Sido near the border with the Central African Republic. They were accused, apparently without evidence, of illegal possession of weapons of war and membership of Abdoulaye Miskine’s Chadian/Central African rebel group. They were released on 24th October after paying 80,0000 FCFA. Mr. Sylahorbe Maningonal’s right arm is paralysed as a result of the torture. The Moyen-Chari/Salamat branch of LTDH has instituted proceedings as a result of these events. As at end 2002, this has produced no result. Mr. Doudet, head of the ANS in Maro, has already been cited as a member of the political police torturers under Hissène Habré’s regime.

20 See Annual Report 2001 and See Urgent Appeal TDC 002/1002/OBS 062.

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On 29th November 2002, Mr. **Rimadjita Nguedongar**, Chairman of the Koumogo branch, was the victim of an assassination attempt by brigade commander Alio, at the home of the sub-prefect. The brigade commander was disarmed in time by a third party.

Lastly, the Chairman of the Kélo branch, Mr. **Bandalla Tchatcho**, received threats from ANS Inspector Sogar Dinga.

Harassment of Mr. Souleymane Guengueng²¹

In March 2002, Mr. **Souleymane Guengueng**, Vice-Chairman of the Association of Victims of Crime and Political Repression in Chad (Association des victimes des crimes et de la repression politique au Tchad - AVCRP) was suspended without pay from his job on the Lake Chad Basin Commission (CBLT) for thirty days. Mr. Guengueng received a letter from his superior on 18th March 2002 informing him that he had violated CBLT regulations and particularly Article 7, which stipulates that staff must abstain from all professional activities outside their work at the CBLT. Mr. Guengueng was accused of “obstinately militating for a political association” and was requested to send a letter to the CBLT Executive Secretariat undertaking to cease his AVCRP activities, on pain of more serious disciplinary sanctions. Mr. Guengueng is involved in combating impunity in Chad, particularly through legal proceedings against the former Head of State Hissène Habré for complicity in crimes against humanity and acts of torture.

Ms. Jacqueline Moudeïna back in Chad²²

Ms. **Jacqueline Moudeïna** is the lawyer in charge of legal affairs at the Chad Association for the Promotion of the Defence of Human Rights (Association tchadienne pour la promotion et la défense des droits de l'Homme- ATPDH) and lawyer for Chadian victims in legal proceedings in Chad against the collaborators of the Hissène Habré regime. On 26th August she returned to Chad and to her professional and voluntary activities. Ms. Moudeïna had been in France for over a year receiving medical treatment. She had been injured when members of the anti-riot police launched a grenade attack on a demonstration outside the French embassy in N'Djamena on 11th June 2001. The Observatory sent a solidarity mission to accompany Ms. Moudeïna on her return; the mission was able to meet several officials including the Minister for the Interior, who undertook to

²¹ See Urgent Appeal TCD 001/0302/OBS 021.

²² See Annual Report 2001, press releases of 17 January and 11 April 2002, open letter to the authorities 26 August 2002.

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ensure her safety. Legal proceedings against the N'Djamena Chief of Police in connection with this affair are still pending.

Jacqueline Moudeïna received the Martin Ennals Award for Human Rights Defenders in March 2002.

CONGO-BRAZZAVILLE

Threats against Mr. Marcel Touanga²³

Mr. Marcel Touanga, former Colonel in the Congolese Army, Chairman and founder member of the Collective of Brazzaville Beach Missing Persons' Families (Collectif des parents des disparus du "Beach de Brazzaville"), received threats in 2002, as did members of his family. The threats were connected with the legal action in France against the political and military personnel suspected of involvement in the "Beach" disappearances²⁴. Mr. Touanga is both plaintiff in the case and, as the father of one of the missing persons, witness. After applying to the Congolese authorities to shed light on the disappearances, Mr. Touanga received serious threats from the Congolese authorities and had to seek refuge in France. On 16th June, his home in Brazzaville was searched by armed soldiers. On 3rd July, men in plain clothes told his family to leave their home. In France, around midsummer, Mr. Touanga received almost daily threats through anonymous phone calls to his home. The intimidation increased after General Dabira, targeted by the proceedings instituted in France, was questioned on 23rd May 2002.

In September 2002, the official media reported defamatory statements about Mr. Touanga made by Congolese President Denis Sassou N'Guesso

²³ See Urgent Appeal COG 001/0702/OBS 042.

²⁴ The people who disappeared from Brazzaville Beach in April/November 1999 were refugees who had come into the Pool region during the 1998 civil war, moved into the Democratic Republic of Congo and then returned to Congo via the Brazzaville river harbour following a tripartite agreement defining a humanitarian corridor under the auspices of the United Nations High Commission for Refugees (UNHCR). The Congolese government gave assurances and guarantees on the safety of people wishing to return. But at the Brazzaville Beach harbour, the displaced persons were split into several groups, transferred to undisclosed locations, and many of them simply disappeared. Concordant sources indicate more than three hundred and fifty cases of disappearance during this return from exile.

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on his return from a visit to Paris; Mr. Touanga had sent a letter to President Jacques Chirac of France on that occasion.

At the end of 2002, Mr. Touanga was still under surveillance, although the anonymous phone calls seem to have ceased.

Threats and smear campaigns against OCDH²⁵

Members of the Congolese Observatory of Human Rights (Observatoire congolais des droits de l'homme – OCDH) are still being subjected to threats, intimidation and slander.

On 20th July, Mr. **Dieudonné Mounzeo**, elder brother of Mr. **Christian Mounzeo**, General Secretary of the OCDH, received several anonymous telephone calls telling him “It’s your brother who organises the agitation here, we are going to kill you all”. Dieudonné Mounzeo also had his teacher’s pay suspended for six months; according to his superior, these persecutions are directly linked to his brother’s activities. Two other people with the name of Mounzeo but unrelated to Christian Mounzeo were subjected to administrative interference at their work. One was dismissed from their job after Christian Mounzeo had spoken on *Radio France Internationale* (RFI). In September, an officer of the Congolese army in Brazzaville told a member of the OCDH, “It may be that truth makes men free, but I hope Mr. Mounzeo has no family in the Congo, or he really would be ill advised to talk like that”.

In August 2002, an NGO platform, the Congolese Federation of Human Rights (Fédération congolaise des droits de l'Homme - FECODHO) was formed with the obvious purpose of discrediting the work and opinions of the OCDH in the eyes of national and international public opinion. FECODHO is a platform of eleven Congolese associations, all of which have close links to government circles. When it was formed, the pro-government newspaper *Les Dépêches de Brazzaville* of 23rd August stated that the creation of FECODHO would “at last enable us to effectively counter the misinformation spread internationally by the Congolese Observatory of Human Rights and the International Federation for Human Rights”. As at end 2002, FECODHO was still active and working to promote government policy. The creation of this “governmental NGO” is a reaction to the human rights defenders’ efforts to combat impunity, especially the legal proceedings the OCDH and FIDH have instituted in France concerning the “Brazzaville Beach” case (1999).

In November, the OCDH was divested of its role in organising a series of training seminars for human rights trainers, due to take place in Pointe-

²⁵ See Annual Report 2001.

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Noire under a joint UNDP-Congolese Government project called Justice and Human Rights. When the partnership agreement between the UNDP and OCDH was due to be signed, the government demanded that the OCDH be divested of its position, so discrediting the OCDH in the eyes of the partners contacted. The project was then entrusted to another organisation, even though the government and the UNDP had relied on OCDH expertise to design the programme.

Lastly, in December 2002, Head of State D. Sassou N'Guesso stated in an interview with *Jeune Afrique - l'Intelligent* (N° 2189-2190/22nd December-2nd January) that "the Congolese branch of the FIDH is anything but apolitical".

COTE D'IVOIRE

Smear campaign against Mr. Epiphane Zoro Bi Ballo²⁶

The Ivorian government Website has been running a smear campaign against Mr. **Epiphane Zoro Bi Ballo**, magistrate and Chairman of the Ivorian Movement of Human Rights (Mouvement ivoirien des droits de l'Homme - MIDH), who lives in exile in Belgium. It takes the form of a supposed interview, on line since 6th October 2002, with an unidentified "Burkinabe intelligence officer".

In the interview, the "officer" accuses Mr. Bi Ballo of being the "Communications director responsible for external relations" for the Côte d'Ivoire Patriotic Movement (Mouvement patriotique de Côte d'Ivoire - MPCl), political arm of the rebellion against the loyalist Ivorian forces. In particular, it reports on a telephone conversation Mr. Bi Ballo supposedly had on 17th September 2002 at the Hôtel Pacifique in Ouagadougou, in which he would have received the order to "get it done as planned", i.e. to "kill the Ministers of Defence and Security, the Minister of the Interior and the Chief of Staff of the Armed Forces". These allegations were also published in a leaflet distributed in Abidjan in early November.

The allegations are clearly false (on 17th September 2002 Mr. Bi Ballo was in Brussels, not Ouagadougou) and have been circulated in order to portray Mr. Bi Ballo as an enemy of the State and a member of the rebel movement. Mr. Bi Ballo supports victims of the serious violence committed

²⁶ See Urgent Appeal CIV 001/1102/OBS 065.

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by the armed forces in October and December 2000, by means of legal proceedings in Brussels against the Ivorian leadership. He is also in the firing line as Chairman of the MIDH, an organisation which, since its creation, has run numerous campaigns against impunity in Côte d'Ivoire.

DEMOCRATIC REPUBLIC OF CONGO (DRC)

Repression by the authorities of the Democratic Republic of Congo

*Mr. N'sii Luanda Shandwe detained*²⁷

Mr. N'sii Luanda Shandwe, Chairman of the Human Rights Observers' Committee (Comité des observateurs des droits de l'Homme - CODHO), was arrested on 19th April 2002 during a search of his home. On the grounds of treason, two inspectors of the Military Order Court (COM) searched the house, seized documents and took Mr. N'sii Luanda away for questioning at the COM. He was questioned about his organisation, his activities, his trip to Geneva and his relationship with Mr. Bisimwa, a student arrested and detained in the past for "breach of State security".

Mr. N'sii Luanda was questioned again the day after his arrest and placed in detention at the Kinshasa Penitentiary and Re-education Centre (CPRK), where he was still in detention at the end of the year. He is thought to be accused of being in contact with persons suspected of breach of national security, particularly in connection with the trial of the alleged assassins of Laurent-Désiré Kabila, the previous Head of State. However, no formal charge has been laid against him to date. Following a letter Mr. N'sii Luanda sent to the President of the COM on 14th May requesting an explanation for his detention, he received a reply from the military prosecutor's department dated 23rd September saying that the case was "under examination". He was questioned on several occasions by an examining magistrate, but each time in the presence of an adviser to the Minister for Security and Public Order; this undermines the impartiality of the procedure.

On 12th June 2002, a medical certificate stating that he suffered from a painful appendix and cardiac palpitations and recommending that he receive

²⁷ See Annual Report 2001, Urgent Appeal RDC 004/0106/OBS 049.02 and 049.03, and open letter to the authorities, 9 August 2002.

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medical supervision outside the detention centre was sent to the military prosecutor. However, he was not hospitalised until 20th September 2002; he was operated on 26th September, and was then returned to the CPRK. At the end of 2002, despite his operation, Mr. N'sii Luanda was still suffering from an infection.

Mr. N'Sii Luanda had already been arbitrarily detained on similar grounds from 5th June to 7th September 2001. No formal charge was laid and he was released on orders from the public prosecutor.

*Mr. Willy Wenga Ilombe detained*²⁸

Lawyer **Willy Wenga Ilombe**, a member of the African Centre for Peace, Democracy and Human Rights (Centre africain pour la paix, la démocratie et les droits de l'Homme - CAPD), was arrested on 20th February 2002. On 22nd February he was questioned by four military judges and transferred to the CPRK on the grounds that he had allegedly been in contact with persons suspected of breach of State security in connection with the assassination of L.D. Kabila. He has not been questioned since. As at end 2002, Mr. Wenga Ilombe was still being detained without charge. An FIDH mission was able to visit Mr. Wenga Ilombe and Mr. N'sii Luanda in prison early in October. Mission members noted that Mr. Wenga Ilombe looked very worn and tense.

Journalist arrested

After publishing an article calling for the release of Mr. N'sii Luanda and Mr. Wenga Ilombe, Mr. **Ngimbi Mabedo**, editor and manager of the weekly *L'Intermédiaire*, was arrested on 7th August and brought directly before the Kinshasa military court (COM). He was held there for two days.

*Intimidation on human rights NGOs*²⁹

Representatives of 11 human rights defence organisations taking part in the campaign for the release of Mr. N'sii Luanda and Mr. Wenga Ilombe were called to a "consultation" meeting with the COM prosecutor Colonel Charles Alamba Mungako on 10th August 2002 at the COM headquarters.

In fact the prosecutor, who had convened the "meeting" himself, merely issued warnings and threats against the NGOs present. He reportedly said that defence of human rights was the domain of the COM, "the real Voice of the Voiceless" (referring to the NGO of that name), whereas the human

28 See open letter to the authorities, 9 August 2002.

29 See open letter to the authorities, 14 August 2002.

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rights defenders were merely defending delinquents and criminals. He reportedly also expressed his intention to repress and sanction any attempt by the NGOs to organise sit-ins, marches or other peaceful demonstrations for the release of the two imprisoned defenders. The first deputy prosecutor is reported to have said that the NGOs' signing of a memorandum to the Head of State in favour of Mr. N'sii Luanda and Mr. Wenga Ilombe and its publication in the press constituted crimes endangering State security and, under Article 138 point 3 of Book II of the ordinary Penal Code, constituted an act of treason punishable by death.

Despite the threats uttered against the NGOs at the meeting, the first deputy prosecutor undertook to examine, in application of the legal procedures, the request by the defence lawyers and human rights defenders for the temporary release of the two defenders. However, this commitment has so far produced no results.

Continued harassment against the Voice of the Voiceless³⁰

There was increased harassment and intimidation of the members of Voice of the Voiceless (Voix des Sans Voix- VSV) in 2002.

At the consultation meeting at the COM headquarters on 10th August (see above), Mr. **Floribert Chebeya Bahizire**, Chairman of VSV, was severely taken to task by the COM prosecutor general and assistant prosecutors, who told him he had almost been arrested in July, when he had spoken on the *Voice of America* radio station. In that broadcast he denounced the involvement of the Head of State and the COM military prosecutor in serious violations of human rights in DRC.

On 30th August 2002, following an action by VSV for the release of the arbitrarily detained military officer César Mukuta Makumu, VSV driver Mr. **Fidèle Bazana Edadi** was held for several hours and threatened with arrest when he went to the COM prosecutor's offices to deliver a letter from VSV.

On 10th October, VSV member Mr. **Léon Kasongo Omasumbu** was held for more than an hour by a military officer at the headquarters of the DEMIAP (Military Detection of Anti-Patriotic Activities) when he went there to deposit a letter requesting the release of the arbitrarily detained warrant officer François Namegabe. The officer threatened to arrest Mr. Kasongo Omasumbu and to mistreat any VSV leader who came to ask after him or deliver any other letter.

After the VSV issued a press release about the deteriorating medical condition of CPRK prisoners, the director of the detention centre ordered

30 See Annual Report 2001.

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the guards to arrest any VSV member who came to the centre before they entered.

On 13th October 2002, VSV held a press conference at its head office, about the Public Prosecutor's address to the Court at the trial of the persons charged with the assassination of Laurent-Désiré Kabila (the prosecution was asking for the death penalty for 115 of the 135 people on trial). Immediately afterwards, the COM Prosecutor ordered the arrest of any VSV member arriving at the CPRK to cover the trial hearings.

Since September 2001, VSV has been banned from organising press conferences or any other meetings in public meeting places, particularly the Grand Hotel in Kinshasa. VSV bookings are refused or made conditional on prior presentation of written permission from the Governor of Kinshasa. All VSV's applications to the Governor receive a rejection from the National Intelligence Agency (ANR).

Mr. Floribert Chebeya has been compelled to go into hiding for fear of arrest, having received two summonses to appear before the COM at the end of 2002.

*Harassment against the League of Electors*³¹

Members of the League of Electors are still in the authorities' firing line and their activities are particularly closely watched. On 2nd December 2002, Chairman **Paul Nsapu**, Vice-Chairman **Sabin Banza** and member **François Butedi** were arrested and held for several hours during the violent repression of a sit-in in front of the South African Embassy. The aim of the sit-in was to demand that the inter-Congolese political negotiations in Pretoria reach their conclusion with a political agreement that would end the war in the DRC and revive the democratisation process.

On 29th September 2002, an awareness-raising meeting for peace, human rights and democratic elections, organised by the League's Ngaba branch (Ngaba is a suburb of Kinshasa) was banned by the authorities. On the day of the meeting, an ANR agent went to the Saint-Adrien parish hall where the meeting was to be held and forbade Father J. Zwolinski to let the League use the hall. During the service, the ANR agent told parishioners not to attend the meeting, which was due to take place just after. The local police commandant arrested Mrs. **Geneviève Dilayen**, leader of the Ngaba branch, in the middle of mass and without a warrant. She was taken to the district offices, accompanied by her husband, questioned, and threatened with indictment on the pretext that the meeting had not been authorised by

31 See Annual Report 2001.

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the *Bourgmestre*, the town Governor and the ANR officer responsible. Both were released after two hours' questioning. Fearing reprisals, Mr. Mundurame, the parish manager, closed all the meeting halls and asked those present to disperse.

League member Mrs. **Lydia Lufwabantu** and her husband Mr. **Baudouin Lufwabantu** had to flee abroad because of threats hanging over them. These threats were due to Mr. Lufwabantu's defence of workers' rights at the bank where he worked, and because the security services had confused Mrs. Lufwabantu was accused of informing human rights organisations about large-scale embezzlement from State enterprises by the regime's dignitaries.

*Threats and intimidation against members of ASADHO/Katanga*³²

– Mr. Golden Misabiko threatened with arrest

On 26th February 2002, three soldiers from the Lubumbashi COM sent to the Katanga branch office of the African Association for the Defence of Human Rights (Association africaine de défense des droits de l'Homme - ASADHO) asking for Mr. **Golden Misabiko** and Mr. Hubert Tshiswaka (Chairman and Financial and Administrative Director of the branch respectively). Neither was there at the time and the soldiers came by again an hour later, when the two were still absent. They phoned the office in the early afternoon and ordered Mr. Misabiko, who was back in his office by then, to report to the COM for questioning on matters he would be informed of on arrival. Mr. Misabiko asked that an official summons be sent to him. A summons was delivered to the association's office around 4.30 p.m.; but the name and address of the association mentioned in it were wrong. Mr. Misabiko had to go into hiding and in the end flee abroad because of the repeated threats made against him. As at end 2002, he was still living in exile. In 2001, Mr. Misabiko had been arbitrarily detained from 5th February to 13th September at the CPRK, and received threats from the DEMIAP in November.

*– Acts of intimidation against Mr. Hubert Tshiswaka and defamation campaign against ASADHO/Katanga*³³

Mr. **Hubert Tshiswaka**, financial and administrative director of the Katanga branch of ASADHO, was summonsed to appear before the COM in Lubumbashi on 23rd January 2002. He was questioned by the military judge Mrs. Mwasengi. During questioning, Mr. Tshiswaka was ordered to supply a

³² See Urgent Appeal RDC 003/0202/OBS 014.

³³ See Urgent Appeals RDC 001/0102/OBS 004 and RDC 008/0202/OBS 069.

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list of the people he would have helped to leave the country in May 2001 with the help of Father Alain, a Lubumbashi resident now living in Belgium. The judge reportedly warned Mr. Tshiswaka of the arrest of all those in Namibia, giving the names of two of them. Mr. Tshiswaka told the judge he knew nothing about the affair, still less the two people the judge had named.

Mr. Tshiswaka was again the victim of threats on 26th February when three military officer from the Lubumbashi COM came to the ASADHO/Katanga offices to find him. He was obliged to go into hiding for a while.

In late 2002 there was a campaign of slander against ASADHO/Katanga following publication of a report by a United Nations group of experts on the plundering of natural resources in DRC (21st October 2002), in which Mr. Georges Forrest, Chairman of the Forrest Group and also French Honorary Consul in Lubumbashi, is strongly implicated. ASADHO/Katanga was accused in a Forrest Group press release issued on 2nd December 2002 of “taking an active part in an inadmissible smear campaign” against the company. That press release was a reaction to a press release of 28th November by ASADHO/Katanga denouncing the arrest and detention of Mr. Emile Omba (see below).

*Arrest and detention of Mr. Emile Omba*³⁴

Congolese citizen **Emile Omba** was arrested on 23rd November 2002 after denouncing in an open letter of 18th November “the illicit shipment of uranium-rich copper ore from the Lwishuishi and Tumbwe quarries [actually the neighbouring quarry, Lukuni] by member firms of the Malta Forrest group”. Mr. Omba’s letter cited the registration numbers of 13 trucks he saw leaving the mine and asked the authorities to intercept them before they left the town of Kipushi as planned on 16th November.

Mr. Omba was transferred to Lubumbashi on 27th November and then to the cells at the Lubumbashi Court of First Instance on 29th November, when he was formally charged with “propagating false rumours”.

At the end of 2002, Emile Omba was still in detention.

*Acts of torture against Mr. Sebastien Kayembe Nkokesha*³⁵

On 15th October 2002, Mr. **Sebastien Kayembe Nkokesha**, Chairman of the Congolese Observatory of Human Rights (Observatoire congolais des

34 See Urgent Appeal RDC 008/1202/OBS 069.

35 See Urgent Appeal RDC 007/1002/OBS 061.

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droits de l'Homme – OCDH) board and lawyer for several of those standing trial for the assassination of President L.D. Kabila, was abducted as he left the chambers of Kinshasa barrister Mr. Tshialu. Five people, two of them in army uniform, roughed them up and hustled them into a vehicle where an unidentified man, supposedly a colonel, was sitting. Mr. Kayembe was taken between two soldiers to Maluku, 80 km from the town centre. There the soldiers reportedly squirted a chemical into his eyes, momentarily blinding him. After stuffing his socks into his mouth they beat him, mainly around the head, face and legs, with an iron bar.

His kidnappers then left him in the bush in Kimbondo district in the commune of Mont Ngafula. Mr. Kayembe managed to reach a farm from where he was able to contact his family. He was taken to the intensive care unit of a Kinshasa hospital.

He had to go abroad to receive proper health care.

Repression by the authorities of the Congolese Rally for Democracy (RCD)

Harassment of members of the Lotus Group³⁶

Lotus Group chairman **Dismas Kitenge Senga** and researcher **Adan Baku** are constantly harassed and threatened, mainly because of their public declarations on human rights violations by the RCD in the Kisangani region and their repeated contacts with representatives of the international community (NGOs, IGOs, diplomats based in Kinshasa, foreign media, etc.). On that basis the Lotus Group is regarded as being in the pay of Western powers and an opponent of the RCD.

Mr. **Gilbert Kalinde Abeli**, the main leader of the Lotus Group's conflict prevention and resolution branch, and Mrs. **Bibiche Bambale Bolaya**, in charge of the Women and Children programme, also receive threats because of their awareness raising campaigns about peace and conflict prevention and in favour of tribal mutual associations and women's associations in Kisangani. Mrs. Bambale's stay in Europe halfway through the year was reported on the official radio as an opportunity for her to spread false information against the RCD and gather funds for use against the country.

Mrs. **Alphonsine Oketa Safalani**, a researcher on the Women, Children and Assistance Commission, was stopped and arrested on 11th and 12th October 2002 by State police on suspicion of conspiracy to aid an escape. This was due to the fact that, as part of her activities with the Lotus Group, Mrs. Oketa was able to visit people in police cells.

³⁶ See Annual Report 2001.

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*Harassment of Mr. François Zoka*³⁷

Mr. **François Zoka**, Chairman of the Justice and Liberation Group (Groupe Justice et Libération), was called in on 11th November 2002 by the RCD security service following statements he made on the MONUC's *Okapi* radio station on 6th November reacting to the double tax on goods coming from areas not under RCD control. In the course of questioning, he was asked what he thought about RCD personnel, the Lotus Group and the Justice and Liberation Group. He was also questioned about the links those two organisations have with Western partners, and their future activities. He was also advised to inform the security services of all the movements of certain human rights defenders in Kisangani such as **Pierre Kibaka** (Justice and Liberation Group), Gilbert Kalinde, Adan Baku, Bibiche Bambale (Lotus Group) and **Jean-Paul Nyindu** (Friends of Nelson Mandela for Human Rights).

*Smear campaign and threats*³⁸

In radio programmes on 3rd, 4th and 5th January 2002, a representative of the RCD, Mr. Fundi Malanda Wa Batiaferi, portrayed Mr. **Blaise Bolamba**, leader of the provincial branch of Pax Christi, Mr. Dismas Kitenge, Mr. Gilbert Kalinde, Mr. François Zoka and Mr. **Gilbert Loya Losana**, Vice-Chairman of the Friends of Nelson Mandela, as agitators and opponents of the peace process in the Democratic Republic of Congo.

The smear campaign grew after the "rebellion" within the RCD on 14th May 2002, when rebel RCD officers took over the Congolese radio and television in Kinshasa and called on the population to take whatever offensive weapons they had and attack the Rwandan soldiers³⁹.

The authorities accused civil society representatives, and particularly human rights defenders, of being behind the incident. An immediate ban was put on all meetings and activities of all organisations and a list naming some ten civil society representatives was circulated. On 16th May 2002, Commandant Gabriel Amisi, Deputy Chief of Staff of the RCD army, in charge of logistics, announced on the official radio that he would severely punish civil society representatives, whom he regarded as equivalent to

³⁷ See Annual Report 2001.

³⁸ See Urgent Appeals RDC 007/0109/OBS 077.02, RDC 005/0502/OBS 033 and 033.1.

³⁹ After several Rwandan soldiers had been killed by civilians there was a crackdown by the RCD authorities, who indulged in extremely violent reprisals in some poor districts (summary executions, rape, looting homes and general pillage etc.). The ease with which the radio station had been seized and the reprisals against civilians suggests that it may have been a manoeuvre by the RCD to strengthen its power and definitively block the peace process and the application of the UN resolutions on demilitarisation of the town.

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agitators, manipulators and mutineers, spies of the Kinshasa government and agents of the Western powers. Several defenders from NGOs, particularly the Lotus Group, the Friends of Nelson Mandela and the Justice and Liberation Group, had to go into hiding to escape the reprisals, some of them for nearly a month. On 18th May, Mr. Dismas Kitenge was called in for questioning by the Security Services. Due to an error of identity, Dismas Kakule, financial director of Air Boyoma airline, is reported to have been stopped by Military Intelligence agents who took his shoes and slapped his face.

On 8th July, the day after the publication of a Human Rights Watch report on the massacre of civilians in Kisangani after the mutiny of 14th May, the RCD security services pulled in Dismas Kitenge and Gilbert Loya Losana and questioned them about their associations' collaboration with Human Rights Watch and their contribution to the report. After that Gilbert Loya had to flee abroad.

The ban on NGO activities decreed on 14th May was rescinded by the Governor's decree on 28th June. However, NGOs must now obtain authorisation for any public event. For this they must pay administrative costs, which are set by the Mayor of Kisangani on a variable tariff depending on the importance of the event. The tribal mutual associations, under an order of the Mayor of Kisangani dated 3rd July 2002, must now not only obtain authorisation for their meetings from the commune *bourgmestres* but also provide them with a detailed list of the members present, the agenda and the minutes of the meeting. This rule applies to all districts.

*Meeting banned*⁴⁰

The Mayor of Kisangani banned a day event which the NGO Group of Christians for Peace (Groupe de Chrétiens pour la Paix) had scheduled for 4th January 2002. The event was to allow discussion and assessment of the peace process in the Democratic Republic of Congo and the organisation of the police and administration in Kisangani after demilitarisation. On 3rd January, the official radio broadcast a statement by the RCD security services to the effect that the meeting could not take place on the bank holiday commemorating the martyrs of independence and that it would have to be authorised for a later date, to be set by the authorities. On the morning of 4th January, the police surrounded Kisangani Cathedral hall, which was due to host the event, to keep people out.

40 See Urgent Appeals RDC 007/0109/OBS 077.02 and RDC 005/0502/OBS 033 and 033.1.

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*Harassment of Mr. Pierre Komba*⁴¹

On 23rd January 2002, agents from the Security and Intelligence Department (DSR) attempted to abduct Mr. **Pierre Komba**, a journalist on radio and TV channel *Amani* (RTA). Thanks to resistance of many of the students present at the time, they were unsuccessful. On 24th January, two DSR agents delivered a summons to him to report to the security services. These events seem to be linked to the analysis Mr. Komba made on his programme “A propos” on *Amani*, concerning the reception given to the Goma refugees by the Rwandan population of Gisenyi. He had presented the programme jointly with Mrs. **Claudine Bela**, head of the Women and Children Commission of the Friends of Nelson Mandela association in Kisangani. Mr. Komba and Mrs. Bela, in fear for their lives, were obliged to go into hiding until early March 2002. Since then they have been under surveillance.

*No inquiry into the torture of Mr. Claude Olenga Sumaili*⁴²

Protestant minister **Claude Olenga Sumaili**, former Chairman of the Justice and Peace Commission, had to flee abroad, as did his wife, who received serious threats after his departure. Rev. Olenga Sumaili had been arrested and tortured in August 2001, because of his broadcasts on the Kisangani archdiocese radio and TV channel *Amani*, which were considered hostile to the RCD. No legal proceedings have been taken against his torturers.

*Reprisals against Mr. Majaliwa Kanazi*⁴³

On the night of 25th July, five armed soldiers in the uniform of the Rwandan Patriotic Army (APR) broke into the home of Mr. **Majaliwa Kanazi**, co-ordinator of the Action Committee for Integral Development (Comité d'action pour le développement integral - CADI), an NGO that delivers human rights education to the rural population of Uvira and Fizi. Mr. Kanazi's children warned him of the soldiers' arrival and he was able to escape. The soldiers searched his home and stole the equivalent of 150 dollars in the local currency. Mr. Kanazi had been detained for two days in August 2001 for having given documents about human rights violations perpetrated by the RCD in the Uvira region to the NGO Great Lakes League (Ligue des grands lacs - LDGL).

41 See Urgent Appeal RDC 002/0102/OBS 005.

42 See Annual Report 2001.

43 See Annual Report 2001 and Urgent Appeal RDC 006/0702/OBS 048.

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*Repression against members of ASADHO in Beni*⁴⁴

Mr. **Hangi Bin Talent**, in charge of investigations for the Beni branch of ASADHO, was obliged to flee abroad mid-year because of the threats he had been receiving. In October 2001, he had been questioned for four hours and ill-treated by members of the Congolese intelligence agency.

On 18th December, two soldiers from the RCD-Kis-ML of Musa Nyamuisi attempted to murder Mr. **Henri Ngavo Kamabu**, who writes for ASADHO/Beni, and his family. Mr. Ngavo Kamabu was tied up, his wife and four children were forced to lie face down on the ground with guns pointing at them.

Mr. Ngavo Kamabu and his family have been in hiding ever since.

Mr. **Emmanuel Monsale**, member of the investigators' team of ASADHO/Beni, was forced to live Beni in November. He was persecuted by the RCD-Goma, in reason of a video-tape he detains about open graves in Beni Butembo.

ETHIOPIA

Legal proceedings against two defenders⁴⁵

Legal proceedings are still pending against Mr. **Mesfin Wolde Mariam**, founder member and former Chairman of the Ethiopian Human Rights Council (EHRCO) and Mr. **Berhanu Nega**, Chairman of the Ethiopian Economic Association.

Mr. Wolde Mariam and Mr. Nega were prosecuted after taking part in a meeting about human rights on 8th April at the National Lottery Hall and a seminar at Addis Ababa University on 17th-18th April 2001, when they called for freedom of speech, opinion and academic freedom.

They were arrested on 8th May 2001, accused of incitement to violence and incitement to riot, in connection with student demonstrations on 17th and 18th April, which had been forcibly repressed. On 18th May, they were brought before the Federal High Court, which extended their period of detention. They were released on bail on 5th June 2001, after going on hunger strike to protest against their detention conditions.

⁴⁴ See Annual Report 2001.

⁴⁵ See Annual Report 2001 and press release of 26 April 2002.

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Mr. Wolde Mariam and Mr. Nega are facing charges of “organising a clandestine political party for the purpose of changing the constitution by illegal means (Art. 32.1 and 250 (a) of the Penal Code)” and “collaboration in a criminal act intended to achieve the purpose designated in the first count of the indictment, by gathering students of the Addis Ababa University at the National Lottery Hall on 8th April 2001 and, on pretence of informing the students of their rights, making speeches designed to divide the students along ethnic lines, encouraging students to demand their rights and if necessary to sacrifice their lives for the respect of their rights, and inciting the students to obtain respect of their rights through violence and riot rather than constitutional means” (Art. 32.11 (a) and 480 (a) of the Penal Code).

The first hearing of the trial was due to be held on 9th June 2001. It was postponed to 5th December, then to 10th April 2002. On that date the Observatory sent a delegation to observe the hearing. The trial was again adjourned on the pretext that the documents in the case had not been submitted to the judge in advance. It was adjourned to 22nd June, then to 24th September, and a hearing is now due on 7th March 2003. These successive adjournments are a sword of Damocles hanging over the defenders.

GAMBIA

Harassment of Mr. Mohammed Lamin Sylla⁴⁶

Mr. Mohammed Lamin Sylla, Director of the Gambian branch of Amnesty International, continues to receive anonymous phone calls. On 6th June 2002 he was summoned to report to the National Intelligence Agency. As no grounds were given, he did not go.

⁴⁶ See Annual Report 2001.

Defenders held in detention and tortured⁴⁷

Lawyer **Tiawan Gongloe** was arrested on 24th April 2002 and held until 1st May, first at a police station and then in hospital where he had been transferred following the ill-treatment and torture he had been subjected to on his first night in detention. He was arrested after a speech he made in late March, calling for peace in the Mano River region; the speech was considered to be anti-government and pro-rebel. The weekly *The Analyst*, which published it, was temporarily closed down and its editor, **Mr. Hassan Bility**, was questioned.

Mr. Bility was then arrested on 25th June 2002 and accused of collaborating with the armed rebel group Liberians United for Reconciliation and Democracy (LURD) and fomenting an assassination attempt against the Head of State. Detained in solitary confinement and regarded as a prisoner of war, he was probably tortured. He was released on 30th October 2002.

The premises of the Movement for the Defence of Human Rights (MODHAR) were besieged on 24th April after the association's director, **Mr. Aloysius Toe**, also General Secretary of the Liberian Coalition of Human Rights Defenders, had made public statements calling for the immediate release of **Tiawan Gongloe**. Later, on 4th November 2002, **Mr. Toe** was arrested after a police raid on his home. According to the authorities, he would have received an e-mail from the LURD and documents found at his home established a link between him and the armed opposition force. **Mr. Toe** was charged with "treason" by the Monrovia Court and detained in the central prison in Monrovia, where at the end of 2002 he was still awaiting trial.

Acts of torture against Mr. Thompson T. Ade-Bayor⁴⁸

Mr. Thompson T. Ade-Bayor, director of Liberia Watch for Human Rights, had to go abroad for several months for medical treatment after being tortured during his detention from 14th to 20th September 2001. He was detained for issuing a press release about the antiterrorist unit and the need to restructure the national army. **Mr. Ade-Bayor** returned to Liberia in late 2002.

⁴⁷ See Observatory's intervention with the African Commission for Human and Peoples' Rights (May 2002).

⁴⁸ See Annual Report 2001.

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MAURITANIA

Arrest of Mr. Boubacar Ould Messaoud⁴⁹

Mr. **Boubacar Ould Messaoud**, lawyer and Chairman of the association SOS-Esclaves, was arrested at his home in Nouakchott on 2nd May 2002 by members of the State Security services (DSE, Direction de la Sûreté de l'Etat), while receiving a visit from the United States Consul. After Mr. Messaoud had been dragged away without a warrant, members of the DSE remained behind, searched his home and took away documents they found in his office. During the night of 2nd-3rd May, members of the DSE returned and removed his computer. On 30th April, just before his arrest, Mr. Messaoud spoke on *Radio France International* denouncing the alleged torture of Mr. Salem Ould Ya'raf, alleged militant of the clandestine movement Conscience et Résistance, during his detention in April. Mr. Messaoud had recorded his statement. He was released the following day having provided proof that these declarations were authentic, just when the victim, apparently under pressure, had publicly withdrawn his allegations in a statement issued by the police. Mr. Messaoud's belongings were returned to him. The arrest of Mr. Messaoud took place two days before his departure for Pretoria, where he was to represent the Forum of National Human Rights Organisations in Mauritania, a grouping of 13 Mauritanian human rights NGOs, at the 31st session of the African Commission of Human and Peoples' Rights (2nd-6th May 2002). He was therefore unable to go to Pretoria, although the initial report on Mauritania was on the agenda.

Mr. Messaoud had already been arrested and sentenced to 13 months imprisonment after denouncing slavery in Mauritania in an interview with the TV channel *France 3* in 1998. He had been pardoned a short while after his conviction⁵⁰.

⁴⁹ See Urgent Appeal MAU 001/0205/OBS 029 and 29.01.

⁵⁰ See Annual Report 1997-1998.

Obstacles to freedom of circulation⁵¹

On 3rd December 2002, Mr. **Tajudeen Abduraman**, a member of the Centre for Democracy and Development (CDD), was stopped at Lagos airport when leaving for London. His passport was confiscated and he was allegedly ill-treated during questioning. He was then released, but his passport was not returned.

Then on 6th December, Ms **Iheoma Obibi**, Executive Director of the NGO Alliances for Africa, a regional human rights and development organisation, was arrested by the State security services at Lagos airport as she was leaving for London, and her passport too was confiscated. Although she was released the same day, her passport was not returned to her.

Attempted arrest⁵²

On 6th December 2002, members of the State security services raided the premises of the Women's Aid Collective, an organisation for the defence of women's rights based in Enugu. They were looking for the Executive Director, Mrs **Joy Ezeilo**, to arrest her, but she was not there. They left a message that they would be back.

Reports confiscated, defenders harassed⁵³

On 14th October 2002, the customs service in Lagos seized 2000 copies of a report published by the OMCT and the Centre for Law Enforcement Education, Nigeria (CLEEN) entitled *Hope Betrayed? A Report on Impunity and State-Sponsored Violence in Nigeria*. Mr. **Idris Bawa**, a researcher for the national Human Rights Commission, and two members of the Civil Liberties Organisation (CLO) who had worked on the report, Mrs. **Isioma Ojugbana** and Mrs. **Ijeoma Nwachukwu**, were harassed by members of the State security service.

⁵¹ See Urgent Appeal NGA 001/1202/OBS 070.

⁵² *Idem*.

⁵³ *Idem*.

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RWANDA

Arrest⁵⁴

On 26th January 2002, Mr. **Laurien Ntezimana**, founder of the Modest and Innocent Association (AMI) and winner of the Pax Christi International peace prize for 1998, was arrested by police in Butare town centre. According to witnesses, no arrest warrant was produced. At first detained at the police brigade premises with one of his companions, Mr. **Didas Muremagingo**, he was then transferred to Butare prison on 29th January, where he was held without charge until 20th February. He was officially arrested to be questioned about the AMI review *Ubuntu* (Humanity) and to justify the review's logo, which uses the Rwandan word "*ubuyunaja*", meaning "spiritual renewal", a word also used by the opposition Democratic Party for Renewal (PDR); he was accused of sympathising with the PDR. After his release, he was placed under house arrest on 20th February by decision of the Nyabisindu Court of Appeal. Since then he has had to report weekly to the town authorities.

The Prefect suspended the AMI's activities, in violation of Article 24 of the law on non-profit organisations under which only the Ministry of Justice is empowered to do this. The association's publications, especially *Ubuntu*, were also banned.

SUDAN

Harassment of Mr. Gazi Suleiman⁵⁵

Mr. **Gazi Suleiman**, lawyer and Chairman of the Sudanese Human Rights Group (SHRG), who had been arbitrarily arrested and detained from December 2000 to February 2001 for defending the leaders of an opposition party, was attacked at his home on 9th May 2002. Officers came to his home with a summons to the security forces' offices. Mr. Suleiman refused to comply. Two hours later, 15 officers came to his home, behaving very aggressively and terrifying his family. After searching the house without a warrant, they arrested

⁵⁴ See Urgent Appeal RWA 001/0102/OBS 008.

⁵⁵ See Annual Report 2001.

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him and took him to the police station where he was left waiting in a corridor for six hours. He was then questioned for an hour about the activities of the SHRG and told to disband the organisation. He was then released.

Situation of Dr. Nageeb Nagmeldin El Toun and the Amal Centre⁵⁶

Harassment of the members of the Amal Centre for the Rehabilitation of Victims of Physical and Mental Trauma continued in 2002. Dr. **Nageeb Nagmeldin El Toun**, Director of the Amal Centre and member of the Sudanese Organisation Against Torture (SOAT, formerly SVTG) had been imprisoned from 10th to 27th May 2001 and interrogated twice in October of that year. In July 2002 he was banned from travelling to a regional conference of the International Council for the Rehabilitation of Torture Victims (IRCT). In September he was called in by the security forces and banned from travelling to Cairo where he was due to attend a conference. The Amal Centre was under close surveillance all year, and was searched by police in September.

Situation of Mr. Faisal El Bagir Mohamed⁵⁷

Mr. **Faisal El Bagir Mohamed**, an independent journalist and member of SOAT and the Khartoum Centre for Human Rights Studies continued to suffer harassment in 2002.

On 2nd May, he was called in to the security forces office in Khartoum, where he was questioned about his publications, especially an article on human rights published in the newspaper *Agras Almarasid*. He was also questioned about his relationship with the Khartoum Centre, his activities at the Amal Centre, his discussions with foreign organisations and his meeting with the special UN Rapporteur on the human rights situation in Sudan on the latter's last visit. He was told he would henceforth have to show his articles to the authorities before publication, and that the material confiscated in June 2001 would not be returned to him.

On 7th October 2002, Mr. El Bagir was arrested at his home on his return from a trip abroad. He was questioned about a conference on press freedom he had attended in Dakar, and about his stay in Cairo. His passport was confiscated. He was released a few hours later and ordered to report the next day; he did so, and his passport was returned to him.

⁵⁶ See Annual Report 2001.

⁵⁷ *Idem*.

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Repression against students⁵⁸

On 2nd February 2002, Miss **Tahani Ibrahim Ahmed**, a student at the Omdurman College of Technological Science and a member of the SOAT student network, was suspended from the university for 12 months. This occurred after she had formed a human rights defence group and had expressed her views on women's rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) at a meeting organised by her group. Her lawyer, Mr. Amir Suleiman, appealed to the college administration and stated his intention of taking the matter to the Constitutional Court. However, Miss Ibrahim Ahmad was re-admitted in May and her lawyer dropped the proceedings. Similar incidents occurred with other members of the Democratic Students' Front, who were also suspended or expelled because of their involvement. Students concerned are **Alid Sideig Mohamed**, **Ada Fadl Allah Adam**, **Husam el-Din Abdullah**, **Allah el-Din Mustafa Mohamed Ali**, **Ghosai el-Nour Mohammed Ahmed** and **Mohammed al-Hadi Suleiman**.

TANZANIA

Harassment against LEAT members⁵⁹

In April 2002, legal proceedings were instituted against Mr. **Nshala Rugemeleza**, Chairman of the Lawyers' Environmental Action Team (LEAT) and LEAT lawyer Mr. **Tundu Lissu**, for "publication with seditious intent" (Newspaper Act, 1976). Mr. Rugemeleza and Mr. Lissu were charged, along with Mr. Augustine Mrema, Chairman of the Tanzanian Socialist Party, in connection with their statements of November 2001 demanding an independent inquiry into the Bulyanhulu massacre of August 1996, during which fifty miners were allegedly killed or buried alive during the forced eviction of thousands of miners in the Bulyanhulu region. LEAT lawyers are assisting the families of the victims. After these declarations, the LEAT offices were searched on 24th November 2001 and documents and video cassettes were confiscated.

At a magistrates' court hearing on 31st May 2002, the lawyers for the defence asked for the case to be transferred to the Supreme Court in order

⁵⁸ See Urgent Appeal SDN 001/0202/OBS 012.

⁵⁹ See Annual Report 2001 and Urgent Appeal TZA 001/0111/OBS 097.01.

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to examine whether Sections 31 and 32 of the Newspaper Act were compatible with the constitution. The case was transferred to the Supreme Court on 1st December 2002. However, although the magistrates' court is no longer competent in the matter, the accused continue to be regularly summoned to that court to hear the charges against them read out.

On 23rd December, Mr. Tundu Lissu was detained for 24 hours in an underground cell at the central police station in Dar Es Salaam.

At the end of 2002, the case was still pending.

In March 2002, a enquiry team made up of experts from several North American NGOs, invited by LEAT, were prevented from visiting the Bulyanhulu site and LEAT was accused of "contravention (...) of laws of the land and immigration laws".

Meanwhile Chama Cha Mapinduzi, the party in power in Tanzania, held meetings in the villages of Bulyanhulu to discredit all those who allege anyone was killed during the evacuation of the mine, and LEAT particularly. In April 2002, members of LEAT received threatening anonymous phone calls. These phone calls have since ceased, but the LEAT telephones are still being tapped.

ZIMBABWE

Interference with freedom of association and harassment against the Amani Trust⁶⁰

In August 2002, Dr. Frances Lovemore was arrested and charged with "publishing or communicating false statements prejudicial to the State". She was released two days later and the charges dropped for lack of evidence. Dr. Lovemore is medical director of the NGO Amani Trust, which helps the victims of torture and denounces human rights violations in Zimbabwe.

On 13th September 2002, the Ministry for Public Service, Labour and Social Welfare published a notice ordering NGOs to register under the terms of the Private Voluntary Organisations Act (PVO Act) and to cease operating until their situation was in order. Also in application of the PVO Act, which

⁶⁰ See open letter to the authorities 22 November 2002.

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was passed in 1967 but had never really been enforced, the notice stated that organisations failing to comply would be closed down and that their members could be arrested.

On 13th November 2002, in answer to a question in Parliament, Minister for Public Service Cde July Moyo stated that Amani Trust was among the NGOs that had been required to cease operating until they had registered under the PVO Act. The same day in Parliament, Justice Minister Cde P. Chinamasa issued a list of NGOs representing a threat to national security, particularly as they are funded from abroad, mainly from Britain. The Amani Trust was on the list, as was the Westminster Foundation for Democracy. These declarations were published in a front page article in the pro-government newspaper *The Herald* on 14th November. The article fiercely criticised the Amani Trust, thus intensifying the smear campaign against the organisation.

In October, the same newspaper had published declarations by Cde Robert Mugabe, President of the Republic of Zimbabwe, accusing NGOs of interference in national affairs and of setting themselves up as “little governments”. He said that a bill currently before Parliament would enable the government to close the loopholes in policy governing NGOs, and added in threatening tones that the authorities would soon be putting them in their place. *The Herald* also mentioned that a Code of Ethics was being drafted on the initiative of the National Association of Non Governmental Organisations, particularly designed to prevent NGOs interfering in local politics.

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THE SITUATION OF HUMAN RIGHTS DEFENDERS

The report on human rights defenders, submitted by the Special Representative of the United Nations Secretary General before the UN Commission on Human Rights in March 2002, indicated that 90% of the assassinations of human rights defenders recorded by this office had been committed in Latin America. The alarming situation has not changed, in fact, it has worsened, especially because of the high number of human rights defenders who have been threatened or assassinated in *Colombia*. In other countries, defenders are also seriously harassed and their lives are often under threat. In *Guatemala*, *Brazil* and *Honduras*, this has even led to assassination.

Throughout the continent, intimidation campaigns are directed against NGO members, lawyers, journalists, social welfare workers and people in other civilian professions for their work on human rights. These people often get letters or phone calls with death threats, and are trailed by members of the police, the army or other such groups. Harassment is intensified when human rights organisations or its members question the conduct of state agents or private groups connected to the state.

For human rights defenders, the situation is becoming worse because of the high level of impunity, in spite of government commitments and the fact that nearly all Latin American States have ratified the Statutes of the International Criminal Court.

New international context: national security and the defence of human rights

Fears expressed by the Observatory as for possible repercussions of the international campaign against terrorism, following the 11th of September terrorist attacks, on human rights activities, have been confirmed. The enforcement of the “national security doctrines” has become alarming in these countries. Several governments have adopted antiterrorist measures that give greater prerogatives to the army and the police, and considerably

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restrict fundamental rights, in particular freedom of speech. The fight against terrorism has also become a pretext that justifies increased militarisation and tighter security measures.

Mr. Juan Mendez, Chairman of the Inter-American Commission on Human Rights (ICHR) gave warning of this risk in his opening speech to the 116th period of sessions of this Commission¹. The fight against terrorism is a legitimate cause but some governments seem to take advantage of this situation to justify repressive acts without making any distinction between people who attack state security and people who are fighting for democracy. The impact of this new international context is especially clear in *Colombia* where human rights defenders are often accused of spreading propaganda that can harm the State, jeopardising national security, trying to topple the government, and aiding and abetting terrorism. That is why the State is especially keen on repressing them. In other countries such as *Mexico*, *Guatemala*, *Honduras* and *Ecuador*, some human rights defenders are seen as enemies of the state, because of their critical attitude towards the conduct of the state, or as defending delinquents. This type of stigmatism seriously jeopardises the physical and psychological safety of defenders, especially when they seek to denounce atrocities committed by private groups that use this “climate” as a pretext for future attacks on human rights defenders.

Restricted freedom of movement for human rights defenders in the United States

In the United States, the September 11 attacks have led to restrictions on the free movement of people. Even though the United States Government has both the right and the obligation to keep track of suspicious individuals in order to guarantee national security, human rights defenders seem to be kept under especially close watch.

In 2002, various human rights associations denounced the existence of a list of some 1,000 persons who were considered as “threats to aviation”. Any person on the list risks being detained, is subjected to lengthy questioning and is often prevented from boarding a plane.

Emphasis should also be placed on the increasing difficulty for defenders from Latin American countries to go to the United States to participate in human rights events. This is of special concern since the headquarters of the Inter-American Commission on Human Rights is in Washington D.C. where periodic meetings are held for Latin American associations and lawyers to report cases of human rights violations.

1 OAS Document – E-197/02, 7 October 2002.

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Human rights defenders in a world of violence

In certain countries such as Colombia, Guatemala² and certain parts of Brazil (namely the State of Espírito Santo, human rights defenders are working under increasingly violent conditions.

In **Colombia**, the peace process between the government and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia – FARC) came to a halt in February 2002, and armed conflict continued to afflict the civilian population. Human rights defenders have very serious safety problems because of their endless denunciation of the effects of the conflict on Colombia and surrounding countries such as Ecuador, and because their support to victims' families in their quest for justice. In a press release dated June 2002, the then UN High Commissioner for Human Rights, Mary Robinson, expressed her deep concern about the increasing harassment of and violence against human rights defenders.

