

AMERICAS

SITUATION OF HUMAN RIGHTS DEFENDERS¹

Defending human rights in Latin America remained a very high risk activity in 2006 and those at the origin of acts of intimidation and aggressions against defenders clearly aimed at creating a general climate of fear to dissuade them from carrying on their activities. Those who persisted in promoting and protecting human rights continued to be the victims of multiple acts of reprisals: assassinations (*Brazil, Colombia, Guatemala, Honduras, Mexico, Peru, Venezuela*), forced disappearances (*Colombia, Guatemala*), torture (*Colombia, Mexico*), attacks and death threats (*Colombia, Costa Rica, Guatemala, Haiti, Honduras, Mexico*), acts of harassment and surveillance (*Argentina, Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Peru*), or smear campaigns (*Colombia, Ecuador, Peru*), etc.

The authorities increasingly instrumentalised judicial systems in order to criminalise the activities of defenders, who were subjected to searches, arrests or detentions generally based on fabricated evidence (*Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Mexico*). Some States in the region also introduced or adopted new legislations to further restrict freedom of association, thereby creating a hostile environment for the activities of human rights defenders (*Peru, Venezuela*).

With rare exceptions, impunity largely prevailed when it came to prosecuting perpetrators of violations against human rights defenders. Finally, protection measures granted by certain governments were in fact often superficial and mostly used as a mere alibi to avoid tackling the real causes behind these attacks or the crucial issue of impunity.

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

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

In 2006, human rights defenders continued to be on the front line when seeking for justice to be rendered or when trying to bring assistance to victims of past and recent human rights violations. This repression all the more prevailed in conflict or post-conflict situations, in which the authorities most particularly tended to severely prevent men and women who tried to fight against impunity from carrying out their activities.

In *Argentina*, 23 years after the end of the military dictatorship, a number of acts of intimidation and threats were carried out against victims' relatives, witnesses and human rights defenders involved in the trials that were opened after the Supreme Court repelled, in June 2005, the laws prohibiting the opening of investigations and prosecutions related to crimes committed under the dictatorship². For instance, numbers of human rights defenders, including Mr. Leandro Despouy, Auditor General of the Republic of Argentina and Special Rapporteur of the United Nations on the independence of judges and lawyers, received threats after denouncing the disappearance, on September 14, 2006, of Mr. Jorge Julio López, a former detainee and disappeared as well as a key witness in the trial against the former Director General of the Investigation Department of Buenos Aires, Mr. Miguel Osvaldo Etchecolatz, prosecuted for crimes against humanity committed under the last military government (1976-1983). Several members of the organisation Daughters and Sons for Identity and Justice Against Oblivion and Silence (HIJOS) were similarly harassed and threatened with death through anonymous phone calls which were made from the Marcos Paz prison, where several former key actors of the dictatorship are being held. Finally, on September 25, 2006, several leaflets containing death threats against members of the Ecumenical Human Rights Movement (MEDH) were left at the offices of the organisation, in Santa Fé, after Ms. Milagros Demiryi, MEDH regional coordinator, played an active role, as a witness, in a trial against suspected perpetrators of gross human rights violations committed under the military dictatorship.

2. The "Full Stop" Law (1986) and the "Due Obedience" Law (1987), which exempted security forces from all judicial proceedings, were repealed in June 2005.

In *Chile*, members of the Special Affairs and Human Rights Brigade (BAES) of the national investigation police, in particular Messrs. Sandro Gaete and Abel Lizama, were subjected to intense pressure by the director of the national police to prevent the publication of an expert report pointing out the responsibility of current Army General Miguel Trincado Araneda for the illegal exhumation of the remains of disappeared detainees carried out in the framework of an operation codenamed “removal of televisions”³, under General Pinochet’s military regime (1973-1990)⁴.

In *Colombia*, President Alvaro Uribe was re-elected on May 28, 2006 and announced the demobilisation of 30,000 paramilitaries of the United Self-Defence Forces of Colombia (AUC) on the basis of a controversial judicial framework (namely, the Justice and Peace Law, which was declared partially anti-constitutional by the Supreme Court in May 2006⁵). However, human rights defenders remained repeatedly targeted by the parties to the conflict, in particular by former paramilitaries who have reorganised under new names and continued to consider them as supporters of the guerrillas, and as such declared them “military targets”. A number of non-governmental organisations (NGOs) received threats from these “new” paramilitary groups, which significantly increased their pressure during the electoral campaign. In August 2006 for instance, members of the National Movement for Victims of State Crimes in the department of Sucre, including Mr. Arnold Gómez, Mr. Carmelo Agamez, Mr. Juan David Díaz, Mr. Adolfo Berbel, Mr. Roberto Serpa, Mr. Amauri Vidual and Ms. Jackeline Moguea, became aware that their names were appearing on a “death list” drawn up by paramilitaries⁶. All these persons were entitled to testify or were seeking to obtain justice in several cases of human

3. In 1978-1979, General Pinochet ordered the operation “removal of televisions” to exhume the bodies of political prisoners executed during the first years of the military regime, in particular during the 1973 coup, and to burn them or throw them in the ocean, to make all evidence of the repression disappear.

4. See Corporation of the Promotion and Defence of People’s Rights (CODEPU), December 14, 2006.

5. In the framework of Law 975 of 2005 (known as the Justice and Peace Law), approved by the Colombian Congress on June 21, 2005 and ratified by the government in July 2005, numerous paramilitaries, supported by the army, and other illegal armed groups were “demobilised”. This law guarantees impunity for crimes committed by the paramilitaries and other illegal armed forces in the context of the civil war in the country.

6. See National Association for Solidarity (ANDAS), November 2006.

rights violations committed by the security forces or paramilitaries. As of October 31, 2006, nine of the 26 people whose names were mentioned on this list had reportedly been assassinated, including Mr. Luis Guevara, a member of the National Movement who was killed on August 22, 2006 in Coveñas (San Onofre municipality)⁷.

Although the Ministry of the Interior set up a protection programme for human rights defenders, a number of those who benefited from these protective measures complained that their armed escorts, often made up of secret services officers, had intimidated them. Finally, the threats, attacks, acts of harassment, even assassinations or forced disappearances repeatedly faced by defenders were only rarely investigated, and the perpetrators were hardly ever brought to justice⁸.

2006 was further marked by a significant upsurge in threats against defenders in *Guatemala*. Indeed, the National Human Rights Movement (MNDH) registered 278 cases of threats or attacks against human rights defenders between January and December 2006, against 224 in 2005⁹. Violence notably increased in June 2006 as Spanish Courts introduced requests to extradite those mainly responsible for the Guatemalan genocide, which clearly illustrated the ponderousness and the jamming of the national justice system, which failed to progress beyond the investigation stage in spite of years of proceedings¹⁰. As a result, defenders who publicly stigmatised these deficiencies or who campaigned in favour of these extraditions were specifically targeted. On June 26, 2006 for instance, 102 human rights organisations issued

7. The National Movement of Victims of State Crimes assists the families of persons killed by the army or allied paramilitaries during the 40-year conflict in Colombia. The death list was released shortly after the Movement had organised a demonstration on August 26, 2006 in Sucre, in protest against the rearmament of paramilitaries.

8. See Conclusions of the International Fact-Finding Mission mandated in Colombia from November 13 to 19, 2006.

9. See Human Rights Defenders Protection Unit (UPDDH) of the National Movement for Human Rights (MNDH), *Impunidad : ¿Quiénes son los responsables ? - Informe sobre la Situación de Defensoras y Defensores de Derechos Humanos - Enero a Diciembre del 2006*, February 2007.

10. Since the Peace Agreement was signed in 1996, human rights organisations have repeatedly demanded that suspected authors of crimes against humanity and war crimes be brought to justice. In May 2000, due to flaws in the Guatemalan justice system, a number of NGOs and victims initiated a complaint with the Spanish justice against army officers and civilian officials for “genocide” and serious crimes committed during the civil war, between 1978 and 1986. In view of the gravity of the crimes, Spain ruled their complaint admissible and demanded the extradition of the accused.

a press release demanding the end of impunity, supporting the ongoing proceedings on charges of “genocide” in Spain and informing the population of the imminent arrival of a Spanish judge. Shortly after, the *Al Dia* newspaper published a statement signed by the Association of Military Veterans of Guatemala (AVEMILGUA) and the Association of Widows of the Guatemalan Army Officers, which accused several organisations that had supported these investigations of “covering up for terrorists illegally operating in the country”¹¹. The Rigoberta Menchú Foundation, the National Committee of Guatemalan Widows (CONAVIGUA), the Association of Families of Disappeared Detainees of Guatemala (FAMDEGUA), the Mutual Support Group (GAM), the Centre for Legal Action in Human Rights (CALDH) and HIJOS were particularly targeted by these accusations. The next day, the national newspaper *El Periódico* reported the comments of an AVEMILGUA leader who asserted that the ongoing investigations into past human rights violations were “mere political and judicial persecution orchestrated by groups linked to the former guerrilla and whose aim is to perpetuate the war in the country”¹².

Forensic and pathologist doctors who participated in the exhumations of mass graves and of victims of the 1980s military regime further faced increasing threats. Members of the Forensic Anthropology Foundation of Guatemala (FAFG) were notably threatened with death on numerous occasions, as for instance Mr. Fredy Armando Peccerelli, who received threats against himself and his relatives in January and March 2006. Several FAFG members have benefited from precautionary measures from the Inter-American Commission on Human Rights (IACHR) since 2002. Similarly, members of the Community and Psychosocial Studies and Action Team (ECAP) received a threatening letter at their headquarters in Rabinal, Baja Verapaz, on October 2, 2006. This letter referred to their activities, in particular those linked to the exhumation of the remains of victims of the Plan de Sánchez community massacre¹³.

11. See Quebec-Guatemala Support Project, Summer 2006.

12. See UPDDH-MNDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

13. Numerous members of the Plan de Sánchez community were assassinated during the 1980-1986 genocide.

In *Haiti*, the election of Mr. René Préval as President of the Republic on February 7, 2006 failed to stabilise the country's political situation. On the contrary, insecurity was on the increase, notably in late 2006, with a new wave of assassinations and abductions. Against such a background, defenders denouncing the growing criminality were seriously targeted. For instance, Mr. Bruner Esterne, coordinator of the Human Rights Community Council in Grand Ravine (CCDH-GR), a popular neighbourhood in Port-au-Prince, was assassinated on September 21, 2006. Likewise, Mr. Evel Fanfan, a lawyer and president of the Association of Motivated Academics for a Haiti with Rights (AUMOHD), an umbrella of human rights organisations, was threatened with death after denouncing the assassination of his colleague¹⁴. CCDH-GR is an AUMOHD member association fighting against criminality and providing assistance to victims' families¹⁵. As the government attempted to introduce a law against abduction providing for the death penalty against the perpetrators of such acts, human rights defenders who opposed the death penalty were subjected to acts of intimidation¹⁶.

Finally, international humanitarian personnel also continued to suffer from constant insecurity. On November 11, 2006 for instance, two Jordanian peacekeepers of the United Nations Stabilisation Mission in Haiti (MINUSTAH) were shot dead by armed men while patrolling the Cité Soleil neighbourhood in Port-au-Prince¹⁷.

In *Honduras*, a large number of owners of private security agencies who are former members of the "death squads" that were set up to repress political dissidents were particularly hostile to defenders who sought to obtain adequate compensation for past violations. On August 29, 2006, the government further enabled private security agents to enter public security services. This decision, which assigned an important responsibility to individuals likely to enforce State security in a highly partial way, was of particular concern for the security of defenders.

14. An armed group operating with the collusion of police officers reportedly murdered dozens of people in the Martissant and Grand Ravine neighbourhoods.

15. See Action by Christians for the Abolition of Torture - France (ACAT-France).

16. See National Network for the Defence of Human Rights (RNDDH).

17. See MINUSTAH, November 2006.

In *Peru*, lawyers and witnesses denouncing the impunity enjoyed by perpetrators of the massacres committed during the conflict that opposed the Shining Path guerrilla to the Peruvian regular army (1980-2000) were repeatedly harassed in 2006. In particular, the activities of the Truth and Reconciliation Commission (CVR), established in 2001 to identify the persons responsible for the gross human rights violations perpetrated during the conflict, were systematically discredited during the course of the year. Forensic scientists specialised in mass graves exhumations and involved in the ongoing investigations into the violations committed at that time were similarly targeted by reprisals. On January 26, 2006 for instance, Mr. Roberto C. Parra, coordinator of the forensic unit of the Medicine Institute, received two messages threatening him with death and warning him to “be careful”. Similarly, in March 2006, Mr. Ivan Rivasplata Caballero, a member of the roving forensic unit specialised in human rights violations, received a threatening message posted on the Internet website *www.equipoforense.blogspot.com*.

Criminalisation of the activities of human rights defenders

In 2006, throughout Latin America, as in other regions, the authorities used - and sometimes reinforced - their legislative arsenal in order to attack the activities of defenders by invoking legal and/or administrative provisions. Defamation campaigns against human rights organisations and their members were also particularly virulent this year; and human rights defenders were often accused of being “subversive”, “enemies”, “rebels”, “traitors of the Nation” and “terrorists”, or even of supporting the guerrilla in times of conflict. Such acts of criminalisation only served to undermine the credibility of human rights activities and significantly endangered the defenders, as these campaigns further isolated local activists and discouraged others from uniting to their cause.

In *Brazil*, several human rights defenders were subjected to judicial proceedings because of their activities. In April 2006 for instance, Ms. Maria Conceição Andrade Paganele Santos, president of the Association of Mothers and Friends of Children and Teenagers in Danger (AMAR), was charged with “causing harm”, “inciting crime”, “conspiracy” and “aiding and abetting the escape of detainees” after denouncing that acts of collective torture were being committed

against minors detained at the Foundation of the Well-Being of Minors (FEBEM), a state agency monitoring the detention of juvenile delinquents in the State of Sao Paulo. Similarly, on August 21, 2006, Mr. Jaime Amorim, a member of the national coordination for the Landless Workers' Movement (MST) in the State of Pernambuco, was arrested on the basis of an arrest warrant issued on July 4, 2006 by the Fifth Criminal Court of the Recife jurisdiction. The warrant stated that Mr. Amorim was to be detained as he represented "a risk for the peace and security of upstanding citizens". He was released after filing several *habeas corpus* claims, which were eventually granted by the High Court of Justice of Brasilia. However, Mr. Jaime Amorim still faced charges of "offence", "disobeying authority", "violating a property" and "inciting to commit a crime" as of the end of 2006.

In *Chile*, in April 2006, the government of Ms. Michelle Bachelet announced its intention to no longer resort to the Anti-Terrorism Law No. 18314 when bringing judicial proceedings against members and leaders of the indigenous Mapuche community. However, the Bill amending the Anti-Terrorism Law, which provides for the release on parole of any person sentenced for the offences mentioned in this legislation as long as they do not involve offences against persons in the context of claims on indigenous land, had not yet been adopted by the end of 2006. In addition, the Congress refused to extend the benefits of the Law on Political Prisoners of the "transition", which allows the release on bail of persons condemned under the Anti-Terrorism Law, to the Mapuche leaders convicted and detained under the provisions of the former. As a result, Messrs. Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil and Ms. Patricia Roxana Troncoso Robles were still being detained as of the end of 2006. Finally, leaders and defenders of the Mapuche community remained subjected to an intense criminalisation campaign; as for instance Ms. Juana Calfunao Paillalef, *lonko* (a traditional authority) of the "Juan Paillalef" community in Temuco, who was sentenced by the Oral Criminal Court of Temuco to 150 days in detention for "public disorder" on November 20, 2006.

In *Colombia*, human rights defenders were again targeted by judicial proceedings or arbitrary detentions and often accused of "rebellion". For instance, Messrs. Abdón Goyeneche Goyeneche and William Sáenz, both leaders of the Arauca Teachers' Association (ASEDAR),

Mr. Esaud Montero Triana, a member of the Médica Mission and of the National Association of Hospital Workers (ANTHOC), Mr. Pedro Bueno, a member of the executive board of the “Joel Sierra” Regional Foundation Committee for Human Rights, and Nubia Chacón, a community leader, all remained in detention as of the end of 2006.

Although several scandals surfaced and brought to light the collusion between paramilitaries and official authorities, defenders who have denounced this situation for many years remained stigmatised. More specifically, the authorities continued to make comments aimed at discrediting defenders’ activities. On April 21, 2006 for instance, the Colombian Vice-President, Mr. Francisco Santos Calderón, publicly accused the Swiss NGOs “Bread for All” (PPP) and “Action for Lent” (AdC) of carrying out an “aggressive campaign against Colombia” and of financing the guerrilla of the Revolutionary Armed Forces of Colombia (FARC). During an interview published on May 5, 2006 in the Swiss newspaper *Le Temps*, the Vice-President reasserted that the campaign led by these two NGOs “(...) presented an erroneous and injurious political content”, adding that he was considering taking judicial action against them. Moreover, on May 8, 2006, President Uribe once again accused the people voicing criticism of his “democratic security” policy and the demobilisation process of paramilitary groups of engaging in terrorist activities¹⁸.

In *Mexico*, a positive step was taken with the repeal of Article 214 of the Criminal Code which criminalised acts of defamation, on August 8, 2006. In March 2006, Ms. Isabel Arvide, a journalist known for her numerous articles denouncing drug-trafficking, corruption and violence, had notably been sentenced by the Second Criminal Court of Chihuahua to a one-year suspended prison term and a 14,000 euros fine on the basis of this article. Ms. Arvide was accused of having published an article on her website and in the daily *Milenio* in June 2001, in which she had denounced the involvement of officials, including the former General Prosecutor, Mr. Jesús José Solís Silva, in a drug cartel in Chihuahua¹⁹.

18. See Coordination Colombia-Europe-United-States, May 2006.

19. See Committee to Protect Journalists (CPJ), March 3, 2006.

Defenders further continued to be targeted by defamatory accusations. On November 10, 2006 for instance, the representative of the Attorney General's office publicly declared that "although he did not want to disclose names, three [human rights] organisations operating in the State of Puebla had links with the guerrilla"²⁰. Human rights movements were also gravely equated to delinquent groups, in particular in the context of social protests as was the case in Oaxaca²¹.

Moreover, human rights defenders operating in the State of Chiapas were particularly targeted as the alternative "Other Campaign" was launched in January 2006²², and in the run up to the presidential and local elections which were held in July and August 2006. Mr. Dámaso Villanueva Ramírez, a member of the Citizens' Committee for the Defence of the People (COCIDEP)²³ and a supporter of the "Other Campaign", was arrested on February 24, 2006 on suspicion of "damages to a private property" and subsequently transferred to the social rehabilitation centre No. 5 in San Cristóbal de las Casas. He was released on March 2, 2006 on grounds of lack of evidence; however, the charges against him remained pending as of the end of 2006. In addition, members of the International Service for Peace (SIPAZ) were continuously watched and threatened when travelling to Chiapas to monitor the human rights situation in the framework of the "Other Campaign", on the initiative of Mexican civil society organisations.

In *Nicaragua*, high-ranking officials similarly attempted to discredit the work of human rights organisations. On August 1, 2006 for instance, Mr. Edwin Cordero Ardila, former chief of the national police and a member of the then ruling Constitutional Liberal Party, stated in the daily *La Prensa* that "certain human rights organisations were financed by criminal groups involved in drug trafficking (...)"²⁴.

20. See Agustín Pro Juárez Centre for Human Rights (PRODH), November 2006.

21. See below.

22. The "Other Campaign" was launched in January 2006 at the same time as the campaign for presidential elections. It was aimed at mobilising popular organisations and drawing attention to political and social issues, in particular on indigenous peoples' rights and human rights violations committed in the country.

23. This association fights against the privatisation of the water sector, high electricity tariffs and illegal mobile phone antennae installations.

24. See Nicaraguan Centre for Human Rights (CENIDH), November 2006.

The Ombudsman of Nicaragua also qualified the Nicaraguan Centre for Human Rights (CENIDH) as “kaibil”²⁵ following the release of a CENIDH report on March 28, 2006, revealing that three journalists had been slandered after denouncing that the rent of one of the Ombudsman’s office staff members was allegedly paid with public funds.

In *Peru*, human rights organisations were subjected to heavy criticism relayed by newspapers close to the government, often in retaliation for the legal assistance they provide to victims of human rights violations. On January 19, 2006 for instance, Mr. Robinson González Campos, a member of the Supreme Court and president of the Academy of Magistrates, stated in the national newspaper *El Expreso* that the real interests of human rights defenders were “by nature economic and political” and that they “[did] not defend human rights but rather (...) their financial interests as well as their political and demagogic goals”. On January 20, 2006, the president of the Congress’ Finance Commission declared in the same newspaper that “NGOs defend their own interests rather than human rights”, adding that they “assume a legitimacy that the people has not granted them (...) in order to justify the funds they receive and to fill their pockets”. On January 25, 2006, the second vice-president of Congress, Mr. Gilberto Diaz, declared, during an interview with *El Expreso*, that “NGOs have turned into a power of darkness [that] aspires to work in place of political parties in order to control the country”. Finally, in September 2006, the Vice-President, Mr. Luis Giampetri, a retired Admiral whose suspected role in the El Fronton prison massacre has been investigated, convened a meeting of the congressional intelligence committee, which he heads, in order to scrutinise the activities of the Legal Defence Institute (IDL), an organisation of lawyers who notably represent the family of one of the El Fronton victims. Mr. Giampetri claimed that IDL was interfering with the course of justice and undermining the morale of the armed forces²⁶.

In *Peru* and *Venezuela*, a number of new bills affecting the independence of NGOs – notably by increasingly controlling their financing – were introduced or adopted in 2006.

25. “Kaibil” refers to the former military elite trained to repress and kill under the dictatorship of General Somoza.

26. See Legal Defence Institute (IDL) and Human Rights Watch (HRW).

In *Peru*, Law No. 25/2006-PE amending Law No. 27692 on the establishment of the Peruvian International Cooperation Agency (APCI), a decentralised body placed under the auspices of the Ministry of Foreign Affairs, was gazetted on December 8, 2006. This new act imposes new fund-raising constraints for NGOs, which must now be listed with the APCI registrar. All cooperation contracts shall further comply with the technical cooperation regulations that shall be harmonised according to the national development policy and “public interest”. Besides, APCI is entitled to impose sanctions against NGOs carrying out activities deemed to “disrupt public order or to infringe on private or public property”. This law further reinforces the provisions of Law No. 28875, adopted on August 15, 2006, which had already allowed an increased interference of the authorities with NGOs internal affairs and objectives.

On June 13, 2006 the *Venezuelan* National Assembly approved at first reading a bill on International Cooperation establishing a new judicial framework regulating, *inter alia*, the work of local and international NGOs operating in the country. This bill had not yet been adopted as of the end of 2006. It notably provides for the regulation and control of objectives, activities and sources of funding of NGOs, and is likely to lead to arbitrary limitations of their international financing. This bill also entails provisions on NGO registration with State authorities, which could interfere with - if not hamper - the autonomy and/or the regular activities of NGOs. Organisations would also be compelled to provide detailed information about their activities, management and sources of funding to the government. Finally, the bill could significantly restrict the access to overseas grants as the authorities accused NGOs of raising foreign funds in order to finance activities against the government.

Increased repression of defenders of economic, social and cultural rights

Although defenders of economic, social and cultural rights play an essential role in the promotion of these rights and, more importantly, in campaigning for a better distribution of wealth and greater equality, they still faced an increased repression in 2006, in particular from the private interests they challenged.

Union and peasant leaders

In 2006, defending workers' and farmers' rights remained a high risk activity in Latin America, a region marked by strong social inequalities.

In *Colombia*, the situation of trade union leaders was still of grave concern as their activities continued to be stigmatised and perceived as "subversive". They were subjected to serious acts of harassment, ranging from persecution and threats to extrajudicial killings. According to the United Confederation of Workers (CUT), 333 unionists were assassinated between August 7, 2002 and May 12, 2006, under the first presidential term of office of Mr. Uribe, including 30 from January 1, 2006 to May 12, 2006 alone²⁷. CUT further asserted that it had lost 69 of its members during 2006. According to the National Union School of Colombia (ENS) estimates, 71 unionists, including 13 union leaders, were assassinated between January and November 2006, which represents a 6% increase compared to the same period in 2005²⁸. The union movement in the country was incessantly persecuted, in particular by paramilitary groups and the Colombian Revolutionary Armed Forces (FARC). On October 5, 2006 for example, Mr. Julian Andres Hurtado, a student leader in the Valle de Cauca campaigning for free university education and actively involved in human rights activities, was killed in front of his home. He had previously received several death threats due to his activities²⁹. On November 17, 2006, Mr. Efraín Guependo, a peasant leader, was killed with two bullets while on his way to work, on the Cajamarca-Armenia main road (region of Tolima)³⁰. Similarly, Mr. Norberto Fajardo Quintero, a union leader, was assassinated in the city of Arauquita on December 16, 2006³¹. Union leaders also regularly received death threats, such as those sent to unionists and NGO members on December 13, 2006 by the "Black Eagles" paramilitary group. Likewise, on June 14, 2006, the National Association of Hospital Workers (ANTHOC) in Bogotá received a message from a military group identifying themselves as the

27. See United Confederation of Workers (CUT), May 2006.

28. See National Union School of Colombia (ENS), December 2006.

29. See ACAT-France.

30. See "José Alvear Restrepo" Lawyers' Collective (CCAJAR), November 22, 2006.

31. See Permanent Committee for Human Rights (CPDH), December 21, 2006.

armed wing of the former AUC, who threatened to “exterminate every single trade unionist” and demanded that the members of the organisation leave the country. The authors of this message notably designated several ANTHOC members as “military targets”, stressing that this list did “not even cover half of the people targeted”.

In *Cuba*, Ms. María Dolores Prada, an independent unionist, was arrested by two officers of the national police on December 18, 2006, while distributing leaflets to passers-by in Havana. She was then taken to the Acosta y Porvenir police station, in the “October 10” municipality, where she was accused of distributing “subversive material” on the public thoroughfare. The police officers then warned her that she would be imprisoned if she did not cease her “counter-revolutionary” activities. She was released two hours later³².

In *Guatemala*, union leaders were also violently targeted in 2006, as for instance Mr. William Noe Requena Oliveros, a representative of the Unity for Trade Union and Popular Action (UASP), whose body was found in the city of Peronia, Villa Nueva. Mr. Oliveros had taken part in negotiations between the Guatemalan Housing Fund (FOGUAVI) and the Congress of the Republic in favour of land reallocation in the city of Peronia. Likewise, Ms. Claudia Jeannette Rivas Rosil, a departmental delegate of the Education Workers’ Union of Guatemala in Jutiapa, was the victim of an assassination attempt in March 2006. According to MNDH, 15.5% of Guatemalan defenders who were threatened or attacked between January and December 2006 were unionists (43 cases) and 14% were peasant leaders (40 cases)³³.

In *Nicaragua*, one of the main problems faced by trade unionists was the existence of “black lists”, established by private companies on the request of employers to find out which employees were union members or were trying to organise. These lists were then circulated among employers in order to limit union activities and possibly take action against blacklisted workers³⁴.

32. See Coalition of Cuban-American Women.

33. See UPDDH-MNDH, *Impunidad : ¿Quiénes son los responsables? - Informe sobre la Situación de Defensoras y Defensores de Derechos Humanos - Enero a Diciembre del 2006*, February 2007.

34. See International Confederation of Free Trade Unions (ICFTU), March 4, 2006.

Defending the rights of the landless, minorities and indigenous populations

Activists defending the rights of minorities, landless populations and indigenous communities were targeted in 2006, especially when challenging large private interests - for example opposing the extraction of natural resources or the building of dams.

In *Bolivia*, the authorities particularly harassed defenders who assisted and supported indigenous communities and farmers in asserting their rights. In particular, those operating in the province of Santa Cruz faced an upsurge in acts of violence and threats in late 2006, notably perpetrated by the Pro-Santa Cruz Committee, a far-right civil movement.

In *Brazil*, notwithstanding the establishment of protection programmes by the authorities, defenders of landless populations continued to be subjected to serious acts of reprisals masterminded by major land owners. On August 20, 2006 for instance, Messrs. Josias de Barros Ferreira and Samuel Matias Barbosa, two MST leaders, were assassinated in Balança camp, in the city of Moreno, Pernambuco. The three suspected perpetrators were believed to have infiltrated the camp in order to convince the families living there to leave³⁵. Even if some investigations into the assassinations of defenders in the past few years have led to the conviction of some *pistoleiros* (hit men), the impunity enjoyed by the persons behind and the authors of these violations considerably fostered the persistence of such attacks.

Despite the serious concerns expressed in 2005 by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, who had denounced the pre-figuration of a genocide against indigenous populations in *Colombia*, members of indigenous communities and their leaders remained the victims of numerous violations (extrajudicial executions, eviction from their land, etc.) in 2006³⁶. Afro-Colombian communities were also targeted by such acts of reprisals: in Chocó for instance, paramilitaries continued

35. See MST. Fifty-nine landless families have been living in Balança since 2000. In January 2006, the Pernambuco gas company (COPERGÁS) entered into negotiations with these families so that they would leave and enable the company to build a gas pipeline. MST responded that the families would vacate the land once they would have been relocated in another camp.

36. See ANDAS, November 2006.

to threaten the Curvaradó and Jiguamiandó Afro-Colombian communities. On March 8, 2006, police officers came to the property of Mr. Enrique Petro, leader of the Curvaradó community, and questioned him about several meetings that had been held at his home, and which aimed at creating a “humanitarian zone” for the return of people of mixed race and Afro-Colombian families who had been displaced from their land and were at risk of famine. On March 9 and 10, 2006, several military units of the 17th Brigade went to Mr. Petro’s home on similar grounds and declared that “there [were] guerillas on his property”, referring to the displaced families and workers living there. Likewise, several members of the Afro-Colombian organisation Process of Black Communities (PCN) were threatened or abducted by paramilitaries in 2006. PCN, a platform gathering over 80 organisations, aims at guaranteeing the respect for the fundamental rights of communities of African origin and at obtaining the recognition of their land rights.

Finally, members of “peace communities” and “humanitarian zones” continued to be repeatedly harassed and assaulted. In September 2006 for instance, about 30 armed men, some of whom identified themselves as paramilitaries, came to San Josesito (Antioquia), a camp established by members of the San José de Apartadó peace community following the assassination of eight of its members in February 2005³⁷, and announced that they would exterminate the community.

In *Honduras*, on June 23, 2006, the Supreme Court acquitted Messrs. Marcelino and Leonardo Miranda, both members of the Civic Council of Popular and Indigenous Organisations of Honduras (COPINH), who had been sentenced to 25 years in prison in December 2003 for the murder of Juan Reyes Gómez, in 2001³⁸. In spite of this positive step, leaders of indigenous communities that have fought for years for the right to their land to be respected continued to be repeatedly harassed, as for instance the Garifuna African-Honduran community. In 2006, Ms. Jessica Garcia, a Garifuna community leader in the village of San Juan Tela (region of Atlántida), was notably subjected to a serious campaign of harassment to force her to sell the lands occupied by the Garifunas for several generations to a

37. See Annual Report 2005.

38. See Open Letter to the Honduran authorities, August 12, 2005.

real estate company that was planning to build a tourist resort in the area. She also received death threats. In addition, Ms. Mirna Isabel Santos Thomas, a member of the Garifuna community in San Juan Tela, was abducted and subsequently found dead on August 6, 2006³⁹.

As claims for the recognition of indigenous people's rights frequently went hand in hand with calls for a sustainable management of natural resources, human rights defenders who denounced the role of national and multinational companies in resources exploitation were equally repressed. On December 20, 2006 for instance, Messrs. Heraldo Zuñiga and Roger Ivan Cartagena, both members of the Olancho Environmental Movement (MAO), were assassinated by the police in the town of Guarisama. The day before, Mr. Heraldo Zuñiga had received death threats from employees of the Sazone forestry company.

In *Mexico*, on March 11, 2006, the body of Mr. Francisco Concepción Gabino Quiñones, an indigenous leader of the Náhua community in Cuzalapa, was found bearing signs of torture. In particular, Mr. Gabino Quiñones had opposed the activities of a mining company operating in Peña Colorada (state of Jalisco) and belonging to the "Ternium" Italian multinational, of the Techint Group⁴⁰. He was also leading the struggle against a governmental programme of privatisation - PROCECOM -, thus contesting the "reallotment" of over 7,000 hectares of communal land. Moreover, on June 6, 2006, in the municipality of José Azueta (state of Guerrero), Mr. Francisco Aguirre Palacios, the father of Mr. Noé Aguirre Orozco, a member of the Zihuatanejo Network of Environmental Organisations (ROGAZ), received a phone call informing him that his son was being closely watched and that his "physical integrity was at risk". Mr. Noé Orozco was campaigning, amongst others, against the construction of the Marina Puerto Moi tourist resort in the Zihuatanejo Bay, in the south of Guerrero state, and had denounced the dumping of waste water into the bay.

39. See Civic Council of Popular and Indigenous Organisations in Honduras (COPINH), June 2006.

40. The Peña Colorada mine in the state of Jalisco is a large iron mine, the exploitation of which causes important air pollution in the Manantlán reservation, one of the most protected rural areas in Mexico, thus putting at risks the survival of ancestral customs.

On November 1, 2006 in *Peru*, Mr. Edmundo Becerra Palomino, a member of the farmers' organisation *Rondas Campesinas* and secretary of the Environment Defence Front in Yanacanchilla, was assassinated in his barn. He was to travel to Lima the next day to meet with representatives of the Ministry of Energy and Mines, and to express his concerns about the planned exploitation of the San Cirilo hill by the Yanacocha mining company. Mr. Becerra Palomino's murderers were reported to have used weapons similar to those provided in August 2006 to the "Forza" security company that was hired by Yanacocha. On August 3, 2006, Father Marco Arana, a member of the Training and Intervention Group for Sustainable Development (GRUFIDES⁴¹) and a mediator between the government and mining companies⁴², also received death threats and insults following violent demonstrations against the expansion of the Minera Yanacocha mining company⁴³. In addition, GRUFIDES members have been intimidated, harassed and constantly watched since September 3, 2006.

Social protest movements

Demonstrations organised by civil society against socio-economic inequalities or, more specifically in 2006, against the possible abuses linked to the signing of Free Trade Agreements (FTA) with the United States, generated a fierce repression and virulent campaigns aimed at discrediting defenders.

In *Brazil*, the police forcefully dispersed a social protest held in April 2006 at the headquarters of the Energy Company of Minas Gerais (CEMIG), in Belo Horizonte, against the privatisation of the energy sector and the increase in the price of energy. On this occasion, Mr. Enio Bohnenberger, MST national leader, and six other demonstrators were arrested and violently beaten. Seventeen other participants

41. GRUFIDES promotes environment protection, sets up training programmes and provides legal assistance to the rural communities in the Cajamarca province.

42. This mediation fell within the scope of negotiations to establish detailed regulations for mining activities, in particular regarding the environmental impact of such operations.

43. A demonstration against the construction of a dock near the People's Centre of Combayo, Cajamarca, gave rise to violent riots led by farmers contesting the expansion of the operations of the Yanacocha mining company. Peasants of the Combayo area were protesting against the environmental impact of mining operations and inadequate sharing of the generated profits in terms of social and economic benefits.

had to be hospitalised. The seven persons arrested were released on bail a few hours later. On July 4, 2006, the 11th District Court in Belo Horizonte ordered to remand Mr. Bohnenberger in custody for “endangering public order”. These charges were still pending as of the end of 2006.

In *Colombia*, an itinerant summit of social organisations was held from May 5 to 22, 2006 in the province of Cauca, and gathered over 18,000 participants - indigenous people, farmers and human rights defenders – who voiced their disagreement ahead of the signing of the FTA between Colombia and the United States. Demonstrators also denounced the government’s denigration and repression policy against Colombian indigenous populations, and expressed their wish to engage in a constructive dialogue with the authorities. Such demonstrations were violently dispersed, such as a rally held on May 16, 2006 in the village of Piendamó, where farmers and members of indigenous communities protesting against the re-election and the “democratic security” policy of President Uribe violently clashed with security officers. The excessive use of force of the police then occasioned the death of several demonstrators, including Mr. Juan Tamayo, an indigenous community leader⁴⁴.

In *Cuba*, promoting human rights remained highly difficult as freedom of assembly, in particular, was still severely restricted. For example, during the 14th Summit of Non-Aligned Countries held in Havana from September 11 to 16, 2006, the government ordered a ban on all gatherings likely to harm the “image” of the city⁴⁵.

Similarly, the *Ecuadorian* government attempted to discredit the situation of indigenous communities and their leaders, following their intense mobilisation against the ratification of the FTA with the United States. The authorities notably stated that the indigenous movement was seeking to destabilise the government and disrupt the peace of the country. In March 2006 for instance, the Minister for Information, Mr. Enrique Proaño, declared that he would “open investigations into international NGOs which [had financed] the indigenous mobilisation” led by the Confederation of Indigenous Nationalities of

44. See Latino-American Commission for the Rights and Freedoms of the Workers and Peoples (CLADEHLT), May 2006.

45. See Coalition of Cuban-American Women.

Ecuador (CONAIE) and that he would “expel [these NGOs] from the country”. These comments were re-asserted in the national press by the Secretary General of Public Administration and the Minister of Government on March 16 and 20, 2006 respectively⁴⁶. Following these statements, several defenders of indigenous peoples’ rights were the victims of reprisals by the authorities. On March 18, 2006, Mr. Humberto Cholango, president of the Confederation of the Quechua Peoples of Ecuador (ECUARUNARI), and Mr. Luis Macas, CONAIE president, were both threatened with arrest if they did not cease their activities in favour of indigenous mobilisation. On March 21, 2006, the government declared a state of emergency in the Cañar province, following a number of anti-FTA protests organised by indigenous communities.

