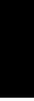


ASIA



SITUATION OF HUMAN RIGHTS DEFENDERS¹

In 2006, acts of repression against human rights defenders in Asia, committed by both State- and non-State actors, continued: extrajudicial killings and enforced disappearances (*Afghanistan, Nepal, Philippines, Sri Lanka, Thailand*); arbitrary arrests, detentions and legal proceedings (*Bangladesh, Burma, Cambodia, China, India, Iran, Malaysia, Nepal, Philippines, Vietnam*); threats and acts of harassment (*Cambodia, China, India, Iran, Malaysia, Nepal, Pakistan, Philippines, South Korea, Sri Lanka, Vietnam*). Furthermore, restrictions to their freedoms of assembly (*Bangladesh, Cambodia, China, Iran, Malaysia, Nepal, Philippines, Singapore, Thailand, Vietnam*), of association (*Burma, Cambodia, China, India, Iran, Laos, South Korea*), of expression (*Bangladesh, Burma, Cambodia, China, Fiji, Iran, Malaysia, Sri Lanka, Thailand, Vietnam*) and of movement (*India*) remained major obstacles to the establishment of a favourable environment for human rights activities. Likewise, the legislations, restrictions and emergency measures introduced by numerous Asian States in order to combat terrorism, safeguard national security or control the activities of NGOs seriously hindered the work of defenders.

In addition, in certain countries such as *Burma, Laos* or *North Korea*, it was practically impossible to carry out human rights activities given the strong repression inflicted on defenders.

Lastly, the impunity for acts of reprisals committed against defenders was flagrant in the entire region, sending a message of encouragement to the authors of such serious violations. For instance, the persons behind the 2004 disappearance of Mr. Somchai Neelaphaijit (*Thailand*), or the death of Mr. Munir Said Thalib (*Indonesia*), who was assassinated in 2004, have not yet been identified nor brought to justice, despite the international repercussions of these cases. Likewise, the authors of

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

numerous extrajudicial killings of defenders in the *Philippines* remained generally unpunished.

Increasing obstacles to freedom of assembly

In Asia, 2006 was synonymous with numerous restrictions on freedom of assembly, as peaceful gatherings were rarely authorised, and sometimes violently dispersed by the authorities when they aimed at promoting or defending human rights.

In *Bangladesh*, several hundred members of *Proshika*, a development NGO working for women's rights and voter education, were arrested in September 2006 as they were preparing for a demonstration against the 24-hour ban on all demonstrations or assemblies in the vicinity of the Prime Minister's office in Dhaka. The purpose of the ban was to prevent the coalition of 14 opposition parties from organising a sit-in on September 12 and 18, 2006 calling for a reform of the electoral commission, free and fair elections, and the end of the caretaker government. Likewise, on November 19, 2006, the Dhaka metropolitan police announced a ban on all demonstrations and processions in the capital until further notice. On January 6, 2007, the police reminded the population that the ban was still in force.

In *Cambodia*, the government has prepared a Draft Law on Public Assembly for a Peaceful Demonstration, which could further restrict freedoms of expression and assembly in the country². Indeed, the government has banned almost all peaceful demonstrations since 2003, usually invoking the need to preserve public order and security. Numerous peaceful assemblies were therefore dispersed by the police in 2006, leaving numerous demonstrators injured. For example, on August 1, 2006, about twenty heavily-armed police officers dispersed 80 demonstrators who were peacefully protesting outside the Phnom Penh prison in order to denounce the arbitrary detention of Mr. Born Samnang and Mr. Sok Sam Oun, who had been sentenced to 20 years' imprisonment for the murder of Mr. Chea Vichea, a union leader, without any evidence against them. Similarly, on September 4, 2006, around 50 police and military officers prevented the Cambodian

2. See Forum-Asia, Association for Development and Human Rights in Cambodia (ADHOC) and Cambodian League for the Promotion and Defence of Human Rights (LICADHO), *Ongoing Deterioration of the Human Rights Situation in Cambodia*, September 18, 2006.