Small farmers, indigenous populations, political and social leaders, journalists, members of trade unions and NGOs are constantly threatened and trailed. Defenders have sometimes had to flee from their country because they or their organisation were being prosecuted. Records show that since 1990 more than 1,000 trade union members have met with a violent end. Data compiled by the National Trade Union School (Escuela Nacional Sindical), in Colombia showed that between 1st January and 30th November 2002, there were 172 homicides of trade union members, 164 death threats, 26 kidnappings, 17 attacks, 7 forced disappearances, 132 arbitrary arrests and 80 union members forced into exile. "Most of these violations are directly connected to trade union activities and occur after conflicts organised by the union members during national or local strikes, when workers try to exercise their right to collective bargaining, when they try to create a trade union, or when they peacefully and legally protest against the loss of social and union rights".³

After her trip to Colombia, the Special Representative of the UN Secretary General on Human Rights Defenders stressed the climate of impunity enjoyed by perpetrators of human rights violations in Colombia and held the State legally responsible for aggression by the Colombian armed forces and violations by the paramilitary organisations that are able to carry out these violations with the support, consent or even the complicity of the State⁴. In 2002, because of their activities, many organisations were

2 See Observatory report: "Los defensores en peligro: agresiones masivas, recurrentes e impunes", March 2002.

3 Escuela Nacional Sindical, Department for Human Rights and Labour Rights, Human rights for Colombian labourers in 2002.

4 According to the report of the Special Representative on the situation of defenders in Colombia, 90% of the human rights violations are not punished.

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again declared “military targets” by the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia – AUC*).

A State of Emergency provided for in Articles 213 and 214 of the Constitution and governed by the Law no. 137 of 1994 was declared four days after President Álvaro Uribe Vélez came to power on 7th August 2002. The decree setting out provisions for public safety was promulgated on 12th September. By virtue of the State of Emergency, it authorises restrictions on the right of assembly and demonstration, refusal of certain rights to foreign citizens and the possibility to hold people on remand, tap telephones, and search homes without a search warrant. Civilians and members of social organisations were the first to feel the full brunt of these measures.

This decree gives additional powers and prerogatives to the army and the police, and provides for the creation of so-called limited-movement “rehabilitation and consolidation” zones, run by the military. On 21st September 2002, the President of the Republic created two such zones, one in the Sucre and Bolívar administrative districts (24 communes), and the second in the Arauca administrative district (a total of 27 communes)⁵.

However, on 25th November 2002, the Constitutional Court quashed the decree authorising the detention of persons, telephone tapping, the searching of homes without legal warrants, and the creation of rehabilitation and consolidation zones by the President of the Republic.

Restrictions of basic freedoms, laid out in this decree, seriously obstruct efforts to collect information on and denounce violations of human rights, in particular violations committed in the rehabilitation and consolidation zones. Furthermore, the Government often makes statements to undermine the work of the Colombian NGOs thus making the work of the human rights defenders even more difficult. NGO members have serious difficulties in carrying out their work and fear for their life because they are often taken to be guerrillas. The new government is also working hard to discredit international organisations operating in Colombia by expelling their members and invading their headquarters.

In *Guatemala*, conditions have become considerably worse for human rights defenders during the last year, with a clear increase in the number of assassinations, threats, acts of intimidation, assaults against physical integrity, kidnappings, and trespassing of defenders’ homes. During the first half of 2002,

5 On 14th August, a Forum on Human Rights Defenders was organised in Arauca. This Forum was organised in the framework of an investigation mission on legal actors in Colombia, mandated by the Observatory and Avocats Without Borders. More than 150 persons attended the Forum, among whom the Governor of Arauca, most of the mayors of the municipalities of the region, the Police Director, the Security Department Director, the Army Chief of Staff and the Commander of the Navy.

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Guatemalan organisations recorded 125 cases of threats, aggression, and acts of intimidation against human rights defenders. The Special Representative expressed deep concern about the situation and, after her visit, explained that violence was directed first and foremost against sectors and people who try to shed light on human rights violations committed in the past and to identify the culprits. These sectors and people include members of human rights NGOs, forensic surgeons, judges, magistrates, lawyers, witnesses, small farmers, trade union leaders, religious leaders and, in general, anyone who denounces acts of corruption, especially journalists.

Several people who spoke with the Special Representative came under threat. Although the Government appointed a special public prosecutor to investigate violations of defenders' rights, the situation is getting steadily worse, as can be seen from the assassination of a member of the National Association of Guatemalan Widows (Coordinadora Nacional de Viudas de Guatemala, CONAVIGUA) last September. The mutilated body was an especially clear indication of the surge of violence against people seeking historical truth, seeking to recover the collective memory and to fight against impunity.

In *Brazil*, the federal authorities had to be called in to protect the life and the physical and psychological integrity of human rights defenders in the State of Espírito Santo. Defenders are no longer safe there because of their efforts to denounce serious human rights violations by organised criminal groups, often with the consent or even assistance of the governmental authorities.

Continued harassment

Harassment, campaigns to discredit their work, and illegal operations by the secret services have been general fare for human rights defenders in the region.

Break-ins into NGO offices

The growing number of break-ins into the offices of human rights defenders is particularly alarming. Over ten cases have been recorded in Colombia, Ecuador, Brazil, Panama and Guatemala, as opposed to two (both in Guatemala) in 2001.

Violations of this sort seriously obstruct the work of these organisations. In *Colombia*, home searches are still going on, justified these by the decree on the State of Emergency. In *Guatemala* and *Panama*, violations happened on even when the reports accusing actions by State agents were about to be published. These cases, like that of *Brazil*, can be interpreted as attempts by

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the people targeted by investigations to prevent public dissemination of information concerning them. Conclusions of police investigations indicate simple acts of petty offences, a thesis which the organisations categorically reject. The methods used in these forced entries evidence a determination to silence the human rights defenders, and not merely theft: files, floppy discs and other documents have been stolen while articles of value are left behind. This type of action is carried out by people who have little fear of retaliation because the State either gives its tacit consent or acts as an accomplice.

Criminalisation of social demonstrations

There are many associations on the continent – except in Cuba where any attempt to create an association or organise a pro-human rights activity is blocked – and civil society is organised and recognised internationally. However, on a national level, the increasing use of force to quell demonstrations spurred by the worsening socio-economic situation in some countries is detrimental to democracy and dialogue. Examples of this are *El Salvador, Ecuador, Colombia, Paraguay, Bolivia, Guatemala, Argentina, Uruguay* and *Venezuela*. The renewed use of force seriously compromises freedom of expression and assembly.

The financial crisis that shook *Argentina* led to a radical increase in poverty, social exclusion and violations of socio-economic rights. This politico-socio-economic crisis brought about massive social demands throughout the country, expressed through social demonstrations that were severely repressed by the police. There were many illegal arrests, and persons wounded and killed ⁶. The situation is all the more serious because of the threats against people who denounced police violence during demonstrators and against journalists. The Inter-American Commission had already warned of this during its visit to the country at the end of July and expressed its concerns about the threats against human rights defenders who denounce repression and the criminalisation of social demonstrations.

The crisis has spread to neighbouring countries, i.e. *Uruguay* and *Paraguay*, where social uprisings are often repressed. In *Paraguay*, for instance, the socio-political sectors organised demonstrations in September 2002 for civil servants, teachers, and even police and military forces who had not received their wages; the demonstrations were violently repressed. Subsequent to these clashes, a complaint was lodged with the

⁶ During the demonstration in Avellaneda, near Buenos Aires, on 26th June 2002, two people were killed and close to 60 were wounded.

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prosecutor responsible for human rights (Fiscalía de Derechos Humanos) concerning abusive action by the national police.

In *Venezuela*, the country's political crisis is making it increasingly difficult for human rights defenders to satisfactorily defend and promote international treaties for the defence of human rights. Their activities are also taken over by political movements without human rights defenders being able to explain their position.

Criminalisation of social demonstrations is also commonplace in certain countries of Central America, e.g. *El Salvador* and *Honduras*. For instance, last November in El Salvador, confrontation between the police and opponents of the privatisation of health services led to 19 wounded and to the arrest of 14 trade union members for illegal assembly and disturbing public order⁷.

Claims by indigenous people and land conflicts

Although the constitutions of Latin American countries mostly guarantee the rights of indigenous people, these are not treated as fully-fledged citizens. They are often subjected to racist acts and discrimination, and are denied access to their basic rights. In *Argentina, Bolivia, Brazil, Chile, Honduras* and *Mexico*, indigenous people who fight to recover their lands are often subject to repression by the large land-owners and multinational companies which exploit the natural resources. The governments continue to punish defenders who peacefully fight to ensure the application of commitments made to indigenous communities, e.g. threats and attacks against Mr. Tamburini, a lawyer who serves as legal counsel in the trial on property rights of indigenous Chiquitanos in the Monte Verde area, in *Bolivia*.

Continued impunity

Independent organisations responsible for investigating the human rights violations of defenders' rights have been set up in some countries, but most of the perpetrators go unpunished because these organisations do not have the necessary resources, and the authorities lack the political will. Although it is up to the State to protect defenders, most harassment, assassinations and forced disappearances are committed by agents of the State or groups or individuals who have the government's consent. Continuing high levels of corruption also compromise the exercise of impartial justice. In *Brazil* and *Honduras*, human rights defenders who

⁷ The trade unionists were released on 3 December.

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denounced extortion by organised criminal groups were assassinated. Regarding the State of Espírito Santo, in Brazil, the Observatory supported investigative missions by the Global Justice Center in June-July 2002 and the publication of a report on threats, intimidation and pressure from institutions on representatives of civil society and public authorities responsible for applying laws on human rights⁸. The report recommends that federal authorities intervene to guarantee the safety of human rights defenders and investigate the reported violations, the dismantling of the networks that monitor activities of civil society, and the adoption of a defender protection programme. Espírito Santo is not the only haven of impunity. In June 2002, 124 policemen involved in murdering 19 workers on 17th April 1996 in Eldorado do Carajás, *Brazil*, were acquitted.

In *Mexico*, although the government of Vicente Fox has promised to guarantee respect for human rights, a year after Digna Ochoa's assassination, the investigation has not produced any significant results. It has been marked by numerous irregularities, and pressure has been put on people in charge of the case.

In *Guatemala*, on 9th October 2002, the Court of Appeal, on the basis on "faulty evidence", annulled the sentence pronounced the previous year against three soldiers and a priest, Mario Orantes, who were involved in the assassination of Juan José Gerardi Conedera, an auxiliary bishop of the Guatemala archdiocese⁹. The judges referred to procedural irregularities in the sentence pronounced on 7th June 2001 by the Third Criminal Court.

It is, nonetheless, worth noting that efforts by the civilian population have been valuable in giving a successful outcome to investigations of certain assassinations of human rights defenders.

In Guatemala, for instance, mention should be made of the 4th October verdict that sentenced Army Col. Juan Valencia Osorio to 30 years in jail for having ordered the assassination of Myrna Mack, an anthropologist. Myrna Mack was killed on 11th September 1990 after having published a report in which she purported that the massive displacement of the indigenous community was the direct outcome of the army's policy of counter-insurrection. Organisations that played a role in the trial, and the judges in the Constitutional Court were pressured and threatened so that they would forsake their impartiality during the trial. But, like the case of Bishop Gerardi, there is reason to fear that the judgement will be appealed and then annulled.

8 Centro Justiça Global, "The Human Rights Crisis in Espírito Santo: Threats and Violence against Human Rights Defenders", July-October 2002.

9 Monsignor Gerardi was killed on 26th April 1998, 48 hours after presenting the REHMI (recuperation of the historical memory) report which described the thousands of cases of serious violations of human rights during the armed conflict.

THE SITUATION OF HUMAN RIGHTS DEFENDERS

Regional and international protection of human rights defenders

Civilian population

Having national human rights defence organisations denounce the deterioration of the situation in which defenders work has made it possible to have a clearer picture of the national and local situations. Certain governments have adopted special measures to guarantee the protection of defenders but results have been below target, due to lack of resources or lack of political determination. Hence, setting up appropriate programmes is still a priority, as was pointed out by the Special Representative in the Latin American section of the report that she submitted to the UN General Assembly in July 2002¹⁰.

At a regional level, the second Latin American Consultation on Human Rights Defenders, held in Guatemala from 23 to 25 July 2002¹¹, was attended by 40 defenders from 18 Latin American countries, to analyse the new challenges and dangers facing human rights defenders on the continent, and to define strategies that could be carried out together with the special units for human rights defenders created by the Inter-American Commission on Human Rights, at the end of 2001, and the Latin America representative of the UN High Commissioner. The Consultation sent messages of solidarity to the defenders from Colombia, Guatemala, Argentina and Brazil.

International Organisations

Emphasis should be given to the positive role, recognised by the Latin American NGOs, played by the Special Representative of the UN Secretary General on Human Rights Defenders, Mrs. Hina Jilani, and her collaboration with the Inter-American Commission on Human Rights.

During the meeting of the UN Commission on Human Rights (Geneva, 18th March-27th April 2002), Mrs. Jilani reported the conclusions of her mission to Colombia (23rd-31st October 2001). From 27th May to 1st June she was in Guatemala to study in person the situation facing human rights defenders and, more specifically, the legal framework and the harassment they suffered.

10 See Document 02-47021 (E), Report by the Special Representative of the U.N. Secretary General on Human Rights Defenders, July 2002.

11 The first Consultation was held in Mexico, from 13 to 15 June 2001. The second was organised by the ad hoc Non Governmental Committee for the Protection of Human Rights Defenders (Colombia), the National Human Rights Movement (Guatemala), the National Network of Civil Human Rights Organisations "All Human Rights for Everyone" (Mexico) the International Service for Human Rights and Amnesty International. The Observatory which participated in this meeting also belongs to the Committee responsible for monitoring the outcomes of the Consultation and the preparation of the next edition.

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These two countries were also reviewed at the annual conference of the International Labour Organization (ILO). Although the Commission in charge of applying the law had stressed the seriousness of the situation facing trade unionists in Colombia, no decision was taken concerning the trade unionists' request that a commission be set up to investigate violations of their fundamental rights, in application of Article 26 of the ILO Statutes. As for Guatemala, the Commission said it fervently hoped that the government would work with its social partners to introduce measures that give employees and employers the possibility to work in a violence-free atmosphere.

The Special Representative was invited to Mexico and Venezuela. Argentina and Brazil invited all the Rapporteurs and the thematic working groups of the UN Commission on Human Rights.

The Inter-American Commission on Human Rights has played a very active role and has organised inspection visits to Haiti, Argentina and Venezuela. Regarding Haiti, on 29th August, the Commission voiced its concern about assassinations, threats and harassment involving journalists, because the situation seriously compromises freedom of expression¹². In Argentina, the IACHR expressed deep concern over the threats against human rights defenders, including lawyers and social leaders¹³.

The IACHR Unit for Human Rights Defenders, created in December 2001¹⁴, carried out its first visit to Guatemala from 23rd to 26th July 2002¹⁵, after having expressed its concerns in a press release dated 14th June¹⁶. In September 2002, it requested organisations working on human rights defence issues in Latin America to help draft a report on the situation of defenders in the region. This was ensuing an OAS resolution adopted in June 2002¹⁷. The report should be published in 2003.

European Union

The European Parliament adopted a resolution on Guatemala expressing its concern about the increased number of acts of intimidation against

12 See IACHR press release – 37/02 of 29 August 2002 “ACHR concerned over lack of progress on human rights issues in Haiti”; IACHR press release 6202S of 4 September 2002 “Special Rapporteur for Freedom of Expression of the OAS expresses concern over the situation of journalists and the media in Haïti”.

13 See press release, No. 33/02: Inter-American Commission on Human Rights concludes visit to the Argentine Republic – July 29 to August 6.

14 See press release in appendix.

15 See press release 27/02 of 14 June 2002, 29/02 of 18 July and 30/02 of 26 July 2002.

16 See IACHR press release of 14 June 2002.

17 See appendix.

THE SITUATION OF HUMAN RIGHTS DEFENDERS

people fighting impunity, *i.e.* witnesses, NGOs, journalists, members of political bodies, the clergy, leaders of agricultural workers' groups, as well as threats against forensic doctors, and the surge of violence against and intimidation of human rights defenders, trade unionists, and religious communities working with indigenous populations¹⁸. It is noteworthy that the Sakharov Prize for freedom of opinion was awarded to Oswaldo José Payá Sardiñas (Cuba), for his work on implementing the Varela Project. This initiative calls for a referendum on the organisation of free elections, freedom of speech, release of political prisoners and freedom to conduct business. The project has been endorsed by over 100 Cuban organisations and has been signed by thousands of individuals. Mr. Sardiñas, together with other opposition leaders, wrote a manifesto called "Todos Unidos". But the atmosphere since January 2002 has been marked by increased repression of defenders, journalists and human rights organisations.

Despite the concerns expressed by human rights organisations, the Madrid Declaration of 17th May 2002, at the end of the Civil Society Summit EU/Latin America refers to dialogue with civil society, but does not mention the situation of human rights defenders.

¹⁸ Minutes of 11 April 2002. Human rights situation in Guatemala.

HUMAN RIGHTS DEFENDERS HARASSED

ARGENTINA

Criminalisation of social protest¹⁹

On 29th June 2002, Mr. **Claudio Pandolfi**, a lawyer acting for the association against police and institutional repression (Coordinación contra la represión policial e institucional, CORREPI), dedicated to the defence and protection of victims of illegitimate action on the part of public employees, received threats which were recorded on his answering machine at his office. The threats were apparently linked to his investigation of the disturbances at Avellaneda, in the Buenos Aires province on 26th June, during which two demonstrators were killed and sixty people injured.

The same day the photographer **Sergio Kowalewski**, who had taken photographs that were published in the press this leading to the identification of the members of the police responsible for the death of the demonstrators, received three death threats at his home.

It has been established that the threats came directly from official quarters, although the investigations have not identified the author. Claudio Pandolfi and the members of CORREPI have received no further threats. However witnesses to the facts related to the repression at Avellaneda, or to the events of 19th and 20th December 2001, before the fall of former President De la Rúa, have received death threats. Furthermore, the federal police have initiated legal proceedings against certain citizens who had denounced its involvement in the 20th December repression.

¹⁹ Open letter to President Eduardo Duhalde, 12 July 2002.

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Attack against the President of the Association of the Grandmothers of the Plaza de Mayo²⁰

On 20th September 2002, the President of the Association of the Grandmothers of the Plaza de Mayo (Asociación de las Abuelas de la Plaza de Mayo), Mrs. **Estela Carlotto**, suffered a violent attack. Around three o'clock in the morning, unidentified individuals opened fire on her house, in the city of La Plata, damaging the front and the inside of the building. Two days previously, the Provincial Commission for Memory, chaired by Mrs. Carlotto, had presented a document to the Supreme Court in which she denounced the abuses and terror practices of the Argentine police. The Commission received further threats on 25th September 2002. An unidentified person telephoned the office of the Commission, threatening them with these words: "Beware, we are going to eliminate all of you".

Investigations to identify the individuals directly or indirectly responsible for the attack on Mrs. Estela de Carlotto have made no progress. However the massive mobilisation, demonstrations and numerous signs of support of the population were a real setback for the authors of the attack. At the end of 2002 the Association was still being subjected to harassment. On 25th December 2002 an exhibition organised by the Association of the grandmothers of the Plaza de Mayo in Gonet was vandalised, and police enquiries to identify the culprits have so far yielded no results.

BOLIVIA

Agression/Arbitrary arrest²¹

On 5th March 2002, **Father Luis Portillo**, Vice-President of the Tarija Human Rights Permanent Assembly (Asamblea Permanente de Derechos Humanos de Tarija, APDH-T), Mr. **Cesar Leonardo Blanca Alvarez**, a lawyer acting for the Centre for Legal Studies and Social Investigation (Centro de Estudios Jurídicos e Investigación Social, CEJIS) and Mr. **Damian Anagua**, regional leader of the Landless Movement of Bolivia (Movimiento sin Tierra de Bolivia, MST-B), were on the Tarija premises of the National Institute of Agrarian Reform (Instituto Nacional de Reforma

²⁰ Open letter to the President, 23 September 2002.

²¹ See Urgent appeal BOL 001/0302/OBS 017.

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Agraria en Tarija, INRA-T), revising some documents on land reclamation. Accompanied by Mr. Angel Duran, President of the Landless Movement of Bolivia, 150 peasants, forced their way into the INRA-T premises with the aim of staging a hunger strike, as a sign of protest. Later the Departmental Director of INRA-T, Mr. René Caverro, arrived on the scene, accusing the members of the delegation of being accomplices of the peasants' action. Mr. Caverro brought in a group of heavily armed policemen, commanded by two police chiefs, who, with the support of the INRA-T authorities, threatened Mr. Blanco and Father Portillo, and began evacuating the peasants using violence. Mr. Anagua was arrested and very severely beaten up in the street by the police. When Mr. Blanco intervened, asking that his rights be respected, he was also hit, and arrested. They were both taken to the Tarija Technical Judicial Police Centre (PTJ) and threatened at gunpoint. At the PTJ, they received threats, until the arrival of the APDH-T Committee, who addressed the Director of the PTJ, Mr. Roman Retamoso, and the Prosecutor in charge of the operation, Mr. Eduardo Ortiz, demanding that the detainees be released and allowed to leave the police enclosure immediately. Many members of the Bolivia Human Rights Permanent Assembly (APDH-B) had already received threats in the past, because of their involvement in the fight against impunity, particularly in rural areas.²²

Threats against an defender of the rights of the indigenous population²³

On 23rd September 2002 the Concepcion office of the Chiquitana Indigenous Organisation (Organizacion Indigena Chiquitana, OICH) received a phone call from someone calling himself the President of the Civic Committee of the Concepcion Municipality, announcing that Mr. **Leonardo Tamburini**, a lawyer belonging to the Centre for Legal and Social Investigation Studies (Centro de Estudios Juridicos e Investigacion Social, CEJIS), an defender of the Chiquitanos Indigenous population, had three hours in which to leave the town. The threat was made at a time when the leaders of the indigenous organisations were meeting in the Concepcion area with the institutions supporting their land claims. Mr. Tamburini is a legal assessor in the Monte Verde Territory court case and on numerous occasions has been subjected to harassment due to his professional activity. On 15th September 2001 he was violently attacked,

22 See BOL 001/0008/OBS 083 and BOL/001/0401/OBS 033.

23 See Urgent appeal BOL 002/0109/OBS 078.01.

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and was the victim of an attempted assassination.²⁴ Despite the promises made by the authorities, the enquiry into the case has so far produced no result. At the end of 2002, CEJIS furthermore denounced a campaign, orchestrated by the media, aimed at discrediting the work of the NGOs, in particular those dealing with the rights of the indigenous populations. It also denounced the setting up of groups, supported by the authorities, who visit certain rural areas, intimidating the peasants so that they should give up their claims.

BRESIL

Arrest of a leader of the landless workers movement (MST)²⁵

On 5th September 2002 Mr. **José Rainha**, President of the Landless Rural Workers Movement (MST) of the Pontal region of Paranapanema, was arrested in the Teodoro Sampaio Municipality, on the basis of a preventive arrest warrant issued on 23rd May 2002 by the Ministry of Justice of the Municipality of Teodoro Sampaio for “attempt to form guerrilla groups liable to promote a rebellion in the region” (Art. 288 of the Penal Code). He was moved to the Teodoro Sampaio prison by decision of the Judge Athis Araujo de Oliveira.

On 12th November, by unanimous decision, the Higher Court of Justice decided to release Mr. Rainha. The Minister, Felix Fischer, indicated that the charges against Mr. Rainha were not sufficient to warrant his continued detention.

In the past, Mr. Rainha had already been taken to court due to his involvement on behalf of the Landless. In July 1997 he was sentenced to 26 years’ imprisonment, charged with the assassination of a landowner and of a member of the police in the State of Espirito Santo. After a trial that lasted for nearly three years, he was acquitted on 5th April 2000.²⁶

²⁴ See urgent appeal BOL 001/0109/OBS 078.

²⁵ See Urgent appeal BRA 001/0902/OBS 056.

²⁶ See 2000 Annual Report.

The situation of human rights defenders in the state of Espirito Santo²⁷

Because of the many serious violations of human rights, organised crime and wide-spread impunity in the State of Espirito Santo, denounced for many years by human rights organisations, both within Brazil and elsewhere, and given the constant deterioration of the human rights situation, the Brazilian Bar Association, along with other representatives of civil society, called for federal intervention in May 2002. The aim of such federal intervention was to stabilise the situation created mainly by the activities of Scudiere Detetive Le Coq (SDLC), responsible for the assassination of street children, extortion and corruption, and which nevertheless is still a recognised organisation in Brazil. The Council for the Defence of the Human Person (CDDPH), a government body under the Federal Ministry of Justice, following a report recognising the systematic violation of human rights and constitutional guarantees in the State concerned, submitted a request to the Federal Supreme Court. On 8th July 2002 President Fernando Henrique Cardoso announced that the request to intervene would be rejected, even if it were approved by the Supreme Court. This provoked an institutional crisis within the Federal Government, and the resignation of the Minister of Justice. The new Minister of Justice announced on 12th July 2002 that instead of a federal intervention a special group would be set up to be sent to the State of Espirito Santo for 90 days with the task of investigating the organised delinquency and ensuring the protection of persons under threat. On 25th July, with the support of the Observatory and other organisations, the Centre for Global Justice published a report on the threats, intimidation and institutional pressure that human rights defenders are subjected to in the State of Espirito Santo, the aim being to contribute to the work of the CDDPH, and solicited a federal intervention.

The report describes in detail the methods of intimidation employed during 2002 against the judiciary, members of the police and members of political parties, both on the part of outside elements and of the institutions themselves. For instance, from December 1999 and March 2002, Jean Claude Gomez de Oliveira, public prosecutor, received threats relating to complaints he had lodged against members of the judiciary and organised crime. The report emphasises the total impunity enjoyed by the authors. For example in January 2001, a Secretariat for Human Rights was established in the Sierra Municipality. During the year 322 homicides were recorded. On 25th January 2002 the offices of the Secretariat were

27 See report "Crise de direitos humanos no Espirito Santo: ameaças e violência contra os defensores de direitos humanos", Centro Justiça Global, October 2002.

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ransacked and the documents in the director's office were searched, although no object of value was taken. The Secretariat repeatedly asked for the report of the military police on the event, and on 22nd May 2002 was informed that it had been mislaid.

Among those recorded in the report, the two following cases are representative of the challenge human rights defenders have to face in a context of generalised violence, and of the means and support available to the authors of threats, who act with total impunity.

Threats against the President of the Brazilian Bar Association, Espirito Santo Section (OAB)

In 1999 several organisations, including OAB, set up the "Fight Back Espirito Santo" Forum to combat violence and organised crime. Since then, Mr. **Agesandro da Costa Pereira**, President of the OAB, has received constant telephone threats warning him not to meddle with the affairs of Scudiere Detetive Le Coq. The threats had somewhat died down since March 2001, but were renewed with added vigour following the assassination of a barrister, Marcelo Denada, on 15th April 2002. Between mid-April and the end of June, Mr. da Costa Pereira apparently received four telephone calls and two threatening letters. Two days after taking part in the meeting organised by the CDDPH in Brasilia on 24th April 2002, where the situation in the State of Espirito Santo was discussed, his home was broken into, and he found a hand-written letter warning him that the whereabouts of his wife and small girl were known. Ten days later, a threatening letter containing disturbing details concerning his private life, his family and his professional colleagues reached him at the OAB office. On 9th July 2002 the OAB office received another anonymous threatening call.

And then on 25th July 2002, a bomb exploded on the premises of the Law School at Vitona, the capital of the State of Espirito Santo, during the celebrations in honour of the arrival of new members. Mr. da Costa Pereira and 130 other lawyers and officials were in the building at the time.

Threats against the President of the Association of Mothers and Families of Victims of Violence in Espirito Santo

Since the assassination of her son by the military police in June 1999, Mrs. **Maria Graças Nascimento Nacort** has received threats because she expressed displeasure at the lack of progress in the investigation. In particular, she received threats from a policeman, Erivelto, who is still at large, despite the fact that the police report on the assassination raised the question of his responsibility.

HUMAN RIGHTS DEFENDERS HARASSED

Two years after the assassination, Mrs. Graças Nascimento Nacort founded the Association of Mothers and Families of Victims of Violence in Espirito Santo (AMAFVV-ES), and the threats have continued, against herself and her family.

For example, on 8th March 2002, when she was organising a women's event in Vitoria to commemorate international women's day, a car approached her and the driver addressed her with threats.

On 5th June, a lawyer, Nelson Aguiar, close to the Governor of the State, threatened her publicly during an interview on CBN radio.

The authorities have taken no steps to protect the life of Mrs. Graça Nascimento Nacort.

COLOMBIA

Summary executions and attacks

Assassination of trade union leaders

In August 2002 the report of the defender of the people on the situation of trade union leaders was published, along with a study by the National Trade Union College that clearly indicated that the safety of trade union leaders had deteriorated in 2002.

According to the Trade Union College report, between 1st January and 21st August 2002 116 cases of homicide were recorded in Colombia, against 112 during the same period in 2001. In addition there were 50 death threats, 19 abductions, 17 attacks, 5 disappearances and 19 cases of harassment. In many cases the victims have had to leave the country due to persecution against themselves or their organisation. The impunity enjoyed by the authors encourages acts of violence against trade union leaders. As was the case in 2001, in almost all cases of assassination, investigations have produced no results.

The defender of the people, Eduardo Cifuentes Munoz, condemned the serious violations of the fundamental rights of the workers and trade union leaders committed during the last decade, and made a number of proposals to strengthen the present Programme for the protection of trade union leaders and unionised workers, and for the defence of trade union headquarters.

Considering in particular the meagre results of investigations and in order to combat impunity, the Defender of the People recommended that the

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national government mobilise adequate resources to set up a special fund to finance criminal investigations into serious violations of the rights of trade union leaders. He also recommended to the members of the judiciary to make it easier for the people to be associated with the Prosecutor in court actions. This would mean that the trade union, a member of which was assassinated, or was victim of an attempt on his life and personal integrity, would be entitled to instruct a barrister to associate himself with the Prosecutor, thereby enabling a trial to take place.

In addition, in December the Human Rights Department of the Central United Organisation of Colombian Workers (CUT) denounced the restrictions imposed on the programme for the protection of trade union leaders and human rights defenders, as evidenced by the budget cuts and the announcement by the Government that the programme would be in a transitional phase until the end of April 2003.

*Assassination of Mr. Luis Alfonso Jaramillo Palacios*²⁸

On 11th January 2002, Mr. **Luis Alfonso Jaramillo Palacios**, delegate of the Medellin Section of the Sindicato de Trabajadores y Empleados de Servicios Públicos Autónomos e Instituciones Descentralizadas de Colombia, SINTRAEMSDES-CUT (a public service trade union), was assassinated in Medellín, in the Antioquia Department. The investigation has produced no results.

*Assassination of Mr. Enoc Samboni*²⁹

On 12th January 2002 Mr. **Enoc Samboni** a leader of the CUT-CAUCA, and leader of the Committee for Solidarity with Political Prisoners, President of the Municipal Council of Santa Rosa (Cauca), was assassinated by the paramilitary in La Chorrera, in the Amazonas Department. Mr. Samboni was protected under the Protection Programme of the Ministry of the Interior and by protective measures provided for him by the Inter-American Commission on Human Rights of the Organisation of American States (OAS). The enquiry produced no results.

*Assassination of Mrs. Maria Roperó*³⁰

On 16th January 2002 Mrs. **Maria Roperó**, former President of the Sindicato de Madres Comunitarias, SINDIMACO-CUT, (community mothers trade union) who had already been the victim of numerous death

²⁸ See Special appeal Colombia, January/February 2002.

²⁹ *Idem.*

³⁰ *Idem.*

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threats on account of her work in defence of the rights of workers and children, was assassinated in Cucuta, in the Santander Department, by a group of paramilitary who fired at her 13 times as she was on her way home. The investigation produced no results.

*Assassination of Mr. Julio Galeano*³¹

On 11th February 2002 Mr. **Julio Galeano**, an defender of the Cali Sindicato de Trabajadores de las Empresas Municipales (SIMTRAEMCALI) (municipal enterprises trade union) was assassinated as he was leaving his home with his wife, who was unharmed. They were approached by men carrying firearms, who stopped them, and then fired on them. Julio Galeano and his wife had taken an active part in the recent occupation of the Municipal Enterprises building in Cali, with the aim of preventing the privatisation by the national government of this municipal agency for the loan of public services in the home. The investigation produced no results.

*Assassination of Mr. Juan Montiel and Mr. Emilio Villeras Durán*³²

On 7th March 2002, Mr. **Juan Montiel** and M. **Emilio Villeras Durán**, employed by the Ceiba and Circasia firms, and members of the Cienega sub-directorate of the Sindicato Nacional de Trabajadores de la Industria Agropecuaria, SINTRAINAGRO, (agricultural products workers' trade union) in the Magdalena Department, were assassinated. The investigation produced no result.

*Assassination of Mr. Eduardo Chinchilla Padilla*³³

On 11th March 2002, Mr. **Eduardo Chinchilla Padilla**, member of the Sindicato de Industria de los Trabajadores de Empresas de Palmas Oleaginosas y Similares, SINTRAPALMA – CUT, (oil products workers' trade union) was assassinated at Puerto Wilches, in the Santander Department. The investigation produced no results.

*Assassination of Mr. Rafael Jaimes Torra*³⁴

On 20th March 2002, Mr. **Rafael Jaimes Torra**, treasurer of the Subdirectiva Oleoducto de la Unión Sindical Obrera, USO, (pipelines) of Barrancabermeja, was assassinated in Barrancabermeja as he was leaving his

³¹ *Idem.*

³² See Special appeal Colombia, March 2002.

³³ *Idem.*

³⁴ *Idem.*

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home. His nephew, German Augusto Corzo García, aged 16, was seriously injured and died a few hours later. The investigation produced no results.

*Assassination of Mr. Rubén Hurtado*³⁵

On 3rd April 2002, Mr. **Rubén Hurtado**, was assassinated. He was a leader of the popular movement of the Department of the Cauca Valley, and defended the workers of the Cali Municipal Enterprises. Certain popular leaders who opposed the privatisation of public agencies have had to leave the country, on account of the numerous threats received. The investigation produced no results.

*Assassination of Mr. Diofanol Sierra Vargas*³⁶

On 8th April 2002, Mr. **Diofanol Sierra Vargas** was assassinated. He was a director of the Sindicato Nacional de Trabajadores de la Industria de Alimentos – Seccional Barrancabermeja, SINALTRAINAL – CUT, (food industry products) and a member of the Women's Popular Organisation. The trade union leader was forcibly removed from his home and executed by a paramilitary group operating in Barrancabermeja, in the Santander Department. The investigation produced no results.

*Assassination of Mr. Oscar Alfonso Jurado*³⁷

On 9th April 2002, in Cali, in the Cauca Valley Department, Mr. **Oscar Alfonso Jurado**, a leader of the Sindicato Nacional de Trabajadores de la Industria Química de Colombia – Seccional Yumbo, SINTRAQUIM – CUT, (chemical industry) was assassinated by an unidentified individual while waiting for a bus on his way to his office. The investigation produced no results.

*Assassination of Mr. Hernán de Jesús Ortiz and Mr. José Robeiro Pineda*³⁸

On 12th April 2002, Mr. **Hernán de Jesús Ortiz**, a member de la National Junta of the CUT, Director of the Federación de Educadores de Colombia, FECODE, (educators), Vice-President of the Caldas United Educators Trade Union Organisation – EDUCAL –, an active member of the CUT National Human Rights team, official of the Caldas permanent Human Rights Committee – CPDH – and Mr. **José Robeiro Pineda**, former

³⁵ See Special appeal Colombia April/May 2002.

³⁶ *Idem.*

³⁷ *Idem.*

³⁸ See Special appeal Colombia April/May 2002.

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director of the Sindicato de Industria de Trabajadores de La Electricidad de Colombia, SINTRAELECOL-CUT, (electricity) were assassinated at Aranzazú, Caldas Department. The investigation produced no results.

*Assassination of Mr. Tito Libio Hernández Ordóñez*³⁹

On 16th April 2002, in Pasto, in the Nariño Department, Mr. **Tito Libio Hernández Ordóñez**, former President of the Subdirectorato Pasto du Sindicato de Trabajadores y Empleados Universitarios de Colombia, SINTRAUNICOL – CUT, (university personnel) community leader of the Liberté de Pasto district, member of the working team of the Frente Social y Político, was assassinated in Nariño university by an armed man. The investigation produced no results.

*Assassination of Mr. Froilan Hilario Pelaez Zapata*⁴⁰

On 6th May 2002, at Medellín, in the Antioquia Department Mr. **Froilan Hilario Pelaez Zapata**, a member of the Executive Committee of the Subdirectorato CUT – Antioquia and trade union delegate of the Asociación de Institutores de Antioquia, ADIDA-CUT, (primary school teachers) was assassinated. Armed men fired on him as he was on his way to the school where he taught, at Santa Rosa de Lima. The investigation produced no results.

*Assassination of Mr. Eduardo Vasques Jiménez*⁴¹

On 4th June 2002, Mr. **Eduardo Vasques Jiménez**, Treasurer of the Magdalena Section of the Sindicato de Trabajadores de la Electricidad de Colombia, SINTRAELECOL-CUT, (electricity) was assassinated on the market place at Santa Marta, in the Magdalena Department, by men on motor-cycles who shot him three times in the head. The investigation produced no results.

*Assassination of Mr. Elias Mejia Villareal*⁴²

On 12th June 2002, Mr. **Elias Mejia Villareal**, director of the Sindicato de Industria de los Trabajadores de Empresas de Palmas Oleaginosas y Similares, SINTRAPALMA-CUT, (oil products) was assassinated at Puerto Wilches, in the Santander Department, by men who forced their way into his home and shot him several times. SINTRAPALMA had organised a strike on

³⁹ *Idem.*

⁴⁰ *Idem.*

⁴¹ See Special appeal Colombia June 2002.

⁴² *Idem.*

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11th March 2002, which had triggered a wave of persecutions and threats, and already two assassinations. The investigation produced no results.

*Assassination of Mr. Cesar Blanco Moreno*⁴³

On 17th June 2002, Mr. **Cesar Blanco Moreno**, leader for Bucaramanga of the Unión Sindical Obrera de la Industria del Petróleo, USO-CUT, (oil industry), was assassinated in Bucaramanga. Cesar Blanco had received death threats from the AUC paramilitary forces and had been the victim of an attempt on his life on 18th May 1998 in which he had suffered very serious injury. The assassination occurred at a time when the USO was protesting against pension and labour reforms. The investigation produced no results.

*Assassination of Mr. Luis Enrique Coiran*⁴⁴

On 20th June 2002, Mr. **Luis Enrique Coiran**, President for Tame of the Asociación Nacional de Trabajadores y Empleados de Hospitales, Clínicas, Consultorios y Entidades Dedicadas a Procurar La Salud de la Comunidad, ANTHOC – CUT, (health services) was assassinated in Tame, in the Arauca Department. Luis Enrique Coiran was accompanied by his eldest son and another director of the trade union. He had received threats since the general strike in Tame in February 2002 and during the various human rights actions he had carried out. The investigation produced no results.

*Assassination of Mr. Helio Rodríguez Ruiz*⁴⁵

On 20th June 2002, Mr. **Helio Rodríguez Ruiz**, director of the Sindicato Nacional de Trabajadores de la Industria Gastronómica, Hotelera y Similares, HOCAR-CUT, (hotels, catering) was assassinated in Barrancabermeja on his way to work. He was stopped by armed men who fired on him three times. The investigation produced no result.

*Assassination of Mr. Manuel Antonio Fuertes Arévalo*⁴⁶

On 29th June 2002, in the Municipality of Túquerres, in the Nariño Department, Mr. **Manuel Antonio Fuertes Arévalo**, former Vice-President of the Tuquerres sub-directorate of the Sindicato de Trabajadores

43 *Idem.*

44 *Idem.*

45 *Idem.*

46 See Special appeal Colombia July 2002.

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de la Electricidad de Colombia, SINTRAELECOL-CUT (electricity), was assassinated. The crime was committed by the paramilitary, who fired on him seven times at his home, in the presence of his family. Mr. Fuertes Arévalo had received death threats, which is why he had given up his trade union job, although he still did community work. The investigation produced no result.

*Assassination of Mr. José Gonzales Barros*⁴⁷

On 2nd July 2002, in the Sabanagrande Municipality, in the Atlántico Department, Mr. **José Gonzales Barros**, an activist of the Sindicato de Trabajadores Oficiales y Empleados Públicos del Municipio de Sabanagrande, SINTRAOPUSA-CUT (municipal services), was assassinated. Mr. González Barros was killed by two unidentified persons while on his way from his home to his office. The investigation produced no result.

*Assassination of Mr. Carlos Alberto Barragán Medina*⁴⁸

On 20th July 2002, Mr. **Carlos Alberto Barragán Medina**, trade union leader of the Association of Educators of the Tame Municipality, Arauca Department, was assassinated in front of his home in the Tame Municipality. Mr. Barragán was intercepted by two hooded men on motor cycles, dressed in black. After firing on him, they escaped through the Naranjitos military base. The investigation produced no result.

*Assassination of Mr. Rodrigo Gamboa Coy*⁴⁹

On 31st July 2002, at Valledupar, in the Cesar Department, Mr. **Rodrigo Gamboa Coy**, President of the Cesar region of the Incora Workers Trade Union, SINTRADIN-CUT, was assassinated. Mr. Rodrigo Gamboa had worked for over 20 years with small farmers and indigenous communities, victims of the agrarian reforms. He was also active in defending trade union freedoms. The investigation produced no result.

*Assassination of Mr. Cesar Gomez*⁵⁰

On 5th September 2002, Mr. **Cesar Gomez**, President for Pamplona of the Sindicato de Trabajadores y Empleados Universitarios de Colombia, SINTRAUNICOL-CUT, (university personnel) was assassinated in the Pamplona Municipality, in the North Santander Department. The

47 *Idem.*

48 *Idem.*

49 See Special appeal Colombia August 2002.

50 See Special appeal Colombia September 2002.

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assassination took place as Mr. Gomez was arriving home accompanied by his wife. They were intercepted by two unknown individuals who fired on them eight times, seriously injuring his wife. The investigation produced no results.

*Assassination of Mr. Oscar de Jesús Payares*⁵¹

On 6th September 2002, Mr. **Oscar de Jesús Payares** was assassinated in Barranquilla, in the Atlántico Department. He was a member of the Asociación de Educadores del Atlántico, ADEA-FECODE-CUT (educators), and had undertaken a number of community actions with Mr. **Adolfo de Jesús Múnera**, who was assassinated on 31th August 2002. The investigation produced no results.

*Assassination of Mr. José Fernando Mena Alvares*⁵²

On 10th October 2002, in the Palermo Municipality, in the Magdalena Department, Mr. **José Fernando Mena Alvares**, a member of the Magdalena educators' trade union, EDUMAG-FECODE CUT, was assassinated. Mr. Mena Alvares had received threats and had lodged a complaint to the Administrative Security Department, DAS. The investigation produced no results.

*Assassination of Mr. Carlos Peralta*⁵³

On 1st November 2002, in Riohacha, in the Guajira Department, Mr. **Carlos Peralta**, prosecutor in the Guajira section of the Sena National Workers Trade Union, SINDESENA, was assassinated. The investigation produced no results.

*Assassination of Mr. Alberto Correa*⁵⁴

On 19th November 2002, in Cartago, in the Valley Department, Mr. **Alberto Correa**, a leader of SITTELECOM (Union of Telecommunications Workers) was assassinated. The investigation produced no results.

Assassination of representatives of civil society

*Assassination of a member of ASPROVIVIR*⁵⁵

On 5th February 2002, Mr. **Luis Castro**, active member of the Association of the "de facto occupants" of La Reliquia (ASPROVIVIR), and involved in

51 *Idem.*

52 *Idem.*

53 *Idem.*

54 *Idem.*

55 See Special appeal Colombia January/February 2002.

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the fight against impunity concerning the assassination in August 2001 of Mr. **Evert Ensizo Sandoval** (member of the Steering Committee of the Meta Assembly for Peace) was assassinated at Villavicencio, in the Meta Department. The investigation produced no results.

*Assassination of the co-founder of the Fundación Jurídica Colombiana*⁵⁶

On 14th February 2002, Mrs. **María del Carmen Florez**, co-founder of the Colombian Legal Foundation (Fundación Jurídica Colombiana) was assassinated near the Mutata Municipality. At the time of her abduction and assassination, she was working on the case of the forced disappearance of Alcides Torres Arias, before the Inter-American Commission on Human Rights (IACHR). Mrs. Florez was in the process of preparing for a hearing in view of the March session of the Commission. The investigation produced no results.

*Assassination of an indigenous leader*⁵⁷

On 9th April 2002, in the indigenous commune of Sipirra, at Riosucio, the indigenous leader, Mrs. **María Fabiola Largo Cano**, was assassinated by two paid killers, while attending an event at the School of Public Administration, (Escuela de Administración Pública, ESAP). The investigation produced no results.

*Assassination of the President of the Small Farmers Association Los Yarumos*⁵⁸

On 18th May, in the Tulúa Municipality, in the centre of the Cauca Valley, Mr. **Andrés Robledo**, President of the Peasant Association of the “Los Yarunos” base, was assassinated. Since November 2000, the ICHR had asked that protective measures be taken for the displaced communities of Buga and Tulua. Since September 2001, Mr. Andrés Robledo was included in the Ministry of the Interior Programme for the Protection of Social and Trade Union Leaders and Human Rights Defenders, given the numerous threats he had received. Mr. Robledo was known for having denounced corruption of public officials, the displacement of over 6,000 peasants due to violence, and the assassination and disappearance of 200 persons during the last three years. On several occasions he had received death threats from the Army paramilitaries, and for over three years he had been in constant contact

⁵⁶ *Idem.*

⁵⁷ See Special appeal Colombia April/May 2002.

⁵⁸ *Idem.*

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with the Vice-President of the Republic, with a secret phone number for reaching her in case of aggression. The investigation produced no results.

*Assassination of the brother of a member of ASFADDES*⁵⁹

On 6th June 2002, Mr. **Adrian Monsalve Pulgarin**, in Medellín, Antioquia, received six shots in the chest. Adrian was the brother of Mrs. Claudia Monsalve Pulgarin, a member of the Association of the families of detained-disappeared persons. (Asociación de Familiares de detenidos y Desaparecidos, ASFADDES), who had disappeared on 6th October 2000. The assassination of Mr. Monsalve Pulgarin may have been due to his family ties. The investigation produced no results.

*Assassination of Dr. Efraín Varela Noriega*⁶⁰

On 28th June 2002, Dr. **Efraín Varela Noriega**, director of radio Meridiana 70 and member of the Departmental Peace Commission (Comisión departamental de Paz) was assassinated as he was leaving the national university at Arauca. Mr. Valera Noriega had received threats from the paramilitary. Four members of the Permanent Committee for Human Rights (Comité Permanente por los Derechos Humanos) left the Department, having received numerous threats. The investigation produced no results.

*Assassination of a social worker*⁶¹

On 14th July 2002, Sister **Marta Inès Véles Serna**, a social worker, was assassinated in Mogotes, Santander. The investigation produced no results.

*Assassination of a social leader*⁶²

On 27th June 2002, members of the United self-defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC), assassinated Mr. **Orlando Claro Santiago**, a social leader and peace activist, at Aguachica, in the Cesar Department. He took part in national and regional efforts towards peace, in particular in the Permanent Assembly for Peace, and the Magdalena Medio Programme for Development and Peace (Asamblea Permanente por la Paz y el Programa de Desarrollo y Paz del Magdalena Medio). He was the victim of forced displacement on three

⁵⁹ See Special appeal Colombia June 2002.

⁶⁰ *Idem.*

⁶¹ *Idem.*

⁶² See Special appeal Colombia July 2002.

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occasions during the 1990s and at the beginning of 2000. At the time of his assassination, Mr. Claro Santiago was in a forced displacement situation in the city of Bucaramanga, fleeing from the threats of the paramilitary. The investigation produced no results.

*Assassination of Mr. Ernesto Galeano Ortiz*⁶³

On 30th August 2002 Mr. **Ernesto Galeano Ortiz** was assassinated at his office in the Landázuri Municipality, in the Santander Department. He was a lawyer, defender of small farmers and small landowners (parceleros). The investigation produced no results.

*Assassination of Mr. Oswal Moreno Ibague*⁶⁴

On 3rd September 2002, at Villavicencio, in the Meta Department, Mr. **Oswal Moreno Ibague** was assassinated. He was responsible for the Alto Ariari Human Rights Committee, and President of the Colombian Association for Social Assistance in Meta (Asociación Colombiana para la Asistencia Social de Meta, ASCODAS). Mr. Moreno Ibague was renowned for his considerable research into violations of the rights of the civilian populations in the Alto Ariari region (assassinations, disappearances) on the part of members of the Colombian army. The investigation produced no results.

*Assassination of Mr. Jose Rusbell Lara*⁶⁵

On 8th November 2002, in Tame, in the Arauca Department, Mr. **Jose Rusbell Lara**, regional director of the “Joel Sierra” Human Rights Committee, was assassinated. Mr. Jose Rusbell Lara had already received death threats from the paramilitary, and the Inter-American Commission on Human Rights (IACHR) had asked the Colombian government to take measures to protect him, along with other human rights defenders in the Arauca Department.

Disappearances/Abductions

*Disappearance of an activist of SIMTRAEMSDES*⁶⁶

On 5th January 2002, Mr. **Leonardo Avendaño**, a trade union activist in the Yondo section, Antioquia Department, of the Sindicato de Trabajadores y Empleados de Servicios Públicos Autónomos e Institutos Descentralizados de

⁶³ See Special appeal Colombia August 2002.

⁶⁴ See Special appeal Colombia November 2002.

⁶⁵ *Idem*.

⁶⁶ See Special appeal Colombia January/February 2002.

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Colombia, SIMTRAEMSDES, (public services), disappeared. This took place on the road from the Puerto Berrío Municipality to the Yondo Municipality.

*Abduction of a SUO leader*⁶⁷

On 25th February Mr. **Gilberto Torres Martinez**, a trade union leader belonging to the Subdirectiva Unica de Oleoducto (pipelines) of the Workers' Trade Union (Unión Sindical Obrera, USO), was abducted as he was driving in a company vehicle (Ecopetrol) towards his home on the road to Monterrey Municipality. He was intercepted by paramilitaries who took him to an unknown destination. In December 2001, the ICHR had requested the Colombian government to take protective measures for the members of the union.