Besides, on May 9, 2006, a demonstration against the OXY petroleum company, which was held in front of the Government Palace, was violently suppressed. On this occasion, numerous activists were arrested by the police who also chased the demonstrators, intimidating them with their dogs and firing tear gas in the crowd. On December 3, 2006, another peaceful protest that gathered inhabitants of the Zamora Chinchipe and Morona Santiago provinces was violently dispersed by the 63rd battalion of Gualaquiza, who fired tear gas at the participants for more than an hour. This demonstration aimed at denouncing the pollution occasioned by the mining operations of the Ecuacorriente Company, also responsible for expelling farmers from their lands⁴⁷.

In *Mexico*, the executive particularly clamped on the social movements that multiplied throughout the country in 2006, such as the social conflict that paralysed the state of Oaxaca - in particular its capital - from May 22, 2006 onwards. The tensions intensified following the repression orchestrated by the governor of the state of Oaxaca, Mr. Ulises Ruiz, against the 22nd section of the National Union of Education Workers (SNTE) on June 14, 2006. This SNTE branch, which gathered about 40,000 teachers on strike and supporters of the Popular Assembly of the Oaxaca People (APPO), were demanding an

46. See Ecuador Permanent Assembly for Human Rights (APDH), March 17, 2006.

47. See *Equipo Nizkor*, December 2006.

improvement in working conditions. As a result of the violent repression led by the authorities, they extended their demands to the resignation of the provincial governor. Numerous demonstrators in Oaxaca City were subjected to arbitrary detentions, threats, violence and intimidation. On November 25, 2006 for instance, police officers and members of armed groups violently assaulted the demonstrators. Five people were killed and dozens were arrested. As of the end of 2006, 33 persons were reported missing out of the hundreds arrested between November 25 and 30, 2006⁴⁸. In such a context, human rights defenders who denounced these violations were also targeted by reprisals, as was Ms. Yésica Sánchez Maya, president of the Oaxaca section of the Mexican League for the Defence of Human Rights (LIMEDDH). Similarly, Father Francisco Wilfrido Mayrén Pelaéz, a member of the “Bartolomé Carrasco Briseños” Regional Human Rights Centre, was intimidated and threatened in October 2006. In November 2006, he was further strongly criticised in an article published in the *Imparcial* newspaper, in which he was accused of “protecting delinquents”⁴⁹. On November 27, 2006, *Radio Ciudadana* accused the NGO Services for an Alternative Education (EDUCA) of manufacturing Molotov explosive devices and of protecting several APPO movements. EDUCA promotes the reinforcement of organisational procedures and integrated development of marginalised communities and indigenous populations in Oaxaca (in particular, their enhanced civil participation)⁵⁰.

In *Nicaragua*, on May 5, 2006, the national police violently crushed a peaceful demonstration organised in Managua by doctors calling for a pay rise. As police forces were backed by rapid intervention troops (TAPIR) and joined the already present security forces, several members of the Nicaraguan Human Rights Centre (CENIDH) attempted, in vain, to act as mediators between the two parties to prevent an escalation of violence. Twenty-two doctors were injured, over 70 were arrested, and three CENIDH members were hit and verbally abused.

48. See LIMEDDH.

49. See “Bartolomé Carrasco Briseño” Regional Human Rights Centre and National Network of Civil Human Rights Organisations “All for the rights of all”.

50. See PRODH.

In *Peru*, the authorities launched a proper “witch hunt” aimed at discrediting social organisations and NGOs that had expressed their concerns about the possible negative impacts on human rights of the Free Trade Agreement (FTA) signed on April 12, 2006 between the United States and Peru⁵¹. On the same day, the APCI executive director threatened to request the Public Prosecutor’s office to issue a court order to disband the Labour Advisory Centre (CEDAL) under Article 96 of the Civil Code, which stipulates that “the Public Prosecutor can dissolve an association by court order if its activities or objectives are proved to be contrary to public order or moral standards”. According to the same Article, “the judge may, at any stage of the proceedings, order preventive measures to suspend, in whole or in part, the activities of an association”.

According to the *Venezuelan Programme for Education-Action on Human Rights (PROVEA)*, 58 demonstrations were repressed, banned or dispersed by State security agencies between October 2005 and September 2006 - a significant increase compared to the 18 cases identified in the 2005 PROVEA annual report⁵². This repression illustrated a progressive and spontaneous radicalisation of popular protests, in particular those related to the rights to housing and public services, and, to a lesser extent, those defending workers’ rights. According to PROVEA, at least 113 people were injured and 243 were arrested in the framework of this wave of repression. On May 24, 2006 for instance, inhabitants of the communities of San Francisco de Miranda, Santa Rita, la Morita, Guaruto, El Valle, Vallecito and Coropo, in the state of Aragua, demonstrated in front of the headquarters of the Elecentro company to protest against the recurrent power cuts in these areas. The police violently dispersed this gathering by beating the protesters and firing tear gas. Likewise, on November 8, 2006, about twenty members of the Community Housing Organisation (OCV) in La Guzmanera were injured when the police attempted to block their demonstration, which was planned to rally Caracas in order to claim funds for building houses.

51. See International Fact-Finding Mission Report, *Perú: Una situación preocupante para los defensores de derechos humanos*, December 2006.

52. See Venezuelan Education-Action Programme on Human Rights (PROVEA), *Informe anual sobre la situación de los derechos humanos en Venezuela, octubre-noviembre de 2006*, December 2006.

Defenders of sexual minorities' rights

In *Argentina*, a positive step was to be welcomed as the Supreme Court granted legal recognition to the Association for the Struggle of the Transvestite and Transsexual Identity (ALITT) on November 21, 2006. This verdict overruled earlier decisions by the General Inspectorate of Justice (a division of the Argentinean Justice Department responsible for NGO registration), and a civil court, which had both declared that ALITT's objectives were unacceptable as "going against the common good"⁵³.

In *El Salvador*, the San Salvador offices of the Association "Between Friends", an NGO promoting LGBT rights, were broken into on May 30, 2006. Some of the organisation's files were stolen, more specifically those relating to a demonstration that was due to take place in June 2006 in front of the National Assembly to call for the respect of the right to non-discrimination and for the withdrawal of a planned reform of the Constitution⁵⁴. Threatening letters addressed to the members of the organisation, including one containing death threats, were left at the headquarters. The association has moved out and found new offices since then, but has remained under the surveillance of unidentified individuals several hours a day. Moreover, Mr. William Hernández, director and president of the association, was threatened at gun point on June 1, 2006 in front of the NGO headquarters, shortly after the police officer in charge of his protection had finished his shift.

In *Honduras*, religious organisations and political leaders continued to perceive organisations defending lesbian, gay, bisexual and transsexual (LGBT) minorities' rights as a risk for society. This hostile environment fostered numerous acts of reprisals against LGBT rights defenders who remained highly discriminated and whose work in favour of human rights was rarely acknowledged. On August 15, 2006, the body of Mr. Javier Enrique Hernández, a member of the San Pedro Sula Gay Community, an NGO based in the north of the country, was

53. See International Gay and Lesbian Human Rights Commission (IGLHRC), November 2006.

54. The Christian Democratic Party (PDC) and the Catholic Church of Salvador campaigned for a reform of the Constitution to criminalise same-sex marriages and to prevent LGBTs from adopting children. This reform was approved by the National Assembly in 2005 but still requires ratification by the new Parliament that was elected in March 2006.

found bearing clear marks of torture in his apartment⁵⁵.

Lastly, in *Jamaica* and other Caribbean countries, a number of gay and lesbian activists had to work clandestinely in 2006 due to increasing homophobia and the dangers they were facing.

Freedom of expression

In 2006, journalists also suffered violent acts of reprisals when reporting about the human rights violations they witnessed.

In *Colombia* for instance, Mr. Gustavo Rojas Gabalo, a journalist with the *Panzenú* radio station, died on March 20, 2006 as a result of the injuries that he sustained on February 4, 2006. He had frequently criticised the successive municipal governments as well as politicians from Córdoba on his radio show. Similarly, Mr. Atilano Segundo Perez Barrios, a presenter known for reporting cases of corruption in the region of Montes de María during his shows on the *Vigía de Modelar* radio station, was killed in front of his home in the city of Cartagena on August 22, 2006. In his last broadcast, he had notably pointed out the influence of paramilitary groups over various municipal establishments in Marialabaja (in the Montes de María region) and had alleged that some of these groups sponsored some candidates running for mayor⁵⁶.

In *Cuba*, defending human rights was still considered as a threat to the State and all activities in this field remained severely punished. In such a context, access to information on the Internet was particularly limited as the Cuban government resorted to a broad arsenal to ensure that the Internet was not used for “counter-revolutionary” purposes. Private Internet access was forbidden, whereas public connections remained strictly censored through a programme installed by the police in cybercafés and hotels, which sends out alerts every time “subversive” words were typed in⁵⁷.

Moreover, local human rights groups were systematically denied

55. See Global Rights, CATRACHAS, Sampedrana Gay Community, National Forum on HIV/AIDS, KUKULCAN Group, Arcoiris Group, IGLHRC, *Shadow Report on Honduras to the Human Rights Committee*, 2006.

56. See International Federation of Journalists (IFJ), *Journalism Put to the Sword in 2006*, January 2007.

57. See Reporters Without Borders (RSF), October 2006.

legal registration as the authorities still refused to recognise the promotion of human rights as a legitimate activity. Members of these groups were further repeatedly harassed. Indeed, since July 2005, the authorities have more and more resorted to para-judicial acts of “repudiation”, i.e. acts of repression and intimidation led by groups set up and trained by government agents. These groups usually surround the homes of defenders and publicly insult them - sometimes even physically attack them. For example, hundreds of people have been lurking around the house of Mr. Juan Carlos González Leiva, president of the Cuban Human Rights Foundation, since August 2005, committing acts of vandalism and threatening to enter his home or to burn it down. Similarly, on March 17, 2006, a crowd besieged the house of Mrs. Isel Acosta, a member of the “Ladies in White”, a movement gathering the wives and relatives of Cuban political prisoners and regularly demonstrating for their release. Assailants bang on the windows and doors for several hours, shouting insults and death threats⁵⁸. On October 17, 2006, Mr. Miguel Valdés Tamayo, president of the Association of Fraternal Brothers for Dignity and a member of the Assembly for the Promotion of Civil Society in Cuba, was physically and verbally assaulted by a crowd gathered in front of his home in Havana. These individuals attempted to prevent him from leaving his house by hitting him on the head, the chest and on his back. His attackers were mostly women members of the Rapid Intervention Brigade, an unarmed volunteers’ group instructed to prevent delinquency as well as to silence any form of opposition or discontent towards the regime. Mr. Tamayo died of a heart attack on January 10, 2007⁵⁹.

In *Ecuador*, journalists were not spared either. For example, Mr. José Luis León Decider, a journalist with *Radio Minutera*, was assassinated near his home in the town of Guayaquil on February 13, 2006. He had regularly denounced human rights violations and was very likely killed as a result of his activities⁶⁰.

58. See Coalition of Cuban-American Women.

59. *Idem*.

60. See IFJ, *Journalism put to the sword in 2006*, January 2007.

Mobilisation for regional and international protection of human rights defenders

United Nations (UN)

During the second session of the Human Rights Council, held in Geneva (Switzerland) from September 18 to October 6, 2006, Ms. Hina Jilani, Special Representative of the UN Secretary General on human rights defenders, presented her preliminary conclusions and recommendations on the situation of defenders in *Brazil*, where she carried out a visit between December 5 and 21, 2005⁶¹. Although Ms. Jilani welcomed some of the “policies and initiatives” adopted by the government, she underlined that “serious concerns regarding the situation of human rights defenders persist[ed] because of a wide gap between the declaration of policy and its implementation on the one hand, and the creation of mechanisms and their effectiveness, on the other”. She further stressed that defenders of social, economic and cultural rights were more specifically targeted by acts of reprisals, whether assassinations, threats, or accusations of creating public disorder, and deplored that peaceful action for the defence of human rights was frequently met with disproportionate use of force. Finally, Ms. Jilani called for a greater commitment of the government to human rights policies and urged the authorities to proceed to “adjustments in the role of the judiciary in order to guarantee their practical implementation”.

In her report on the situation of human rights in *Colombia*, Ms. Louise Arbour, High Commissioner for Human Rights, denounced the alarming situation faced by human rights defenders operating in the country, underlining that “human rights defenders, members of women’s and victims’ organisations, community leaders, displaced persons and trade unionists continued to be the victims of murders [and] threats” and “[were] also affected by arbitrary detentions and accusations of rebellion based on sources of dubious reliability”. According to the High Commissioner, “the departments most affected were Antioquia, Valle del Cauca, Arauca, Nariño, Santander, Putumayo, Bogotá, Atlántico and Bolívar. Most cases were attributed to paramilitary groups. Accusations [were] also brought against the FARC-EP. Some cases involved members of the security forces.

61. See United Nations Document E/CN.4/2006/95/Add.4.

There was an increase in the number of cases attributed to members of the Mobile Anti-Riot Squadron (ESMAD), owing to their operations on the occasion of public demonstrations”. Finally, Ms. Arbour regretted that “some authorities publicly questioned the nature and legitimacy of the work of human rights defenders”⁶².

On December 21, 2006, the Office of the High Commissioner for Human Rights in *Colombia* further condemned the death threats addressed by the “Black Eagles” paramilitary group against unionists, human rights defenders and members of student organisations in the town of Barranquilla⁶³.

In its February 2006 report, the Office of the High Commissioner for Human Rights in *Guatemala* indicated that the “attacks on human rights defenders [...] increased”, the main victims being “members of organisations of agricultural workers, trade unions, and development and environmental organisations, engaged for the most part in the defence of economic, social and cultural rights”. This report further underlined that “the situation has worsened since there has been little progress in prevention, or in the investigation and punishment of those responsible”. Finally, Ms. Arbour called upon “the government and the system of justice to establish effective, sustainable programmes [...] to protect the life and personal integrity of human rights defenders, trade unionists, journalists, justice officials and witnesses”⁶⁴.

During its 36th session, which took place from May 1 to 19, 2006 in Geneva, the Committee Against Torture (CAT) expressed its concerns about “reports of an increase in acts of harassment and persecution, including threats, killings and other human rights violations, experienced by human rights defenders, and about the fact that such acts remain unpunished” in *Guatemala*. The Committee notably requested the State party to “adopt effective measures to strengthen and guarantee the independence of the unit for the protection of human rights defenders within the Presidential Human Rights Commission, as well as to prevent and protect human rights defenders from any further

62. See United Nations Document E/CN.4/2006/9.

63. See <http://www.un.org/spanish/News/fullstorynews.asp?newsID=8458&criteria1=Colombia&criteria2=>.

64. See United Nations Document E/CN.4/2006/10/Add.1, February 2006.

violence” and added that it “should ensure the prompt, thorough and effective investigation and appropriate punishment of such acts”⁶⁵.

Regarding the situation in *Peru*, the Committee “express[ed] concern over the allegations it [...] received of reprisals, intimidation and threats against those who report acts of torture and ill-treatment, and at the lack of effective mechanisms to protect witnesses and victims”, and “regrett[ed] that human rights defenders who [...] cooperated with the Truth and Reconciliation Commission [were] subjected to threats”. The Committee thus urged the Peruvian government to “adopt effective measures to ensure that those who report acts of torture or ill-treatment are protected from intimidation and possible reprisals for making such reports” and to “investigate all reports of intimidation of witnesses and [...] to set up an appropriate mechanism to protect witnesses and victims”⁶⁶.

During its 88th session, held from 16 October to 3 November 2006, the Human Rights Committee (HRC) was concerned at the cases of harassment and deaths of journalists and human rights defenders” in *Honduras*, and “at the apparent impunity of the perpetrators”. The Council notably called on the State party to “take the necessary steps to prevent any harassment of journalists and human rights defenders and (...) to ensure that those responsible for the deaths of journalists and human rights defenders are prosecuted and punished and that the relatives of the victims are duly compensated”⁶⁷.

Inter-American Human Rights Protection System

Inter-American Commission on Human Rights (IACHR)

The IACHR discussed and endorsed, during its 124th regular session (February 27-March 17, 2006), the “Report on the situation of human rights defenders in the Americas”⁶⁸. The Observatory welcomed the adoption of this report, which was provided for by the Resolution AG/RES 1818 (XXXI-O/01) adopted in 2001 by the

65. See CAT Concluding Observations, UN Document CAT/C/GTM/CO/4.

66. See CAT Concluding Observations, UN Document CAT/C/PER/CO/4.

67. See HRC Concluding Observations, UN Document CCPR/C/HND/CO/1/CRP.1. Unofficial translation.

68. See Document of the OAS, OEA/Ser.L/V/II.124 - Doc.5 rev. 1, March 7, 2006.

General Assembly of the Organisation of American States (OAS), and which was expected since 2002. The report makes reference to the legal framework for the protection of human rights defenders in the Inter-American system, the problems that they face (extra-judicial killings, forced disappearances, attacks, threats, smear campaigns, criminal prosecutions, financial restrictions, denial of legal recognition of NGOs, etc.) as well as the precautionary measures decreed by the IACHR in their favour⁶⁹. This report also underlines the “alarming impunity” prevailing in the region and calls upon Member States to acknowledge the importance of protecting human rights defenders, in particular union, social and indigenous leaders who are “especially exposed”. This report was made public on June 1, 2006⁷⁰ and was presented by Mr. José Miguel Insulza, OAS Secretary General, during the IACHR 126th regular session held in Washington (United States), on October 16 and 17, 2006.

During its 124th regular session, the IACHR once again made special mention of the essential role played by human rights defenders as the “engine” of the Inter-American system, who allow the effective protection of human rights⁷¹.

On this occasion, the IACHR expressed its concern for criminal actions initiated against several *Venezuelan* activists on charges of “conspiracy against the republican form of government” after receiving international cooperation funding to develop their work. Further, and “in light of statements made by State representatives during hearings before the Commission disqualifying the work of human rights defenders”, the IACHR called on “the Venezuelan authorities to assure that no human rights defender is subjected to harassment and intimidation based on his or her work”. In addition, the IACHR expressed its concern for the laws and judicial actions that limit freedom of expression and access to information in the country, particularly “with regard to criminal actions pursued against Ibeyse Pacheco, Marianella Salazar and José Ovidio Rodríguez [...] for the crimes of slander, defamation and contempt”.

69. In its report, the IACHR indicates that between 2001 and 2005, 44.8% of precautionary measures were granted to human rights defenders, essentially from Colombia, Guatemala and Mexico.

70. See IACHR Press Release no. 19/06, June 1, 2006.

71. See IACHR Press Release no. 07/06, March 17, 2006.

In May 2006, the IACHR presented its annual report 2005, in which it notably underlined the situation of human rights defenders in *Colombia*, *Cuba*⁷², *Haiti*⁷³, and *Venezuela*⁷⁴.

With regards to *Colombia*, it highlighted the government's efforts to continue its "Programme to protect human rights defenders, members of trade unions, journalists and community leaders", which protects numerous beneficiaries of precautionary and provisional measures adopted by the Commission and the Inter-American Court of Human Rights, respectively. However, the IACHR deplored that members of the paramilitary units involved in the demobilisation process were repeatedly cited as being responsible for grave violations and assassinations of human rights defenders⁷⁵.

Similarly, on June 16, 2006, the IACHR underscored its concern in relation to the threats and acts of violence targeting human rights defenders in *Colombia*, urging the State to adopt special measures to protect organisations and individuals representing victims of human rights violations. The Commission also stated that a number of regional and national organisations involved in defending human rights had "come under threats declaring them to be military targets" and that several of these organisations had been "victims of the theft of work-related data, as part of a pattern of harassment intended to dissuade them from pursuing their activities"⁷⁶.

On July 19, 2006, the IACHR voiced its concern over some provisions of the draft legislation on international cooperation under discussion by the Legislative Assembly of *Venezuela*. The Commission specifically noted that "this law [could] be interpreted in a restrictive manner in order to limit, among other things, the exercise of the rights of association [and] freedom of expression, [...] and could seriously impair the functioning of non-governmental organisations"⁷⁷.

On October 10, 2006, the IACHR ruled admissible a request introduced in 2001 by the "José Alvear Restrepo" Lawyers' Collective

72. See IACHR Press Release no. 12/06, May 2, 2006.

73. See IACHR Press Release no. 14/06, May 2, 2006.

74. See IACHR Press Release no. 15/06, May 2, 2006.

75. See IACHR Press Release no. 16/06, May 2, 2006.

76. See IACHR Press Release no. 21/06, June 16, 2006.

77. See IACHR Press Release no. 26/06, July 19, 2006.

(CCAJAR) questioning the international accountability of the Colombian State for assassinations, attacks, threats and other acts of intimidation and harassment to which the members of the organisation have been subjected since 1990. This decision marked the beginning of an investigation phase, at the end of which the IACHR shall rule on the merits of the case and determine if the Colombian State is responsible for such violations, by virtue of the general obligation incumbent on States to respect and guarantee the respect for the rights defined in the Inter-American Convention on Human Rights⁷⁸.

Furthermore, during its 126th regular session, the IACHR specifically addressed the situation of human rights defenders in *Cuba*, *Haiti* and *Venezuela*⁷⁹. In particular, it approved a report on the case of Oscar Elías Biscet *et al.*, which accused the Cuban government of violating fundamental rights to the detriment of 75 political dissidents who have been deprived of their liberty since 2003⁸⁰. With regards to *Haiti*, the IACHR “underscored the urgent need for the State to guarantee the security of the Haitian people in general and that of human rights defenders and other vulnerable groups in particular”. The Commission further indicated that it had received information concerning the acts of intimidation against Mr. Evel Fanfan. Lastly, the IACHR reiterated its concerns about the hostile environment faced by human rights defenders who attend hearings before the Commission upon their return to *Venezuela*. On this occasion, the Commission reasserted the obligatory nature of precautionary measures in favour of defenders and addressed the International Cooperation Bill, underlining that the participation of organisations that had expressed criticism about the contents of the bill had been restricted.

On October 18, 2006, the IACHR released its report entitled “Violence and Discrimination Against Women in the Armed Conflict in *Colombia*” following an on-site visit of Ms. Susana Villarán, IACHR former Special Rapporteur on women’s rights, from June 20 to 25, 2006⁸¹. The report denounced as “alarming” the fact that “all armed actors in the conflict commit aggressions against organisations

78. See Observatory Press Release, October 17, 2006.

79. See IACHR Press Release no. 37/06, October 27, 2006.

80. See Compilation of cases below.

81. See IACHR Press Release no. 49/06, December 5, 2006.

working to defend the rights of women” and mentioned several associations, such as the Women’s Popular Organisation (OFP), the National Association of Peasant, Black and Indigenous Women of Colombia (ANMUCIC), the League for Displaced Women and the Woman’s House, whose members, as well as their relatives, were regularly subjected to “systematic intimidation, persecution, kidnapping, torture and sexual abuses”. Consequently, the IACHR urged Colombia to “legitimise and protect in an effective manner the work of women human rights defenders as well as their organisations in the whole of the country”.

Finally, on November 3, 2006, the IACHR called upon the *Peruvian* government to adopt all necessary precautionary measures in order to prevent a “recurrence” in threats and other acts of harassment against human rights defenders. The Commission also underlined that the Draft Law No. 25/2006-PE, which would amend Law No. 27692 on the establishment of the Peruvian International Cooperation Agency (APCI), would, if passed, “have a negative impact on the work of human rights organisations”⁸².

Inter-American Court of Human Rights (IACoHR)

On November 28, 2006, the IACoHR rendered its verdict in the case of the assassination of Mr. Gilson Nogueira, a lawyer, a member of the Center for Human Rights and Popular Memory (CDHMP) and an assistant to the regional body for the promotion of Justice in the Rio Grande do Norte State in *Brazil*. Mr. Nogueira had been extra-judicially executed in the city of Natal on October 20, 1996 after investigating into police violence and the activities of the death squads operating in the Rio Grande do Norte State⁸³. Whereas the IACHR had considered, in 2005, that there was sufficient evidence to refer the case to the IACoHR, the Court decided to close the matter on ground of lack of evidence⁸⁴.

82. See IACHR Press Release no. 42/06, November 3, 2006.

83. See Observatory Annual Report 1999.

84. In 2006, 34 organisations and individuals filed an *Amicus Curia* with the IACoHR in favour of the petitioners (*inter alia*, CMDPDH and *Justiça Global*) in the case opposing them to the Government of Brazil, including the following NGOs: the Centre for Justice and International Law (CEJIL), OMCT, CCAJAR, MNDH, the Centre for Legal Action in Human Rights (CALDH), PROVEA,

Organisation of American States (OAS)

On June 6, 2006, the fourth plenary session of the 36th regular session of the OAS General Assembly, convened in Santo-Domingo (Dominican Republic), adopted a Resolution in which it expressed its concerns “that situations persist in the Americas that directly or indirectly prevent or hamper the work of individuals, groups, or organizations working to promote and protect human rights and fundamental freedoms”, and took note “that, in its decisions granting provisional measures, the Inter-American Court of Human Rights has highlighted the importance of the work of human rights defenders to the development of democracies in the Americas”. The OAS further emphasized that “the protection and promotion of human rights is legitimate work and that, in the exercise of their duties, human rights defenders contribute decisively to strengthening democratic institutions and improving national human rights systems” and acknowledged “that, in view of their specific role and needs, women human rights defenders should be accorded special attention to ensure that they are fully protected and effective in carrying out their important activities”. The General Assembly also “condemn[ed] actions that directly or indirectly prevent or hamper the work of human rights defenders in the Americas” and “urg[ed] Member States to continue stepping up their efforts to adopt the necessary measures to safeguard the lives, freedom, and personal safety of human rights defenders and their relatives, including effective emergency protection measures in the case of imminent threat or danger, and to ensure that thorough and impartial investigations and proceedings are carried out, and appropriate punishments are applied”⁸⁵. Finally, the General Assembly requested the IACHR to “include in its annual report a section on the work of

IDL, APRODEH, the Inter-American Foundation for the Defence of Human Rights (FIDDH), Terra de Direitos, the Colombian Commission of Jurists (CCJ), the National Human Rights Coordinating Committee of Peru (CNDH), the Paraguay Human Rights Coordinating Board (CODEHUPY), Casa Alianza Honduras, the Committee of the Relatives of Detainees-Disappeared, the Economic and Social Rights Centre (CDES), the Mexican Commission for the Defence and the Promotion of Human Rights (CMDPDH) and the Centre for Legal and Social Studies (CLES).

85. See OAS Document, AG/RES. 2177 (XXXVI-O/06), *Human rights defenders: Support for the individuals, groups, and organizations of civil society working to promote and protect human rights in the Americas*, June 6, 2006.

[its] Unit for Human Rights Defenders”. During the same session, the Assembly General also adopted another Resolution to support the work of defenders of the people, defenders of the population, and human rights attorneys or commissioners (Ombudsmen)⁸⁶.

European Union (EU)

On February 2, 2006, the European Parliament adopted a Resolution on the situation in *Cuba*, in which it underscored that “dozens of independent journalists, peaceful dissidents and defenders of human rights (members of the democratic opposition and in most cases linked to the Varela project) [were] still being held in jail in subhuman conditions, (...) some of them [being] seriously ill and many close relatives of the *Damas de Blanco* [Ladies in White]”. The Parliament further recalled that “[the Cuban authorities refused] to allow the *Damas de Blanco* to travel to the seat of the European Parliament [...] to receive the [2005 Sakharov Prize for Freedom of Thought]” and regretted “the absence of any significant signs on the part of the Cuban authorities in reponse to the European Union’s calls for full respect for fundamental freedoms, especially freedom of expression and political association”. The Parliament consequently “condemn[ed] the worsening repression and the increase in the number of prisoners of conscience”⁸⁷.

On the eve of the IV EU-Latin America/Caribbean Summit that was held on May 11 and 12, 2006 in Vienna (Austria), Ms. Ursula Plassnik, Austrian Minister of Foreign Affairs and then President of the Council of the EU, met women human rights defenders from Mexico, Guatemala and Colombia. Ms. Plassnik notably acknowledged that “women who fight for human rights and especially women’s rights are often exposed to special risks, as their activity questions the traditional role of women” and that “heightened attention in itself often affords them greater protection”⁸⁸.

86. See OAS Document, AG/RES. 2221 (XXXVI-O/06), *Strengthening of the national human rights systems of the Member States and support for the work of defenders of the people, defenders of the population, and human rights attorneys or commissioners (Ombudsmen)*, June 6, 2006.

87. See Resolution of the European Parliament, P6_TA(2006)0042, February 2, 2006.

88. See Press Release by the EU Presidency, May 11, 2006.

During this Summit, Heads of State and Government of the EU, Latin America and the Caribbean further declared that the “promotion and protection of human rights, including human rights defenders, shall be provided with coherent and effective support and protection”.

On May 13, 2006, the III EU-*Mexico* Summit and the II EU-*Central America* were held on May 13, 2006 in the framework of the EU-Latin America/Caribbean Summit. On these occasions, participants reasserted the importance of the protection of human rights defenders⁸⁹.

The Council of the EU also endorsed several Conclusions in 2006, in particular with regard to the situation in *Colombia*, *Cuba*, *Guatemala* and *Venezuela*⁹⁰.

In 2006, the EU stated that it had stressed to the *Colombian* government “the importance of ensuring the safety of those individuals, organisations and institutions, including human rights defenders, working for the promotion and protection of human rights, and of protecting the rights of persons belonging to minorities and indigenous peoples”. The Council further noted with concern that the Justice and Peace Law did not “take into sufficient account the principles of truth, justice and reparation in accordance with internationally agreed standards”, due to “the blurring of distinctions between “political” and other crimes; the short time allowed for the investigation of confessions and for the investigation of title assets that may have been acquired as the result of illegal activities; the restricted opportunities allowed for victims to claim reparations; the limited maximum sentences for the most serious of crimes; and the heavy resource pressures on the Colombian legal system in coping with the demands of the new law”.

In its conclusions of June 12, 2006, on the 16th evaluation of the Common Position on *Cuba*, the Council deplored “the further deterioration of the human rights situation in Cuba since the last evaluation in June 2005”. In this regard, the Council urged the Cuban government to “unconditionally release all political prisoners, including the group of 75 who were detained and sentenced in 2003” and

89. See Joint Press Release of the EU and Mexico and Joint Press Release of the EU and the Heads of State and Government of Central America, May 13, 2006.

90. See Council of the EU, *Annual Report of the EU on Human Rights - 2006*, October 2006.

expressed its concern at “the staging of several dozen acts of violent harassment and intimidation, including acts of repudiation” since 2005. The EU finally reminded the Cuban authorities of their responsibilities, “in particular as regards the basic rights of free access to information, freedom of expression, association and assembly, privacy and due process of law”.

The EU was further concerned by “the high level of violence and insecurity in *Guatemala*”, and stated that it had “conveyed disquiet with the situation of human rights defenders [to the Guatemalan government]”.

With regard to *Venezuela*, the EU asserted that it was also “closely [following] some court cases against opposition members and human rights defenders”.

International Labour Organisation (ILO)

On June 1, 2006, on the occasion of the 95th session of the International Labour Conference (ILC), Colombian labour confederations signed a tripartite agreement to guarantee their right to organise, democracy and the fight against impunity as the latter continued to prevail in the prosecution of perpetrators of violations against trade unionists. This agreement provides for the establishment of a permanent ILO office in Colombia in order to strengthen technical cooperation and to promote the defence of the fundamental rights of workers, union leaders and their organisations. The parties agreed to follow up closely the results of the investigations into the assassinations and violations of freedoms of trade union leaders and workers led by the special investigation unit of the General Prosecutor of the Nation (Ombudsman), to punish those responsible for these crimes⁹¹.

Civil society

On March 6, 2006, during the 50th session of the Commission on the Status of Women (CSW) of the United Nations, held in New York (United States), the Centre for Women’s Global Leadership

91. See International Centre for Trade Union Rights (ICTUR), *Colombia: boletín sobre derechos sindicales*, April-July 2006.

(CWGL) sponsored a workshop on women human rights defenders, in which about 50 persons participated.

On May 23 and 24, 2006, the third Human Rights Defenders Policy Forum, entitled “Beyond Elections: Defending Human Rights in the Age of Democratisation”, was held in Atlanta (United States), at the initiative of the Carter Centre and Human Rights First. The event was attended by human rights defenders from twenty-one countries, as well as by Mr. Jimmy Carter, former President of the United States, Ms. Hina Jilani, Ms. Louise Arbour, Ms. Reine Alapini-Gansou, Special Rapporteur of the African Commission on Human and Peoples’ Rights on human rights defenders in Africa, and Mr. Santiago Canton, IACHR Executive Secretary. The Policy Forum aimed at discussing the role played by human rights defenders in building and securing democracy, as well as the support that the international community can bring to human rights activists in periods of transition.

On November 3, 2006, the Open Society Institute (OSI) convened a Forum entitled “From Frontlines to Headlines - Women Human Rights Defenders” in New York (United States). The event, which was attended by Ms. Hina Jilani, underlined the specific obstacles faced by women human rights defenders, in particular the hindrances to their activities occasioned by discriminatory cultural and social norms and the negative impact of the international anti-terrorism campaign on violence committed against defenders. Moreover, the Forum addressed the challenges faced by women human rights defenders, as well as the tools, instruments, and strategies available for the prevention, monitoring, and investigation of violations of their rights.

Finally, several Central American defenders gathered on December 1 and 2, 2006 in San José (Costa Rica), on the initiative of the Centre for Justice and International Law (CEJIL), to discuss the IACHR report on human rights defenders in Central America. A hearing was planned before the IACHR to examine the outcomes of this meeting; as of the end of 2006 however, no date had been set yet.

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

ARGENTINA

Status of the investigation into acts of harassment against Ms. Nara Oses and Ms. Edith Galarza¹

By the end of 2006, the investigation opened by the Superior Tribunal of Justice of the Neuquén Province, concerning acts of harassment perpetrated in 2005 against Ms. **Nara Oses**, the official defender of children's rights working, in particular, on a phenomenon called "gatillo facil"², and Ms. **Edith Galarza**, her assistant, had produced no results.

In March 2005, Ms. Nara Oses and her assistant had received several death threats by telephone, and had consequently been granted police protection for two months.

The provincial government had also tried to dismiss Ms. Nara Oses.

Status of the investigation into acts of vandalism against SERPAJ headquarters³

By the end of 2006, no progress had been made in the investigation into acts of vandalism committed against the organisation Peace and Justice Service (*Servicio de Paz y Justicia* - SERPAJ) in 2005.

On November 9, 2005, SERPAJ headquarters in Buenos Aires were burgled. Six computers containing important information and documents relating to the Third People's Summit in Mar del Plata, which had taken place from November 1 to 5, 2005⁴, and in which SERPAJ had actively participated, were stolen.

1. See Annual Report 2005.

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

3. See Annual Report 2005.

4. The Third People's Summit was held as an anti-summit to the Summit of the Americas, which gathered Heads of States of the Organization of American States (OAS).

Following a complaint filed by SERPAJ, the police examined the premises and two members of the organisation were called in to the police station to record their statements the following week.

In addition, on September 15, 2006, unidentified individuals broke into the residence of Mr. **Miguel Hugo Vaca Narvaja**, a SERPAJ member in Córdoba, and stole a computer.

Threats, ill-treatment and acts of intimidation against human rights defenders fighting against impunity⁵

Twenty-three years after the end of the dictatorship, numerous threats and attempts to intimidate were still being carried out against families of victims, witnesses and human rights defenders involved in trials initiated after the Supreme Court repealed, in June 2005, the laws prohibiting investigations and trials in connection with crimes against humanity committed under the former Argentinean military government (1976-1983)⁶.

– The threats and acts of intimidation, regularly targeting Mr. **César Raúl Sivo** since 2000, who is investigating human rights violations committed during the dictatorship, have intensified since March 2006. More particularly, he was followed on several occasions on his way to work or home, and his phone was tapped; people who had approached him, claiming to be victims, threatened him with death after admitting their involvement in violations committed during the dictatorship. He also received numerous threats by telephone, mail and electronic messages.

– On March 13, 2006, Ms. **Sonia Torres**, a member of the organisation Grandmothers of May Square (*Abuelas de la Plaza de Mayo*) in Córdoba, was assaulted by three unidentified individuals who entered her home as she was returning from a meeting organised by human rights organisations preparing the commemoration of the 30th anniversary of the coup. These men put guns to her head and beat her.

5. See HIJOS, November 2006.

6. The “Full Stop” Law (1986) and “Due Obedience” Law (1987), which exempted security forces from any legal proceedings, were repealed in June 2005. Since then, many people have fought so that justice be done for victims of enforced disappearances, assassinations, and other violations of fundamental rights which were committed under the former Argentinean military government.

Since the attack, Ms. Torres has been under police surveillance. Nevertheless, unidentified individuals attempted to break in her home again on June 22, 2006. A complaint was lodged with the Federal Prosecutor No. 1 of Córdoba.

– On June 23, 2006, the office of Mr. **Juan Carlos Vega**, a lawyer with the Argentinean Human Rights Service (*Servicio Argentino de Derechos Humanos*), in Córdoba, was burgled. His laptop, which contained documents relating to a case for crime against humanity pending before the Federal Court No. 3, was stolen. A complaint was lodged with the Federal Prosecutor No. 1 of Córdoba.

– On June 29, 2006, Ms. **María Teresa Sánchez**, a lawyer for the Grandmothers of May Square in Córdoba, received death threats through messages that had been left at her office. Besides, on September 18, 2006, an unidentified individual broke into her office while she was out. He then beat and pulled by her hair Ms. **Mariana Paramio**, Ms. María Teresa Sánchez' colleague, demanding to know where she was before leaving the premises. A complaint was lodged with the Federal Prosecutor No. 1 of Córdoba.