Centre for Human Rights (CCHR) from organising a campaign aimed at promoting public participation in the fight against corruption. On that occasion, CCHR intended to announce the installation of “anti-corruption black boxes” all over Phnom Penh, in which the population would be able to report cases of corruption they had experienced. According to the city’s governor, police intervention was necessary in order to prevent traffic jams and to preserve “law and order”³.

In *China*, it also remained very difficult to gather in order to denounce human rights violations or to demand that fundamental freedoms be respected. For instance, during the 17th anniversary of the 1989 crackdown, the police intensified the harassment and surveillance of participants, as well as of all pro-democracy activists and human rights defenders⁴. On June 4, 2006, over 20 relatives of the persons killed on June 4, 1989, and who had peacefully gathered in the Wan-an cemetery, were watched and filmed by about 20 plain-clothes police officers⁵. Likewise, on September 26, 2006, 32 peasants from the town of Chibi, Hubei province, went to Beijing to call for an inquiry into acts of corruption related to the compensation they should have received after being evicted from their homes because of a dam-construction project. Following the refusal of the authorities to grant their request, the peasants decided to kneel in Tiananmen Square in order to draw attention to their cause. The police then immediately sent them back to Chibi, and their leader, Mr. Zhou Zhirong, was detained until October 1, 2006⁶.

In *Iran*, on the occasion of International Women’s Day on March 8, 2006, police officers, plain-clothes militia and members of the special anti-riot forces of the Revolutionary Guard put down a sit-in organised by independent activists and groups of women who were demonstrating in favour of women’s rights and peace in Tehran. After having been photographed and filmed by the security forces, the demonstrators were ordered to disperse on the grounds that their gathering had not been authorised. The security forces then poured garbage on the participants, before beating them with batons. In addition, on June 12, 2006, representatives of women’s rights NGOs and students who had

3. See Cambodian Centre for Human Rights (CCHR), September 5, 2006.

4. See Network of Chinese Human Rights Defenders (CRD).

5. *Idem*.

6. See CRD, September 14-October 20, 2006.

organised a peaceful gathering in Tehran in order to protest against the discriminatory status of women in Iran were violently attacked by police forces. Seventy people were arrested and detained in the Evin prison in Tehran for “having organised an illegal assembly”, before being released. As of the end of 2006, the legal proceedings against these persons were still pending.

In *Malaysia*, after the government’s announcement on February 28, 2006 of a 30% increase in the price of oil, several demonstrations were organised in March 2006 in front of the Kuala Lumpur City Centre (KLCC) on the initiative of several NGOs, political parties and the Malaysia Trade Union Congress (MTUC) in protest against the increase in the price of oil and electricity. On March 26, 2006, the police violently dispersed the crowd and arrested 22 demonstrators. Many were injured, and a complaint was filed on March 31, 2006, with the National Commission for Human Rights of Malaysia (SUHAKAM). On May 28, 2006, the Anti Fuel Price Hike Coalition (PROTES) organised another gathering in front of the KLCC, which was again forcibly repressed. In particular, the police and members of the Federal Reserve Unit (FRU) struck demonstrators with bludgeons as they had already begun to leave the site. Dozens of participants were arrested, including a minor. On July 25, 2006, SUHAKAM announced that a public inquiry would be conducted from October 6 to 19, 2006. As of the end of 2006, the report was not yet publicly available⁷.

In *Nepal*, from January 17 to February 8, 2006, King Gyanendra’s government imposed a series of curfews throughout the country in order to prevent demonstrations. Furthermore, in April 2006, during pro-democracy demonstrations calling for the end of authoritarian rule, which led to the restoration of the Nepalese Parliament on April 25, 2006, and for the state of emergency in force since February 1, 2005 to be lifted, the police and the military (acting on direct orders of the King) made excessive use of force, killing at least six people and injuring thousands of others. During these demonstrations, the authorities also detained thousands of demonstrators under the Public Security Act, without granting them access to their family or a lawyer in most cases.

In *Pakistan*, the families of dozens of people who have “disap-

7. See *Suara Rakyat Malaysia* (SUARAM).

peared” since 2001 after being arrested by government agencies were beaten by the police while peacefully demonstrating in front of Islamabad’s military headquarters on December 28, 2006, to call for the return of their relatives⁸.