On 4th March, in a press release, the Casarne Peasant Self-Defence Forces (Autodefensas Campesinas del Casarne, ACC) admitted that they were holding Mr. Gilberto Torres Martinez, and announced that he would face a paramilitary trial.⁶⁸

*Abduction of a CUT leader*⁶⁹

On 5th April 2002 Mr. **Arroi Vasquez Gaetano**, popular leader and activist of the Trade Union of the Workers and Employees of the Department, CUT, was abducted on his way from his place of work in the Abjorral Municipality to Medellin in the Antioquia Department.

*Attempted abduction of the daughter of the President of SINALTRAINAL*⁷⁰

On 18th June 2002 three men attempted to abduct the four-year-old daughter of Mr. **William Mendoza**, President of the Sindicato Nacional de Trabajadores de la Industria de Alimentos, SINALTRAINAL, (food industry), Barrancabermeja section, and a member of the managing junta of the Regional Corporation for the Defence of Human Rights (Corporación regional para la defensa de los Derechos Humanos, CREDHOS), while she was with her mother in one of the city parks. Two policemen were present, which obliged the aggressors to release the little girl. Mr. William Mendoza is at present under protection at the request of the Inter-American Commission on Human Rights.

⁶⁷ *Idem.*

⁶⁸ See Observatory urgent appeal COL 001/0302/OBS 15.

⁶⁹ See Special appeal Colombia March/April 2002.

⁷⁰ See Special appeal Colombia June 2002.

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*Abduction of Mrs Nelsy Gabriela Cuesta Córdoba*⁷¹

On 4th April 2002, in the Yondo Municipality, Antioquia, in the area controlled by the paramilitary, Mrs **Nelsy Gabriela Cuesta Córdoba**, President of the Communal Action Junta of Puerto Matilde, an association affiliated to the Peasant Association of the Rio Cimitarra Valley, was abducted. Mrs. Cuesta was engaged in co-ordinating projects such as the building of an aqueduct, the promotion of rural housing and a community village, as well as other activities in favour of the communities in the region.

*Disappearance of a member of FENSUAGRO*⁷²

On 22nd October Mr. **Víctor Manuel Jiménez Fruto**, Vice-President of the Sindicato de Trabajadores Agrícolas del Departamento de Atlántico, SINTRAGRICOLAS-FENSUAGRO-CUT, (farmers), disappeared from Pondera, Atlántico Department.

*Disappearance of Archbishop Jorge Jiménez and Father Desiderio Orjuela*⁷³

On 11th November 2002 the archbishop of Zipaquirá, President of the Latin-American Episcopal Conference, Mr. **Jorge Jimenez** and Father **Desiderio Orjuela** were abducted near Bogotá. They were released on 14th November 2002, after a military operation.

*Disappearance of Augusto de Jesús Palacio Restrepo*⁷⁴

On 17th December 2002, Mr. **Augusto de Jesús Palacio Restrepo**, a leader of the Sindicato de Trabajadores de la Industria del Vidrio de Colombia, SINRAVIDRICOL (glass industry), was on his way from Medellín to Bogotá, when he was abducted by non-identified men.

Arbitrary arrests

*Arbitrary arrest of the President of ACA*⁷⁵

On 13th March 2002, Mr. **Hugo Alberto Peña Camargo**, President of the Small Farmers Association of Arauca (Asociación Campesina de Arauca, ACA) and a teacher at the el Tigre a Fortul school, was travelling by public transport in the Arauca Department, when he was arrested without a warrant

71 See Special appeal Colombia April/May 2002.

72 See Special appeal Colombia October 2002.

73 See Special appeal Colombia November 2002.

74 See Special appeal Colombia December 2002 – January 2003.

75 See Special appeal Colombia March 2002.

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by members of the Colombian army. No official reason is known for the arrest. It should be emphasised that the ACA, and in particular the President, was co-ordinating a regional workshop for peasants and displaced persons that was to take place in Arauca. The aim of the workshop was to take stock of the situation of the displaced peasants in the region, in order to prepare an international meeting on the subject for proposing solutions. Apparently Mr. Pela Carmago is being held on a military base near the Venezuelan frontier, and is accused of being a member of the national liberation army (Ejército de Liberación Nacional, ELN).

*Arbitrary arrest of Mr. Raul Herrera*⁷⁶

Since 13th September 2002, trade union leader Mr. **Raul Herrera** has been detained by the army in the Fusagasuga Municipality, in the Cundinamarca Department. Mr. Herrera was arrested for having spoken in favour of the national strike on 16th September, which had been called by the small farmers' organisations and the workers' trade unions in order to lodge a peaceful protest against the declaration of a state of emergency.

*Arbitrary arrest of Mr. Rubel Robles*⁷⁷

On 15th September 2002, in the Chalan Municipality, Sucre Department, the army arrested Mr. **Rubel Robles**, Secretary general of the Sucre Departmental Farmers' Organisation, along with international delegates of the Spanish NGO, Soldepaz Pachakutti, Mrs. **Ana María Andera Ablanado** and Mr. **Daniel Bustos Gitierrez**, who were then expelled from the country.

*Arbitrary arrest of Mr. Mauricio Rubiano*⁷⁸

On 16th September, in Bogotá, Mr. **Mauricio Rubiano**, secretary for human rights of the youth department of the CUT, was arrested. After several transfers, and under pressure from various social bodies, he was released pending his trial.

*Arbitrary arrest of members of a humanitarian commission*⁷⁹

On 20th September 2002, in the Santander de Quilichao Municipality, in the Cauca Department, the army and national police detained for 14 hours several trade union leaders and human rights defenders belonging to a

⁷⁶ See Special appeal Colombia September 2002

⁷⁷ *Idem.*

⁷⁸ *Idem.*

⁷⁹ *Idem.*

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humanitarian commission, which had brought food aid from Cali for the local peasants and indigenous population. The aim was to meet with the organisations in the Department in order to convey humanitarian assistance (food, health and medical necessities, and water) to the peasants participating in the national agrarian strike in Cabildo La Maria, Piendamó.

Among the persons arrested were:

Dr. **María Isabel Lenis** – defender, regional delegate of the Cauca Valley section

Mr. **Otoniel Ramírez** – President of the Cut Subdirectorate – Cauca Valley

Mrs. **Berenice Celeita** – President of Nomadesc (a Human Rights NGO, the Association for social research and action)

Mr. **Oscar Figueroa** and Mr. **Ángel Tovar** – directors of the Cali trade union of workers of municipal enterprises – Sintraemcali.

*Arbitrary arrest of members of the Christian Teams in Action for Peace*⁸⁰

On 9th October 2002, as they had just finished carrying out a humanitarian aid mission at Yondo (Antioquia Department), with members of the Small Farmers' Association of the Rio Cimitarra Valley, Mr. **Benjamin David Horst** (an American citizen) and Mrs. **Martens Lisa Daw** (a Canadian citizen), members of the Christian Teams in Action for Peace, were arrested. The Colombian Government expelled Benjamin David Horst, and released Martens Lisa Daw. The reason given was that they did not have a visa allowing them to engage in humanitarian activities.

*Arbitrary arrest of the President of the SINDAGRICULTORES*⁸¹

Since 30th October, Mr. **Telberto Gonzalez**, President of the Sucre departmental Trade Union, SINDAGRICULTORES, has been detained. Six soldiers of the Bafin de Corsal battalion drove up in a red van, and without any arrest warrant, took Mr. Gonzalez away. Furthermore, on 20th September Mr. Gonzalez's home had been searched. He is still held in isolation, and his whereabouts are unknown.

*Arrests of several of trade union leaders and defenders*⁸²

On 12th and 13th November and a few days later, 42 persons were arrested in Saravena, among whom were: Mr. **Abimelec Gómez Becerra**,

⁸⁰ See Special appeal Colombia October 2002.

⁸¹ *Idem*.

⁸² See Special appeal Colombia November 2002.

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departmental director of the Asociación Nacional de Trabajadores y Servidores Públicos de la Salud, ANTHOC (health services), Mr. **Aldemar Jiménez Medina**, CUT departmental director for Asedar, Mr. **Bernardo José Arguello Santo**, director of Fedejuntas, Mrs **Dora Lizcano**, member of ANTHOC, Mr. **Eliécer León**, member of SIDEMS, Mrs **Fidelia Villamizar**, director of the B. Pinzon Junta for Communal Action, Mr. **Imer Ernesto Bejarano Martínez**, Vice-President of the Asociación Juvenil y Estudiantil Regional, ASOJER (youth association), Mr. **Ismael Jaimes Camargo**, director of Asocomunal Arauquita, Mr. **Jesús Martín Porras Arraque**, member of SINDICONS (construction workers) and of the Prado Junta for Communal Action. Many of them, like the ones mentioned above, were engaged in trade union activities or the defence of Human Rights. They are presently detained in the Buen Pastor prison and the Modelo prison in Bogotá.

Arrest of members of the “Women’s Independence Association”⁸³

On 12th November 2002 the following persons were arrested in Medellín, in the Antioquia Department: Mrs. **María del Socorro Mosquera** and Mrs. **Mery del Socorro Naranjo**, of the Women’s Independence Association (Asociación de Mujeres de las Independencias, AMI), an organisation dedicated to the promotion of the rights of women, and which strives to improve their quality of life through development programmes providing employment in the commune 13 of Medellín. Mrs **Teresa Yarce**, prosecutor of the district Communal Action Junta, was also arrested on the same day. Members of the police and the army, accompanied by a child wearing a hood, and dressed in a military uniform, entered the homes of the three women. After the masked child had pointed a finger at them, the police arrested them, without any arrest warrant, and without any representative of the Fiscal authority being present.

Four days before this arbitrary arrest, on 8th November 2002, Mery del Socorro Naranjo and Teresa Yarce had denounced to the secretary of the municipal government, Mr. Jorge Leon Sanchez, a series of Human Rights violations committed in the commune 13, since the occupation of the zone by the military and the police on 16th October 2002. The three women had denounced, *inter alia*, cases of homicide committed by paramilitary groups. The authorities, basing themselves on statements made by masked persons, accuse the leaders of working hand in hand with guerrilla groups.

83 *Idem.*

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The three women were released on 21st November, in the afternoon. However, the fact of having been accused of working with the guerrillas seriously endangers their life and personal integrity.

*Arbitrary arrest of a USO leader*⁸⁴

On 18th December 2002, Mr. **Nicodemo Luna**, a leader of the Workers' Trade Union (USO), was in the south shopping centre in Cali when he was arrested by several men in plain clothes, who said they were Guala officials. They took him to brigade n° 3 in Cali.

*Arrest of a member of the "Movement for Life"*⁸⁵

On 11th December 2002 Mr **Juan Carlos Celis** was arrested by security agents in his home in the Normandie district of Bogotá. Mr. Celis is a non violence activist and a member of "Movement for life". He works with children, adolescents, and mothers bringing up a family alone with a low income. Several NGOs with which Mr. Celis has worked denounced his arrest, which they consider to be arbitrary, and part of a witch-hunt waged against organisations and individuals who strive to promote peace and who are presented to public opinion as being supporters of terrorist groups.

Threats/Harassment/Attacks

Threats against trade union leaders

*Threats against SINDINALCH-CUT activists*⁸⁶

On 3rd January 2002 Mr. **Daniel Orlando Gutierrez Ramos**, co-ordinator of the Human Rights department of the National Union of Drivers in Colombia (SINDINALCH-CUT) was approached by a private car from which shots were fired. The car then sped away.

*Threats against members of SINTRAMUNICIPIO*⁸⁷

On 13th February 2002 Mr. **Albeiro Forero**, trade union leader of the Union of Municipal Workers of Cartago (SINTRAMUNICIPIO) was approached by a person intending to kill him, but whose gun refused to function. This was the second time he survived an attack.

⁸⁴ See Special appeal Colombia, December 2002 – January 2003

⁸⁵ *Idem.*

⁸⁶ See Special appeal Colombia, January/February 2002.

⁸⁷ *Idem.*

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*Threats against members of SINTRAEMSDES-CUT*⁸⁸

On 5th January 2002, Mr. **Carlos Alberto Flores Loaiza**, a member of the national management of the Sindicato de Trabajadores y Empleados de Servicios Públicos e Institutos Descentralizados de Colombia, SINTRAEMSDES-CUT, (public services) received telephone threats on his son's telephone. He was also warned that a criminal action would probably soon be committed against him.

On 5th January 2002, Mr. **José Homer Moreno Valencia**, a member of the management of the Section of Palmira of SINTRAEMSDES-CUT received written death threats in the form of "sufragio" (condolence cards that one sends to families following the decease of one of their members).

*Threats against the President of SINTRAEMCALI-CUT*⁸⁹

On 19th February 2002, Mr. **Luis Hernández Monrroy**, President of the Cali Union of Municipal Enterprises (SINTRAEMCALI-CUT), received threats, and is constantly followed.

*Attack against Mr. Jesús Antonio González Luna*⁹⁰

On 11th May 2002 the workers' march in the city of Santiago de Cali, in the Cauca Valley Department, was brutally put down, injuring Mr. **Jesús Antonio González Luna**, a member of the CUT national Executive Committee, and director of the Human Rights department, affiliated to the Sindicato nacional de trabajadores universitarios, SINTRAUNICOL-CUT (academics).

*Threats against the President of USO*⁹¹

In May 2002 Mr. **Hernando Hernández Prado**, President of the Trade Union of Oil Industry Workers (USO) has been receiving serious threats. On 30th and 31st May he received a communication at his Bogotá home and a threatening letter at his Trade Union office, also in Bogotá. In both cases he was threatened with death, and his family likewise, in Bucaramanga, where they live. He also received numerous calls on his mobile phone, again threatening him with death. These threats were made after the workers had approved, in their national assembly, the strike against the labour and pensions reforms the government had presented.

⁸⁸ *Idem.*

⁸⁹ *Idem.*

⁹⁰ See urgent appeal Colombia April/May 2002.

⁹¹ *Idem.*

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*Attack against trade union offices*⁹²

On 8th July, in Bogotá, the national section of the Colombian Union of Electricity Workers - SINTRAEELECOL-CUT, was the victim of an attack.

Unidentified persons armed with firearms fired at the windows, which fortunately were bullet-proof. Mr. **Rodrigo Acevedo**, in charge of the Human Rights secretariat of the Union, was on the premises at the time of the attack.

*Attack against the trade union leader Omar Romero Diaz*⁹³

On 13th August 2002, in Cali, in the Cauca Valley Department, the trade union leader Mr. **Omar Romero Diaz** was the victim of an attack. Mr. Omar Romero Diaz is in charge of legal affairs, and is a member of the Human Rights collective of the Sindicato Unitario de Trabajadores de la Industria de Materiales para Construcción, SUTIMAC-CUT, (construction).

*Threats against the Risaralda Union of Educators (SER)*⁹⁴

On 21st August 2002, the Risaralda Union of Educators (SER) received by fax a pamphlet signed by the “Bloque Cacique Calarcá “of the United Self-Defence Forces of Colombia (AUC), requesting them “to leave the region within a maximum of 15 days, failing which their units would take action in accordance with the decisions of their General Staff”. The persons threatened are;

Diego Osorio, President of the Section of the United Union of Workers, CUT.

Carlos Valencia, Prosecutor of the Executive Junta of the CUT Section.

Aide Trujillo, President of the Risaralda Union of Educators, SER.

Rodrigo López, Vice-President of the SER.

Vicente Villada, Prosecutor of the SER Executive Junta.

Gerardo Santibáñez, Secretary General of the Union of Public Enterprise Workers SINTRAEMDES.

Guillermo Cardona, President of the Risaralda Section of the CPDH.

Domingo Taborda, Vice-President of the Risaralda Section of the CPDH.

Adriana González, Secretary General of the Risaralda Section of the CPDH and member of the National Executive Junta of the “Eduardo Umaña Mendoza” Association of Defending Barristers.

⁹² See Special appeal Colombia July 2002.

⁹³ See Special appeal Colombia August 2002.

⁹⁴ *Idem*.

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María Teresa Henao, of the Risaralda Section of the CPDH.

Gustavo Marín, of the Risaralda Section of the CPDH.

Dover Hoyos, of the Risaralda Section of the CPDH.

Hernando Aguirre, of the Risaralda Section of the CPDH.

The threats followed a long period of denunciations made by the Human Rights organisations against the action of paramilitary groups in the Department, and in the whole of the coffee-producing region. At the same time the organisations demanded that the national, regional and local authorities should disband the paramilitary groups, that investigations should be initiated, and that they be brought to justice.

Threats against the former director of the CUT "organisation" Department⁹⁵

On 9th September 2002, in Bogotá, in the Cundinamarca Department, Mr. **Domingo Rafael Tovar Arrieta**, former director of the CUT "organisation" Department and currently Director of the "Human Rights Department", received telephone death threats at his office.

Threats against the President of FEDECALDAS⁹⁶

On 17th September 2002, at Manizales, in the Caldas Department, Mr. **Henry Ocampo**, President of the Caldas Workers' Federation, FEDECALDAS, and secretary of the Caldas CUT Subdirectorate, was accosted by two unknown individuals, who reiterated death threats.

Threats against the Cartagena section of the National Union of Food Industry Workers⁹⁷

On 19th September 2002 at Cartagena, in the Bolivar Department, the Cartagena section of the Sindicato Nacional de Trabajadores de la Industria de Alimentos, SINALTRAINAL (food industry), received telephone death threats from the AUC.

Attack against a member of ADEM-CUT⁹⁸

On 7th October 2002 at Medellin, in the Antioquia Department, Mr. **Jorge Humberto Marín Henao**, President of the Association of Employees of the Medellin Municipality, ADEM-CUT, was the victim of an attack. For two months he had been the victim of telephone threats

⁹⁵ See Special appeal Colombia November 2002.

⁹⁶ *Idem.*

⁹⁷ *Idem.*

⁹⁸ *Idem.*

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received through trade union channels, messages in which he was warned that he would be put on trial. On 2nd October he was given 20 days to leave the city. On 9th October a man got into the ADEM premises, and after having telling him that the threats were not empty threats, hit him on the head with a revolver.

Attack against members of the ADEA-FECODE-CUT⁹⁹

On 10th October 2002, in Barranquilla, in the Atlantico Department, Mr. **Eduardo José Iglesias** and Mr. **José Mena Alvarez**, defenders of the Atlantico Association of Educators ADEA-FECODE-CUT, teachers in a school in Palermo, were the victims of an attack.

Threats of an attack against a member of the SINTRAMIENERGETICA-CUT¹⁰⁰

On 11th October 2002 in Santa Marta, in the Magdalena Department, Mr. **Juan Maria Aguas Romero**, national education secretary of the Sindicato Nacional de Trabajadores de la Industria Minera y energética, SINTRAMIENERGETICA-CUT, (mining industry and energy) received a warning from the Administrative Security Department (DAS) of the possibility of an attempt on his life.

Threats against members of SINTRAUNICOL¹⁰¹

On 16th October 2002, in Ibagué, in the Tolima Department, the following persons were threatened by the Bloque Tolima paramilitary, along with members of their families: members of the Executive Junta of the Sindicato de Trabajadores y Empleados Universitarios de Colombia, SINTRAUNICOL - CUT, (academics), Tolima section, specifically Mr. **Ever Tique Giron**, education secretary, Mr. **Eduardo Camacho Rugeles**, health secretary and member of the Human Rights Commission, Mr. **Pedro Edgar Galeano Olaya**, Co-operative Affairs secretary.

Threats against the prosecutor of the Cauca CUT Subdirectorato¹⁰²

On 17th October 2002, in Popayán, in the Cauca Department, Mr. **Oscar Alirio Sanchez**, prosecutor of the Cauca CUT Subdirectorato, received death threats from the paramilitary on his mobile phone.

⁹⁹ See Special appeal Colombia November 2002

¹⁰⁰ *Idem.*

¹⁰¹ *Idem.*

¹⁰² *Idem.*

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*Threats against Mr. Cristobal Guamanga*¹⁰³

On 17th October, Mr. **Cristobal Guamanga**, human rights defender and a member of the Sindicato de Pequeños y Medianos agricultores de Cauca, SIMPEAGRIC (farmers), received threats from an individual on a motor-cycle, who said that he was “after him”, and that he would not live for long. Threatening letters were also left at his home.

*Threats against members of the SINPEAGRICUN*¹⁰⁴

On 22nd October 2002 the following were declared to be military targets by the paramilitary: **Misters Gerardo González, Mario A. Moreno, Carlos Dimaté, Antonio and Demetrio Guerrero, Marcos Moreno, Diógenes Correa**. All are members of SINPEAGRICUN, a subsidiary of FENSUAGRO.

*Threats against members of the SINTRAUNICOL-CUT*¹⁰⁵

On 23rd October 2002, in Cali, in the Cauca Valley Department, **Mr. Pedro Pablo Berne and Mr. Milciades Sánchez**, members of the Sindicato Nacional de Trabajadores y Empleados Universitarios de Colombia, SINTRAUNICOL-CUT, (academics) were harassed by members of the police.

*Threats against members of the UNEB-CUT*¹⁰⁶

On 29th October 2002, in Bogota, **Mr. Nicolas Acevedo Cuartas**, President of the Apartado section, received telephone death threats that reached him at the national headquarters of the Unión Nacional de Empleados Bancarios, UNEB-CUT (bank employees).

Threats against NGOs

*Threats against members of ANDAS*¹⁰⁷

Several members of the National Association of Solidarity Aid (Asociación Nacional de Ayuda Solidaria, ANDAS), an organisation that provides aid to populations displaced owing to the conflict, have been subjected to various acts of intimidation and threats throughout the year. The President, **Mrs. Gloria Mansilla**, has had to leave the country, and other national leaders, such as **Mr. Teófilo Rangel and Mr. Camilo Acevedo**, have constantly received death threats from the paramilitary.

103 *Idem*.

104 See Special appeal Colombia October 2002.

105 See Special appeal Colombia November 2002.

106 *Idem*.

107 See Special appeal Colombia December 2002 – January 2003.

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On 6th December 2002 members of the security department, of the army and of the Prosecutor's department searched the homes of several human rights defenders, who were later arrested. Among them were Mr. **Julio Avella**, a member of the executive Junta of ANDAS at Bucaramanga, of the Co-ordinating Committee Colombia - Europe - United States, and a defender of political prisoners, and Mr. **Alvaro Tapias**, President of the Bucaramanga ANDAS section. They had both been threatened in June 2002 by the AUC and invited to leave the region. They were probably denounced by persons who accused them to be members of the guerilla who are part of the information network set up by the President since he came to power.

The other persons detained are representatives of displaced persons' organisations: Mr. **Elvis Antonio Niño**, Mr. **Alvaro Rivera** and Mr. **Saul Dala Alvarez**.

*Threats against OFP members*¹⁰⁸

Among the threats received by members of human rights organisations a special reference should be made to the multiple threats addressed to the Popular Women's Organisation (Organización Femenina Popular, OFP) in Barrancabermeja, and to its members¹⁰⁹. Mrs. **Patricia Ramírez**, a member of the OFP co-ordinating team, was held illegally for two hours on 19th January.

On 15th November 2002 Mrs. **Jackeline Rojas**, OFP co-ordinator for the Cantagallo Municipality in the Bolívar Department, was declared "military objective" by the paramilitary groups, which, with the support of the army, operate in the area. She was informed by a Cantagallo public official.

*Threats against the director of the CREDHOS*¹¹⁰

Members of the regional Corporation for Human Rights (Corporación Regional para la Defensa de los Derechos Humanos, CREDHOS), have been systematically subjected to surveillance, to being declared a military objective, to forced displacement, to assassinations or attempts to put them on trial by government officials and paramilitary groups. The situation has become worse, despite the fact that the Inter-American Commission for Human Rights (ICHR) has asked the Colombian Government to take protective action for them.

On 20th February, during a public meeting in Barrancabermeja organised by the United Self-Defence Forces of Colombia (AUC), Mr. **Francisco Campos**, director of the CREDHOS, was designated as being a military

108 See Special appeal Colombia January/February 2002.

109 See Annual Report 2001.

110 See Special appeal Colombia January/February 2002.

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target. Their aim is to stifle the constant denunciations by the CREDHOS of the systematic violations committed by the paramilitary groups in Barrancabermeja and in the Magdalena Medio region against the civilian population, the non governmental organisations (NGOs) and the human rights defenders.

The members of the CREDHOS were informed by a paramilitary group supported by the AUC of their intention to assassinate Mr. **Pablo Javier Arenales**, a member of the CREDHOS junta, and Mr. **Miguel Cifuentes**, a member of the junta of the Peasant Association of the Río Cimitarra Valley (ACVC), and also a member of the CREDHOS.

Threats against members of the CAJAR¹¹¹

On 20th February Mr. **Luis Guillermo Pérez Casas**, a lawyer member of the “José Alvear Restrepo” Lawyers’ Collective (Colectivo de Abogados, José Alvear Restrepo, CAJAR), lodged a complaint, in order to be associated with the criminal proceedings, in connection with the 15th December 2000 attack against Mr. **Wilson Borja**, President of the National Federation of Government Employees (Fenaltrase) and a member of the Peace Commission between the National government and the ELN. The purpose of the complaint was to oblige the National Public Prosecutor to initiate a criminal investigation against Generals **Jorge Enrique Mora Rangel** and **Reinaldo Castellanos Trujillo** concerning their possible implication in the attack. Owing to the procedure he has initiated, Mr. Pérez Casas received numerous death threats, and has had to leave the country.

From 21st May 2002 onwards, a coloured poster written by an organisation of self-styled “legal victims” was circulated in a number of public institutions. The tract accused in particular the Lawyers’ collective, the representative of the social front and political Chamber, Wilson Borja, and the official of the General National fiscal body, to be acting as protectors of the ELN guerrillas, and of wanting to unjustly condemn Major César Alonso Maldonado, implicated in the criminal attack on the trade union leader Wilson Borja.

During July 2002 Mrs. **Natalia Hidalgo**, assistant to the lawyer of the Collective who is dealing with the case of the attempted assassination of the trade union official Wilson Borja, has been subjected on several occasions to acts of intimidation over the telephone.

After having taken part in the hearings in the Pueblorrico and OFP cases before the IACHR in Washington on 5th and 6th March, Mr. **Pedro**

111 *Idem.*

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Mahecha, a CAJAR lawyer, was subjected to acts of intimidation. On 9th March 2002, in Bogotá, a taxi parked next to the van he generally uses, and which was on the parking lot attached to the residence where some friends of his lived. Around 9 p.m. the janitor of the residence building went up to a car and asked the occupants, two women and a man, if they belonged to the residence. Without leaving the vehicle, the driver pulled out an automatic rifle, ready to fire. Just in time the two women prevented him from firing, and the car drove off.

Mr. **Javier Alejandro Acebedo**, a CAJAR lawyer, was followed on 19th November by a van, and during November by mopeds without number plates.

On 14th November a CAJAR lawyer, Mrs. **Diana Milena Murcia**, received an anonymous e-mail on her personal account, in which, *inter alia*, appeared the sentence "I hope you will take this message seriously as being a warning signal, so that you are careful about what you say". The Collective's software was also manipulated so that when messages were printed, instead of the name of the Collective, the words "Irish2" appeared, referring to the defence of an Irish prisoner in a criminal case. The homes of some of the lawyers of the Collective are also under surveillance.

During the 16th October 2002 hearings relating to protective measures, the ICHR was informed of the situation of the members of the lawyers' Collective, and of Colonel Hernán Orozco Castro. The Commission expressed concern over the fact that human rights defenders were still appearing in the reports of the secret services, and that the Colombian Government had supplied no explanation of those reports.

*Threats against the SEMBRAR Corporation*¹¹²

The members of the Community Professional Services Corporation (Corporación Servicios Profesionales Comunitarios, SEMBRAR) are subjected to constant harassment. On 26th March 2002 Mrs. **Diana Herrera** was followed by three men in the Bogotá city centre.

On the same day, a car drove up and parked outside the Sembrar offices. When members of Sembrar were preparing to leave the building, the occupants of the car turned on the inside lights, and switched on the engine. The members of SEMBRAR consequently asked a trade union leader who enjoyed Ministry of the Interior protection to come and fetch them. His arrival under escort made the mysterious car drive away fast.

On 27th March Mr. **Alexander Herrera** was photographed by a man who then started to follow him wherever he went. The Corporation member therefore decided to alert some policemen. The individual was arrested, and

¹¹² See Special appeal Colombia March 2002.

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his photographic film placed in the hands of the competent authorities, for enquiry purposes.

Furthermore all the members of the team constantly receive calls on their mobile phones from unknown numbers, during which persons who are members of the armed forces are mentioned.

On 26th September 2002, two unidentified men entered the offices of the Defensoría del Pueblo Regional de Valle del Cauca (Defender of the regional People of Cauca Valley), insisting on being told the whereabouts of Mrs. **Martha Lucía Rentarías**¹¹³, a member of the regional bureau of the SEMBRAR Corporation. Mrs. Rentarías is an activist in the Jamundi Municipality. She accompanies displaced persons to the office of the regional Defender of the People of the Cauca Valley Department, helping them to explain their situation.

Not getting an answer from the people at the reception, the two men entered the office of one of the employees, saying in a menacing tone “Not to worry, we shall find her, wherever she is, and we shall do so today”. Mrs. Lucía Rentarías was responsible for denouncing publicly certain very important cases of homicide, of “disappearances” and displacements. Owing to her activities she had already been the victim of an attempted assassination on 29th September 2000.

Since May 2001, the Corporation had received numerous threats, by telephone but also in writing, announcing the forthcoming death of several members of the SEMBRAR working team. The homes of the members of the team are under surveillance. In view of these constant threats to SEMBRAR, on 5th October the Inter-American Commission on human rights granted protective measures to the organisation. The Colombian Government however has not taken the necessary steps to guarantee the life and physical integrity of the members of the Corporation, nor has it encouraged recognition of the work it is doing for the defence and the promotion of human rights. In view of the disturbing nature of the acts of intimidation against Mrs. Rentarías, at the end of 2002, the SEMBRAR Corporation contemplated asking the Inter-American Commission for human rights for the same measures to be taken in favour of members of the regional office as the ones advocated for the members of the national office in Bogotá.

*Threats and aggressions against defenders of displaced persons*¹¹⁴

In April 2002 the leaders of the displaced populations, in particular the National Association of Displaced Colombians (Asociación Nacional de Desplazados Colombianos, ANDESCOL), the Union of available and

¹¹³ See Special appeal Colombia October 2002.

¹¹⁴ See Special appeal Colombia April/May 2002.

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temporary workers (Sindicato de Trabajadores Disponibles y Temporales SINTRADIT), the National Association of Solidarity Aid (Asociación Nacional de Ayuda Solidaria – ANDAS), the Union of Solidarity for Colombia (Unión Solidaria por Colombia, USCOL) and the Metropolitan Co-ordination of the Bucaramanga Displaced Persons all received further threats.

On 19th April 2002 the homes of **Misters José Ardila, Ramiro Rueda, Luis Venencia, Harold Winston Vasquez and Rafael de la Ossa** were forcibly entered into by persons calling themselves members of the Technical Unit of the General Fiscality of the Nation and of the National Army. They were all arrested, accused of having ties with the Colombian rebels.

Mr. Johnny Mauricio Gonzalez Rivera, a leader of the Communal Action Junta of the Barrancabermeja Displaced Persons was witness to an intrusion into his home.

On 24th June 2002, at Bucaramanga, leaders of the displaced persons movement were threatened by the United Self-Defence Forces of Colombia, AUC.

This paramilitary organisation has assumed the right to pass judgement on the morality of Human Rights organisations, and is requiring **Misters Wilson Vega, Mercedes Agunza, Wilson Nuñez, José Ardilla, Gonzalo Saavedra, Hernando Maldonado, Julio Avella, Gilberto Rios, Alvaro Tapias, Ana Solano, Belsy Rincon, Maria Gutierrez**, and a dozen other leaders to account for the use of certain financial aids received from international organisations.

The leader **Mr. Fabio Vera Chaparro** and his wife **Mrs. Anais Carvajal**, who runs the Committee of displaced women, presently co-ordinator of a community education programme for displaced children without any resources in the “La Central” district of the Soledad Municipality, Atlantico, have received numerous threats. On 26 June some individuals broke into their home and threatened Mrs. Anais Carvajal and her three children aged 3, 8 and 11, accusing them of being members of the guerrilla, and a bad example for the community, and saying that they would have to leave the district, because they were displaced persons.

*Threats against the NGOs “Compromiso”, ASOJUNTAS and PROMOPAZ*¹¹⁵

On 30th April 2002 the Corporation for the Development of the Orient “Compromiso” (Corporación para el desarrollo del Oriente “Compromiso”), a non governmental organisation with headquarters in Bucaramanga, in the Santander Department, received threats via a press release sent by the

¹¹⁵ *Idem.*

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Bolívar Central Block of the United Self-Defence Forces of Colombia. In the same press release the municipal communal action organisation ASOJUNTAS, of Piedecuesta, and the human rights non governmental organisation PROMOPAZ, of Piedecuesta, were threatened and accused of aiding the FARC guerrillas.

*Threats against the Association of families of detained-disappeared persons (ASFADDES)*¹¹⁶

On 10th July 2002, ASFADDES was informed by the administration of the Procoil building, tower A, carrera 4a N° 18-50, where it has its national offices, that on the morning of 9th July four men in plain clothes arrived; one of them giving his name, Jorge Gómez. They wanted to conduct a search in the ASFADDES offices. Fiscality officials were supposed to be arriving also, for the same purpose. When the janitor asked for a search warrant, they answered “we know there are drugs and emeralds, and you must let us in”.

Again the janitor asked for a search warrant, on which the individuals offered him a sum of a hundred million pesos to let them in. He refused the offer, and the four men went away.

*Threats against the Inter-Congregational Commission for Justice and Peace*¹¹⁷

During the last six months the Inter-Congregational Commission for Justice and Peace (Comisión Intercongregacional de Justicia y Paz) has received a series of threatening letters, of which three were addressed to Mr. **Danilo Rueda**, accompanied by harassment and shadowing.

On 22nd July, Mr. Danilo Rueda was followed for about ten minutes as he was on his way to the Bogotá air terminal. On 30th July the headquarters of the organisation in Bogotá received a letter addressed to the member of the Commission : “We ask you to respond to our invitation to a dialogue, do not run away next time we try to contact you, remain calm, we want to clarify your situation, we remind you that you are still a military target, accused of being a member of the FARC narcotics guerrilla movement and an auxiliary, next time do not hide, it would make things worse, be watchful, and we will avoid problems.”

Friday 9th August the Bogotá office received another communiqué which said “We deplore the death of Danilo Rueda... in September. Death of a defender of the guerrilla. Nothing else.” The note was accompanied by a cross and a Virgin Mary.

¹¹⁶ See Special appeal Colombia July 2002.

¹¹⁷ See Special appeal Colombia August 2002.

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For more than five years the Inter-Congregational Commission for Justice and Peace has been active in the Urabá Antioqueño region, working for the respect of the rights of the half-castes, afrodescendientes, and the indigenous populations victims of the guerrilla.

Finally on 25th November, a new letter was received at the office with the following text: “Danilo Rueda (Peace to his soul): the anti-communists of Colombia against the auxiliary of the Guerilla”.

*Threats against the Barrancabermeja Christian Action Teams for Peace (ECAP)*¹¹⁸

The Colombian Project of the Barrancabermeja Christian Action Teams for Peace (El Proyecto en Colombia de Equipos Cristianos de Acción por la Paz, ECAP) received information to the effect that the troops of the “United Self-Defence Forces of Colombia” (AUC) might be planning the assassination of a member of the team based in Barrancabermeja.

ECAP had denounced acts of violence and human rights violations committed by armed men operating in the region (including paramilitary forces, the guerrilla, and government forces).

*Threats against the President of the National Executive Junta of the “Solidarity Committee for Political Prisoners” Foundation*¹¹⁹

On 15th September 2002 Mr. **Agustín Jiménez Cuello**, President of the national executive of the “Solidarity Committee for Political Prisoners” Foundation, (Comité de Solidaridad con los Presos Políticos, CSPP) received telephone death threats on his mobile phone. In the past he had already been followed and harassed by individuals who later were identified as having taken part in attacks against trade union leaders and human rights defenders. The threats are apparently motivated by the fact that Mr. Jimenez Cuello is presently defending the three Irishmen arrested on 11th August 2001, accused of training the FARC. They are liable to a 20 years prison sentence. The trial opened on 2nd December 2002 and the hearings will be resumed on 5th February 2003.

*Threats and aggressions against the Vice-President of ASODESAMUBA*¹²⁰

On 23rd December a group of 6 paramilitary, calling themselves members of the Bloque Central Bolívar, accosted Mr. **Henry Palomo**,

118 *Idem.*

119 See Special appeal Colombia September 2002.

120 See Special appeal Colombia December 2002 – January 2003.

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Vice-President of the Association of Displaced Persons established in Barrancabermeja (Asociación de Desplazados Asentados en el Municipio de Barrancabermeja, ASODESAMUBA), an organisation covering several hundreds of displaced families and which carries out micro projects for guaranteeing their survival. The six individuals surrounded Henry Palomo, at a place called Puerto Las Escalas in Barrancabermeja, and forced him onto a motor boat, to take him to a place called Juan Esteban.

Mr. Palermo was interrogated, searched and hit several times. Having found on his person an invitation relating to an event organised by Human Rights organisations in November 2002, and on which the name of the Small Farmers' Association of the Cimitarra river Valley, (Asociación Campesina del Valle del Río Cimitarra) appeared, the paramilitary threatened Mr. Palomo, saying "if you belong to that guerrilla organisation that tries to pass as peasants and representatives of human rights, we shall kill you, because the orders are to kill the bastards whenever we see one".

Thanks to a telephone system set up for his protection, Mr. Palomo was able to alert the department of the regional defender of the people for the Magdalena Medio region, who in turn were able to call the police. The police identified the place where Mr. Palomo was being held, and took him to a safe place, pending his departure from the region.

Intrusions

*Intrusion into the house of a member of the national executive committee and director of the Human Rights department*¹²¹

During the night of 16th August soldiers of the Third Brigade of the national army broke into the house of Mr. **Antonio Gonzales Luna**, a member of the National Executive Committee and Director of the Human Rights Department (Comité Ejecutivo Nacional y Director del Departamento de Derechos Humanos). The soldiers said they were looking for subversive propaganda and arms.

*Intrusion into the offices of NGOs*¹²²

On 9th October the headquarters of the Farmers' Association of the Cimitarra River Valley (Asociación Campesina del Valle del Río Cimitarra, ACVC) in the city of Barrancabermeja was burgled. At three o'clock in the morning members of the national army, of the Department of Administrative Security (DAS) and members of the Fiscality, searched the archives and documents, and photographed the album containing pictures of the

121 *Idem*

122 *Idem.*

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members of the ACVC, and the passport belonging to Mr. Miguel Cifuentes Ardila, a leading member of the organisation. They took with them several institutional videotapes.

These facts occurred on the last day of the Verification and Follow-up Committee on the events at Yanacué, a body of the Cantagallo Municipality, composed of State monitoring agencies, NGOs and international organisations. On 23rd September at 5h30 members of the Nueva Granada Battalion, based in Barrancabermeja, surrounded, and then without reason fired on, a peasant dwelling, killing a nine-year old child, **Nelson Alirio Hernández**, and Mr. **Forentino Castellanos Zetuain**, aged 37, and seriously injuring Mrs. **Mongui Hernández Jerez**, mother of the child.

On 22nd October, in the Policarpa district, individuals broke into the house of Mr. **Pedro Salas Adulto**, a member of the ASFADDES.

On 25th October, between 4h45 and 6h30 in the morning, the headquarters of the Permanent Assembly of the Civil Society for Peace (Asamblea Permanente de la Sociedad Civil Por la Paz), in Bogotá, were burgled. Around 40 members of the Central Direction of the Criminal Police (Policía Judicial de la Dirección Central de Policía Judicial, DIJIN), and of the Administrative Security Department of the army, broke a window to get in. They threatened with a weapon the owner of the house, a man of 70, forced the locks, searched the archives and consulted the computer.

*Search of the premises of a Terre des Hommes project*¹²³

On 11th December 2002 the department of the National General Prosecutor and other members of Colombian State Security agencies carried out a search of the Psycho-social Centre for children and young victims of the conflict, a project initiated by the Terre des Hommes Italian organisation, located in Bogotá. They were supposedly looking for arms. Several human rights organisations, both national (Minga, the Colombian Commission of Jurists) and international, as well as diplomats, went to the site as a sign of solidarity, and for denouncing such an action, the aim of which is to undermine the legitimacy of social organisations, of peace movements and human rights NGOs.

123 See Special appeal Colombia, December 2002.

Threats against the members of Casa Alianza ¹²⁴

In November 2002, Mrs. **Rocío Rodríguez**, director of the Casa Alianza office at San José, and responsible for an investigation into a paedophile network on the Internet, was victim of harassment at the time of the opening, on 19th November 2002, of the trial before the Guadeloupe Circuit Court of Justice of the five members of the first paedophile network to be cracked in Costa Rica. The suspects were arrested in July 2001 while attending a private “party” in the company of four minors.

On the morning of 22nd November Mrs. Rocío Rodríguez left her home accompanied by two private bodyguards. A pick-up truck without number plates and with tinted glass windows was parked on the other side of the sidewalk opposite her home. On arriving at the Casa Alianza offices she received an anonymous phone call saying “what a lovely green blouse you are wearing today”, intimating that she was being followed. The cracking of the paedophile network in July 2001 was based on evidence collected by Casa Alianza Costa Rica during the 9 months’ enquiry conducted with the department of the prosecutor specialised in sexual offences and the government Unit against sexual exploitation. The aim of the threats was to deter Mrs. Rodríguez from giving evidence at the trial, in which her testimony would be crucial for the prosecution.

On 5th December the five accused received heavy prison sentences. Mr. Araya Monge, the head of the network, was sentenced to 30 years’ imprisonment. For Mrs. Rodríguez’s security, the authorities have provided her with bodyguards. As the convicted persons have appealed to the Court of Cassation, Mrs. Rodríguez could again be threatened during 2003.

124 See urgent appeal CRI 001/1102/OBS 067.

Restrictions to freedom of expression ¹²⁵

In January 2002 official decree 383/2001 came into force under which “computers, printers, scanners, photocopiers, and other means of mass printing” will no longer be allowed to be sold to associations, foundations and individuals, without a special authorisation from the Ministry of Internal Trade. The aim of the decree is clearly to limit the work of defenders, journalists and human rights organisations. Furthermore repression against the work of defenders has intensified, with a large number of arbitrary arrests and cases of housebreaking, shadowing and threats. Mr. **Leonardo Miguel Bruzón Ávila**, President of the Human Rights Movement, was arrested on 22nd February 2002 with seven other activists, while he was demonstrating peacefully against police aggression towards an independent journalist, Carlos Alberto Domínguez. On 4th March 2002 eight activists and two independent journalists, including Mr. **Juan Carlos González Leiva**, President of the Cuban Human Rights Foundation, were arrested and injured by the Ciego de Avila political police. They were peacefully demonstrating in protest against the aggression towards the independent journalist Jesus Alvarez Castillo. Mistery **Delio Laureano Resquejo**, **Odalmis Hernández**, **Mrs Ana Peláez**, **Mr. Lázaro Iglesias**, **Virgilio Mantilla**, **Enrique** and **Antonio García**, **Lexter Téllez Castro**, director of the Avileña Free Press Agency (Agencia de Prensa Libre Avileña, APLA) and Mr. **Carlos Brizuela Yera**, of the Camaguey Association of independent journalists (Colegio de Periodistas Independientes de Camaguey, CPIC) have been detained since 4th March 2002. In September 2002, Mr. Juan Carlos González Leiva refused to drink in protest against his detention. He would have received death threats from the prison authorities. His wife, Mrs. Maritza Calderin was warned that she could be arrested for having alerted the international community to her husband’s situation.

At the end of December 2002, only Mr. **Lázaro Iglesias Estrada** and Mr. **Jesús Álvarez Castillo** have been released. The others are still detained, pending the opening of their trial.

125 Open letter to President Fidel Castro, 10 June 2002.

The President's campaign to undermine the legitimacy of the activities of human rights organisations ¹²⁶

Although the White Legion (Legion Blanca) seems to have ceased its activities ¹²⁷, the situation of human rights defenders remains precarious. Several public statements issued from the Presidency deny the legitimacy of the defenders' activities, thereby putting them in danger of being targeted by groups who interpret those statements as a sign of encouragement and impunity.

On 1st March 2002, during the anniversary celebrations of the National Police, and the graduation ceremony for the 146 new officers issued from the "Alberto Enríquez Callo" college, President Noboa made the following declaration: "Where are human rights defenders? Where are the defenders of the rights of the people? Are the members of the police not also part of the people?"

On 5th August 2002 the President made further public declarations that again imperilled the safety of the defenders. His statement was reported the next day in the press in an article under the heading: "In inaugurating a police establishment in Manabi the President called the human rights organisations protectors of delinquents"

On 28th May 2000 the President had already called the social movements "vulgar and inept". In the same vein, in May 2001 he called a group of associations that had made legal representations to the government concerning illegal acts committed during the construction of a pipeline "four lunatics who want to make a bloody nuisance of themselves".

Since the elections, no further declarations of this type have been recorded. It appears however that the assassination of a member of the upper classes has considerably mobilised an influential sector of the population, which is demanding zero tolerance towards delinquents. The private media have engaged in a vast campaign on citizens' security. Legitimate as such a campaign may be, it is disturbing to see that accusations are being levelled that used to come from the authorities. Human rights defenders are portrayed as persons solely concerned with the rights of delinquents. It is in such a context, in which the legitimacy of human rights organisations is undermined, along with other forms of organisation of the civil society, that the new government will take office on 15th January 2003.

¹²⁶ See letter to the authorities, 8th March and 13th August 2002.

¹²⁷ See 2001 annual report.

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*Intrusion into the offices of the Regional Human Rights Foundation*¹²⁸

During the night of 23rd August 2002 the Quito offices of the Regional Human Rights Foundation (Fundación Regional de Asesoría en Derechos Humanos, INREDH) were broken into. The organisation's documents, the computer archives in the offices of the President, the legal team and the communication department, were searched. A sum \$2,500 was stolen, although objects of greater value were not taken.

The members of INREDH lodged a complaint with the criminal police and the public prosecutor.

The results of the investigation were communicated on 19 September 2002. The Pichincha criminal police concluded that it was a case "of ordinary delinquency", and that "the authors of the intrusion used the computers in order to have a little light in the offices giving more visibility for accomplishing their task" and that "it had not been possible to take finger prints as the necessary conditions did not exist for doing so".

The INREDH, and in particular the President, Mr. **Patricio Benalcázar Alarcon**, expressed their disagreement on the results of the enquiry, pointing to the lack of precision and the inconsistencies of the report.

GUATEMALA¹²⁹

Assassinations

*Assassination of a member of the Rigoberta Menchú Tum Foundation*¹³⁰

On 29th April 2000 Mr. **Guillermo Ovalle de León**, a member of the Rigoberta Menchú Tum Foundation (Fundacion Rigoberta Menchú Tum, FRNT) was assassinated by unidentified persons in a public canteen in Guatemala City. Mr. Ovalle de León had received death threats in 2000 on account of his activities with the FRNT. A few minutes after his death the

128 See urgent appeal ECU 001/0802/OBS 050.

129 Due to the constant deterioration of the situation the Observatory organised an international mission of investigation in order to collect information on the risks facing the defenders. A report has been published: "Guatemala, the defenders in danger: massive, recurrent and unpunished aggressions", 25 March 2002.

130 See urgent appeal GTM 009/0502/OBS 031.

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FRNT office received an anonymous phone call, playing the death requiem. The trial of those responsible for the Xaman massacre, in which the FRNT provided assistance to the victims, opened on 30th April 2002.

*Assassination of a member of Conavigua*¹³¹

On 6th September 2002, Mr. **Manuel García de la Cruz**, a member of the National Co-ordination of Widows of Guatemala (Coordinadora Nacional de Viudas de Guatemala, CONAVIGUA), was assassinated in Chuacruz, in the Joyabaj Municipality, in the El Quiche Department. His body was found completely mutilated and beheaded, a method reminiscent of the worst moments of the civil war. Furthermore, on 11th September a group of reporters who were preparing to cover a CONAVIGUA press conference were attacked by armed men, who stripped them of their equipment.

Threats/Harassment

*Death threats against Dionisio Camajá Sánchez*¹³²

On 7th February 2002, Mr. **Dionisio Camajá Sánchez**, a school teacher in a primary school in Uspatan, in the El Quiche Department, and an active member of the Mutual Support Group (Grupo de Apoyo Mutuo, GAM), a group set up for representing the families of victims, denounced the fact that he had received an anonymous letter, hand-written, ordering him to leave Uspatan, failing which he would be burnt alive with petrol. The letter also mentioned another member of GAM, Mrs. **Juana Lux**, although the threats were not addressed to her.

Mr. Camajá Sánchez lodged a complaint with the Quiché Public Prosecutor, the Uspatán Judge of Peace, the Uspatán national civil Police, and with the United Nations Mission to Guatemala (MINUGUA), and other international institutions.

*Threats and harassment against Father Juan José Aldaz Donamaria and Monsignor Ramazzini*¹³³

On 22nd February 2002 health worker Mrs. Ana Alicia de Barrios was interrogated by two armed men who asked her questions about the priest, Father Juan José Aldaz Donamaria, of the San José el Rodeo parish. The facts were denounced to the United Nations Verification Mission to

131 See urgent appeal GTM 009/0902 OBS 057.

132 See urgent appeal GTM 001/0202/OBS 011.

133 See urgent appeal GTM 002/0302/OBS 023.

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Guatemala (MINUGUA), and to the public prosecutor. On 24th February the priest stated that he was the victim of death threats, probably linked to his work as co-ordinator of a programme of aid to repatriated families. On 1st March 2002 the priest's car, in which there was a floppy disc and evidence for the denunciation, was stolen in Guatemala City.

These threats come on top of the seriously insecure situation of **Monsignor Ramazzini**, following the occupation by about 1,550 small farmers and premises of the San Luis finca, in San Marcos, on 26th February 2002. It was a means of pressure aimed at getting the Fondo de Tierras - FONTIERRAS - authorities to respond to the requests to purchase land and to regularise the situation of the small farmers. The owners and the President of the Agricultural Chamber of Guatemala accused publicly Monsignor Ramazzini of having instigated the occupation of the land. Shortly afterwards a San Marcos radio station received an anonymous call announcing that "a surprise was being prepared, and that the Catholic Church would be hit where it hurt most". Monsignor Ramazzini played an essential role in favour of impoverished peasants by offering them legal assistance in their negotiations with the finca owners.

In addition, on 17th March 2002 it was found that the three offices of the Archbishop house of San Marcos had been broken into, and that a safe had been forced open, and that 300,000 quetzals had been taken. On 18th March 2002 the house offices received calls saying that "Monsignor had better watch out".