– On August 9, 2006, Ms. **Lucia Extremera**, a member of the organisation Daughters and Sons for Identity and Justice Against Oblivion and Silence (*Hijas e Hijos por la Identidad y la Justicia contra el Olvido y el Silencio* - HIJOS) in Buenos Aires, was approached by a group of men who aimed their weapons at her, advising her to stop her activities. Ms. Extremera played a role in the trial of Mr. Julio Simón - also known as “Julián the Turk” - before the Comodoro Py Court. Mr. Julio Simón, a former police officer, was sentenced on August 4, 2006 to 25 years' imprisonment for the abduction, torture and disappearance of a young couple who were Peronist activists, as well as for the abduction of their child in 1978. Ms. Extremera lodged a complaint with the Criminal Court No. 4 of Buenos Aires.

– On September 27, 2006, Mr. **Jorge Auat**, General Prosecutor of the Chaco Province, received a threatening letter from a so-called international organisation of victims of terrorism, concerning his activities in connection with investigations he was leading into crimes against humanity committed during the dictatorship. Mr. Jorge Auat

asked for protection from the federal police of the city of Resistencia, but his request was rejected.

– On November 15, 2006, Ms. **Eva Arroyo**, a member of the Jujuy branch of HIJOS, received an anonymous phone call threatening her with death and warning her that Mr. Lezcano, a retired police captain whose actions had been denounced by HIJOS, was going to send people to “do something to her”. Ms. Arroyo filed a complaint and had been granted police protection by the end of 2006.

– Acts of harassment and intimidation against several human rights defenders who denounced the disappearance of Mr. Jorge Julio López⁷. Since September 2006, several human rights defenders have been threatened over the telephone, through letters or emails, after denouncing the disappearance of Mr. Jorge Julio López, a former detainee-disappeared and a key witness in the trial of Mr. Miguel Osvaldo Etchecolatz, former director general of the Investigations Department of Buenos Aires⁸, on charges of crimes against humanity.

For instance, on September 25, 2006, several leaflets containing death threats against members of the Ecumenical Human Rights Movement (*Movimiento Ecuménico por los Derechos Humanos* - MEDH) were left at the offices of the organisation, in Santa Fé. These threats were received after Ms. **Milagros Demiryi**, MEDH regional coordinator, played an active role in the denunciation of the disappearance of Mr. Jorge Julio López. Ms. Milagros Demiryi immediately filed a complaint and was under police protection as of the end of 2006.

On October 1, 2006, Mr. **Leandro Despouy**, a human rights lawyer, Auditor General of the Republic of Argentina and Special Rapporteur of the United Nations on the independence of judges and lawyers, received a telephone call at his home from individuals claiming to have “abducted his mother and sister by mistake” and spoke about his relatives’ daily habits and activities.

Upon the callers’ request, Mr. Despouy walked out in the street to look for them and noticed a police officer and two individuals moving

7. See Urgent Appeals ARG 001/1006/OBS 121 and ARG 002/1006/OBS 124.

8. See OMCT Urgent Appeal ARG 260906, OMCT Press Release, October 3, 2006, and FIDH Press Release, September 21, 2006.

away from his home. He was then able to contact his family and ascertain that no harm had been done to them.

Lastly, on October 17, 2006, a few hours before the holding of an event in memory of Mr. Jorge Julio López, Mr. **Ramiro Gonzáles**, a HIJOS member, was abducted near his residence by unidentified armed individuals in plain clothes. The abductors forced him into their vehicle, where they threatened, beat and insulted him for two hours, showing him photographs of HIJOS members and taking his fingerprints.

On several occasions, his abductors threatened to kill him and other members of the organisation if they did not cease their activities. They finally released him, ordering him to run without looking back.

On October 18, 2006, HIJOS lodged a complaint with the Criminal Court.

Since this incident, several HIJOS members have been followed by men in plain clothes, and have reportedly received death threats through anonymous phone calls. A check of the phone records showed that the calls were made from the Marcos Paz prison, where several former key actors of the dictatorship are detained.

On November 22, 2006, HIJOS denounced these events before the Inter-American Commission on Human Rights (IACHR) and asked for protection for those involved in the trials related to crimes against humanity committed during the dictatorship (plaintiffs, witnesses, relatives, judges and prosecutors, lawyers, etc.).

BOLIVIA

Release on bail of Mr. Francisco José Cortés Aguilar⁹

Mr. **Francisco José Cortés Aguilar**, leader of the Association of Rural Workers and Inhabitants (*Asociación de Usuarios del Campo - ANUC-UR*), in Arauca (Colombia), and a defender of peasants' and indigenous peoples' rights in Colombia, was released on bail on February 8, 2006. Mr. Cortés was however required to appear before the Court twice a week, and was not allowed to leave the cities of

9. See Annual Report 2005 and International Fact-Finding Mission Report in Bolivia, *Bolivia: Human rights defenders between intimidation and hope*, May 2006.

La Paz and El Alto pending trial. The preliminary hearing was finally held in early October 2006.

On November 16, 2006, his lawyers asked for the lifting of the restrictions on his freedom of movement and filed a motion for technical irregularities (*incidentes de nullidad*).

On November 23, 2006, the Fifth Criminal Court of La Paz lifted the travel ban on Mr. Cortés to leave the cities of La Paz and El Alto. It ruled in favour of his appeal the following day.

However, charges remained pending as of the end of 2006.

The request for precautionary protective measures filed with the IACHR had still not been examined by the end of 2006.

Mr. Francisco José Cortés Aguilar had been arrested on April 10, 2003 in La Paz, where he and his family were in exile fleeing the threats from paramilitary groups in Colombia, who had accused him of “being a member of the guerrilla” and of “drug trafficking”.

On December 6, 2004, after twenty months on remand in custody in the San Pedro prison in La Paz and in the Chonchocoro high security prison, the Fifth Criminal Court of La Paz had ordered his release on bail. The Prosecutor appealed the decision to the Supreme Court on January 10, 2005. Mr. Cortés had then been placed under house arrest in the Alto San Pedro neighbourhood of La Paz, while awaiting trial.

In August 2005, the UN Working Group on arbitrary detention had declared that Mr. Francisco Cortés Aguilar’s detention was arbitrary and had urged the Bolivian government to take the necessary measures to remedy the situation.

On November 16, 2005, the National Refugee Commission of the Bolivian Ministry of Foreign Affairs (*Comisión Nacional del Refugiado* - CONARE) had granted Mr. Cortés political refugee status, thereby implicitly condemning his detention on remand and his house arrest.

Assault and acts of harassment against APDHB members and several indigenous peoples' rights organisations¹⁰

In December 2006, the Santa Cruz Civil Committee (*Comité Cívico Pro Santa Cruz*)¹¹, which opposed the adoption by the Constituent Assembly of a voting system based on absolute majority rather than on two-thirds of the votes, and following the strike launched upon the announcement of this decision, threatened people and organisations that had not supported the movement, including members of the Permanent Assembly for Human Rights in Bolivia (*Asamblea Permanente de Derechos Humanos de Bolivia* - APDHB).

On December 6, 2006 for instance, Mr. **Adalberto Rojas**, APDHB president, Mr. **Marcelo Cadima**, Ms. **Catty Cuellar**, Ms. **Pura Ramírez** and Ms. **Fabiana Aguilar**, APDHB members, as well as five victims supported by the organisation, were physically and verbally assaulted by a group of individuals claiming membership to the Santa Cruz Youth Union (*Unión Juvenil Cruceñista*), the armed faction of the Santa Cruz Civil Committee.

APDHB filed a complaint with the police. Since then, police officers have been assigned to protect them.

Similarly, on the night of December 7, 2006, the ALAS headquarters, an NGO working in favour of peasants' and indigenous communities' rights, chaired by the current Minister for Rural Development, Mr. Hugo Salvatierra, was the target of 22 gun-shots.

On December 10, 2006, several individuals, suspected of being involved in the assaults on APDHB members, organised a meeting near the organisation's headquarters. They were joined by police officers, including those in charge of APDHB members' protection.

On December 15, 2006, following the failure of the abovementioned strike, the Santa Cruz Civil Committee convened a regional council calling for the independence of the Santa Cruz region. During this event, a large number of peasants organised blockades on the road leading to San Julián, during which violent riots broke out. About fifty people were reportedly injured.

10. See Permanent Assembly for Human Rights (APDHB), *Cronología de violaciones y agresiones a la APDH Santa Cruz*, November 9, 2006 and Open Letter to the Bolivian authorities, January 24, 2007.

11. A citizen committee of the far-right gathering landowners in particular, and which has carried out racist acts on several occasions.

Between December 15 and 16, 2006, about one hundred people, including Mr. Nataniel Castedo Trujillo, a local government official of the Ñuflo de Chávez province, his driver and the brother of the president of the Santa Cruz Civil Committee, Mr. Juan Antelo Román, violently attacked the offices of the Paikoneka Indigenous Federation of San Javier (*Central Indígena Paikoneka de San Javier - CPI-SJ*), and set the premises on fire, thereby destroying archives dating back over 20 years. They then threatened its leaders, forcing them to seek refuge in the neighbouring communities. Later, in Concepción, another town in Santa Cruz, the attackers also ransacked the offices of the Federation for Indigenous Communities in Concepción (*Central Indígena de las Comunidades de Concepción - CICC*) and the homes of two of its indigenous leaders.

On December 17, 2006, these same individuals went to San Ignacio de Velasco, where they similarly set on fire the house of Mr. **Guillermo Ortiz**, an indigenous leader and a member of the Association of the Indigenous Councils of San Ignacio de Velasco (*Asociación de Cabildos Indígenas de San Ignacio de Velasco - ACI-SIV*), stating that this act was in revenge for the San Julián blockades.

Similarly, another group of individuals went to Ascención de Guarayos, claiming that the “*collas*”¹² had to disappear from the town and that they would all be expelled. Among these individuals were: Mr. Roberto Schock, mayor of Ascención de Guarayos, Mr. Daniel Aeguazu, a local government official of the Guarayos province, Mr. Jaime Cuñanchiro, president of the Ascención de Guarayos Civil Committee; Mr. Ascencio Lavadenz, leader of the Peasants’ Parallel Association of Ascención de Guarayos, Mr. Edgar Rojas, mayor of Urbichá, and Mr. José Urañavi, former mayor of Urbichá. They later threatened the family of a former indigenous leader, brother of the current president of the Federation of Guarayos Peoples’ Organisations (*Central de Organizaciones de Pueblos Guarayos - COP-NAG*), and attacked several persons.

Mr. Adalberto Rojas had already been targeted by similar reprisals in 2005. In particular, an attempt on his life was made by a person claiming to be a member of the Santa Cruz Youth Union.

12. Name given to the indigenous population of the Andean high-plateau, and used in a derogatory way to designate the Camba people of eastern Bolivia.

Status of the investigations and legal proceedings into the assassinations of several human rights defenders¹³

Status of the investigation into the assassination of Mr. João Araújo Guajajara

At the beginning of 2006, the case into the assassination of Mr. **João Araújo Guajajara**, head of the Guajajara indigenous community, was transferred from the Grajaú-Maranhão Court of Justice to the São Luiz Federal Court of Justice. By the end of 2006, the federal police's findings in this case had still not been submitted to the Court.

Mr. João Araújo Guajajara was murdered on May 21, 2005 by approximately ten armed men in the village of Kamihaw, Grajaú, State of Maranhão, where he lived. The murderers had also wounded his son, raped his daughter and burnt down his house.

Mr. Milton Alves Rocha, also known as "Milton Careca", a farmer, and his two sons were arrested on May 24, 2005, in connection with this murder and were released on June 30, 2005, in compliance with an order of the Court of Justice of Grajaú-Maranhão.

In 2006, Mr. Milton Alves Rocha's two sons died in cross fire with the police, after having committed an attack in the State of Goiás. Mr. Alves Rocha continued to threaten the indigenous community of Guajajara, in particular Mr. João Guajajara's relatives who had to flee several times.

The community decided not to report these threats to the Public Prosecutor for fear of reprisals.

Impunity for the assassination of Mr. Jair Antonio da Costa

By the end of 2006, the six military police officers responsible for the death of Mr. **Jair Antonio da Costa**, leader of the Igreja dos Shoemakers' Union, remained free. Although they were dismissed from their positions, they were still working in the military administration.

On October 10, 2005, Mr. Jair da Costa, who was taking part in a demonstration organised by the trade unions of the Vale dos Sinos region in the State of Rio Grande Do Sul, in protest against the loss

13. See Annual Report 2005.

of 13,000 jobs in the State shoe industry, had been identified by the six police officers as one of the movement's leaders. He was then chased, handcuffed and beaten. He was declared dead upon arrival in hospital.

The six officers were arrested on October 18, 2005 and subsequently released on November 10, 2005, in accordance with a decision of the Supreme Court of Justice, on the basis that "there [was] no concrete elements justifying the need to keep them in custody".

Impunity for the assassination of Mr. Cláudio Alves dos Santos

By the end of 2006, the investigation into the assassination of Mr. **Cláudio Alves dos Santos**, a member of the Reference Centre against Violence and Discrimination Against Homosexuals (*Centro de Referência contra a Violência e Discriminação ao Homossexual - CERCONVIDH*), had made no progress.

On October 17, 2005, Mr. Alves dos Santos disappeared in Rio de Janeiro. Three months later, his body was found bearing signs of torture.

Impunity for the assassination of Mr. Pedro Laurindo da Silva

By the end of 2006, the investigation into the identity of the people behind the assassination of Mr. **Pedro Laurindo da Silva**, a member of the Federation of Agricultural Workers (*Federação dos Trabalhadores na Agricultura - FETAGRI*), leader of the Marabá Union of Rural Workers (*Sindicato dos Trabalhadores Rurais - STR*) in the southwest of the State of Pará, and coordinator of the "Zumbi dos Palmares II" settlement, was still under way.

In addition, the Public Prosecutor had reached no decision as to the initiation of proceedings against the suspected murderer, Mr. Valdemir Coelho de Oliveira, even though the investigation ended in 2005.

On November 17, 2005, Mr. Pedro Laurindo da Silva was shot dead by two bullets in the head as he was on his way to the STR headquarters in Marabá, where he resided. He was taking part in a seminar on violence and human rights in the State of Pará, organised by the Society for the Defence of Human Rights (*Sociedade Paraense de Defesa dos Direitos Humanos*). During the seminar, he had denounced the acts of violence committed in May 2005 by the Marabá military police during the eviction of families of the "Zumbi dos Palmares" settlement who claimed the property of the Hacienda "Cabo de Aço".

In March 2005, Mr. Laurindo da Silva had also declared to the members of the National Programme for the Protection of Human Rights Defenders (*Programa Nacional de Proteção dos Defensores de Direitos Humanos*) that he had received death threats from employees of the Hacienda, a statement that was corroborated by the testimonies of other members of the community. Despite these threats, no protection had been afforded to him.

Developments in the investigation into the assassination of Sister Dorothy Mae Stang

On April 26, 2006, Mr. Amair Feijóli da Cunha, also known as “Tato”, who was facing up to 27 years’ imprisonment for “voluntary manslaughter”, was sentenced to 18 years in prison for “complicity in the assassination” of Sister **Dorothy Mae Stang**, a missionary, a representative of the Pastoral Land Commission (*Comissão Pastoral da Terra - CPT*) and an activist of the National Human Rights Movement (*Movimento Nacional de Direitos Humanos - MNDH*). She was murdered on February 12, 2005 in the State of Pará. As of the end of 2006, Mr. Feijóli da Cunha remained detained.

His two accomplices, Messrs. Rayfran das Neves Sales and Clodoaldo Carlos Batista, had been sentenced on December 9 and 10, 2005 by the Belém Court, in the State of Pará, to 27 and 17 years’ imprisonment respectively.

The three men allegedly acted on the orders of Messrs. Regivaldo Galvão and Vitalmiro Bastos de Moura, two landowners who were remanded in custody in 2005. These two men had taken over land belonging to the Sustainable Development Project - Esperança (*Projeto de Desenvolvimento Sustentável - PDS*) after they had violently evicted the occupants.

On June 29, 2006, the First Chamber of the Federal Supreme Court granted a *habeas corpus* to Mr. Regivaldo Galvão, who was subsequently released. Mr. Vitalmiro de Moura was still being detained in late 2006.

Impunity for the murderers of three defenders of social rights

On July 17, 2006, Mr. Norberto Mânica, a major industrial farmer suspected of being behind the assassinations of Messrs. **Erastótenes de Almeida Gonçalves**, **Nelson José da Silva** and **João Batista Soares Lages**, three lawyers for the Brazilian Ministry of Labour, in

Unai, State of Minas Gerais, was placed in detention after being charged with “obstructing an investigation”. However, the Fifth Chamber of the High Court of Justice of the State of Minas Gerais granted his release on November 28, 2006, after Mr. Mânica filed a *habeas corpus*.

The three civil servants had been killed on January 28, 2004, as they were investigating into a slavery case. One of them - Mr. Nelson José da Silva - had fined Mr. Mânica for failing to respect working regulations on his property. On August 13, 2004, one month after the arrest of six suspects, Mr. Mânica was arrested and charged with having threatened the three civil servants in December 2003. He had been identified as the person who ordered their assassination.

On August 30, 2004, the Federal Prosecutor of the State of Minas Gerais charged all seven persons, as well as another suspect, Mr. Humbeto Ribeiro dos Santos, with “involvement in the death of the three lawyers and the driver of the delegation”.

On December 10, 2004, the 9th Federal Court of Belo Horizonte (State of Minas Gerais) ruled that all defendants (except for Mr. Ribeiro dos Santos) would be tried before a popular jury for “homicide” and “forming a criminal group”. Other landowners in the region might also have been involved in this assassination.

As of the end of 2006, the date for the trial had still not been scheduled.

Status of the legal proceedings against the perpetrators of an attack on an MST settlement

By the end of 2006, two years after the attack on the settlement of the Landless Rural Workers’ Movement (*Movimiento dos Trabalhadores Rurais Sem Terra* - MST), known as Promised Land, in Felisburgo, Jequitinhonha Valley (Minas Gerais), only two of the fifteen people prosecuted in the case remained in detention. Moreover, the families of the five assassination victims, in charge of the coordination of the settlement, and of 12 wounded, had still received no compensation.

On November 20, 2004, Mr. Adriano Chafick Luedy, a major landowner (*fazendeiro*), had ordered 18 gunmen to attack the settlement. In January 2005, Mr. Chafick Luedy was arrested for the first time before being released in April 2005 in accordance with an order

issued by the High Court of Justice. He was arrested a second time upon the request of the Prosecutor after continuously threatening and harassing the settlement's inhabitants. It was requested that his trial take place outside the region, in which he holds important economic and political powers.

As of the end of 2006, Mr. Chafick Luedy was still detained and the date of the next hearing in his trial had still not been scheduled.

Opening of an investigation into the assassination of Mr. Rossini Alves Couto¹⁴

On May 24, 2006, an investigation into the assassination of Mr. **Rossini Alves Couto**, a member of the office of the Prosecutor of the State of Pernambuco, and a devoted human rights defender who was murdered on May 10, 2005, was opened by the Department for homicides and the Prosecutor of Pernambuco.

The first results of the investigation showed that a former police officer and the former counsellor of Cupira (Pernambuco) were likely be accomplices in the crime, possibly committed with the help of a farmer. The three men are currently in prison.

Sentencing of Mr. José Dutra da Costa's murderer¹⁵

On November 13, 2006, Mr. Wellington Jesus da Silva, a contract killer, was sentenced to 29 years' imprisonment for the assassination of Mr. **José Dutra da Costa**, former president of the Marabá Union of Rural Workers, in Rondon do Pará, who was killed on November 21, 2000. Mr. da Silva appealed the decision but remained in detention as of the end of 2006.

An investigation into the people suspected of being behind the assassination, notably the *fazendeiro* M. José Décio Barroso Nunes, was still under way by the end of 2006.

In addition, the threats against Mrs. **Maria Joelma Dias da Costa**, STR president in Marabá and the widow of Mr. José Dutra da Costa, appeared to have stopped by the end of 2006. However, Mrs. Dias da Costa continued, as a precautionary measure, to be accompanied by a military police officer wherever she went.

14. *Idem.*

15. *Idem.*

Search of the Association of Rural Women Workers' headquarters¹⁶

On March 22, 2006, seven armed police officers, including the police chief inspector of the town of Camaquã, conducted an unwarranted search of the headquarters of the Association of Rural Women Workers (*Associação de Mulheres Trabalhadoras Rurais*) in Paso Fundo, State of Rio Grande do Sul. The officers confiscated computer hard disks, CDs and floppy disks containing important information, as well as money, equipment, telephone books and archives.

The police officers also verbally abused seven women members of the association and one child, before locking them in a room while carrying out the search.

On March 8, 2006, on International Women's Day, the organisation had participated in a land occupation in Aracruz, organised by *Via Campesina*, which coordinates organisations of small and medium smallholders, rural workers and indigenous communities.

An investigation into this search was still pending as of the end of 2006.

Criminal proceedings against Ms. Maria Conceição Andrade Paganele Santos¹⁷

On April 18, 2006, the internal affairs office of the Foundation for the Well-Being of Children (*Fundação do Bem-Estar do Menor - FEBEM*), a public agency in the State of Sao Paulo monitoring the detention of juvenile offenders, lodged a complaint against Ms. **Maria Conceição Andrade Paganele Santos**, president of the Association of Mothers and Friends of Children and Teenagers in Danger (*Associação de Mães e Amigos da Criança e do Adolescente em Risco - AMAR*). Ms. Andrade Paganele Santos was charged with "causing harm" (Article 163 of the Criminal Code), "inciting crime" (Article 286), "conspiracy" (Article 288), and "aiding and abetting the escape of detainees" (Article 351). These charges were brought against her after she had denounced acts of collective torture committed against minors in detention.

A police investigation was launched, and Ms. Paganele Santos was summoned on May 12, 2006 in order to clarify the facts.

16. See Urgent Appeal BRA 001/0306/OBS 033.

17. See Annual Report 2005 and Urgent Appeal BRA 002/0506/OBS 058.

As of the end of 2006, Ms. Paganele Santos remained free, and the investigation, which was resumed by the local police on December 6, 2006, was still under way.

Finally, several other investigations were opened against Ms. Paganele Santos in connection with two movements of rebellion that occurred in FEBEM detention centres on November 23, 2005 and April 4, 2006.

Previously, in 2005, Ms. Paganele Santos had already been targeted by threats and acts of harassment after she publicly denounced acts of physical and psychological torture committed against teenagers living in the FEBEM facilities in São Paulo, in respect of which twenty FEBEM staff members had received prison sentences.

Judicial proceedings against Mr. Enio Bohnenberger¹⁸

In April 2006, Mr. **Enio Bohnenberger**, national head of the Landless Workers' Movement (MST), and six other demonstrators, including one minor, were arrested and violently beaten during the dispersal of a protest held at the headquarters of the Energy Company of Minas Gerais (CEMIG), in Belo Horizonte, against the privatisation of the energy industry and the increase in energy costs. During this demonstration, seventeen other people had to be taken to hospital. These seven individuals were released shortly after.

On July 4, 2006, the Court of the Eleventh District of Belo Horizonte decided to remand Mr. Bohnenberger in custody for "endangering public order". No charge was brought against the six other individuals who had been arrested at the same time.

On September 5, 2006, MST lawyers filed a *habeas corpus* application with the Minas Gerais Court of Justice, which dismissed it. The lawyers then filed a second claim with the High Court of Justice, which canceled the arrest order on a temporary basis, in order to enable Mr. Bohnenberger to appear before the Court of the Eleventh District of Belo Horizonte.

As of the end of 2006, the final decision of the Court as regards to the *habeas corpus* application remained pending, as were the proceedings initiated against Mr. Bohnenberger, who was facing the risk of being arrested and detained at any time.

18. See the Landless Workers' Movement (MST), September 2006.

Judicial proceedings against Mr. Jaime Amorim¹⁹

On August 21, 2006, Mr. **Jaime Amorim**, a member of the MST national coordination in the State of Pernambuco, was arrested by police officers as he was coming back from the funeral of a worker who had been murdered in the municipality of Moreno, and on his way to attend the funeral of another. His arrest was carried out on the basis of an arrest warrant issued on July 4, 2006 by the 5th Criminal Court of the Recife jurisdiction, Pernambuco, on charges of “disobedience, incitement to commit a crime, assaulting an officer and involvement in a demonstration” organised in front of the American Embassy in Recife, in November 2005. The warrant stated that Mr. Amorim was to be arrested as “he (...) represented a risk to the peace and security of upstanding citizens”, on grounds that he had allegedly failed to appear at a hearing to which he had been summoned that day and that he did not seem to have a “permanent address”. However, Mr. Amorim, who has been living in the city of Caruaru for several years and has regularly taken part in meetings with the authorities, was never informed of these judicial proceedings.

On August 22, 2006, MST - Brazil and the organisation Land of Rights (*Terra de Direitos*) filed a *habeas corpus* application with the Pernambuco Court to secure the immediate release of Mr. Amorim. The Court immediately dismissed this request, without ruling on the merits of the case. Two days later, both organisations filed another request with the High Court of Justice of Brasilia, which ruled in its favour on grounds that the warrant for his provisional detention was illegal, as there was no sufficient evidence that Mr. Amorim presented a danger to public order.

Mr. Amorim was subsequently released on August 28, 2006 after eight days in custody at the detention centre of Abreu and Lima, in the Recife Region.

On September 6, 2006, after examining the merits of the *habeas corpus* application, the Pernambuco Court of Justice once again ordered that Mr. Amorim be taken to custody. However, the order was not implemented.

On September 12, 2006, MST - Brazil and *Terra de Direitos* filed a second *habeas corpus* application with the High Court of Justice of

19. See Urgent Appeals BRA 003/0806/OBS 101, 101.1, 101.2, 101.3 and 101.4.

Brasilia, which granted it on September 15, 2006, on the basis that the new warrant was illegal.

A third arrest warrant was issued on September 20, 2006 by the 5th Criminal Court of Recife on the grounds that Mr. Amorim had allegedly failed to appear before the Court on September 12, 2006, when it heard the witnesses in the case. Yet, during the hearing, all witnesses - including two witnesses for the prosecution - had allegedly asserted that Mr. Amorim did not commit any of the acts of which he was being accused during the November 2005 demonstration in front of the American Embassy, and that he was not the organiser of the demonstration. MST and *Terra de Direitos* then filed a third *habeas corpus* application with the High Court of Justice in Brasilia, which granted it on October 18, 2006, on the grounds that the third arrest warrant was illegal and unfounded.

By the end of 2006, Mr. Jaime Amorim still faced charges of “offence”, “disobeying authority”, “violation of property” and “incitement to commit a crime”.

CHILE

Arbitrary detention and judicial proceedings against Mrs. Juana Calfunao Paillalef²⁰

On January 4, 2006, Mrs. **Juana Calfunao Paillalef**, *lonko* (traditional chief) of the “Juan Paillalef” Mapuche community in the municipality of Cunco in Temuco, was arrested at her home by special police officers on the order of the Temuco Court of Guarantees. Ms. Mercedes Paillalef Moraga, Ms. Arleni Calfunao Sandoval, Ms. Carolina Landero Calfunao, Ms. Rosnelia Neculman Calfunao, Ms. Relmutray Cadin Calfunao and Ms. Catalina Ramírez Calfunao, members of her family and of the community, were also detained at their homes and were released after an identity check.

On January 5, 2006, Mrs. Calfunao Paillalef was charged with “public disorder” and “threatening security forces” before the Temuco

20. See Annual Report 2005, Press Release, February 10, 2006, and Urgent Appeals CHL 001/0705/OBS 056, 056.1, 056.2, 056.3, 056.4, 056.5 and 056.6.

Court of Guarantees, and was remanded in custody at the Temuco women's prison, awaiting the trial into the charges against her and her sister, Ms. **Luisa Ana Calfunao Paillalef**, who was indicted for the same offences.

Between January 10 and 22, 2006, Mrs. Juana Calfunao Paillalef went on hunger strike in order to protest against the violations committed against the members of her community.

On February 22, 2006, the Oral Criminal Court of Temuco gave Mrs. Juana Calfunao Paillalef and her sister a 61-day suspended prison sentence for "public disorder", required them to report to the Temuco police station every fortnight during the year, and banned them from public office during the same period. They were given another 61-day suspended sentence for "threatening security forces". Mrs. Calfunao lodged an appeal against the decision.

On November 15, 2006, the Temuco Court of Appeal upheld her conviction for "public disorder". Several members of the Mapuche "Juan Paillalef" community, who were outraged at the announcement of the verdict, initiated a boisterous protest. Mrs. Juana Calfunao was then allegedly physically assaulted by guards present in the room, which prompted a violent clash between the officers and the Mapuche, some of whom allegedly physically assaulted representatives of the public prosecution.

Following these events, Mrs. Juana Calfunao Paillalef was detained along with 10 other people. One of her sons, Mr. Jorge Landero Calfunao, was subsequently arrested in the vicinity of the court house. All 12 were charged with "offences against the authorities, qualified damages, minor injuries and stealing papers concerning the investigation" in connection with the confrontation between Mrs. Calfunao and the guards in January 2006. In addition, Mrs. Juana Calfunao Paillalef was charged with "threats" against one of the prosecutors. She was then remanded in custody, along with her husband, her son and another member of her community. The other eight individuals had their freedom of movement limited, were prohibited from approaching the police officers and the two prosecutors who had been assaulted, and were ordered to report twice a month to the authorities. The judge also imposed a five-month deadline for the completion of the investigation.

Furthermore, Mr. Waikilaf Manuel Cadin Calfunao, another of

Mrs. Juana Calfunao's sons, has been detained in the high security prison of Santiago since August 17, 2006²¹.

On November 20, 2006, Mrs. Juana Calfunao was sentenced to 150 days' imprisonment for "public disorder" by the Temuco Oral Criminal Court. By the end of 2006, she remained in detention at the Temuco Prison.

In 2005, following a trip to Europe where she denounced the political persecution of the Mapuche community in Chile, Mrs. Juana Calfunao's home was set on fire by unknown individuals, for the third time since 1998. Furthermore, in December 2005, police officers had attacked the community on two occasions, using teargas and other methods. Mrs. Calfunao's home had been destroyed more than once. Mrs. Juana Calfunao Paillalef and Ms. Ana Luisa Calfunao were arrested at that time and charged with "public disorder" and "threatening security forces", before being released on December 24, 2005, in accordance with a decision of the Temuco Court of Guarantees.

Judicial harassment and arbitrary detention of several Mapuche leaders²²

Acquittal of Messrs. José Osvaldo Cariqueo Saravia and Juan Antonio Colihuinca Ancaluán

On April 3, 2006, the Oral Criminal Court of the city of Angol acquitted Messrs. **José Osvaldo Cariqueo Saravia** and **Juan Antonio Colihuinca Ancaluán**, leaders of the Mapuche community, on the basis of a "lack of evidence". They were prosecuted for "acts of terrorism" in connection with an arson attack on the Poluco Pidenco estate, which belongs to the Forestal Mininco forestry company.

On April 17, 2006, the Public Prosecutor and the Forestal Mininco forestry company appealed against the decision to the Supreme Court.

By the end of 2006, no further information had been provided regarding the detention of these two Mapuche leaders or the appeals proceedings.

21. See OMCT Urgent Appeals CHL 180806, CHL 180806.1, CHL 180806.2, CHL 180806.3 and CHL 180806.4 and OMCT Press Release, October 30, 2006.

22. See Annual Report 2005, Open Letter to the Chilean authorities, April 28, 2006, Urgent Appeals CHL 001/0406/OBS 049 and 049.1, and OMCT Press Release, May 19, 2006.

Arbitrary detention of Messrs. Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil and Ms. Patricia Roxana Troncoso Robles

On March 13, 2006, Messrs. **Florencio Jaime Marileo Saravia, José Patricio Marileo Saravia, Juan Carlos Huenulao Lielmil** and Ms. **Patricia Roxana Troncoso Robles**, four Mapuche leaders sentenced on August 21, 2004 to ten years and one day's imprisonment for "terrorist arson", and serving their term at the Angol prison, went on a hunger strike to request the immediate release of all Mapuche political prisoners and a review of their trial by an independent and fair court.

On May 6, 2006, the four leaders were handcuffed and forcibly taken to a care centre where they were forced to undergo a medical examination. Their families denounced this medical examination as a "media stunt" which only consisted of taking their blood pressure and temperature.

On May 13, 2006, the four leaders signed an agreement with the prison authorities, in which they pledged to stop their hunger strike pending the debate on the bill amending the 1925 Decree-Law No. 321. The bill, introduced by Senator Navarro, provides that anyone sentenced for the offences mentioned in the antiterrorist legislation in relation to claims on indigenous land and which do not involve an offence against a person, can be released on parole.

On May 17, 2006, the bill was approved by the Human Rights Commission of the Senate, but had still not been adopted by the end of 2006.

As of the end of the year, the four Mapuche leaders remained in detention and their trial had not yet been reviewed.

End of the judicial proceedings against Ms. Myriam Reyes García

In 2006, the Temuco Court of Appeal acquitted Ms. **Myriam Reyes García**, a lawyer and public defence attorney, who was charged with "breaching her obligation of confidentiality".

On November 13, 2005, the Court of Temuco had officially launched an investigation on Ms. Myriam Reyes García, following the publication on August 18, 2004 in *El Gong*, an online Temuco newspaper, of a document from the office of the Prosecutor. This document listed the amounts paid by the Prosecutor's office to witnesses called

to testify in the trial of Mapuche leaders charged with setting the property of the logging company Mininco S.A. on fire (this document showed that nearly 20 million pesos - over 32,000 euros - were allegedly paid to about ten witnesses). According to the Prosecutor's office, these amounts were meant to protect the witnesses, although their security was not at risk.

Ms. Myriam Reyes García was charged with having transmitted to the press this confidential document, which proved that the witnesses for the prosecution had been bribed. As her two assistants were not charged, the proceedings initiated against her were likely to have been in reprisals for her defence of Mapuche leaders charged with terrorism and, more generally, for her commitment to the rights of this community.

On December 23, 2005, the Temuco Court of Appeal had lifted the ban preventing Ms. Reyes García from leaving the country, as well as her obligation to report monthly to the Court of Temuco, on the grounds that the evidence presented by the prosecution was insufficient.

Attack on the offices of the Observatory for Indigenous People's Rights²³

On December 9, 2006, unidentified individuals broke into the offices of the Observatory for Indigenous People's Rights (*Observatorio de Derechos de los Pueblos Indígenas*) in Temuco. They stole six hard-drives from the computers of the organisation, but left all other valuable goods. These hard-drives contained information on the systematic police repression against the Mapuche community, as well as arguments presented to judicial authorities regarding the antiterrorist proceedings initiated against several leaders of the community.

A week earlier, the organisation, jointly with the regional office of the United Nations High Commissioner for Human Rights and other indigenous peoples' rights organisations had organised a symposium on the impact of economic globalisation on indigenous peoples, which gathered 350 participants at the offices of the United Nations in Santiago.

23. See Observatory for Indigenous People's Rights.

Summary executions and enforced disappearances

Assassinations and enforced disappearances
of trade unionists and peasant leaders

*Enforced disappearance of Messrs. Nilson Severino Franco Ortega and Emidio Prado Trujillo*²⁴. Mr. **Nilson Severino Franco Ortega**, nephew of Mr. **Rafael Esquivel Ortega**, treasurer of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de las Industrias de Alimentos* - SINALTRAINAL), and Mr. **Emilio Prado Trujillo**, brother of Mr. **Carlos Prado Trujillo**, treasurer of the Barranquilla branch of SINALTRAINAL, and of Mr. **Alvaro Prado Trujillo**, treasurer of the Cali branch of the Steel Workers' Union (*Sindicato de Trabajadores de la Industria Metálica* - SINTRAIME), were still reported missing by the end of 2006.

On August 4, 2005, Mr. Nilson Severino Franco Ortega and Mr. Emilio Prado Trujillo had been approached by four armed men in Andalucía (Valle de Cauca), and forced into an unregistered vehicle. The four armed men had told Mr. Emilio Trujillo that they had "warned" him.

*Status of the investigation into the assassination of Messrs. Héctor Alirio Martínez, Jorge Eduardo Prieto Chamusero and Leonel Goyeneche Goyeneche*²⁵. By the end of 2006, three sets of legal proceedings were still in progress in connection with the assassinations, on August 5, 2004, of Messrs. **Héctor Alirio Martínez**, president of the Regional Association of Peasants (*Asociación Departamental de Usuarios Campesinos* - ADUC), **Jorge Eduardo Prieto Chamusero**, president of the National Association of Hospital Workers (*Asociación Nacional de Trabajadores Hospitalarios* - ANTHOC) in Arauca, and **Leonel Goyeneche Goyeneche**, director of the United Confederation of Workers (*Central Unitaria de Trabajadores* - CUT). The first procedure was instigated by the National Unity for Human Rights (*Unidad Nacional de Derechos Humanos* - UNDH); the second by the Special Court of Arauca and the third by the office of the Attorney General of the Nation. Four military officers - including

24. See Annual Report 2005.

25. *Idem*.

one non-commissioned officer - and a presumed contract killer were identified as the perpetrators of these extra-judicial killings. The Attorney General was also investigating the responsibility of a lieutenant-colonel and other members of the mechanised battalion of the Revéiz Pizarro army based in Saravena, in the Arauca province, in respect with these killings. Indeed, after the death of the three leaders, the authorities had stated that their execution had occurred during a military operation led by members of the abovementioned battalion. The Vice-President of the Republic and the spokesperson for the battalion had accused the victims of belonging to a subversive group. In addition, the Minister of Defence stated that they were armed “delinquents” and that arrest warrants had been issued against them.