On February 24, 2006, the President of the *Philippines*, Ms. Gloria Macapagal Arroyo, proclaimed a state of emergency (Proclamation 1017) under the pretext of the imminence of a coup fomented by the extreme left and the extreme right. General Order n°5, issued to implement Proclamation 1017, called upon the armed forces and the police to prevent and suppress “acts of terrorism and of anarchic violence”. In practice, the order generated a wave of arbitrary arrests and the systematic repression of peaceful gatherings⁹.

Furthermore, in November 2006, the government announced that it would deny access to the territory to foreign “trouble makers” attempting to disrupt the 12th Summit of the Association of Southeast Asian Nations (ASEAN) that was to be held in Cebu from December 11 to 14, 2006. The Minister of Justice, Mr. Raul Gonzalez, indicated that he was going to follow the example of Singapore¹⁰ in order to guarantee security during the international conference, saying: “We are not going to let them in. We will throw them into Mactan Strait and let the sharks eat them”. Mr. Gonzalez then added that he did not pay any attention to criticism and protests on the part of international human rights organisations, as his country was used to being a “scape-goat” when it came to human rights violations¹¹. In the end, the ASEAN Summit was postponed until January 2007, officially because of a typhoon. Unofficially, the decision was probably motivated by the prospect of large demonstrations against amendments to constitutional reform procedures. Nevertheless, the second ASEAN Civil Society Conference (ACSC) took place in Cebu from December 10 to 12, 2006.

For their part, in September 2006, authorities in *Singapore* report-

8. See Integrated Regional Information Network (IRIN), January 2, 2007 and Human Rights Commission of Pakistan (HRCP). HRCP has compiled a list of more than 300 cases of enforced disappearances in the past three years.

9. See Forum-Asia, February 27, 2006.

10. See below.

11. See Forum-Asia, Weekly Newsletter n°28, November 20-26, 2006.

edly issued a “black list” of 27 civil society members and asked the World Bank and the International Monetary Fund (IMF) to deny them access to their 55th annual assembly held in the town of Suntee from September 17 to 20, 2006. The 27 people were all duly accredited with the IMF and the World Bank in order to attend the meetings. In addition, from September 13 to 18, 2006, dozens of civil society activists were prevented from accessing the forum and were briefly detained before being sent back home. Most of them were merely transiting through Singapore on their way to the International Peoples’ Forum, which was being held at the same time as the annual session of the IMF and the World Bank assembly, on the island of Batam, Indonesia. Others were due to attend civil society meetings in Singapore.

In *Thailand*, martial law was introduced immediately after the coup of September 19, 2006, imposing serious limitations on public gatherings¹³. Political assemblies of more than five people were prohibited and liable to a six-month prison sentence. For example, on December 10, 2006, demonstrators travelling to Bangkok to protest against the coup were denied access to the city¹⁴. On November 28, 2006, the Council for National Security recommended to the interim government to lift the martial law in 41 provinces and maintain it in 35 others that share a border with Malaysia, Cambodia, Laos and Burma. The Cabinet approved the recommendation. The King, however, had still not signed it by the end of 2006, and martial law was still in force in the entire country.

Lastly, on March 18, 2005, the government of *Vietnam* adopted Decree n° 38/2005/ND-CP, under which all peaceful assemblies are forbidden in the name of “public order”. More specifically, the Decree bans all demonstrations in front of public buildings, and requires that any gathering be subjected to prior authorisation by the State; authorisation must be applied for seven days in advance, indicating the purpose, the time, the date, the place of the demonstration as well as the number of participants. The Decree was adopted following the rise of peasant protests against government corruption and the confiscation of land

12. See Forum-Asia, Newsletter, vol. 2, n°3, third quarter, 2006.

13. The Council for National Security, composed of the leaders of the coup, abolished the 1997 Constitution, replacing it with an interim Constitution, which does not provide for a mechanism to control the responsibility of the military authorities.