Also, on 20th March 2002, the offices of the Association for the Development of Social Sciences in Guatemala (Asociación para el Avance de las Ciencias Sociales en Guatemala AVANCSO) were burgled. The aggressors, after hitting, then threatening the janitor, demolished the doors of several offices without taking anything. In the past, AVANCSO had already been the victim of attacks and repeated threats.¹³⁴

*Harassment of several human rights defenders*¹³⁵

Several human rights organisations in Guatemala received threats following the visit from 26th to 31st May of the Special Representative of the UN Secretary General on Human Rights Defenders, Mrs. Hina Jilani. On 7th June 2002 a letter signed by a group calling itself "The real Guatemalans", and addressed to eleven human rights defenders qualified as "Enemies of the Nation", was sent by fax and delivered to various Human Rights organisations and the media. In the letter they condemn to death and

¹³⁴ See urgent appeal GTM 004/0110/OBS 088.

¹³⁵ See urgent appeal GTM 005/0602/OBS 037.

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violently insult the following: Mrs. **Clara Arenas**, Misters **Miguel Angel Albizurez**, **Miguel Angel Sandoval**, **Nery Rodenas**, **Frank LaRue**, **Mario Polanco**, **Abner Guoz**, **Marielos Monzón**, **Ronaldo Robles**, Mrs **Rosa María Bolaños** and **Helen Mack**. These defenders, considered to be the first of a list that could expand, are accused of having tarnished the image of the country, in particular by having met with Mrs. Hina Jilani.

Harassment of members of Casa Alianza ¹³⁶

On 7th March 2002, after their premises had been broken into, **Casa Alianza** was able to determine that 18 files concerning street children had been stolen. The same Casa Alianza office had already been broken into in April 2001. Casa Alianza lodged a complaint with the police, but the investigation produced no result.

On 16th May 2002 Mr. **Manacer Salazar**, a professor working with Casa Alianza, was threatened with a firearm, shortly after a historical decision in a trial in which the organisation had taken a part. On 8th May, Mrs. **Mirza Juárez**, co-ordinator of the family reinsertion programme, was the victim of a similar attack. Members of Casa Alianza had already been attacked and threatened several times in the past.

Mr. **Bruce Harris**, regional director for Latin America of Casa Alianza programmes, has to face charges of slander and indirect defamatory accusations on the part of Mrs. Susana Luarca de Umaña, wife of the President of the Guatemala Supreme Court, and Ricardo Umaña, barrister and notary. During a press conference in 1997, Mr. Harris had denounced several lawyers and notaries involved in illicit activities connected with the adoption of children in Guatemala. In its decision of 10th February 1999 the Constitutional Court found that “only members of the press were protected under Art. 35 of the Constitution of Guatemala”, refusing therefore a trial before a “Tribunal de Imprenta” (a private jury).

This means that Mr. Harris is liable to up to five years’ imprisonment, in the trial that opened on 16th August 2002 before the 12th Criminal Court. In September Mr. Harris raised the incompetence of the Court, but his plea was rejected. At the end of 2002 the procedure of the appeal against that decision had not yet reached its conclusion. A new date has however been fixed for resuming the trial on the substance of the case on 7th March 2003.

Mary Robinson, the United Nations High Commissioner for Human Rights, had expressed her concern at such a restrictive interpretation of the

¹³⁶ See urgent appeal GTM 001/0104/OBS 029.2.

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freedom of expression, as applied in the Bruce Harris case. The Inter-American Commission for Human Rights has accepted to examine the case against the State of Guatemala, for violation of the right of the freedom of expression and the right of equal treatment before the law. A first hearing took place on 14th October 2002.

Intrusions

*Intrusion/harassment against the CASODI*¹³⁷

On 20th May 2002 the offices of the Co-ordination of Associations and Organisations on Integral Development (Coordinadora de Asociaciones y Organizaciones de Desarrollo Integral CASODI), an organisation that works in favour of the communities in the application of the peace agreements, were burgled. Various items of equipment were stolen, in particular two computers that contained information of importance for the organisation. CASODI had already been the victim of such an intrusion in December 2001.

*Several NGOs broken into*¹³⁸

On 21st July 2002 intrusions took place in the offices of five social organisations, three of which being human rights organisations located in the same building: the National Co-ordination of Human Rights in Guatemala, the Multi-Institutional body for peace and the International Centre for Research on Human Rights and Peace (Coordinadora Nacional de Derechos Humanos de Guatemala, la Instancia Multi Institucional por la Paz y la Concordia y el Centro Internacional para Investigaciones en Derechos Humanos). Unidentified men forced entry and searched the archives in each office. The data processing and telephone equipment of all three organisations was stolen.

Footprints of military boots were found on the floor in various parts of the building, and the authors left on one of the desks photographs of two of the directors of the organisations, and a document drawn up by the CONADEHGUA containing a report on the role of Civil Self-Defence Patrols in Guatemala (Patrullas de Autodefensas Civiles, PAC). The intrusion occurred the day before the opening of the II Latino-American and Caribbean Consultation on Human Rights Defenders.

¹³⁷ See urgent appeal GTM 004/0502/OBS 034.

¹³⁸ See urgent appeal GTM 006/0702/OBS 045.

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*Intrusion into the offices of the Social Movement for Childhood and Youth*¹³⁹

During the night of 27th August 2002, the Guatemala City offices of the Social Movement for Childhood and Youth (Movimiento Social por la Niñez y la Juventud), an organisation co-ordinating various activities in favour of the respect for Guatemalan children, were burgled. The documentation was searched and the archives, floppy discs and computers stolen. This took place during the visit of Mrs. Susana Villarán, rapporteur on the situation of childhood in Guatemala for the Inter-American Commission for Human Rights, and after the Constitutional Court had confirmed the entry into force of the Code for Childhood and Youth approved by the Parliament of Guatemala on 29th September 1996. Until then it had never been possible to put it into practice, owing to the opposition of the ultra-conservative elements of the State.

HAÏTI

Ill treatment of a lawyer belonging to the NGO "Justice and Peace"¹⁴⁰

On 24th June 2002, two policemen accompanied by three armed men in plain clothes arrested **Fleuri Lysias**, a lawyer, alleging that he had bought a stolen water pump. Mr. Lysias was transferred to the Bon Repos police station, where the policemen forced him to clean out by hand the refuse and garbage covering the floor of his cell. They also hit him by the ears, kicking him and making him fall down. When Mr. Lysias told them he was a lawyer, member of an organisation that defended human rights, they answered that they would "show him what that meant".

He was released in the evening, with a broken arm and serious ear injuries.

¹³⁹ See urgent appeal GTM 008/0902/OBS 055.

¹⁴⁰ See letter to the authorities 11 July 2002.

*Assassination of a member of CODEH*¹⁴¹

On 26th August 2002 Mr. **Santos Callejas**, treasurer of the Regional Direction of the Committee for the Defence of Human Rights in Honduras (Directiva Regional del Comité para la Defensa de los Derechos Humanos en Honduras, CODEH) and co-ordinator of the bureau of defenders of children in the administration of the Municipality of Másica, Atlántida, was assassinated. Like many human rights defenders in Honduras, Mr. Callejas denounced the impunity of organised crime and the violations of economic and social rights by the large landowners. In 2001 he had worked with a group of 2,000 people who had invaded land that was the object of a dispute with the family of former President Azcona, claiming it to be theirs. Three days before being assassinated he had supplied information concerning members of a gang suspected of having assassinated a tourist in July 2002.

In a press release on 4th September 2002 the National Commissioner for Human Rights (Comisión Nacional de los Derechos Humanos, CONADEH), Dr. **Ramón Custodio**, denounced the impunity that applied to cases of extra-judicial executions in Honduras. He condemned the assassination of Mr. Callejas and the numerous threats and acts of harassment that members of CODEH are subjected to. On 9th July 2002, Mr. **César Lazo**, regional CODEH representative on the Atlantic seaboard, denounced publicly that he was the victim of persecution, and that the offices of the committee were watched. On 21st August 2002 the regional secretary of the Atlantic seaboard, and a member of the national governing body of CODEH, Mr. **José Antonio Serrano Martínez**, received personal threats for having denounced the illegal nature of the expropriation procedures carried out in the Bontillo sector, at la Ceiba, in order to make way for a residential complex. Mr. Callejas had himself survived an earlier attempt on his life two weeks previously.

After having checked that the post-mortem examination was not in order, CONADEH demanded that the body be exhumed, and publicly requested the Director of the National Preventive Police, the head of the General Directorate of Criminal Investigations (DGIC), and the Prosecutor for Human Rights in the Public Prosecutor's department, to take measures for the protection of the lives of the other members of CODEH, in particular Misters José Antonio Serrano and César Lazo and their families, and the

141 See urgent appeal HDN 001/0802/OBS 051.

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witnesses in the cases mentioned. On 17th September 2002 Mr. Andrés Pavón, Director of CODEH, went to the Security Department in order to obtain information on the investigation. According to the first elements collected, the assassination was probably linked to the testimony given by Mr. Callejas in the case of the gang suspected of having assassinated a tourist.

*The Bar Association in danger*¹⁴²

On 26th August 2002 the Observatory received from CODEH a special report on the situation of lawyers (men and women) accused of subversive activities against the government (Art. 328 of the Penal Code) and of lack of respect (Art. 345). Under these charges the lawyers are liable to a 12 years' prison sentence. This situation is the result of several months of confrontation. The Honduras Bar Association (Colegio de Abogados de Honduras, CAH) lodged a complaint for abuse of authority with the Public Prosecutor's department, claiming that the magistrates of the Supreme Court of Justice had broken the law on the Notariat. The human rights NGOs denounced what they consider to be an attempt on the part of the authorities to muzzle the Bar Association, which spoke out on several occasions to denounce violations of Human Rights.

MEXICO

Death threats, attacks and harassment against Mr. Pedro Raúl López Hernández¹⁴³

On 14th January 2002 individuals fired on the domicile of Mr. **Pedro Raúl López Hernández**, President of the Chiapas Commission for Human Rights. In response to such an attack, on 16th January the Inter American Commission asked that measures be taken to protect him. On 18th January the presidents of the 32 State Human Rights Commissions sent a letter to the Governor of the Chiapas, asking him to initiate an investigation without delay, and to punish those responsible for the attack. The General Prosecutor of the Republic (PGR) initiated an investigation on the Governor

¹⁴² See urgent appeal HDN 001/0802/OBS 051.

¹⁴³ See urgent appeal MEX 001/0102/OBS 002 et 002.01.

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and the general co-ordinator of the assessors, for attempted homicide, unlawful use of firearms, and material damage. The investigation has so far produced no result.

Since he took office as President of the Chiapas Commission in June 2001, Mr. López Hernández has investigated a number of serious cases of human rights violations, in particular concerning alleged torture practised by the Chiapas State police on members of the indigenous population. In a letter sent to the Chapas authorities, he denounced an operation carried out by the Marques de Cornillas police during which eight members of the indigenous population were detained and tortured. In December 2001 Mr López Hernández also sent a letter to the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, denouncing the threats and harassment to which he was subjected: anonymous telephone calls, being followed by unidentified cars, and surveillance of his home.

On 10th October 2002 Mr. Pedro Raúl López Hernández was the victim of a further attack. He was on his way to the pharmacy close to his home when he was intercepted by two individuals who threatened him with a firearm, hit him all over his face and body, telling him to “stop attacking the government of the State”.

*Harassment against Mr. Fernando Ruiz Canales*¹⁴⁴

After the assassination of Mrs. Digna Ochoa y Placido on 19th October 2001, a threatening message was sent to a group of human rights defenders, including Mr. **Fernando Ruiz Canales**, President of the Council for the Law and Human Rights (Consejo para la Ley y los Derechos Humanos), for whom protective measures were taken. Since then he has been subjected to continuous harassment: he is followed, his domicile is watched by unidentified persons, by police personnel, members of his staff are illegally detained, there are attacks and telephone death threats. On 17 February 2002 a message was recorded on his answering machine that was composed of parts of songs that clearly insinuated, albeit in a burlesque mode, that these were death threats.

On 8th May 2002, since his return home, and after having been informed by friends that an investigation was being carried out on his activities by the office of the General Prosecutor of the Republic and by the Centre for Investigation and National Security (Centro de Investigación y Seguridad Nacional, CISEN), Mr. Ruiz Canales has again been subjected to harassment. The threats have taken the form of being followed, of letters received at his home, and a note on his car. The driver

144 See urgent appeal MEX 005/0111/OBS 091.1 and 091.2 annual report 2001.

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of the car that was following him tried to block him. Three men then got out of a van, two of them in the uniform of the preventive police of the Federal District. Seeing that one of the men was armed, Mr. Canales ran away. These threats may be connected with an article Mr. Ruiz Canales published on the Internet on 15th May 2002. The article was about the case of Mr. Guillermo Vélez, who died after being tortured by members of the Federal Justice police.

*Death threats against Mrs. Reyna Pérez Hernández*¹⁴⁵

On 19th February 2002, on arriving at her domicile, Mrs. **Reyna Pérez Hernández**, a member of the Support Centre for the Popular Movement of Oaxaca, and a member of the “Ricardo Flores Magón” Indigenous Popular Council of Oaxaca (CIPO-RFM), found that the security chain of her home had been severed. Inside, she found her belongings in disarray, with a hand-written note telling her that she was closely watched owing to her work at CIPO, and threatening her with death and abduction. In view of the situation, Mrs. Reyna Pérez had investigation N° J49 (CDA)/2002 initiated. The competent authorities were not willing to inspect the scene, probably because the authors were members of the Institutional Revolutionary Party (PRI), which enjoys impunity. Mr. Raúl Gatica, director of the Council, also received death threats from the State authorities because of his work. Although the Law on Traditions and Customs was approved in Oaxaca in 1998, the rights of the indigenous population are not respected.

*Death threats against Mrs. Bárbara Zamora*¹⁴⁶

On 18th March 2002 the lawyer **Mrs. Bárbara Zamora** received death threats by e-mail. The text of the message was very similar to that received by lawyer Digna Ochoa y Placido in 1996, before being assassinated in October 2001: “Shocks, accidents, lawyers, emergencies”. Mrs Zamora worked with Digna Ochoa in the lawyers’ organisation “Land and Liberty” they had created together. Following the assassination of her colleague on 30th October 2001, the Inter-American Commission for Human Rights had asked the Mexican government to take measures to protect her. In the course of 2001 Mrs. Zamora on several occasions received telephone threats, on account of her public statements, which appeared in the press, against the idea that Digna Ochoa y Placido had committed suicide, as suggested by the General Prosecutor’s department.

145 See urgent appeal MEX 002/0202/OBS 013.

146 See urgent appeal MEX 003/0302/024.

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Despite the mobilisation of the international community, urging that progress be made in the investigation, there has so far been no concrete result. In August a new prosecutor, Mrs. Margarita Guerra, was put in charge of the case. She asserted that it was her intention to work with the CIDH, in particular by allowing their experts to participate in the enquiry.

*Harassment against Mr. Arturo Requesens Galnares*¹⁴⁷

On 16th and 17th July 2002 Mr. **Arturo Requesens Galnares**, a member of Action of Christians for the Abolition of Torture (Acción de los Cristianos para la Abolición de la Tortura, ACAT-México), which deals with cases of torture, forced disappearances and extra-judicial executions, in particular in the Federal District and in the States of Oaxaca and Guerrero, was the victim of threats and harassment. The threats were apparently linked to the professional activity of Mr. Requesens Galnares, who is working, with the Human Rights Commission of the Federal District, on the case of Mr. Jesús Angel Gutiérrez Olivera, who was detained by the Federal police, and then disappeared on 14th March 2002, without anything being known of his whereabouts. Mr. Requesens lodged a complaint with the Prosecutor for attacks on the safety of persons. The Federal District authorities granted Mr. Requesens protective measures. He is accompanied by members of the Judicial Police of the Federal District, and his house and the ACAT offices are kept under watch. Due to the harassment, on 23rd July 2002 Mr. Requesens decided to leave the country. One month after his departure his family observed the presence of unidentified persons opposite his house. A complaint was lodged with the General Directorate of Complaints of the National Commission of Human Rights. On 8th October 2002 the Commission indicated that an investigation was in progress.

Mr. Requesens returned to Mexico to pursue his work as a lawyer for ACAT and as legal assistant at Mexico University. There have been no incidents since his return.

Other persons working for ACAT have received threats, with the aim of deterring them from pursuing their fight against impunity.

147 See urgent appeal MEX 005/0702/OBS 043.

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NICARAGUA

*Threats against Judge Juana Méndez Pérez*¹⁴⁸

On 30th September 2002 Mrs. **Méndez** received a telephone call at her office. The caller told her that “if she did not release in the next ten days the detainee Bayron Jerez Solis, they would kill first her children, then her”.

Apparently the threat is linked to the sentence the judge passed on 10th September 2002 on two ex-officials of the former President Arnaldo Alemán Lacayo. The judge had requested the National Assembly to divest them of their parliamentary function, so that they could be judged for fraud, embezzlement, conspiracy, and money laundering.

PANAMA

Intrusion into the SERPAJ¹⁴⁹ offices

In the night of 14th August 2002 the Panama City offices of the Peace and Justice Service (Servicio Paz y Justicia, SERPAJ) were burgled. Electronic equipment and supplies were stolen, along with documents pertaining to an investigation on arms trafficking in the region, in particular 200 copies of a recent publication on arms in Panama.

Video tapes on the work of the organisation relating to peasants, women and children were also taken. The next day the SERPAJ lodged a complaint with the Technical Judicial Police of Panama City. At the end of 2002 the complaint had as yet produced no result. The burglary of its premises seriously hampered the work of the organisation, which finds it difficult to understand how the thieves could have entered unseen, as the building is situated between two strongly-lit banks.

¹⁴⁸ See urgent appeal NIC 001/1002/OBS 060.

¹⁴⁹ See urgent appeal PAN 001/0802/OBS 049.

ASIA

THE SITUATION OF HUMAN RIGHTS DEFENDERS

In 2002, human rights defenders have carried out their activities in an increasingly difficult environment due to the impact produced by the attacks of September 11th 2001. Asia has been declared by US President Bush “the second front in the war against terrorism”; Asian countries have joined the coalition against terrorism launched by the United States and have found with these events a new justification to reinforce their existent security laws. The fight against terrorism has been instrumented in the region and is used not only to sanction terrorist acts but also and most often to consolidate State power and to intensify the suppression of human rights and political opposition movements.

In this particularly repressive context, it has become more difficult and dangerous for Asian human rights defenders including indigenous communities, women’s groups, minority groups, health workers – in particular regarding HIV prevention – to publicly denounce abuses committed by the authorities. Journalists, trade unionists, members of NGOs are frequently harassed for their work for human rights and depicted as being subversive and linked to terrorist groups. It has also become more difficult to have access to information on those detained thus seriously impairing the work of organizations working on the conditions of detention or fighting against torture.

Several countries of the region are still faced with endemic communal and religious tensions and struggles for the right of self determination, that cause numerous human rights violations (such as the Philippines, Indonesia or Nepal). Those documenting and seeking redress for violations committed in these zones are still highly exposed to arbitrary arrest and detention, summary executions, disappearance and torture. Obstacles to freedom of association and the right to organize, freedom of expression in particular freedom of the press and the internet, and freedom of assembly remain a major hindrance for human rights work.

An unequal commitment to human rights instruments further aggravates the situation.

Governments of the region have sought to find responses to the challenges of internal conflict and dissent through the imposition of internal

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security acts, or of state of emergency measures that considerably extend powers given to police and military forces in order to fight against opposition groups. The laws promulgated and/or reinforced in *Bangladesh, India, Indonesia, Malaysia, Nepal, Pakistan, Singapore, Sri Lanka* have weakened the already fragile standards of democracy and have led to an increasing number of arbitrary arrests, disappearances and police abuses against political dissidents, minorities and religious groups.

In *Pakistan*, recent factors including the country support for the US' war against terrorism and allied action against the Taliban in Afghanistan have served to further inflame religious tensions and have led to outbreaks of extremist violence against minorities. Defenders of these minorities put their lives in danger. The killing of seven Christian charity workers in Karachi on 25 September is an evidence of the attacks faced by activists who advocate the respect of the rights of religious minorities including Christians, Hindus, Ahmadis and Shia Muslims¹.

In *Afghanistan*, NGOs and United Nations offices are regularly the target of attacks due to the instability resulting of the conflict.

On 18th October 2002, and following the terrorist bombing in Bali, the Indonesian government enacted an anti-terrorist decree, known as "Perpu No 1" which allows to detain individuals for up to six months without charge or trial. Terrorist activities are defined very broadly to the extent that legitimate political activities opposing a government may be considered as terrorist. This decree also specifically provides that intelligence reports may be used to initiate a formal investigation, thus giving the military very large powers. Consequently, the activities of human rights defenders face the risk of being curtailed through this new repressive law.

Legal Obstacles to human rights reporting

In several countries of the region it remained difficult to enter in contact with local NGOs and to find reliable information on the human rights situation.

In **China**, the attitude towards independent human rights activism remains hostile; there is still no possibility of establishing human rights monitoring groups inside the country. Individuals have continued to be arrested and sentenced to prison for seeking to expose rights abuses, help victims, or exercise their own rights to freedom of expression and association. In particular there have been increasing efforts by the Chinese authorities to crack down on free dissemination of news and discussion over

1 See Compilation of cases below.

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the Internet. For example, in November 2002, Li Yibin, publisher of the online magazine "Democracy and Freedom," was secretly detained and his whereabouts remain unknown. There are serious concerns that other internet activists have probably been arrested over the past month, but most of these activists have little contact with the outside world, and their disappearance may not be known by the international community. Workers continue to be denied the right to set up independent unions and the leaders of workers' protests are systematically arrested. Labour representatives Yao Fuxin, Pang Qingxiang, Xiao Yunliang and Wang Zhaoming, who were arrested during the largest workers demonstration in March 2002 have been detained for more than six months, and to date, they have not been formally charged. Pang Qingxiang and Wang Zhaoming have been released on 20 December 2002.

Every attempt to act within the framework of an independent association or to establish an independent association is automatically crushed.

There has been widespread concern over the *Hong Kong* Special Administrative Region (HKSAR)'government proposal to implement article 23 of the Basic Law. The Government of the HKSAR issued a consultation paper on 24 September 2002. The Bill is expected to be enacted in July 2003.

The proposal intends to replace the current offence of treason by a new definition; to establish the offence of secession from the People's Republic of China; to reactivate and redefine the offences of sedition and dealing with seditious publications; to establish the offence of subversion; to broaden the existing provisions on theft of State secrets; to expand the provisions on "foreign" political organizations endangering state security; and to extend police powers of entry, search and seizure of evidence without a warrant from the Court. If enacted such a legislation would violate international provisions on freedom of opinion and expression as well as the right of peaceful assembly and freedom of association.

In *Burma*, in spite of the release from house arrest of Aung San Suu Kyi, Secretary General of the National League for Democracy (NLD), on 6th May 2002, the country remained closed to external monitoring or to diffusion of information from within the country. The situation is similar in North Korea.

In *Vietnam*, the government continues to deprive independent associations or international human rights organizations² of the right to

² The Vietnamese government has refused in September a European Parliamentary Delegation permission to meet detained religious figures sentenced to harsh imprisonment sentence: Thich Huyen Quang, Thich Quang Do, Nguyen Van Ly. See below.

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monitor human rights despite persistent allegations of human rights violations such as arrest and harassment of religious leaders, arbitrary detention for national security offences, lack of press freedom and discrimination against indigenous peoples, in particular the Degar (Montagnards) ethnic minority.³ In July 2002, in its conclusions, the UN Human Rights Committee expressed concerns about obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties and about obstacles placed in the path of national and international non-governmental organizations to investigate allegations of human rights violations in the country.

All media remained State-owned and strongly controlled. In August 2001, the government passed a decree that imposed stricter regulations on Internet cafes and imposed fines for illegal Internet use. Vietnamese Web sites are required to obtain a government license. Several Vietnamese dissident have been condemned to harsh imprisonment sentences.

For instance, on 8 November 2002, M. Le Chi Quang, who had been arrested at an internet café in February was sentenced to four years in prison and three year house arrest for “acts of propaganda against the State” and “communicating with overseas elements via the Internet”. Other advocates of political reform such as Dr. Pham Hong Son, journalist Nguyen Vu Binh, and chemistry Professor Vu Ngoc Binh are currently detained for their criticism of government policies, including through use of the Internet. Professor Tran Khue, researcher at the Social Sciences Institute is still placed under administrative detention after he requested in August 2001 the authorisation to establish an association devoted to the fight against corruption with other former members of the Vietnamese Communist Party. Since then he has been called for interrogation several times and under constant surveillance.

Pham Que Duong, who was to become the speaker of the organisation in Hanoi, was summoned by the Security several times. On 28th December 2002, he was arrested with his wife at the station of Ho Chi Minh-Ville, as he was on his way to visit Tran Khue.

In *Iran*, eight lawyers have been condemned during the last two years in relation with the defence of their clients. Those repeated condemnations represent a worrying threat against the Bar of Tehran in contradiction with the UN Basic Principles on the Role of Lawyers. They are also symptomatic of the very serious violations of freedom of expression in the country. On 4th October 2002, the Observatory submitted these cases to the Special

³ Resolution of the European Parliament on Human Rights in Vietnam and Cambodia, 11 April 2002, P_TA (2002) 0187.

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Rapporteur of the Commission on Human Rights on the Independence of Judges and Lawyers.

The situation in *Malaysia*, where the Observatory conducted a mission in March 2002 can be analysed as an example of the strategies adopted to silence and control human rights activities. Freedom of expression, freedom of association, and freedom of assembly – at the core of the activities of human rights defenders –, are all severely restricted and placed under control of the executive.

It appears that the repression, which encompasses not only opposition parties but also movements within civil society that promote a more democratic agenda and the realisation of human rights in the country takes on a dual form: on the one hand, the purposeful use of a wide array of draconian legislation to arrest targeted individuals perceived as imperilling the authorities; on the other hand, the inculcation of a culture of fear through various means of pressure, intimidation and coercion, which in turn has led to widespread self-censorship.

The main instrument used by the government to prevent human rights defenders to express criticism is the Internal Security Act, ISA. The launching of the international campaign against terrorism, has given a new justification for the law and for a new wave of arrests of individuals allegedly linked to fundamentalists groups despite the strong mobilization of NGO's of the country to campaign internationally against this law. United Nations bodies and the European Parliament have urged the Malaysian authorities to repeal the ISA as it was a clear violation of the principal international human rights conventions and of the Malaysian constitution. On 13th June 2002, the European Parliament called upon Malaysia to repeal the ISA, saying it was being used to crush political dissent. According to the EU parliament, at least eight persons were being detained "on grounds of the peaceful expression of their political or religious beliefs" ⁴. The campaign against this act, symbolised in 2000 by the Abolish ISA Movement (AIM), has been endorsed and supported by 80 civil society groups and political groups.

Freedom of expression, freedom of assembly and freedom of association are totally undermined due to a permanent State control. The mandatory police permit for holding public gatherings of more than five people under the Police Act is selectively used as a tool to curtail the activities of the opposition parties as well as of civil society. ⁵ Non governmental organisations face obstacles when registering: the discretionary power of the

⁴ Resolution of the Parliament P_5 TA (2002) 0331, Human Rights: Malaysia.

⁵ Permits for political rallies were frozen nationwide in July 2001. On September 9th 2001 the authorities made a strong reminder that it will not allow public assemblies without police permission to ensure national security.

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Registrar of Societies and the delay in processing the applications have compelled many of them to register as Companies – this situation weakens the structuring of civil society and exposes the organisations to sanctions by the authorities.

The government succeeded in discouraging and discrediting independent human rights advocacy. The lack of effective remedies and strong concerns about the independence of the judiciary aggravate the vulnerability of such groups and individuals.

The situation is very similar in neighbouring *Singapore* which also has a wide array of repressive laws which impede independent human rights movements to operate. Besides its Internal Security Act, other legislation such as the Public Entertainment and Meeting Act (PEMA) have been used to arrest opposition leaders and prevent demonstrations such as the May Day. This law which requires Singaporeans to apply for a permit to speak and gather in public, breaches Section 14 of the Singaporean Constitution, which explicitly guarantees freedom of speech, association and assembly.

Human rights reporting and internal conflicts

In *Indonesia*, the conflict between the Free Aceh Movement (GAM) and the security forces continued to cause numerous civilian victims and a wave of displaced people. The work undertaken by the Indonesia's National Human Rights Commission (Komnas HAM) whose mandate is to investigate on allegations of human rights violations produced no significant results in terms of holding perpetrators of human rights violations responsible for their crimes. Human rights defenders involved in the fight for the victims of state violence and corruption still faced serious threats aimed at discouraging them to pursue their activities. Violent attacks this year against two well established Indonesian human rights organisation, the Commission for Missing Persons and Victims of Violence (KONTRAS) and the Urban Poor Consortium (UPC) attest that human rights defenders operate at great risks. The agreement reached on 9 December 2002 between the Indonesian authorities and the GAM has risen hope to put an end to years of violence and human rights abuses. However, the agreement does not include provisions to protect human rights defenders, operating in conflict areas.

Permanent cease fire and the beginning of the peace process negotiation in September 2002 between the *Sri Lankan* authorities and representatives of the Liberation Tigers of Tamil Eelam (LTTE), also came as an encouraging sign.

In *Nepal* the conflict between the government forces and the Maoist guerrilla continued to generate a high number of victims. In the *Philippines*,

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grave human rights violations continued to be reported within the context of the government's anti-insurgency campaign against the New People's Army (NPA), the armed wing of the Communist Party. Those most at risk of human rights violations include civilians - many from indigenous or impoverished communities - perceived to be NPA sympathizers. Also at risk are members of organizations which have been publicly labelled by military officials as "recruiters" or "fronts" for the NPA. In the provinces with a significant military presence and reported high level of rebel activity, journalists and NGOs documenting human rights violations have been killed, as was the case in April of Benjaline Hernandez, Vice-President for Mindanao of the College Editors' Guild of the Philippines and Deputy Secretary General of the Southern Mindanao office of the human rights organization Karapatan.

Reporting on economic, social and cultural rights

In her last report to the General Assembly, the Special Representative of the UN Secretary General on Human Rights Defenders noted that "In many countries of the region, stability rather than development has become an imperative to be achieved through the use of State force to repress popular movements and quell the voices of protest against the violation of rights."⁶ In most countries in Asia, workers are exploited and their right to organise freely is often violated⁷. Independent trade unions are prohibited in the single-party States (China, North Korea, Vietnam, Laos and Burma). In other countries, actions taken by the workers to ask for better working conditions often end with waves of arrests among participants and with sackings, beatings, imprisonment and ill-treatment. For instance, in September 2002, in the *Republic of Korea*, 3,000 riot police raided three hospitals owned by the Catholic Church of Korea where striking workers were holding a sit-in: 241 striking hospital workers were arrested followed by the imprisonment on November 15, of 7 union leaders. Due to the particularly dangerous working conditions they face, the restrictions to freedom of association and the right to collective bargaining for workers – in shipbreaking yards in India and Bangladesh continued to be of concern⁸.

The Special Representative further noted that "Ethnic groupings and caste classifications have undermined the right to dignity of the person and

⁶ Report at the UN General Assembly, document A/57/182, 2nd July 2002.

⁷ See ICFTU Annual Survey 2002 of violations of trade union rights.

⁸ See FIDH report: Where do the "floating dustbins" end up? Labour Rights in Shipbreaking Yards in South Asia – The cases of Chittagong (Bangladesh) and Alang (India), December 2002.

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have caused gross violations of other rights, particularly economic, social and cultural rights.”⁹ Indigenous communities in Asia continue to suffer deprivation of rights and those striving for the recognition of those rights face repression. The murder in *India* of Ms. Navleen Kumar, who was involved in the defence of Adivasis land rights is an example of the dangers faced by those committed to denounce builders, politicians and organized crime, who appropriate tribal land through the use of fraud, threats and force. In most countries, the authorities fail to carry the appropriate investigations and take those responsible to trial because “Institutions for policing and prosecution suffer from inefficiency and corruption, and the independence of the judiciaries is severely strained, denying people the protections that are normally available under a constitutional framework.”¹⁰

In *India*, Human rights defenders in the State of Gujarat face severe restrictions by the Gujarati State authorities when reporting on, monitoring, or denouncing the fierce anti-Muslim - and government-supported - violence that has spread throughout the state in 2002, or when providing help to its victims.

Steps for human rights protection

Due to the pressure of the international community on the governments of the region some steps have been taken to enhance respect for human rights and to include monitoring of human rights in government policies. For instance, National Human rights commissions have been set up at the end of the year 2001 in *Malaysia*, *Thailand*, *South Korea* and *Nepal* and were already operating in *India*, *Indonesia*, *the Philippines* and *Sri Lanka*. Despite this positive step, the work of the human national institutions is sometimes seriously put into question by the lack of consideration given to them by official agents. This was the case this year in *Malaysia*, where the reports issued by the Commission came under harsh criticism in the state owned press. Another example was seen in *Sri Lanka* where in January 2002 an investigator suffered an attack by a senior police officer. The Asia Pacific Forum of National Human Rights Institutions which held its seventh annual session in November underlined in its conclusion that “most governments in

⁹ Report to the General Assembly, *op. cit.*

¹⁰ Report of the Special Representative, Document A/57/182, 2nd July 2002, submitted under item 111 (b) Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms.

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the Asia Pacific region have adopted laws that are not in conformity with the national Constitutions, international human rights and humanitarian laws”¹¹. Therefore the Forum urged Asian authorities not to suspend basic guarantees and to ensure the primacy of the rule of law within the fight against terrorism¹².

Newly independent *East Timor* joined the United Nations on 27 September 2002. Its constitution incorporates some of the main international human rights principles and it has established a Truth and Reconciliation Commission to investigate on the large scale human rights violations committed during the 25 years of occupation by Indonesian forces.

National, regional and international mobilisation

Civil Society

Forum Asia and the Asian Human Rights Commission (AHRC) have campaigned actively for Asian ratification of the treaty establishing the International Criminal Court and for the repeal of the Internal Security Act in Malaysia and were active in networking for a better coordination of human rights defenders activities. On 10th December AHRC released a statement entitled “Effective Remedies Are Ineffective in Asia: Governments Ignore U.N. Human Rights Conventions and Domestic Laws.” insisting on the lack of commitment to international instruments that persists in the region.

From 9 to 13 December 2002, the Asian Civil Society Forum (ACSF) was held in Bangkok, Thailand. It gathered 500 participants, representing over 200 local, national, regional and international NGOs from more than 33 countries of the Asian region around the theme “UN/NGO Partnerships for Democratic Governance: Building Capacities and Networks for Human Rights and Sustainable Development” and a workshop was devoted to human rights defenders. In its concluding statement it called for a framework for advocacy strategies to pursue democratic governance at national, regional and global levels, bearing in mind that many Asian NGOs, particularly human rights organizations and human rights defenders operate under duress, especially in the context of anti-terrorism and internal security laws.

It urged all governments in Asia to: ratify the core human rights treaties, optional protocols, and other relevant conventions, ensure that ministries and decision-making bodies, in particular those dealing with trade, finance,

¹¹ Statement made by Mr. Ravi Nair, coordinator of the Asian Forum.

¹² Press release from the Asian Pacific Forum, 20th November 2002: “NHRI to address primacy of rule of law in antiterrorist legislation”.

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justice and security, act in coherence with UN human rights, health, labour and environmental standards and obligations; reverse the current growing militarization of the region and, in the process, ensure the full protection of human rights and the environment in and around military bases and sites related to military activities; repeal national security and anti-terror laws and policies that undermine human rights in the region; respect and be more open to partnerships with NGOs in pursuing the ideals of democratic governance based on the principles of human rights, human security, sustainable development and gender equality; make more efforts to integrate a gender perspective at all levels from policy formulation, budgeting, implementation to monitoring and evaluation.

United Nations

During the 58th Session of the Commission on Human Rights, in April 2002, the Special Representative of the UN Secretary General on Human Rights Defenders presented her report covering the year 2001. During that year she intervened concerning 10 countries of the Asian region: Bangladesh, China, India, Indonesia, Iran, Malaysia, Nepal, Republic of Korea, Sri Lanka and Vietnam. She did not receive any answer from the governments of China, India, Iran and Nepal. She also requested an invitation from Bhutan, Singapour as well as India, Indonesia and Malaysia and was invited by the government of Thailand. So far Singapour responded positively to the request which was declined by Indonesia.

The Observatory notes that in August 2002, Iran extended a standing invitation to 4 Special Rapporteurs but to date none of them has been able to travel to the country and the concretisation of this step is still awaited.

In that same report, the Special Representative noted that new anti-terrorism legislative measures enacted or contemplated in a number of countries, including India, Nepal, Pakistan, and Thailand would directly violate human rights or create a climate in which the possibility of human rights violations is heightened.

In the chapter devoted to Asia in her report to the General Assembly¹³, the Special Representative called for the strengthening and better coordination of human rights defender networks at the national and regional levels. She recommended that monitoring groups and evacuation teams be established to respond immediately in situations where human rights defenders are in grave and imminent danger. She also insisted that the role of human rights defenders must be legitimised at the level of both the State and civil society.

13 *Op. cit.* Report of the Special Representative.

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European Union

The European Parliament adopted a number of resolutions regarding human rights in Asia ¹⁴. Some were of a general character. For instance it called for the establishment of a human rights commission in Bangladesh to investigate conditions of detention and human rights violations, including those of the army or expressed concern about indigenous minorities in Vietnam and refugees in Cambodia.

More specifically on human rights defenders it adopted resolutions on Malaysia and Vietnam. It also adopted a resolution on the Hong Kong Special Administrative Region government's proposal to implement art. 23 of the Basic Law.

Concerning Malaysia, further to its condemnation of arrests of political opponents under the ISA, it deplored the fact that the government had not answered to the request for a visit made by the UN Special Representative on Human Rights Defenders ¹⁵.

Following a resolution on Religious Freedom adopted by the European Parliament in July 2001, a delegation visited Vietnam from 9 to 14 September to meet religious leaders of all confessions. It was not allowed to meet detained religious figures Thich Huyen Quang, Patriarch of the banned Unified Buddhist Church of Vietnam, Thich Quang Do and Father Nguyen Van Ly.

In its resolutions on Hong Kong, the European Parliament "Calls on the HKSAR government ¹⁶ to ensure that Article 23 proposals will not be used to silence opposition, restrict freedom of speech, of the press and of publication, freedom of association, of assembly, of procession and of demonstration, the right and freedom to form and join trade unions and to strike, and the right to engage in academic research, literary and artistic creation and other cultural activities, in accordance with Articles 27 and 34 of the Basic Law; Believes that all proposed offences should be tightly defined and should specifically exclude the possibility of peaceful protests falling into the definition of crimes covered by Article 23; Repeats the call made in its abovementioned resolutions that the HKSAR should not introduce laws under Article 23 which violate the provisions of the International Covenant on Civil and Political Rights" ¹⁷.

14 Resolutions on Bangladesh, China, Malaysia, Bhutan, Myanmar, Pakistan, Sri Lanka, Nepal, Vietnam and Cambodia (indigenous minorities and refugee camps), Japan, South Korea and Taiwan (death penalty).

15 Op. cit. Resolution of the Parliament on Human Rights in Malaysia.

16 HKSAR: Hong Kong special administrative region.

17 Resolution of the European Parliament on Hong Kong, 19th December 2002.

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The Council of the Union did not address the issue of human rights defenders in its Common Foreign and Security Policy (CFSP) statements on Asian countries in 2002, apart from its declaration on Hong Kong. In December, the EU called on the Hong Kong SAR government to ensure that this legislation and its implementation will not undermine human rights and fundamental freedoms¹⁸.

The EU- China summit held in September did not provide concrete results in terms of human rights and protection of human rights defenders. Although the two sides welcomed “steps towards closer co-operation between European and Chinese nongovernmental organisations and academics institutions”, the issue of independent nongovernmental organisations and freedom of association was not raised¹⁹.

In its conclusions on Human Rights in China of March 2002, the Council welcomed “the steps taken towards a more open society”, but said that it remained concerned “about freedoms of expression, religion and association, about the ongoing violations of human rights of pro-democracy activists, proponents of free trade unions and followers of the Falun Gong”. However, in spite of those considerations, the EU decided not to table a resolution on human rights in China at the UN Commission on Human Rights in 2002²⁰.

In December the first session of the dialogue between the EU and Iran was held. The Observatory calls on the EU for including the participation of independent local, regional and international organizations in the next sessions of this dialogue. Due to the serious concerns regarding freedom of association in Iran, that theme should be on the agenda of the next meeting.

18 “European Union’s Statement on the Hong Kong SAR Government’s Proposal to Implement Article 23 of the Basic Law”, 23rd December 2002.

19 Fifth EU-China Summit, Copenhagen, 24th September 2002, 24/9/2002 – Press: 287, Nr: 12335/02.

20 2416th session of the general affairs Council, 11th March 2002, conclusions on Human Rights in China.

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CHINA

Law restrictions²¹

The Chinese government signed the International Covenant on Civil and Political Rights in 1998 and freedom of association is enshrined in Article 35 of the Chinese Constitution; nevertheless, the Chinese authorities have at their disposal an extremely restrictive legal apparatus regarding associations. In fact, in 1998, China adopted a series of decree-laws (N° 250, 51 and 252) which have increased government control and made it more difficult to create an association. For instance, the state may ban the registration of an association; moreover, nationwide groups cannot set up regional branches and any individual undertaking “unauthorised action” (no definition is provided as to what these words refer to) is liable to a criminal sentence and may be held in custody. Provisions are made in the new legislation for the government to have access to associations’ accounts; controls by state “sponsors” - to which any association must report to – have been strengthened, with no right of appeal in case of conflict.

Human rights movements

The authorities have been particularly hostile to human rights defenders. Setting up a human rights defence group is strictly forbidden. Individuals are constantly arrested and detained for denouncing human rights violations or helping the victims of such violations.

For instance, the members of Tiananmen Mothers, a group that represents the families of the demonstrators killed or injured during the 1989 Tiananmen Square massacre, suffer from harassment, intimidation and are labelled as

²¹ See open letter sent to the Chinese authorities on 20 December 2002.

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‘traitors’ by the authorities. The organisation does not exist officially and Mr **Ding Zilin**, its spokesperson, is under constant political pressure.

In November 2002, Mr Li Yiblin, editor of the on-line magazine *Democracy and Freedom*, was imprisoned. His whereabouts remain unknown. His arrest is part and parcel of a government strategy to increase control over the media, especially the internet. The Observatory fears that other cyber-dissidents, who have little contact outside China, may have been arrested this year.

Furthermore, Mr **Li Hai** is still in jail for having gathered information on the cases of 500 Beijing residents sentenced to long periods in prison for taking part in the 1989 demonstrations. In 1996, he had been sentenced to nine years’ imprisonment for “seeking and gathering” state secrets.

Social movements

Despite China’s ratification of the International Covenant on Economic, Social and Cultural Rights in 2001, independent trade unions are still illegal. There is only one trade union, controlled by the government. The Chinese government has not yet ratified the two Conventions of the International Labour Organisation (87 and 98) on the right to join a trade union.

Workers’ representatives are systematically arrested: Mr **Yao Fuxin**, Mr **Pang Quingxiang**, Mr **Xiao Yunliang** and Mr **Wang Zhaoming** were arrested during the 11th and 12th March 2002 demonstration, which reportedly mobilised over 10,000 workers in Liaoyang, asking the government to uphold their right to decent living conditions. The aforementioned leaders were imprisoned with no prior knowledge of the charges against them. Mr Pang Quingxiang and Mr Wang Zhaoming were released on 20th December 2002.

By the same token, Mr **Xu Jian**, a lawyer specialising in labour law, was arrested in December 1999 and sentenced in July 2000 to four years’ imprisonment, by the People’s Middle Court of Baotou, for “conspiring against the socialist system and the power of the State”. His health has seriously deteriorated. He had given legal advice to the workers at his office and via his Web site and had helped them during lawsuits and arbitration proceedings.

Religious groups

The Chinese government banned the Falun Gong movement in July 1999 and cracked down on its members. According to the Falun Dafa Information Centre, as of September 2002, 485 followers of the cult have died since government persecution of the movement started; 10,000 have been arbitrarily imprisoned, 20,000 sent into forced labour camps without trial for at least three years, 500 sentenced to up to eighteen years’ imprisonment and 1,000 confined to mental hospitals.

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Political groups

Legal attempts to create political parties are not tolerated by the authorities. For instance, when the founding members of China Democratic Party (CDP), Mr **Xu Wenli**, Mr **Wang Youcai** and Mr **Qin Yongmin** tried to register their party with the Department for Civil Affairs, they were sentenced to long periods of imprisonment.

Mr Xu Wenli was sentenced to thirteen years in prison and deprived of his civil rights for three years. He was released on 24th December 2002 and sent into exile in the USA.

Mr Youcai was charged with breaching Article 106 of the Criminal Code and sentenced to 11 years' imprisonment. His crimes include: drafting the founding declaration of the CDP, attempting to hold a CDP meeting, sending 18 CDP documents via the Internet and being the main CDP leader.

On 17th December 1998, Mr Yongmin was sentenced to 12 years in jail by the People's Middle Court of Wuhan, after a trial that lasted for two and a half hours. He was charged with "taking part in the organisation of the CDP, editing press releases for China Human Rights Watch, reporting on the situation of human rights to the United Nations and meeting with hostile foreign organisations."

In November 2002, during the 16th Congress of the Chinese Communist Party, numerous petitions and open letters were issued, calling for political reform and an open regime. The authorities reacted by arresting several dissidents in order to maintain "stability and calm" during the Congress.

INDIA

Murder of a defender of the rights of the Adivasi indigenous population ²²

On 19th July 2002, Ms. **Navleen Kumar**, who was defending the Adivasis ²³ right to own land, was stabbed 19 times at her home in Nallasopora. Using legal means Ms. Kumar had been fighting property

²² See letter to the Indian authorities, 26 July 2002.

²³ The 70 million Adivasis of India account for about 8% of the general population. Though special measures have been adopted, they cannot exercise fully their traditional rights, due to competition for land and resources. Illegal occupation of the traditional lands of the Adivasis is all the easier since the Adivasis have no title of property and land is often owned collectively.

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developers, politicians and civil servants involved in the appropriation of tribal land through fraud, threats and the use of force in the district of Thane, for 25 years. She had been quite successful and had some cases reopened. The day before she was murdered, a member of the Bhai Thakur gang was charged with killing a property developer; the case was based on Ms. Kumar's testimony. She had already been harassed by the "local mafia". In March, she was threatened at gunpoint at the Nallasopara railway station. She pointed out that her assailants were from the Bhai Thakur gang when filing her complaint.

On 30th June, four men, Mr. Gajanan Patil, Mr. Ulhas Rane, Mr. Sanjay Kadu and Mr. Haji Kuppaswami Naidu, were arrested by the police. Three of them had been denounced by Ms. Kumar during official proceedings. They were released on bail since no evidence was brought forward by the Department of Criminal Investigation.

Following an NGO meeting in Mumbai on 27th June 2002, a committee was set up to ensure the follow-up of Ms. Kumar's case. Marches have been organised to protest against Ms. Kumar's murder and a memorandum was submitted to the Inspector General of the police of Thane and to the Minister of Maharashtra. Fears were raised of possible impunity for the perpetrators of the crime.

Since Ms. Kumar's death, other militants have been targeted and intimidated for mentioning the case and defending the rights of the local population. That has been the case for Mr. **Vivek Pandit**, member of Shramjeevi Sanghathana, an organisation that fights for the right to own land. Complaints have been filed with the police and the Minister of Maharashtra.

INDONESIA

Members of KONTRAS and UPC²⁴ attacked

On 13th March 2002, over 100 civilians, members of "Families of the victims of Cawang 1998", who had travelled on nine buses, entered the office of the Commission for Missing persons and Victims of Violence (KONTRAS). Mr. **Munir**, the founder of KONTRAS, was attacked in his

²⁴ See Urgent Appeal IDN 001/0302/OBS 020.

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office by five or six people. He suffered minor injuries. Two other members of the organisation were beaten up, many computers were destroyed and documents on human rights violations in Indonesia were stolen. The assailants accounted for their action by claiming that KONTRAS is not handling adequately the cases of “the victims of Cawang” who died in 1998 during clashes with pro-democracy students in Cawang (department of East Jakarta). The assailants also referred to the 1998 and 1999 events of Trisakti and Semanggi when Muslims and students were killed by the military forces; they asked KONTRAS to investigate the deaths of those Muslims. The attack on KONTRAS certainly aimed at putting pressure on the organisation to stop its investigations into the deaths of the students in the aforementioned events.

On the same day, the Urban Poor Consortium (UPC), led by Ms. **Wardah Hafidz**, demonstrated in Jakarta, calling on the City Governor Mr. Sutiyoso to deal with the consequences of the floods which hit several nearby towns. Supporters of the Governor, the Betawi Brotherhood Forum (FBR), went to the demonstration on motorbikes and in cars and asked the demonstrators to leave. They pointed a sword at Ms. Wardah Hafidz and beat a demonstrator who was trying to protect her. They claimed that the FBR was ready to attack her and the UPC, for “provoking chaos”.

In both cases, the assailants seemed to be manipulated by the military elite and supporters of former President Suharto.

Murder of the KaGEMPAR coordinator²⁵

On 4th December, the body of Mr **Musliadi**, coordinator of KaGEMPAR, a students and youth coalition was found in Sibreh (Aceh Besar's region). On 30th November, Mr Musliadi had been kidnapped at his office by six men suspected to belong to armed forces. These events occurred at the time of the celebrations for the 26th birthday of the Movement of free Aceh (GAM) and a few days before the signing of a peace agreement between the Indonesian government and the GAM which took place in Geneva on 9th December 2002. However, this agreement does not include any provisions to protect those documenting the human rights violations in the conflict zones.

25 See Urgent Appeal IDN 002/1202/OBS 068.

Judicial proceedings against Mr. Mohammad Ali Dadkhah ²⁶

Mr. **Mohammad-Ali Dadkhah**, a lawyer of the Bar of Tehran, appeared before the court of Tehran on 28th January 2002. The President of the Revolutionary Tribunal had filed a complaint against him for libel and false testimony. The complaint was based on a speech which Mr. Dadkhah had made in court in November 2001 in defence of various political prisoners and journalists who were arrested during two round-ups in March and April 2001. Mr. Dadkhah had been expelled by the President of the Revolutionary Tribunal in the course of his defence speech and was therefore unable to carry out the defence of his clients until the end of the trial.

On 20th May 2002, Mr. Dadkhah was sentenced to 5 months' imprisonment and banned from practising law for ten years. The lawsuit took place behind closed doors, which raises fears that Mr. Dadkhah did not get a fair trial. In December, the sentence was upheld by a court of appeal.