However, on July 14, 2005, the Prosecutor with the Human Rights Unit of the Ministry of Justice had qualified the assassinations of the three men as “war crimes and crimes against humanity”, stressing that the social leaders had “not been killed during combat, but were cruelly murdered” and that they were “shot in the back”. According to the Prosecutor, the military officers had acted “with criminal intent, being protected by their military position, and on the orders of one of them or the individuals in charge of the military operation”. He also added that the witness statements and the scientific evidence showed that the victims had been shot at close range and that the crime scene had been disguised.

Messrs. Alirio Martínez and Prieto Chamusero were under precautionary measures granted by the IACHR since July 2002.

*Assassination of two SINTRAINAGRO leaders*²⁶. On January 2, 2006, the body of Mr. **Carlos Arciniegas Niño**, leader of the National Farming and Animal Industry Workers’ Union (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria* - SINTRAINAGRO) in Barrancabermeja (Santander province), was found bound, bearing signs of torture and three bullet wounds. His body was found in the premises of the Palmeras Bucarelia company, where he worked, halfway between Barrancabermeja and Puerto Wilches (Santander). Mr. Carlos Arciniegas Niño had been reported missing since December 30, 2005.

26. See Urgent Appeal COL 025/1006/OBS 123.

On October 11, 2006, Mr. **Jesús Marino Mosquera**, SIN-TRAINAGRO leader and a member of the National Workers' Commission (*Comisión Obrero Nacional*) in Urabá (Antioquia province), was also shot dead as he was on his way to work in the municipality of Carepa (Antioquia).

*Assassination of Ms. María Isabel Fuentes*²⁷. On January 23, 2006, Ms. **María Isabel Fuentes**, a school teacher and a member of the Education Workers' Union of Valle del Cauca (*Sindicato Único de Trabajadores de la Educación del Valle - SUTEV*), was murdered in the hamlet of Alto del Rocío de Tuluá (Valle del Cauca) by an armed group which burst into the building where she was teaching.

*Assassination of Mr. Alirio Sepúlveda Jaimes*²⁸. On February 4, 2006, Mr. **Alirio Sepúlveda Jaimes**, a community leader, was murdered in Saravana, Arauca. Since 2002, Mr. Sepúlveda had continuously been threatened and harassed by national police forces because of his activities.

*Assassination of Mr. Daniel Cortez Cortez*²⁹. On March 2, 2006, Mr. **Daniel Cortez Cortez**, a member of the Colombian Electricity Workers' Union (*Sindicato de Trabajadores de la Electricidad de Colombia - SINTRAELECOL*), and of the Barrancabermeja branch of CUT, was shot dead as he was working at the Santander power station, in the municipality of Puerto Parra.

*Assassination of Mr. Héctor Díaz Serrano*³⁰. On March 2, 2006, Mr. **Héctor Díaz Serrano**, a member of the Workers' Union (*Unión Sindical Obrera - USO*) and an employee of the Colombian Oil Company (*Empresa Colombiana de Petróleos - ECOPETROL*) in Campo Casabe, was killed in El Cincuentenario, a neighbourhood under paramilitary control in Barrancabermeja (Santander), while on his way to work.

27. See Colombia - Europe - United States Coordination.

28. *Idem*.

29. See International Confederation of Free Trade Unions (ICFTU).

30. See Urgent Appeal COL 005/0306/OBS 025.

*Assassination of Mr. Harvey Morales Guevara*³¹. On March 23, 2006, Mr. **Harvey Morales Guevara**, a member of the Ciénaga branch of the Mining and Energy Industry Workers' Union (*Sindicato Nacional de Trabajadores de la Industria Minera y Energética* - SINTRAMIENERGETICA), was murdered in Santa Marta (Magdalena) as he stepped out of the shuttle of the Drummond Ltda. mining company, where he worked. Eleven days prior to his assassination, SINTRAMIENERGETICA had undertaken a collective action against the company, denouncing in particular the poor work conditions as well as the recruiting of paramilitaries by the company to protect its interests.

*Assassination of Mr. Nelson Martínez*³². On April 29, 2006, Mr. **Nelson Martínez**, a member of the Construction Workers' Union (*Sindicato de los Trabajadores de la Construcción* - SINDICONS), was murdered in Arauquita (Arauca).

*Assassination attempt against Mr. Eduardo Enrique García Fuentes' son*³³. On May 14, 2006, two unidentified individuals on motorbikes asked a neighbour to indicate where Mr. **Eduardo Enrique García Fuentes**, leader of the Hospital Workers' Association (*Asociación de Trabajadores Hospitalarios* – ANTHOC), lived. When the neighbour pointed to Mr. García Fuentes' son who happened to be walking in front of the house, the two men shot at him, leaving him seriously injured, and said that the same would happen to all union leaders.

Mr. García Fuente received numerous death threats in the past few years which were reported to the Prosecutor. However, the latter reportedly closed all the files.

*Assassination of Mr. Luis Antonio Arismendi Pico and Ms. Belquis Dayana Goyeneche*³⁴. On June 6, 2006, the body of Mr. **Luis Antonio Arismendi Pico**, president of the “Manuela Beltrán” Union of Food and Beverage Workers and Distributors of the San Francisco District

31. See Colombia - Europe - United States Coordination.

32. *Idem*.

33. *Idem*.

34. See Urgent Appeal COL 011/0606/OBS 069.

Market Place (*Sindicato “Manuela Beltrán” de Trabajadores y Expendedores de Alimentos y Bebidas de la Plaza de Mercado del Barrio San Francisco - SINDIMANUELABELTRAN*), was found in the municipality of Zipacón (Cundinamarca province). He had disappeared on April 28, 2006 along with a friend, Ms. **Belquis Dayana Goyeneche**, as they were leaving their workplace. Her body was also subsequently found. The day before his disappearance, Mr. Arismendi Pico had told the police that suspicious individuals were lurking around his workplace.

Mr. Arismendi Pico’s son, Mr. **Loudwing Arismendi**, was also subjected to several serious acts of harassment after he publicly denounced the disappearance of his father.

In particular, members of the Criminal Police Directorate (*Dirección de Policía Judicial*) questioned him, confiscated his identity papers and followed him on several occasions.

*Assassination of Mr. Carlos Arturo Montes Bonilla*³⁵. On August 17, 2006, Mr. **Carlos Arturo Montes Bonilla**, a SINALTRAINAL member, was killed near his home in the north of the city of Barrancabermeja. Mr. Montes Bonilla was involved in denouncing abusive practices by the multinational Coca-Cola.

*Assassination attempt against Mr. Eliécer Morales Sánchez*³⁶. On August 18, 2006, Mr. **Eliécer Morales Sánchez**, an ANTHOC member, was once again the victim of an assassination attempt in Bogotá. Two individuals on motorbikes approached him before shooting at him twice, leaving him seriously injured. This was the eighth attempt on Mr. Morales’ life. It was allegedly perpetrated by members of the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia - AUC*, a paramilitary group).

On September 21, 2006, a complaint was filed with the Ministry of the Interior, the police of Bogotá, the Vice-President of the Republic, the Prosecutor and the Ombudsman. Fearing for his life, Mr. Morales was still staying in protected quarters provided by the Prosecutor by the end of 2006.

35. See Open Letter to the Colombian authorities, August 22, 2006.

36. See Annual Report 2005.

*Assassination of Mr. Ismael Monsalve Suárez*³⁷. On September 2, 2006, Mr. **Ismael Monsalve Suárez**, a popular leader and a member of the Workers' Union of the Municipality of Arauqita (*Sindicato de Trabajadores de la Alcaldía Municipal - SINTROPEAR*), was killed in a neighbourhood of the city of Arauqita.

*Assassination of Mr. Alejandro Uribe*³⁸. On September 19, 2006, Mr. **Alejandro Uribe**, a board member of the Bolívar Miners' Association (*Asociación de Mineros del Bolívar*) - a branch of the Federation of Peasants and Miners of South Bolívar (*Federación Agrominera del Sur de Bolívar - FEDEAGROMISBOL*) - and president of the Mina Gallo Communal Assembly in the Morales municipality (Bolívar province), was killed by military officers.

On September 20, 2006, members of the Mina Gallo and Mina Viejito communities went out looking for Mr. Uribe and found the clothes he was wearing the day before. They were later informed by locals that his body had been taken to the Nueva Grenada anti-aircraft battalion in San Luquitas, Santa Rosa municipality.

Members of the two communities went to the military base to claim Mr. Uribe's body but were told by soldiers that they "should not move in large groups because the army's reaction could be dangerous". Other members of the battalion reportedly said that "[they hoped] to cross paths with leaders of the Federation of Peasants and Miners of South Bolívar while alone", which raised further concerns for their safety.

On September 7, 2006, Mr. Alejandro Uribe had reported to the Public Defender's office the extra-judicial execution of Mr. Arnulfo Pabón, a member of the same community, on August 18, 2006, by the abovementioned battalion, in the village of Bolívar, in the Arenal municipality.

On the next day, Mr. Uribe had taken part in the organisation of the Southern Bolívar Mining Communities' Assembly, during which more than 18 communities met with the Ombudswoman and human rights organisations to scrutinise the human rights situation and to take protective measures in favour of the members of his community.

37. See Permanent Committee for Human Rights (CPDH), September 2006.

38. See Urgent Appeal COL 023/0906/OBS 111.

These events occurred in a context of increasing violence from the anti-aircraft battalion of Nueva Granada. This battalion is allegedly in charge of protecting the multinational Anglo Gold Ashant's (Kedahda S.A.) which operates in the area. Local miners are strongly opposed to its presence; many of them notably denounced its harmful effects on the environment as well as the forced evictions its operations have caused.

*Assassination attempt against two USO members*³⁹. On November 25, 2006, unidentified individuals on motorcycles shot nine times at the security vehicle of Mr. **Rodolfo Vecino Acevedo**, national leader of the Workers' Union (USO), a CUT-affiliate.

A complaint was lodged on the same day with the police and the General Prosecutor.

In the night of November 26 to 27, 2006, another USO member, Mr. **Fernando Ramírez**, received a threatening phone call.

On November 27, 2006, the Northern Bloc of the AUC claimed responsibility for these events in a press release, which was sent by email to CUT and USO.

*Assassination of Mr. Norberto Fajardo Quintero*⁴⁰. On December 16, 2006, Mr. **Norberto Fajardo Quintero**, leader of the Construction Workers' Union (*Sindicato de constructores - SINDI-CONS*), was killed in the "Estadero el Estero" public building in the Arauquita municipality.

Assassinations and enforced disappearances of civil society representatives

*Investigation into Mr. Orlando Valencia's assassination*⁴¹. On November 6, 2006, Mr. José Montalvo Cuitiva was arrested on suspicion of being behind the assassination of Mr. **Orlando Valencia**, an Afro-Colombian member of the Community Councils of Jiguamiandó and Curvaradó, and an environmental defender in his

39. See Urgent Appeal COL 030/1206/OBS 143.

40. See CPDH.

41. See Annual Report 2005.

community. Mr. Montalvo Cuitiva was the fourth person to be arrested in connection with this case, and reportedly belongs to a “criminal group” active in Mutata and Chigorodo. Another murderer was sentenced to 24 years and eight months in prison.

On October 24, 2005, Mr. Orlando Valencia’s body was found in the León River, near the city of Chigorodó. He had been abducted on October 15, 2005 by two paramilitaries on motorcycles.

In September 2005, Mr. Valencia had requested effective measures from the Colombian government to address the threats to biodiversity induced by palm tree-growing companies, supported by State and para-State agents. He had also requested the return of the land which had been illegally confiscated by the companies.

Mr. Orlando Valencia was benefiting from provisional measures of protection granted by the Inter-American Court of Human Rights (IACoHR) at the time of his murder.

*Assassination of Mr. Edilberto Vázquez Cardona*⁴². On January 12, 2006, Mr. **Edilberto Vázquez Cardona**, head of the Arenas Altas humanitarian zone, was shot dead at point-blank range after having been violently dragged out of his home by soldiers of the Colombian regular army. The officers also fired and threw grenades at another house where two people from the community were staying and from which they managed to flee.

Representatives of the Ombudswoman, when informed of these events by Mr. Vázquez Cardona’s son, met with army officers in San Josesito who admitted to have killed Mr. Vázquez Cardona, who was, according to them, a “member of the guerrilla”.

On the same day, the army returned Mr. Vázquez Cardona’s body to San Josesito, but did not authorise his family to identify it. A commission composed of the Ombudswoman and relatives of Mr. Vázquez Cardona later found his body near his home, where several threatening messages had been left.

Mr. Edilberto Vázquez Cardona had replaced Mr. **Arlen Salas David**, one of the leaders of the Peace Community of San José de Apartadó, as the head of the Arenas Altas humanitarian zone after Mr. Salas David was killed in November 2005.

42. See Annual Report 2005 and Urgent Appeal COL 002/0106/OBS 006.

*Assassination of Mr. Juan Rodríguez Villamizar and his wife*⁴³. On March 5 and 6, 2006, Mr. **Juan Rodríguez Villamizar**, an indigenous leader, and his wife, Mrs. **Luz Miriam Farías Rodríguez**, a teacher in the Caño Claro community, were killed by members of the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* - FARC).

*Assassination of Mr. Wilson García Reatiga*⁴⁴. On March 22, 2006, Mr. **Wilson García Reatiga**, chairman of the communal assembly and former member of the Committee of the Association of Rural Inhabitants and Workers in Arauca (*Asociación de Usuarios del Campo* - ANUC-UR), in the village of Santo Domingo (municipality of Tame, Arauca), was killed in La Siberia (Tame). The murderers were likely to be members of an armed opposition group operating in the region. He had previously received threats from the FARC.

*Torture and assassination of Ms. Yamile Agudelo Peñaloza*⁴⁵. On March 22, 2006, one day after her disappearance, the body of Ms. **Yamile Agudelo Peñaloza**, a member of the Women's Popular Organisation (*Organización Femenina Popular* - OFP) in Barrancabermeja (Santander), was found bearing traces of torture and sexual violence.

*Enforced disappearance of Mr. Walter Álvarez Ossa and assassination of Mr. Gregorio Izquierdo Meléndez*⁴⁶. On August 16, 2006, Mr. **Walter Álvarez Ossa**, founder and board member of the Permanent Committee for the Defence of Human Rights (*Comité Permanente para la Defensa de los Derechos Humanos* - CPDH), went missing as he was on his way home in the city of Guadalajara de Buga (Valle del Cauca). Mr. Ossa was still missing as of the end of 2006.

In February 2006, a leaflet threatening Mr. Ossa had been circulated in the city of Buga, the authors of which identified themselves

43. See Urgent Appeal COL 008/0306/OBS 038.

44. *Idem*.

45. See Urgent Appeal COL 009/0406/OBS 042.

46. See Urgent Appeals COL 020/0906/OBS 104 (disseminated as 0806), COL 022/0906/OBS 110 (disseminated as OBS 111) and Press Release, September 22, 2006.

as AUC members. Although regional and municipal authorities had been notified of these threats, they had not taken any measures to protect him.

In addition, on September 13, 2006, Mr. **Gregorio Izquierdo Meléndez**, a member of the regional assembly of CPDH in Arauca and president of the Arauca Public Companies' Union (*Sindicato de las Empresas Públicas de Arauca - SINTRAEMSERPA*), was killed in Bullevar de la Ceiba, a neighbourhood of Arauca. Mr. Izquierdo Meléndez had been receiving serious threats since 2002. Yet the municipal, regional and national authorities had not provided him with appropriate protection, despite the recommendations issued by the IACHR.

As of the end of 2006, the investigations into the death of Mr. Gregorio Izquierdo Meléndez and the disappearance of Mr. Walter Álvarez Ossa had produced no results.

*Assassination of Mr. Juan Daniel Guerra Camargo*⁴⁷. On September 22, 2006, Mr. **Juan Daniel Guerra Camargo**, a community leader and a member of the Social Integration Committee of Catatumbo (*Comité de Integración Social del Catatumbo - CISCA*), was killed by two FARC members near El Aserrió, Teorema commune, North Santander province. Mr. Juan Daniel Guerra Camargo was working on a community project for the production of coffee.

Mr. Juan Daniel Guerra Camargo had previously acted as president of the Association of the Assemblies of the Aguachica Commune (*Asociación de Juntas*), César province, and was one of the founders of the Civic Movement for Community Action (*Movimiento Cívico de Acción Comunitaria - MAC*).

CISCA leaders are regularly the subject of groundless accusations made by the FARC. On July 26, 2005, another leader of the organisation, Mr. **José Trinidad Torres**, had also been killed by the FARC.

47. See Annual Report 2005 and Urgent Appeal COL 026/1006/OBS 126.

Arbitrary detentions

Arbitrary detentions of trade unionists and peasant leaders

*Release of Mr. Hernando Hernández Tapazco*⁴⁸. On December 1, 2005, six months after his arrest at the headquarters of the National United Federation of Agriculture and Livestock Unions (*Federación Nacional Sindical Unitaria Agropecuaria* - FENSUAGRO-CUT) in Bogotá, Mr. **Hernando Hernández Tapazco**, leader of the indigenous community of Emberá Chamí and a member of the human rights section of the Federation, was released. In August 2005, his case had been transferred from the the Prosecutor's office of the city of Manziles to the anti-terrorist unit of the General Prosecutor's office.

*Judicial proceedings and arbitrary detention of Ms. María Raquel Castro Pérez and Mr. Samuel Morales Flórez*⁴⁹. As of the end of 2006, Ms. **María Raquel Castro Pérez**, a member of the Arauca Teachers' Association (*Asociación de Educadores de Arauca* - ASEDAR), and Mr. **Samuel Morales Flórez**, president of the Arauca branch of CUT, remained respectively detained in the women's prison of Buen Pastor and in the "model prison", in Bogotá.

On August 5, 2004, Ms. Raquel Castro and Mr. Samuel Morales Flórez were arbitrarily arrested in Saravena (Arauca) by members of the Revéiz Pizarro mechanised army battalion who were carrying out a military operation in the village of Caño Seco. On that day, Mr. Samuel Morales Flórez had witnessed the assassinations of Messrs. Alirio Martínez, Jorge Eduardo Prieto Chamusero and Leonel Goyeneche Goyeneche⁵⁰. Mr. Samuel Morales Flórez and Ms. Raquel Castro were then accused of "rebellion" and terrorism.

*Arbitrary detention of Ms. Vitelvina Vargas Cortés*⁵¹. On March 3 2006, units of the Technical Investigations Unit of the General Prosecutor's office (*Cuerpo Técnico de Investigaciones de la Fiscalía* - CTI) arrested Ms. **Vitelvina Vargas Cortés**, head of the Cundinamarca Small Farmers' Union (*Sindicato de Pequeños*

48. See Annual Report 2005.

49. *Idem*.

50. See above.

51. See Colombia - Europe - United States Coordination.

Agricultores de Cundinamarca - SINPEAGRICUN), an FENSUAGRO-CUT affiliate, in the hamlet of Santa Lucía de Fusagasugá, Cundinamarca. As of the end of 2006, no further information could be obtained about her situation.

*Arbitrary detention of Mr. Luis Arnulfo Quiroga*⁵². On March 27, 2006, Mr. **Luis Arnulfo Quiroga**, a member of the Arauca Peasants' Association (*Asociación Campesina de Arauca - ACA*) and president of the Communal Assembly of the hamlet of La Esperanza, was arrested without a warrant by two police officers, as he was crossing the main park in Tame (Arauca). On the same day, he was charged with "rebellion" and "being a member of a FARC-EP unit".

On the next day, Colonel Arturo Herrera of the Navas Pardo battalion of the fifth mobile brigade came to see him and reportedly told him that the Tame Prosecutor would offer him 200,000 pesos (about 70 euros) for every person he would denounce. As of the end of 2006, no further information had been made available about his situation.

*Arbitrary detention of Mr. Tomás Ramos*⁵³. On April 12, 2006, Mr. **Tomás Ramos**, human rights secretary for the CUT sub-section in Atlántico, was briefly detained by members of the national police.

*Arbitrary detention of Mr. Jesús Tovar*⁵⁴. On April 15, 2006, Mr. **Jesús Tovar**, vice-president of the Barranquilla branch of SINALTRAINAL, was arrested by members of the national police as he was in a protected vehicle. As of the end of 2006, no further information was available as to his situation.

*Arbitrary detention and judicial proceedings against several trade union leaders*⁵⁵. Between August 12 and 16, 2006, several union leaders were arrested by the Revéz Pizarro mechanised battalion based in Saravena, on the order of the Prosecutor's office of the Support Structure (*Fiscalía de Estructura de Apoyo*). The trade unionists were transferred to Arauca where they were charged with "rebellion". The

52. *Idem.*

53. *Idem.*

54. *Idem.*

55. See Urgent Appeal COL 019/0806/OBS 096.

union leaders were: Mr. **Abdón Goyeneche Goyeneche**, ASEDAR president and brother of union leader Leonel Goyeneche Goyeneche⁵⁶; Mr. **William Sáenz**, ASEDAR leader in Fortúl; Mr. **Esaud Montero Triana**, a member of the Médica Mission and ANTHOC; Mr. **Pedro Bueno**, communal leader and a member of the executive board of the “Joel Sierra” Regional Foundation Committee for Human Rights (*Fundación Comité Regional de Derechos Humanos “Joel Sierra”*); and Mr. **Nubia Chacón**, a communal leader and an accountant for the Municipal Association for Communal Actions in Fortúl (*Asociación Municipal de Juntas de Acción Comunal en Fortúl*). As of the end of 2006, they all remained in detention facing charges of “rebellion”.

Arbitrary detentions of civil society representatives

*Arbitrary detention of Mr. Príncipe Gabriel González Arango*⁵⁷. On January 4, 2006, Mr. **Príncipe Gabriel González Arango**, coordinator of the Santander branch of the Foundation Committee for Solidarity with Political Prisoners (*Fundación Comité de Solidaridad con los Presos Políticos - FCSPP*), was arrested on the order of the Prosecutor’s office of Pamplona (North Santander). He was then transferred to the premises of the Unified Action Group for the Freedom of Colombia (*Grupo de Acción Unificado para la Libertad de Colombia - GAULA*), in Bucaramanga.

On January 5, 2006, Mr. González Arango was questioned by the rapid response unit of the Prosecutor’s office and charged with “rebellion”. After several days in solitary confinement at the Palo Gordo prison, Mr. González Arango was sent to the “model prison” in Bucaramanga, awaiting trial.

On December 12, 2006, a hearing took place, which was adjourned as the witnesses for the prosecution turned out to be fictitious persons.

Mr. González Arango remained detained as of the end of 2006. The next hearing was scheduled for February 5, 2007.

In 2003 and 2005, Mr. González Arango had been threatened and designated as a “military target” by paramilitary groups. At the end of 2005, he had to leave his residence to go to live in Bogotá following

56. See above.

57. See Urgent Appeal COL 001/0106/OBS 004.

serious threats made by the Central Bolívar Bloc of the AUC on June 13, 2005. After he complained about acts of harassment against him, the IACHR requested that precautionary measures be provided to him in addition to those provided under the protection programme of the Ministry of the Interior. As of the end of 2006, Mr. González Arango remained under protection.

*Arbitrary arrest of Mr. Gelves Contreras and Ms. Trillos Carranza*⁵⁸. On December 7, 2006, Mr. **Pedro Euberto Gelves Contreras**, president of the Regional Association of Rural Workers (*Asociación Departamental de Usuarios Campesinos*) in Arauca, and Ms. **Flor María Trillos Carranza**, coordinator of the Tame (Arauca) branch of the “Joel Sierra” Regional Foundation Committee for Human Rights and a member of the human rights committee of the Municipal Association of Community Action Assemblies, were stopped by two national police officers in a park in Arauca. The police officers checked their identity and forced them to follow them to the police station for a questioning, which lasted over three hours, and at the end of which they were released.

Mr. Pedro Gelves enjoys protection measures requested by the IACHR.

Threats, harassment and assaults

Threats, harassment and assaults against trade unionists and peasant leaders

*Ongoing acts of harassment against Mr. Carlos González and Mr. Domingo Tovar Arrieta*⁵⁹. Mr. **Carlos González**, a member of the Valle branch of the University Workers’ Union of Colombia (*Sindicato Nacional de Trabajadores y Empleados Universitarios de Colombia - SINTRAUNICOL*), and Mr. **Domingo Tovar Arrieta**, director of the CUT human rights department, continued to receive threats due to their union activities. Mr. Tovar Arrieta regularly received anonymous phone calls threatening him and members of his family and he was followed by vehicles on several occasions. Mr. González was investigated by the army for having denounced the murder of a student in September 2005 in Cali (Valle del Cauca).

58. See “Joel Sierra” Regional Foundation Committee for Human Rights, December 9, 2006.

59. See Annual Report 2005.

*Death threats and acts of harassment against several human rights defenders*⁶⁰. On December 27, 2005, and January 9, 2006, Mr. **Gilberto Cadena Bohórquez**, a member of the National Association for Displaced Persons of Colombia (*Asociación Nacional de Desplazados de Colombia* - ANDESCOL), was approached by Mr. Arnaldo Echeverría, a member of the 2nd army brigade and an informer for its rehabilitation programme. Mr. Echeverría offered to enrol him in this programme in exchange for 2,200,000 Colombian pesos (about 750 euros), and to work under the orders of a person named “Sergio”, head of GAULA in Barranquilla.

This offer was aimed at persuading Mr. Cadena to collaborate to the intimidation, attacks or elimination of the human rights defenders he knew, including Mr. **Mauricio Avilez Álvarez**, a member of the Inter-Ecclesiastical Justice and Peace Commission (*Comisión Intereclesial Justicia y Paz* - CIJP) and a representative of the Operational Committee for Human Rights Colombia - Europe - United States (CCEEU), and Mr. **Milton Mejía**, a member of the executive committee of the Ecumenical Network of Colombia (*Red Ecueménica de Colombia*). Mr. Echeverría referred to Mr. Mauricio Avilez Álvarez and Mr. Milton Mejía as “scums” that must be “gotten rid of because they work for the guerrilla”.

On January 12, 2006, after refusing to collaborate, Mr. Cadena found the door of his house forced open and discovered a message containing a death threat. A few minutes later, while Mr. Cadena Bohórquez was chatting in the street with two friends, Messrs. Luis Aurelio Rudas Revollo and Anarael Alfonso Daigo Montes, two motorcyclists surrounded them and shot at them, killing Mr. Rudas on the spot. Mr. Daigo Montes died from his injuries shortly after. Mr. Gilberto Cadena was able to escape and has since then left the region.

On January 15, 2006, Mr. Echeverría visited the home of Mr. Cadena’s wife, Mrs. **Gladys Londoño**, and threatened her, asking where her husband was. After these events, Mrs. Londoño and her four children had to leave their home.

On January 26, 2006, Mr. Echeverría found Mrs. Londoño, threatened her again and warned her that Mr. Gilberto Cadena Bohórquez had until the following evening to reappear. Mr. Gilberto Cadena

60. See Urgent Appeal COL 003/0206/OBS 019.

Bohórquez and his family had already been forced to leave Barrancabermeja following similar harassment in 2001.

*Death threats against Mr. Plutarco Vargas Roldán*⁶¹. On February 4, 2006, Mr. **Plutarco Vargas Roldán**, leader of the Bogotá branch of SINALTRAINAL, received a letter threatening him and his family with death.

*Death threats against trade unionists*⁶². On March 2, 2006, death threats against trade unionists running for seats in the House of Representatives and the Senate were published in the newspaper *Vanguardia Liberal*. Among these unionists were members of CUT, the Association of Regional Workers (*Asociación de Trabajadores Departamentales - ASTDEMP*), the Workers' Union of Santander (*Unión Sindical de Trabajadores de Santander - USITRAS*), the Metropolitan Coordination for Displaced Persons (*Coordinación Metropolitana de Desplazados*) and USO. This message bore the signature of the chief of the "Regional Commando of Magdalena Medio".

*Acts of harassment against Mr. Henry Gordón*⁶³. On April 21, 2006, unidentified individuals filmed the home of Mr. **Henry Gordón**, fiscal adviser to the Barranquilla branch of SINALTRAINAL.

*Acts of intimidation against SINTRAMIENERGETICA members*⁶⁴. On April 29, 2006, a national police squad attacked SINTRAMIENERGETICA members who were holding an information meeting regarding the complaints they had lodged against the Drummond multinational company⁶⁵, at the entrance of the "Pribenow" mine in Loma de Calenturas de Paso (Cesar). This attack was led at the request of the head of security of the company. Lieutenant Hernán Javier Muñoz García accused the participants of belonging to military groups, insulted them and ordered his men to

61. See Colombia - Europe - United States Coordination.

62. See Urgent Appeal COL 005/0306/OBS 025.

63. See Colombia - Europe - United States Coordination.

64. *Idem*.

65. See above.

film and take pictures of them. A policeman then assaulted a SIN-TRAMIENERGETICA member with his riflebutt, while another policeman pointed his rifle to the chest of the union's vice-president, Mr. **Luis Garzón**. As for Mr. **Ruben Morron**, he sustained an injury to his collarbone. After the interruption of the meeting, police officers walked into the room and continued to insult and threaten the unionists, among whom were Mr. **Alejandro Vergara**, the union's environmental secretary, and Mr. **Raul Sosa Avellaneda**, fiscal adviser.

*Threats against several SINALTRAINAL members*⁶⁶. On May 15, 2006, the secretary of the Barranquilla branch of the National Union of Food Industry Workers (*Sindicato Nacional de Trabajadores de las Industrias de Alimentos* - SINALTRAINAL) received a phone call in which she was invited to attend the funeral of Mr. **Limberto Carranza**, SINALTRAINAL president.

Two hours later, Mr. **Euripides Yance**, another leader of the union, received a phone call from a person who asked him to come and pick up the bodies of his children who, according to the caller, had been shot.

On the same day, an envelope containing death threats against Messrs. Euripides Yance, Limberto Carranza, **Campo Quintero**, Jesús Tovar, **Eduardo Arévalo**, Tomas Ramos, Henry Gordón, **Gastón Tesillo** and **Carlos Hernández** was dropped off at SINALTRAINAL headquarters. The message bore the signature of the "Death To Unionists" (*Muerte A Sindicalistas* - MAS) paramilitary group.

*Death threats against Mr. Miguel Enrique Ardila Sánchez and Ms. Luz Marina Hache Contreras*⁶⁷. On June 3, 2006, Mr. **Miguel Enrique Ardila Sánchez** and Ms. **Luz Marina Hache Contreras**, legal adviser and vice-president of the *Asonal Judicial* trade union respectively, took part in a committee which reached an agreement with the government to put an end to a strike that had paralysed the judicial sector. *Asonal Judicial* defends the rights of the judicial sector workers. Since then, Mr. Ardila Sánchez and Ms. Hache Contreras

66. See Coordination Colombia – Europe – United States.

67. See National Association for Solidarity Support (*Asociación Nacional de Ayuda Solidaria* - ANDAS).

have received several emails and anonymous phone calls threatening them with death if they did not resign from the union.

*Death threats and intimidation against ANTHOC members*⁶⁸. On June 14, 2006, the National Association of Hospital Workers (ANTHOC), in Bogotá, received a message from a military group presenting itself as the military wing of the former AUC⁶⁹, threatening to “exterminate every single trade unionist” and demanding that the members of the organisation leave the country.

The authors of this message designated in particular as “military targets” the following ANTHOC members, stressing that this list did “not even cover half of the people targeted”: Messrs. and Ms. Yesit Camacho, Juan Flores, Alberto Laines, Alberto Meneses, Wilson Perez, Maria Helena Tobon, Carmen Mayusa, Juan Osorio, Ediomar Botello, Luis Santana, Gladis Criado, William Vanegas, Angel Salas, Alfredo Castro, Aurelio Ladino, Antonio Ger, Lus Erenia Saac, Lina Gamarra, Hector Alvis, Wilson Narvaez, Bertulfo Solarte, Nubia Fonseca, Martha Lozano, Ortalides Castro, Gaston Tesillo, Gilberto Martines, Fernando Santamaria, Ligia Galeano, Raquel Salinas, Jose Merino, Ricardo Baron, Martha Ligia Castro, Carlos Bermeo, Arnulfo Parra, Billy Rusbel Beltrán, Rosa Luz Palencia, Edgar Pua and Wilson Gutierrez.

*Acts of harassment against SINALTRAINAL and its members*⁷⁰. On August 3, 2006, SINALTRAINAL headquarters were searched by members of the Judicial and Investigation Police Unit (*Sección de Policía Judicial e Investigación* - SIJIN). The police officers examined the premises without a warrant and drafted a statement in relation to the search. On the next morning, police officers were seen filming the outside of the building. As of the end of 2006, SINALTRAINAL had

68. See Annual Report and Urgent Appeal COL 015/0606/OBS 078.

69. Under the 2005 Law No. 975 (also known as the Law on Justice and Peace), passed by the Colombian Congress on June 21, 2005, and ratified by the government in July 2005, numerous paramilitary groups supported by the army and other illegal armed groups were “demobilised”. This law guarantees impunity and oblivion for the crimes committed by paramilitary groups and other illegal armed forces during the civil war.

70. See Urgent Appeal COL 018/0806/OBS 094 and Open Letter to the Colombian authorities, August 22, 2006.

still received no explanation from the police as to this illegal search.

On August 18, 2006, a condolences card with the message “Death to Trade Unionists” was left at the home of Mr. **Héctor Jairo Paz**, a Nestlé Colombia S.A. employee and leader of the Bugalagrande (Valle department) branch of SINALTRAINAL. Ten days earlier, another executive board member of the same branch was also threatened while the union was peacefully demonstrating in front of the Nestlé buildings in Bugalagrande and Bogotá in protest against the unfair dismissal of 94 employees, all SINALTRAINAL members.

As of the end of 2006, the complaint lodged by the trade union had not been addressed.

*Attack and acts of harassment against Ms. Martha Cecilia Díaz Suárez*⁷¹. On August 15, 2006, Ms. **Martha Cecilia Díaz Suárez**, president of the Bucaramanga subdirection and president of the regional office of the Santander Association of Regional Workers (ASTDEMP), was approached by unidentified individuals who told her that they were detaining one of her daughters, forced her into their vehicle and drove her near to the highway connecting the towns of Girón and Florida Blanca. In particular, they asked her about the whereabouts of Mr. **David Flórez** and Mr. **César Plazas**, president and treasurer of the sub-management of ASTDEMP regional office respectively. The aggressors then violently beat Ms. Díaz Suárez and showed her pictures of her taken at demonstrations, and pictures of her daughter, claiming that they had killed her. They then opened fire twice - the bullets skimming her stomach - and ran away.

On November 22, 2006, one of Ms. Suárez’s neighbours saw two individuals discreetly watching her apartment and called for the security of the building. As they were being questioned, the intruders opened fire before escaping with two accomplices who were waiting for them on motorbikes.

Finally, on December 5, 2006, Ms. Suárez received death threats from an unidentified individual, after accompanying one of her colleagues to a hearing at the court house.

Ms. Díaz Suárez has regularly received telephone threats and been followed over the past few years. On November 9, 2005, she was beat-

71. See Annual Report 2005 and Open Letter to the Colombian authorities, August 22, 2006.

en and received death threats as she was negotiating the demands of the workers of the Los Santos municipality, Santander.

As of the end of 2006, the General Prosecutor of Bucaramanga had opened an investigation into these various threats.

*Death threats and acts of harassment against Mr. Miguel Alberto Fernández Orozco*⁷². In October 2006, Mr. **Miguel Alberto Fernández Orozco**, president of the CUT branch in Cauca and coordinator of the human rights and integration offices of the Colombian Range Integration Committee (*Comité de Integración del Macizo Colombiano* - CIMA), received new threats from members of the “Black Eagles” and “Rastrojos” paramilitary groups, an organisation that was supposed to have been demobilised.

Mr. Fernández Orozco had already received death threats on March 8, 2005, a day after the public presentation of a report on the human rights situation in Cauca. Similarly, on October 17, 2005, CIMA members in Popayán (Cauca) had received a pamphlet from AUC accusing them of being “terrorists” and “leftist delinquents”, and warning them that they were being “closely watched”.

Mr. Miguel Alberto Fernández Orozco has been under prosecution for “false accusations” (Article 435 of the Criminal Code), “false threats” (Article 347) and “procedural fraud” (Article 453) since November 2005.

*Threats against several social and trade union leaders, human rights defenders and political opponents in Valle del Cauca*⁷³. On October 2, 2006, several leaders of human rights organisations or trade unions were accused, in a report drawn up by the third brigade of the national army based in Santiago de Cali and by the Prosecutor’s Technical Investigations Unit (CTI), of “rebellion, terrorism, and belonging to a narco-terrorist organisation working for the FARC and the National Liberation Army [*Ejército de Liberación nacional* - ELN]”. The report was sent to Mr. Alexander López Maya, a Senator of the Republic.

72. See Annual Report 2005.

73. See Urgent Appeal COL 024/1006/OBS 118.

Among the people mentioned in the report were several employees of Cali municipal companies, most of whom had lost their jobs in a massive wave of unfair dismissals, as well as members of Valle del Cauca civil society, in particular:

– Ms. **Berenice Celeyta Alayon**, president of the Association for Research and Social Action (*Asociación para la Investigación y Acción Social* - NOMADESC);

– Mr. **Carlos Arbey González**, SINTRAUNICOL president;

– Ms. **Martha Nidia Ascuntar Achicanoy**, coordinator of the FCSPP branch in Valle de Cauca Branco;

– Mr. **William Arley Escobar Holguín**, secretary for education with the Iron and Steel Workers' Union (*Sindicato de Trabajadores de la Industria Metalúrgica* - SINTRAMETAL);

– Mr. **Otoniel Ramírez López**, vice-president of the Valle del Cauca branch of CUT;

– Mr. **Wilson Neber Arias Castillo**, former president of the Civil Servants of the National Apprenticeship Service Trade Union (*Sindicato de Empleados Públicos del Servicio Nacional de Aprendizaje* - SINDESENA) and a candidate for election to the House of Representatives;

– Mr. **Ariel Díaz**, coordinator of the human rights department of the CUT branch in Valle del Cauca;

– Mr. **Luís Antonio Hernández Monroy**, former president of the Cali State-Owned Enterprises Workers' Union (*Sindicato de Trabajadores de las Empresas Municipales de Cali* - SINTRAEMCALI);

– Mr. **Harol Viafara González**, former treasurer of SINTRAEM-CALI;

– Mr. **Frangey Rendón Gálvez**, secretary of the Valle del Cauca Government Office for Peace and Civic Duties;

– Mr. **Héctor Alonso Moreno Parra**, director of *Telé Pacífico* and advisor to the Valle del Cauca government representative.