14. See Union for Civil Liberty (UCL).

by public authorities. It came into force on April 8, 2005, and a circular was issued on September 5, 2005 to ensure its implementation (Circular O9/2005/TT-BCA)¹⁵. However, few examples of this decree's implementation were available, as the Vietnamese authorities released little information regarding the repression of demonstrations. In Hanoi, police regularly suppressed peaceful and silent demonstrations of peasants and farmers "victims of injustice", who gathered in thousands everyday day in the Mai Xuan Thuong park to convey their grievances to the authorities. In addition, the government specifically ordered them not to demonstrate during the Summit of the Asia-Pacific Economic Cooperation (APEC), which took place in Hanoi from November 17 to 19, 2006.

Furthermore, during this Summit, the government prohibited the holding of an alternative People's Forum on NGOs, thereby preventing civil society from expressing its concerns.

Increased criminalisation of human rights activities

In recent years, a new trend of criminalising the activities of independent human rights organisations and their members was observed, in particular through the enactment of restrictive legislation. Unfortunately, this trend was confirmed in 2006. A positive development should however be noted in *Nepal*, as the Supreme Court first suspended the implementation of the order introducing a Code of Conduct for NGOs¹⁶, firmly opposed by Nepalese NGOs and the international community. Subsequently, in May 2006, the Nepalese Cabinet annulled it shortly after the Parliament was restored.

In *Cambodia*, the latest (May 2005) draft of the Law on Local Associations and Non-Governmental Associations, which the government has been trying to pass for nearly ten years, constitutes a new threat for human rights defenders. In its present form, the draft law sets up extremely complex registration procedures based on vague requirements, which would impose considerable costs on smaller NGOs and community associations, and which would provide "legal means" to delay or refuse the registration of NGOs pursuing legitimate

15. See Vietnam Committee for the Defence of Human Rights.

16. See Annual Report 2005. In particular, the order required that NGO activities be compatible with government policies (Article 4.4) and that the government approve NGOs foreign funding (Article 11.2).

ends¹⁷. Non-registered NGOs continuing their action would therefore be criminalised. The draft law would also allow the government to put NGO activities under surveillance and to prohibit “political” activities (Article 4)¹⁸, although this term is not defined. In addition, the draft law would require NGOs to inform local authorities of their activities, making the work of defenders particularly difficult, as they precisely report violations committed by the very same authorities; thus, their independence would be sorely jeopardised. Under Article 31, the activities of any organisation violating Article 4 would be suspended for one year, and, “in cases of non-compliance, the organisation would be dissolved”. Finally, “any person continuing to run an association or an NGO that has been dissolved or whose activities have been suspended by court order shall be liable to a fine between 1,000,000 and 5,000,000 riels (190 to 947 euros). A person contravening this article shall be liable to a prison sentence from six months to one year (Article 32)”.

By the end of 2006, although Mr. Sar Kheng, the Minister for the Interior and Vice Prime Minister, committed himself to adding the draft law to the Assembly’s agenda very shortly, it had still not been adopted by the Ministry of the Interior, which shall then submit it to the National Assembly, then to the Senate, for adoption.

Furthermore, although the National Assembly adopted an amendment to the Criminal Code to abolish prison sentences for defamation on May 26, 2006, this criminal offence remains punishable by heavy fines of up to ten million riels (1,800 euros)¹⁹. Persons criticising the government can also be accused of “disinformation”, an offence liable

17. For instance: “Any association or local NGO violating Article 23 [submission of an annual report to the Ministries of the Interior and of Economic and Financial Affairs] of the law shall be subject to a fine of 500,000 riels. In case of non-compliance, the association or local NGO shall be subject to a double fine, or its activities shall be suspended for one year” (Article 30). Furthermore, “once the law is in force the associations or local NGOs already registered with the Ministry of the Interior will have 180 days to prepare a new registration file (...). Once the period has elapsed, NGOs not having done so shall be considered as having put an end to their registration” (Article 33).

18. Under Article 4, NGOs cannot “carry out political activities, nor supply non-material, material and financial means and human resources to support a political party”.