Mr. Nasser Zarafchan's trial ²⁷

On 18th March 2002, Mr. **Nasser Zarafchan**, acting as counsel for Mrs. Sima Pouhandeh, the widow of Mohammed Djafar Pouhandeh (a writer and human rights defender, murdered in 1998), was sentenced to three years in jail by the Military Tribunal of Teheran for "weapons and alcohol possession". He was also sentenced to two years' imprisonment for his statements to the press regarding the lawsuit of the alleged murderers of Iranian intellectuals, which ended in January 2001. Mr. Zarafchan appealed the decision. On 15th July 2002, the court of appeal upheld the Military Tribunal's ruling. Mr. Zarafchan was arrested on 7th August and is now in prison in Evin. He appealed against this second ruling to the Supreme Court. His lawyer has requested that the sentence be suspended due to Mr. Zarafchan's poor state of health. The appeal is still pending.

Mr. Soltani's sentence ²⁸

On 9 July 2002, Mr. **Soltani** was sentenced to four months' prison by the court of Tehran and is banned from practising law for five years. Mr. Soltani

²⁶ See Urgent Appeals IRN 001/0102/OBS 007 and IRN 001/0102/OBS 007.01.

²⁷ See Annual Reports 2000 and 2001, Urgent Appeals IRN 004/0012/OBS 125.1 to OBS 125.5.

²⁸ See Urgent Appeal IRN 002/0702/OBS 041.

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represented a dozen political prisoners in March 2002. The main charge against him is that he claimed in his defence speeches that his clients had suffered from ill treatment while being interrogated. His own lawyer, Mr. **Seyfzadeh**, was sentenced to four months in jail and is banned from practising law for three years. Both lawyers have appealed the rulings. The appeals are still pending.

Mr. Akbar Ganji still in jail²⁹

Mr. **Akbar Ganji**, a journalist and writer, is still in prison. On 16th July 2001, the first chamber of accusation of the Tehran Appeals Court sentenced him to jail for betrayal of national security and propaganda against the institutions of the Islamic State. The sentence referred to a series of articles that suggested the Iranian regime's involvement in the murder of intellectuals opposing it. Moreover, Mr. Ganji participated in a conference on the Iranian general election, which took place in Berlin on 7th and 8th April 1998.

Judicial proceedings against Ms. Chirin Ebadi and Mr. Mohsen Rohami³⁰

In 2000, Ms. **Chirin Ebadi**, a lawyer and chairperson of a children's rights NGO, and Mr. **Mohsen Rohami**, a lawyer, were given a suspended sentence of fifteen months' imprisonment and deprived of their civil rights on the charge of libelling the authorities. They appealed the ruling. The procedure was still pending at the end of 2002. The sentences referred to the fact that they defended the students who were attacked by police forces on the campus of the University of Teheran in July 1999.

MALAYSIA

Human rights defenders under surveillance³¹

Due to continuing harassment of human rights defenders and impediments to their activities, the Observatory sent an international fact-

²⁹ See Annual Report 2001.

³⁰ See Annual Report 2001.

³¹ See the Report of the mission of the Observatory, *Malaysia: Human Rights Defenders Under Close Surveillance*.

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finding mission to Malaysia in March 2002. The mission submitted its preliminary report during the 58th session of the United Nations Commission on Human Rights in Geneva. Amongst the most alarming discoveries made by the mission are arrests under the Internal Security Act (ISA), other pieces of legislation which make provisions for prolonged detention without trial, restrictions to the freedom of association, freedom of the press, freedom to demonstrate and the right to public meeting.

Arrests under the ISA

The ISA provides that any individual may be detained for up to 60 days without charge or trial if they are accused of acts which may undermine the security of the state. After 60 days, the defendant may be detained for another two years, a period which may be renewed with the Interior Minister's consent. The ISA is in complete breach of the right to a fair trial and the right to legal counsel and visits. The ISA is often used to limit the freedom of speech and the freedom to demonstrate. According to reports, detainees under the ISA routinely suffer from acts of torture and physical violence, deprivation of sleep and protracted questioning; threats are issued against their relatives and children, with the aim of obtaining a confession.

In June 2001, the ISA was systematically used to stamp out any opposition to the regime. The number of detainees under the Act arrested for their political and religious beliefs increased from 4 to 25 in 2001, and hundreds were arrested for taking part in peaceful demonstrations.

In April 2001, a few days before the anniversary of the conviction of former Vice-Prime Minister **Anwar Ibrahim** (sentenced on 14th April 1999), several key leaders of the National Justice Party (Parti Keadilan Nasional) and the Reformasi movement were jailed. They allegedly attempted to overthrow the government through "street demonstrations and activism". Six people were transferred to the Kamunting detention camp: Mr. **Mohamad Ezam Mohd Nor**, the leader of the youth branch of the Keadilan Party, Mr. **Hishammudin Rais**, a film-maker, Mr. **Tian Chua**, the vice-president of the Keadilan Party, Mr. **Lokman Nor Adam**, Dr. **Badrulamin Bahron** and Mr. **Hj. Saari Sungib**, the leader of the party. In May 2001, the authorities used the ISA again to imprison two leaders of the student movement, who were fighting the ISA. They were released before the 60-day period came to an end.

On 10th April 2002, the six detainees went on a hunger strike to call for their immediate and unconditional release from jail. On 6th September 2002, following an application for a writ of habeas corpus introduced by their lawyers, the Federal Court ruled that the first 60 days of detention were illegal in the cases of Mr Tian Chua, Mr Mohamad Ezam Mohd Nor,

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Mr Hishamuddin Rais, Mr Saari Sungib and Mr Raja Petra (also jailed on 10th April 2001 and released on 2nd June). The judges also ruled that the detentions were made in “bad faith”. However, the Federal Court limited the scope of its decision to the initial period of detention; therefore, it does not affect the present detention at the Kamunting camp, which was decided by the Interior Minister on grounds of national security. On 6th September 2002, a demonstration was staged to protest against the ruling and was violently dispersed by the police.

Other proceedings are pending in these cases, notably on a charge of illegal rally for demonstrating in support of former Vice-Prime Minister Anwar Ibrahim.

Arrests under other laws which provide for preventive detention

On 23rd July 2002, five leaders of the Democratic Action Party (DAP), including Director **Lim Kit Siang**, were arrested for distributing pamphlets containing seditious statements related to a Prime Minister’s speech saying Malaysia was an Islamic state. The law on sedition had already been used against another DAP leader, Mr. **Lim Guan Eng**, in a well known 1995 case; and against Anwar Ibrahim for making a public statement on the existence of a political conspiracy against him.

On 7th October 2002, Mr. **Mohamad Ezam Mohd Nor**, one of the detainees under the ISA, was sentenced to two years’ imprisonment for breaching the law on official secrets: during a 1999 press conference, he had disclosed information contained in files sent by the Agency Against Corruption (ACA) to the Prosecutor General. Those documents set out allegations that Mr. Rafidah Aziz, Minister for Trade, and Mr. Abdul Rahim Thamby Chik, former Minister of Malacca, were corrupt. Mr. Mohamad Ezam Mohd Nor Ezam has been transferred from the Kamunting Detention Centre to the Prison of Kajang.

Ms. **Irene Fernandez**, the leader of Tenaganita, an NGO working with migrant women, has been charged with “publishing false information with malevolent intentions”, under Section 8A of the PPPA (Printing, Presses and Publications Act). In 1995, she had published a report entitled “Memorandum on abuses, acts of torture and inhuman treatment towards migrant workers in detention camps”, which contained allegations of ill treatment of migrant populations. She had based her work on interviews with over 300 migrant workers. Ms. Fernandez’s trial has been the longest so far in the history of Malaysia. It started at the Court of Magistrates in Kuala Lumpur in June 1996 and is still pending.

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Freedom of the press

The Printing, Press and Publications Act (1994) requires the media to ask for renewal of their licence every year. The authorities are thus in a position to control the media which have to live with the constant threat of seeing their operation closed. The Interior Minister has authority to suspend or withdraw licenses, with no legal way of appeal for the media, which undermines their exercise of free and critical journalism.

The ruling political parties control the main newspapers. The company New Straits Times Press Bhd., which publishes *New Straits Times*, *Berita Harian* and several tabloid newspapers, is controlled by the UMNO party (the leading party in the ruling coalition government) through its stake in the Fleet Holdings group. *The Star*, a popular English-language newspaper, is controlled by Star Publications Bhd., owned indirectly by the MCA party (a member of the ruling coalition). The Chinese-language press which traditionally enjoyed more freedom than the media in other languages, is now losing its independence. The MCA Party has bought out two Chinese-language newspapers, *Nanyang Siang Pau* and *Nanyang Press*. The UMNO Party has a majority stake in Utusan Melayu Bhd., a company which controls the Malay newspaper with the largest circulation, *Utusan Malaysi*.

Extremely stringent administrative regulation controls the operations of foreign media in the country. For instance, a foreign correspondent must renew his permit every 14 days.

Freedom of association

The freedom of association is ruled by the Societies Act of 1966, the Trade Unions Act of 1957 and the Universities and Colleges Act of 1971, which regulate the rights of NGOs, trade unions and students to create associations.

NGO registration

The Companies Act requires any organisation, society, political party or association to apply for a permit. The government may turn down the application if it considers that the purpose of the organisation is unlawful or imperils "peace, security, social welfare, law and order or decency in Malaysia". In practice, many NGOs, such as the Malaysian section of Amnesty International, are faced with great obstacles in obtaining a permit. There is a pervasive climate of mistrust towards NGOs and their activities. To avoid such problems, several NGOs have registered as commercial companies.

On 25th July 2001, the Vice Interior Minister, Mr Chor Chee Heung, required associations to mention their sources of funding in their annual tax

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returns, including possible foreign funding. Associations with close links abroad seem to be under investigation. The mission of the Observatory was informed that a bill aimed at further limiting NGO activities was being drafted by the government.

Student associations

The Universities Act provides that students and university members cannot join or take part in the activities of any society, political party or other organisation, body or group, whether such organisation is registered in law or not, whether it is based in Malaysia or abroad, unless provided otherwise by the Constitution or unless the Chancellor of the University gives prior consent.

Students who take part in political activity are faced with various obstacles. In July 2001, two students were arrested under the ISA. Others were excluded, expelled or otherwise penalised; they were charged with unlawful reunion, contacts with the media, with staging demonstrations on the campus, selling anti-ISA badges, opposing the “Vision” school proposed by the government and participating in the website of an illegal student organisation.

The case of University Bangsar Utama (UBU), an organisation set up in 1999 following social unrest after Mr. Anwar Ibrahim’s arrest, is typical of the climate of repression prevailing in Malaysia. UBU is deemed illegal and in breach of the Universities Act. One of its leaders, **Jona**, was arrested in June 2001 under the ISA. In April 2002, he was not allowed to travel abroad to go to the session of the UN Commission on Human Rights under the pretext of having undermined Malaysia’s image on various occasions. Unveiled threats were made: he would not obtain his degree if he went to Geneva.

The mission of the Observatory was also informed of another event: the University of Sciences of Malaysia (USM) prevented the Chinese Language Society from organising its annual meeting. Members of the Society were accused of giving interviews to the press, issuing press releases without the prior consent of USM officials, libelling the university, distributing pamphlets and attending illegal meetings. The Chinese Language Society is one the most active and most critical of the USM. When answering a question put by an opposition politician, the Minister for Education claimed that the Society would be allowed to hold its meeting at the beginning of the academic year. However, on 9th April 2002, university authorities laid down ten conditions for issuing the authorisation. The Society refused to comply with those conditions. Therefore, its activities on the campus have been banned.

In December 2000, the parliamentary secretary of the Prime Minister’s office, Mr. Noh Omar, recommended that civil servants supporting the

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opposition resign because they were deemed to be traitors to the government. All Malaysian civil servants are bound to sign a “Civil Servant Oath”, by which they commit themselves to support the government and “to remain loyal to the King, the Nation and the Government”. This has become a particularly thorny issue since the government put forward a draft school reform designed to integrate every school and school committee in the country on the basis of the same model. University professors have been warned that any action against the government initiative would lead to serious sanctions.

Trade unions

Malaysia has not ratified Convention 87 of the ILO on the freedom of association and protection of the right to organise, and the right to strike has been substantially curtailed. Thus, the trade union movement is very weak in Malaysia. The Malaysian Trade Union Confederation (MTUC) has demonstrated in favour of the ratification of the treaty, to no avail. Less than 20% of Malaysian workers are unionised and trade unions are fragmented – there are over 400 different organisations.

Cultural associations

Cultural rights movements are targeted for control by the government or non-state bodies. Cultural events that may call into question the cultural and religious norms of Malaysia or Muslim authorities are under pressure and their organisation is usually thwarted.

Freedom of assembly

In Malaysia, freedom of peaceful assembly is enshrined in the Federal Constitution (Article 10 (1) b) and is limited by legislation on national security and law and order (Article 10 (2) b). In fact, it is regulated by the Police Act of 1967 and the Law and Order Act of 1958.

Rallies and public meetings take place under police control. Any individual wishing to hold a meeting must ask for a permit with 14 days’ notice. The permit is granted if the meeting does not jeopardise national security or lead to unrest. According to Section 141 of the Criminal Code, any rally of over four people that takes place without a permit is illegal. And Section 27D provides that the permit is only granted to groups recognised by the authorities or in law. Therefore, an association that is not registered is not allowed to hold public meetings. In principle, private activities do not need to obtain a permit. But the police may intervene when a meeting taking place on private property gathers more than 20 people.

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The government authorities consider that public meetings pose a threat to national security and law and order. In July 2001, they ordered the suspension of permits for political rallies. On 9th September 2001, they reminded the population that they would not allow public meetings without a police permit, in the interest of national security. In the wake of the mobilisation of part of civil society against the government's decision, the National Human Rights Commission, Suhakam, issued a statement claiming that a general ban on rallies was a human rights violation.

NEPAL

Trial of Mr. S.K. Pradhan ³²

On 19th September 2001, Mr. **S.K. Pradhan**, Secretary General of the People's Forum for Human Rights and Democracy (PFHRD), a Bhutan organisation based in Nepal, was arrested and charged with complicity in the murder of the President of the Bhutan People's Party (BPP), Mr. R.K. Budahathoki – killed in Damak on 9th September 2001. On 20th September 2001, Mr. Pradhan was transferred to the Chandragai prison in Jhapa. He was arrested following a complaint filed by Mr. Balaram, Secretary General of the BPP. But it seems that Mr. Pradhan was not in Damak at the time of the crime, he was 500 kilometres away, in Katmandu. He was returning from South Africa and the UN World Conference on racism.

On 5th February 2002, Mr. Pradhan sent a petition to the Supreme Court of Nepal in Katmandu, asking for his release on bail. His petition was turned down on 20th February. The Supreme Court upheld the rulings of the Court of Appeals and the Court of the Chandragari District, saying that according to Nepalese law, Mr. Pradhan is a refugee and therefore cannot be released on bail.

On 5th September 2002, the Regional Court of Chandragari reopened Mr. Pradhan's case and the cases of people jailed for Mr. Budahathoki's murder. Nine Bhutan refugees and a Nepalese chauffeur were also charged. One of the refugees, Mr. Pemba Sherpa, committed suicide on 17th October. Witnesses for the defence were summoned from 23rd September to 2nd October 2002; witnesses for the accusation from 14th to 26th November.

³² See Annual Report 2001.

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However, only 3 out of the 13 witnesses appeared before court, thus slowing down the proceedings. The next hearing was set for 4th January 2003.

More than one year after the crime, Mr. Budahathoki's murderers have not been brought to justice and there are serious doubts as to Mr. Pradhan's involvement. He has been in jail since 19th September 2001.

PAKISTAN

Christian workers murdered³³

On 25th September 2002, seven members of the Committee for Justice and Peace (Idara E-Aman-O-Insaf) were murdered by unidentified, armed men who broke into the head office of Idara. Idara is a non-profit, Christian charity working with destitute people and supporting workers' rights in the textile industry and the public sector. The assault happened in a climate of growing violence and human rights violations against the Christian community, since 11 September 2001 attacks.

Human rights organisations have criticised the government for its failure to protect religious minorities such as Christians, Hindus, Ahmadis and Shiite Muslims. They have protested against the statements made by a federal minister, Mr. Khalid Ranjha who claimed that NGOs act against national interests and make the country vulnerable to many dangers.

The police is now investigating possible links with the murder in June of the former president of the association, Mr. **Ivan Moon**, who was poisoned and found dead in his office. They are also looking into links with the recent attacks against Western and Christian targets, perpetrated by defenders opposed to the American intervention in Afghanistan.

On 7th October 2002, Mr. **Robin Peera Dittan** was arrested and put in preventive detention: he was held suspect because he had survived the attack on Idara and was the sole witness. He was released on 22nd October after a court decision. While leaving the court with his lawyers and Idara members he was attacked by policemen and forced into a vehicle. He was later released. After the incident, Mr. Peera Dittan's lawyers and the Secretary General of the bar of Karachi held a press conference where they condemned the assault.

³³ See Urgent Appeal PAK 001/0902/OBS 058.

SOUTH KOREA

Sentence of a trade union leader³⁴

On 18th March 2002, Mr **Dan Byung-ho**, Chairman of the Korean Confederation of Trade Unions (KCTU), was sentenced in Seoul to two years in prison for coordinating the general strike of 21st June 2001. He was found guilty of the five counts against him and in 15 of the 16 cases laid by the prosecuting counsel. He was convicted for “conspiracy and interference in private economic affairs” (Article 314 of the Criminal Code, used on a regular basis by the Korean government to declare strikes illegal), “obstruction to security forces” and “breach of the law on industrial relations”. Mr Byung-ho had already been jailed in the past for his action for workers’ rights and had been released in August 1999 following a presidential amnesty. In August 2001, as part of an agreement between the Korean government and the KCTU, he had accepted to go back to jail to serve the remainder of his sentence, which was two months and four days. But on 28th September 2001, a few days before his planned release on 3 October 2001, the Korean authorities issued a second arrest warrant in order to keep him in custody and complete their investigation.

VIETNAM

Cyber-activists jailed³⁵

On 20th December 2002, Mr. **Nguyen Khac Taon** was sentenced to 12 years’ imprisonment and three years probation by the People’s Court of Hanoi for “spying” (Article 80 of the Criminal Code). Mr. Taon is presently jailed in Prison B14 near Hanoi. The trial was held behind closed doors. He had been arrested in a cyber café in Hanoi on 8th January; the police had searched his house and confiscated various documents and petitions on farmers’ protests. His lawyer, Mr. Tran Lam, has only been allowed to see his client twice since the beginning of his detention, and never privately. His mother, Mrs. Tran Thi Quyet, has only seen him once since his arrest. The

34 See Urgent Appeal KOR 001/0302/OBS 022 and Annual Report 2001.

35 See Urgent Appeal VTN 001/1202/OBS 073.

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official paper of the Communist Party, *Nhan Dan (The People)*, reported that Mr. Taon had “libelled and disparaged the members of the Party’s Bureau and the State” by sending e-mails and disseminating information to “reactionaries in exile”.

For the last two years, Mr. Taon has been helping farmers fight against the confiscation of their land by the State. He has drafted petitions and disseminated information on demonstrations and farmers’ protests.

On 8th November 2002, Mr. **Le Chi Quang**, a legal expert and IT specialist, was sentenced to four years’ imprisonment for “suggesting pluralism and a multiparty system”, “asking for Article 4 of the Constitution to be repealed” (corresponding to the monopoly of the Vietnamese Communist Party) and “joining an anti-corruption association”. On 21st February 2002, he was arrested in Hanoi after posting an internet article criticising the re-drawing of the Chinese-Vietnamese border.

The use of the internet to call for political reform has led to the arrest of various citizens this year, such as Mr. **Pham Hong Son**, a doctor, Mr. **Nguyen Vu Binh**, a journalist and Mr. **Vu Ngoc Binh**, a chemistry professor. They are still in jail.

Religious leaders still in detention³⁶

Mr. **Thich Huyen Quang**, patriarch of the Unified Buddhist Church of Vietnam, entered into his twentieth year of imprisonment in 2002. He is being held without charge or trial due to his commitment to human rights and freedom of conscience since 1975. On 20th December 1993, he issued a declaration calling for democratic reform. Mr. Huyen Quang is isolated in a pagoda-prison, under close surveillance and lacks adequate health care.

During the summer of 2002, the Vietnamese ambassador to the European Union was reassuring in her statements that Mr. Huyen Quang had been transferred, “on her request”, to the province of Binh Dinh and enjoyed freedom of movement. Mr. Quang dismissed her statements and said in a message sent to Brussels in September that he was still in jail in Nghia Hanh, in the province of Quang Ngai. The Vietnamese authorities spread false rumours according to which the patriarch had been invited to Hanoi. Those statements were linked to the visit of a European Parliament delegation in September, who had a mandate to meet religious leaders from different denominations.

Mr. **Tchich Quang Do**, member of the Buddhist Church, is still under administrative detention for launching a “Call for Democracy in Vietnam” in

³⁶ See Annual Report 2001.

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February 2001. He is detained in his pagoda, the Thanh Minh Zen Monastery, in Ho Chi Minh and lacks adequate health care and contact with the outside. Security agents have been posted inside and outside the monastery and search the bonzes who bring his food.

In 1995, Mr. Quang Do was sentenced to five years in jail for organising a humanitarian mission on behalf of the Buddhist Church in support of the victims of the October 1994 floods in the Mekong Delta.

Father **Nguyen Van Ly** is still being held in the Ba Sao camp, in the province of Nam Ha. On 19th October 2001, he was sentenced to 15 years' imprisonment and five years of house arrest by the People's Court of the Thien province, on a charge of "sabotage of national unity" and "upsetting law and order". He had also written articles and speeches condemning religious persecution and in favour of human rights and freedom of religion. He was not given a fair trial. Furthermore, he is in a jail far away from his home, which is a serious impediment to his right to receive visitors from his relatives, and his family is harassed when they try to see him.

The European Parliament delegation was not allowed to see the three religious leaders in jail during its mission in September 2002.

Since 25th July 2002 there has been no news of Mr. **Thich Tri Luc**, a member of the Buddhist Church. He had fled to Cambodia in April and was granted refugee status by the UN High Commissioner for Refugees on 28th June. He is said to have been kidnapped by agents of the Vietnamese secret police forces on Cambodian territory, repatriated or executed.

In 1992, Mr. Luc had been arrested and held without trial for ten months after condemning ill-treatment inflicted to Buddhist monks and calling for reform. He took part in the humanitarian mission of the Buddhist Church in 1994 (led by Mr. Thich Quang Do) and was sentenced to two and half years' imprisonment and five years' administrative detention for "abusing democratic freedoms to threaten the interests of the State". After his release, he had been under house arrest, undocumented and subjected to constant questioning and harassment by Security agents.

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THE SITUATION OF HUMAN RIGHTS DEFENDERS

Year 2002 was marked by a significant decline in democracy in many countries of the Commonwealth of Independent States (CIS). Such a turn for the worse is linked to an increased concentration of power in the hands of an all-powerful executive, which is scarcely - or not at all - inclined to accept a changeover of the party in power, or the free expression of diverging or critical opinions. Such a deterioration is clearly visible, in particular in *Uzbekistan*, *Kyrgyzstan*, *Russia*, *Kazakhstan*, *Belarus* and *Azerbaijan*. In June, for instance, *Kazakhstan* adopted legislation that drastically restricts participation in political affairs, and several opponents have received heavy prison sentences. In the great majority of CIS countries justice, far from being independent, is used for political ends, while torture is still perpetrated more or less systematically in prisons and police stations. People are still sentenced to death and executed, in particular in *Belarus*, *Tajikistan* and *Uzbekistan*. In the last-named country repression against Islamic militants has become harsher, to the extent of arresting mere believers and destroying traditional places of worship. In *Chechnya* the civilian population is the victim of war crimes and crimes against humanity. Lastly, *Turkmenistan* and to a certain degree *Tajikistan* are among the toughest and most repressive countries. The attempt to assassinate the Turkmen president last November was followed by a wave of arrests of people presumed to be political opponents.

In the CIS countries the independent sectors of the civil society, i.e. human rights organisations, the media and social protest movements are, in this context, among the main targets of the executive and the private groups linked to it. Nor have the civil societies in the Balkans and in Western Europe escaped the same trend, although the violations recorded are more the result of temporary tensions on the part of the authorities than of a deliberate strategy to neutralise the civil society.

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Anti-terrorism campaigns

Such a turn for the worse cannot be dissociated from the post-September 11 context, and the international campaign against terrorism. In 2002 the main issue among the Community of States and the regional inter-governmental organisations (IGOs) was the fight against terrorism. Legitimate and necessary as it may be, the means employed have had an impact in the field of human rights.

In the name of the common fight against terrorism, the criticism expressed by the international community against countries showing scant respect for the Rule of Law became markedly less vocal. Many countries were thus given a free hand for implementing their repressive strategy. In this respect the Final Declaration of the OSCE Ministerial Council¹ is a good example: Far from expressing concern at the violations of rights perpetrated in Central Asia, the OSCE welcomes and supports the firm attitude of the States concerned, and their “determined efforts to combat terrorism”.

This year was marked by the adoption of two framework decisions by the European Union, and an OSCE Charter on preventing and combating terrorism. The two EU framework decisions (one on terrorism, and one on the European arrest warrant) were adopted in June 2002, following strenuous discussions with the NGOs, for the original drafts severely undermined respect for human rights, in particular freedom of demonstration and the freedom to form trade unions. Most markedly, in the framework decision on combating terrorism, acts of terrorism were defined with reference not only to threats against civilian populations, but also to threats against States, and to the destabilisation of the economy through illicit occupation of public property and services, etc. It proved possible to eliminate such references, in particular thanks to the satisfactory drafting of the preamble². While the framework decision on the European arrest warrant still contains numerous ambiguities, in particular because of the lack of harmonisation of police and judicial procedures and of national law, the provisions that contained a serious danger of violations of fundamental freedoms were deleted. The OSCE charter, although it does not define an act of terrorism, recalls the need to respect human rights. It reaffirms that the fight against terrorism must not be aimed at any religion, nation or

1 Cf. OSCE, Ministerial Council, Porto 2002, ref: MC (10). Jour/2. 7 December 2002. Annex 3.

2 Item 10 of the preamble specifies: “Nothing in this Framework Decision may be interpreted as being intended to reduce or restrict fundamental rights or freedoms such as the right to strike, freedom of assembly, of association or of expression, including the right of everyone to form and to join trade unions with others for the protection of his or her interests and the related right to demonstrate.”

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people. Despite a somewhat encouraging attitude of the States within the regional IGOs, their action at national level is far more pernicious: Regardless of those instruments and principles, the States have chosen to adopt restrictive legislation, the application of which could be contrary to the exercise of fundamental freedoms, in particular the freedom of association.

It is clear that certain pieces of legislation, certain measures give States additional legal means of punishing all those who criticise it. In fact they completely muzzle human rights defenders. The law on political extremism that *Russia* passed in a few days in June 2002 is a case in point. This law gives no clear definition of “political extremism”, which leaves the door open to numerous arbitrary interpretations. And yet people can be sent to prison for up to 5 years on those grounds alone, or even for simply launching “an appeal for political extremism”. In addition, the Prosecutor, or any other judicial institution, can close down an organisation, a trade union or a religious group suspected of being “extremist”. This law presents a real danger for Russian civil society. The President of *Kyrgyzstan* has introduced a draft bill on political extremism, which, if adopted, given the total lack of independence of the judiciary, will be easy to use against human rights defenders.

In Western Europe anti-terrorist legislation passed in 2001 in *Great Britain, Germany, France* and *Italy* include, *inter alia*, severe restrictions to freedoms (detention for an indefinite period, refusal to grant the right of asylum, and an increased role for secret services, etc.) on the basis of a mere suspicion of belonging to a terrorist group.

In this context, and with the same purpose, numerous European countries have strengthened, or tried to strengthen their legislation concerning the press. For instance, several laws or draft bills establish State control over journalists’ sources of information, as in *Montenegro, Armenia* and *Azerbaijan*. In *Uzbekistan* new directives were sent in March to newspaper editors, requesting them to show the authorities, several months in advance, any articles critical of the executive.

Lastly, the method used by certain States which consists in assimilating “opponents and all those who are a nuisance” with terrorists has taken on added vigour in the post-11 September context. In March 2002, the President of the Republic of *Georgia*, for instance, went so far as to compare the activities of NGOs with those of terrorists, calling for a strict examination of their finances.

In a different context, but equally revealing of the dangers of the “all security” trend, mention should be made of the temporary closure, on the basis of a court decision, of two human rights organisations³ in the *Basque*

3 See Compilation below.

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Country, following the banning of the Herri Batasuna party, the political wing of the ETA terrorist organisation. The associations were later re-opened, without any information being published on the reasons for the closure, nor for the re-opening.

Freedom of demonstration

One of the striking features of 2002 was the dynamism of civil society in many of the CIS countries. Demonstrations, often of a national dimension, were held regularly, with a variety of slogans ranging from purely social claims to appeals for democracy and the Rule of Law, as in *Belarus* and *Kyrgyzstan*⁴. In *Ukraine*, the opposition parties and students organised a mass demonstration mid-September to denounce the impunity system and the corruption prevalent in the country. These demonstrations were violently put down. Such disproportionate use of force illustrates the hostility of certain States towards such movements. For instance, the events that took place at Nardaran, in *Azerbaijan*, reflect the problems facing civil society in this country when it mobilises itself in order to defend its rights. The protest movement in this village stemmed from claims of an economic and social nature related to major problems (inadequate supply of gas and electricity, unemployment, the ban preventing the population from exporting agricultural products to Russia, corruption in the customs administration, etc.). On 3rd June, eight persons designated by the village for discussions with the new municipal representative were arrested. A crowd formed, and the police opened fire, killing one person and injuring many others. Eighteen persons were then arrested. On 20th September Mr. Haji Djabrail Alizade, president of the "Baku and Villages Association" received a three-month prison sentence on the basis of a statement made by two policemen. He was in particular accused of disturbing the public peace. The authorities refused to recognise the social and economic nature of the conflict, and took the view that these were political movements of Islamic fundamentalists manipulated by Iran. In *Kyrgyzstan* the year was marked by the violent repression of a peaceful demonstration organised at Aksy, calling for the release of a parliamentarian held in arbitrary detention. Six persons were killed, and several dozen injured. The absence of any punishment for those responsible for what happened caused an uproar in the civil society, which has since multiplied protest demonstrations, which have also been harshly put down or banned.

4 See Compilation below.

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Nor has Western Europe escaped the tendency to treat social movements as criminal enterprises. In *Italy* the wave of arrests of anti-globalisation defenders following the peaceful demonstrations on the occasion of the European Social Forum in Florence in November is an instance of the same strategy⁵.

While some countries, like *Belarus*, already have very restrictive legislation regarding freedom of demonstration⁶, others are attempting to reinforce their legal arsenal. This year *Kyrgyzstan* established a system requiring prior authorisation for organising demonstrations. At the local level, certain demonstrations were suspended in December by local authorities, for instance at Osh and Bishkek. Also illustrative are the attempts by the Tbilisi local authorities in *Georgia* to pass legislation banning demonstrations in the city centre. Likewise in *Russia*⁷, in October 2001, the senior deputy to the head of the administration of the town of Krasnodar issued Act N° 803-P: "Additional measures designed to reinforce respect for social order on the territory of Krasnodar", which banned until 1st January 2002 all demonstrations, strike picketing, and other assemblies in the vicinity of official government and municipal buildings.

The right to seek and distribute information

Seeking and spreading information on human rights remains a very dangerous pursuit in CIS countries, to start with in areas where there is armed conflict. NGOs and the media have virtually no access to the territory of **Chechnya** because of the extremely stringent accreditation procedures. Humanitarian NGOs are subjected to constant harassment and to threats and physical attacks on property and persons on the part of the Russian armed forces. They also run the risk of being taken hostage, both by the Chechen fighters and the Russian army, which is what happened to a person working for Médecins sans Frontières in August 2002. IGOs also have to face numerous restrictions, like the OSCE Assistance Group whose monitoring mandate was rendered ineffective, due to pressure on the part of the Russian authorities. In the same way Rapporteurs of the UN

5 See Compilation below.

6 See Annual Report 2001.

7 The Observatory organised in November the first part of an investigation mission to Russia. The mission focussed its enquiry on the situation regarding the freedom of association at the federal and local levels, taking the example of the Krasnodar region. This region is governed in a particularly authoritarian and nationalist manner at the political and administrative level, and is one of the most restrictive in terms of the freedom of association.

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Commission on Human Rights have still not been able to go to Chechnya, despite the demands expressed by the Commission on Human Rights in 2000 and 2001. Furthermore, defenders and journalists have been placed under temporary arrest by the Russian forces at check points, as was the case for Baudi Dudaev, the co-ordinator of the International Joint Committee of Chechen Refugees, on 28th May and Anna Politkovskaia, journalist, in February 2002. Journalists belonging to the official television channels have had their cameras, note books and microphones confiscated for several hours.

In *Georgia* the region of the Pankisi gorges was closed to NGOs and media in 1999 by order of the then Minister of the Interior. At present, access to the area, where the armed forces are carrying out operations designed to force the Chechen refugees to leave, requires a special permit from the Ministry of the Interior.

Obstacles to the right to spread information on human rights do not only exist in conflict areas, they apply to all defenders who denounce violations of human rights, of civil and political rights, and also economic, social and cultural rights. The methods employed vary, but they all have in common the degree of violence used against defenders, by the police mainly, but also by private groups or individuals. Such violence enjoys quasi-total impunity.

The number of attacks on the defenders' right to life has increased. Several journalists have been assassinated in *Russia*, which is becoming one of the most dangerous countries for carrying out and publishing investigations. In *Kazakhstan*, the journalist Lira Baissetova was the victim of physical aggression and numerous telephone threats. In June her daughter died in suspicious circumstances while in custody. The pressure to which she is subjected is linked to her articles on Swiss bank accounts held in the name of several high dignitaries of the State, including the President of the Republic⁸. A Ukrainian journalist was found dead in Belarus in October. According to the agency he worked for, *Ukrainian news*, his death was linked to his work as a journalist. Likewise an increasing number of members of NGOs and their families receive death threats or are attacked. In all these cases, impunity is the rule. As will be seen in the cases described hereafter, enquiries, when they are initiated, never yield results.

More and more NGOs are attacked, either by the police or by unidentified armed individuals or groups; these attacks are directly linked to the publication of information on human rights. This year the Observatory recorded several cases in *Chechnya*, *Georgia*, *Kazakhstan* and *Kyrgyzstan*. In the

8 For more information on the subject, see, *inter alia*, Reporters sans Frontières (RSF).

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Krasnodar region of *Russia*, NGO premises are frequently “visited” and searched. During such attacks, equipment is destroyed and human rights documents are stolen.

NGOs were closed down by decision of the judiciary. In Krasnodar, in *Russia*, the human rights Centre was handed a judicial decision in March suspending its activities for 3 years. This was three days before a press conference on the publication of their annual report on human rights. In *Belarus* the Vezha association was closed down. In *Kyrgyzstan* seals were put on the offices of the Kyrgyz Committee for Human Rights, forcing them to move to other premises. In *Turkey* certain sections of the Human Rights Association of Turkey and the Foundation for Human Rights in Turkey are still suspended.

Frequently the authorities, with the help of the official media, organise smear campaigns against defenders, in order to denigrate in the eyes of the public the content of the information they put out, thus preventing human rights defenders from publicising their activities. completely distorts the message the NGOs are trying to get across. In *Macedonia*, for instance, the President of the Helsinki Committee was in particular called “State enemy n°1” by the Minister of the Interior, after he had been given the annual report of the organisation.

Lastly, the full array of judicial instruments is what is most frequently used for punishing those who publish information on human rights, like in *Azerbaijan*, *Belarus*, *Russia*, *Kazakhstan*, *Kyrgyzstan*, *Uzbekistan* and *Turkey*. In *Turkey* for instance, defenders are subjected to several legal proceedings at the same time. 144 legal proceedings were initiated against Osman Baydemir, former Vice-President of the Human Rights Association of Turkey; 36 are at present under way. The vast majority of States rely on an arsenal of restrictive, security-oriented laws and a judiciary that is subservient to the executive. In these countries criminal law often contains such broad offences as “extremism”, “disturbing the public order”, “publication of State secrets”, “hooliganism”, “action against the constitutional order”, “slander against the public authorities”. In *Uzbekistan* two women defenders were interned in a psychiatric hospital by a decision of the judiciary⁹.

Considering the full range of human rights information put out by the independent sectors of civil society, one of the themes that gave rise to the most brutal reactions on the part of the authorities in 2002 was corruption. Defenders in *Uzbekistan*, *Georgia*, *Kazakhstan*, *Ukraine* and *Belarus* were punished for having denounced corruption at State level and among local Mafiosi bosses.

⁹ See Compilation of cases below.

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The right to set up organisations

One of the major problems in the CIS zone is the difficulty in registering associations. For example in *Russia*, the law of 1995 makes it compulsory for associations to register every 5 years. In 1998 and 1999 numerous associations set up before 1995 had to re-register, and had their application refused. The most blatant cases occurred in the Krasnodar region, where the authorities gave as reason for the refusal the fact that the associations served no useful purpose. Registration is also repeatedly obstructed in *Azerbaijan*. The Committee of Helsinki Citizens Assembly, set up in 1992, was only able to register in 2001. The Association of Lawyers for the 21st Century is still waiting for its registration. The law on non governmental organisations, which came into force in 2000, specifies no procedure for registration, which leaves the door wide open to arbitrary interpretations. Similar problems also arise in *Belarus*, *Uzbekistan* and *Kyrgyzstan*.

Furthermore, the very existence of the NGOs is made difficult by financial pressures. This year in *Russia*, grants from foreign foundations or organisations for projects concerning human rights or education, etc., were subjected to a tax rate in excess of 30%, which obviously hindered the implementation of the projects. In a broader sense, NGOs are restricted in their fund-raising activities, in particular abroad, as is the case in *Belarus*, *Turkey*, *Kyrgyzstan* and *Azerbaijan*. The independent media are also the victims of all sorts of financial pressure, often forcing them to cease their activities. The situation described hereafter concerning *Belarus* is a perfect example of these methods.

Lastly, the setting up of NGOs controlled by or linked to the authorities (called GONGOs – Governmental Non Governmental Organisations) is current practice in the CIS zone. These organisations, speaking from the NGO desk in multilateral meetings for instance, support the policies of their government and denigrate the message put out by the independent NGOs. The annual meeting on the evaluation of the human dimension at the OSCE, (which has no status for the participation and the role of NGOs), attended by a large number of GONGOs, is an example of this strategy employed by the States, *Uzbekistan* and *Kyrgyzstan* in particular.

Mobilisation of civil society

The Observatory participated, with the Martin Ennals Foundation, the Orthodox Academy of Crete, the Marangopoulos Foundation for Human Rights, the Defenders' Bureau of the International Service for Human Rights, in the organisation of a meeting of over 30 human rights defenders, to evaluate the impact of the post-11 September context on the work of

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defenders world-wide. Also attended: Mr. Canton, Executive Director of the Inter-American Commission for Human Rights, Mr. Dankwa, Commissioner, Member of the African Commission on Human and Peoples' Rights and Mr. Pourgourides, a Greek parliamentarian, member of the Parliamentary Assembly of the Council of Europe. The meeting was held in Crete from 18th to 21st September. During the meeting, participants emphasised in particular certain changes in government policy since 11 September that had a direct impact on defenders, through the introduction of restrictive measures concerning freedom of movement, visas, refugee status, the right of asylum, and financing.

The Observatory also took part in a conference organised by Frontline in January 2002 in Dublin, with over 200 defenders from 74 countries. Mrs Hina Jilani and the High Commissioner for Human Rights also attended the meeting, which gave the Special Representative an opportunity to develop ties with local, regional and international organisations.

International Protection

During the April 2002 session of the UN Commission on Human Rights the Special Representative of the UN Secretary General on Human Rights Defenders reported on a mission she carried out in Kyrgyzstan in August 2001. In formulating her recommendations, she dwelt in particular on the restrictions imposed through legislative and statutory means on freedom of assembly, of association and expression, and on the need to prosecute authors of violations perpetrated against defenders "in order to put an end to the increasing tendency on the part of State officials to have recourse to intimidation". In accordance with her mandate, she also presented her annual report, covering all cases dealt with in 2001. With regard to Europe, in 2001 she intervened in the following countries: *Belarus, Croatia, Georgia, Kyrgyzstan, Russia, Turkey, United Kingdom and Uzbekistan*.

In 2002 the Special Representative was invited to carry out a mission in Macedonia, but twice she had to postpone her visit, because of delays in the formation of the government after the 15 September 2002 elections. She also received an invitation to go to Turkey. However she did not receive an answer from the Belarus and the Uzbekistan authorities, despite reiterated requests.

She attended two OSCE meetings, one in March on violence against women, and the other in September on the human dimension, where she had an opportunity to explain her mandate.

All cases dealt with in 2002 have been transmitted by the Observatory to the Special Representative. In addition two specific matters were referred to the United Nations Working Group on Arbitrary Detention: The case of

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Mr. Bandazhevsky, of Belarus, and the nine cases concerning defenders in Uzbekistan. By the end of December the group had not made its decision known.

Lastly, the Observatory welcomes the fact that the Special UN Rapporteur on Torture was able, during his November mission to Uzbekistan, to meet the women defenders who had been arbitrarily detained and interned in a psychiatric hospital. He also denounced the systematic practice of torture in the country. Since his visit, one of the women has been released.

Regional Protection

OSCE

The Observatory intervened during the annual OSCE Conference on the Human Dimension, held in Warsaw on 12th September. The follow-up of the supplementary meeting organised the preceding year on the theme “Human Rights: Lawyers and Defenders” was on the agenda.

The Observatory drew the attention of OSCE to the fact that the situation of defenders had deteriorated in the zone, and to the existence of manifest violations of the provisions of the Declaration on Human Rights defenders. In view of the level of repression in the region, the Observatory reiterated its request that a regional protective mechanism for human rights defenders be set up, a monitoring mechanism whose mandate would be to approach and question States, and to answer them.

The final document contains several recommendations from the OSCE and from Member States. They stress the need to comply with international instruments and OSCE commitments, legislation on peaceful gatherings, and on the activities of NGOs and political parties, including the financial aspect. They recall that States must facilitate the creation and registration of NGOs and ensure that they are able to use the grants and subsidies obtained; they also recall that measures taken to combat terrorism should in no way constitute an obstacle to the development of civil society. Finally the OSCE reaffirmed that it intends to act as an intermediary in promoting a dialogue among the NGOs, the parties, and the authorities.

However, similarly to the 2001 Ministerial Council, the Porto Council in December 2002 made no mention of the question of the defenders and the evaluation of the freedom of association, and no decision was adopted on the subject.

The European Union

The European Union, in its 4th Annual Report on Human Rights (2001/2002) reaffirmed its full support for the Special Representative of the UN Secretary General on Human Rights Defenders and her mandate. The

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EU recalled the importance it attaches to the work of human rights defenders, and recognised that it “came more and more under attack” and that “their rights are flouted in numerous countries”. At the session of the UN Commission on Human Rights the EU intervened requesting that the Special Representative be given the resources necessary for the satisfactory accomplishment of her mandate.

In 2002 the European Union adopted several Declarations on human rights defenders’ freedom of association and expression. The Declarations on Kazakhstan and Russia concerned specifically attacks on the independent media¹⁰. The Belarus¹¹ Declaration denounced the harassment of journalists, trade union officials, and any person criticising the President; the Declaration on Kyrgyzstan concerned the police repression of demonstrations. The unilateral Declarations of the EU constitute a strong political message to the countries concerned. It has to be recognised, however, that the firmness of the message gets considerably toned down during the various meetings between the EU and the countries at issue. The wording is watered down, efforts required of the countries are deleted, and no concrete steps are taken. The conclusions of the second annual EU/Russia Summit, the Co-operation Councils with Kazakhstan and Kyrgyzstan illustrate the incoherence of the EU policy. The only reference to human rights in the conclusions of the EU/Russia Summit bears on “their union in the combat against terrorism and in the respect for human rights, democratic principles and the territorial integrity of States”. The conclusions of the 4th session of the EU/Kyrgyzstan Council no longer refer to the freedom of association, whereas in the conclusions of the preceding session the EU had condemned the violence and all forms of intimidation against the democratic opposition and the media, and had expressed its concern about the situation of the Kyrgyz Committee for Human Rights. This year the EU takes positive note of the steps taken by Kyrgyzstan following the events in Aksy, whereas the population is still calling for those responsible to be brought to justice.

The European Parliament adopted in 2002 a resolution on Grigory Pasko¹² (a Russian journalist arbitrarily imprisoned), considering that his conviction “constituted a considerable setback in the establishment of the Rule of Law”, and another on Kyrgyzstan.¹³ In the latter resolution there are

10 Kazakhstan - recent attacks on the independent media - 29/5/2002 - Press: 167 Nr: 9364/02; Russia: situation of the media - 29/1/2002 - Press: 22 Nr: 5793/02.

11 Belarus - 16/10/2002 - Press: 303 Nr: 12725/02.

12 Resolution of the European Parliament on the case of Grigory Pasko - Record of 04/07/2002, based on document A5-0251/2002.

13 Resolution of the European Parliament on Kyrgyzstan; Record of 14/03/2002, based on document A5-0045/2002.

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several references to the “permanent” harassment to which defenders and journalists are subjected, and the authorities are urged to refrain from using the combat against terrorism as an excuse for repressing political opposition, the human rights organisations, and the independent media.

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AZERBAIJAN

Legal proceedings against Dr. Altay ¹⁴

On 12th October 2002, Dr. Ilqar Altay, an independent medical expert employed by Azerbaijan International University and a member of the enquiry Commission set up by the Federation of Human Rights Organisations of Azerbaijan, took part in a television debate with government officials. During the debate he criticised the official version of the events that occurred in the village of Nardaran on 3rd June 2002, when police stepped in to suppress a protest demonstration; one civilian was killed and twelve were wounded.

At a press conference on 17th October, Dr. Altay reported on the preliminary conclusions of the commission and denounced the actions of the security services. Summoned to report to the director of the serious crimes investigation department on 22nd October, Dr. Altay was charged with obstructing the official inquiry, for which he is liable to a sentence of three years' imprisonment under Article 310 of the Criminal Code. The director in question had also taken part in the 12th October TV debate on ANS-TV.

Also in October, the rector of the university called in Dr. Altay and informed him that his publications in the media constituted political activity and were liable to cause him trouble. He asked Dr. Altay to consider whether he wanted to continue his political activities or keep his job. A week later, the rector told him he was dismissed. On 11th November, the rector informed him that the dismissal decision was definitive.

¹⁴ See Open letter to the President of the Republic, 25 October 2002.

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Smear campaign against NGOs

In September 2002, the head of the Presidential administration was interviewed by a journalist following NGO mobilisation to denounce the police violence in Nardaran on 3rd June and demand redress. He accused human rights defenders of failing in their role and duty and the NGOs of using the events to “pose as champions of equity”.

BELARUS

Dr. Yuri Bandazhevsky still in detention ¹⁵

Dr. Yuri Bandazhevsky is a scientist of international renown working on the medical effects of nuclear radioactivity and former rector of the State Institute of Medicine in Gomel. On 18th June 2001 he was sentenced to eight years' imprisonment under severe conditions for supposedly seeking bribes from parents of students at the Institute. In the course of his research, Dr. Bandazhevsky revealed the ill-effects of radiation from the Chernobyl disaster on the population of Belarus, contradicting the official version disseminated by the authorities. He also criticised the diversion of Ministry of Health funds intended for research on radiation exposure.

In 2002 the Observatory referred the matter to the United Nations Working Group on Arbitrary Detention, considering that Dr. Bandazhevsky's detention was intended simply to punish his activity as a defender and prevent him from exercising freedom of expression and opinion. Furthermore, his trial was marred by irregularities; he was not informed of the charges against him at the time of his arrest, he was tried by the Military Chamber of the Supreme Court, which was not competent in the matter but against whose decisions there is no appeal, he had no access to a lawyer for the first six months of his detention, witnesses recanted at the time of the trial and no material evidence could be produced to justify the accusation... At the end of December 2002, the Working Group had taken no decision.

Dr. Bandazhevsky's health deteriorated during the summer of 2002 due to the physical and psychological pressures put on him. He is in a cell with two other detainees who are certainly militiamen, and he was forced to sign a confession before five military officers.

¹⁵ See Annual Report 2001.

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NGO closed down ¹⁶

On 12th March 2002, on the demand of the Ministry of Justice, the Regional Court in Bierastsir ordered the closure of Vieszha (Center of Support to Public Initiatives). The decision is based on Article 29 of the law on public associations which states that the Court can close down any association that has received two warnings or more within a year. Vieszha had received three warnings from the Ministry of Justice in 2001. The first concerned the “incomplete” name of the organisation; the second the fact that Vieszha had published a sociological questionnaire by an association that is not officially recognised; the third concerned the legal assistance provided by Vieszha members, which is considered to breach the law on associations. Under this law, associations can only represent or defend their own members.

On 29th April, the Supreme Court confirmed the Regional Court’s decision, so bringing it into force.

Freedom to demonstrate obstructed ¹⁷

Once more in 2002, peaceful demonstrations were violently broken up and participants regularly arrested and beaten. On 24th March for example, at a celebration of “Freedom Day” in Minsk, several dozen participants were arrested by special police units and some were sentenced to prison terms or fined for disturbing the peace. On 5th April, 14 journalists who had organised three banned demonstrations in support of **Mikalai Markevich** and **Pavel Mazheika** (editor and reporter from *Pahonia*, who are charged with slandering the President) were arbitrarily detained by the Grodno police. On a court decision, *Navinki* journalist **Stas Pahobut** was held for ten days in the Leninski quarters at Grodno detention centre for his participation in the demonstration.

On 19th April ¹⁸, a demonstration by about 3,000 people who had gathered in Minsk to protest against human rights violations in Belarus was violently broken up by special police units. More than 100 participants were arrested, detained and subjected to degrading treatment. Several organisers including film director and defender **Yury Khashchavatski**, journalists **Nikolai Khalesin** and **Valery Shchukin**, Viasna Human Rights Center observer **Aleh Zhlutko**, and Charter 97 co-ordinator **Dmitry Bondarenka**, were arrested and taken to the police station. Mr. Shchukin was severely beaten.

¹⁶ See Urgent Appeal BLR 001/0402/OBS 028.

¹⁷ See Annual Report 2001.

¹⁸ See Urgent Appeal BLR 001/0402/OBS 028.

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On 22nd April, Mr. Khashchavatski and Mr. Shchukin were tried and sentenced to 10 and 15 days' imprisonment respectively. Detainees who asked to see a lawyer were taken to the remand centre in Akrestsin and their trial was postponed for 24 hours. Despite the provisions in Article 62 of the Constitution, they were not allowed to see a lawyer. Among those tried on 23 April were Mr. Khalesin and Mr. Bondarenka, who were sentenced to 10 days in jail, and Mr. Zhlutko, sentenced to 4 days. These executive sentences were pronounced under Article 167 of the Code of Administrative Violations. Only Mr. Bondarenka was released, mainly thanks to media pressure.