The report also contained contact details for these persons and their families, as well as personal information such as the name of their relatives, children, daily routes, etc. When Mr. López Maya asked about the information contained in the report, the Public Prosecutor replied that there were no proceedings pending against the persons mentioned.

*Suspension of the protective measures in favour of Mr. Francisco Eladio Ramírez Cuellar*⁷⁴. On October 5, 2006, Mr. **Francisco Eladio Ramírez Cuellar**, president of the National Mining Company Workers' Union (*Sindicato de Trabajadores de la Empresa Nacional Minera - SINTRAMINERCOL*), received a letter from the Administrative Department for Security (*Departamento Administrativo de Seguridad - DAS*) informing him of the government's decision to withdraw the armoured vehicle he used for transport until then, as well as his armed escort. These protective measures had been granted by IACHR in 2004 in response to the risks he ran due to his union activities, following an attack against him in October 2004.

One week later, on October 12, 2006, government officials offered him financial assistance amounting to 1,900,000 pesos (about 650 euros) per month to enable him to travel daily by taxi. Mr. Cuellar refused this offer.

The suspension of these precautionary measures was likely to be linked to Mr. Ramírez Cuellar's participation in the negotiations and the strike of the workers of the Drummond company, organised from April to May 2006.

*Death threats against two SINTRAINAGRO members*⁷⁵. On October 26, 2006, two unidentified individuals entered the house of Mr. **Medardo Cuesta**, a member of the board of directors of the National Farming and Animal Industry Workers' Union (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria - SINTRAINAGRO*), taking advantage of the fact that he was away. When Mr. Cuesta returned home, he found death threats against him and Mr. **Oswaldo Cuadrado**, another member of the SINTRAINAGRO board of directors.

*Death threats against Mr. Domingo Tovar Arrieta*⁷⁶. On December 4, 2006, Ms. Marqueza Arrieta, the mother of Mr. **Domingo Tovar Arrieta**, director of the human rights department of the CUT nation-

74. See Urgent Appeal COL 027/1006/OBS 127.

75. See Urgent Appeal COL 025/1006/OBS 123.1.

76. See Urgent Appeal COL 031/1206/OBS 145.

al executive committee, was approached by unidentified individuals who threatened her. The next day, she lodged a complaint with the Prosecutor of the Corozal municipality and the CTI.

Mr. Domingo Arrieta and his relatives have been targeted by repeated acts of harassment for many years due to his union activities.

*Acts of harassment against Mr. Marco Nieves Martinez*⁷⁷. On December 11, 2006, Mr. **Marco Nieves Martinez**, a union leader and president of the National Association of Displaced Persons of Colombia (ANDESCOL), in Bucaramanga (Santander), received a phone call from his brother warning him not to leave his house. On the next morning, his brother told him that he had seen two suspicious-looking individuals lurking around his house.

On December 13, 2006, a friend warned Mr. Nieves to be careful on his way to his mother's home as an unidentified individual was also watching her house.

In 2005, Mr. Marco Nieves had already been intimidated and followed on several occasions.

*Death threats against several trade unionists*⁷⁸. On December 13, 2006, leaflets containing death threats against several trade unionists and bearing the signature of the "Black Eagles" paramilitary group were left at the University of Atlántico (Barranquilla). The persons targeted by these threats were part of the following trade unions: SINALTRAINAL, ANTHOC, the Retired from the Atlántico University Association (*Asociación de Jubilados de la Universidad del Atlántico* - ASOJUA), the University Professors' Union Association (*Asociación Sindical de Profesores Universitarios* - ASPU), SINTRAUNICOL, the Processed and Fat Containing Foods Industry Workers' Union (*Sindicato de Trabajadores de Industrias de Mantecas, Margarinas, Aceites, Cebos, Oleaginosas, Concentrados y Demas Derivados Grasos* - SINTRAIMAGRA), FCSPP, the Coal Industry Workers' National Union (*Sindicato Nacional de Trabajadores de la*

77. See Annual Report 2005.

78. See Foundation Committee for Solidarity with Political Prisoners (FCSPP) and National Union of Food Industry Workers (SINALTRAINAL).

Industria del Carbon - SINTRACARBON), the Barranquilla District Teachers' Union (*Asociación de Docentes Distritales de Barranquilla* - ADEBA), CUT- Atlántico, SIMUSOL and SINTRAHOBICOL.

The leaflet also designated the following people as specific targets: Messrs. and Ms. Jesús Tovar, Eurípides Yance, Campo Quintero, Henry Gordón, Gastón Tesillo, Carlos Hernández, Walter Salas, Guido Niebles, Javier Bermúdez, Walberto Torres, José Rodríguez, Moisés Sade, Hernando Romero, Gustavo López, Tomás Ramos, Limberto Carranza, Daniel Gaviria, Humberto Lara, Deniris Polo, Israel Barreiro, Antonio García, Juan Carlos Sandoval, Adolfo Llanos, Ricardo Villegas, Henry Molina, Sara Acosta, Iván Acosta, José Valbuena, "Tingo o el Indio", Jair Jiménez, Gilma Turizo, Bernardo Charris, José Gabriel Pacheco, Lisandro Cerril, Julio Casas, Nevis Niño, Néstor Brujes, Saskia del Río, Daniela Castro, Enrique Olaya, Brenda Blanco, Ciro Becerra, Franklin Castañeda, Miguel Castillo, Walter Carcamo, Rodrigo Navarro, Javier Hebrad and Alfonso Montalvo. The letter gave an ultimatum to these people, requiring them to leave the city within a week, after which deadline they would be killed.

These threats followed the public statements of the Vice-President, Mr. Francisco Santos, who had denounced, a few days earlier, the "campaigns seeking to discredit Coca-Cola, Nestlé and other private companies", implying that these campaigns had been orchestrated by far-left radicals who had infiltrated trade unions.

Threats, harassment and assaults against civil society representatives

*Judicial proceedings against CIJP members and leaders of the Jiguamiandó and Curvaradó communities*⁷⁹. On October 12, 2005, a criminal investigation for "aggravated homicide", "forced displacement" and "rebellion" was launched against several members of the Inter-Ecclesiastic Justice and Peace Commission (CIJP) and leaders of the Jiguamiandó and Curvaradó communities, in the province of Chocó. This investigation specifically targeted seven leaders who are particularly active in the protection of indigenous and community territories, namely: Messrs. and Ms. **Ligia María Chaverra Minerai**, **Manuel Denis Blandón**, **Willington Cuesta**, **Fany Osten**, **Luis**

79. See Urgent Appeal COL 006/0306/OBS 031.

Ferías, Erasmo Cuadrado and Benjamin Sierra, as well as several CIJP members: Ms. Johana López and Ms. Ana María Lozano, and Messrs. Wilson Gómez, Leonardo Jaimes, Danilo Rueda and Abilio Peña. Moreover, about twenty Afro-Colombians and mixed-race people were concerned by this investigation. By the end of 2006, no further information as to these judicial proceedings was available.

*Death threats against Ms. María Socorro Abril and Mr. César Andrés Solarte*⁸⁰. In 2006, Ms. **María Socorro Abril**, vice-president of the Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos - CREDHOS*) and president of the Association of Displaced Persons in the Municipality of Barrancabermeja (*Asociación de Desplazados Asentados en el Municipio de Barrancabermeja - ASODESAMUBA*), continued to be repeatedly harassed by unidentified individuals who regularly asked her relatives as to her whereabouts, saying they would kill her.

Mr. **César Andrés Solarte**, another CREDHOS member, found out from relatives that paramilitaries also intended to kill him.

CREDHOS members have regularly received death threats from paramilitary groups operating with the army's support, and several of them have already been killed. In the past few years, these groups have reinforced their position in Barrancabermeja, a region that is already heavily militarised.

*Ongoing threats and acts of harassment against Ms. Lilia Solano*⁸¹. Ms. **Lilia Solano Ramirez**, a teacher at the national university of Bogotá, director of the NGO "Justice and Life Project" (*Proyecto Justicia y Vida*) and a member of the National Movement for Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado*), an NGO coalition working in favour of the families of assassination victims killed by the army or the paramilitaries during the forty years of civil conflict, still faced ongoing acts of harassment by the police and the army by the end of 2006. In particular, Ms. Solano was followed on her way home on several occasions, her phone was

80. See Annual Report 2005.

81. *Idem*.

tapped, she received phone calls threatening members of her NGO and was visited by individuals in plain clothes claiming to be police officers. The police also took pictures of the NGO's headquarters.

In addition, the house of Mr. **Hans Cediél**, a member of the "Justice and Life Project" and legal adviser to Ms. Solano, was searched in April 2006.

In 2004 and 2005, Ms. Lilia Solano had already been targeted by similar acts of harassment and serious threats.

*Judicial harassment against Mr. Diego Camilo Figueroa Rincón*⁸². On February 17, 2006, CIJP learnt that Mr. **Diego Camilo Figueroa Rincón**, an economic, social, cultural and environmental rights defender and an active member of the organisation, was allegedly facing a lawsuit initiated by the Public Prosecutor of the Buenaventura 42nd section (Valle del Cauca). According to a DAS report, Mr. Figueroa Rincón would be prosecuted on charges of being an "ideologist of the FARC Manuel Cepeda Vargas Front".

In late 2005, Mr. Diego Figueroa and Mr. **William Kayapul**, another CIJP member, had been arrested, photographed and brutally questioned in Buenaventura by members of the DAS and the national army during a control operation, for no apparent reason. They had been released after a few hours.

Three days later, a report identifying Mr. Figueroa Rincón as a FARC member named "Camillo", and describing him as an "ideologist of Manuel Cepeda Vargas"⁸³, was filed with the DAS.

On December 14, 2005, the Public Prosecutor of the Buenaventura 42nd section ordered the detention of 14 people, including Mr. Figueroa Rincón, and ordered the DAS to proceed to arrest him on December 16, 2005. As of the end of 2006, no further information as to Mr. Figueroa Rincón's situation was available.

82. See Annual Report 2005 and Urgent Appeal COL 004/0306/OBS 021.

83. The Manuel Cepeda Vargas Foundation is a human rights organisation which owes its name to a former Patriotic Union (UP – a left-wing party) senator, who was killed in 1994 in an attack led jointly by members of the army and paramilitaries. This foundation plays a crucial role in the National Movement for Victims of State Crimes.

*New threats and acts of harassment against CPDH members*⁸⁴. The number of acts of harassment against members of the Permanent Committee for the Defence of Human Rights (CPDH) significantly increased in 2006 despite provisional measures of protection provided by the Inter-American Court of Human Rights (IACoHR).

– In February 2006, inhabitants of the city of Buga, in the Valle del Cauca province, received a message from a paramilitary group threatening, among other people, Mr. **Guillermo Castaño Arcila**, CPDH president in the Risaralda province, Mr. **Angelino Garzón**, the Valle del Cauca Governor, as well as several institutions and organisations, including the Major Peasant Institute (*Instituto Mayor Campesino - IMCA*)⁸⁵.

– On August 2, 2006, CPDH headquarters in Bogotá were illegally searched by the police, while the organisation’s secretary was the only person present. The officers stated that they had been monitoring the building for a few days, as it seemed “suspicious”. They then wrote down all CPDH members’ names.

– On August 24, 2006, Ms. **Martha Sofia Castaño**, Mr. Guillermo Castaño Arcila’s daughter, received anonymous threats.

– In September 2006, Ms. **Luz Adriana González Correa**, executive secretary of the CPDH branch in Risaralda, was harassed after denouncing recent “social cleansing” of impoverished populations in the city of Pereira.

– By the end of 2006, judicial proceedings remained pending against Mr. **Rodrigo Vargas Becerra**, an executive board member of the CPDH branch in Valle del Cauca. Mr. Rodrigo Vargas Becerra, charged with “injuring and attacking a civil servant”, had been arrested on November 8, 2005 by members of the Mobile Squad for the Maintenance of Order (*Escuadrón Móvil Anti Disturbios - ESMAD*) of the Cauca province, and accused of having planted a bomb. He was released on November 10, 2005, after it was proven that he was taking part in a radio show, in Santander de Quilichao, at the time of the events.

84. See Annual Report 2005 and Urgent Appeals COL 017/0806/OBS 091, COL 020/0906/OBS 104 (disseminated as 0806), COL 022/0906/OBS 110 (disseminated as OBS 111) and Press Release, September 22, 2006.

85. See Urgent Appeal COL 009/0504/OBS 040.1.

– Similarly, Mr. **Luis Jairo Ramírez H.**, CPDH executive secretary, was still facing trial for “aiding and abetting terrorism against national institutions”.

*Acts of harassment against Mr. Enrique Petro*⁸⁶. On March 8, 2006, police officers visited the estate of Mr. **Enrique Petro**, leader of the Curvaradó community, who benefited from protective measures granted by the IACoHR. He was questioned about several meetings that had taken place at his home concerning the planned construction of a “humanitarian zone” which would enable the return of mixed-race and Afro-Colombian families who were displaced and facing famine.

On March 9 and 10, 2006, several military units of the 17th brigade alternately visited Mr. Petro’s home for the same reason, saying that “the guerrilla [was] on his property”, referring to the displaced families who were there.

*Death threats and acts of harassment against Mr. Carlos Gualteros*⁸⁷. On March 7, 2006, an unidentified individual delivered, to the office of the “Yira Castro” Legal Corporation in Bogotá, a letter addressed to Mr. **Carlos Gualteros**, an executive board member of the Corporation of Displaced People of Colombia (*Corporación de Desplazados de Colombia* - CORPADECOL) and head of the United Peasants’ Association of Colombia (*Asociación Campesina Unidos por Colombia* - ACUDECOL).

On March 10, 2006, Mr. Carlos Gualteros found out about this letter, which bore the signature of the chief of the AUC Northern Bloc, and which contained threats against permanent and interim members of the CORPADECOL executive board, including himself.

By the end of 2006, Mr. Gualteros had left Colombia and had been granted refugee status abroad.

*Ongoing acts of harassment and threats against OFP members*⁸⁸. Members of the Women’s Popular Organisation (OFP) continued to be subjected to repeated acts of harassment and retaliation in 2006.

86. See Urgent Appeal COL 006/0306/OBS 031.

87. See Urgent Appeal COL 007/0306/OBS 035.

88. See Annual Report 2005, Urgent Appeals COL 009/0406/OBS 042, COL 014/0606/OBS 077 and COL 016/0606/OBS 084, and Colombia - Europe - United States Coordination.

– In February 2006, Ms. **Graciela Alfaro**, an OFP member, was followed by an unidentified individual for two weeks. On February 28, 2006 for instance, she was photographed by a couple, in Bogotá, as she was with a friend near the town hall of Bosa.

– On March 2, 2006, a woman close to OFP was questioned by an unidentified individual in the Las Cruces neighbourhood in the La Estrella area (Bolívar de Bogotá). The man showed her a picture of Ms. **Monguí Gómez**, coordinator of the OFP Bogotá branch, as well as a publication in which OFP had denounced the ill-treatment committed by members of the national police against the youth. The individual asked her some questions about OFP activities and made accusations against Ms. Gómez and the organisation.

– On April 1, 2006, Ms. **Graciela Mejía**, an OFP member, was approached by an unidentified individual in Barrancabermeja (Santander), who snatched the documents she was holding and asked her what these papers were. Ms. Graciela Mejía answered that these documents were related to OFP activities. The man then threatened with killing her if she did not leave the organisation and did not cut off all contact with its members.

– Between April 1 and 2, 2006, one of the OFP offices as well as the home of Ms. **Yolanda Becerra Vega**, president of the organisation, were searched by unidentified individuals. Threatening messages were left on the scene.

– On June 12, 2006, in Barrancabermeja, the husband of Mrs. **Gloria Amparo Suárez**, an OFP leader, was approached by a man who threatened to abduct his wife and to kill him if they continued to engage in human rights activities. On June 5, 2006, a pamphlet containing death threats against “movements, associations, corporations, trade unions, organisations” denouncing human rights violations was circulated in the town.

– On June 21, 2006, the *Radio Uno* station, belonging to the *RCN* channel, received an anonymous phone call. The caller violently insulted and threatened to kill Ms. **Maria Jacqueline Rojas Castañeda**, an OFP member in Barrancabermeja and presenter of a daily programme called *La Mohana*, produced by the organisation. This programme aims at denouncing human rights violations in the context of the armed conflict.

These events were all reported to the Ombudswoman. Although national police regularly patrolled around the homes of OFP mem-

bers, none of the protective measures granted by the IACHR and the Ministry of the Interior were implemented.

*Defamation campaign against the NGOs “Bread for All” and “Action for Lent”*⁸⁹. On April 21, 2006, during a radio programme, the Colombian Vice-President, Mr. Francisco Santos Calderón, specifically accused two Switzerland-based NGOs - “Bread for All” (*Pain pour le prochain* - PPP) and “Action for Lent” (*Action de Carême* - AdC) - of carrying out “an aggressive campaign against Colombia” and of having financed the FARC guerrilla with Swiss public funds. These statements were published in the Colombian press under the heading “Vice-President Francisco Santos questions a Swiss NGO that supports the FARC”.

Following these accusations, PPP and AdC indicated that their ecumenical campaign aimed at sensitising the Swiss public on the question of human rights and presented the projects they were supporting in Colombia and several other countries, in order to raise funds. They added that they did not receive any subsidy from public authorities.

During a meeting with the Swiss Ambassador in Bogotá, the Colombian Vice-President subsequently took back what he had said.

Nevertheless, in an interview published on May 5, 2006 in the Swiss daily newspaper *Le Temps*, the Vice-President reiterated that the two NGOs’ campaign “(...) presented an erroneous and injurious political content”, adding that he was considering taking judicial action against them.

*Serious threats and acts of harassment against CCAJAR and other human rights NGOs*⁹⁰

– On April 6, 2006, Ms. **Soraya Gutiérrez Arguello**, a lawyer and president of the “José Alvear Restrepo” Lawyers’ Collective (*Corporación Colectivo de Abogados “José Alvear Restrepo”* - CCAJAR), received the International Human Rights Lawyer Award of the American Bar Association (ABA) in New York. Ms. Soraya Gutiérrez

89. See Press Release, May 9, 2006.

90. See Annual Report 2005, Press Releases, April 7 and October 17, 2006 and Urgent Appeals COL 008/0505/OBS 033.1, 033.2 and 033.3 and COL 017/0806/OBS 091.

Arguello continues her fight against impunity and for the right of victims to truth, justice and compensation, despite the threats and acts of harassment she and her family have repeatedly been subjected to. For instance, in 2005, her eight-year old daughter was seriously threatened.

– On May 8, 2006, CCAJAR received an email from an undisclosed sender, entitled “no more disguised lies”. The message accused CCAJAR, *inter alia*, of encouraging large-scale terrorism “under the cover of ensuring respect for international humanitarian law”. The message also stated that “each member [of CCAJAR] [could] expect to suffer”.

The message was also sent to other organisations, such as the National Indigenous Organisation (*Organización Nacional Indígena* - ONIC), the Latino-American Institute of Alternative Services (*Instituto Latinoamericano de Servicios Alternativos* - ILSA), CUT, and the Colombian Platform for Human Rights, Democracy and Development (*Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo*).

– On May 17 and 20, 2006, several human rights organisations, including CCAJAR, the organisation *Compromiso*, OFP, the Bari Association, USO, ONIC, the UWAS indigenous organisation, the Consultative Committee for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento* – CODHES), the “Colombian Ethnic Groups”, the National Trade Union School (*Escuela Nacional Sindical* - ENS), and the InterPress Service (IPS), once again received death threats through emails from a group called “Commando Nordoriental”. In particular, the message accused these NGOs of having ongoing links with the FARC and ELN, and of providing financial support to these organisations.

– On May 24, 2006, another message from a group called “Colombia Free of Communists Groups, Central Bureau of the National Directorate, military wing of the former AUC” was sent to human rights organisations, designating them as “military targets”.

– On August 4, 2006, CCAJAR received death threats through an email from an organisation called “Friends of a Pro-Right Colombia” (*Amigos Colombia Pro Derecha*). The message accused the organisation of having ties with guerrilla groups. The same message was also sent to the following organisations: CODHES, Minga, *Compromiso*, Media for Peace (*Medios para la Paz* - MPP), Movement for Victims of State Crimes, the delegations of the Peace Assembly of Arauca, Pasto

and Valledupar, ONIC and the “Colombian Ethnic Groups” organisation, as well as press agencies, human rights newspapers and several universities.

– On September 15, 2006, CCAJAR once again received threats in an email from the “Democratic Organisation for a Free Colombia” (*Corporación Democrática Colombia Libre*). The message accused CCAJAR of being “useless servants of the FARC and ELN terrorist rebellion” who “claimed to protect human rights”. The text stated that as of September 22, 2006 men would come and get them, and that the organisation “[would] continue to be their primary military target”.

This message was also sent to other organisations including the Organisation for the Promotion and Defence of Human Rights “REINICIAR” (*Corporación para la Defensa y Promoción de los Derechos Humanos “REINICIAR”*), CODHES, Minga, Voz, ONIC, the Rural Press, and the Movement for Victims of State Crimes.

By the end of 2006, the investigation into these threats had had no outcome.

– Moreover, on October 10, 2006, the IACHR acknowledged the admissibility of the complaint presented in 2001 by CCAJAR, invoking the international responsibility of the Colombian State for the assassinations, aggressions, threats and other acts of intimidation and harassment targeting its members since 1990. This decision marked the beginning of an investigative phase, at the end of which the IACHR will have to rule on the substantive question of whether the Colombian State is responsible for these violations, by virtue of the general obligation incumbent upon States to respect and ensure the respect for the rights enshrined in the Inter-American Convention on Human Rights.

*Threats and acts of harassment against Mr. Franklin Castañeda and his brother*⁹¹. On April 23, 2006, Mr. **Franklin Castañeda**, an FCSPP member, was intimidated by two unidentified individuals. Two days later, he reported these events to the human rights unit of the Prosecutor’s office in Barranquilla.

Moreover, on June 1, 2006, Mr. Franklin Castañeda’s elder brother, with whom he shares his house and who resembles him, was threat-

91. See Urgent Appeal COL 012/0606/OBS 070.

ened by several unknown individuals. As he was getting out of a taxi, at about the same time Mr. Franklin Castañeda usually returns home, two other taxis surrounded him. Eight people stepped out, and three of them approached him in a threatening manner. One of the assailants, realising that it was not Mr. Franklin Castañeda but his brother, said “it isn’t him”, and the men left immediately.

By the end of 2006, the threats and acts of intimidation against Mr. Castañeda were still ongoing. On December 13, 2006, the “Black Eagles” (*Aguilas Negras*) paramilitary group sent a letter containing death threats against trade unionists and NGO members, including Mr. Franklin Castañeda, to the University of Atlántico. In the letter, the “Black Eagles” stated that the people listed had one week to leave the country, deadline after which they would be killed⁹². Mr. Franklin Castañeda had to leave Colombia on December 22, 2006, for fear of reprisals.

*Death threats against Mr. Rodrigo Rodríguez*⁹³. On April 26, 2006, military officers told two unknown individuals that they were going to kill Mr. **Rodrigo Rodríguez**, who is in charge of the Arenas Altas humanitarian zone, for being allegedly responsible for the death of a soldier who had been killed during a fighting between the army and the guerrilla on March 29, 2006, near Mr. Rodríguez’ home.

*Serious threats against Mr. Iván Cepeda Castro*⁹⁴. On April 30, 2006, Mr. **Iván Cepeda Castro**, a member of the National Movement for Victims of State Crimes, director of the “Manuel Cepeda Vargas” Foundation and a regular contributor to the weekly newspaper *El Espectador*, received death threats on his email inbox, as well as on the readers’ forum of the newspaper. These threats bore the signature of the “New Generation of Farmers’ Self-Defence” (a paramilitary group), which accused him of being an “oppressor of the Colombian people”.

On November 24, 2006, a vehicle allocated by the DAS for the security of the “Manuel Cepeda Vargas” Foundation, and which is regularly used by Mr. Cepeda Castro and Ms. **Claudia Girón Ortiz**,

92. See above.

93. See Colombia - Europe - United States Coordination.

94. See Annual Report 2005 and Urgent Appeals COL 008/0505/OBS 033.2 and COL 029/1206/OBS 142.

a member of the National Movement for Victims of State Crimes and leader of the Foundation, was stopped by armed men claiming to be SIJIN members. After pointing their weapons at the driver, Mr. Emberth Barrios, who was alone in the vehicle, the unidentified individuals ran away after he showed them his DAS identification. According to the police, SIJIN had no assignment planned in this zone.

These events occurred on the day prior to the holding of a public hearing of the Human Rights Commission of the Senate in San Onofre (Sucre), attended by several members of the National Movement for Victims of State Crimes. They had come to listen to the statements of locals who had been subjected to acts of intimidation by paramilitary groups, and who had been forced to sign documents confirming that they were handing their land over to them.

On November 30, 2006, a few days after Mr. Cepeda's car had been serviced at a garage, one of his tires burst, putting its passengers at risk.

On December 2, 2006, the vehicle's suspension broke. A technical examination showed that one of the screws had become loose without any apparent reason, which suggested an act of sabotage. By the end of 2006, the investigation into these events had produced no results.

*Threats and acts of harassment against Mr. Hollman Morris*⁹⁵. Between May 14 and 16, 2006, several individuals introducing themselves as policemen went on four occasions to Bogotá airport in order to obtain information on Mr. **Hollman Morris**' journey to Europe on May 16. Mr. Morris, an independent journalist and programme director for the *Contravía* television documentaries, is particularly known for his stands on the human rights situation in Colombia. The last time they came to the airport, the individuals identified themselves as GAULA members.

A complaint was lodged, and the investigation by the human rights and international humanitarian law national unit of the General Prosecutor's office was still ongoing as of the end of 2006.

In February 2006, a video had been publicly released, in which a new paramilitary group pretending to be a human rights NGO and calling itself the Social Front for Peace (*Frente Social para la Paz*) had

95. See Urgent Appeal COL 010/0606/OBS 065.

notably accused Mr. Morris of being a spokesman for and a defender of the FARC.

By the end of 2006, the Post and Telecommunications Office informed Mr. Morris that his professional phone line was being tapped.

In the past, Mr. Morris had regularly been the subject of threats, acts of harassment and defamation campaigns due to his activities. For instance, on May 16, 2005, Mr. Morris and two other journalists, Messrs. **Carlos Lozano Guillén**, director of the weekly newspaper *VOZ*, and **Daniel Coronell**, director of the news programme of the *UNO* television channel, received funeral wreathes at their homes. On June 27, 2005, in a public statement, the President of the Republic, Mr. Alvaro Uribe, indirectly referred to Mr. Morris, placing him and his family at risk, by denouncing the links between FARC and journalists working for “an international media, and covering an attack by the guerrilla in Putumayo”. The President later apologised in a press release posted on the Internet.

Furthermore, on August 2, 2005, as he was leaving a *Contravía* recording session, Mr. Hollman Morris was followed by four DAS members. On the same day, 19 American Congressmen had urged the Colombian government to guarantee the life and safety of journalists, including Messrs. Morris, Carlos Lozano Guillén and Daniel Coronell.

*Threats and acts of harassment against the “Medias for Peace” Corporation*⁹⁶. On June 7, 2006, the “Medias for Peace” Corporation (MPP) - dedicated to the promotion and establishment of “responsible journalism” for the coverage of the armed conflict -, along with the Foundation for the Freedom of the Press (*Fundación para la Libertad de Prensa* - FLIP) and several other NGOs were declared “military targets” through emails sent by an organisation calling itself the “Democratic Front for a Free Colombia” (*Frente Democrático Colombia Libre* - FDCL). The recipients of this message were accused of being “revolutionaries in disguise”, who must be eradicated by the FDCL.

96. See Urgent Appeal COL 013/0606/OBS 075.

*Acts of harassment against Mrs. Luisa Fernanda Malo Rodríguez*⁹⁷. Mrs. **Luisa Fernanda Malo Rodríguez**, a board member of the Hope and Dignity Foundation (*Fundación Esperanza y Dignidad*) in Bogotá, involved in the defence of women's rights, was repeatedly threatened and harassed in 2006.

For instance, unidentified individuals went to Mrs. Malo Rodríguez's son's nursery on May 9, 2006, and to her daughter's school on July 18, 2006, and attempted to speak to her. Mrs. Malo Rodríguez has since removed her children from these establishments.

In June 2006, two unidentified individuals claiming to carry out a study on children watched her home for three weeks. During this period of time, a person claiming to be a university friend entered Mrs. Malo Rodríguez's home.

On August 28, 2006, Mrs. Malo Rodríguez received a telephone call informing her that her husband was "resting in peace".

Finally, on September 5, 2006, she was threatened in the street by five men, who told her that "she had very few days left to live".

Mrs. Malo Rodríguez, also a member of the Women's Popular Movement (*Movimiento Popular de Mujeres*), coordinator of the Children and Teenagers' Section of the National Office for the Colombian Women's Consultation (*Mesa Nacional de Concertación de Mujeres Colombianas*), a delegate for young feminists of the Bogotá section of the World Women's March (*Marcha Mundial de Mujeres*), as well as the Latin-American delegate for young women for the World Action Platform (*Plataforma de Acción mundial - PAM*), has repeatedly received death threats since 2004 and is regularly followed by vehicles, either unregistered or with illegible number plates.

*Breaking and entering at SIDHES and CODHES offices*⁹⁸. On the night of August 2 to 3, 2006, the hard disks and storage device of two computers of the Information System on Human Rights and Forced Movements (*Sistema de Información sobre Derechos Humanos y Desplazamiento Forzado - SIDHES*) and the Documentation Centre of the Council for Human Rights and Movements (*Consultoría para los Derechos Humanos y el Desplazamiento - CODHES*) were stolen.

CODHES immediately reported the theft, as well as the various

97. See Urgent Appeal COL 021/0906/OBS 107.

98. See Urgent Appeal COL 018/0806/OBS 094.

threats against its members in the previous five months, to the General Prosecutor's office and the government.

*Breaking and entering at Voz offices*⁹⁹. On August 4, 2006, policemen of the Bogotá metropolitan police came to the offices of the weekly newspaper *Voz*, and conducted an unwarranted search of the premises. In the past, the *Voz* headquarters, its director, Mr. **Carlos A. Lorenzo Guillén**, and several of its reporters had been threatened by paramilitary groups for denouncing human rights violations in the country.

*Death threats and acts of harassment against several human rights organisations and their members*¹⁰⁰. On August 3, 2006, the home of Mr. **Orlando Raúl Flórez Orjuela's** mother, in Ibagué (Tolima), was searched by the Prosecutor and several CTI members. Mr. Flórez Orjuela is a student at the University of Tolima and head of the Ibagué Youth Organisation (*Asociación Juvenil de Ibagué*). He also chairs the Commune 8 Council, and is a member of the Tolima Coalition of Community Organisations (*Mesa de Organizaciones Sociales de Tolima*) and of the New Rainbow Corporation (*Corporación Nuevo Arco Iris*), and head of the Alternative Democratic Pole (*Polo Democrático Alternativo*).

On the same day, the home of Mr. **Carlos Alberto Castaño Martínez**, a social leader and a member of the "Peace Planet Project" (*Proyecto Planeta Paz*) of the Rights for Peace Group (*Corporación Derechos para la Paz - CDPAZ*), a member of the Tolima Social Organisations' Coalition and of the Alternative Democratic Pole, was also searched.

In both cases, the Prosecutor and CTI members, along with military officers, explained that they were "looking for weapons and explosives". They accused the two human rights defenders of being "members of illegal groups such as the FARC and ELN".

99. *Idem*.

100. See Annual Report 2005, Urgent Appeal COL 008/0505/OBS 033.3 and Open Letter to the Colombian authorities, August 11, 2006.

On August 3 and 4, 2006, Mr. Orlando Raúl Flórez Orjuela and Mr. **Jhon Jairo Nieto Rodríguez**, a social leader, received telephone calls from people claiming to be members of the national government's reintegration programme. The callers accused them of being ELN members and offered them money and protection if they denounced members of these groups. When Mr. Nieto Rodríguez declined the offer, one of the callers threatened to kill him if he did not leave the city within the next few days.

*Abduction and acts of torture against Ms. Vilma Cecilia Salgado Benavides*¹⁰¹. On August 13, 2006, Ms. **Vilma Cecilia Salgado Benavides**, secretary of the executive board of the Association of Displaced Persons in the Municipality of Barrancabermeja (ASODE-SAMUBA), was abducted and held for three days. During this time, she was ill-treated and physically and psychologically tortured. She was eventually left in serious medical condition on the side of the road that leads to Puerto Wilches. She was then taken to a medical centre.

*Acts of harassment against Mr. Bayron Ricardo Góngora Arango*¹⁰². In 2006, some members of the Valle de Aburra metropolitan police, assigned to the Elite Anti-Terrorist Corps (*Cuerpo Elite Antiterrorista* - CEAT), coerced political prisoners into testifying against Mr. **Bayron Ricardo Góngora Arango**, a lawyer and a member of the Judicial Freedom Corporation (*Corporación Jurídica Libertad*). The police officers were accusing Mr. Góngora Arango of belonging to a "subversive group". These events followed Mr. Góngora Arango's active participation in the defence, in a trial marred with irregularities, of fifteen Antioquia University students, accused of being responsible for an explosion on the University campus during a protest demonstration against the Free Trade Agreement (FTA) on February 10, 2005.

In 2004, several political prisoners were similarly coerced by the Prosecutor assigned to the fourth brigade of the army, who accused Mr. Góngora Arango of being a FARC member.

101. See Open Letter to the Colombian authorities, August 22, 2006.

102. *Idem*.

*Acts of harassment against members of the “Judicial Corporation Humanity in Force”*¹⁰³. Since October 26, 2006, the premises of the “Humanity in Force Judicial Corporation” (*Corporación Jurídica Humanidad Vigente*), in Nariño, and the homes of its members, have constantly been watched and photographed by individuals in plain clothes and private security agents.

The surveillance was reported on several occasions to the Prosecutor’s office of Nariño, in vain.

The “Humanity in Force Judicial Corporation” works in favour of the promotion and protection of human rights, provides legal assistance and seeks to ensure that crimes against humanity are not forgotten.

*Threats and acts of harassment against PCN members*¹⁰⁴. In 2006, several members of the Afro-Colombian organisation “Process of Black Communities” (*Proceso de Comunidades Negras - PCN*) were threatened or abducted by paramilitaries supported by the army. The “Process of Black Communities” gathers over 80 organisations seeking to ensure respect for the rights of the communities of African descent and the recognition of their right to own land.

– On June 16, 2006, Ms. **Elizabeth García Carrillo**, a member of the human rights team and companion of Mr. **Carlos Rosero**, director of PCN, was held hostage and threatened by two unidentified individuals who confiscated her papers and copied the phone numbers in her mobile phone’s address book.

– On October 25, 2006, Mr. **Astolfo Aramburo**, a member of the PCN youth wing and son of one of the organisation’s heads, Mr. **Naka Mandinga**, was followed and approached by two former rehabilitated FARC members from Buenaventura (Valle del Cauca). He was able to reach PCN members who immediately came to pick him up. Several members of the Aramburo family have disappeared or/and been killed in the past.

– On October 30, 2006, Mr. **Washington Vladimir Angulo**, a former member of the human rights team of the “*el Congal*” regional unit (*Equipo de Derechos Humanos del Palenque Regional el Congal*), a regional body of PCN, and currently a PCN member in Bogotá, was

103. See ANDAS, November 2006.

104. See Process of Black Communities (PCN), Press Release, November 14, 2006.

abducted by a group of armed men claiming to be paramilitaries. While being held hostage, his abductors repeatedly told him they were going to kill him because of his activities, and that they had already warned him. Mr. Angulo was released five hours later after his aggressors received a phone call instructing them to do so.

– On November 2, 2006, Mr. **Willington Cuero Solís**, a PCN member who had to leave Buenaventura due to the repeated threats he had received from an armed group, was once again threatened over the phone.

*Assault against Ms. Martha Cecilia Monroy Pinzón*¹⁰⁵. On December 23, 2006, unidentified individuals shot at the vehicle in which Ms. **Martha Cecilia Monroy Pinzón** was travelling. Ms. Martha Cecilia Monroy Pinzón, a lawyer and a member of the Colombian Association of Democratic Lawyers (*Asociación Colombiana de Juristas Democratas - ASCOLJUDE*), an organisation affiliated to the International Association of Democratic Lawyers and to the American Lawyers' Association, was on her way to work, between the cities of Purificación and Prado (Tolima).

Other ASCOLJUDE members have already been subjected to threats and acts of harassment in the past, such as Mr. **Ernesto Moreno Gordillo**, who left Colombia as a result of these threats.

COSTA RICA

Attack on CTRN headquarters and death threats against its members¹⁰⁶

On May 24, 2006, in San José, Ms **Tannia González**, Ms **Nieves Granja**, and Messrs **Gustavo Hernández**, **Alejandro López** and **Tyronne Esna**, all members of the Rerum Novarum Workers' Confederation (*Confederación de Trabajadores Rerum Novarum - CTRN*), were attacked by unidentified individuals who burst into the organisation's premises. Ms. González was threatened with a weapon, while the other staff members were forced to lie on the ground before

105. See ANDAS.

106. See Urgent Appeal CRI 001/0606/OBS 064.

they were being tied up. The attackers stole the personal belongings of CTRN members, chequebooks and documents of the organisation, as well as many work documents relating in particular to a complaint filed before the International Labour Organisation (ILO).