19. Under Article 62 of the UNTAC Law, any person found guilty of having published false information with malicious intent and likely to disturb public order is liable to a six-month to a three-year prison sentence and a fine of 10 million riels (1,894 euros). In addition, under Article 10 of the Law on the Press (1995), when an article concerns a public figure, the newspaper can be forced to publish an erratum and/or to pay a fine of 190 to 1,900 euros.

to a prison sentence of three years. For instance, on September 19, 2006, Mr. Dam Sithek, editor-in-chief of the *Moneakseka Khmer* newspaper, was found guilty of “criminal disinformation” for having written an article accusing Vice Prime Minister Sok An of corruption in the June 13, 2006 edition. He was sentenced to pay ten million riels in damages to Mr. Sok An, along with a fine of eight million riels²⁰.

In *China*, legislation was increasingly used to silence and control all dissenting voices, in particular those of lawyers defending sensitive issues, i.e. political causes or those related to social protest movements. For example, under Article 306 of the Criminal Code, Article 38 of the Code of Criminal Procedure and Article 45 of the Law on Barristers, Public Prosecutors can arrest lawyers for “perjury” and “false testimony”, and sentence them to up to seven years’ imprisonment²¹. Chinese authorities also resorted to legislation relative to State secrets to restrict access to information. Indeed, the concept of State secret is not limited to national security matters, but covers, in practice, all information of which the disclosure has not first been approved by the authorities. The charge of “divulging State secrets” was thus repeatedly invoked to prosecute people who attempted to disseminate information on human rights violations, including lawyers.

Furthermore, on March 20, 2006, the Association of Chinese Lawyers (ACLA) published a Guiding Opinion on Lawyers Handling Collective Cases, i.e. on cases involving more than ten people. Lawyers contravening these rules are liable to sanctions by the Association or legal departments. The Guide also warns lawyers against participating or encouraging their clients to participate in petitions addressed to governmental agencies, and against contacting foreign organisations and media. These “collective cases” refer to land conflicts and the ensuing social movements, but also cases linked to protests against tax hikes, the demolition of buildings, or environmental pollution. The Guide adds to local regulations such as those adopted in the Henan province (which specify in particular that lawyers are not allowed to express their point of view in the press), in the city of Shenyang, or in Shenzhen. In such a context, lawyers were often dis-

20. See Alliance for Freedom of Expression in Cambodia (AFEC), July 10 and October 12, 2006.

21. See Human Rights in China (HRIC), *Setback for the Rule of Law - Lawyers Under Attack in China*, August 2006.

couraged from defending the rights of citizens against government authorities.

In *India*, the Foreign Contribution Management and Control (FCMC) Bill 2005²², which was to replace the 1976 Foreign Contribution Regulation Act (FCRA, which was already very restrictive regarding registration and the reception of foreign funds by NGOs), was finally dropped thanks to NGOs pressure. However, in December 2006, the government introduced the 2006 Foreign Contribution Regulation Bill (FCR), the provisions of which are similar to the FCMC. The FCR is scheduled for debate in Parliament during the March 2007 budgetary session. In particular, the FCR prohibits the acceptance and use of foreign contributions for “any activity prejudicial to national interests”. In addition, through the FCR, the government would be able to control which organisations received foreign contributions, from whom, and for what purpose. Under Section 3(1)(f) for instance, an organisation of a political nature that is not legally a political party is not allowed to receive foreign funding, while Section 5(1) empowers the central government to determine whether an organisation is “of a political nature” on the basis of its activities or programmes. Section 12(3)(b) of the bill further stipulates that the central government shall issue a registration certificate or grant authorisation to receive foreign funding if the organisation has “undertaken important activities in its field in the interest of the population”, without specifying what constitutes “an important activity”. In addition, similarly to the FCMC, the FCR introduces a costly registration renewal requirement applicable every five years for NGOs receiving foreign contributions, whereas registration was free of charge and permanent under the FCRA. Lastly, the FCR sets a limit of 50% for the amount of foreign funds that NGOs can allocate for their administrative operations.

Furthermore, during the parliamentary session held from July 24 to August 25, 2006, the *Lok Sabha* (lower chamber of Parliament), followed by the *Rajya Sabha* (Council of States), amended the 1993 Protection of Human Rights Act (PHRA) that set up the Indian National Human Rights Commission (NHRC). Unfortunately, while the NHRC is now able to visit prisons without having to give prior notice to prison authorities, it is still not able to visit detention centres

22. See Annual Report 2005.

run by the army or the paramilitary, nor can it investigate the existence of illegal centres in States such as Jammu or Kashmir. In addition, the Nomination Committee that appoints NHRC members is not free from all political influence, as representatives of the government make up two thirds of its membership. Lastly, the amendments also give increased powers to the Commission's secretary general, an official who is directly appointed by the central government, to whom certain presidential functions have now been delegated.