Violations of the right to disseminate information ¹⁹

2002 saw many violations of the right to disseminate information, as can be seen from the financial and legal obstacles put in the way of the independent media. For example, the State body responsible for newspaper distribution increased its rates by 66% for independent papers, and printing rates rose by 40%. As a result, several newspapers had to suspend publication, e.g. *Dien* in August 2002. *Radio Racija* had to cease broadcasting in June.

Legal proceedings are still being used to sanction the independent media. In August, the newspaper *Nasha Svaboda* was closed down after having to pay a 100,000 million rouble fine for moral damage. One journalist, Mr. **Mikhail Padaliak**, was sentenced to pay 5 million roubles in compensation for having "insulted" the head of the Committee for State Control. In autumn 2002 there have been proceedings against several other journalists: **Mikalai Markevich** and **Pavel Mazheika** of *Pahonia* (closed down in November 2001) and **Viktar Ivashkevich** of *Rabochy*. Mr. Ivashkevich was sentenced in October to two years' corrective labour for slandering the President, on the basis of Articles 367 and 368 of the Criminal Code.

FEDERAL REPUBLIC OF YUGOSLAVIA

Harassment of an NGO ²⁰

On 23rd January 2002, the members of the Helsinki Committee for Human Rights in Serbia and its President, Ms. **Sonja Biserko**, received

¹⁹ See Annual Report 2001.

²⁰ See Urgent Appeal FRY 0001/0102/OBS 006.

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telephone threats. In addition the organisation was the object of public hate-mongering statements by politicians belonging to the governing Democratic Opposition of Serbia (DOS) coalition, which were carried in a number of private media and the official newspaper *Borba*. Attempted break-ins were made at the offices of the Helsinki Committee and at the home of its Vice-President, Mr. Slavija Stanojlovic.

Threats against the President of the HLC

In August 2002, Ms. **Natasha Kantic**, President of the Humanitarian Law Centre (HLC), was threatened in the press by a nationalist Serbian organisation following a campaign calling for a public debate on war crimes.

GEORGIA

Attack on an NGO²¹

On 10th July 2002 a group of 15 persons aged between 25 and 30 attacked the offices of the Liberty Institute in Tbilisi, injuring several members of the association. The Chairman, Mr. **Levan Ramishvili** was a particular target, and the office equipment was destroyed. Three Council of Europe experts were present at the time and witnessed this. The offices are located in the town centre, yet the attackers had no trouble escaping. Two members of the radical religious group Jvari were arrested by police on 17th July, one of them having declared he had taken part in the attack. But both men were released and the charges against them dropped.

The Institute's premises had already been broken into and equipment stolen in 2001.

Smear campaign against NGOs²²

Since early 2002, there have been a number of attacks against NGOs to discredit them and impose political control over them. In March 2002 for example, President Shevardnadze compared NGOs' activities to those of terrorists and called for strict financial control. He also stated that legal

²¹ See Urgent Appeal GEO 001/0702/OBS039.

²² *Idem*.

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action could be taken against NGOs that broke the rules. Only the Finance Minister opposed the campaign, describing it as “anti-democratic”; he was immediately dismissed from the government. When the President reiterated his defamatory remarks at meetings and press conferences, high-ranking officials all gave him their support. Mr. Levan Mamalazade, an influential member of the government, even accused the NGOs of “treason” and called for legal proceedings against NGOs for “attempting to overthrow the government”. These declarations were extensively reported in the Government-controlled media.

Recurrent attacks on FCRS and its members²³

On 15th July 2002, Mr. **Nugzar Sulashvili** and his family were the victims of an armed attack in their home. Mr. Sulashvili is Chairman of the Tbilisi-based Center for Foreign Citizens’ and Migrants’ Rights and Security (FCRS). The attacker, probably a member of the secret services, was released immediately after his arrest and the police made no further enquiries. The purpose of the attack was certainly to dissuade Mr. Sulashvili from publishing the 2001-2002 Annual Report on trafficking in Georgia. The report cites several travel agencies and senior civil servants. Mr. Sulashvili had received threats against him and his family in May, with pressure to stop his investigations into companies that may be involved in human trafficking. The FCRS has been the target of a defamation campaign and acts of vandalism for three years now. On 12th March and 18th July 2000, the Centre’s premises were attacked and equipment destroyed. On 4th November 2000, the Deputy Chairman of the organisation was physically attacked. On 2nd January 2001, the Chairman and his family were attacked in their car. Important documents have been systematically stolen. On 14th August 2001, documents belonging to Mr. Sulashvili concerning official involvement in various types of traffic were stolen at Tbilisi airport.

Break-in at NGO offices²⁴

On 14th October 2002, unidentified persons attacked the offices of the “Prisoners Brotherhood” in Tbilisi, stealing documents regarding the case of prisoner Robinson Margoshvili (a Georgian citizen of Chechen origin who is being defended by the NGO’s President, Mrs. **Lali Aptsiauri**). Mr. Margoshvili is one of 13 Chechnyans arrested near the Russian border

²³ See Urgent Appeal GEO 002/0702/OBS 044.

²⁴ See Open Letter to the President of the Republic, 17 October 2002.

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by Georgian border guards in early August 2002. After the arrests, Russia demanded their extradition. On 4th October, Georgia extradited five of the thirteen. Human rights organisations, including the “Prisoners Brotherhood”, have denounced the extraditions because of the risks Chechnyan prisoners run in Russia.

No inquiry into attack on Mr. Zviad Mamasakhlisi²⁵

On 6th July 2001, Mr. **Zviad Mamasakhlisi**, a member of the Independent Society for Human Rights in Georgia (ISHRG), and one of his friends, were attacked and beaten up by five police officers, in the street and at the police station. By the end of 2002, there had been no inquiry into the incident.

No inquiry into the death of Mr. Georgyi Sanaya

Mr. **Georgyi Sanaya**, presenter on the *Rustavi 2* TV channel and known for his denunciations of official corruption, was assassinated on 26th July 2001. A former State Security officer, Mr. Grigol Khurtsilava, confessed to the killing of Mr. Sanaya, denying any political motivation and claiming that it was an accident and that he did not know his victim. This version of the facts is open to serious doubt. Mr. Khurtsilava’s trial is due to start in early 2003.

Media again under pressure

On 14th May 2002, the *Rustavi 2* TV Channel was attacked by unidentified persons who entered the premises and fired shots. There was no-one else on the premises at the time. *Rustavi 2* had already been raided by the police in 2001.

In February 2002, shots were fired at the premises where the *Rustavi 2* programme “60 Minutes” is recorded. The police opened an inquiry, but as at end 2002, this has had no result. The programme’s presenter, journalist **Akika Gogichaisvili**, received threats several times in 2001 from representatives of the authorities and businessmen, some of whom are linked to the President’s family. These threats were in connection with a documentary about State corruption and crime.

On 27th September 2002, some 30 police officers entered the premises of TV channel *Odishi TV*, based in Zugdidi, striking journalists and smashing computers and video equipment. Mr. Levan Kobalia, the channel’s editor in chief, said he had recognised the regional Chief of Police among the

²⁵ See Annual Report 2001.

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attackers. A little later, four police officers went to the home of journalist Mrs. **Ema Gogokhia**, regional correspondent of *Rustavi 2*, struck her mother and her son and tried to abduct them. Mrs. Gogokhia had helped produce two programmes denouncing police violence and corruption, the first of which had been broadcast on *Odishi TV* early on the morning of 27th September. The documentary reported on the way the special police units in Zugdidi had repressed a demonstration organised when four people accused of murder were transferred to Tbilisi. Mrs. Gogokhia also received direct threats following this broadcast, with threats that her family would be killed if the second documentary was broadcasted and that, as in the case of Mr. Sanaya, her body would never be found.

ITALY

European Social Forum²⁶

In the run-up to the European Social Forum held in Florence from 5th to 10th November 2002, the government had planned, among other things, to suspend a number of clauses in the Schengen Treaty. This would have enabled it to restore border controls for nationals of the European Union countries, preventing many members and representatives of NGOs from coming and participating, and thus restricting democratic debate. The government eventually decided not to act on this threat. The demonstrations took place peacefully.

Following the Forum, a number of Italian defenders from the anti-globalisation movement were arrested in connection with the events at the time of the G8 Summit in Genoa in 2001. Since that Summit a number of organisations had been under close surveillance (telephone taps, mail intercepts). On 15th November the judicial authorities in Cosenza (Calabria) issued arrest warrants for 20 defenders in Calabria, Naples and Apulia. Most of the defenders belonged to a network called “Rebel South” set up before the G8 Summit in Genoa, and some of them had close ties to the alternative trade union organisation « Cobas ». The defenders also

²⁶ See Open letter to the Special Representative of the UN Secretary-General on Human Rights Defenders and to the Special Rapporteur on Freedom of Expression, dated 22 October 2002.

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included the young leader of “No Global” in Naples, Francesco Caruso. On 25th November, seven activists were placed in detention in Naples, Cosenza and Taranto, ten were placed under house arrest and three others were released, in particular for health reasons. Some of the jailed defenders, including Francesco Caruso, were held for a time in a maximum-security cell. All are accused of political conspiracy to disrupt the operations of the organs of the State and of disseminating subversive propaganda aimed at disrupting the economic order through violence (Art. 270a of the Criminal Code). This article goes back to the fascist period and was adopted in order to eradicate socialist organisations. The accusation refers to the occupation of temporary employment agencies and to violence that occurred at the two international Summits in Naples in March 2001 and in Genoa in July 2001. Several spontaneous demonstrations were held in Italy to condemn these arrests.

On 3rd December the Catanzaro Tribunal in Calabria announced that it was ordering the release of all the activists arrested and the cancellation of the arrest warrants. The charges were however not dropped. The day after this decision was taken, the Prosecutor in Genoa in turn issued 23 arrest warrants against anti-globalisation activists in the north of the country. The charges against these persons range from vandalism and looting (which carry a prison sentence of 8 to 15 years) to possession of arms and explosives, resistance and violence against the representatives of the security forces and “psychological participation” in destructive activities and arson. The Judge explained that those who facilitated the acts or who supported their goals were to be prosecuted even if they had not materially participated in an offence. Nine people were remanded in custody.

Meanwhile the Observatory has been informed that in early January 2003 77 policemen were being prosecuted for brutality in connection with the events in Genoa and in particular a raid against a school (serving as a base for the demonstrators) in which 72 people were injured, and that three chiefs of police had been transferred. The Italian Chief of Police is reported to have stated to the Parliamentary Board of Inquiry that the police had used excessive force during the demonstrations in Genoa. The government is said to have re-assigned him to new tasks. The Italian press has reported allegations that policemen had placed objects in the school, i.e. bombs in this case, to justify the action taken by the police.

KAZAKHSTAN

Journalist attacked²⁷

On 28th August 2002, Mr. **Sergey Duvanov**, editor in chief of the information bulletin *Human Rights in Kazakhstan and in the World*, published by the Kazakhstan-based International Bureau for Human Rights and the Rule of Law, KIBHL, was attacked by three unknown persons in front of his house in Almaty. Mr. Duvanov, who sustained serious head injuries, was found unconscious and taken to hospital.

On 9th July Mr. Duvanov, who also writes for opposition websites, was summoned to the office of the National Security Committee (KNB) in Almaty and informed that he was being prosecuted by the Prosecutor's Office for "insulting the honour and dignity of the President" (Art. 318 of the Criminal Code). Following his interrogation, the investigators searched his apartment and the offices of the KIBHL and confiscated computers and a number of documents. On 11th July the journalist was interrogated a second time for almost four hours. The investigation is thought to be related to an article published on 6th May denouncing top State officials.

On 28th October Mr. Duvanov was held for questioning on suspicion of rape, and on 29th October he began a hunger strike to protest his detention, but was obliged to break it off shortly afterwards due to ill health. On 6th November he was formally charged with raping a minor. This arrest occurred just as Mr. Duvanov was preparing to travel to discuss the Human Rights situation in Kazakhstan publicly.

KYRGYZSTAN

KCHR prosecuted²⁸

Mr. Botaliev, a presumed agent of the National Security Services (SNB), who filed a complaint against the Kyrgyz Committee for Human Rights

²⁷ See Urgent Appeal KAZ 001/0802/OBS 053-KAZ 001/0802/OBS 053.1.

²⁸ See Annual Report 2001.

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(KCHR) calling its legal registration into question on 20 June 1996, has lodged a third appeal with the Supreme Court. The proceeding is pending.

Four members of KCHR convicted²⁹

On 7th March 2002, four members of the KCHR's Executive Committee (Mr. J. Fomenko, Mr. Masakeev, Mr. Osmonaliev, and Mr. Bekberdinov) were sentenced by the Pervomay Regional Court to pay fines of 500 soms each in moral damages after they were called on to testify in a case involving the independent newspaper *Respublica*. The newspaper was being sued for moral offences by Mr. Botaliev. Subject to constant harassment, *Respublica* stopped publishing on 1st February because of the many fines it had been required to pay. The newspaper will have to pay 3,300 euros before it will be allowed to publish again.

KCHR in Bishkek placed under seal

On 12th and 13th March 2002, representatives of the Ministry of Agriculture appeared at the office of the KCHR in Bishkek to ask its members to leave the premises by 19th March, without a written warrant, as they had done previously on 14th February. No-one moved and on 20th March the authorities placed their office under seal. The sudden decision is said to have been taken by the Minister under pressure from the Office of the President and the SNB. The KCHR was forced to move to a much more expensive office.

On 31st October 2002 the KCHR's property was confiscated following a ruling on appeal by the Regional Court in Bishkek dated 28th June. The Counterpart Consortium, owner of the KCHR property, had filed an appeal against the confiscation order handed down by the Court in February. The KCHR had already had its office equipment confiscated several times as part of the judicial harassment to which the organisation has been subjected for several years.³⁰

Harassment of the KCHR President³¹

On 16th April 2002, Mr. Ramazan Dyrlydaev, President of the KCHR, returned to Kyrgyzstan after nearly two years of exile in Vienna following

²⁹ See Urgent Appeals KGZ 001/0302/OBS 019-KGZ 001/0302/OBS 019.1.

³⁰ See Annual Report 2001.

³¹ See Letter to the President of the Republic dated 8 November 2002.

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the issuing of an arrest warrant against him on 20th July 2000. Since his return he has been constantly followed and threatened, particularly in connection with his activities in support of the struggle against impunity in the Aksy events in which six people were killed and forty injured in a violent crackdown against the demonstrations on 17th March, and with his denunciations of human rights violations during the demonstrations which take place regularly throughout the country. According to information he obtained, Mr. Dyrlydaev has on a number of occasions been spuriously accused of financing a number of these demonstrations.

On 18th October 2002, a pro-government newspaper, *Erin Too*, accused Mr. Dyrlydaev of pursuing only “his own interests” and his “obsessive ambition”. According to the newspaper, Mr. Dyrlydaev has been “accused of involvement in serious scandals and his unscrupulous attitude toward donated funds is well known”. He is also accused of being “the main organiser of illegal activities which have caused public disorder and demonstrations”. The purpose of this article was to denigrate the association, especially in the eyes of those who fund it. In November, members of Mr. Dyrlydaev’s family were also discredited in several pro-government newspapers such as *Vetchermi Bishkek* and *Slovo Kyrgyzstan*.

Detention and mistreatment of Mr. Kachkyn Bulatov³²

On 2nd January Mr. Kachkyn Bulatov, KCHR Co-ordinator in the Naryn Region, was ordered to hand over the KCHR registration documents to the regional Department of the Ministry of Justice. The Director of the SNB then confiscated all these documents, even though KCHR is duly registered with the Ministry of Justice. In addition, on 13th February, on his return from a business trip, Mr. Bulatov was summoned by the head of the SNB in Bishkek and questioned about an article he had written denouncing as undemocratic the election of the head of the Tendik Kolkhoz who had in fact been appointed by the district administration. During his interrogation Mr. Bulatov was threatened with imprisonment if he did not cease his activities on behalf of human rights.

On 7th March 2002, unidentified persons broke down the door and windows of the KCHR in the village of Kochkor in the Naryn Region. Mr. Kachkyn Bulatov discovered the next day that his desk had been opened and his telephone damaged. He reported this to the local police station but apparently no measures were taken to find those responsible. This was the second attack against the KCHR office in this region in 2002.

³² See Urgent Appeal KGZ 001/0302/OBS 019.

HUMAN RIGHTS DEFENDERS HARASSED

Finally, on 20th May, more than a hundred people apparently close to the District Governor (Akim) and the Chief of Police went to the KCHR office in Kochkor and ordered Mr. Bulatov to close it and leave Kochkor immediately. Following talks, the assailants ransacked the premises and destroyed documents. A member of KCHR, Mr. **Kemel Baiterekov**, arriving on the scene, was beaten. Mr. Bulatov was then taken to the Office of the Prosecutor and then to the District Interior Department (ROVD). After three days in detention he was severely struck in the abdomen by the Chief of Police, Mr. Shermatov. He was then taken before the Judge who after hearing alleged witnesses sentenced Mr. Bulatov to fifteen days in jail under Article 364 of the Administrative Code. After sentencing, Mr. Bulatov was severely beaten, humiliated and threatened. Held in harsh conditions (very low temperature, restricted access to drinking water, total lack of sanitation), Mr. Bulatov became so ill that he had to be hospitalised. Mr. Bulatov was freed on 5th June after being forced to sign a letter asserting that he would not continue to work on human rights or give interviews to the press. He was released from prison ill and disoriented. The Chief of Police also declared that he would prosecute each member of Mr. Bulatov's family. Mr. Bulatov left the region of Naryn and went to Bishkek but he is still being harassed and his family lives in fear of retaliation.

Harassment of a member of KCHR

Mr. **Yuri Simakov**, a member of KCHR, was arrested on 17th March after taking part in a demonstration held in front of the Parliament building. The same day he received a warning from the Leninskly District Court under Article 392 of the Criminal Code (disturbing the peace by organising gatherings, meetings, demonstrations and protest marches). On 30th August he was severely beaten by three policemen who demanded his passport. A medical report certifies his injuries. A bit later on the same day he was summoned by an officer of the Interior Department who threatened him on grounds of his human rights activities and ordered him to put a stop to them. Since then, fearing for his life, he has taken refuge abroad.

Arbitrary arrest of demonstrators³³

On 16th May 2002, Mr. Ramazan Dyryldaev, Mr. Alexander Fomenko, Mr. Mamasadyk Jakyshev, Mr. Kachkyn Bulatov, Mr. **Tursunbek Akunov**, President of the Human Rights Defending Movement of Kyrgyzstan and Ms.

³³ See Urgent Appeals KGZ 002/0502/OBS 032-KGZ 002/0502/OBS 032.1.

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Aziza Abdrasulova, Deputy Director of the Human Rights Institute and the Guild of Prisoners of Conscience, were arrested together with 90 other people during a peaceful demonstration in Bishkek to protest the agreement between China and Kyrgyzstan and the impunity of those responsible for the Aksy massacre. Those detained were held by the Bishkek Regional Department of the Ministry of the Interior and released on 17th May. Most of them were beaten and injured. Mr. Jakishev was hospitalised and fined 2,000 soms. Representatives of military groups forced a number of people to sign documents without being allowed to read their contents. They were accused of “disturbing the peace” (Article 392 of the Criminal Code).

On 16th November 2002 Mr. Tursunbek Akunov was again arrested and sentenced to 10 days in prison by the Regional Court of Bishkek for having taken part in a demonstration. Demonstrations were held throughout the country to march on Bishkek to protest the impunity of those involved in the Aksy events and the judicial decision of 27th October which prevented the candidate who had won the first round of parliamentary elections in the Kara-Kuldza District from standing in the second round. After preventing the demonstrators from entering Bishkek by deploying a large number of police, the authorities arrested 130 demonstrators on 16th November. They were ordered released a few hours later by the Regional Court, with the exception of Mr. Akunov.

Restrictive legislation

On 24th May the President introduced a bill on “the struggle against political extremism” which is to be debated in the spring of 2003. There are grounds for suspecting that it could be used arbitrarily against opposition movements, including human rights defenders, against a backdrop of total absence of judicial independence.

In addition, a law on demonstrations, meetings and sit-ins was adopted on 24th June 2002. It requires that a request for permit be filed for all demonstrations. The permit is never granted for demonstrations organised by independent civil society.

Mr. Ravshan Gapirov³⁴ remains in custody

Mr. **Ravshan Gapirov**, Director of the Justice and Truth Human Rights Centre (Pravosudie Istina) in Kara-Suu, was prosecuted in September and October 2001 for “illegal preparation, acquisition, possession and transport of

³⁴ See Annual Report 2001.

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drugs in large quantities” following an argument with the Deputy Prosecutor in Kara-Suu. On 24th October 2001 he was sentenced to thirteen years in prison, and imprisoned on the same day. At the end of 2002 Mr. Gapirov remains in custody.

Refusal to register the Guild of Prisoners of Conscience³⁵

Despite numerous applications filed over a period of 4 years, the Guild of Prisoners of Conscience, whose members include journalists and political figures systematically harassed by the local authorities, has still not obtained legal registration.

Sentence served³⁶

Militia surveillance of Mr. **Eleman Mambetaipov** was ended upon completion of his sentence handed down on 20 November 2001. Mr. Mambetaipov, head of administrative affairs at the KCHR, had been sentenced to one year’s probation for misuse of equipment.

MACEDONIA

Slander against an NGO³⁷

The Helsinki Committee for Human Rights of Macedonia has been subjected this year to a smear campaign which illustrates the distrust and even hostility of the State’s institutions against NGOs and the media; conspiracy theories and nationalist feelings are used to discredit the work of civic organisations. In particular, in an interview granted to the daily *Vecer* and the A1 and Sitel networks in early January 2002, the Minister of the Interior called Ms. **Mirjana Najcevska**, President of the Committee, “Public Enemy No. 1”, “anti-Macedonian” and “advocate for the Albanians”. These statements were made at a time when the Minister had just received the Annual Report of the Helsinki Committee. The declarations were amplified by the official media and the Orthodox Church,

³⁵ See Annual Report 2001.

³⁶ See Annual Report 2001.

³⁷ Cf. Urgent Appeal MKD 001/0102/OBS 003.

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which strongly criticised the Committee for its denunciation of the new police and army special services as mono-ethnic and mono-religious in composition.

In September 2002, Ms. Najcevska was again slandered following circulation of a press release questioning the political neutrality of the police in the run-up to the elections. Ms. Najcevska's husband, Mr. **Sasko Todorovski**, also a member of the Committee, was removed from his post as the Permanent Representative of the Republic of Macedonia to the Council of Europe.

RUSSIAN FEDERATION

Mr. Grigory Pasko convicted³⁸

On 25th June 2002, the Military Chamber of the Moscow Supreme Court confirmed the sentence on Mr. **Grigory Pasko**, military correspondent of the Russian Pacific fleet newspaper *Boevaya Vakhita*: four years' imprisonment and loss of his military grade, for high treason. This sentence confirmed the appeal decision by the Vladivostok Military Tribunal on 25th December 2001, after which he had been placed in detention. These events were connected with a Japanese broadcast in November 1997 of a report by Mr. Pasko on the dumping of nuclear waste in the Sea of Japan, and his articles on pollution from the ship cemeteries and the promotion of certain generals. At that time he was arrested for revealing "defence secrets". In July 1999, he had been given a three – year prison sentence for abuse of his military office and the high treason charge was dropped. Having already served two-thirds of his sentence, he was released under the law on amnesty for "short sentences". However, the secret service (FSB) and Mr. Pasko both appealed to the Vladivostok Military Tribunal. After several adjournments and postponements, the appeal hearings had run between 11th July and 25th December 2001.

On 10th September 2002, he was transferred from the Vladivostok detention centre to Labour Camp 41 in Ussuriysk, where he works in a carpentry workshop. On 25th December he had completed two-thirds of his sentence and was eligible for parole under Russian law, but no move was made.

³⁸ See Urgent Appeal RUS 001/0602/OBS/038.

HUMAN RIGHTS DEFENDERS HARASSED

Attack on NGO premises³⁹

On 18th July 2002, an armed group of soldiers wearing no distinctive insignia attacked premises of the Russian NGO Memorial in Grozny, capital of the Chechen Republic. The soldiers broke open the door and started to destroy the equipment. Memorial lodged a complaint but they were told it had merely been a routine check.

Earlier in 2002 Memorial had helped set up a dialogue between the military and the Federal administration. A few days before the attack, Memorial had made a public declaration denouncing the lack of co-operation by both parties, and announced that it was ceasing all collaboration with the Federal forces.

Memorial has also been the target of slander over its participation in a conference organised by several Russian NGOs on 9th and 10th November 2002, entitled “For an end to the war and the re-establishment of peace in Chechnya”. The television stations ORT and Vesti, which have links with the government, called Memorial’s activities “anti-patriotic” and “cynical” and said they played into the terrorists’ hands. It is rare for independent NGOs investigating the human rights situation in Chechnya to gain access to the media so that they can publicise their findings. When they do, they are denigrated and shown in a discriminatory light. In November for example, the newspaper *Tchas Pik* published an article in which the Soldiers’ Mothers Organisation of St Petersburg explained its positions against the war in Chechnya and the abuses of President Putin; but alongside the article was a column entitled “Unanswered questions” which included such pernicious questions as “How can an organisation that depends on foreign sponsors speak in the name of the Russian people?” and “Why do the Soldiers’ Mothers use unreliable information?”.

Journalist’s work obstructed⁴⁰

In February 2001, Mrs. Anna Politkovskaia, a Russian journalist with the weekly *Novaia Gazetta*, known for its investigations into the war in Chechnya, was arrested and deported from Chechnya by Russian forces. In Moscow in September she received death threats and was compelled to go into temporary exile. She returned to Russia in early 2002, as the death threats had ceased. On 9th February 2002, she was again arrested in Chechnya by the Russian army, for violation of the accreditation procedures, but managed to escape the following day. Mrs. Politkovskaia has received an award from the American journalists’ club for her reporting on the Chechen Republic.

³⁹ See Urgent Appeal RUS 002/0702/OBS 046.

⁴⁰ See Annual Report 2001.

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SPAIN

NGO offices closed ⁴¹

On 27th August 2002, police closed down the head offices of the Group Against Torture (Torturaren Aurkako Taldea) and the Basque organisation of political prisoners' families' "Etxerat" in Bilbao. This was in application of a ruling by Judge Garzon under the decision to suspend the activities of Herri Batasuna, political wing of the terrorist group ETA, for three years. On 2nd October, the judge ordered that the closure of the associations' offices be ended, but gave no specific reason why they had been closed and no justification for re-opening them.

UNITED KINGDOM

Status of the investigation into the murder of two lawyers ⁴²

The government is still refusing, despite repeated calls made by domestic and international NGOs and in particular by the UN Special Rapporteur on the Independence of Judges and Lawyers, to set up a public and independent board of enquiry to shed light on the assassination of two lawyers in Northern Ireland, Ms. **Rosemary Nelson**, a member of the Committee on the Administration of Justice (CAJ), assassinated on 15th March 1999 in Lurgan, and Mr. **Pat Finucane**, killed in 1989. The international community continues to unanimously denounce the lack of significant progress in the investigations under way, notwithstanding mounting evidence pointing to police and army collusion in these murders.

⁴¹ See Letter to the President of the Government, 19 September 2002.

⁴² See Annual Report 2001.

Obstruction of the right to form organisations⁴³

On 30th January, the request for registration filed by the Human Rights Society of Uzbekistan (HRSU) in November 2001 after its third congress, was turned down by the Ministry of Justice. The Ministry asked the HRSU, *inter alia*, to organise another congress. Despite repeated requests filed since 1992, this association has not been given legal status although its activities are internationally recognised.

According to Amnesty International and Human Rights Watch, the Independent Human Rights Organisation of Uzbekistan (IHROU) did obtain legal status on 4th May 2002. This organisation was set up in 1996.

Mr. Yuldash Rasulov arbitrarily detained and tortured⁴⁴

On 24th May 2002, Mr. Yuldash Rasulov, a member of the Kashkadarya Regional Section of HRSU, was arrested and transferred on 3rd July to Provisional Detention Centre No. 1 where he was subjected to ill treatment. On 18th July, an unidentified person entered his cell and beat him to extract a confession. A medical examination certified his injuries. Mr. Rasulov's lawyer filed a complaint on 20th July and on 20th September a letter from the prison administration concluded that their investigation had entirely failed to prove the basis for the complaint. Mr. Rasulov is accused of having set up a prohibited organisation and of having led this group to Tadjikistan with the goal of instructing them in the use of firearms, although he knows only 4 of the 20 people accused of belonging to the organisation and has never been to Tadjikistan. His trial began on 3rd September and on 17th September he was sentenced to 7 years' hard labour under severe conditions for "acting against the constitutional order" (Article 159 of the Criminal Code), "preparing and circulating materials that could threaten security and disturb the peace" (Art. 244 para. 3C of the Criminal Code) and "creation and participation in religious, extremist, fundamentalist or other prohibited organisations" (Art. 244, para 1C of the Criminal Code). His sentencing followed court proceedings marked by many irregularities. He was placed in detention by an investigator of the Ministry of the Interior for 40 days in a cell within the Ministry, despite the fact that the legal limit on holding people for questioning is 72 hours. Mr. Rasulov and his lawyer were not informed of the charges

⁴³ See Annual Report 2001.

⁴⁴ See Urgent Appeal UZB 001/0502/OBS 035.1.

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against him until 8th July and the Articles of the Criminal Code are cited without explanation, justification or evidence. On the first day of the trial, the two witnesses for the prosecution retracted their testimony after it was read out, accusing the investigator of having interrogated them under duress.

Mr. Rasulov was released in early January 2003 under an amnesty announced in December 2002.

Arbitrary detention of Ms. Elena Urlayeva⁴⁵

On 27th August 2002 Ms. Elena Urlayeva, President of the Tashkent Section of HRSU, was committed to a psychiatric centre following a court decision on 6th June. On that date, another activist in that organisation, Ms. Larisa Vdovina, was also taken to the centre. The centre's administration refused to give any date for the release of the two women, saying simply that they need to undergo medical treatment. The UN Special Rapporteur on Torture visited Uzbekistan in November/December 2002 and met Ms. Urlayeva. He said that she was lucid but did not know how much longer she was to remain in detention.

Since 2001 Ms. Urlayeva has been repeatedly harassed. In February 2001 she was arrested and documents on fundamental freedoms were seized. During her detention she was forced to sign a declaration certifying that she had organised a coup d'Etat. In March, her apartment was splashed with gasoline. In November she was again arrested after filing a complaint with the ombudsman. She was sent to the infectious diseases ward and then to the Regional Department of the Interior in Chilanzar. Despite her release on 14th November 2001, the inquiry into her mental health continued and resulted in her conviction on 6th June 2002. During her periods of detention she was systematically subjected to psychological pressure and was forced to take neuroleptics which affected her health.

Ms. Urlayeva was released on 30th December in accordance with the conclusions of a medical commission. Two complaints have been filed. The first was filed by Ms. Urlayeva's lawyers who are asking for compensation for moral suffering. The Office of the Prosecutor has filed a request that she be declared "incapacitated".

Arbitrary detention of six other members of HRSU⁴⁶

Three members of the Nishan Section of HRSU were convicted on 16th September 2002 by the Nishan Criminal Court and sentenced to hard labour:

⁴⁵ See Urgent Appeal UZB 002/0201/OBS 015.02.

⁴⁶ See Letter sent to the authorities on 24 September 2002.

HUMAN RIGHTS DEFENDERS HARASSED

Mr. **Muradov**, President of the Section, received 6 years, Mr. **Hamraev** 5 and a half years and Mr. **Radjapov** 5 years, on the following charges: hooliganism (art. 277 of the Criminal Code), burglary (Art. 166 of the Criminal Code), vandalism committed against private property (Art. 173 of the Criminal Code) and violent death threats (Art. 112 of the Criminal Code). This trial follows an investigation of these activists launched in mid-June. Before the summer a first hearing was held before the District Court but it was suspended for reasons relating to the harvest period. On 16th September a policeman came to summon the three activists to the Court and took them there. At the beginning of the hearing the Judge read the text of the sentences which had been handed down with no debate. The lawyers for the *idem* were not present at the hearing, not having been informed that it was taking place. They were then taken to prison. For several months, even before the HRSU Section opened in May 2002, Mr. Muradov and a group of human rights defenders had been denouncing theft taking place in the Okoltin Kolkhoz, presenting many pieces of evidence implicating senior officials from the Kolkhoz, the District, the Prosecutor's Office and the security forces. Following this campaign against corruption, they began to be subjected to persecution and threats and the opening of the Section accelerated this process.

On 4th September, Mr. **Tursinbay Utamuratov**, a lawyer and President of the Karakalpankistan Section of HRSU, was arrested and charged with a variety of economic crimes. He was held in Detention Centre No. 9 in Nukus. His trial began on 21st November and on 29th November he was sentenced to 9 years in prison for falsifying documents (Art 168a, pIII of the Criminal Code), abuse of authority (Art 209a pII), violations of market rules (Art 189 pIII) and physically resisting a representative of the police forces (Art 219 pI). In early January 2003 the Supreme Court in Karakalpak reduced his sentence to 4 years.

In 1996 he had been arrested for having opposed the Prosecutor of his district, among others.

Two other HRSU members were in prison at the end of 2002: Mr. **Kobilov**, former President of the Djizaksk Section arrested on 27th October 1994 and sentenced to 10 years in prison and Mr. **Madrahimov**, from Namangan, who received a 9-year prison sentence in 1999.

Persecution of a lawyer

In May 2002, Mr. **Shayfiev**, a lawyer and member of the Legal Aid Society, was severely beaten by policemen in the street and then at the police station in the district of Sergeli. He was released the day after his arrest and placed under investigation. On 15th May the Judge of the Sergeli

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District Court put a stop to the investigation for lack of sufficient evidence. This decision was taken a few days after the conclusions of a medical examination certifying “light physical injuries” were submitted to the Court. Mr. Shayfiyev filed a complaint with the Prosecutor’s Office denouncing the illegality of the action taken by the police but the Prosecutor has refused to investigate on grounds that “the complaint was unfounded.” He then filed a suit against the Minister of the Interior. The proceeding is now pending.

An iniquitous investigation

Mr. **Shovruk Ruzimuradov**, head of the Kashkadarya Department of the HRSU, was arrested on 15 June 2001 and found dead in detention in July 2001. Following a mobilisation of civil society the authorities eventually said the death was being investigated. No report has been made public and the HRSU has on a number of occasions sought to obtain information on the conclusions of the investigation. On 1st November 2002, the HRSU finally received a letter from the Prosecutor’s Office saying that the investigation carried out by the relevant departments had concluded that, in the absence of any evidence to the contrary, the death had been a suicide. A criminal investigation was launched against the warden responsible for his cell for dereliction of duty. He was arrested and then released under the amnesty granted to mark the tenth anniversary of the independence of Uzbekistan. The HRSU recalls that Mr. Ruzimuradov’s body showed multiple bruises and traces of torture when it was handed over to his family.

Lack of investigation

The authorities have informed the HRSU that they will not be launching an investigation into the death of Mr. **Ahmadhon Turahanov**, an activist working for economic and social rights for the citizens of the city of Namangan, who was arrested in 1998 and found dead at the Sangorod Detention Centre on 19th June 1999, stating that he had died in hospital and that the doctor present had certified that the death was from natural causes.

Law on Associations⁴⁷

The Law on Associations, N°2908 of 6th October 1983, contains numerous restrictions. In March and August 2002 a variety of amendments were adopted but their impact is still difficult to estimate.

The law restricts the purpose of associations. Article 5 provides that they shall not have as their purpose, among other things, to “infringe on the indivisible unity of the State and the Turkish Nation” or to “promote the idea that there are minorities in Turkey based on differences of class, race, language, religion or region, or to create minorities by protecting, promoting, defending or disseminating languages or cultures different from the Turkish language and culture”. Article 6 prohibits the use of a language other than Turkish in any document or meeting. By amendment to Article 6 adopted in 2002, the obligation to use the Turkish language is limited to official work. Article 37 prohibits associations from carrying out activities exceeding the strict framework of their purpose. Article 38 is even more specific, forbidding student associations from exceeding their strict area of activity. Article 39, which prohibited the founding of associations by civil servants outside their strict field of activity, was amended in August 2002. From now on judges must obtain prior authorisation from the Ministry of Justice, whereas other civil servants must have permission from the Prime Minister.

The law imposes restrictions on participation in international activities. Articles 7, 11 and 12 require authorisation by the Council of Ministers, acting on a request forwarded by the Minister of the Interior and following an opinion issued by the Minister of Foreign Affairs, for any national association to join international organisations and take part in international activities; failing such permission, they can be dissolved. This law prohibits any link with foreign associations without prior permission from the Minister of the Interior and an opinion from the Minister of Foreign Affairs, but amendments passed in August provide that “if necessary, it is possible to establish ties with foreign countries following authorisation by the authorities and a decision by the government.” Under Article 60, associations are not allowed to receive foreign funds (sent to individuals or legal entities) without prior authorisation from the Minister of the Interior.

There are also restrictions on the right to set up associations. Article 10 for example provides that the bylaws of an association requesting

47 See International and Legal Observation Mission Report “Judicial Harassment Against Human Rights Defenders”, December 2002.

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registration must be reviewed either within 30 days by the Local Governor or within 90 days by the Minister of the Interior. No sanctions are provided against the authorities if the deadlines are not met, thus allowing the authorities to extend the review period at their discretion.

Moreover, this law allows the authorities to exercise oversight over associations. Article 44 gives the local authorities the right of censorship, since associations are compelled to submit their public statements, leaflets or other publications to the Prosecutor and the representative of the Governor before disseminating them, and publication cannot take place in the press until a 24-hour deadline has elapsed. Article 45 provides that association offices and accounts are subject at any time to inspection by the Ministry of the Interior. Under Article 48 the police have the right to enter and search the offices of any association suspected of holding written or visual propaganda prohibited by law. Under Article 68 the Local Governor has the power to attend the general assembly of any association and to record the debate. The Governor has, under article 54, broad powers to suspend the activities of an association by claiming disturbance of the peace, a concept which is particularly elastic. Given all these obstacles, many associations choose to organise in the form of a foundation, for which the legislation is more flexible.

Foundations are not overseen by the Ministry of the Interior but by a Foundation Delegate appointed by the government, which is much more open. Furthermore members of foundations are allowed to belong to international organisations and the foundation is allowed to receive funds from abroad without prior permission.

Opening of a section of Amnesty International in Turkey⁴⁸

In March 2002 Amnesty International received permission to set up a section in Turkey after a large number of requests had been rejected.

Prosecution of an NGO⁴⁹

On 13th February 2002 the Union of Alevite and Bektashi Organisations (ABKB) which promotes these two cultures, was shut down by decision of Judicial Court No. 2 in Ankara. The Court based its ruling on Article 5 of the Law on Associations, No. 2908, charging that its statutes provided for the teaching of the Alevite and Bektashi culture and that it ran the risk of

⁴⁸ *Idem.*

⁴⁹ *Idem.*

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encouraging the division of the Turkish State. On 5th November the chamber of the Court of Appeal overturned the 13th February ruling, stating that the Union had no intention of creating a minority or a dominant religious group.

IHD and its sections targeted

*Bingöl Section*⁵⁰

Since it was set up on 12th April 2001, the Human Rights Association of Turkey (IHD) Section in Bingöl has been constantly subjected to pressure (searches of its premises, documents confiscated, seal of the association seized, etc.).

On 25th January 2002 Mr. **Ridvan Kyzgyn**, President of the Bingöl Section, and the Section's Secretary, Mr. **Fevzi Akbulut**, were arrested after attending, as observers, a press conference organised by the Kurdish HADEP Party (People's Democracy Party). They remained in custody until 18th March and were then released after paying substantial bail. They are being prosecuted for infringement of Law No. 2911 on demonstrations, charged with having failed to apply for permits (not required by law) to hold press conferences. The proceeding is pending.

The Bingöl Prosecutor is also prosecuting Mr. Kyzgyn for statements he made to the press concerning the perpetration of acts of torture. These allegations were repeated by the association in a letter sent on 11th January to the Minister of the Interior, after which judicial proceedings were initiated against Mr. **Hösnü Öndül**, President of the IHD and Mr. **Selahattin Esmer**, Secretary General of the IHD. They were questioned by the Prosecutor on 13th August.

*Ankara Section*⁵¹

Judicial proceedings were initiated on 11th January 2001 against the members of the Executive Bureau of the Ankara Section. The Prosecutor filed proceedings with the State Security Court in Ankara, charging them with "supporting an illegal organisation" (Article 169 of the Criminal Code) in connection with IHD activities following the prison events of December 2000. The trial was repeatedly postponed in 2002 (19th February, 24th April, 6th June, 25th July, 19th September, 5th November) pending additional information, especially the medical report for Mr. **Ali Riza Bektas**, a member of the Prisoners Committee of the IHD, relieving him of

⁵⁰ *Idem.*

⁵¹ Annual Report 2001.

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responsibility. On 5th November 2002, the hearing was again postponed, again pending the report on Mr. Ali Riza Bektas.

Izmir Section

On 22nd November 2002, Mr. **Mustafa Rollas**, President of the Izmir Section, was questioned by Criminal Court No. 2 in Izmir. He was charged with insulting the Prime Minister and the Armed Forces on the occasion of a press conference held on 27th January by the Platform against Cells. The trial was held on 13th December and Mr. Rollas was acquitted.

Head Office of IHD in Ankara

Press conference under surveillance

On 29th March 2002, the members of the IHD had called a press conference at their offices on their Human Rights Report. This conference was placed under police surveillance. In response, Mr. **Hösnü Öndül**, President of the IHD, refused to speak publicly and confined himself to distributing copies of the written report to journalists.

Slander perpetrated against Ms. Eren Keskin

In May 2002, the IHD filed a complaint against Mr. Fatih Altayli, a journalist. Following a speech given in Germany on 16 March by Ms. **Eren Keskin**, a lawyer and President of the IHD Istanbul Section, on the subject of sexual assaults against women in prison, Mr. Altayli stated in a radio broadcast on 8th April that he would gladly assault Ms. Keskin sexually at the first opportunity. Ms. Keskin also filed a complaint.

Judicial harassment of members of the IHD

On 22nd August 2002, the members of IHD learned from the press that the Prosecutor had filed proceedings against 46 members of the IHD Board for possession of illegal documents (Article 526/1 of the Criminal Code). These proceedings follow a raid of the IHD offices by the police on 25th January 2001, in the course of which 33 documents were found and confiscated, some of them allegedly showing that certain IHS funds came from Greece. The 46 persons involved are awaiting formal charges.

Istanbul Section

*Judicial proceedings against Ms. Eren Keskin*⁵²

Ms. Eren Keskin has been prosecuted in a number of cases before the Turkish courts. Many proceedings are pending.

⁵² See Annual Report 2001 – International and Legal Observation Mission Report “Judicial Harassment Against Human Rights Defenders”, December 2002.

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For example, on 5th July 2002 Ms. Keskin was prosecuted by State Security Court No. 1 in Istanbul for issuing a report on respecting the “mother tongue” and a press release on “Newroz”. She is accused of supporting the PKK Party (Kurdistan Workers’ Party). The Prosecutor based his charges on a variety of press releases issued at the beginning of the year alleged to correspond to decisions adopted at the 7th Congress of the PKK. Ms. Keskin was acquitted at a hearing held on 4 October.

In another trial which began in 2002 she is charged with disseminating separatist information by using the work “Kurdistan” at a press conference on violence against women held on 25th November 2001.

Finally, in July 2002, the Prosecutor accused Ms. Keskin of incitement to hatred and enmity (Article 312 of the Criminal Code) in a speech she gave in Germany on the rights of women at the invitation of the Alevite Women’s Union in Germany. This prosecution began after the newspaper *Hürriyet* headlined “slander on the assault of soldiers” in reference to this speech.

A number of proceedings against her ended in acquittal. For example, proceedings were initiated against Ms. Keskin and the other members of the Istanbul Section Bureau following a press release dated 10th April 2001 on F-Type prisons. On 12th November 2002, M. Keskin was acquitted, together with the other members of the Istanbul Section Bureau, by Criminal Court No. 8 in Ankara.

Similarly, the trial relating to charges under Article 159 of the Criminal Code for “insulting the Armed Forces of the State” held on 18th December 2000, following publication of an article supporting the Mothers of Peace who were said to have been tortured when they returned from a mission to the north of Iraq, ended in acquittal.

Meanwhile, Ms. Keskin has been “resigned” by the Istanbul Bar Association and will not be allowed to pursue her profession for a period of one year. This decision was taken by the Bar’s Disciplinary Committee following her sentencing on 10th April 2001 to one year in prison for “separatist propaganda”, but it only took effect on 18th November 2002.

Ms. Keskin was replaced as President of the Section by Ms. **Kiraz Biçici**. The latter was sentenced in November 2002 to 45 months in prison under Article 169 of the Criminal Code (support for illegal organisations) for having supported, in an interview broadcast on Media TV, a variety of illegal organisations, including the PKK, with respect to F-Type prisons. Ms. Kiraz Biçici has appealed the case to the Supreme Court.

Judicial proceedings against the Istanbul Section

98 proceedings have been initiated against the Istanbul Section under the Law on Associations and Demonstrations and especially under Articles 159 (insulting the Armed Forces of the State) and 169 (Support for an Illegal Organisation) of the Criminal Code. These proceedings are pending.

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Diyarbakir Section

In April 2002 the Prosecutor in Diyarbakir initiated two proceedings against the Section in connection with the spelling of “Newroz” (the festival of the peoples of the Middle East and Central Asia which has more specifically become the national festival of the Kurds) used by the Section. The “w” does not exist in Turkish spelling. In both cases the Prosecutor based his case on Article 64/1 of the Criminal Code and on Articles 6 and 77/1 of the Law on Associations which provide that official documents should be drafted in Turkish exclusively.

On 14th October, after several postponements, the Diyarbakir Criminal Court acquitted Mr. Osman Baydemir, former President of the Section, and Executive Bureau members Mr. Fikret Saraçoğlu, Mr. Meral danis, Mr. Reyhan Yalçındag, Mr. Abdulkadir Aydın and Mr. Pirozhan Dogrul.

In October 2002, Criminal Court No. 3 in Diyarbakir postponed the second proceeding against the Section Bureau until 18th February 2003.

*Batman Section*⁵³

On 1st February 2002 the Executive Bureau of the Batman Section was reinstated by order of the Governor indicating that it fully met the conditions of Article 45 of the Law on Associations. Members of the Bureau had been suspended by the same Governor on 3 December 2001.

Adana Section

On 13th March 2002, the police searched the offices of the Adana Section and arrested its President, Mr. **Sehmuz Kaya**, its Secretary, Mr. **Sengül Yildirim**, and Bureau members Mr. **Müslüm Kurucu** and Mr. **Haydar Cigdemal**. The raid followed publication of a press release in support of education in the Kurdish language. On 14th March the State Security Court ordered their release.

Antep Section

On 5th April 2002 the Section was able to re-open following a decision to acquit the Executive Bureau of charges of supporting an illegal organisation. The section had been closed on 6th December 2000 because of protests against F-Type prisons.

⁵³ See Annual Report 2001.

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Elazig Section

On 23rd May 2002, Criminal Court No 1 in Elazig acquitted Mr. **Cafer Demir**, President of the Section, Mr. **Kenan Cetin**, Secretary, and Mr. **Osaman Baydemir**. They had been prosecuted for making speeches during the solidarity night organised by the Elazig Section on 21st April 2001.

*Gaziantep Section*⁵⁴

The Section, closed by order of the Gaziantep Court of First Instance on 7th December 2000, was allowed to re-open on 5th April 2002.

*Bursa Section*⁵⁵

In 2001, a proceeding was under way before the Court of Assises against the leaders of the Section. This proceeding is still pending.

*Malatya Section*⁵⁶

The Section was closed on 29th November 2000 for an indefinite period following a ruling by the Malatya Criminal Court.

The HRFT and its members targeted

*Diyarbakir Section – Trial against the HRFT Rehabilitation Centre for Victims in Diyarbakir*⁵⁷

In October 2001 an investigation was initiated against the Rehabilitation Centre for Victims of Torture set up in Diyarbakir by the Human Rights Foundation in Turkey (HRFT) on three charges: aiding and abetting members of the PKK, possession of forbidden publications, and opening the Centre without a permit. Mr. **Sezgin Tanrikulu**, representing the Centre, was sentenced by the Public Prosecutor to pay a fine. He however refused to pay, stating that the accusations against the Centre were without merit. Judicial proceedings were thereupon initiated against him on the two last charges, the first having been dismissed.

On 19th March 2002, Mr. Tanrikulu's trial was held before Peace Criminal Court No. 2 in Diyarbakir. The Observatory sent a Judicial Observation Mission to attend the trial. The case was postponed until 19th April, due to the absence of the Prosecutor and pending a legal

⁵⁴ *Idem.*

⁵⁵ *Idem.*

⁵⁶ *Idem.*

⁵⁷ See Press release of 2 April 2002.

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investigation of the Centre. During the new hearing, the charge of failing to obtain a permit to open the Centre was not accepted by the Judge and Mr. Tanrikulu was acquitted on that count. Indeed, only Centres providing medical care are subject to authorisation under the law governing private hospitals, and the Diyarbakir Centre does not do so and only dispenses counselling. The Judge did not accept jurisdiction for the charge of possessing a prohibited publication and referred the case to the higher jurisdiction of the Criminal Court of First Instance in Diyarbakir. This proceeding is still pending.

*Izmir Section – Judicial proceedings against Mr. Alp Ayan*⁵⁸

On 6th June 2002 Mr. **Alp Ayan**, a psychiatrist and a member of the HRFT Centre for the Rehabilitation of the Victims of Torture in Izmir and Mr. **Mehmet Barindik**, Executive Member of the LIMTER-IS Trade Union, were sentenced to one year in prison by Criminal Court No. 4 on charges of violating Article 159 of the Criminal Code (insulting the Minister of Justice). They are both active members of the Izmir Platform against Cells set up in June 2000 to denounce conditions in F-Type prisons. Following the events of December 2000, during which 30 prisoners and two members of the security forces were killed, Mr. Ayan and Mr. Barindik had read a press release on 13th January encouraging the public to respond and calling for freedom and respect for the dignity of prisoners. The accused were acquitted a first time by the Criminal Court of the First Instance in Izmir on 20th April 2002, on grounds that they had done no more than exercise their civil rights.

Nevertheless on 6th June the Court reversed its decision, based on a pleading by the Prosecutor claiming that there was no doubt about the fact that the Minister had been referred to, even though his name did not appear in the press release.

On 2nd October 2002 Mr. Alp Ayan was again tried before the Criminal Court of the First Instance in Izmir. He is charged under Article 159 of the Criminal Code with “insulting the Turkish Armed Forces” and “insulting the Minister of Justice”, based on his participation on 10 February in a demonstration against living conditions of prisoners. On that occasion he denounced acts of torture and inhuman and degrading treatment observed in F-Type prisons. The trial was postponed until 30th December 2002. A mission sent by the Observatory went to observe the hearing which was postponed until 24th April 2003.