The attackers, who were in constant communication on their mobile phone, threatened to kill their victims and said that they knew about the trip of Mr. **Rodrigo Aguilar** - another CTRN member - to Brazil. They locked everyone present in the organisation's toilets before running off.

CUBA

Release on parole of Messrs. Oscar Espinosa Chepe, Marcelo López Bañobre and Hector Palacios Ruiz¹⁰⁷

On February 28, 2006, the Municipal Court of Playa extended the release on parole of Mr. **Oscar Espinosa Chepe**, an independent journalist, on medical grounds, stressing that he would be under the surveillance of the "political factors" of his neighbourhood, and that his release could be revoked on the basis of the information they provided¹⁰⁸.

On December 5, 2006, Mr. **Hector Palacios Ruiz**, an active member of the Varela Project¹⁰⁹ and an independent bookseller, was also released on parole on medical grounds.

Similarly, by the end of 2006, Mr. **Marcelo López Bañobre**, a member of the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* - CCDHRN), remained on parole.

Arrested in March 2003 amidst a wave of mass arrests of Cuban human rights defenders, Messrs. Espinosa Chepe, Palacios Ruiz and López Bañobre had been sentenced to 20, 15 and 25 years' imprisonment respectively on charges of "conspiracy".

107. See Annual Report 2005.

108. "Political factors" are, among others, members of the Communist Party and Youth (*Partido y Juventud Comunista*), of the Committee for the Defence of the Revolution (*Comité de Defensa de la Revolución*) and of the Cuban Women's Federation (*Federación de Mujeres Cubanas*), in charge of giving information on the "social attitude" of certain opponents on regular basis.

109. The Varela Project (2002) calls for a referendum on the issue of freedoms of expression and association, the possibility of creating companies, the release of all political prisoners and amendment of the electoral legislation.

The three men have been placed under constant surveillance and face arrest at any time.

Ongoing acts of harassment and detention of members of the Cuban Human Rights Foundation¹¹⁰

Ongoing acts of harassment against
Mr. Juan Carlos González Leiva and his relatives

Acts of harassment perpetrated against Mr. **Juan Carlos González Leiva**, president of the Cuban Human Rights Foundation (*Fundación Cubana de los Derechos Humanos*), persisted in 2006, although his four-year house arrest sentence ended on March 10, 2006¹¹¹.

Indeed, loudspeakers placed near the doors and windows of his home play music day and night, preventing him from sleeping, and about one hundred people constantly wander around his house, carrying out acts of vandalism or threatening to enter and set it on fire.

Ms. **Tania Maseda Guerra**, a member of the Foundation, and Mr. **Luis Esteban Espinosa**, an independent journalist, who both came to join him as a token of their support, also faced repeated acts of harassment. Many activists and relatives of Mr. González Leiva, who regularly attempted to help him, including Ms. **Yodalis Calderín Nuñez**, his niece, and the psychologist **Antonio Legón Mendoza**, were pushed around or beaten by these individuals.

Moreover, the Cuban government has prevented Mr. **Agustín González**, Mr. González Leiva's father, from leaving Cuba, although he had obtained a visa to go to the United States.

On November 2, 2006, sympathisers of the regime once again gathered in Ciego de Ávila in front of his house.

Ongoing detention of Mr. Virgilio Mantilla Arango and
house arrest of Ms. Ana Peláez García and Mr. Lázaro Iglesias Estrada.

By the end of 2006, Mr. **Virgilio Mantilla Arango** and Ms. **Ana Peláez García**, members of the Cuban Foundation who were convicted in April 2004 in the same circumstances as Mr. González Leiva,

110. See Annual Report 2005 and Open Letter to the Cuban authorities, January 19, 2006.

111. Mr. González Leiva was convicted in 2004 for having peacefully protested, two years earlier, against the assault on the independent journalist Mr. Jesús Álvarez Castillo.

remained in detention and under house arrest respectively. In April 2004, Mr. Virgilio Mantilla Arango was sentenced to seven years' imprisonment and Ms. Ana Peláez García to two and a half years of house arrest for "damage to the image of the Cuban President", "opposition and disobedience to the public authority" and "incitement to public disorder".

As for Mrs. **Odalnis Hernández Márquez**, who was sentenced to three years of house arrest, she left Cuba in September 2006. Her husband, Mr. **Lázaro Iglesias Estrada**, was banned from leaving the Cuban territory, even though his family had already left and the fact that he had obtained a visa. He has been kept under house arrest since then.

Finally, Mr. **Carlos Brizuela Yera**, a member of the Camagüey College of Independent Journalists (*Colegio de Periodistas Independientes de Camagüey*), who was sentenced to three years' imprisonment in 2004, has been placed under tight surveillance by the State security forces since his release on March 3, 2005.

Administrative inquiry against Messrs. Antonio and Enrique Garcia Morejón¹¹²

By the end of 2006, Messrs. **Antonio** and **Enrique Garcia Morejón**, two brothers and members of the Christian Liberation Movement, and promoters of the Varela Project¹¹³, remained subjected to an administrative inquiry that was launched in 2005 on suspicion of "incitement to public disorder" by the National Revolutionary Police of the Vertientes municipality, Camagüey.

They had both been sentenced to three and a half years' imprisonment in April 2004 and released in March 2005. However they have since then remained at the risk of being arrested and detained at any time for their efforts to establish an independent library.

Ongoing acts of harassment against Ms. Martha Beatriz Roque¹¹⁴

In 2006, Ms. **Martha Beatriz Roque Cabello**, president of the Assembly for the Promotion of Civil Society (*Asamblea para la Promoción de la Sociedad Civil - APSC*) and a member of the

112. See Annual Report 2005.

113. See above.

114. See Annual Report 2005, Open Letter to the Cuban authorities, January 19, 2006 and Urgent Appeal CUB 001/0306/OBS 029.

Institute of Independent Economists, who was released on parole on July 22, 2004, continued to be subjected to constant acts of harassment by security forces, civilians, military and paramilitary officers.

On January 14, 2006 for instance, a neighbour who was obviously drunk uttered insults against her, while knocking several times at her window.

Furthermore, on March 4, 2006, the Rapid Response Brigade (*Brigada de Respuesta Rápida*) prevented four Europeans from visiting Ms. Martha Beatriz Roque Cabello. When she stepped out of her house to speak to them, several people standing opposite her home insulted her and one of her neighbours assaulted her.

Acts of harassment against

Mr. Roberto de Miranda Hernández and his wife¹¹⁵

On February 28, 2006, four agents of the State Security Department (*Departamento de Seguridad del Estado* - DSE), in Havana, searched the home of Mr. **Roberto de Miranda Hernández**, head of the Cuban College of Independent Teachers (*Colegio de Pedagogos Independientes de Cuba* - CPIC) - who is on parole -, and of his wife, Mrs. **Soledad Rivas Verdecia**, a member of the organisation Ladies in White (*Damas de Blanco*)¹¹⁶. The State agents seized toys and sports equipment.

Arbitrary arrest and acts of harassment against CJM members¹¹⁷

On February 28, 2006, members of the DSE, the National Revolutionary Police (*Policía Nacional Revolucionaria* - PNR) and the political police, carrying a search warrant for “opposition propaganda”, searched the home of Mr. **David Díaz Oliver**, president of the Martiana Youth Coalition (*Coalición Juvenil Martiana* - CJM), in Santo Domingo, province of Villa Clara.

Messrs. **Yunieski Rodríguez González** and **Yuniel Ima Rodríguez**, both CJM members who were present on the scene, were

115. See Urgent Appeal CUB 001/0306/OBS 029.

116. The Ladies in White movement gathers the wives of Cuban political prisoners, who meet, dressed in white, every Sunday in Havana and other cities in the country to ask for their husbands' release.

117. See Urgent Appeal CUB 001/0306/OBS 029.

arrested and detained for several hours, before being released without charge.

Mr. David Díaz Oliver was taken to the Santo Domingo police station and was questioned for three hours about his possible participation in the Congress of Independent Libraries, organised by APSC on October 10, 2006.

The police officers also seized several items and documents, including leaflets containing photographs of Ms. Martha Beatriz Roque Cabello and Mr. **Oscar Elias Biscet González**, president of the Lawton Foundation¹¹⁸.

Threats against several FLAMUR members¹¹⁹

During the days following their participation in the celebration of the International Women's Day on March 8, 2006, several members of the Latin American Federation of Rural Women (*Federación Latinoamericana de Mujeres Rurales* - FLAMUR), in the province of Pinar del Río, received threats from the political police, as was the case of Ms. **Aurora Gonzáles Veliz**.

Release of Mr. Oscar Mario Gonzalez Perez and ongoing arbitrary detention of Mr. René Gómez Manzano¹²⁰

On November 20, 2006, Mr. **Oscar Mario Gonzalez Perez**, co-founder of the independent press agency *Grupo de Trabajo Decoro*, which regularly denounces human rights violations committed by the Cuban government, was released from prison after being detained for 16 months without being tried or receiving suitable medical care for his serious health condition.

On July 22, 2005, about thirty people were arrested in Havana, the day before a peaceful demonstration was due to be held outside the French embassy, in protest of the "standardisation" of EU-Cuban relations and to request the release of political prisoners. All of them had been released except for Mr. Oscar Mario Gonzalez Perez, Mr. **René**

118. See Annual Report 2005. The Lawton Foundation is an independent human rights organisation in Cuba.

119. See Urgent Appeal CUB 001/0306/OBS 029.

120. See Annual Report 2005 and Coalition of Cuban-American Women (*Coalición de Mujeres Cubano-Americanas*).

Gómez Manzano, a lawyer and APSC vice-president, and Mr. Julio César López Rodríguez, vice-president of the Hard Line Front (*Frente Línea Dura*), a political movement.

Mr. René Gómez Manzano remained in detention as of the end of 2006. As for Mr. Julio César López, he was released on February 3, 2007.

ECUADOR

Updates on the investigations into reprisals against human right defenders¹²¹

Impunity for the assassination of Mr. Andrés Arroyo Segura

By the end of 2006, no further information was available about the circumstances of the assassination of Mr. **Andrés Arroyo Segura**, a community leader and a member of the National Network of Popular Environmentalists for the Protection of Nature, Life and Dignity (*Red Nacional de Ecologistas Populares, en Defensa de la Naturaleza, Vida y Dignidad* - REDIVINA).

On June 20, 2005, Mr. Andrés Arroyo Segura's body had been found in the Baba River (province of Los Ríos), adjacent to the planned construction site of a dam that Mr. Arroyo Segura had opposed on grounds that it would have harmful consequences on the environment and the community life of the region. He had also taken part in several national meetings for environmental protection.

Lack of progress in the investigation into acts of harassment against several human rights defenders

By the end of 2006, the investigation initiated by the General Prosecutor to inquire into the acts of harassment against Mr. **Blasco Peñaherrera Solá**, a trade union leader, and Mr. **Diego Guzmán Espinoza**, a founding member of the Observatory of Ecuadorean Media (*Observatorio de Medios de Ecuador*) and programming director of the radio station *Buscolíos.com*, as well as director of the *Radio Bolívar* station, in 2005, remained at its preliminary stage whereas the perpetrators had not been identified.

121. See Annual Report 2005.

On December 16, 2004, Mr. Peñaherrera Sola had been subjected to an assassination attempt.

Mr. Diego Guzmán Espinoza had been harassed and threatened with death in March 2005. Mr. **Orlando Pérez Torres**, a journalist working for the daily newspaper *HOY*, and several leaders of *Radio Bolívar* in Quito had also received death threats.

Lack of investigation into the harassment of the Jesuit Foundation Mariana de Jesús and FEDAEPS

By the end of 2006, no investigation had been launched into the acts of harassment committed in 2005 against the Jesuit Foundation Mariana de Jesús, which promotes the development of social programmes.

However, the decision of the Ministry of Social Affairs to “dissolve and eliminate” the Foundation was abandoned following the government change in October 2006.

Furthermore, by the end of 2006, the complaint filed by the Ecuadorian Foundation for Action, Studies and Social Participation (*Fundación Ecuatoriana de Acción, Estudios y Participación Social - FEDAEPS*), following an attempted burglary of its headquarters in Quito on September 13, 2005 had still not been examined.

Ill-treatment of APDH members¹²²

On May 9, 2006, Mr. **Fidel Narváez**, a human rights observer for the Permanent Assembly for Human Rights (*Asemblea Permanente de Derechos Humanos - APDH*), was beaten and insulted by police officers while monitoring a demonstration against the OXY petroleum company. Mr. Narváez was denouncing the violent repression of the protest live on the radio station *La Luna*, during the course of which the police threw teargas at the crowd and set their dogs on the demonstrators. Many participants were arrested.

122. See Open Letter to the Ecuadorian authorities, May 12, 2006.

Ill-treatment, arbitrary detention and judicial proceedings against Mr. Wilman Alfonso Jiménez Salazar¹²³

On June 19, 2006, Mr. Wilman Alfonso Jiménez Salazar, a member of the human rights defenders protection programme of the Regional Foundation on Human Rights Counselling (*Fundación Regional de Asesoría en Derechos Humanos - INREDH*) supported by the Dutch Humanist Institute for Cooperation with Developing Countries (HIVOS), also a member of the Orellana Human Rights Committee¹²⁴ and of the Angel Shingre Network of Community Leaders (*Red de Líderes Comunitarios Angel Shingre*), was beaten and detained for four hours by the police. At the time of his arrest, he was observing the violent suppression of farmers occupying the premises of the oil company Coca-Payamino (Amazonian Province of Orellana) in protest against the harmful environmental repercussions of the company's activities. Mr. Jiménez Salazar was taken to the provincial civilian hospital before being transferred to the criminal investigation department of the police.

He was held in solitary confinement until the next day, when he was transferred to the military buildings of the Selva Napo Squad no. 19, in the province of Pastaza. When two representatives of the municipalities of Selva Napo and Orellana came to enquire about his situation, the commander of the "Amazonas" 4th division of the army reportedly told them that "human right defenders [incited] the population to rise against companies". Similarly, when Mr. Ángel Álvarez, a member of the Orellana Human Rights Network and of the INREDH-HIVOS human rights defenders protection programme, sought to denounce these events to the Orellana Ombudswoman, she reportedly declared that "human rights defenders [were] a nuisance".

Moreover, on June 21, 2006, Mr. Jiménez was denied access to a doctor although the District Prosecutor of Orellana had given his prior authorisation. He was also denied access to his lawyer.

Mr. Jiménez Salazar was released on July 6, 2006 after the Orellana Provincial Governor paid his bail following intense social mobilisation.

123. See Urgent Appeals ECU 002/0606/OBS 082 and 082.1.

124. On May 5, 2006, the government declared a state of emergency in Orellana in order to protect oil plants.

As the Military Court does not have jurisdiction over civilians, his case was referred to the Criminal Court of the city of Coca, which charged him with “terrorism” and “sabotage”.

Similarly, Messrs. **Diogles Zambrani, José Moreira, Diliberto Rodríguez** and Ms. **Cruz Moreira**, also members of the INREDH human rights defenders protection programme who had observed the repression of farmers on June 19, 2006, were charged by the Military Court with “terrorism” and “sabotage”. However, unlike Mr. Jiménez Salazar, their case was not referred to the Coca Criminal Court, and the charges against them seemed to have been dropped by the end of 2006.

As of the end of 2006, Mr. Jiménez still faced pending criminal proceedings.

Ongoing acts of harassment against several lawyers¹²⁵

Messrs. **Ermel Chávez Parra, Pablo Fajardo Mendoza, Alejandro Ponce Villacís** and **Luis Yanza**, lawyers working on complaints lodged by the indigenous communities of Siona, Secoya, Cofán and Waorani against the Texaco oil company, now known as Chevron Corporation¹²⁶, continued to be harassed in 2006. Mr. Ponce’s car was notably forced open and searched in early November 2006.

As of the end of 2006, the Ecuadorian authorities had still not implemented the precautionary measures for their protection requested by the IACHR in December 2005 following the continuous harassment and intimidation (including death threats), burglaries and constant surveillance against these persons.

These new threats were reported to the IACHR.

Ongoing threats against the organisation “Ecological Action”¹²⁷

In 2006, the organisation “Ecological Action” (*Acción Ecológica*) and its members continued to be subjected to repeated acts of harassment.

In February 2006 for instance, Mr. **Modesto Peter Segura Quintero**, a member of Ecological Action and chair of the

125. See Annual Report 2005.

126. These complaints are in particular linked to the exploitation of their land for the extraction of oil by this company for 26 years.

127. See Annual Report 2005.

Association of Traditional Fishermen for the Commercialisation of Bio-Aquatic Products from the Northern Mangroves (*Asociación de Pescadores Artesanales y de Comercialización de Productos Bioacuáticos Manglares del Norte* - APACOPBIN), received a phone call from relatives living in the Esmeraldas province, advising him not to come to Osmeldo, stating that a professional killer had been contracted by the Puro Congo company to kill him. This company had had to interrupt its activities for two weeks following a decision of the Ministry of the Environment, after APACOPBIN denounced its harmful impact on the mangroves' ecosystem.

In late October 2006, Messrs. **José Proaño** and **Franklyn Jakentoala**, Ecological Action members, attended the International Forum on Oil, Human Rights and Full Compensation (*Foro Internacional de Petróleo, Derechos Humanos y Remediación Integral*)¹²⁸, held from October 20 to 22, 2006 in Coca, where they were photographed, threatened and briefly detained by the police.

Lastly, General Oswaldo Jarrín, then Defence Minister, initiated judicial proceedings against the organisation's director, Ms. **Alexandra Almeida**, for having accused the army of arbitrarily detaining Mr. Wilmán Jiménez¹²⁹. The Pichincha Criminal Court subsequently ordered Ms. Almeida to appear before the Court. As of the end of 2006, the date of the next hearing in this case had not yet been scheduled.

In 2005, the offices of Ecological Action in Quito were searched and burgled, and three computer hard drives were stolen. This incident occurred as the organisation started to play a significant role in the change of the policies implemented by the new Minister for Foreign Affairs, in opposition to the fumigation of the Colombian border as part of the "Colombia Plan".

On July 5, 2005, Ms. **Esperanza Martínez**, a member of the organisation, had also received a death threat on her mobile phone. The organisation immediately reported this incident, in vain, to the Minister for Home Affairs and the Prosecutor. In addition, in September 2005, the home of Ms. **Cecila Chérrez**, Ecological Action president, was targeted by unidentified individuals who threw stones

128. This forum gathers international NGOs fighting against pollution and human rights violations linked to oil exploitation.

129. See above.

at her house, breaking the windows. These events were reported to the police. However, the investigation had produced no results as of the end of 2006.

Defamation campaign and reprisals against several defenders of indigenous peoples' rights¹³⁰

In March and April 2006, several defenders of indigenous peoples' rights were subjected to reprisals by the authorities.

On March 18, 2006, Messrs. **Humberto Cholango**, president of the Confederation of the Quechua Peoples of Ecuador (*Confederación de Pueblos de la Nacionalidad Kichwa del Ecuador - ECUARUNARI*), and **Luis Macas**, president of the Confederation of Indigenous Nationalities of Ecuador (*Confederación de Nacionalidades Indígenas del Ecuador - CONAIE*), were threatened by police officers, who told them that they would be arrested if they did not stop their support in favour of indigenous mobilisation.

On March 19, 2006, Ms. **Anaité Vargas**, executive director of the Permanent Assembly for Human Rights (APDH), was followed by a vehicle of the national police Special Operations Group (*Grupo de Operativos Especiales - GOE*), as she was driving home in an APDH vehicle. The police car suddenly blocked the road and several officers in camouflage clothes surrounded her vehicle. The officers asked Ms. Vargas for her identity papers, and then told her that they wanted to "check [whether she was] Ecuadorian and [if she had] stolen [the] car". They subsequently returned her papers and left.

Two days earlier, APDH and the "Segundo Montes Mozo SJ" Human Rights Documentation Centre (*Centro de Documentación en Derechos Humanos "Segundo Montes Mozo SJ" - CSMM*) had issued a joint newsletter criticising the statements of the secretary of the Presidency. The latter had said that he "would investigate international NGOs financing indigenous mobilisation and expel them from the country". The Secretary General of Public Administration and the Minister of the Government had issued similar statements on March 16 and 20, 2006 respectively, during interviews to the press.

Moreover, on March 21, 2006, the government declared a state of emergency in the province of Cañar, following a series of protests by

130. See Urgent Appeal ECU 001/0406/OBS 041.

indigenous communities against the signature of the Free Trade Agreement (FTA) with the United States.

In this context, Mr. **Pedro de la Cruz**, president of the Federation of Indigenous, Black and Peasants' Organisations of Ecuador (*Federación de Organizaciones Campesinas Indígenas y Negras de Ecuador* - FENOCIN), and Mr. **William Rodrigo Villalta**, president of the Loja Farmers' Federation (*Federación Campesina de Loja*), were arrested while travelling by bus on April 2, 2006. A group of police and military officers stopped the vehicle to check passengers' identities and destinations. They then arrested the two men without giving any explanation. They were first detained in solitary confinement at the police station in Azogues, capital of the Cañar province, before being transferred, by night, to the headquarters of the 5th division of the ground forces in the Cuenca province.

They were released without charge on April 3, 2006.

Judicial proceedings against Mr. Carlos Zorilla¹³¹

On October 17, 2006, the home of Mr. **Carlos Zorilla**, founder of the NGO Ecological Defence and Preservation of Intag (*Defensa y Conservación Ecológica de Intag* - DECOIN), was illegally searched by the police who claimed to have found a weapon and drugs. A police report was then filed with the Prosecutor in charge of drug trafficking - who, by the end of 2006, had opened no investigation - and with the Prosecutor for the regulation of trade formalities, who ordered the Pichincha Criminal Court to issue an arrest warrant against Mr. Zorilla for "arms possession". As of the end of 2006, the Court had still not ruled on this request.

On the same day, Mr. Carlos Zorilla was informed that criminal proceedings had been initiated and an arrest warrant issued against him for "qualified theft" and "grievous bodily harm". These proceedings were linked to a complaint filed on July 24, 2006, by Ms. Brooke Chaplin, an employee of the Ascendant Copper Corporation S.A. company, for facts dating back to July 13, 2006 in Quito. On that day, Intag inhabitants had organised a sit-in outside the Ministry of Energy and Mines and several demonstrators had decided to prevent Ms. Chaplin from campaigning in favour of her company before the

131. See Urgent Appeals ECU 003/1106/OBS 135 and 135.1.

Ministry. Yet, according to the testimonies of the people present on the scene, Mr. Carlos Zorilla was not among the demonstrators.

On November 16, 2006, the tenth judge of the Pichincha Criminal Court withdrew the arrest warrant against Mr. Zorilla for “qualified theft”, on grounds of lack of evidence. However, Mr. Zorilla remained charged with “grievous bodily harm”. In connection with these charges, a preliminary investigation was launched but yielded no results as Ms. Chaplin failed to appear before the Court.

As of the end of 2006, Mr. Zorilla remained free.

Break-in attempt in Ms. Guadalupe de Heredia’s home¹³²

On the night of October 23 to 24, 2006, a group of unidentified individuals attempted to burgle the home of Ms. **Guadalupe de Heredia**, a human rights activist and press attaché of the legal department representing indigenous communities that have taken the oil multinational ChevronTexaco to court. The perpetrators ran away when a guard, in charge of watching the neighbouring building, fired a warning shot in the air. On October 25, 2006, Ms. de Heredia lodged a complaint with the Public Prosecutor of Pichincha.

Prior to these events, Ms. de Heredia had taken part in the International Forum on Oil, Human Rights and Full Compensation, held from October 20 to 22, 2006 in Coca¹³³. In the weeks preceding this meeting, Ms. de Heredia had given interviews to several radio stations, mentioning the holding of the Forum and denouncing human rights violations committed by ChevronTexaco in Ecuador.

Ms. de Heredia had already been threatened in April 2006, as a result of which a petition had been submitted to the IACHR on April 28, 2006, requesting precautionary measures.

¹³². See Action by Christians for the Abolition of Torture (ACAT), November 30, 2006.

¹³³. See above.

EL SALVADOR**Breaking and entering of the headquarters of the Association “Between Friends” and death threats against its members¹³⁴**

On May 30, 2006, the offices of the Association “Between Friends” (*Asociación “Entre Amigos”*), an NGO based in San Salvador and working for the protection of the rights of LGBT people, were broken into. The burglars stole some work documents relating to the organisation of a demonstration due to take place in June 2006 in front of the National Assembly to call for the respect of the right to equality and for the withdrawal of the planned reform of the Constitution¹³⁵. Threatening letters addressed to the members of the organisation, including one containing death threats, were left at the headquarters.

Since then, the association has moved out and found new offices, but has remained under the surveillance of unidentified individuals four to five hours a day.

In addition, on June 1, 2006, Mr. **William Hernández**, director and president of the association, who is under police protection since attempts on his life were made in 1998 and 2000¹³⁶, was seriously threatened in front of the organisation’s headquarters, shortly after the police officer protecting him had finished his shift. An unidentified individual approached him and held a gun to the back of his neck, threatening to kill him if he continued “to bother” members of the National Assembly. The man then took Mr. Hernández’s briefcase and ran off.

On June 30, 2006, a complaint was filed with the national civil police in connection with these attacks and threats. However, no investigation had been launched as of the end of 2006.

For the past five years, the Association “Between Friends” has repeatedly been subjected to acts of intimidation.

134. See Open Letter to the Salvadoran authorities, August 24, 2006.

135. The Christian Democratic Party (*Partido Demócrata Cristiano* - PDC) and the Catholic Church of Salvador campaigned for a reform of the Constitution to criminalise same-sex marriages and to prevent LGBTs from adopting children. This reform was approved by the National Assembly in 2005 but still requires ratification by the new Parliament, elected in March 2006.

136. See Annual Report 2001.

Search of CSTS offices, ill-treatment and judicial proceedings against Mr. Daniel Ernesto Morales Rivera¹³⁷

On the night of July 5 to 6, 2006, the offices of the Trade Union Confederation of Salvadoran Workers (*Confederación Sindical de Trabajadores Salvadoreños* - CSTS) were searched without a warrant by the police. The police officers seized computing equipment, cameras and 1,500 euros in cash.

They also kept Mr. **Daniel Ernesto Morales Rivera**, head of the CSTS communication department, on his knees against a wall for three hours, and beat him to his head and face asking him “where the weapons [were]”. The police officers claimed that a gun had been found on the CSTS premises and Mr. Ernesto Morales was then arrested and charged with “illegal possession of firearms”.

The day before, several social and peoples’ organisations had organised a press conference in the CSTS offices to denounce the wave of repression that followed the death of two police officers killed during a demonstration on July 4, 2006. The authorities were reportedly looking for the weapons used to kill the two officers. However, only the CSTS headquarters were searched.

On July 12, 2006, Mr. Ernesto Morales was released on parole.

He was acquitted in November 2006. However, the prosecution appealed against this verdict and the case remained pending by the end of 2006. The proceedings initiated by Mr. Morales Rivera and CSTS against Diana S.A de CV, a company belonging to the Minister for the Environment Mr. Hugo Barrera, following his unfair dismissal in 2005 because of his trade union activities, were also pending.

Moreover, on July 19, 2006, CSTS, jointly with the Centre for Labour Studies and Support (*Centro de Estudios y Apoyo Laboral* - CEAL), addressed an IAHRC meeting in Guatemala City to denounce the systematic repression of trade unions by the Salvadoran government.

137. See Urgent Appeal SLV 001/0706/OBS 086.

GUATEMALA

**Assassinations, assassination attempts
and enforced disappearances**

Lack of investigation into the assassinations of
Messrs. Juan López Velásquez, Álvaro Juárez and “Paulina”¹³⁸

As of the end of 2006, no further information was available about the circumstances surrounding the murders of Mr. **Juan López Velásquez**, a member of the Farmers' Unity Committee (*Comité de Unidad Campesina*), Mr. **Álvaro Juárez**, head and co-founder of the Association of the Displaced Persons of Péten (*Asociación de Población Desarraigada del Péten - APDP*) and president of the Development Committee of the Vista Hermosa colony in San Benito, and Mr. **Juan Pablo Méndez Cartagena**, *alias* “Paulina”. In addition, Mr. Álvaro Juárez's family had to leave the country for fear for their safety.

On March 14, 2005, Mr. López Velásquez was killed during the violent suppression, by the National Civil Police (*Policía Nacional Civil - PNC*), of a peaceful demonstration protesting against the Free Trade Agreement between the United States, Central America and the Caribbean (CAFTA). During these demonstrations, the PNC had used teargas and water canons.

On July 8, 2005, Mr. Álvaro Juárez was killed at his home after an attempt on his life had been made a few days earlier. Mr. Juárez had reported the assassination attempt to the police, but the authorities had not reacted. For fear of reprisals, Mr. Juárez's family decided not to file a complaint after his assassination.

On December 17, 2005, “Paulina” and Mr. **Kevin Robles**, *alias* “Sulma”, both members of the Organisation for an Integral Sexuality AIDS Support (*Organización de Apoyo a una Sexualidad Integral frente al SIDA - OASIS*), were in “Zone 1” of Guatemala City when four men in police uniforms riding motorbikes shot at them. “Paulina” was hit twice in the head and died on the spot. “Sulma” received three bullets and was admitted to hospital in a critical condition, which later stabilised.

138. See Annual Report 2005.

Status of the investigation into the assassination of Mr. Harold Rafael Pérez Gallardo¹³⁹

In 2006, although a criminal investigation into the assassination of Mr. **Harold Rafael Pérez Gallardo**, a lawyer working in the legal office of the NGO *Casa Alianza Guatemala*, was launched by the Public Prosecutor, the perpetrators of the crime could still not be identified. According to the Prosecutor, the PNC did not receive sufficient information.

Mr. Pérez Gallardo was killed by two gunshots on September 2, 2005, in Guatemala City. He was defending cases initiated by *Casa Alianza Guatemala*, in particular cases of illegal adoptions, trafficking and murders of street children.

Assassination attempt against Mr. Mario Corado Solórzano Puac¹⁴⁰

On January 30, 2006, Mr. **Mario Corado Solórzano Puac**, founder and president of the Richard Solórzano Foundation¹⁴¹, was sitting in front of his house with his son Abner Alexander Solórzano Contreras, a member of the organisation, and a friend of the latter, Mr. Jonathan Valente Barrios Mérida, when a vehicle pulled over in front of them.

The car's occupants, heavily armed and probably members of the reserve and special forces of the PNC, started shooting at the group, injuring the young Jonathan who died a few minutes later.

This attack might have been linked to the complaint lodged by Mr. Mario Corado Solórzano Puac against the State of Guatemala with the IACHR, accusing the PNC and the Public Prosecutor of Coatepeque of omission and dereliction of their duties in the case of Mr. Richard Solórzano's assassination.

On February 1, 2006, the Human Rights Prosecutor of Coatepeque ordered an investigation and transferred Mr. Solórzano's request to the Coatepeque peace judge to urgently grant his family protection measures.

139. *Idem*.

140. See Urgent Appeal GTM 001/0206/OBS 020.

141. The Richard Solórzano Foundation was created by Mr. Mario Corado Solórzano, seeking justice for his son's murder on March 10, 2003, which the organisation owes its name to. After overcoming many obstacles, Mr. Mario Corado Solórzano filed a complaint with the IACHR in order to press charges against the Guatemalan State for the impunity of Richard Solórzano's murder. The IACHR ruled the case admissible. Since then, Mr. Solórzano has undertaken various steps in order to provide the required information.

On February 9, 2006, protection was granted for an undetermined period of time by the Quetzaltenango Public Prosecutor. However, in May 2006, the Coatepeque Public Prosecutor suspended these measures after the denunciation made by Mr. Solórzano to the IACHR.

Since then, Mr. Corado Solórzano Puac has continuously been intimidated.

By the end of 2006, the investigation into this assassination attempt and Jonathan's murder was still pending.

Assassination attempt against Ms. Claudia Jeannette Rivas Rosil¹⁴²

On March 20, 2006, a man shot at Ms. **Claudia Jeannette Rivas Rosil**, regional delegate of the Union of Education Workers of Guatemala (*Sindicato de Trabajadores de la Educación de Guatemala* - STEG) in Jutiapa, as she was in a car with a friend. Ms. Rivas Rosil was not injured.

On March 24, 2006, unidentified individuals came to her workplace, asking for her home address and her usual time of arrival at work.

On April 22, 2006, she noticed a vehicle parked in front of the Education Department from where she was walking out. The same vehicle had been seen in front of her house for one hour, earlier that day.

In addition, Ms. Rivas Rosil received numerous phone calls threatening her and warning her that she was being closely watched.

No further acts of harassment were reported following these events.

Assassination of Mrs. Meregilda Súchite¹⁴³

On April 2, 2006, Mrs. **Meregilda Súchite**, leader of the Tuticopote Abajo community in the Olopa region, department of Chiquimula, and a member of the Women's Network of the Human Rights Observatory, set up by the Centre for Legal Action in Human Rights (*Centro para la Acción Legal en Derechos Humanos* - CALDH), in the Ch'orti' region, was murdered while on her way to church with her husband. She was killed with six bullets and four

142. See Human Rights Defenders Protection Unit (UPDDH) of the National Movement for Human Rights (MNDH), *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

143. See Urgent Appeal GTM 002/0406/OBS 047.

machete blows. The suspected perpetrator was thought to be a member of security services (*Servicios Integrales de Seguridad - SIS*).

As of the end of 2006, no investigation had been opened into Mrs. Súchite's death. The Esquipulas Prosecutor further told her husband, Mr. Longino Díaz, that he was unable to record his witness statement or open an inquiry since he had not received the reports from the police and the peace judge - with whom Mr. Díaz had lodged a complaint.

Assassination of Mr. Antonio Ixbalan Cali and his wife¹⁴⁴

On April 5, 2006, Mr. **Antonio Ixbalan Cali**, president of the Santiago Atitlan Farmers' Association (*Asociación de Agricultores de Santiago Atitlan*) - an association affiliated to the Indigenous and Farmers' National Coordination (*Coordinadora Nacional Indígena y Campesina - CONIC*) -, and his wife, Mrs. **María Petzey Co**, were shot by four men in their home in Valaparaíso, in the Chicacao region. Mrs. Petzey Co died on the spot, while Mr. Ixbalan Cali died several hours later in hospital.

These murders occurred shortly after CONIC and other organisations had announced the organisation of a national demonstration in protest against the authorities' passivity in the conflict between landowners.

Enforced disappearance of Mr. Oscar Humberto Duarte Paíz and threats against ASIDECQ members¹⁴⁵

On May 24, 2006, Mr. **Oscar Humberto Duarte Paíz** was abducted by six armed men at the entrance of the Sanjuaneros conference room, reserved for Sanjuaneros community organisations. He was the secretary of the Association for the Development of Quetzal City and the Aledañas Neighbourhoods (*Asociación Integral para el Desarrollo de Ciudad Quetzal y Colonias Aledañas - ASIDECQ*) in San Juan Sacatepéquez, manager of the Education Commission of the Housing and Other Services Cooperative (*Comisión de Educación de la Cooperativa de la Vivienda y Servicios Varios*) in El Esfuerzo, a member of the Network for Life (*Red Por la Vida*) and of the admi-

144. *Idem*.

145. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

nistration team of the public medical clinic (*Equipo para la Administración de la Clínica Médica Popular*). The vehicles used in his abduction had reportedly been lurking around the neighbourhood for several hours.

On May 6, 2006, Mr. Duarte Paíz and ASIDECQ had been the mediators between the community and the police during an incident.

On May 28, 2006, the wife of Mr. **René Guzmán Quiñónez**, ASIDECQ president, received death threats over the phone. On June 6, 2006, unidentified individuals driving an unregistered vehicle with tinted windows lurked around her home.

Later that day, as Mr. **David Alarcón**, an ASIDECQ member, was on his way home on a moped, a vehicle with tinted windows tried to push him off the road. After he managed to lose his attackers for several minutes, he was once again chased by the same car.

On June 10, 2006, the vehicle used for the abduction of Mr. Duarte was again spotted by leaders of the association in front of the Sanjuaneros conference room. One of its passengers, heavily armed, stepped out of the car to inspect the place.

As of the end of 2006, Mr. Oscar Humberto Duarte Paíz remained reported missing.

Assassination of Ms. Carmen Sagastume¹⁴⁶

On August 18, 2006, Ms. **Carmen Sagastume**, a member of the National Coordination for the Peoples and Marginalised Regions of Guatemala (*Coordinadora Nacional de Pobladores y Áreas Marginales de Guatemala* - CONAPAMG), which promotes housing rights, and founder of the Carmen del Monte Community (Villa Nueva), was assassinated at her home.

Assassination of Mr. William Noe Requena Oliveros¹⁴⁷

On October 31, 2006, **William Noe Requena Oliveros**, a delegate of the Unity for Popular and Trade Union Action (*Unidad de Acción Sindical y Popular* - UASP) and head of the God's Gift Association (*Asociación Regalito de Dios*), was found dead in Peronia, municipality

146. See Urgent Appeal GTM 008/0906/OBS 113.

147. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

of Villa Nueva, where the organisation's headquarters are located.

Mr. Oliveros had taken part in the negotiations with the Guatemalan Fund for Housing (*Fondo Guatemalteco para la Vivienda* - FOGUAVI) and the Republic's Congress in favour of land redistribution in the city of Peronia.

Threats and acts of harassment

Ongoing acts of harassment against the Ixqik Women's Association¹⁴⁸

In 2006, members of the Ixqik Women's Association (*Asociación de Mujeres Ixqik*), based in Santa Elena, continued to be harassed and threatened, in reprisal of their activities for the defence and legal support of gender violence victims in the Petén region.