In the *Philippines*, a draft anti-terrorist law (Senate Bill n° 2137), which gives the executive broad powers and means to silence any dissenting voice, was due to be examined by the Senate. The bill punishes any form of membership to an organisation considered as "terrorist", without giving a clear definition of the term. In addition, the police, the army, or any representative of a government law-enforcement agency, can tap – without incurring any criminal responsibility – the telephone line of any suspected terrorist for 120 days, on the basis of "reasonable grounds"; they are also entitled to arrest or detain such a person for 15 days without a warrant. Moreover, the bill allows for the accounts of any person suspected of being involved in "terrorist activities" to be frozen (Section 15), and provides for the creation of an Anti-Terrorist Council to be chaired by President Gloria Macapagal-Arroyo, and which would be empowered to ban so-called "terrorist" organisations (Section 20).

In *Sri Lanka*, on December 6, 2006, President Mahinda Rajapaksa promulgated the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations 2006. These regulations are similar to earlier emergency legislation currently in force in the country. More specifically, they introduce broad-based and vaguely-defined terrorist offences that will likely criminalise human rights activities, in particular the defence of the freedoms of expression, association and assembly²³. It is feared that those who seek a peaceful solution to the conflict, humanitarian workers, human rights defenders, demonstrators or even journalists could be prosecuted on the basis of these provisions²⁴. Indeed, they criminalise actions in breach of law and order if their purpose is to bring about "political or governmental

23. Under Article 7, a person could be sentenced to 5 to 10 years' imprisonment for having unknowingly supported, advised, encouraged, promoted or aided a person or a group involved in terrorist activities (as defined in the regulations).

changes” or to force the government to “take or refrain from taking a certain action”²⁵. Such vague wording could include activities such as participating in or organising peaceful demonstrations or strikes. Under these regulations, national and international organisations must obtain prior authorisation from a “competent authority” in order to engage in any action with a person or a group suspected of being involved in “terrorist activities” (Articles 11 and 12), which can easily apply to organisations providing aid and assistance in the northern and eastern regions of the country. The regulations also institute a “Court of Appeal”, before which the decisions of the “competent authority” can be challenged. However, the “Court of Appeal” is solely composed of representatives of government Ministries (Article 14). For its part, Regulation n°3 prohibits the “promotion” or “support” of persons involved in terrorist activities. Regulation n°15 also introduces an impunity clause that could be used to protect members of the police and the armed forces. Indeed, all legal proceedings shall be suspended if the official acted in “good faith and in the performance of his duty”. Such a provision can only reinforce the existing climate of impunity in Sri Lanka.

Furthermore, on May 18, 2006, President Mahinda Rajapakse decided to appoint the members of the Human Rights Commission himself, despite the fact that the 17th amendment to the Constitution of Sri Lanka stipulates that the Constitutional Council alone can appoint the Commission members. However, the Council was dissolved in October 2005 following conflicts between political parties, and the President thus preferred to overrule the safeguards of the 17th amendment, without waiting for the reconstitution of the Council²⁶. One immediate impact of the change in the composition of the Commission was the decision to put an end to the evaluation of complaints filed in connection with the disappearance of over 2,000 people, “unless the government decides otherwise”.

24. See Centre for Rule of Law, Sri Lanka.

25. According to Clause 16, the definition of terrorism includes a wide variety of “illegal conduct”, covering activities having “caused death or the destruction of property”, “the use of coercion, of intimidation or constraint”, or “disturbing or threatening the public peace”.

26. See Centre for Rule of Law and Human Rights Features, HRF/147/06, August 15, 2006.

Defenders in situations of armed conflict, military operations or political crises

In 2006, human rights defenders acting in conflict zones or in countries undergoing internal crises continued to be subjected to exactions committed by the parties to the conflicts.