58 See Urgent Appeal TUR 001/0702/OBS 040-Press release of 1 October 2002.

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*Judicial proceedings against Ms. Günseli Kaya and Mr. Alp Ayan*⁵⁹

On 7th November 2002, the Aliaga Criminal Court postponed until 20th December the trial of 68 people, including Ms. **Günseli Kaya**, a member of the Administrative Board of the HRFT, and former President of the IHD Section in Ismir, and Mr. Alp Ayan, a member of HRFT. They are accused of having organised an illegal demonstration on the occasion of the funeral of one of the victims of the massacre of prisoners in the central prison in Ankara on 26th September 1999. The Court has postponed the hearing a number of times to collect additional information.

*Judicial proceedings against Mr. Veli Lök*⁶⁰

Mr. **Veli Lök**, a surgeon and the Izmir delegate of HRFT, has been prosecuted for voicing an opinion on the proceedings against Ms. Kaya and Mr. Ayan prior to the verdict. He was sentenced to pay a substantial fine on 19th June 2000 and his sentence was suspended after he filed an appeal. At the end of 2002 the case was still pending.

*Judicial proceedings against Mr. Yavuz Önen*⁶¹

Like Mr. Lök, the President of the HRFT, Mr. **Yavuz Önen** was prosecuted for having written an article in the daily *Cumhuriyet* on 19th January 2000 voicing disapproval of the proceedings initiated against Ms. Kaya and Mr. Ayan. He was sentenced to one month in prison and a substantial fine on 27th March 2001 by Criminal Court No. 2 in Izmir, together with the editor in chief of the newspaper, Mr. Fikret İlkiz; both appealed the ruling. At the end of 2002 the case was still pending.

Judicial proceedings against 16 intellectuals for publishing Freedom of Thought 2000⁶²

In 2001, 16 intellectuals were prosecuted for having published a book entitled *Freedom of Thought 2000* containing 60 censored articles. Four proceedings were initiated against them for incitement to draft evasion, hatemongering, insulting religions and insulting Turks, the Republic, the Parliament, the Government, the Ministries, the Judicial Authorities or the Government Forces linked to the Army.

⁵⁹ See Annual Report 2001.

⁶⁰ See Annual Report 2001.

⁶¹ *Idem*.

⁶² See Annual Report 2001.

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The proceedings on the first three charges ended in acquittal in 2001 and 2002. In the proceedings based on the fourth charge, heard before Criminal Court No. 2 in Üsküdar on 26th July following three postponements (19th February, 15th May, 10th July), the Court acquitted the 16 intellectuals of the charges based on Article 159 of the Criminal Code. However the Court decided to refer the case to the Court of Appeal. The case is pending.

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Context

The year 2002 was marked by a new state of tension in the political, economic and social stakes in North Africa and the Middle East region, which has become in fact a point of convergence of a multitude of strategic interests. The tensions are due to a combination of factors: the worsening of the Israel-Palestine conflict, the prospect - in the short and medium term- of an attack by U.S. armed forces on Iraq, and the priority given to the fight against terrorism in the post-September 11 context.

Many States in the region have benefited from this new international context to legitimate their previous anti-terrorism policy, despite the fact that it is very far from meeting international standards regarding the respect of human rights.

Thus, certain heads of state in the region do not hesitate to boast about their policy priding themselves on being pioneers in the fight against terrorism. This can be seen from the example of the Egyptian President Hosni Mubarak, who considers that the institution of military courts in the United States “proves that we were right from the beginning in using any means (...) [in response] to these crimes that threaten the society’s security”¹. In their report to the United Nations Counter-Terrorism Committee (24th December, 2001), Algerian authorities state: “Having long suffered the ravages of terrorism, (...), Algeria hopes for recognition and support of its own efforts to fight against a transnational plague of which it is a direct target.” On 2nd March, 2002, the Libyan Head of State Muammar Khadafi said in a speech: “We look towards the United States, the world leader that sets the standard for the rest of the world. Look how they treat prisoners in Guantanamo. We treat heretics who belong to the same group in the same way. The United States affirmed that these people did not have the right to defend themselves (...), that human rights do not apply in their

1 Statement made to the newspaper, *Al Gomhuryia*, on December 16, 2001.

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case. If the United States treats them like dogs, they cannot complain if we treat them the same way.”

The increased focus on the fight against terrorism and national security issues put the Arab Convention for the Suppression of Terrorism adopted in Cairo on 22nd April, 1998, back on the agenda. In fact, this Convention, which aim is at suppressing terrorism, also appears to muzzle political opposition and all those who dare to criticise the current regimes pacifically, including human rights defenders. This can be seen in the vagueness of the definition of “terrorism” corresponding to “any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardise national resources” (Art. 1.2). Many provisions of the Convention are also incompatible with international instruments with regard to human rights, particularly in terms of freedom of expression.

States in the region also rushed to send information on their anti-terrorism measures to the United Nations Counter-Terrorism Committee, stemming from Resolution 1373 of the United Nations Security Council adopted in the post-September 11 context. This sudden assiduity is more than significant considering that a certain number of countries in the region are reticent to send reports to treaty monitoring bodies at the United Nations.

Priority given to the anti-terrorism fight has contributed to creating the right climate for the adoption of restrictive legislation concerning freedom of expression and freedom of association, and has furthered the application of restrictive legislation adopted prior to this date.

This can be seen in the example of Toujan Al-Faisal, a former member of parliament and human rights defender in *Jordan* who was sentenced to 18 months in prison in May 2002 under article 150 of the Criminal Code. This article was introduced on a temporary basis in October 2001 in order to counter terrorism, and included restrictions to freedom of expression. The decisions, handed down by a state security court, are not liable to appeal. Ms. Al Faisal had circulated an open letter accusing the Prime Minister of embezzlement; she was freed on 26th June after conducting a hunger strike for a month. In *Bahrain*, several laws were enacted by royal decrees in 2002, some of which sanction freedom of expression as being a breach of national security. They are liable to hamper human rights defenders’ activities. In *Egypt*, authorities adopted a new law on associations in June 2002 that is even more restrictive than the previous one, which had been declared unconstitutional in 2001.

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In certain States of the region (*Saudi Arabia, Oman, the United Arab Emirates, Iraq, Libya*), universally recognised fundamental freedoms are strictly restricted, or even non-existent. The repression in this region is a particular deterrent for any person who attempts to express themselves or take action in favour of human rights. Other States, although more open, are characterised to varying degrees by numerous obstacles to fundamental freedoms, which in fact target defenders.

The already minimal amount of leeway granted to dissenting voices has been further reduced. It is increasingly difficult for those who are fighting on a daily basis to denounce human rights violations in their countries and attempting to make constructive proposals in favour of the Rule of Law to make themselves heard. Defenders are in fact confronted with a clear deterioration in the human rights situation in the zone; it is increasingly difficult for them to denounce violations, since they themselves are the victims. Their discourse also comes up against a public opinion that is disillusioned with regard to the idea of universal human rights for all and confused by double standards in the management of Middle East crises on an international level.

Lastly, it is important to underline the growing number of obstacles faced by Israeli and Palestinian human rights defenders amidst the turmoil of the conflict in which they are caught. In the field, they are hindered in terms of freedom of movement, which prevents them from fully carrying out their activities, particularly with regard to access to victims and collecting testimonies. On an international level, the defenders working in the *Occupied Palestinian Territories* are regularly prevented from travelling abroad to attend international conferences, unable to leave the area due to closure measures.

Repression of defenders

Repression targets all defenders. Through a wide range of methods (arrests, ill-treatment, legal proceedings, threats, harassment and surveillance, obstacles to freedom of movement, etc.) repression infringes on all of their rights stipulated in the Declaration on Human Rights Defenders (1998).

The right to establish organisations is often flouted. This is the case in the most repressive countries where establishing independent associations is purely and simply prohibited or subjected to restrictive registration procedures. In *Egypt*, the Egyptian Organisation for Human Rights (EOHR) is still waiting to obtain legal recognition, despite the fact that the administrative court had overturned the refusal of the Ministry of the Interior to register the EOHR as an NGO in 2001. In *Morocco*, the authorities remain opposed to legally recognising the National Moroccan Association of the Qualified Unemployed (ANDCM). In *Syria*, the Committees for the

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Defence of Human Rights and Freedoms (CDF) are not yet legally recognised. In *Tunisia*, the Gathering for an International Alternative to Development (RAID), the National Council for Freedoms in Tunisia (CNLT) and the Tunisian Centre for Independent Justice (CTIJ) have still not obtained legal recognition. To date, acts of the most recent Congress of the Tunisian League for Human Rights (LTDH), and the resulting resolutions and proceedings, are considered null and void by the authorities.

These obstacles also target associations committed to the defence of minorities' rights. In *Morocco*, the authorities have not processed the application submitted by the Confederation of Amazigh Cultural Associations (TADA) uniting over 20 Amazigh associations. This is also the case for the Amazigh Network for Citizenship, which submitted its application to register its statutes in July 2002 and the Tamaynut Association, which submitted its application following its Congress held on April 2002. In *Lebanon*, the Palestinian Human Rights Organisation (PHRO), committed to the defence of human rights of Palestinian refugees in *Lebanon* has not received legal recognition. In *Israel*, the association Adalah, which defends the rights of Arab citizens in Israel, is currently the subject of an investigation ordered by the Ministry of the Interior in August 2002 for engaging in activities that exceed its mandate. The aim of the investigation is very likely to challenge its legal registration.

These restrictions to the setting up of organisations also concern trade unions. In very repressive States, this freedom is nearly, if not completely non-existent; only State trade unions have the right to exist. In other countries, this freedom is obstructed by various means. In *Algeria*, for example, the interference by the authorities can be felt with regard to independent trade unions, as is the case for the National Autonomous Union of Public Employees (SNAPAP). Its secretary general, Mr. Rachid Malaoui, has been subject to persecutions and obstacles for over a year. The headquarters in Oran were closed in March 2002. After beginning a hunger strike, eight trade unionists belonging to this section were arrested, suspended from their posts, prosecuted and sentenced. These unions are not recognised as social partners by the government and are excluded from negotiations.

In all the countries in the region, the authorities are exerting an increasing amount of pressure concerning the question of foreign funding of NGOs, particularly in the post-September 11 context². In *Lebanon*, the

² Cf. During a regional seminar organized by the FIDH in the framework of the Observatory in Beirut in September 2001 on "The Defense of Human Rights in the Euro-Mediterranean Region and the Issue of Funding Human Rights NGOs", the participants brought recommendations on this specific question to the attention of funders.

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PHRO is accused of receiving funds from the Ford Foundation, considered in this case a “Zionist” foundation, and of having relationships that are considered suspect with Europeans. In *Egypt*, the new law on associations adopted in June 2002 continues to prohibit receiving foreign funding without prior authorisation from the authorities.

The right to circulate information is targeted above all others when it comes to criticising those in power. Defenders are accused of breaching national security and of tarnishing the State’s image.

In *Tunisia*, the judge Mokhtar Yahyaoui is still being harassed for having denounced the lack of independence of the judicial system in Tunisia³. His nephew, Mr. Zouhayr Yahyaoui, webmaster of the TuneZine site on the Internet dedicated to the defence of fundamental freedoms in Tunisia, was sentenced to two years imprisonment in June 2002, after being tortured. In *Syria*, the members of the Committees for the Defence of Human Rights and Freedoms were threatened with arrest if they continued to publish their monthly newsletter “Alsawt” dedicated to human rights. Journalists are of course targeted as well.

In fact, the right to communicate with the outside, whether it be with the foreign press, international NGOs or intergovernmental organisations, is particularly flouted. In the most repressive countries, relations with foreign countries are strictly monitored, contact with foreign countries connections to certain sites considered subversive can even be punished with prison sentences. In *Tunisia*, human rights defenders’ phones are tapped. They cannot access international NGO switchboards and are most often impossible to reach from abroad, as their telephone lines are very often disconnected. In *Syria*, the defenders are also monitored and questioned about their contacts outside the country. It is the same situation when it comes to diffusing information during international meetings. The reprisals against the Egyptian Centre for Housing Rights (ECHR) in Egypt are probably connected to the presentation of a report before the United Nations Committee against Torture in Geneva in November 2002⁴. The recent acts of harassment against the PHRO in *Lebanon* were probably connected with their activity in Brussels in the framework of the Association Agreement between Lebanon and the European Union.

The right to circulate information goes hand in hand with searching for information: in *Egypt*, in December, two ECHR activists were arrested

3 See the Observatory Mission Report: “*L’affaire Yahyaoui, le combat d’un homme pour l’indépendance de la justice*”, May 2002.

4 See the joint report by the OMCT and the ECHR, The Policy of Forced Evictions and House Demolitions in Egypt: A Form of Cruel, Inhuman or Degrading Treatment, November 2002.

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during a fact-finding mission on housing and are being prosecuted in particular for impersonating journalists. Of course this situation is exacerbated in conflict zones: Israeli and Palestinian defenders working in the *Occupied Territories* experience serious obstacles to their freedom of movement and have seen their equipment broken (cameras, etc.) and their NGO offices devastated. This was the case in April 2002, following the intensification of Israeli military operations, when everything appears to have been done to prevent human rights defenders from being witnesses on the exactions committed by the Israeli military. In *Israel*, on 27th December, 2002, Pierre Galand, president of the Belgian-Palestinian association (French-speaking section) and of the OMCT Europe, travelled to Ramallah to participate in the Palestine Social Forum. He was arrested and detained in the Ben Gurion airport before being denied entry, having been accused of "sympathy with terrorism". His passport, which was given to the pilot of the plane that flew him back to Brussels via Geneva was returned to him on board.

Human rights defenders also come up against obstacles in terms of freedom of peaceful assembly and association. Besides very repressive countries where these freedoms are nearly, if not completely non-existent, the country where violations of this right are most flagrant is most decidedly Tunisia. Defenders are subject to many different obstacles: meeting places (association headquarters, defenders' homes, lawyers' offices) are surrounded by a disproportionate number of policemen; roads into villages are blocked; acts of violence are committed against participants entering the meeting place; and abductions are carried out. Ceremonies celebrating the 54th anniversary of the Universal Declaration of Human Rights by the CNLT and the CTIJ were not allowed to take place. In *Syria*, it is virtually impossible to organise a public meeting or seminar dedicated to human rights. The CDF had to organise their training seminar for defenders in Cairo. In *Morocco*, the debate on the theme "Elections and the Amazigh Culture" organised by Tilleli, an organisation in defence of Amazigh human rights was banned on 13th September, 2002. The Ministry of Sport owned the room where the meeting was to be held which meant that the meeting required approval by local authorities. In *Algeria*, the meetings of independent trade unions are very often obstructed.

With regard to the right to peaceful assembly, the amount of leeway granted to the expression of civil society is very minimal in all countries of the region, although to varying degrees. In *Algeria*, public protests are repressed. Riots that broke out in Kabylia and spread to many regions in the country serve as tragic proof. The same can be said of peaceful demonstrations organised by families of disappeared persons: they are always strictly monitored, when not dispersed, most often with violence. Even

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peaceful movements against war in Iraq have been suppressed due to States wanting to keep civil society under control. In *Egypt*, Hany Riyadh Shaker, member of the ECHR, was arrested for distributing leaflets for a peaceful demonstration against war in Iraq. He was allegedly beaten and tortured while he was detained and accused of distributing provocative propaganda liable to threaten public order, government stability and the public interest.

Moreover, the right of human rights defenders to offer and to provide qualified legal assistance and to attend hearings, proceedings and public trials in order to process their conformity with the rules of legal proceedings is flouted in certain countries. For example, in *Tunisia*, lawyers of political opponents are subjected to violence, intimidation, pressure on their other clients - hence financial pressure -, etc. International observers also come up against police forces that aim at preventing them from entering the courtrooms of certain trials. In *Algeria*, lawyers of families of missing persons and trade unionists are systematically harassed⁵. In the *Occupied Palestinian Territories*, defenders very often find themselves prevented from visiting detained people, in some cases they are unable to visit due to the closure and barriers installed by the Israeli authorities. In *Israel*, reprisals against the Adalah Association are very certainly linked to the role played by the association in legal cases involving Palestinian opposition. A lawyer mandated by the FIDH to observe the trial of Palestinian leader, Marwan Barghouti, on 21st November 2002, was refused entry in Israel and spent the night in the airport prison. The Supreme Court denied her appeal and ordered her to be sent back to France. It considered that the motives that the security services provided were legal. According to them, she “planned to come to Israel to collect information on the activity of the Israeli Security Forces and to take legal action against them.”

Actions carried out on both international and regional levels

United Nations

Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, requested that the Tunisian and Egyptian authorities allow her to visit these countries, but to date she has not received an answer.

In her report to the Commission on Human Rights drawn up in 2002, she lists the cases dealt with in 2001 in the following countries: Algeria, Egypt, Israel, Palestine, Syria and Tunisia.

⁵ See Report of Judicial Observation Missions: “Instrumentalisation de la justice: les victimes et leurs défenseurs sur le banc des accusés”, 5 July 2002.

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In her 2002 report, which was presented to the General Assembly, the Special Representative focused on legislation that prevents freedom of association, obstacles to the actions of human rights defenders in the Occupied Palestinian Territories, the effects of the international post-September 11 context and the development of campaigns discrediting defenders. Last of all, she stressed the lack of structural and financial means for NGOs in this area.

The Observatory brought all cases that had been dealt with to the Special Representative. In addition, the Observatory brought the case of Zouhair Yahyaoui, Tunisian cyber-activist, before the UN Working Group on Arbitrary Detention; the case of the Tunisian judge Mokhtar Yahyaoui to the Special Rapporteur on the Independence of Judges and Lawyers; the case of Algeria and the harassment of Mohamed Smain⁶, to the Special Rapporteur on Summary executions and the Working Group on Forced Disappearances.

Moreover, during the 58th session of the Commission on Human Rights (2002), several resolutions dealing with the issue of freedom of association were adopted.

The Commission's resolution on the human rights situation in the Occupied Palestinian territories, which was adopted on 5th April, 2002, condemns the restrictions placed on the movements of human rights defenders and journalists, and shows concern regarding information on restrictions of freedom of the press and the arrest of human rights defenders.

The Commission's resolution on the human rights situation in Iraq, which was adopted on 5th April, strongly condemns the suppression of freedom of association, of assembly and of movement, as well as the repression of all forms of opposition.

European Union

In the framework of the Common Foreign and Security Policy (CFSP), the European Union (EU) made a declaration⁷ on 31st July 2002, on the situation of Dr. Saad Eddin Ibrahim, prosecuted in Egypt for having received foreign funds – from the EU in this case – without having prior authorisation from the authorities⁸. The EU declared that it was “deeply concerned about the sentences handed down by the Egyptian State Security Court on 29th July against Dr. Saad Eddin Ibrahim and his co-

⁶ See compilation of cases below.

⁷ CFSP Declaration - Egypt – Trial against Dr. Saad Eddin Ibrahim and staff members of the Ibn Khaldun Centre and the Hoda Association - 30/7/2002 - Press: 225 Nr: 11415/02.

⁸ See Compilation below.

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defendants”. It added: “The Ibn Khaldun Centre and the Hoda Association have received funds worth a total of 315 000 euros from the European Commission for projects. On the basis of independent audits, there is no evidence of the alleged falsification of documents which seem to have been central to the case for the prosecution”. In this respect, the EU reiterated its full support of the defendants and stated that it would continue to follow Dr Ibrahim’s case with attention and remain in contact with the Egyptian authorities.

The EU also published very firm declarations on 8th August and 21st November⁹, in which it discusses the issue of human rights defenders in Syria. “In the context of the human rights dialogue, the EU has on several occasions during the last few years voiced its concern to the Syrian Government on politically motivated arrests and trials of prominent members of civil society for peacefully exercising their right to freedom of speech. In the context of freedom of speech the EU is also concerned about the continuous worsening of working conditions of the regional and international media in Syria.” (8th August 2002).

The EU calls on the “release of all political prisoners, including the nine remaining prominent members of civil society “arrested in Autumn 2001 for peacefully exercising their right to freedom of speech.” (21st November, 2002).

The European Parliament also adopted three resolutions concerning the defenders and civil society in the region.

One of these resolutions also concerns the situation of Dr. Saad Eddin Ibrahim. The Parliament especially called on the president of Egypt, Mr. Hosni Mubarak, to “use his powers to obtain the release of Dr. Ibrahim and his colleagues pending a fair and final judgement” and called on the Commission to “make strong and urgent representations to the Egyptian authorities with a view to reaching a favourable outcome for Dr. Saad Eddin Ibrahim in the context of the relations established by the Association Agreement¹⁰.”

On 21st November the Parliament adopted a resolution concerning the situation in Syria, democratic rights in these countries, and in particular the case of the opponent Mr. Riad Al Turk. On this occasion, the Parliament urged the Commission “to strengthen MEDA¹¹- democracy programs for

9 CFSP Declarations – Syria – Human Rights – 8/8/2002 – Press: 230 Nr: 11416/02/Release of Riad Al Turk – 21/11/2002 – Press: 367 Nr: 14720/02 – Provisional edition.

10 European Parliament declaration on Egypt - Minutes from 05/09/2002, based on document A5-0226/2002.

11 Programmes concerning 12 non-European countries of the Euro-Mediterranean Partnership.

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Syria, supporting the development of a genuine civil society and the projects carried out by independent NGOs.”¹²

The Parliament adopted a resolution on the Association Agreement with Algeria on 10th October, in which it considers that “efforts must be continued to guarantee respect for human rights, to improve procedures for defending and protecting fundamental freedoms and to build and strengthen a solid, independent civil society that rejects the use of violence and makes a telling contribution to democratisation and reconciliation in Algeria.” The Parliament “supports the role of civil society and its organisations for peace and democracy in Algeria and encourages their relations with civil society and international and European organisations”¹³.

Finally, the EU, along with 12 countries in the region, is taking part in the Barcelona Process, which notably involves the signature of bilateral Association Agreements with the EU and each of these countries. Each of these agreements contains a clause dedicated to the crucial aspect of human rights in the relations between the countries party to the agreements. This explains why human rights are systematically discussed during meetings between the EU and these countries.

In 2002, two new agreements were signed with Lebanon and Algeria respectively, but they have not yet entered into force.

Moreover, the Association Councils (ministerial meetings taking place in the framework of these Association Agreements) were held with Israel and Jordan. The conclusions of the UE/Israel Association Council addressed human rights extensively, but not the issue of defenders specifically. However, no “negative measures” were adopted by the EU with regard to Israel on the basis of the human rights clause, despite how serious the violations are and the repeated appeals from numerous organisations from civil society (21st October 2002).

In the conclusions of the Association Council between the EU and Jordan, the EU underlined “that the protection of human rights and the extension of public freedoms should be one of the fundamental aims behind these efforts, particularly the freedoms of expression, assembly and association.” (10th June 2002)

Overall, the European Union could do considerably more in the region with regard to the human rights situation in general, and the issue of human

12 European Parliament resolution on the situation with regard to democratic rights in Syria and in the case of Riad Turk in particular. Minutes from 13/06/2002, based on the document A5-0147/2002- Final edition.

13 European Parliament resolution on the conclusion of an Association Agreement with Algeria- Minutes from 10/10/2002, based on the document B5-0489/2002- Provisional Edition.

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rights defenders in particular. However, it seems that some progress has been accomplished over the past year concerning the support provided to independent civil society organisations in the countries in the region by the European Commission. Public statements concerning human rights in the region are also more frequent.

Summit of the International Organisation of the Francophonie (OIF)

At the Summit of the Francophonie in Beirut, an International Assembly of French-speaking human rights institutes and networks for democracy and peace was organised on 12th-13th October 2002. The Observatory took part in the Summit and asked that procedures provided for in paragraph 5.3 of the Bamako Declaration (November 2000) in terms of democratic practices, rights and freedoms in French-speaking countries be implemented and that a special monitoring system for human rights defenders in these countries be set up.

During the Summit, the Observatory welcomed the ratification of the Bamako Declaration by the heads of State of French-speaking countries and its plan of action, which both make the protection of human rights defenders a priority.

In its plan of action adopted in the framework of the Symposium held in Bamako, the OIF sets the priority to “consolidate the active role of NGOs in democracy and human rights” in view to “establish a more stable political environment” (III.5). To that end, it aims in particular:

- “to support more strongly initiatives and field projects developed by NGOs working on promoting human rights culture, democracy, good governance, and peace, as indispensable actors in this mobilisation,
- to support activities of networks bringing these actors together and INGOs on a regional, national and international level,
- to encourage the adoption of texts written by States and these bodies, defining their respective roles and duties.”

Moreover, it provides to “give its support to human rights defenders, by relying on specialised structures and instruments”, in order to “honour and complete the commitment of French-speaking countries with regard to main international and regional human rights instruments and monitor their full application” (IV.3) in view to “promote a internalised democratic culture and full respect for human rights.”

International Labour Organization (ILO)

During the 285th session of the ILO in November 2002, the ILO Committee on Freedom of Association requested that the Algerian

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government “send its observations without delay concerning recent allegations of obstacles to the exercise of trade union rights in the Prefecture of Oran, particularly with regard to the closure of the SNAPAP office in Oran, the suspension of eight trade union members on the ground that they encouraged a strike, the fact that they received a suspended sentence, and a campaign to intimidate and harass the Secretary-General of the complainant Organization”. Moreover, the Committee requests the Government to “keep it informed with regard to the recognition of the CASA as a trade union confederation”¹⁴.

The Committee also submitted the recommendations to the Moroccan government on the basis of the complaint made by the Democratic Labour Confederation of Morocco (CDT). The complaint concerned the refusal by the Professional Association of Moroccan Banks (GPBM) to dialogue and negotiate with the complainant organization and the refusal to let it join a collective bargaining labour agreement.¹⁵

Civil Society Initiatives

The “International Symposium on Terrorism and Human Rights” following September 11 was held in Cairo on 26th-28th January 2002, initiated by the Cairo Institute for Human Rights Studies (CIHRS) in collaboration with the FIDH and the Euro-Mediterranean Human Rights Network (EMHRN). The participants stressed the risks of repression for human rights defenders in the region. They expressed serious concern about growing repression with respect to human rights defenders, under the guise of the fight against terrorism. This concern is reiterated in the symposium conclusions.

On 24th March 2002, a Consultation on Human Rights Defenders in Arab Countries was organised by the Human Rights Defenders Office of the International Service for Human Rights (ISHR) together with the Arab Organisation for Human Rights during the session of the UN Human Rights Commission in Geneva. More than 40 human rights defenders in the region and the assistant to the Special Representative on Human Rights Defenders took part in the debates. They identified the major problems facing human rights defenders. At the end of the consultation, recommendations were submitted to the international community.

¹⁴ 329th Report of the ILO Committee on Freedom of Association, November 2002.

¹⁵ *Idem*.

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ALGERIA

Harassment of members of families of the disappeared and their defenders¹⁶

*Harassment of Mr. Mohamed Smain*¹⁷

Mr. **Mohamed Smain**, Head of the Relizane Section of the Algerian League for the Defence of Human Rights (Ligue algérienne de défense des droits de l'Homme - LADDH) appeared before the Relizane Court on 5th January 2002. He was charged with “libel, defamatory accusations and declaration of imaginary crimes” after a complaint had been lodged by Mohamed Fergane, a member of the militia and former mayor of Relizane, together with eight former members of his so-called “legitimate defence” militia. He was sentenced to two months in prison, a fine of 5,000 dinars (3,800 euros) and 10,000 dinars damages to be paid to each of the nine plaintiffs. The complaint was filed after Mr. Smain had notified the Algerian press (3rd February 2001) that, in the presence of Mr. Fergane, the gendarmerie had exhumed a mass grave in order to transfer the bones to an unknown location.

The hearing to which the Observatory sent an observer lasted for five hours, under strict surveillance of the military security officers and the police. Many witnesses and victims spoke for the first time about the serious human rights violations committed by Mohamed Fergan and his militia since 1993.

Despite many irregularities clearly observed during the trial, on 24 February 2002, the Relizane Court of Appeals increased the sentence to

¹⁶ See Report of Judicial Observation Missions: “*Instrumentalisation de la justice: les victimes et leurs défenseurs sur le banc des accusés*”, 5 July 2002.

¹⁷ See Annual Report 2001 and press releases of 5 January and 25 February 2002.

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one year in prison, a fine of 5,000 dinars, and damages amounting to 30,000 dinars for each of the nine plaintiffs.

Mr. Smain appealed to the Supreme Court but by end 2002 the case still had not been examined.

Mr. Smain was also subjected to acts of intimidation by the Chief Officer of the Gendarmerie of the Relizane wilaya (district), Mr. Mabrouk Belala, who repeatedly threatened Mr. Smain. By end 2002 nothing had been done about the complaint filed by LADDH against Mr. Belala.

The identification papers and driver's license that were confiscated from Mr. Smain in February 2001 when he was arrested at the Algiers airport¹⁸ have been returned, and the February 2001 decision to place him under judicial control was terminated in June 2002.

*Arrest and detention of Mr. Abderrahmane Khelil*¹⁹

On 14th March 2002, Mr. **Abderrahmane Khelil**, head of the *Comité SOS-Disparus* (Committee SOS-Disappeared) and member of LADDH, together with Messrs. **Othmane** and **Mahrez Allil**, members of the same committee, were arrested and taken to the 8th district police stations in Algiers during the violent dispersal of a gathering of dozens of people (family members of disappeared persons, political officials, citizens) who were preparing a demonstration, in response to a call from the Front des Forces Socialistes (FFS). Mr. Khelil was singled out by police officers who interrogated him and informed him that he was violating rules on unlawful assembly adopted by virtue of the February 1992 law on the state of emergency. He was transferred to the Cavaignac police station and then to the Algiers Central Police Station. At the end of the afternoon he was released, together with all the other people who had been detained.

On 18th March 2002, Mr. Khelil was arrested in front of the UN Representative's office in the Hydra district of Algiers where he was participating in a gathering of the families of the disappeared. This coincided with the opening of the 58th session of the Commission on Human Rights in Geneva. Mr. Khelil was taken by car to the Hydra Police Station, interrogated, and then released. The gathering of families of the disappeared was violently dispersed by the police forces. Some women were taken to the Hydra Police Station to have their ID cards photocopied and were then sent on their way.

On 18th March 2002, the police arrested students at the Bouzareah University in Algiers for protesting against a visit by President Bouteflika. The next day, near the university, when Mr. Khelil, mandated by LADDH,

¹⁸ See Annual Report 2001.

¹⁹ See Urgent Appeals DZA 001/0302/OBS 018, 018.01 and 018.02.

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was enquiring about the students' arrest, he, in turn was arrested. On 20th May, the Public Prosecutor of Bir Mourad in Algiers issued a committal order against him on the basis of a report from the Daira (Sub-District) Security forces mentioning that Mr. Khelil had gone to the university with the intention of stirring up "an unarmed riot" (Article 100 of the Penal Code). Pending his hearing, he was incarcerated at the El Harrache prison in very harsh conditions (a 60 m² cell with 102 inmates, no access to water, no possibility to see his relatives, ordered about by earlier arrivals who were condemned for blood crime. On 26th March 2002, he was put on trial and given a suspended prison sentence of six months. The Observatory sent an observer to his trial. He was released the day after the hearing. Mr. Khelil appealed the decision but, by end 2002, the case was still pending.

*Acts of violence against the families of the disappeared in Algiers*²⁰

At 9 a.m. on 5th November 2002, some thirty members of families of the disappeared gathered in front of the *Commission nationale consultative de promotion et de protection des droits de l'Homme* (CNCPPH - National advisory commission for the promotion and protection of human rights) and headed to the Presidency of the Republic. Witnesses reported that the families were held back by security forces and that certain people were jostled and beaten. Security forces encircled the district.

The gathering was a reaction to a statement made by Mr. Ksentini, President of CNCPPH, to the newspaper *Echourouk El Yaoumi* on 3rd November 2002 concerning the way to solve the problem of the disappeared. He advocated winding up the case by giving a million dinars and a death certificate to the family of each disappeared person. On 5th September, the families of the disappeared and their representatives from Algiers, Constantine, Oran, Sétif, Relizane and Mostaganem had met with Mr. Ksentini and gave him a note on the basic principles for a joint approach to settling the case by using a process bringing out the truth about the disappeared and a rehabilitation policy.

*Repression of families of the disappeared in Constantine*²¹

Meetings of the families of the disappeared in Constantine still provokes retaliation. On 17th October 2002, the usual sit-in was dispersed by a ruthless police attack. Many people were wounded. Mrs. **Naïma Saker**, co-ordinator of the Constantine families of the disappeared was held

²⁰ See Urgent Appeal DZA 004/1102/OBS 064.

²¹ See Annual Report 2001.

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responsible for the meeting and received threats. That very evening, three men dressed in plain clothes beat up one of her sons.

Mr. **Sofiane Chouiter**, the families' lawyer, is often trailed after a sit-in.

Detention of Mr. Larbi Tahar²²

On 17th November, the police arrested and detained Mr. **Larbi Tahar**, a member of the Labiod Sid Echikh Section of LADDH, El Bayadh County. The population had selected him, together with eight other people, including representatives of associations, to go to the Daira that day to meet with the Deputy Prefect and complain about the labourers' working conditions. The Deputy Prefect's refusal to receive the group angered the local population. The eight representatives were arrested, insulted, ill treated and tortured. No charges were held against them and, a few hours later, these were released. On the other hand, Mr. Tahar was arrested that evening and was placed under a committal order. Judicial proceedings were instituted against him.

On 23rd March 2002, the El Bayadh Court sentenced Mr. Larbi Tahar to six months in prison for "stirring up an unarmed riot, resisting the forces of order and deteriorating private property" (Articles 100, 183, 184 and 407 of the Penal Code). On 30th April, at the trial in the Appeals Court, Mr. Tahar's sentence was increased to seven months in prison, and a fine of 5,000 dinars. The Observatory representative sent to monitor the proceedings of the trial noted various irregularities and violations of the law and the procedures²³.

While still in custody, and after being put in a cell on death row with people involved in cases of terrorism, Mr. Tahar went on a hunger strike to protest against his extremely harsh conditions of detention. He had to be hospitalised in El Bayadh and then at the Saida Hospital on 29th March. His family was not allowed to visit him in the hospital. Upon leaving the hospital, he was sent back to prison. He was finally released in September 2002 after serving his sentence.

Harassment of Mr. Mahmoud Khelili²⁴

In September 2002, Mr. **Mahmoud Khelili**, lawyer and President of the National Union of Algerian Lawyers received death threats on his home telephone. These threats were connected to his work as the lawyer of the Director of Social Actions of the Oran Prefecture in a serious affair that involved the responsibility of the armed forces and senior civil servants in

²² See Urgent Appeals DZA 002/0402/OBS 026 and 026.01.

²³ Report of international judicial observation mission, 5 July 2002: *Instrumentalisation de la justice: les victimes and leurs défenseurs sur le banc des accusés..*

²⁴ See Annual Report 2001 and Urgent Appeal DZA 002/0902/OBS 059.

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international drug trafficking. On 2 September 2002, his son also received a death threat for his father, on his cell phone.

Mr. Khelili is being harassed because of his commitment to human rights; he remains under surveillance and his telephone is still tapped.

Harassment of Mr. Salah-Eddine Sidhoum²⁵

On 16th December 2002, two plainclothes agents brought a summons to the home of Dr. **Salah-Eddine Sidhoum**, a surgeon and human rights defender. His aunt was home and said that the doctor had moved eight years ago. They told her that if the doctor was not there, his wife had to present herself, that afternoon, at the headquarters of the El Madania mobile unit of the judicial police which is infamously known as a place of torture, whereas Mrs. Sidhoum's home falls within the precinct of the El Mouradia police. She decided not to go to the El Madania police station. This summons was part of the harassment that the Sidhoum family has been subjected to since January 2002 when Dr. Sidhoum published a file on human rights violations by the Algerian Government, with emphasis on forced disappearances and torture.

Since December 1994, when three armed individuals came to his home to kill him, fear of reprisal for his work on human rights has made Dr. Sidhoum live underground.

He has already been arrested twice, once in 1980 after standing up for the liberation of people arrested during the springtime Berber demonstrations and then again in June 1992, after the 11th January coup d'État, for having denounced violations committed by the *gendarmes*. In 1997 he was sentenced to 20 years in prison *in absentia*, in application of Article 87 of the Penal Code which includes "belonging to an armed group and acts of terrorism".

EGYPT

Sentencing and detention of Dr. Saad Eddin Ibrahim²⁶

On 6th February 2002, the Cairo Court of Appeal examined the appeal of Dr. **Saad Eddin Ibrahim**, Director of the Ibn Khaldun Centre for

²⁵ See Urgent Appeal DZA 005/1202/OBS 072.

²⁶ See Urgent Appeals EGY 001/0202/OBS 010 and 010.01, and press release of 3 December 2002.

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Development Studies. Dr. Ibrahim had filed an appeal against the seven year prison term meted out by the Supreme State Security Criminal Court. He had been sentenced in application of Military Decree No. 4 of 1992, adopted as part of the 1981 Emergency Law which makes it illegal to receive funds from abroad without prior authorisation. He was also charged with forging voters' cards, spreading false information abroad to harm Egyptian interests, and appropriating money by fraudulent means.

The Court of Appeal quashed the decision on procedural grounds, and sent the case to another State Security Criminal Court. Dr. Ibrahim, who was jailed after his indictment, was freed on 7th February 2002. Nine of the Centre's 27 employees who had received 1-5 year suspended prison terms, also benefited from this decision.

But when the State Security Criminal Court re-examined the case on 29th July 2002, Dr. Saad Eddin Ibrahim was again sentenced to seven years in prison. Immediately after the hearing, he, together with three other defendants, were sent back to prison where Dr. Ibrahim's health deteriorated.

On 3rd December 2002, at another hearing before the Cairo Court of Appeal, to which the Observatory sent an observer, the Court ordered Dr. Saad Eddin Ibrahim and his three co-defendants to be released, again on procedural grounds. Furthermore it decided to hold another hearing, on 4th February 2003, at which it will render its final decision on both substance and procedure.

Arrest and detention of two defenders²⁷

On 16th December, Mr. **Hany Riyadh Shaker**, a member of the Egyptian Centre for Housing Rights (ECHR), was arrested for distributing pamphlets calling for participation in a peaceful demonstration against war in Iraq. He apparently was beaten and tortured during detention and, because he was a Copt, was insulted by the State Security Police. He was kept under arrest for three days and accused of distributing provocative propaganda that could disturb public order, government stability and public interest.

On 21st December, he was arrested again, with Mr. **Tamer Sulaiman**, who is also a member of ECHR, while they were in the Sohag governorate 500 km south of Cairo to investigate violations of housing rights in the village of Nagaa Al Shaikh Hamad where 900 people are said to have lost their homes when a water purification station collapsed. They were arrested by the police, who took them to the governorate's security police department ostensibly to check their identity. They were released, but just

²⁷ See Press release of 31/12/2002.

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when they were supposed to meet with the Secretary General of the Governorate to obtain permission to meet and interview the victims, they were arrested again. The public prosecutor ordered them to be held for four days pending the outcome of the enquiry. They were interrogated with their lawyers and held in the Akhmin police station. They were accused of posing as journalists, (although they showed their mandate from ECHR) and stirring up social unrest and violence. They were freed 17 days later.

These arrests may have been in retaliation to a report presented by the ECHR to the Committee on Torture in November 2002. Members of the security forces told the members of the Center they should not have gone to Geneva without prior authorisation.

Continued pressure on EOHR²⁸

The Egyptian Organisation for Human Rights (EOHR) has still not been allowed to register with the Ministry of Social Affairs although the Administrative Court, in June 2001, overturned the June 2000 decision of the Ministry not to register EOHR as an NGO and to postpone further consideration of the request *sine die*.

Furthermore, the EOHR has not been allowed to publish *Hokouk El Insan* (Human Rights) since the decree issued by the Prefect of Cairo on 20th September 1999 suspending this publication and 13 newspapers.

Finally, judicial proceedings against Mr. **Hafez Abu Sa'eda**, EOHR Secretary General, are still pending. He has been charged on the basis of Decree No. 4 of 1992 (see above) for having accepted, in 1988, a subsidy from the British Embassy to support EOHR activities in favour of women.

Obstacles to freedom of association²⁹

A new, particularly restrictive law on associations was adopted in June 2002.

This law goes farther than the law on civil associations and institutions adopted in 1999, and declared unconstitutional by the Constitutional High Court in June 2000.

The new law provides especially that: a civil association can only be registered if authorised by the Ministry of Social Affairs, NGOs can only exercise political and trade union activities that are precisely defined, the public administration can intervene in the composition of an association's executive committee, and official authorisation is needed in order to receive funds from abroad and to belong to any international organisations or associations.

²⁸ See Annual Report 2001.

²⁹ See Annual Report of 2000 and 2001, Urgent Appeal EGY 032/9905/OBS 032.03 and Open letter to the Egyptian authorities, dated 4 June 2002.

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Last, Article 42 empowers the Ministry to dissolve an association by administrative decree, without a judicial order and without recourse. The Ministry is also empowered to appoint a judicial administrator to confiscate documents and funds. This amendment exceeds the provisions of the 1999 Law whose Article 42 obliged the Ministry to file a complaint with a qualified court, i.e. use judicial channels, to dissolve an association.

ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

Investigation and defamation campaign against Adalah³⁰

On 11th August 2002, Adalah, the Legal Centre for Arab Minority Rights in Israel (an NGO registered in 1996) learned from the Israeli media that the Centre was about to be subjected to an official investigation for activities that exceeded its mandate, affiliation with a political party and poor financial management. Adalah was notified of this decision on 23rd August in a letter dated 18th August 2002 from the *Registrar of Associations* of the Ministry of the Interior, indicating that an investigator had been appointed. This enquiry seems to be linked to Adalah's efforts to use judicial means to denounce the restriction of the civil, political, economic and social rights of Israel's Arab citizens. The organisation, moreover, is working on important judicial affairs that affect the rights of the Arab community in Israel.

On 5th September Adalah sent an appeal to the decision to Eli Yishai, Minister of the Interior. No reply has been received yet.

The announcement of this decision was accompanied by an especially violent defamation campaign in certain Israeli media. On 13th August, the *Jerusalem Post* called Adalah "one of the most active and most effective Arab NGOs, organisations that are responsible for the 'extremist tendencies' among the Arab Israelis". The newspaper also linked Adalah to recent acts of terrorism, and accused the organisation "through its work at the United Nations", of "trying to obtain recognition of extraordinary rights – not equal rights – for Arab Israelis". On 29th August similar attacks were launched against Adalah in *Yediot Ahronot* and *Ma'ariv* newspapers.

³⁰ See Open letter to the Israeli authorities, dated 20 August 2002, co-authored with eight international human rights NGOs.

Situation in the Occupied Palestinian Territories

The work of NGOs operating in the Occupied Palestinian Territories (OPTs) has continued to be greatly affected by the ongoing human rights violations of the Israeli authorities and made even more difficult by the many restrictions imposed on all Palestinian civilians.

Restriction to freedom of movement

One of the greatest obstacles to the work of human rights defenders, which has intensified in 2002, is the closure policy imposed by the Israeli authorities (checkpoints and curfews within the OPTs, checkpoints separating Israel from the OPTs). For instance, the Palestinian Center for Human Rights (PCHR), based in the Gaza strip, is particularly affected by the *Abu Houli* checkpoint, which separates the Northern part of the Strip from the Southern part, and creates a separation between its offices in Gaza and in Khan Younis, making the members of the offices disjointed and increasing the complexity of their already complicated work.

Fieldworkers and lawyers have been impeded to travel to areas where human rights violations have occurred, in order to witness the aftermath, interview victims and witnesses, take photographs and record all the necessary details to help the documentation of the violations. In addition the victims and witnesses of such violations have been unable to travel to the human rights organizations in order to seek advice from a lawyer or simply to give statements and evidence concerning their cases.

This situation was flagrant in April 2002, when, after a vast military operation by the Israeli army in a large part of the OPTs, the activities of Palestinian and Israeli human rights NGOs were impeded more than ever³¹. Defenders were refused access to certain zones like Jenin, Bethlehem, Naplouse and other regions in the Occupied Territories because they were dubbed “closed military zones”, although there was no security reason to prevent access. An example: B’Tselem (Israeli Information Centre on Human Rights in the Occupied Territories) members had to clear out of Jenin and Ramallah when military operations started there. And because of the curfew, they were unable to move around in Bethlehem and Naplouse. On 17th April, members of a delegation composed of several lawyers who belong to the Palestinian Society for the Protection of Human Rights and the Environment (LAW) and to international NGOs (e.g. Amnesty International, Lawyers Without Borders) spent several hours arguing with the Israeli forces to get permission to go to a hospital in Jenin. On 19th April, the Israeli army prevented the International Rehabilitation Council for Torture Victims

31 See Urgent Appeal ISR 001/0402/OBS 027.

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(IRCT) from going to Gaza and the West Bank to help people who had been tortured or traumatised. Further, members of Israeli human rights associations such as B'Tselem were not allowed to return to Israeli Territory to go to the headquarters of their organisation, despite repeated official requests to the Israeli authorities. For most of them, the ban was lifted afterward.

Lawyers are also particularly affected by those restrictions to freedom of movement. For example, PCHR lawyers have not been permitted to cross the Erez crossing, which connects the Gaza Strip to Israel and have been therefore unable to represent PCHR's clients in Israeli courts nor to visit their clients in Israeli prisons. The only way PCHR can deal with this is to employ Israeli lawyers to represent PCHR clients, which is extremely costly and time-consuming and so limits the number of cases that PCHR can take on. PCHR lawyers also have had some problems traveling freely within the Gaza Strip and have often been unable to visit clients in the South of the Gaza Strip or to areas in the Northern Gaza Strip, such as Beit Lahiya. This has of course consequences on the rights of the detainees, whose access to a lawyer of their choice has been dramatically restricted and the likelihood of a fair trial has been reduced.

Moreover, human rights organizations working in the OPTs are often very isolated. In particular, human rights defenders face difficulties to promote their work abroad. For instance, Mr. **Raji Sourani**, director of the PCHR, was denied a permit to reach Ben Gourion airport to travel to Austria in order to receive the Bruno Kreisky Human Rights Prize, of which he was a joint recipient. He was also prevented from going to attend the Dublin Platform for Human Rights Defenders organised by Frontline in January 2002, along with the deputy director of PCHR, **Jaber Wishah**. In June, **Iyad al-Alami** and **Hamdi Shaqqura**, two PCHR members, were unable to go to the General Assembly of the Euro-Mediterranean Human Rights Network in Athens since they were not allowed to leave the Gaza Strip. The requests made by the organizers to the Israeli Foreign Ministry remained most of all unanswered.

Obstacles to defense lawyers

In addition to the obstacles put to their freedom of movement, Palestinian lawyers also deal with many problems on a practical basis linked to the deficiencies of the Palestinian legal system, which is at present very difficult to improve due to Israeli policies (closure policy, extra-judicial aspects of the Israeli system concerning Palestinians, lack of co-ordination between the Israeli and the Palestinian authorities and the continued interference of the Israeli authorities in the work of the Palestinian legal system). Moreover, they face great difficulty visiting their clients in Gaza

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prisons due to prolonged military bombardment of Palestinian security facilities since two years, which has led to the lack of security of Palestinian prisons and as the result of the aerial bombing of such places. As a consequence, prisoners are no longer kept in one facility, but moved around from one place to another. Consequently, PCHR lawyers have been unable to visit or contact their clients very easily, as their whereabouts is often not known due to the fact that their location is frequently changed. PCHR lawyers have forwarded many requests to the Palestinian authorities to arrange to see their clients. Most of these requests remained unanswered.

Material destruction

During the events in April, in an attempt to prevent NGOs from monitoring the serious human rights violations in the OPTs, the offices of several NGOs (e.g. Addameer, Al Haq, Shaml, LAW, Mattin Group), were wrecked and their equipment was destroyed or seriously damaged by Israeli militaries. In the field, the army ruined the camera of a member of B'Tselem who was filming soldiers as they ransacked a shop³².

Harassment upon international staff

Finally, there has been an increasing trend of international staff of NGOs facing suspicion by the Israeli authorities, especially when travelling from the airport (undue delays, unnecessarily harsh questioning and unreasonable harassment). During the summer of 2002, the PCHR had two international staff members stopped at the Ben-Gurion airport and then deported, in two separate incidents. No reasons were given for these deportations and those involved were treated unfairly. It means that it is more and more difficult for human rights organizations to recruit international staff.

*Attack against the domicile of Mr. Khader Shkirat*³³

On 7th March 2002, some 150 Israeli soldiers, including the special Israeli Corps of the Intelligence Service and the borders guards, surrounded Jabel Mukaber, a Palestinian area in East Jerusalem. They imposed a curfew and closed in on the home of Mr. **Khader Shkirat**, Director of LAW. Intelligence Service officers asked Mr. Shkirat to bring out a refugee who was "hidden" in his house or leave his house, with his family, so that his house could be blown up. Since Mr. Shkirat refused, the Israeli forces summoned him to accompany them for questioning. Mr. Shkirat finally agreed to come out with his family and was taken to the Jabel Mukaber

³² *Idem*.

³³ See Open letter to the Israeli authorities dated 8 March 2002.

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police station. During the interrogation, the Israeli forces said they found a refugee in his house. None of the representatives of the Israeli or Palestinian organisations, nor the international community who, at the request of LAW, went to the house, saw any so-called hidden refugee immerge. Shortly thereafter Mr. Shkirat and his brother, together with an Israeli lawyer, were taken away for further questioning. Both of them were released. One-and-a-half hours after all the observers had left the area, the Israeli forces came back and surrounded the house again, preventing anyone from entering it. They left early in the morning.

MOROCCO

Detention of Captain Mustapha Adib³⁴

On 6th October 2000, Capt. **Mustapha Adib**, was sentenced to two and a half years in prison for having reported acts of corruption within the army to his superiors. He was released on 17th May 2002 after having served the complete sentence since he was imprisoned on 17th December 1999.

The Observatory, and Lawyers Without Borders-Belgium submitted the case to the United Nations Working Group on Arbitrary Detention on 19th April 2001. In its opinion of 3rd December 2001, published on 10th January 2002, the Working Group declared that “Mustapha Adib’s deprivation of liberty is arbitrary since it is contrary to Articles 9 and 14 of the International Covenant on Civil and Political Rights”, which are provisions that stipulate the right to a fair and equitable trial. The Working Group asked the Moroccan Government to “take the necessary steps to correct the situation by ensuring respect for standards and principles prescribed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights”.

Threats against Mrs. Hakima Chaoui³⁵

Mrs. **Hakima Chaoui**, a member of the Moroccan Association for Human Rights (Association marocaine des droits de l’Homme - AMDH) and a poet continued being libelled in 2002 by people belonging the Islamist

³⁴ See Annual Report 2001 and press release of 11 January 2002.