On January 9, 2006 for instance, unidentified individuals entered the association's offices and stole Ms. **Gloria Aurora González Vásquez**' bag. The following day, her belongings were found scattered on the ground of the third floor of the organisation's building. However, the notebook in which Ms. González Vásquez kept the details of the cases on which she works had disappeared.

On the night of January 11, 2006, unidentified individuals tried to break into the organisation's new offices, even though their address had not yet been publicly disclosed.

On July 2, 2006, Ms. **Argentina Osorio Azañón**, a member of the association, received phone calls threatening her with death.

Since November 11, 2005, members of the association enjoy precautionary measures granted by the IACHR, although on an irregular basis.

Judicial proceedings against several members of the Clermont Trade Union¹⁴⁹

On January 2, 2006, Ms. Silvia Eugenia Widman Lagarde de Diaz, owner of the industrial farm of Clermont and sister-in-law of the President of the Republic, filed a complaint against Messrs. **José Arturo Ramos Pérez, Francisco Javier López López, Carlos**

148. See Annual Report 2005.

149. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

Rolando Ramos Rodríguez, Delfino López Alonzo and Alejandro López Esteban, members of the Clermont Trade Union affiliated to the General Central Confederation of Workers of Guatemala (*Confederación Central General de Trabajadores de Guatemala - CGTG*) in San Pablo San Marcos, for “illegal detention, coercion and threats”. This complaint came as a result of the trade union’s opposition to the intervention of 150 PNC members in the eviction of several farmers occupying the buildings of the farm. This case was being examined by the Malacatán Criminal Courts of First Instance and of Offences to the Environment.

Furthermore, on January 12, 2006, a man introducing himself as a corporal of the Guatemalan army came to the Clermont farm, stating that he was carrying out an investigation under the auspices of the government. He then threatened to kill the union’s leaders.

Harassment of Mr. Carlos Morales¹⁵⁰

On January 3, 2006, Mr. **Carlos Morales**, leader of the Trade Union of Farmers’ Organisations of Verapaz (*Unión Verapacense de Organizaciones Campesinas - UVOC*), Santa Cruz, Alta Verapaz, which provides support to farmers who have been evicted from their land, noticed that a vehicle was watching his home.

On January 12, 2006, another car, with tinted windows, stayed parked in front of his house for a long period. After it left, a motorcycle patrolled around the neighbourhood, as if it was watching the place.

Threats against Mr. Fredy Armando Peccerelli and his family¹⁵¹

On January 9, 2006, Mr. **Fredy Armando Peccerelli**, a member of the Forensic Anthropology Foundation of Guatemala (*Fundación de Antropología Forense de Guatemala - FAFG*), received a call on his mobile phone threatening to kill his brother.

On January 10, 2006, a hand-written anonymous letter was dropped off at the home of his sister, Ms. **Bianca Peccerelli**, and his brother-in-law, Mr. **Omar Bertoni**, threatening them with death if Mr. Peccerelli continued to carry out his activities.

150. *Idem.*

151. *Idem.*

Again, on March 15, 2006, an anonymous message was left on his mobile phone, threatening to kill his brothers and sisters.

Judicial proceedings against Mr. Eswin Ranferi López and Mr. Carmelino López¹⁵²

On January 11, 2006, a complaint against Mr. **Eswin Ranferi López**, a lawyer representing 11 farm workers denouncing their unfair dismissal in 1997 following the creation of the Nueva Florencia Farm Workers' Union in Colomba Costa Cuca, Quetzaltenango, and Mr. **Carmelino López**, leader of the union, was lodged with the Prosecutor of the Coatepeque District by the farm manager for "threats, break-in of the premises and coercion". As of the end of 2006, this complaint had not yet been examined.

In 1997, the trade union had requested the initiation of judicial proceedings to obtain the reinstatement of and compensation for the workers who lost their jobs. In 2006, the Court of First Instance for Labour, Social Prevention and Family of Coatepeque (Quetzaltenango) sentenced the land owner to pay the salaries arrears from 1997 to 2006, amounting to 821,000 quetzals (83,000 euros). In light of the farm manager's refusal to comply with this decision, the Court ordered the sale of part of the farm to pay the salaries in May 2006.

On May 5 and 6, 2006, the sale was announced on the radio. Three armed men, close to the landowner, then stood in front of Mr. Eswin López's home in an intimidating manner. His house was later circled with barbed wire while he was at work, thereby preventing him from entering his home.

In June 2006, as the landowner failed to appear at a hearing during which the terms of the sale were to be discussed, the Court scheduled the date for the signature of the bill of sale for January 18, 2007.

Acts of reprisals against Mr. Ranferi López have reportedly diminished since June 2006.

Acts of intimidation against CODECA¹⁵³

On January 26 and 27, 2006, several unidentified individuals came to the Committee for Farming Development (*Comité de Desarrollo*

152. *Idem.*

153. *Idem.*

Campesino - CODECA) offices in Mazatenango, Suchitepéquez, looking for information about the organisation's members.

On January 30, 2006, two heavily armed men in military uniforms came to CODECA offices, going by names likely to be fictitious, and questioned the members on the basis of the information gathered by the previous visitors.

CODECA notably supports farmers of the agricultural exploitation of Nueva Linda to highlight the disappearance of one of their colleagues, Mr. **Héctor Reyes**, who has been reported missing since 2004.

Acts of harassment against Ms. Rosa Aracely González¹⁵⁴

On March 1, 2006, Ms. **Rosa Aracely González**, secretary of the legal department of the Municipal Workers' Union of the Municipality of Escuintla (*Sindicato de Trabajadores Municipales de la Municipalidad de Escuintla*), was followed by a man riding a motorbike while on her way home from work. Three days earlier, during a visit of Mr. Álvaro Colom, a National Union of Hope (*Union Nacional de la Esperanza* - UNE, opposition party) candidate to the 2003 presidential elections, she had denounced, in the name of several organisations, including the Community Development Council (*Consejo Comunitario de Desarrollo* - COCODES), a series of irregularities committed by the mayor, who is also a UNE member. In particular, these organisations criticised the mayor of having excessively increased the rates of public services as well as his intention to raise the price of municipal land reserved to housing.

On March 2, 2006, a man on a motorbike once again followed Ms. Rosa Aracely González, as she was on her way to pick up her children from school.

On March 28, 2006, while she was travelling with her two children and a nephew on her moped, two men on motorbikes tried to make her fall by hitting her vehicle twice.

On April 7, 2006, one of these two individuals approached her as she walked out of work.

¹⁵⁴. *Idem*.

Arbitrary detention, intimidation and threats against Mr. José Xoj¹⁵⁵

On March 3, 2006, Mr. **José Xoj**, head of the Coordination of Peasants and Indigenous Organisations of Petén (*Coordinadora de Organizaciones Campesinas e Indígenas de Petén* - COCIP-CNOC) in Santa Elena Petén, was violently arrested by a PNC patrol as he was leaving a meeting. He was taken to the police station, where he spent the night. The next day, he was charged with “breach of public decency” before being released on bail.

On March 5, 2006, unidentified individuals broke into COCIP offices and stole the personal belongings of one of the organisation’s leaders. A COCIP member who happened to arrive at that moment was assaulted and received death threats.

On April 22, 2006, unidentified individuals once again broke into COCIP premises and stole computer hard drives containing information regarding the organisation’s activities.

On the night of April 24 to 25, 2006, unidentified individuals lurked around Mr. Xoj’s house for one hour.

On May 5, 2006, unknown individuals entered his home and left a message threatening his wife with death.

On May 9, 2006, several individuals again attempted to enter his home.

On May 11, 2006, a woman entered his house while his wife and children were inside. She told them that these acts of harassment were aimed at making Mr. Xoj’s resign from COCIP.

On the evening of May 19, 2006, three individuals tried to break into his home again.

On the mornings of May 20 and 25, 2006, the security lock of the main door was found forced open, although it had been closed the night before.

Death threats against COCODES members¹⁵⁶

On March 23, 2006, the alleged murderer of Ms. **Garin Anabella Orellana Ramos**, a member of the Community Development Council (COCODES) in Zacapa, who was killed on December 13, 2005, reportedly stated that he “still had two people left to kill in

155. *Idem.*

156. *Idem.*

La Nopalera”, referring to both Mr. **Miguel Angel Cruz Hernández** and Ms. **Julia Ramos Ramos**, prominent members of COCODES and colleagues of Ms. Orellana Ramos. A complaint was lodged with the Public Prosecutor.

Several days prior to her assassination, Ms. Orellana Ramos had publicly denounced corrupt practices and unkept promises made by the Zacapa local council to the local communities.

Breaking and entering of the office of the Human Rights Prosecutor’s assistant¹⁵⁷

On April 16, 2006, unidentified individuals broke into the office of the Human Rights Prosecutor’s assistant in Puerto Barrios, Itzabal, and only took archives with information on investigations regarding PNC members involved in extrajudicial executions. Yet, the office was under the watch of PNC that day.

A similar incident occurred on August 25, 2006.

Death threats against several UPDDH and MNDH members¹⁵⁸

On May 12, 2006, Ms. **Erenia Vanegas**, a member of the Human Rights Defenders Protection Unit¹⁵⁹ (*Unidad de Protección de Defensoras y Defensores de Derechos Humanos* - UPDDH) of the Guatemalan National Human Rights Movement (*Movimiento Nacional de los Derechos Humanos de Guatemala* - MNDH), received a threatening phone call urging her to put an end to her activities.

On May 15, 2006, Ms. **Luisa Pineda**, MNDH secretary, also received death threats over the telephone, in which the caller referred to her organisation’s activities.

A few days before, a woman had called and tried to obtain information about MNDH staff members and the inquiries they were conducting.

Ms. **Ana Gladis Ollas** and Ms. **Ruth del Valle**, both UPDDH members, as well as Mr. **Julio Rosales** and Ms. **Graciela Azmitia**, MNDH members, also received similar threats.

157. *Idem*.

158. See Urgent Appeal GTM 003/0506/OBS 061.

159. UPDDH was created in 2003 by MNDH to investigate cases of attacks against human rights defenders. This unit has already investigated cases involving security forces and/or civil servants, and others linked to organised crime.

These incidents were likely to be directly linked to the assistance provided by several UPDDH members in Petén, Zacapa, Escuintla, la Capital and Jutiapa, to denounce cases of human rights violations in these regions. Moreover, MNDH assists the Human Rights Prosecutor with inquiries relating to cases in which the national police is suspected of having lacked due diligence.

As of the end of 2006, the threats had stopped after complaints were lodged. Investigation into these events was still under way.

Acts of harassment against educators of *Casa Alianza* and MOJOCA¹⁶⁰

On June 1, 2006, several educators of *Casa Alianza* Guatemala, an NGO involved in the support and protection of the rights of street children and young people of Guatemala, were approached by police officers and questioned about their activities. When one of the instructors explained the activities of the organisation, one of the police officers “advised” him to “be careful” and not to interfere with this business, or there would be reprisals.

In addition, on June 6, 2006, in Guatemala City, a female educator from the Street Children’s Movement (*Movimiento de Jóvenes de la Calle* - MOJOCA) was insulted by a soldier who was assaulting a homeless young man she was trying to protect.

By the end of 2006, *Casa Alianza* and MOJOCA members continued to be intimidated.

Intimidation of members of the Armed Conflict’s Reparations Committee of Lagune El Jute¹⁶¹

On June 17, 2006, an unidentified individual standing outside the home of Mr. **Miguel Ángel Gallardo Álvarez**, a member of the Armed Conflict’s Reparations Committee of Lagune El Jute (*Comité de Resarcimineto del Conflicto Armado de la Laguna El Jute*), fired his gun in direction of the house.

On June 25, 2006, Mr. **Francisco Javier Rivera** received death threats in a note sent by members of the Salomón military station.

160. See Urgent Appeal GTM 005/0606/OBS 074.

161. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

On July 12, 2006, a relative of Mr. **Isidoro de Jesús Gallardo**, another Committee member, heard two men say they would execute members of the organisation as soon as the government change in November 2007.

Threats and acts of intimidation against Mr. Francisco López¹⁶²

On July 11 and 21, 2006, unidentified individuals attempted to abduct the daughters of Mr. **Francisco López**, a member of the Southern Peasants' Union (*Unión Campesina del Sur*). Several people alerted by the girls' cries were able to prevent their abduction.

On July 21, 2006, Mr. López received an anonymous phone call at his office, threatening him with death if he did not give up his activities.

On September 15, 2006, a vehicle stayed parked in front of his home for one hour.

On September 22, 2006, five women came to his house and questioned his wife on his daily habits.

As of the end of 2006, no further acts of harassment against Mr. López had been reported.

Abduction of Mr. Erwin Estuardo Orrego Borrayo¹⁶³

On July 27, 2006, Mr. **Erwin Estuardo Orrego Borrayo**, leader of the Emergency Front for Market Sellers of Guatemala (*Frente de Emergencia de Vendedores de Mercados de Guatemala - FEMVE-MEGUA*), was abducted by armed men dressed in black and claiming to be police officers.

While being held hostage, Mr. Erwin Orrego was subjected to intimidations for several hours. In addition, he overheard a message received over the radio by his abductors stating "stop the operation, I'll take over". One of the abductors reportedly asked, "should we kill him?", to which the person they were speaking to answered in the negative.

Mr. Orrego Borrayo was subsequently transported in several different vehicles and left on the side of a road in Boca del Monte, in Villa Nueva.

On several occasions, he had noticed that he was being followed or watched by people driving a vehicle with tinted windows.

162. *Idem.*

163. See Urgent Appeal GTM 006/0806/OBS 090.

Mr. Orrego Borrayo lodged a complaint with the Public Prosecutor on October 10, 2006. The investigation was still under way and had produced no concrete results as of the end of 2006.

Furthermore, on February 7, 2006, Mr. **Guillermo Alfredo Santizo**, a FEMVEMEGUA leader, also received death threats due to his activities. The complaint he lodged with the Public Prosecutor has had no outcome.

Death threats and acts of intimidation against Mr. Maynor Roberto Berganza Bethancourt¹⁶⁴

On August 22, 2006, around 7.30 pm, Mr. **Maynor Roberto Berganza Bethancourt**, a human rights lawyer, received a phone call from a man introducing himself as Carlos García, who accused him of being a member of “an organised crime group” and threatened to kill him.

On August 12, 2006, Mr. Berganza Bethancourt had received a message from an unknown number on his mobile phone calling him an “idiot”.

On August 24, 2006, a person claiming to be a member of the Central Action Committee (*Comité Central de Acción*) came to his office. When Mr. Berganza Bethancourt asked the person where his organisation’s headquarters were located, he answered: “in the President’s house” and left. Shortly after, Mr. Berganza Bethancourt received two threatening anonymous phone calls. The first caller told him: “if you don’t love your family, there are two people here with me who’ve asked me to give them some water”.

Mr. Berganza Bethancourt had already been similarly harassed in the past. In June 2003 for instance, his office was searched and the hard drives of three computers, as well as evidence in connection with a case against the Guatemalan army, were stolen.

Mr. Berganza Bethancourt reported these events to the Public Prosecutor and to the Human Rights Prosecutor’s office. Although a bodyguard was assigned to ensure his protection, Mr. Berganza Bethancourt still feared for his life in late 2006.

As of the end of 2006, the investigation conducted by the office of the Human Rights Prosecutor into these threats was still under way.

164. See Urgent Appeal GTM 007/0906/OBS 105.

Death threats against Mr. Roly Bigail Escobar Ochoa¹⁶⁵

On September 9, 2006, Mr. **Roly Bigail Escobar Ochoa**, general coordinator of the National Coordination of the Inhabitants and Marginalised Regions of Guatemala (*Coordinadora Nacional de Pobladores y Áreas Marginales de Guatemala* - CONAPAMG) and a member of one of the Community Councils of Carmen del Monte (Villa Nueva), received death threats. Indeed, armed individuals spread word throughout the Carmen del Monte community that “he was going to have problems and that his blood would be shed”, that they knew where he lived and that the only way to solve the community’s problems was to “physically eliminate him”. When Mr. Escobar Ochoa heard about this, he went into hiding.

The following day, Mr. Escobar Ochoa reported these threats to the office of the Human Rights Prosecutor of Guatemala. CONAPAMG identified one of the individuals who threatened Mr. Escobar Ochoa as one of the individuals suspected in the assassination of Ms. Carmen Sagastume¹⁶⁶.

Since September 14, 2006, individuals have been watching the home of Mr. Escobar Ochoa who thus remained in hiding.

Moreover, on the night of September 20, 2006, the home of his wife and their sons was also watched by two men. Mr. Escobar Ochoa informed the police in vain.

Death threats against ECAP members¹⁶⁷

On October 2, 2006, members of the Community Studies and Psychosocial Action Team (*Equipo de Estudios Comunitarios y Acción Psicosocial* - ECAP) received, at their headquarters in Rabinal, Baja Verapaz, a threatening letter explicitly referring to their activities, in particular to exhumations carried out in the framework of the victims’ assistance programme of the Plan de Sánchez community¹⁶⁸. Through this programme, ECAP has already obtained a ruling of the Inter-American Court of Human Rights (IACoHR) requesting the

165. See Urgent Appeal GTM 008/0906/OBS 113.

166. See above.

167. See Closed Letter to the Guatemalan authorities, October 5, 2006.

168. Numerous members of the Community of Plan de Sánchez were assassinated during the genocide that took place from 1980 to 1986.

Guatemalan State to grant provisional measures of protection, and has instituted new proceedings related to the genocide.

Moreover, on September 30, 2006, one of ECAP staff member was followed for several hours in Rabinal by an unregistered vehicle with tinted windows.

Attack and threats against members of the National Doctors' Union¹⁶⁹

On October 13, 2006, as Mr. **Abner Vásquez**, a member of the National Doctors' Union (*Sindicato Nacional de Médicos*), was leaving his home, two individuals approached him and violently hit him before running away.

The next day, Messrs. **Sergio Morales** and **Sergio Rivas**, also members of the union, received leaflets stating that they could well be the next targets of a similar aggression and that they would "not be as lucky as him".

Breaking and entering of several NGO offices

Breaking and entering of CCDA premises¹⁷⁰

On March 26, 2006, the doors of the offices of the Peasants' Committee of Altiplano (*Comité Campesino del Altiplano - CCDA*) in San Lucas Tolimán Sololá were broken open. Unidentified individuals stole, among other things, the hard drive of the computer containing accounting documents and other information regarding the Committee's activities.

Breaking and entering of the FUNDESCO and UDINOV headquarters¹⁷¹

On March 27, 2006, the offices of the Foundation for a Community Development (*Fundación para el Desarrollo Comunitario - FUNDESCO*) were broken into. Unidentified individuals notably stole hard drives and a laptop containing information regarding the organisation's activities and accounts.

169. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

170. *Idem*.

171. *Idem*.

On May 29, 2006, FUNDESCO headquarters were again searched but nothing was stolen. Moreover, several individuals stayed posted near the building during the day and took some pictures. FUNDESCO staff members also photographed one of the individuals and sent the pictures as evidence to the Human Rights Prosecutor after filing a complaint.

On March 27, 2006, the offices of the neighbouring organisation, Unity for a Complete Development Association (*Asociación Unidad de Desarrollo Integral* - UDINOV), were also burgled.

Acts of intimidation against two women's rights organisations¹⁷²

On the night of May 28 to 29, 2006, the headquarters of the NGO Women's Sector (*Sector de Mujeres*), in Guatemala City, were burgled by unidentified individuals who stole several mobile phones and the fax machine, and searched through the archives. They also left traces of blood at various places in the office, as a sign of intimidation and threat towards the organisation's members.

In June 2004, a similar incident had occurred, for which the organisation had filed a complaint.

Women's Sector is a coordination of women's organisations which has denounced, for over 12 years, the violations of individual and collective rights of women and has fought against impunity. It also takes part, as an observer, in the National Council of Peace Agreements and in the National Council of Development. It is also involved in the judicial review of the Free Trade Agreement (FTA), instituted by the Constitutional Court and the Platform of Social Organisations (*Colectivo de Organizaciones Sociales* - COS).

On June 6, 2006, the offices of the National Union of Guatemalan Women (*Unión Nacional de Mujeres Guatemaltecas* - UNAMAG) in Chimaltenango were similarly broken into. Several objects were stolen, in particular a computer dedicated to the "project for victims militating for change", which addresses women survivors of the armed conflict. Many documents were looked through and scattered around.

UNAMAG, also a COS-affiliate, regularly denounces femicide as well as the impunity of perpetrators of women's rights violations.

172. See Urgent Appeal GTM 004/0606/OBS 067.

By the end of 2006, the two organisations had received no further threats and the Public Prosecutor's investigation was still under way.

Break-in attempts on FMLL premises¹⁷³

On two occasions, on the nights of July 19 and August 9, 2006, unidentified individuals tried to break in the offices of the Mario López Larrave Foundation (*Fundación Mario López Larrave - FMLL*), but had to leave when the alarm went off.

FMLL conducts inquiries and provides assistance to trade unions, sheltering the headquarters of several of them.

Breaking and entering of AVIHDESMI offices and physical assault on Mr. Pablo Ical Mo¹⁷⁴

On August 19, 2006, the offices of the Association for Widows, Orphans and Disabled (*Asociación de Viudas, Huérfanos y Discapacitados - AVIHDESMI*) in Panzós, Alta Verapaz, were broken into by unidentified individuals who stole accounting document, floppy disks and files containing witness statements of victims and information regarding human rights violations committed against communities, as well as two cameras. They also destroyed the computer in which witness statements of victims and other important information were stored.

Furthermore, on August 25, 2006, Mr. **Pablo Ical Mo**, an AVIHDESMI member, was assaulted by the son of a former head of a civilian self-defence patrol, who had been denounced by a victim under the care of the organisation. The assailant first hit him and slightly injured him with a machete, before several people intervened.

173. See UPDDH, *Situación de Defensores y Defensoras de Derechos Humanos - Informe Preliminar Enero-Octubre de 2006*, October 2006.

174. *Idem*.

HONDURAS
Release of Mr. Feliciano Pineda¹⁷⁵

In February 2006, Mr. **Feliciano Pineda**, an indigenous leader of the Vertientes community in Montaña Verde, and a member of the Civic Council of Popular and Indigenous Organisations of Honduras (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* - COPINH), was released on parole after eight months in prison.

On June 5, 2005, Mr. Pineda had been attacked by paramilitaries. Shortly after he was taken to hospital, Mr. Feliciano Pineda was arrested by the police and charged with assassination.

As of the end of 2006, no information was available regarding possible pending charges against him.

Assassination of Messrs. Heraldo Zuñiga and Roger Ivan Cartagena and threats against MAO members¹⁷⁶

On May 29, 2006, Father **Andrés Tamayo**, a member of the Environmental Movement of Olancho (*Movimiento Ambientalista de Olancho* - MAO), and members of his community were seriously threatened by the forestry developers of the Samalá commune, who gave them 48 hours to leave the town.

These threats followed statements made on May 19, 2006 by the President of the Republic, Mr. Manuel Zelaya, who demanded the immediate interruption of forest working in several municipalities of the department of Olancho, giving the forestry developers one week to dismantle their infrastructures and withdraw their teams.

On May 31, 2006, MAO and the Centre for Justice and International Law (*Centro por la Justicia y el Derecho Internacional* - CEJIL) appealed to the IACHR to provide urgent precautionary measures to ensure the physical integrity of Father Andrés Tamayo and Messrs. **Víctor Manuel Ochoa**, **René Wilfredo Gradis**, **Elvin Noé Lanza**, **Macario Zelaya**, **Pedro Amado Acosta**, **Heraldo Zuñiga** and **Santos Efraín Paguada**, all MAO members.

On December 20, 2006, Messrs. **Heraldo Zuñiga** and **Roger Ivan Cartagena**, also a MAO member, were murdered, in Guarisama, after

175. See Annual Report 2005.

176. See Urgent Appeal HND 001/0606/OBS 068.

their vehicle had been stopped by police officers. The day before, Mr. Zuñiga had received death threats from employees of the Sazone forestry company.

Before he died, Mr. Zuñiga accused police Sergeant Juan Lanza of having been paid by forestry developers of the region to kill them.

On December 22, 2006, the IACHR granted precautionary protective measures to MAO members.

As of the end of 2006, no investigation had been opened into the two men's death and the State of Honduras had failed to implement the measures granted by the IACHR.

Assassination of Mr. Dionisio Díaz García and death threats against ASJ members¹⁷⁷

On September 19, 2006, Mr. Selvin Richard Swasey, owner of the private security company Delta Security and its subsidiary, Technical Security of Honduras (*Seguridad Técnica de Honduras - SETECH*), went to the offices of the Association for a More Equitable Society (*Asociación para una Sociedad más Justa - ASJ*), in Tegucigalpa, accompanied by SETECH employees, in order to “negotiate” the withdrawal of the proceedings instigated before the Tegucigalpa Court of Labour Disputes following the unfair dismissal, in August 2006, of twelve security guards legally assisted by ASJ.

While Mr. Swasey was talking with Ms. **Dina Meetabel Meza Elvir**, a journalist and ASJ project coordinator, the SETECH employees photographed the premises and the organisation's staff members.

Mr. Swasey then threatened to call for the closure of ASJ, while one of his employees threatened Ms. Meza Elvir of lodging a defamation complaint against ASJ.

On September 28, 2006, SETECH published an article in the online daily newspaper *hondudiario.com*, accusing ASJ of not declaring its employees to the social security authorities. The publication was illustrated with photographs of Ms. Dina Meetabel Meza Elvir, Ms. **Rosa Marazán** and Mr. **Robert Marín**, ASJ members, taken on September 19, 2006.

Moreover, since August 29, 2006, several vehicles with tinted windows have regularly followed ASJ staff members, in particular Ms.

177. See Urgent Appeal, HND 002/1006/OBS 116 and 116.1.

Meza Elvir and Mr. **Dionisio Díaz García**, legal adviser of the twelve SETECH guards who had been dismissed.

On December 4, 2006, Mr. Díaz García was murdered by two armed individuals on motorbikes, in Tegucigalpa. On November 29, 2006, he had supported security guards of the Inter-com company during a demonstration in front of the company's offices. The next day, he had accompanied a labour inspector to the SETECH offices, in the neighbourhood of Las Colinas, in order to record the unfair dismissal of an employee. He had been filmed by men called upon by the company at the time.

As of the end of 2006, ASJ members continued to receive threats on their mobile phone.

MEXICO

Assassinations and assassination attempts

Ongoing investigation into the assassination of Ms. Digna Ochoa y Plácido¹⁷⁸

On February 24, 2005, the General Prosecutor of Mexico decided to re-examine the forensic evidence of the assassination of Ms. **Digna Ochoa y Plácido**, head of the legal department of the Miguel Agustín Pro-Juárez Human Rights Centre (*Centro de Derechos Humanos "Miguel Agustín Pro Juárez"* - PRODH) and a prominent human rights defender who was murdered on October 19, 2001 in her office in Mexico City.

By the end of 2006, all the evidence given by the experts involved in this new inquiry proved that her death was a homicide, whereas the official inquiry conducted by the General Prosecutor of the state of Mexico in 2003 had concluded to a suicide¹⁷⁹. It was in particular revealed that Ms. Digna Ochoa could not have committed suicide as her hands bore no trace of gunpowder.

178. See Annual Report 2005.

179. In June 2003, the IACHR had conveyed to the Mexican authorities a report which pointed out several shortcomings in the inquiry, such as: the lack of diligence with which the first autopsy had been carried out, the irregularities in the gathering, processing and conservation of evidence, and the discovery of new crucial evidence eighteen months after the events. The report underlined in particular the lack of attention paid to all the possible leads in the investigation. Yet, despite these criticisms, the case had been closed.

On April 21, 2006, the experts' reports were submitted to the Prosecutor's assistant and coordinator of public prosecution's employees. On July 21, 2006, the Prosecutor submitted his report to the seventh criminal judge of *habeas corpus* (*Juez Septima de Amparo en Materia Penal*), who had still not ruled in this case in late 2006.

As of the end of 2006, although Mr. **Leonel Rivero**, a lawyer and a colleague of Ms. Ochoa, continued to benefit from precautionary measures ordered by the IACHR, those granted to Ms. **Barbara Zamora**, another of her colleagues, had been suspended.

Status of the investigation into the assassination of Mr. Octavio Acuña Rubio¹⁸⁰

On June 18, 2006, Mr. Miguel Ángel Palacios Río, a minor, was arrested and charged with the assassination of Mr. **Octavio Acuña Rubio**, one of the heads of the Association for Sexual Education of Queretaro (*Asociación Queretana de Educacion para la Sexualidad - AQUESEX*), who had been stabbed to death in his organisation's office on June 21, 2005. However, Mr. Rubio's relatives were not convinced of the minor's responsibility and feared that his arrest only sought to create a diversion in order to put an end to the investigation.

One week before he was murdered, Mr. Acuña Rubio had taken part in a Forum on sexual rights and had expressed his fears of reprisals by the police after denouncing violations committed by several officers.

AQUESEX had on several occasions been subjected to acts of harassment (theft, homophobic graffiti, etc.) in the past.

As of the end of 2006, the person behind Mr. Acuña Rubio's assassination had still not been identified.

Lack of investigation into the assassination attempt against Mr. Gustavo Jiménez Pérez¹⁸¹

By the end of 2006, no investigation had been opened into the assassination attempt against Mr. **Gustavo Jiménez Pérez**, a member of the Civic Alliance - Chiapas (*Alianza Cívica - Chiapas*) on November 20, 2005, although a complaint was filed.

180. See Annual Report 2005.

181. See "Fray Bartolomé de las Casas" Human Rights Centre.

Torture and assassination of Mr. Francisco Concepción Gabino Quiñones¹⁸²

On March 11, 2006, the body of Mr. **Francisco Concepción Gabino Quiñones**, an indigenous leader who opposed the activities of mining operations belonging to the Italian multinational Ternium of the Techint Group, in Peña Colorada (State of Jalisco), was found bearing traces of torture¹⁸³.

M. Gabino Quiñones belonged to the Cuzalapa Náhua community and was leading the fight against the introduction of the government privatisation programme PROCECOM, thus opposing the “reallotment” of over 7,000 hectares of communal lands¹⁸⁴.

The inquiry into his assassination was closed in late 2006.

Arbitrary detentions

Arbitrary detention of Mr. Martín Amaru Barrios Hernández¹⁸⁵

On December 29, 2005, Mr. **Martín Amaru Barrios Hernández**, president of the Human Rights Commission of the Tehuacán Valley (*Comisión de Derechos Humanos del Valle de Tehuacán - CDHLVT*) and a defender of the rights of indigenous people in Tehuacán and Sierra de Puebla, was arrested by the Puebla judicial police on suspicion of “blackmail”. This accusation was based on statements made by Mr. Lucio Gil Zárate, a textile factory owner, according to which Mr. Barrios Hernández had allegedly extorted him 150,000 Mexican pesos (76 euros) for ending the social movement undertaken by 163 *maquiladores* workers¹⁸⁶. The workers, who had lost their jobs after

182. See Urgent Appeal MEX 005/0306/OBS 036.

183. The Peña Colorada mine in the State of Jalisco is a large iron mine, the exploitation of which causes significant air pollution of the most protected rural zones of Mexico, and puts at risk the survival of ancestral cultures.

184. In 1992, Article 27 of the Mexican Constitution was amended in order to permit the purchase and sale of communal land (when the land belongs to all members of the community) and the land belonging to “ejidatarios” (every “ejidatario” receives a plot of land, and any decision regarding this plot of land must be taken by the “ejidatarios” Assembly). In order to implement this constitutional amendment, which generated a strong social mobilisation in the whole country, the government created “ejidal” and Communal Certification Programmes, PROCEDE and PROCECOM.

185. See Urgent Appeals MEX 001/0106/OBS 002 and 002.1.

186. *Maquiladoras* are factories of subcontracting and assembling for export, which are exempt of business tax, local and value-added tax, tax on the import of raw materials and guaranties of free repatriation of capital and profits.

accusing Mr. Gil Zárate before the Local Conciliation and Arbitration Board, were demanding fair redundancy packages.

On January 4, 2006, the Third Criminal Court remanded Mr. Barrios Hernández in custody. His lawyers announced they would file a *habeas corpus* claim before the federal courts, and subsequently filed a petition with the IACHR denouncing the numerous irregularities in his trial.

On February 12, 2006, Mr. Barrios Hernández was released after Mr. Lucio Gil Zárate withdrew his complaint.

On February 12, 2006, Mr. Barrios Hernández and his sister, Ms. **Inti Barrios**, were informed by a relative close to several *maquileros* businessmen of the Tehuacán region that a contract killer had been hired to kill Mr. Barrios Hernández and all CDHLVT members.

In this respect, Messrs. **Rodrigo Santiago Hernández** and **Gastón de la Luz Albino**, CDHLVT members, asserted that they had noticed a group of men who seemed to be members of the security forces, who followed, watched and photographed them on several occasions in February 2006.

In addition, on February 26, 2006, three officers of the Tehuacán municipal police arrested Mr. Rodrigo Santiago Hernández near his home, on grounds that they wanted to check his personal belongings. Having found no compromising elements against him, they had to release him.

On February 21, 2006, the IACHR ordered the implementation of precautionary protective measures in favour of CDHLVT members for a period of six months. Thus, telephones and video intercoms were installed on the organisations' premises and officers of the federal police were patrolling around the office building on a regular basis. However, CDHLVT members did not enjoy individual protection. The measures were stopped in September 2006 and the IACHR asked for an examination of the current risks to assess the need for protection to be resumed.

Arbitrary detention and judicial harassment
of Messrs. Dámaso Villanueva Ramírez and Mario Álvarez Rodríguez¹⁸⁷

On February 24, 2006, Mr. **Dámaso Villanueva Ramírez**, a member of the Citizens' Committee for the Peoples' Defence (*Comité Ciudadano para la Defensa Popular* - COCIDEP),¹⁸⁸ and a supporter of the "Other Campaign"¹⁸⁹, was arrested and taken by municipal police officers to the centre for social rehabilitation No.5 in San Cristóbal de las Casas, for "damaging private property", i.e. of the Pegaso mobile phone company (one of the antennas of this company had been destroyed in 2004). An arrest warrant had been issued against him on October 19, 2005 by the second judge of the Criminal Section responsible for minor offences, in San Cristóbal de las Casas. Mr. Villanueva Ramírez was informed that he would be released if he paid a bail equal to the cost of the damaged antenna - about two million euros.

On March 2, 2006, as a witness for the prosecution could not be identified, Mr. Dámaso Villanueva Ramírez was finally released for lack of evidence. However, the charges against him remained pending as of the end of 2006.

Legal proceedings were also resumed by the Catazajá judge against Mr. **Mario Álvarez Rodríguez**, a member of the Palenque Central Workers' Union (*Central Unitaria de Trabajadores en Palenque* - CUT-ONPP), and a supporter of the "Other Campaign", on charges of "theft with violence". This accusation refers to a charge from which Mr. Álvarez Rodríguez had already been cleared in 2004 for lack of evidence.

By the end of 2006, legal proceedings against Mr. Rodríguez were still pending.

187. See Urgent Appeal MEX 003/0306/OBS 023.

188. This association fights, among other things, against the privatisation of water systems, high electricity rates and the illegal installation of mobile phone antennas.

189. The "Other Campaign" was launched in 2006, on the occasion of the campaign for the presidential elections. It aims at mobilising popular organisations and drawing attention to political and social issues, in particular on indigenous peoples' rights and human rights violations committed in the country.

Threats and harassment

Acts of harassment and threats against several human rights defenders in Chiapas¹⁹⁰

Harassment of Mr. Mario M. Ruiz

On February 2, 2006, Mr. **Mario M. Ruiz**, a contributor to the Support Commission for Community Reconciliation and Unity (*Comisión de Apoyo a la Unidad y Reconciliación Comunitaria - CORECO*), was followed by an unregistered van in San Cristóbal de las Casas. The vehicle blocked his path and its two occupants, who were obviously military officers, threatened to kill him.

Harassment of SIPAZ members

In January 2006, the International Service for Peace (*Servicio Internacional para la Paz - SIPAZ*) carried out an observation mission on the human rights situation in Chiapas, in the framework of the “Other Campaign”¹⁹¹ and on the initiative of Mexican civil organisations.

On the night of February 8 to 9, 2006, a van with the Zapatist hymn bursting out of its speakers parked for a few minutes in front of the house of Ms. **Marina Pagès**, SIPAZ coordinator in Chiapas. Similarly, the same van stationed in front of the home of Ms. **Hélène Cannie**, another member of the organisation, later that afternoon.

On February 15, 2006, a complaint was lodged with the Deputy Prosecutor of the Altos region and with the Deputy Vice-Prosecutor of the Indigenous Zone (*Subfiscal de la Subprocuraduría de la Zona Indígena*).

On September 30, 2006, Mr. **Jon Izagirre García**, a SIPAZ member, was stopped by two young men who threatened him, advising him to “watch his back” because they knew “who [he was]”.

As of the end of 2006, SIPAZ members still suspected that they were being watched, and their complaints had not been examined.

190. See Urgent Appeals MEX 002/0206/OBS 017, MEX 004/0306/OBS 034 and MEX 009/0806/OBS 093.

191. See above.

Death threats against Ms. Marisa Kramsky

On January 21, 2006, a man named Kevin Maldonado, who had come the day before as a customer to the laundry of Ms. **Marisa Kramsky**, a well-known Chiapas social activist, came back along with two men and repeatedly threatened to kill her and her son, Mr. **Yksmark Kramsky Espinosa**. He then ordered one of his companions to go and get his weapon from the car. When Ms. Kramsky managed to get hold of her mobile phone, the attackers left, promising to come back and kill them.

Threats and acts of harassment against members of the “Fray Bartolomé de las Casas” Human Rights Centre

– On March 14, 2006, several unidentified individuals searched the house of Mr. **David Méndez**, a member of the “Fray Bartolomé de las Casas” Human Rights Centre, and Ms. **Norma Medina**, director of the *Cáritas* organisation against poverty and social exclusion¹⁹² in San Cristóbal de las Casas, Chiapas, after breaking the locks and doors open. Only a laptop was stolen. A complaint was filed with the Public Prosecutor.

Mr. David Méndez organised the first national gathering against the government programme PROCEDE/PROCECOM¹⁹³ to privatise indigenous peoples’ lands, which took place from March 10 to 12, 2006 in Petalcingo, Tila.

On March 10, 2006, the military blocked access roads to Petalcingo, where soldiers photographed Mr. David Méndez and other participants.

As of the end of 2006, no investigation into this break-in had been opened.

– On July 17, 2006, Mr. **Manuel Gómez Hernández**, a member of the Fray Bartolomé Centre and of the Tsotsil indigenous group, received an anonymous phone call at his home. The caller advised him

192. *Cáritas* notably provided humanitarian aid to populations affected by hurricane “Stan” and spoke out against the management irregularities on part of the State authorities in this emergency situation.

193. See above.

not to interfere with “the problems of the Zinacantán commune”, or he would face “serious troubles”, referring in particular to his family. When Mr. Gómez Hernández replied that he did not know what he was talking about, the man threatened him once again. Before hanging up, the caller told him that his name was “Germán” and that he was a judge in Zinacantán.

Mr. Gómez Hernández had already been harassed in May 2006.

As of the end of 2006, no investigation into these threats had been launched.

– On the morning of October 22, 2006, the members and collaborators of the Fray Bartolomé de las Casas Human Rights Centre found the main door of their headquarters opened, without any sign of the locks having been broken. Nothing was stolen.

On November 8, 2006, the members of the Centre noticed individuals filming their building from a car parked in front of their offices.

– Lastly, in December 2006, the Lacandona Foundation, A.C. and the Organisation for the Protection of Indigenous and Peasants’ Rights (*Organización para la Defensa de los Derechos Indígenas y Campesinos* - OPDDIC), a paramilitary group, published a document entitled “The face of the Lacandona community”, condemning the work carried out by several organisations in the region and claiming responsibility for the attack on the population of Viejo Velasco Suárez (Ocosingo), on November 13, 2006. Following this attack, the Fray Bartolomé Centre and other organisations had created a Civil Observation Commission (*Comisión Civil de Observación*), which notably produced reports from the witness statements recorded.

*Harassment of CIEPAC and its members*¹⁹⁴

In 2006, members of the Research Centre for Economic and Political Community Action (*Centro de Investigaciones Económicas y Políticas de Acción Comunitaria* - CIEPAC), which works in favour of the protection and autonomy of farmers and indigenous people in Chiapas since 1998, were regularly followed and watched by suspicious

194. See Centre for Economic and Political Research for Community Action (CIEPAC).

individuals in cars with tinted windows when travelling, whether for professional reasons or on their way home.

On October 30, 2006 for instance, while a CIEPAC member was attending a work-related meeting out of town, three men in a pick-up truck identifying themselves with badges of the Municipal Drinking Water and Sewage System (*Sistema de Agua Potable y Alcantarillado Municipal* - SAPAM) tried to force open the door of his house. When the warden approached to ask them what they were doing, the men answered that the owner had not paid the water bill. They left as the warden refused to open the door.

Lastly, on December 31, 2006, an unidentified individual was caught by security services as he was trying to break into CIEPAC offices in San Cristóbal de las Casas. However, he was unable to get in. The man was accompanied by a second person waiting in a vehicle. This incident occurred at the same time as the Meeting of the Zapatist Peoples with Peoples of the World (*Encuentro de los Pueblos Zapatistas con los Pueblos del Mundo*), which took place in Oventic from December 30, 2006 to January 2, 2007.

Acts of harassment against several human rights defenders in Oaxaca¹⁹⁵

On May 22, 2006, teachers of the region of Oaxaca and the Education Workers' National Union (*Sindicato Nacional de Trabajadores de la Educación* - SNTE) initiated a social movement calling for the improvement of their work conditions. The movement was violently repressed in late May 2006 and subsequently grew and widened the range of its claims, demanding in particular the resignation of the Governor of the State of Oaxaca. The movement and its suppression intensified from August 2006 onwards. Human rights defenders working in Oaxaca who criticised these acts of repression were subjected to reprisals.

– On July 20, 2006, the home of Mr. **Alexandre Cruz López**, leader of the Indian Organisations for Human Rights (*Organizaciones Indias por los Derechos Humanos*), a member association of the

195. See Urgent Appeals MEX 008/0706/OBS 089, 089.1, MEX 011/1106/OBS 131, MEX 012/1206/OBS 149 and 149.1.

Popular Assembly of the Oaxaca People (*Asamblea Popular del Pueblo de Oaxaca* - APPO)¹⁹⁶, was attacked with a Molotov cocktail, which caused no damage as the home-made device failed to explode.

– On July 22, 2006, the homes of Mr. **Enrique Rueda Pacheco**, secretary general of the 22nd SNTE section in Oaxaca, and of Mr. **Macario Otalo Padilla**, a member of the Extended Negotiations Commission (*Comisión Negociadora Ampliada*) of the 22nd SNTE section, in the commune of Ocotlan de Morelos, were also attacked with home-made bombs, which caused no major damage.

– On the same day, the premises of *Radio Universidad*, located in the Benito Juárez Independent University in Oaxaca (UABJO) and administered by academics and APPO members, were fired at with weapons exclusively used by the armed forces. The radio station was broadcasting live reports regarding the teachers' strike in Oaxaca and the acts of repression committed by the government.

– On August 11, 2006, Mr. **Erangelio Mendoza González**, former secretary general of the 22nd section of SNTE, was placed in detention in the prison of Cuiclacán, State of Oaxaca. He was released in late October 2006.

– On August 6, 2006, Mr. **Catarino Torres Pereda**, a representative of the indigenous organisation Urban Defence Committee (*Comité de Defensa Ciudadana* - CODECI) and an APPO member, was placed in detention at the high security prison of La Palma de Mexico, where he remained detained by the end of 2006.

– On August 8, 2006, the *Radio Universidad's* transmitter was voluntarily damaged with an acid, preventing it from broadcasting information reports.

196. APPO has centralised all social claims of teachers since the beginning of the social movement. It strongly criticised the officials of the State of Oaxaca following the suppression of the protest by the authorities, in particular through the request for the resignation of the Governor, Mr. Ulises Ruiz Ortis. APPO has on several occasions been subjected to a series of attacks by State agents, which caused the death of several of its members.

– On August 9, 2006, Mr. **Germán Mendoza Nube**, a member of the 22nd SNTE section and founder of the Teachers' Commission for Human Rights (*Comisión Magisterial de Derechos Humanos*), was arrested by members of the ministerial police, who manhandled him. He was transferred to the prison of Miahuatlán de Porfirio Díaz, in Oaxaca, and released in late October 2006.

– Moreover, on the morning of October 31, 2006, the members of the Oaxaca branch of the Mexican League for the Defence of Human Rights (*Liga Mexicana por la Defensa de los Derechos Humanos - LIMEDDH*) found graffiti on the walls of their organisation's premises, which said: "Here the APPO meets" and "barricades are contrary to human rights".

These graffiti were likely to put LIMEDDH and its members at risk of being targeted by APPO opponents. It could also potentially damage the credibility and work of the organisation, which, as an observer, denounces human rights violations in connection with the conflict of Oaxaca.

LIMEDDH members further noticed the suspicious presence of unidentified individuals watching their office building on October 27, 2006. Earlier that day, the organisation had denounced the serious human rights violations perpetrated in Oaxaca before the IACHR.

In addition, on December 7, 2006, Ms. **Yésica Sánchez Maya**, president of the Oaxaca section of LIMEDDH, was informed that the Criminal Court of First Instance of the judicial district of Elta, Oaxaca, had allegedly issued an arrest warrant against her and Ms. **Aline Castellanos Jurado**, former head of the section and currently a member of the Consortium for Parliamentary Dialogue and Equity A.C (*Concorcio para el Dialogo Parlamentario y la Equidad A.C*). Ms. Sánchez Maya and Ms. Castellanos Jurado were reportedly charged with "illegal occupation" of the Radio and Television Corporation of Oaxaca (*Corporación Oaxaqueña de Radio y Televisión*), *Canal 9*, for facts dating back to August 1, 2006. An arrest warrant was also allegedly issued against 35 APPO members, including Mr. Enrique Rueda Pacheco, head of the 22nd SNTE section.

As of the end of 2006, Ms. Sánchez Maya, Ms. Castellanos Jurado and Mr. Enrique Rueda Pacheco had been unable to obtain further information about these possible charges and intended to file a motion in order to be granted access to their judicial record.

Lastly, on December 30, 2006, five prisoners of the detention centre of Tlacolula de Matamoros (Oaxaca) wrote a letter to the Governor of Oaxaca, in which they claimed to have been “deceived by human rights organisations” and accused Ms. Sánchez Maya “of being responsible for acts of violence and for having forced them to support APPO”.

The next day, during a press conference, the detainees admitted that they had been coerced into signing this letter in exchange of facilitating their release.

Death threats and acts of harassment against Mr. Israel Ochoa Lara and several of his employees¹⁹⁷

In early April 2006, Mr. **Israel Ochoa Lara**, head of the People’s Legal Office (*Asesoría Jurídica Popular*)¹⁹⁸, was subjected to constant surveillance by members of the anti-sequestration police group attached to the office of the Public Prosecutor.

Shortly before these events, Mr. Israel Ochoa Lara had lodged a complaint with the office of the Public Prosecutor of the State of Oaxaca in connection with death threats that he had received during several trials in which he was involved as a barrister. These threats were also directed at Messrs. **Laureano Martínez Martínez** and **Amado Rosales Robles**, employees of his organisation, as well as Messrs. **Carlos Javier Ramírez Martínez**, **Mireya Amparo Ochoa Cortés**, **Y’aha Rosa Sandoval Juárez**, **Ciria Nayeli Pérez Huesca** and **Hilario López Luis**, all law students.

In his complaint, Mr. Ochoa Lara stated that the perpetrator of these threats was accompanied by members of the office of the Public Prosecutor, who subsequently reiterated these threats.

As of the end of 2006, the two preliminary investigations opened by the General Prosecutor had produced no results due to a lack of “substantial elements”.

Members of the People’s Legal Office were further regularly harassed (abductions, threats, confiscation orders, insults and verbal abuse).

197. See Urgent Appeal MEX 006/0406/OBS 054.

198. The People’s Legal Office provides legal and political assistance to indigenous communities fighting for the right to and recognition of the land. It has also brought various cases before international institutions such as the IACHR.

Acts of harassment and threats against ROGAZ members¹⁹⁹

On June 6, 2006, in the José Azueta municipality (State of Guerrero), Mr. **Francisco Aguirre Palacios**, the father of Mr. **Noé Aguirre Orozco**, a member of the Zihuatanejo Network of Environmental Organisations (*Red de Organizaciones Ambientalistas de Zihuatanejo* - ROGAZ), received a phone call at the family jewellery. The caller first checked his identity, and then informed him that Mr. Noé Aguirre was being closely watched and that “his physical integrity was at risk”. When Mr. Francisco Aguirre asked the man to stop bothering his son and his family, he repeated his threats. When Mr. Aguirre tried to call back the number that had appeared on the phone’s display, he was asked to which office or commander he wished to speak.

Several men were subsequently seen nearby the shop, including an armed police officer, who allegedly threateningly stared at Messrs. Aguirre Palacios and Aguirre Orozco.

Mr. Noé Aguirre and Ms. **Erica Serrano Farias**, a lawyer and legal advisor for ROGAZ, lodged a complaint with the office of the Public Prosecutor, and an inquiry was opened. As of the end of 2006, the person behind the threats had still not been identified.

Moreover, on February 23, 2006, Ms. Erica Serrano Farias found a grenade opposite her family’s restaurant.

Mr. Noé Orozco and Ms. Erica Serrano Farias had in particular campaigned against the construction of the Marina Puerto Moi tourist complex on the Bay of Zihuatanejo, south of Guerrero State, and had denounced the dumping of waste water into the bay.

Death threats against Mr. and Ms. Francisco and Emiliana Cerezo Contreras²⁰⁰

On September 6, 2006, the Cerezo Committee received an email containing threats against Mr. and Ms. **Francisco and Emiliana Cerezo Contreras**, brother and sister, and founding members of the

199. See Urgent Appeal MEX 007/0606/OBS 073.

200. See Urgent Appeal MEX 010/0906/OBS 108.

Committee²⁰¹. The message stated that it “wasn’t going to go down well” for “Francisco, the lousiest bastard [...], if he [kept] on doing what he’s doing [...], because [they] had already let him get away with enough stupid things”.

Mr. Francisco Cerezo Contreras had previously been harassed in relation to his support to Ms. **Melanie del Carmen Salgado López**, a student and a member of the Committee frequently threatened and intimidated (threats sent by email, break-in of her home, etc.). On May 8, 2006 for instance, Mr. Cerezo Contreras, Mrs. Salgado López and the Café “Villa”, a Cerezo Committee project, were filmed by an unknown individual holding a National Defence Secretary document that identified him as a journalist.

On September 27 and October 10, 2006, the Cerezo Committee again received death threats.

As of the end of 2006, the preliminary investigations which were opened at federal and local levels failed to identify the perpetrators of these threats. On October 30, 2006, the IACHR urged the Mexican State to adopt precautionary measures in favour of members of the Cerezo Committee.

Closure of the judicial proceedings against Ms. Lydia Cacho²⁰²

On January 2, 2007, the Federal District Criminal Court withdrew the pending judicial proceedings against Ms. **Lydia Cacho**, president of the Crisis Centre for Victims - Women’s Assistance Centre (*Centro de Crisis para Víctimas - Centro Integral de Atención a las Mujeres - CIAM*) in Cancún, Quintana Roo. These proceedings had been initiated following a defamation complaint lodged by the textile businessman Mr. Camel Nacif Borges in December 2005. This decision notably followed the repeal, on August 8, 2006, of Article 214 of the Mexican Criminal Code, which criminalised any act of defamation.

201. Mr. Francisco Cerezo Contreras and Ms. Emiliana Cerezo Contreras created the Cerezo Committee following the detention of their three brothers, who were, among other people, accused of being involved in an attack on a bank in 2001. Currently, the Committee is concentrating on a wider scope, in particular the protection of the rights of political prisoners and the denunciation of the use of torture as well as the detention conditions in Mexican prisons.

202. See Annual Report 2005.

Mr. Camel Nacif Borges lodged his complaint following the publication of a book entitled *The Demons of Eden*, which denounced prostitution circles, and in which she mentioned the suspected involvement of Mr. Nacif Borges.

On December 16, 2005, Ms. Cacho was arrested without a warrant and transferred to the San Miguel prison, in the State of Puebla, over 1,500 kilometres away from Cancún, despite her ill health condition.

She was released after 30 hours of detention in exchange of a 70,000 Mexican pesos bail (about 5, 500 euros).

On December 23, 2005, the Court of Puebla deemed that Ms. Cacho Ribeiro could be tried for “defamation” and “calumny”, both offences punishable by prison sentences. Considering that these were minor offences, the Court decided to release her pending trial.

NICARAGUA

Repression of CENIDH members²⁰³

Defamation against CENIDH

On March 28, 2006, the Nicaraguan Human Rights Centre (*Centro Nicaraguense de Derechos Humanos* - CENIDH) presented a report about the situation of three journalists of the *El Nuevo Diario* (END) newspaper, who had been insulted and defamed by employees of the office of the Prosecutor after denouncing that the rent of one of the office’s staff members was allegedly paid with public funds. A few days after the launch of the report, the Nicaraguan Ombudsman, Mr. Omar Cabezas Lacayo, in an interview with *END*, criticised its content and described CENIDH as “kaibil”, the former military elite that was trained to repress and kill under the Somoza dictatorship.

CENIDH had previously been targeted by similar smear campaigns orchestrated by State officials and civil servants.

203. See Annual Report 2005, Urgent Appeal NIC 001/0506/OBS 056 and Open Letter to the Nicaraguan authorities, May 12, 2006.

Assassination attempt against Mr. Roque Jacinto Rocha

On April 25, 2006, Mr. **Roque Jacinto Rocha**, vice-coordinator of CENIDH and of the Human Rights Commission of the “Padre César Jerez” Promoters’ Network (*Comisión de Derechos Humanos de la Red de Promotores “Padre César Jerez”*), was attacked by armed farm workers of the “Mahony” farm, in “Las Sardinias”, in the Autonomous Region of the South Atlantic (RAAS). Mr. Jacinto Rocha was then visiting Messrs. Marcelino Urbina Amador and Justinó Jiménez, two farmers. The aggressors shot at them, leaving the three men injured.

On April 19, 2006, Mr. Germán Fonseca Moncada, who claims ownership of the “Mahony” farm, had obtained a court order to evict 12 families who had lived on the land for 10 years, and to destroy their homes.

A complaint was lodged with the El Rama authorities against three farm workers for “attempted assassination” and “endangering others”. Two of them were sentenced, on October 17, 2006, to six months’ imprisonment for “attempted assassination” and five years for “endangering others”. As for the third farm employee, he was sentenced to five years’ imprisonment for the second of these charges.

Acts of violence against several CENIDH members

On May 5, 2006, the national police violently dispersed a peaceful demonstration organised in Managua by doctors demanding higher pay, while some of them were trying to negotiate with the Ministry of Finance. As police forces were backed by rapid intervention troops (*Tropas Tácticas Policiales de Intervención Rápida* - TAPIR), several CENIDH members tried to act as mediators between the two parties to prevent, to no avail, an escalation of violence.

Twenty-two doctors were injured, over 70 were arrested, and three CENIDH members were hit and verbally abused: Mr. **Bayardo Izabá**, executive director, Mr. **Gonzalo Carrión**, director of the defence and denunciation department, who lost consciousness, and Mr. **Norwin Solano**, legal adviser.

The complaint lodged with the Public Prosecutor remained pending by the end of 2006 despite numerous material evidence (photographs and videos showing police forces responsible for the assault), and no sanctions were taken.

Assassinations of human rights defenders

Assassination of Mr. Hernán Aturno Vergara²⁰⁴

On July 19, 2006, Mr. **Hernán Aturno Vergara**, a member of the office of the Public Prosecutor and a magistrate in charge of inquiries into the drug trafficking of the “Tijuana Cartel” in the country, was shot dead with two bullets by contract killers hired by drug traffickers, in a restaurant near the Courthouse of Lima.

Assassination of Mr. Edmundo Becerra Palomino²⁰⁵

On November 1, 2006, Mr. **Edmundo Becerra Palomino**, a member of the farmers’ organisation *Rondas Campesinas* and secretary of the Protection of the Environment Front (*Frente de Defensa del Medio Ambiente*) in Yanacanchilla, was shot dead at point range in his barn.

He was supposed to travel to Lima the next day to meet with representatives of the Ministry of Energy and Mines to voice his concerns about the exploitation project of the hill of San Cirilo by the Yanacocha mining company of Yanacanchilla.

The murderers were reported to have used weapons similar to those provided in August 2006 to the “Forza” security company, employed by Yanacocha.

Mr. Becerra Palomino had previously been threatened with death. On March 5, 2005 for instance, he was hit and threatened to be killed by three individuals due to his activities against the Yanacocha company. On December 23, 2005, he had once again received threats.

Mr. Edmundo Becerra Palomino had filed a complaint with the Chanta Alta police station, in vain.

On August 10, 2006, Mr. Edmundo Becerra Palomino had also been shot at while accompanying users of the Munshuyuc-Palo Blanco canal and a civil engineer, who were about to take a topographic sample prior to an authorisation request to use the water of the irrigation sector of Cajamarca.

204. See International Fact-Finding Mission Report, *Perú: Una situación preocupante para los defensores de derechos humanos*, December 2006.

205. See Urgent Appeal PER 003/1106/OBS 132.

Defamation campaigns against several organisations

Defamation campaigns against NGOs²⁰⁶

On January 19, 2006, Mr. Robinson González Campos, a member of the Supreme Court and president of the Academy of Magistrates, stated in the national newspaper *El Expreso* that the real interests of human rights defenders were “by nature economic and political” and that they “[did] not defend human rights but rather [...] their financial interests as well as their political and demagogic goals”.

On January 20, 2006, the president of the Congress’ Finance Commission, Mr. Javier Velásquez Quesquén, stated to the same newspaper that “NGOs defend their own interests rather than human rights”, adding that they “[assumed] a legitimacy that the people has not granted them and [claimed] to subject the public authorities to their purposes in order to justify the funds they receive and to fill their pockets”. He also said that “the time [had] come to put them back in their place and to put an end to their arrogance”.

On that same day, the president of the Congress’ Defence Commission, Mr. Luis Ibérico Núñez, asserted, during an interview given to the same newspaper, that NGOs “cannot claim to defend solely the rights of victims of violence and leave aside the soldiers and police officers who fight terrorist delinquents”.

On January 25, 2006, the second vice-president of Congress, Mr. Gilberto Díaz, stated in an interview with *El Expreso* that “NGOs have turned into a power of darkness [that] aspires to work in the place of the political parties to control the country”.

Defamation campaign against CEDAL²⁰⁷

On April 12, 2006, the executive director of the Peruvian Agency for International Cooperation (*Agencia Peruana de Cooperación Internacional* - APCI), Mr. Oscar Sciappa-Pietra, threatened to request the office of the Public Prosecutor to issue a court order to disband the Labour Advice Centre (*Centro de Asesoría Laboral* - CEDAL), by resorting to Article 96 of the Civil Code, which provides that “the Public Prosecutor may request the dissolution of an associa-

206. See Press Release, January 26, 2006.

207. See Press Release, May 5, 2006.

tion by court order if its activities or objectives are proved to be contrary to public order or moral standards". According to the same article, "the judge may, at any stage in the proceedings, order preventive measures to suspend in whole or in part the activities of an association".

These threats followed a press conference broadcast on television earlier that day. On that occasion, members of the CEDAL human rights programme, the Health Forum and the Peruvian Episcopal Commission for Social Action highlighted the negative impact on human rights of the Free Trade Agreement between the United States and Peru, signed that same day. Since then, the authorities have conducted a real "witch hunt" aimed at discrediting social organisations and NGOs that have expressed their concerns over this issue.

For instance, APCI and Congress officials publicly accused CEDAL and the Health Forum of embezzling funds from the international cooperation for development in favour of the anti-Free Trade Agreement campaign, accusation which CEDAL has vigorously denied.

Threats, acts of harassment and assault against human right defenders

Death threats and acts of harassment against APORVIDHA members²⁰⁸

On January 3, 2006, Ms. **Iskra Chávez Loaiza**, director of the Association for Human Life and Dignity (*Asociación por la Vida y la Dignidad Humana* - APORVIDHA), received phone calls threatening her and her children with death.

On January 4, 2006, the organisation received an insulting and intimidating message targeting two members of the organisation, Mr. **Freddy Rodríguez Olivera** and Ms. **Evelyn Zevallos Enriquez**, both lawyers.

APORVIDHA notably works on the killing of 34 farmers in Lucmahuayco in 1984, which may have been carried out by members of the 44th Command of the former police force serving in the province of La Convención, in Cuzco district. Members of the Peruvian army stationed in the province of Andahuaylas in Apurímac district might also have been involved.

208. See Urgent Appeal PER 001/0106/OBS 003.

Threats against the Peruvian section of Amnesty International²⁰⁹

On January 18, 2006, the Peruvian section of Amnesty International reported that one of its leaders had received six anonymous telephone calls during the last week of December 2005 and the first week of January 2006.

Assault on Ms. Cristina del Pilar Olazábal²¹⁰

On February 2, 2006, Ms. **Cristina del Pilar Olazábal**, Prosecutor in charge of human right violations committed between 1980 and 2000 in the Ayacucho district, which were uncovered by the Peruvian Truth and Reconciliation Commission (*Comisión de la Verdad y la Reconciliación* - CVR), was attacked in the vicinity of the Los Cabitos military barracks, in Huamanga, Ayacucho.

Following this assault, she filed a request for protective measures with the authorities, which had still not been granted as of the end of 2006.

In addition, Ms. Olazábal was removed to the position of deputy Prosecutor on a decision of the Attorney General on November 2, 2006, and was replaced by Dr. Andrés Avelino Cáceres Ortega, close to the ruling party *Aprista* - American Revolutionary Popular Alliance (*Alianza Popular Revolucionaria Americana* - APRA).

In 2005, Ms. Cristina del Pilar Olazábal had already been the subject of threats and harsh criticism from representatives of *Aprista*, following a complaint for genocide and assassination involving party leaders and the former Peruvian President, Mr. Alan García, as well as other members of the military, in connection with the Accomarca massacre, in the Ayacucho district, on August 14, 1985.

By the end of 2006, the complaint lodged against Ms. Olazábal, Mr. **Francisco Soberón**, a member of the Human Rights Association (*Asociación Pro Derechos Humanos* - APRODEH) and executive secretary of the National Coordination for Human Rights (*Coordinadora Nacional de Derechos Humanos* - CNDDHH), and Ms. **Gloria Cano**, a lawyer and head of the APRODEH legal department, by Mr. Fernando Olivera, former Justice Minister, and Mr. Julio Quintanilla, Prosecutor in another case involving Mr. Alan García in connection

209. See International Fact-Finding Mission Report, *Perú: Una situación preocupante para los defensores de derechos humanos*, December 2006.

210. See Annual Report 2005 and International Fact-Finding Mission Report mentioned above.

with the El Frontón massacre in 1986, had still not been examined. Ms. Olazábal, Mr. Francisco Soberón and Ms. Gloria Cano were accused of “illegal association seeking to break the law” and of being part of a conspiracy to prevent the candidacy of former President Mr. Alan García to the 2006 presidential elections.

The complaints lodged by Ms. Olazábal with the office of the Prosecutor of the Ica department and by Mr. Soberón and Ms. Cano with the office of the Prosecutor of Lima, following the threats received in 2005, were not investigated either.

Death threats against Mr. Roberto C. Parra and Mr. Iván Rivasplata Caballero²¹¹

Forensic doctors specialising in exhumations in the framework of investigation into cases of human rights violations were also subjected to acts of harassment. On January 26, 2006 for instance, Mr. **Roberto C. Parra**, coordinator of the forensic team of the Institute of Forensic Medicine, received two death threat messages advising him to “be cautious”.

In March 2006, Mr. **Iván Rivasplata Caballero**, a member of the roving forensic team specialised in human rights violations, also received threats in a note posted on the *www.equipoforense.blogspot.com* website.

Threats against Mr. Alejandro Arturo Silva Reina²¹²

On March 30, 2006, Mr. **Alejandro Arturo Silva Reina**, executive secretary of the National Coordination for Human Rights (CNDDH), received two threatening phone calls.

On November 3, 2005, the Ecumenical Foundation for Development and Peace (*Fundación Ecuémica para el Desarrollo y la Paz* - FEDEPAZ), a CNDDH member organisation, had received an anonymous phone call threatening several people, including Mr. Alejandro Silva, if he did not stop making statements to the media. These events followed a presentation on October 17, 2005, in Washington (United States), of a CNDDH report on the existing

211. See International Fact-Finding Mission Report mentioned above.

212. See Annual Report 2005 and International Fact-Finding Mission Report mentioned above.

threats against human rights defenders, witnesses, victims and their relatives, as well as Peruvian judges and prosecutors, due to their inquiries into crimes and human rights violations committed in Peru during the past two decades.

Death threats against GRUFIDES members²¹³

On August 3, 2006, Father **Marco Arana**, a member of the Training and Intervention Group for Sustainable Development (*Grupo de Formación e Intervención para el Desarrollo Sostenible - GRUFIDES*²¹⁴), laureate of the 2005 National Human Rights Award and a mediator between the government and mining companies²¹⁵, received phone calls insulting him and threatening him with death. These calls occurred following violent riots against the expansion project of the Minera Yanacocha mining company²¹⁶.

On August 31, 2006, Ms. **Mirtha Vásquez Chuquilin**, GRUFIDES director, received an anonymous phone call stating: “we will rape you and then kill you”. On the same day, hundreds of employees of the Minera Yanacocha company mobilised against GRUFIDES, and shouted verbal abuse and threats, on the order of the company.

Since December 3, 2006, GRUFIDES members have been repeatedly harassed and intimidated by unidentified individuals photographing or filming them, noting the time employees arrive and leave the offices, etc.

On September 20, 2006, GRUFIDES informed the Vice-Minister of the Interior, the police, the Cajamarca municipality, as well as the Ombudsman, of these acts. No investigation had been opened as of the end of 2006.

213. See Urgent Appeal PER 004/1106/OBS 137.

214. GRUFIDES is an organisation for the protection of the environment which sets up training programmes and legal advice to the rural communities of the Cajamarca province.

215. This mediation falls within the scope of negotiations seeking to establish detailed rules to regulate mining activities, in particular relating to their consequences on the environment.

216. The riots occurred during a demonstration in protest of the construction of a dock near the People's Centre of Combayo, Cajamarca. The expansion of operations of the Yanacocha mining company in the framework of this project sparked opposition from farmers of the Combayo area because of the harmful consequences caused by the mining business on the environment and the unsatisfactory prospect of participation to social and economic benefits of the company.

On September 27, 2006, the niece of Father Marco Arana received a telephone call stating that her uncle would get a “bullet in his head” if he did not put an end to his activities.

In late December 2006, Father Marco Arana was accused in *Correo de Lima*, a regional newspaper, as well as on radio and television, of having encouraged social conflicts in Celedín, where the Minera Yanacocha company has new projects. However, he had gone to Celedín to attend a workshop of the Muqui Network, a national network of human rights and environmental NGOs, and a meeting organised by the Celedín Association of Health Promoters (*Asociación de Promotores de Salud de Celedín*) relating to the environmental impacts and the protection of the rights of the communities affected by the mining company. During this workshop, three individuals barged into the room and filmed them. One of them was identified as an engineer for the Minera Yanacocha company. These men then gave false information to the local press, which is closely linked to the mining company.

On November 14, 2006, GRUFIDES members managed to stop and hand in to the local authorities of Cajamarca two of the men who had filmed and photographed them during the Celedín workshop. Both were members of the firm in charge of Minera Yanacocha’s security.

As of the end of 2006, no further information had been made available regarding the arrest of these two men.

Moreover, no inquiry was initiated into the threats received by Father Marco Arana and the complaints lodged with the local and national authorities had not been examined.

Acts of harassment against DEMUS²¹⁷

After the NGO Study for the Defence and the Rights of Women (*Estudio para la Defensa y los Derechos de la Mujer - DEMUS*) asked for registration with the APCI, the National Council for Human Rights told the organisation that DEMUS had to fall into line with the National Plan for Human Rights of December 2005 before its request could be acknowledged, thereby indicating that it disagreed

217. See International Fact-finding Mission Report mentioned above.

with DEMUS campaign for the legalisation of abortion. By the end of 2006, following a campaign denouncing these difficulties, DEMUS was finally granted registration with APCI.

Obstacles to freedom of expression²¹⁸

On December 8, 2006, the Law (25/2006-PE) amending Law No. 27692 on the creation of the Peruvian Agency of International Cooperation (APCI) - a decentralised agency operating under the auspices of the Ministry of Foreign Affairs - was published in the official gazette *El Peruano*. The bill had been adopted at first reading on October 26, 2006, and at second reading by the Congress on November 2, 2006.

This Law could seriously undermine the work of human rights organisations, by creating more obstacles to fundraising. Indeed, in order to raise funds, NGOs shall first register with the ACPI. Moreover, any cooperation contract shall comply with the regulations on technical cooperation, which have to be harmonised with the development and “general interest” national policy. This allows for an increased interference of the State with the activities of civil society organisations.

In addition, the new Law grants APCI wide discretionary powers since it is entitled to impose sanctions against NGOs carrying out activities considered to “disrupt public order, or to infringe private or public property” (demonstrations, sit-ins, forums, for example). According to this Law, the central government would thus be able to prohibit organisations from challenging its policies.

This Law reinforces the provisions of Law No. 28875 of August 15, 2006 establishing the Decentralised National System of International Non Reimbursable Cooperation (*Sistema Nacional Descentralizado de Cooperación Internacional No Reembolsable* - SINDCINR), which already enabled an increased interference in NGOs internal affairs and objectives, by defining APCI’s supervision role in the programmes, projects and activities of all private and public actors concerned.

218. See Open Letter to the Peruvian authorities, November 1, 2006, and International Fact-Finding Mission Report mentioned above.

VENEZUELA
Assassination of Mr. Jesús Alberto Fernández²¹⁹

On October 15, 2006, Mr. Jesús Alberto Fernández, a peasant leader who occupied, along with 25 other families, the farm of Colibrí, Catatumbo municipality, State of Zulia, was murdered by two individuals on motorbikes as he was on his way to a meeting of the Bello Horizonte XV cooperative, of which he was member.

In the past, Mr. Fernández had received death threats on several occasions by the owner of the farm, Mr. Marcos Tulio González.

Acts of harassment and assassination attempt against Mrs. María del Rosario Guerrero Galucci and her husband²²⁰

In September 2006, Mrs. María del Rosario Guerrero Galucci, a member of the human rights organisation “Soldiers of Justice, Peace and Freedom on Crusade Against Impunity” (*Soldados de Justicia, Paz y Libertad en Cruzada Contra la Impunidad*), was targeted by a defamation campaign led by the Governor of the State of Guárico, Mr. Eduardo Manuitt, and by several members of the National Assembly. In particular, they accused her of having planned the death of Mr. Eduardo Rivas Alejo, a farmer in the State of Guárico. This campaign was relayed in regional newspapers such as *El Nacionalista* and *La Antena*, and on the Internet, notably on the official website of the Guárico State government.

Moreover, on April 21, 2006, police officers of the State of Guárico went to the home of Mrs. María del Rosario Guerrero Galucci and her husband, Mr. Adolfo Segundo Martínez B., in Aragua, and shot at them, leaving them both injured. This attack followed their denunciation of acts of extortion allegedly committed by members of the Guárico police.

On April 27, 2006, the Human Rights Centre of the Andrés Bello Catholic University (UCAB), the Venezuelan Prisons’ Observatory (*Observatorio Venezolano de Prisiones - OVP*) and the Venezuelan

219. See Venezuelan Programme of Action-Education for Human Rights (PROVEA), *Informe Anual sobre la Situación de los Derechos Humanos en Venezuela, octubre-noviembre de 2006*, December 2006.

220. *Idem*.

Programme of Action-Education for Human Rights (*Programa Venezolano de Educación - Acción en Derechos Humanos - PROVEA*) asked the IACHR to grant precautionary protective measures to the couple. On July 4, 2006, the IACHR requested the Venezuelan government to grant them these measures.

As of the end of 2006, these protective measures were being implemented and ensured by the Direction of Intelligence and Prevention Services (*Dirección de los Servicios de Inteligencia y Prevención - DISIP*), but Mrs. del Rosario had to pay part of the costs of her protection, which was reported to the IACHR by PROVEA.

In addition, on December 14, 2006, Mrs. del Rosario was summoned to appear before the 13th Criminal Court of First Instance of the metropolitan area of Caracas, supposedly to coordinate the implementation of these protection measures. Mrs. del Rosario was in fact given a warning for having resorted to the Inter-American human right protection system. She subsequently filed a complaint.

Judicial harassment against Mr. Luís Rafael Escobar Ugas²²¹

Since June 1, 2006, Mr. Luís Rafael Escobar Ugas, director of the Foundation for Guarantees, Prevention and Protection of Human Rights (*Fundación para las Garantías, Prevención y Defensa de los Derechos Humanos*), in Caracas, has been targeted by four different sets of proceedings. In the first case, he was charged with having provoked a hunger strike in the “San Juan de Lagunillas” detention centre of Mérida, in 2006. In a second case, “defamation” charges were brought against him by Mr. Pablo Daniel Medina Cornivelli, a lieutenant-colonel of the National Guard (GN), whom Mr. Ugas accused of being the supposed perpetrator of the enforced disappearance of another GN lieutenant. Mr. Escobar Ugas was also charged with having led the occupation of the Dom Camilo building in Caracas by squatters. Indeed, on June 3, 2006, he was arrested during a police operation seeking to evict the unwanted occupants from the building, to whom Mr. Escobar Ugas was simply giving his support. He was then remanded in custody in the “Zone 7” of the metropolitan police. Lastly, he was put on trial on charges of “obstruction of justice”.

221. *Idem*.

On July 6, 2006, Court 22 of Caracas held a preliminary hearing following his arrest. The Court ordered an extension of his preventive detention. However, Mr. Escobar Ugas was released on July 10, 2006.

As of the end of 2006, judicial proceedings were still pending.

Obstacles to freedom of association²²²

On June 13, 2006, the National Assembly of Venezuela approved at first reading a Bill on International Cooperation, which establishes a new judicial framework regulating, *inter alia*, the running of local and international NGOs operating in the country. The Bill notably provides for the establishment of administrative and financial bodies aimed at organising and supervising the execution, follow-up and evaluation of the policies, actions and activities carried out by the Venezuelan State in the field of international cooperation.

The provisions of this Bill would thus allow the regulation and control of NGOs objectives, activities and financing, which could lead to arbitrary restrictions on their international sources of funding.

Chapter 3 of the Bill entails provisions regarding the registration of NGOs with the State authorities, which could interfere with, or even seriously hinder, their independence and/or the normal pursuit of their activities. Lastly, the Bill would also significantly restrict the access to overseas grants as the authorities have accused NGOs of raising foreign funds to finance anti-government activities. This Bill is thus likely to have been drafted in order to control civil society and the activities of NGOs.

The Bill had not yet been adopted by the end of 2006.

222. See Open Letter to the Venezuelan authorities, July 11, 2006.