³⁵ See Annual Report 2001.

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movements, because of her poems in support of women's rights. At the end of March, she was invited by the town of Kaalat Magouna to speak on "Women's Rights: between Legislation and Reality". The Islamists published an intimidating press release which included derogatory remarks against her and called for the conference to be boycotted. In the 16th and 17th February issues of the newspaper *Raissalat Al Oumma*, which tends towards the Islamists, the Preacher Zemzami called her an "adulterous, atheistic poet". In an interview dated 26 July in *Al Aasr*, which is affiliated to the Islamic party "Justice and Development", a member of the Islamic movement "Salafia Jihadia" said "she should be killed mercilessly". The investigation, that was started after the libel and intimidation campaigns against her in 2001, in particular after one of her poems on women's rights was read on the radio on Women's Day (8 March), has not led anywhere.

Union members from the Evitima factory sentenced³⁶

Twenty-one workers in the Evitima factory who belong to UMT, the Moroccan labour union, were arrested on 2nd September 1999 because they went on strike and staged a sit-in. The outcome of the 12th December 2001 appeal was a suspended 2-month prison sentence and a 500 dirham fine. For financial reasons, they did not appeal to the Court of Cassation.

Further, they were not allowed to return to their factory jobs; the same applied to some 80 other UMT members who participated in the sit-in.

The trial of the alleged perpetrators of the ill treatment and torture which the workers suffered when they were being arrested in the factory is still pending since the audiences have been postponed several times. The next audience is due to take place on 16th January 2003.

Legal Proceedings against members of ANDCM³⁷

Consideration of the appeal of the 22 members of the National Moroccan Association of the Qualified Unemployed (Association nationale des diplômés-chômeurs – ANDCM) who were arrested on 18th and 19th June 2000 following a peaceful demonstration, is constantly being postponed and had still not taken place at the end of 2002. The next audience is scheduled for 15th January 2003. On 2nd July 2000, three of the accused were sentenced to two months in prison and 19 others to a 2-month suspended sentences.

³⁶ See Annual Report 2001.

³⁷ See Annual Report 2001.

Pressure on and harassment of the CDF³⁸

The Syrian authorities are continuously putting pressure on members of the CDF (Committees for the Defence of Human Rights and Freedoms in Syria) by trailing them, tapping their telephones, confiscating their mail, etc.

The CDF leaders are regularly called in by the police to be questioned about their activities; this is part of an intimidation strategy. A CDF representative, for instance, was convened last December and was told that if CDF published the third issue of its monthly newsletter “Alsawt” (The Voice), which was started in November, the leaders of CDF would be arrested and judged by a military court.

Mr. **Aktham Naisseh**, President of CDF, is not only followed and called in regularly, but his medicines, which he receives by post from abroad, are confiscated. The members of his family are also subjected to various sorts of pressure.

On 28th August, Dr. **Kamal Labwani**, who is a member of the CDF Board of Directors, was sentenced to five years in prison and stripped of his civic and political rights by the Supreme State Security Court, whose decisions cannot be appealed. Dr. Labwani was arbitrarily arrested on 10 September 2001 during a wave of arrests carried out as part of a search for ten opponents and human rights advocates in August and September 2001. He was charged with “attempting to illegally change the Constitution, inciting armed revolt, attacking religion and spreading false information that could harm the prestige of the State”. Dr. Labwani is being detained in very stressful condition, as are other defenders who were sentenced during this wave of arrests (isolation, bad treatment, restrictions on visits from family, friends and lawyers).

A training seminar for human rights defenders that CDF scheduled for September 2002 was prohibited; it was finally held in Cairo.

Two defenders sentenced³⁹

On 31st July 2002, Mr. **Aref Alilah**, professor of economics and a human rights advocate, who had been arrested during the wave of arrests in August-September 2001, was sentenced to ten years in prison for “attempting to illegally change the Constitution”.

³⁸ See Annual Report 2001 and Urgent Appeal SYR 001/0802/OBS 052.

³⁹ See Urgent Appeal SYR 001/0802/OBS 052.

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Mr. **Habib Issa**, member of the founding committee of the Human Rights Association of Syria, and political opponent, who was arrested at the same time, was sentenced to five years in prison and stripped of his civic and political rights on 19 August for “attempting to illegally change the Constitution, inciting armed revolt, encouraging insurrection, attacking religion, and spreading false information that could harm the prestige of the State.”

TUNISIA

Harassment of LTDH and its members

*Legal proceedings against LTDH and obstacles to its activities*⁴⁰

The legal proceedings instigated against the Tunisian League for Human Rights (Ligue tunisienne des droits de l’Homme - LTDH) in November 2000 are still pending. There has been no reaction to the appeal lodged by the LTDH Executive Committee with the Court of Cassation after the Tunis Appeals Court, on 21st June 2001 upheld the decision of the Court of First Instance to cancel all decisions taken by the last LTDH congress (October 2000).

Further, LTDH is continually hampered, especially in organising congresses for its sections. During the congress of the Gabès Section on 19th October 2002, an activist of the RCD (*Rassemblement constitutionnel démocratique*), the party in power, created trouble by assaulting a LTDH member. As a result of this incident the police surrounded the meeting room, made it impossible to vote and, finally, the congress was cancelled. It was held, normally, on 1st December 2002.

On 18th July, the regional officials of the Mahdia Governate told the leaders of the LTDH Section in Mahdia that the congress scheduled for 19th July at the local headquarters of UGTT (Union générale des travailleurs tunisiens - Tunisian labour union) was prohibited.

Shortly after the Jendouba Section held its congress in a trade union office in November, UGTT sent out a circular forbidding the rental of its premises to any association.

LTDH sections have enormous problems in finding office space. Only 10 of the League’s 40 sections have offices. Owners are pressured into not

40 See Annual Report 2001 and Urgent Appeal TUN 004/0602/OBS 036.

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renting office space to LTDH. The owner of offices in Monastir, for instance, filed charges against LTDH in order to terminate a 2-year office rental contract just after it had been signed. She said that she did not feel of sound mind when she signed it. On 2nd June 2002, the day the offices were to be opened, the police came to expel the members of the section, remove the sign plate, change the locks and then a policeman was posted inside the office to prevent members from entering. The solidarity meeting that was supposed to be held at Ksibet El Mediouni on 16 June was overrun by policemen. Police blockades prevented the participants from entering the town; some participants were beaten. At the end of 2002, the case was still pending.

*Legal proceedings against and harassment of Mr. Mokhtar Trifi and Mr. Slaheddine Jouchi*⁴¹

The investigation of Mr. **Mokhtar Trifi**, lawyer and LTDH President in March 2001 for “spreading false information that could disturb public order” and “failure to comply with a judicial decision” is still pending. The same applies to the investigation opened in December 2000 against Mr. **Slaheddine Jouchi**, LTDH Vice President, for “spreading false information” and “failure to comply with a judicial decision”.

Further, on 7th February 2002, Mr. Trifi’s office was robbed. The door to his office had been forced open and his files, damaged. The office of a colleague, who works for the same law firm, was not touched. Apparently no documents were stolen.

*Defamatory campaign against Mrs. Souhayr Belhassen*⁴²

In September and October 2001, a seething defamatory campaign was launched against Mrs. **Souhayr Belhassen**, LTDH Vice President, after she participated in an international investigative mission mandated by FIDH and the Human Rights Alliance on the human rights situation in Iraq. She was accused of “betraying the Arab cause”. The campaign eased off in 2002 but picked up again in November during the Jendouba Section LTDH congress.

Harassment of Mr. Anouar Kousri

The police are still constantly patrolling in front of the home of Mr. **Anouar Kousri**, lawyer and LTDH Vice President, and following him everywhere he goes by car. Furthermore, his clients are subjected to intimidation in order to dissuade them from seeking his counsel.

41 See Annual Report 2001 and Urgent Appeal TUN 001/0202/OBS 009.

42 See Annual Report 2001.

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*Legal proceedings against and harassment of Mr. Khémaïs Ksila*⁴³

On 12th February 2002, Mr. **Khémaïs Ksila**, LTDH Secretary General, who lives in exile in France, was accused of “attempted rape, sexual harassment and indecent assault by a superior”. He was sentenced *in absentia* by the Tunis Court of First Instance to 10 years in prison and a fine of 5,000 dinars (3,675 euros) after being schemed against. Human rights associations denounced the intrigue.

On 17th September 2001, the LTDH secretary had filed a complaint against Mr. Ksila for “attempted rape by a superior”. On 2nd September, the case was referred to the senior investigating magistrate. Shortly thereafter a journalist from *Echourouk*, a newspaper with close ties to the authorities, published several elements of the case, completely violating principles of presumption of innocence and confidentiality of investigation, and thus providing substance for a smear campaign against Mr. Ksila.

Harassment of CNLT and its members

*Obstacles to freedom of assembly*⁴⁴

In 2002 the National Council for Freedoms in Tunisia (Conseil national pour les libertés en Tunisie - CNLT) was still not authorised to register officially and its freedom of assembly was often impeded.

On 8th September, for instance, the organisation was unable to hold a plenary meeting because of the large number of policemen blocking the entrance. The 82 year old Prof. **Mohamed Talbi**, member of the CNLT Liaison Committee, was roughed up and insulted.

20th December is the anniversary of the Universal Declaration of Human Rights and the day on which CNLT, each year, awards the H. Ayaru human rights prize; the ceremony was forbidden. A large number of policemen encircled the CNLT office where the award was to be made to **Bochra Belhadj Hamida**, a lawyer and former president of ATFD (Tunisian Association of Democratic Women). **Oum Zied**, a journalist and CNLT founding member was violently knocked about, and Mr. **Ali Bensalem** (74 years), a CNLT founding member got hit. Because of this situation, CNLT decided to postpone the ceremony until two days later and hold it in the home of Mr. Chakroun, former President of the Bar Association, CNLT founding member and President of the Jury. But his home was surrounded by policemen patrolling the neighbourhood.

⁴³ See press release of 8 February 2002.

⁴⁴ See Annual Report 2001.

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*Harassment of Mrs. Sihem Ben Sedrine and Mr. Omar Mestiri*⁴⁵

In April 2002, newspapers with close ties to the government, *viz.* *Echourouk*, *Le Quotidien* and *El Hadeth*, launched a defamation campaign against Mrs. **Sihem Ben Sedrine**, spokesperson of the CNLT and Mr. **Omar Mestiri**, former CNLT Secretary General. They were accused of being pro-Zionist and colluding with Israel. This campaign was subsequent to their participation in a conference in Geneva at which they spoke about the situation in Palestine and paid tribute to the Israeli pacifists.

Mrs. Ben Sedrine and Mr. Mestiri are closely followed by the Tunisian security forces. At the end of 2002, there were still close to a dozen policemen constantly watching Mrs. Ben Sedrine's home.

Last, the case against Mrs. Ben Sedrine in June 2001 is still pending. Mrs. Ben Sedrine was accused of "spreading false news liable to disturb the peace" and "offending the judiciary" after she appeared on the Arab station *Al Mustaqilla*, in London to speak about corruption and torture in Tunisia. When she deplaned in Tunis on 26th June 2001 she was put in jail for 47 days, and was only freed thanks to national and international pressure.

The complaint lodged in London against Mr. **Mohamed el Hachmi Hamdi**, Director of *Al Mustaqilla*, and Mr. **Khémaïs Chammari**, Tunisian human rights defender in exile, as part of this affair, was lodged again in early 2002. It was closed when one of the complainants, the Director of the daily newspaper *Echourouk*, died. Mr. Chammari is still being slandered by the media in the pay of the government, so is Mr. **Kamel Jendoubi**, President of the Committee for the Respect of Human Rights and Freedoms in Tunisia (Comité pour le respect des libertés et des droits de l'Homme en Tunisie - CRLDHT) in exile and Mr. **Mohamed Charfi**, former LTDH President.

*Harassment of Mr. Abderraouf Ayadi*⁴⁶

Mr. **Abderraouf Ayadi**, lawyer and CNLT Secretary General was sequestered on 20th August 2002 for four hours at the Ministry of the Interior. He had come with his client, who had been told to come and pick up her passport. When he was about to leave, the police threatened and forcibly detained him. He was questioned about his clients and asked to sign a letter promising not to organise any more meetings at his house; he refused.

His office is constantly being watched and his clients are subjected to pressure. In mid-December he was again harassed and roughed up.

⁴⁵ *Idem.*

⁴⁶ *Idem.*

Obstacle to the freedom of movement of Mr. Sadri Khiari⁴⁷

On 25th October 2002, Mr. **Sadri Khiari**, CNLT founding member and member of RAID (Gathering for an International Alternative to Development, Tunisian Section of the international movement ATTAC) went on a hunger strike to protest withdrawal of his right to travel since July 2000. The Tunisian authorities prevented him from leaving the country several times on the pretext that legal proceedings have been lodged against him. He was never informed of them, which is contrary to the law. On 27th October 2002 six policemen went to his house. They first took Mr. Philippe Corcuff, an ATTAC-France member, who had come to provide some support, with them. Mr. Corcuff was expelled to France. A few hours later, the police forced Mr. Khiari to come with them. He was detained for five hours.

On 23rd November, when Mr. Khiari was to go to Paris to defend his thesis, he was prevented from leaving the country for the seventh time. A strong police brigade was at the airport to face the many activists who had come to support him. Afterwards, some thirty lawyers went to the office of the senior investigating magistrate of the Tunis Court of First Instance to find out what the reasons were. They were given file numbers for two cases concerning Mr. Khiari that dated back to March 2000 and involved contempt of the judiciary, contempt of public order and spreading false information.

Sentencing and detention of Mr. Zouhayr Yahyaoui⁴⁸

Mr. **Zouhair Yahyaoui**, who created TUNeZINE, a website on fundamental freedoms in Tunisia, and, moreover, is the nephew of Judge Mokhtar Yahyaoui, was arrested in 4th June at his office. He was taken to his home where his bedroom was searched and his computer equipment was confiscated. The six plainclothes policemen who went into his home did not show him any document or give any explanation. After spending five days in an unidentified place, where he was tortured, he was transferred to the civil prison in Tunis.

On 20th June he was sentenced by the Tunis Court of First Instance to one year in prison for having “spread false information (Article 306bis § 2 of the Penal Code), to one year and four months in prison for “unauthorised use of Internet connections” (Article 84 of the Communications Code) and “theft of harm to the employer” (Article 84 of the Penal Code). The Observatory sent a representative to attend the hearing.

47 See Urgent Appeal TUN 005/1002/OBS 063.

48 See Urgent Appeal TUN 004/0602/OBS 036 and press releases of 20 June and 11 July 2002.

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On 11th July, the Tunis Court of Appeal sentenced him to two years in prison for “having communicated or revealed information that he knew was false in order to give the impression that an attack would occur” (Article 306ter of the Penal Code) and “removing telecommunications lines” (Article 84 of the Telecommunications Code). The prosecuting magistrate rejected the request to postpone the hearing and grant the detainee a temporary release. The case was deliberated without careful study, and without giving the defendant nor the defence an opportunity to be heard.

On 27th August, the Observatory informed the Special Representative of the UN Secretary General on Human Rights Defenders, the Working Group on Arbitrary Detention, and the Special Rapporteur on Torture about the especially degrading conditions of detention. The Observatory had been told that Mr. Yahyaoui was kept in a 60m² cell where there were 60 inmates. There was only one bed for every two people, and temperatures were about 40-50°C. Furthermore, Mr. Yahyaoui contracted an infectious disease and was not properly treated for it, furthermore the prison guards were repeatedly humiliating him.

The TUNeZINE site - which is censored in Tunisia - disseminates information on the basic freedoms in Tunisia. It has two open discussion forums. After Mr. Z. Yahyaoui was arrested, the site disappeared from the Internet, since the police probably obtained the right password. The site has been put back on line by other webmasters.

Obstacles to freedom of movement and acts of violence against Mr. Mokhtar Yahyaoui⁴⁹

Judge Mokhtar Yahyaoui, President of the Tunisian Centre for the Independence of Justice (Centre tunisien pour l'indépendance de la justice - CTIJ), was disbarred by the Disciplinary Board of the Magistrature in December 2001 for having denounced the lack of independence of the Tunisian judiciary in an open letter to the President of the Republic. He was prevented from leaving the country to go to Geneva on 4th April 2002 to honour an invitation from the Observatory to attend a meeting of the UN Commission on Human Rights and meet the Special Rapporteur on the Independence of Judges and Lawyers. On orders of the Ministry of Justice, the airport police in Tunis prevented him from leaving.

⁴⁹ See press releases of 4 April and 14 December 2002, Mission report: *L'affaire Yahyaoui, le combat d'un homme pour l'indépendance de la justice*, May 2002, and Urgent Appeal TUN 005/0107/OBS 063.02.

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Further, on 11th December 2002, Mr. Yahyaoui was assaulted on the way to his lawyer's office. A plainclothesman blocked the entrance to the building where Mr. Bhiri had his law office and forced Mr. Yahyaoui into a small street where two other people joined in and beat him over the head several times.

Mr. Yahyaoui was on his way to the law office of Mr. **Noureddine Bhiri**, with whom he was going to go to the airport to welcome Mr. **Nejib Hosni**, lawyer and CNLT member, because of the problems he had had in leaving. Mr. Hosni, who was still being harassed in 2002⁵⁰, was returning from Geneva where he spoke on the difficulties confronting the Tunisian Bar.

The assault was subsequent to an order Judge Yahyaoui received that he should go to his local police station on 29th November 2002. The Judge did not respond because the order showed no reason. The assault was also ensuing the appeal he launched on 10th December 2002, on the anniversary of the Universal Declaration of Human Rights, on behalf of the International association for the support of political prisoners (AISPP) to get 23 political prisoners in Tunisia out of isolation.

On 14th December 2002, Mr. Yahyaoui was kidnapped by men in civilian dress, probably agents from the Ministry of the Interior. He was released a few hours later.

At the end of 2002, Mr. Yahyaoui is still under close surveillance (telephone cut off, his house and movements under surveillance, pressure on his family, etc.).

Acts of violence and intimidation against lawyers⁵¹

On 2nd February and 30th March 2002, during the trial of Hamma Hammami, president and founder of the PCOT (Tunisian Communist Workers Party) and his comrades, accused of maintaining an unauthorised association, acts of violence were perpetrated against the lawyers on the defence team who tried to intervene in favour of some 15 international observers who had been prevented from attending the hearing. Two policemen violently threw Mrs. Bochra Belhadj Hamida, on the ground and beat her. Mr. **Omar Mestiri** was badly beaten up. Mr. **Jameldine Bida**, lawyer and former Secretary General of the Bar Association was hit in the face while trying to help Mr. Mestiri. Mr. **Safouane Ben M'Rad**, also a lawyer, was also beaten up and Ms. **Hayet El Jazar**, a lawyer, was spat upon and humiliated with insults.

⁵⁰ See Annual Report 2001.

⁵¹ See Urgent Appeals TUN 002/0402/OBS 025 and TUN 006/1202/OBS 071.

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On 12th November 2002, Ms. Belhadj Hamida came up against a large police barrier when she wanted to enter the Razi psychiatric hospital to help a client, a young woman employee, who was called before the hospital's disciplinary board. The young woman had complained, in August, of sexual harassment by her boss and was, in turn, accused of defamation. The policemen insulted them, and threatened them, as well as the defenders who had come to support the young woman, among when Mrs. **Azza Ghanmi**, co-ordinator of ATFD, a centre that listens to and gives guidance to female victims of violence. Although Ms. Belhadj Hamida showed the police officers the proof that she represented the hospital employee, and despite oral approval from the Director of the hospital, the police refused to let her in and continued to insult her.

In the morning of 13th December 2002, the law office of Mr. Nouredine Bhiri and his wife, **Saida Akremi**, also a lawyer, as well as AISPP Secretary General, was surrounded by policemen. When they arrived, they roughed up Mr. Bhiri et Mrs. Akremi and one of their children, a 13 year old, who was slapped hard in the face. When Dr. **Tahar Mestiri**, a CNLT member, arrived to take care of Mrs. Akremi, who was wounded and who was probably targeted more than anyone else because she was a member of AISPP, he too was violently struck.

Seventeen lawyers went to the place to find out what happened, and they too were brutally received. The group included Mr. Abderraouf Ayadi, Mr. Mokhtar Trifi, Mr. **Mohamed Jmour**, Secretary General of the Bar Association, Mr. **Nejib Ben Youssef**, Mr. **Amir Benameur**, and Mr. **Youssef Rezgui**, President of the young lawyers' association, whose eardrum was perforated.

Mrs. Akremi was then taken away by the plainclothes police and questioned for several hours. She was held until the middle of the afternoon. Mr. **Samir Dillou**, AISPP founding member was arrested in his law office that same morning and questioned for several hours. While under arrest, he was struck so hard on the head that he fainted.

The law office of Mr. Bhiri and Mrs. Saida Akremi were ransacked during the night of 16 June 2002; money and documents were stolen.

Last, Mr. Bhiri, a CTIJ founding members and Mr. **Mohamed Nouri**, a founding member of the young lawyers' association and of CTIJ, and also AISPP President, were taken in for questioning when they reached their respective offices on 22 November. They were released a few hours later.

HUMAN RIGHTS DEFENDERS HARASSED

Legal proceedings against the Bar Association⁵²

Six lawyers with close ties to the RCD engaged legal proceedings against the Bar Association for “obstructing freedom at work”. These charges were a follow up to the 7th February 2002 call launched by the Bar Association to go on a hunger strike to protest against the irregularities and the violence connected to the trial of Mr. Hamma Hammami, the head of PCOT (Tunisian Communist Workers Party). The hearing was first set for 7th June 2002 and has been postponed several times. The Observatory sent a representative to the two last court sessions (19th November and 24th December), jointly with CIJ (International Commission of Jurists) and ASE (Lawyers Without Borders). The next session is scheduled for 25th February 2003.

In the interim, early in December 2002, the Bar Association fell victim to a manoeuvre by the Ministry of Justice which, in a suspicious manner started talking to the regional sections of the Bar in an effort to isolate the national Bar and its president, Mr. Bechir Essid. The reaction of the lawyers put an end to the Ministry’s tactic.

Harassment of Mrs. Radhia Nasraoui⁵³

Mrs. **Radhia Nasraoui**, a lawyer, and her three daughters are still being systematically harassed (trailing, tapped telephone, intimidation, etc.). Example: on 13th August her daughter Nadia, 19, was assaulted by a policeman while she was waiting for a taxi in Bizerte. Her passport was confiscated but no explanation was given. It was only returned when a lawyer, a family friend, went to the police station.

On 26th June, Mrs. Nasraoui went on a hunger strike to get her husband, Mr. Hamma Hammami, released. She continued the strike until 2nd August, 37 days. Mr. Hammami was finally set free on 4th September 2002, for health reasons.

CIJ investigation mission forced to turn back⁵⁴

On 28th October 2002, an inquiry mission of the International Commission of Jurists (CIJ) was turned back when it arrived at the airport in Tunis. The 5-person group was supposed to investigate harassment of lawyers and judges in Tunisia.

⁵² See. Judicial Observation Missions of 19 November and 24 December 2002.

⁵³ See Annual Report 2001.

⁵⁴ See Urgent Appeal TUN 005/1002/OBS 063.

INTERNATIONAL AND REGIONAL PROTECTION

INTERNATIONAL PROTECTION (UN)

Mandate and activities of the Special Representative of the UN Secretary General on Human Rights Defenders

- **Resolution on Human Rights Defenders adopted
by the United Nations Commission on Human Rights
on 26 April 2000, during its 56th session ¹**

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reiterating the importance of this Declaration and its promotion and implementation,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of all human rights and fundamental freedoms,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are often subjected to threats, harassment, insecurity, arbitrary detention and extrajudicial executions,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/95) on ways for effective promotion and implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, submitted pursuant to Commission resolution 1999/66 of 28 April 1999;

¹ Resolution: E/CN.4/RES/2000/61.

INTERNATIONAL PROTECTION

2. Calls upon all States to promote and give effect to the Declaration;
3. Requests the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration; the main activities of the special representative shall be:
 - (a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;
 - (b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;
 - (c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations;
4. Urges all Governments to cooperate with and assist the Special Representative of the Secretary-General in the performance of his or her tasks and to furnish all information in the fulfilment of his or her mandate upon request;
5. Requests the Secretary-General to provide the Special Representative with all necessary assistance, in particular the staff and resources deemed necessary to fulfil his or her mandate;
6. Requests the Special Representative to submit annual reports on his/her activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities;
7. Decides to consider this question at its fifty-seventh session under the agenda item entitled "Promotion and protection of human rights".[...]

On 18 August 2000, Mrs. Hina Jilani from Pakistan was appointed as Special Representative of the UN Secretary General on Human Rights Defenders

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• **Reports presented by the Special Representative of the Secretary General on Human rights Defenders**

Reports submitted before the Commission on Human Rights

– Report on the question of Human Rights Defenders submitted before the 57th session of the Commission on Human Rights, 2001 (E/CN.4/2001/94)
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d6c1b351bf405ad3c1256a25005109bc?Opendocument>

– Report on the question of Human Rights Defenders submitted before the 58th session of the Commission on Human Rights, 2002 (E/CN.4/2002/106)
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/e816b20139e397e6c1256b9e00477e18?Opendocument>

Reports submitted before the General Assembly of the United Nations

– Report on Human Rights Defenders submitted before the 56th session of the General Assembly of the United Nations, 2001 (A/56/341)
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/457928ca622c6072c1256ae800510dab?Opendocument>

– Report on Human Rights Defenders submitted before the 57th session of the General Assembly of the United Nations, 2002 (A/57/182)
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/caae274258b62093c1256c55002bd877?Opendocument>

Reports of missions

– Report on the situation of Human Rights Defenders in Kyrgyzstan after the visit of the Special Representative from the from 30 July to 4 August 2001 submitted before the Commission on Human Rights on 12 March 2002 (E/CN.4/2002/106/add.1)
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/d6e9647c776e295dc1256b9d0053b24e?Opendocument>

– Report on the situation of human rights defenders in Colombia after the visit of the Special Representative from 23 to 31 October 2001 submitted before the Commission on Human Rights on 28 March 2002 (E/CN.4/2002/106/add.2)
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/2718664e3817d66ac1256ba30054390f?Opendocument>

THE PROTECTION OF HUMAN RIGHTS DEFENDERS IN THE ORGANIZATION OF THE AMERICAN STATES (OEA)

• Press release on the creation of the “Special Unit on Defenders”, 7th December 2001

<http://www.oas.org/OASpage/press2002/sp/año99/año2001/diciembre01/CIDH12701-32.htm>

Press release No. 32/01: the executive secretariat creates unit for human rights defenders

The Executive Secretary of the Inter-American Commission on Human Rights (IACHR), Dr. Santiago A. Canton, decided to create a Human Rights Defenders Functional Unit within the Office of the Executive Secretary to coordinate the activities of the Executive Secretariat in this field.

The Unit's main function will be to receive information regarding the situation of human rights defenders in the Hemisphere, keep in touch with nongovernmental and governmental organizations, and coordinate the work of the Executive Secretariat with regard to human rights defenders in the Americas.

This initiative takes into account resolution AG/RES. 1818 (XXXI-O/01), adopted by the General Assembly of the OAS at its thirty-first regular session, which requests the Inter-American Commission on Human Rights to continue to pay due attention to the situation of human rights defenders in the Americas and to consider preparing a comprehensive study in this area, which, *inter alia*, describes their work, for study by the pertinent political authorities.

The Executive Secretary said this was an important step to protect the rights of those whose fundamental mission it is to defend the human rights of all human beings disinterestedly, risking their own lives and safety in the process.

Any communication may be sent to IACHR headquarters or by e-mail to CIDHDefensores@oas.org

INTERNATIONAL PROTECTION

• **Resolution AG/RES 1842 (XXXII-0/02) adopted by the General Assembly of the OEA, on 4th June 2002**

“Human rights defenders in the Americas: support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas”

<http://www.oea.org/default.htm>

The general assembly,

Having seen the report presented by the Permanent Council on the topic “Human Rights Defenders in the Americas: Support for the Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas,” in keeping with resolution AG/RES. 1818 (XXXI-O/01);

Considering that, at its thirty-first regular session, through the aforementioned resolution AG/RES. 1818 (XXXI-O/01), it instructed the Permanent Council, to continue to examine this matter in the context of the dialogue on strengthening and enhancing the inter-American human rights system and to present a report on implementation of the resolution;

Considering further:

That, in the context of the dialogue on the functioning of the system and pursuant to the mandates contained in resolution AG/RES. 1818 (XXXI-O/01), on November 15, 2001, the Committee on Juridical and Political Affairs of the Permanent Council held a meeting at which it considered the topic;

That the participants at that meeting included not only a representative of the Inter-American Commission on Human Rights, but also the Special Representative of the UN Secretary General on the Situation of Human Rights Defenders, who gave a presentation on the treatment of this issue in her area of competence; and

That the Inter-American Commission on Human Rights (IACHR) has expressed its concern over the situation of human rights defenders in the region, and has recommended to the member states that they should take the necessary steps to protect the lives, personal safety, and freedom of expression of those who work to ensure respect for fundamental rights, in accordance with the collective commitment expressed in resolutions AG/RES. 1671 (XXIX-O/99), AG/RES. 1711 (XXX-O/00), and AG/RES. 1818 (XXXI-O/01);

Bearing in mind the practice of the IACHR in this area and the measures it has taken to protect the fundamental rights of defenders; and, in particular, the decision taken on December 7, 2001, by the Executive Secretary of the Commission to establish an operational unit on human rights defenders, taking into account the mandate issued in resolution AG/RES. 1818 (XXXI-O/01);

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Recalling :

That, at the Third Summit of the Americas, held in Quebec City, Canada, the heads of state and government reiterated in the Declaration that their “commitment to full respect for human rights and fundamental freedoms is based on shared principles and convictions” and reaffirmed in that Plan of Action that they will “seek to promote and give effect to the United Nations Declaration on Human Rights Defenders”; and

That the OAS General Assembly has previously made similar statements on this subject reiterating its recommendation that the member states “grant the necessary guarantees and facilities to enable nongovernmental human rights organizations to continue contributing to the promotion and protection of human rights, and that they respect the freedom and safety of the members of such organizations”;

Recognizing the important work, at both the national and regional levels, of human rights defenders in the Americas, as well as their valuable contribution to the protection and promotion of fundamental rights and freedoms;

Concerned over the persistence in the Americas of actions that directly or indirectly prevent or hamper the work of individuals, groups, or organizations working to promote and protect fundamental rights; and

Aware of the need to promote respect for the essential aims, principles, and standards set forth in inter-American and international instruments on this matter,

Resolves:

1. To reiterate its support for the work carried out, at both the national and regional levels, by human rights defenders; and to recognize their valuable contribution to the protection, promotion, and observance of human rights and fundamental freedoms in the Hemisphere.

2. To condemn actions that directly or indirectly prevent or hamper the work of human rights defenders in the Americas.

3. To urge member states to step up their efforts to adopt the necessary measures, in keeping with their domestic law and with internationally accepted principles and standards, to safeguard the lives, personal safety, and freedom of expression of human rights defenders.

4. To invite member states to publicize and enforce the instruments of the inter-American system and the decisions of its bodies on this matter, as well as the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

5. To invite the Inter-American Commission on Human Rights to continue to pay due attention to the situation of human rights defenders in the Americas and to consider, *inter alia*, preparing a comprehensive study on

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the matter and to give due consideration to this situation at the level it may judge appropriate.

6. To continue the dialogue and cooperation with the United Nations, in particular with the office of the Special Representative of the UN Secretary-General to Report on the Situation of Human Rights Defenders, through the Inter-American Commission on Human Rights and the Permanent Council.

7. To instruct the Permanent Council to follow up on this resolution and to report on its implementation to the General Assembly at its thirty-third regular session.

8. To direct that the mandates in this resolution be executed in accordance with the resources allocated in the program-budget and other resources.

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Partner Organisations and Contributors

International NGOs

Agir Ensemble pour les Droits de l'Homme
Amnesty International
Avocats Sans Frontières (ASF)
Comité pour la Protection des Journalistes (CPJ)
Confédération Internationale des Syndicats Libres (CISL)
Droits et démocratie – Centre international des droits de la personne et du développement démocratique
Fédération Internationale d'Action des Chrétiens pour l'Abolition de la Torture (FIACAT)
Foundation Martin Ennals
Frontline
Human Rights Documentation Center (HRDC)
Human Rights Internet
Human Rights Watch (HRW)
International Commission of Jurists (ICJ)
International Freedom of Expression Exchange (IFEX)
International Gay and Lesbian Human Rights Commission (IGLHRC)
International League for Human Rights (ILHR)
International Rehabilitation Council for Torture Victims (IRCT)
International Service for Human Rights (ISHR)
Lawyers Committee for Human Rights (LCHR)
Minority Rights Group
Peace Brigades International (PBI)
Reporters Sans Frontières (RSF)
Réseau des Citoyens (RCN)

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Regional NGOs

Africa

Union Inter africaine des Droits de l'Homme (UIDH)
Centre africain des droits de l'Homme
Institute for Human Rights and Development in Africa
Afronet

America

Comisión Latinoamericana por los Derechos y Libertad de los Trabajadores y los Pueblos (CLADEHLT)
Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)
Organización Regional Interamericana de Trabajadores (ORIT)
Coalición de las ONG por la Corte Penal Internacional
One World América Latina
Red Solidaria por los derechos humanos (REDH)
Enlace Mapuche Internacional
France Amérique Latine

Asia

Asian Human Rights Commission (AHRC)
Asian Center for the Progress of Peoples (ACPP)
Forum Asia
South Asian Human Rights Documentation Centre (SAHRDC)

Europe

Equipo Nizkor
International Helsinki Federation for Human Rights (IHF)

Maghreb/Middle East

Cairo Institute for Human Rights Studies (CIHRS)
Réseau Euro-méditerranéen des droits de l'Homme (REMDH)

National NGOs

Algeria

Collectif des Familles de Disparus en Algérie
Ligue Algérienne de défense des Droits de l'Homme (LADDH)
SOS disparus

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Argentina

Argenpress. info

Asociación Abuelas de la Plaza de Mayo

Asociación Madres de la Plaza de Mayo

Centro de Estudios Legales y Sociales (CELS)

Comité de Acción Jurídica (CAJ)

CORREPI

Liga Argentina por los derechos del hombre

Solidarité avec les mères de la Place de Mai (SOLMA)

Azerbaijan

Human Rights Center of Azerbaijan

Azerbaijan National Committee of Helsinki Citizen's Assembly

Bangladesh

Bangladesh Human Rights Commission (BHRC)

Bangladesh Rehabilitation Centre for the Victims of Torture (BRCT)

Human Rights Congress for Bangladesh Minorities (HRCBM)

Belarus

Association des journalistes du Belarus

Charte 97

VIASNA

Bolivia

Assemblée Permanente des Droits de l'Homme de Bolivie (APDHB)

Centro de Estudios Jurídicos e Investigación Social (CEJIS)

Movimiento Sin Tierra

Brazil

Centro de Justiça Global (JC)

Grupo Tortura Nunca Mais

Movimento dos Trabalhadores Rurais Sem Terra (MST)

Movimento Nacional dos Direitos Humanos (MNDH)

Burkina Faso

Mouvement Burkinabé des Droits de l'Homme et des Peuples (MBDHP)

Burundi

Ligue Burundaise des Droits de l'Homme (ITEKA)

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Cameroon

ACAT-Cameroun

Mouvement pour la Défense des Droits de l'Homme et des Libertés
(MDDHL)

Chad

Association tchadienne pour la promotion et la défense des droits de
l'Homme (ATPDDH)

Ligue tchadienne des droits de l'Homme (LTDH)

Chile

Comité de defensa de derechos del pueblo (CODEPU)

Organización de defensa popular (ODEP)

China

Human Rights in China

Hong Kong Human Rights Monitor

Colombia

Asociación Campesina del Valle del Río Cimitarra (ACVC)

Asociación de Familiares de Detenidos Desaparecidos de Colombia
(ASFADDES)

Asociación Nacional de Ayuda Solidaria (ANDAS)

Central Unitaria de Trabajadores (CUT)

Centro de Investigación y Educación Popular (CINEP)

Collectif des Droits de l'Homme Semillas de Libertad (CODEH-SEL)

Comité Permanente por la Defensa de Derechos Humanos (CPDH)

Comité Permanente para la Defensa de los Humanos "Hector Abad Gomez"

Comité de Solidaridad con los Presos Políticos (CSPP)

Corporación Colectivo de Abogados "José Alvear Restrepo" (CCAJAR)

Corporación para la Defensa y Promoción de los Derechos Humanos
(REINICIAR)

Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)

Corporación Servicios Profesionales Comunitarios (SEMBRAR)

Instituto Popular de Capacitación (IPC)

Instituto Latinoamericano de Servicios Legales Alternativos (ILSA)

Red Nacional de Iniciativos por la Paz y Contra la Guerra (REDEPAL)

Organización Feminina Popular (OFP)

Organización Indígena de Antioquia

Organización Internacional de Derechos Humanos – Acción Colombia
(OIDHACO)

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Organización Nacional Indígena de Colombia (ONIC)
Sindicato de Trabajadores y Empleados Universitarios de Colombia
(SINTRAUNICOL)

Congo-Brazzaville

Observatoire Congolais des Droits de l'Homme (OCDH)

Congo (Democratic Republic of)

Association Africaine de Défense des Droits de l'Homme (ASADHO)
Collectif des Jeunes Solidaires du Sud-Kivu (COJESKI)
Comité des Observateurs des Droits de l'Homme (CODHO)
Groupe Justice et Libération
Groupe Lotus
Journalistes en Danger (JED)
Ligue des Electeurs
Voix des Sans Voix (VSV)

Costa Rica

Casa Alianza

Cuba

Comisión Cubana de Derechos Humanos y Reconciliación Nacional
Fundación cubana de derechos humanos

Czech Republic

Human Rights League

Ecuador

Assemblée permanente des Droits de l'Homme (APDH)
Centro de Derechos Económicos y Sociales (CDES)
Centro de Documentación de Derechos Humanos "Segundo Montez Mozo"
(CSMM)
Comision Ecumenica de Derechos Humanos
Fundación Regional de Asesoría en Derechos Humanos (INREDH)

Egypt

Egyptian Center for Housing Rights
Egyptian Center for Women's Rights
Egyptian Initiative for Personal Rights
Egyptian Organisation for Human Rights (EOHR)

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Hisham Mubarak Center for Law
Human Rights Commission for the Assistance of Prisoners (HRCAP)
Ibn Khaldun Center for Development Studies

Ethiopia

Ethiopian Human Rights Council (EHRC)

Federal Republic of Yugoslavia

Humanitarian Law Center (HLC)
Helsinki Committee for Human Rights in Serbia

France

ACAT
Amnesty International – French Section

Gambia

Section Amnesty International

Georgia

Independant Society for Human Rights in Georgia (ISHRG)
Liberty Institute

Greece

Greek Helsinki Monitor

Guatemala

Alliance against Impunity
Casa Alianza
Centro de Acción Legal en Derechos Humanos (CALDH)
Centro de Estudios, Información y Bases para la Acción Social (CEIBAS)
Comisión de Derechos Humanos de Guatemala (CDHG)
Coordinación Nacional de Derechos Humanos en Guatemala
(CONADEHGUA)
Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA)
Familiares de Desaparecidos de Guatemala (FAMDEGUA)
Fundación Myrna Mack
Grupo de Apoyo Mutuo (GAM)
GuaUnidos

Haiti

Haitian Human Rights Organizations Platform (POHDH)

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National Coalition for Haitian Rights (NCHR)
Justice et Paix

Honduras

Comité para la Defensa de los Derechos Humanos (CODEH)
Comité de Familiares Desaparecidos (COFADEH)

India

Asian Center for the Progress of People (ACPP)

Indonesia

Commission for Missing Persons and Victims of Violence (KONTRAS)
Urban Poor Consortium (UPC)

Iran

Ligue pour la Défense des Droits de l'Homme en Iran (LDDHI)

Israel

ACRI
B'Tselem
Adalah

Jordan

Jordan Society for Human Rights (JSHR)
Mizan
Sisterhood Is Global Institute

Kazakhstan

International Bureau for Human Rights and the Rule of Law

Kenya

Kenya Human Rights Commission (KHRC)

Kyrgyzstan

Kyrgyz Committee for Human Rights (KCHR)

Lebanon

Fondation des droits de l'Homme et du droit humanitaire Liban (FDDHL)
Soutien aux Libanais détenus arbitrairement (SOLIDA)
Palestinian Human Rights Organisation (PHRO)

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Liberia

Liberia Watch for Human Rights (LWHR)

Malaysia

Aliran Kesedaran Negara (Aliran)

National Human Rights Society (Hakam)

Suara Rakyat Malaysia (Suaram)

Macedonia

Helsinki Committee for Human Rights of Macedonia

Mauritania

Association mauritanienne des droits de l'Homme (AMDH)

SOS Esclaves

Mexico

Asociación de Familiares de Detenidos Desaparecidos y Víctimas de
Violaciones a los Derechos Humanos en México (AFADEM –
FEDESAM)

Centro de Derechos Humanos “Fray Bartolomé de Las Casas”

Centro de Derechos Humanos “Miguel Agustín Pro Juárez” (PRODH)

Ciudadanos en Apoyo a los Derechos Humanos Asociación Civil (CADHAC)

Comisión mexicana de defensa y promoción de los derechos humanos
(CMDPDH)

Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)

Red Nacional de las Organizaciones civiles de Derechos Humanos “Todos
los Derechos para Todos”

Morocco

Association Marocaine des Droits Humains (AMDH)

Forum Vérité Justice

Organisation Marocaine des Droits Humains (OMDH)

Nepal

Informal Sector Service Center (INSEC)

International Institute for Human Rights (NSHR)

Nicaragua

Centro Nicaraguense de Derechos Humanos (CENIDH)

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Niger

Association nigérienne de défense des droits de l'Homme (ANDDH)

Nigeria

Centre for Law Enforcement Education (CLEEN)

Northern Ireland

Committee on the Administration of Justice (CAJ)

Pakistan

Human Rights Commission of Pakistan

Institute for Peace and Justice (IDARA-E-AMAN-O-INSAF)

Palestine

Al-Haq

Al-Mezan Centre for Human Rights

Palestinian Centre for Human Rights (PCHR)

Palestinian Society for the Protection of Human Rights and the Environment (LAW)

Panamá

Servicio Paz y Justicia (SERPAJ)

Coordinadora popular de derechos humanos de Panamá (COPODEHUPA)

Comité de Socorro Jurídico

Peru

Asociación Pro Derechos Humanos (APRODEH)

Coordinadora Nacional de Derechos Humanos (CNDH)

Philippines

Alliance for the Advancement of People's Rights (KARAPATAN)

PREDA Foundation

TFDP/Task Force Detainees of the Philippines

Russia

Memorial

Comité Tchétchénie, France

Rwanda

Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme (LIPRODHOR)

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Senegal

Organisation nationale des droits de l'Homme (ONDH)
Rencontre africaine des droits de l'Homme (RADDHO)

South Korea (Republic of Korea)

Korean Confederation of Trade Union

Spain

Asociación Pro Derechos Humanos de España (APDHE)

Sudan

Sudanese Human Rights Group (SHRG)
Sudan Organization Against Torture (SOAT)

Syria

Comités de Défense des Libertés Démocratiques et des Droits de l'Homme
en Syrie (CDF)

Tanzania

Lawyers Environmental Action Team (LEAT)
Legal and Human Rights Center (LHRC)

Tunisia

Association Tunisienne des Femmes Démocrates (ATFD)
Centre pour l'Indépendance de la Justice (CIJ)
Comité pour le Respect des Libertés et des Droits de l'Homme en Tunisie
(CRLDHT)
Conseil National pour les Libertés en Tunisie (CNLT)
Ligue Tunisienne des Droits de l'Homme (LTDH)
Rassemblement pour une alternative internationale du développement
(RAID)

Turkey

Association des Droits de l'Homme (IHD)
Human Rights Foundation of Turkey (HRFT)

Uganda

Foundation for Human Rights Initiative

United States of America

Centre for Constitutional Rights (CCR)

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Uzbekistan

Human Rights Society of Uzbekistan (HRSU)

Legal Aid Society

Vietnam

Comité Vietnam pour la Défense des Droits de l'Homme (CVDDH)

Zimbabwe

Zimbabwe Human Rights Association (ZIMRIGHTS)

ANNEX 2

The Observatory for the Protection of Human Rights Defenders: an FIDH and OMCT joint programme

Activities of the Observatory

The Observatory is an action programme based on the conviction that strengthened co-operation and solidarity among defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

With this aim, the Observatory seeks:

- a) a mechanism of systematic alert of the international community on cases of harassment and repression against defenders of human rights and fundamental freedoms, particularly when they require an urgent intervention;
- b) the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- c) international missions of investigation and solidarity
- c) a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- d) the preparation, publication and world-wide diffusion of reports on violations of the rights and freedoms of individuals or organisations, that work for human rights around the world;
- e) sustained action with the United Nations (UN) and more particularly the Special Representative of the Secretary General on Human Rights Defenders and as necessary with geographic and thematic Special Rapporteurs and Working Groups

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f) sustained lobbying with various regional intergovernmental institutions, especially the Organisation of American States (OAS), the Organisation of African Unity (OAU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe and the International Labour Organisation (ILO).

The Observatory's activities are based on the consultation and the co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by the OMCT and FIDH:

"Each person victim or risking to be the victim of reprisals, harassment or violations, due to his compromise exercised individually or in association with others, in conformity with international instruments of protection of human rights, in favour of the promotion and realisation of rights recognised by the Universal Declaration of Human Rights and guaranteed by several international instruments".

To ensure its activities of alert and mobilisation, the Observatory has a system of communication devoted to defenders in danger.

This system, known as the Emergency Line, is accessible through:

Email: observatoire@iprolink.ch

Tel: + 33 (0) 1 43 55 20 11/Fax: + 33 (0) 1 43 55 18 80 (FIDH)

Tel: + 41 22 809 49 39/Fax: + 41 22 809 49 29 (OMCT)

Animators of the Observatory

From the headquarters of FIDH (Paris) and OMCT (Geneva), the Observatory's Programme is supervised by Antoine Bernard, Executive Director of FIDH and Eric Sottas, Director of OMCT. The programme managers are: for OMCT, Laurence Cuny, Head of the Programme on Defenders of OMCT, and for FIDH, Julianne Falloux, Head of the FIDH Desk for Eastern Europe and Head of the Programme on Defenders of the FIDH, and Catherine François, Programme Officer of FIDH. With the assistance of Myriam Blein, Clemencia Devia Suarez,

Michael Anthony, Anne-Laurence Lacroix, Christine Ferrier, Laetitia Sédou for OMCT, as well as Isabelle Brachet, Sara Guillet, Alexa Leblanc, Antoine Madelin, Rosa Sanchez, Elin Wrzoncki, Marceau Sivieude, Alan Dreanic, Gaël Grilhot, Simia Amadi Thoolen, Nicolas Diaz, and Caroline Brangé for the FIDH.

The Observatory's activities are assisted by the local partners of the FIDH and the OMCT.

Operators of the Observatory

FIDH

The International Federation for Human Rights (FIDH) is an international nongovernmental organisation for the defence of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 115 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in more than one hundred countries. These last years the FIDH has developed with its partners organisations, an action programme for economic, social and cultural rights and for the promotion of international justice and helping victims to achieve greater justice. In recent years, FIDH has adopted legal intervention as a mode of action.

FIDH has either consultative or observer status with the United Nations Economic and Social Council, UNESCO, the Council of Europe's Permanent Human Rights Committee, the African Commission for Human and Peoples' Rights, the "Organisation Internationale de la Francophonie", and the International Labour Organisation.

FIDH is also in constant and systematic contact with the European Union and the United Nations through its permanent delegations in Brussels and in Geneva. FIDH facilitates each year the access and use of existing international mechanisms to more than 200 representatives of its member organisations, and also relays and supports their activities on a daily basis.

The International Board is comprised of: Sidiki Kaba, President; Catherine Choquet, Driss El Yazami, Anne-Christine Habbard, Claude Katz, François-Xavier Nsanzuwera, general secretaries; Philippe Vallet, Treasurer; and Dobian Assingar (Chad), Akin Birdal (Turkey), Hafez Abu Sa'ada (Egypt), Karim Lahidji (Iran), Lucie Lemonde (Canada-Quebec), Siobhan Ni Chulachain (Ireland), Vilma Núñez de Escorcia (Nicaragua), Jose Rebelo (Portugal), Cheikh Saad Bouh Kamara (Mauritania), Francisco Soberon Garrido (Peru), Raji Sourani (Palestine), Thierno Sow (Guinée), Michel Tubiana (France), Alirio Uribe (Colombia), Vo Van Ai (Viet Nam), vice-presidents.

OMCT

Created in 1986, the World Organisation Against Torture (OMCT) is currently the largest international coalition of NGOs fighting against torture, summary executions, forced disappearances and all other types of cruel, inhuman or degrading treatment. It co-ordinates the SOS-Torture network that is made up of 261 nongovernmental organisations in 85 countries and

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seeks to strengthen and accompany their activities on the field. On a daily basis, its urgent appeals reach more than 90.000 governmental institutions, non-governmental institutions, associations as well as other pressure and interest groups. This urgent information is divided into the general programme and specific programmes (children, women, economic, social and cultural rights, racism and defenders). OMCT also provides urgent assistance (judicial, medical and/or social) to victims of torture and submits each year more than thirty alternative reports on countries, which are examined before the different United Nations mechanisms.

Two delegations of the International Secretariat have been appointed to promote activities in North America and Europe. OMCT has either consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the International Labour Organisation (ILO), the African Commission on Human and Peoples' Rights and the Council of Europe.

Its Executive Council is composed of: Elisabeth Reusse-Decrey, President, Denis von der Weid, Vice-President, Olivier Mach, Vice-President, José Domingo Dougan Beaca, Treasurer, Dan Cunniah, Frej Feniche, Alphonse Mac Donald, and Christine Sayeg. Delegates Assembly, elected in December 2001 is composed of twenty four members. For Africa: Madeleine Afite, Innocent Chukwuma, Aminata Dieye, Guillaume Ngefa and Osman Hummaida; for Latin America: Ernesto Alayza Mujica, Helio Bicudo, Alberto León Gómez, and Alicia Pérez Duarte; for North America: Al Bronstein, for Asia: Joseph Gathia, Sanjeewa Liyanage, Ravi Nair, Elisabeth P. Protacio and Khalida Salima; for Europe: Panayote Elias Dimitras, Nazmi Gür, Hélène Jaffe, Tinatin Khidasheli and Frauke Seidensticker; for Maghreb and Middle East: Mohammad Abu-Harthieh, Hassam Moosa, Radhia Nasraoui and Lea Tsemel.

Thanks

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