In *Afghanistan*, defending human rights remained a dangerous activity. For instance, Mr. Mohammed Hashim, an Afghan employee of the United Nations Human Settlements Programme (UN-HABITAT), was shot dead by six unidentified men on March 4, 2006 in the region of Bala Buluk (Farah province)²⁷. Likewise, on September 25, 2006, Ms. Safia Ahmed-jan, provincial director of the Ministry of Women's Affairs, was assassinated by two gunmen on a motorcycle on her way to her office in Kandahar. Ms. Ahmed-jan was known for her action in favour of women's rights in Afghanistan, in particular the right to education²⁸.

In *Burma*, the military government adopted further restrictions on humanitarian agencies, which had to shut down some of their programmes, limit their travels, or comply with stricter regulations to obtain compulsory authorisations. The most emblematic example is that of the forced suspension of most programmes run by the International Committee of the Red Cross (ICRC)²⁹. In November 2006, the government indeed ordered ICRC to close down all its offices in the country. The chief of the police later indicated that ICRC activities had only been "temporarily suspended" pending new regulations regarding the operations of foreign organisations, as ICRC activities were "liable to harm peace and stability". In addition, on March 26, 2006, the French section of Doctors Without Borders (MSF) decided to leave Burma after new travel restrictions were applied and it was subjected to strong pressure³⁰.

Moreover, in February 2006, the government published the "Guidelines for United Nations agencies, international organisations and NGOs". Since then, all NGOs must register with the Ministry of the Interior; all international humanitarian workers must be accompanied

27. See www.un.org/news, n° PPQ/4594, March 6, 2006.

28. See UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW) and www.defendingwomen-defendingrights.org/afghanistan_dow_killed.php.

29. See International Committee of the Red Cross (ICRC), Press Release, November 27, 2006.

30. See Doctors Without Borders (MSF), Press Release, March 30, 2006.

by a person close to the government when they travel; and all humanitarian funds must transit through the Burmese Bank for Foreign Trade. The full range of their activities must also be approved by local aid committees, and organisations must apply for authorisation before holding workshops outside their premises³¹.

In *Fiji*, on December 4, 2006, Ms. Imrana Jalal, a member of the board of directors of the Fijian Women's Rights Movement (FWRM), received telephone threats after FWRM issued several public statements denouncing the absence of democracy since the 2000 coup, and calling for the re-establishment of democracy and the rule of law. More precisely, Ms. Jalal was threatened with rape, the unidentified caller adding that they "were going to silence her once and for all". Similarly, Ms. Virisila Buadromo, FWRM executive director, received a phone call from a man identifying himself as belonging to the army, who ordered her to "stop doing what she was doing"³².

In *Nepal*, the repression of civil society that followed the King's proclamation of a state of emergency on February 1, 2005 was intensified after January 17, 2006, following the introduction of a curfew and a complete ban on demonstrations ordered by the government in the districts of Kathmandu and Lalitpur until January 23, 2006. During the curfew imposed on numerous occasions from January to April 2006, in particular from April 5 to 12, and from April 20 to 21, 2006, the government not only banned the deployment of members of civil society and human rights organisations, but also of UN teams charged with monitoring the human rights situation; they were thus unable to fulfil their mission of observing human rights violations and assisting the population. This clearly violated the Memorandum of Understanding (MOU) signed between the government and the Office of the High Commissioner for Human Rights in Nepal (OHCHR). For example, on April 20, 2006, members of OHCHR, of human rights organisations and even ambulances were unable to

31. See International Crisis Group, *Myanmar: New Threats to Humanitarian Aid*, December 8, 2006.

32. See http://www.defendingwomen-defendingrights.org/fiji_whrd_threatened.php. On December 5, 2006, the army, led by Rear-Admiral Vorege Bainimarama, overthrew the nationalist government led by Prime Minister Laisenia Qarase, who had been re-elected for a five-year term in May 2006. Parliament was dissolved and a state of emergency decreed.

obtain curfew passes, which prevented them from providing assistance to victims injured by police fire or beatings during the repression of demonstrations.

However, there is hope that the situation of human rights defenders might improve in 2007 with the decision of King Gyanendra on April 24, 2006 to restore the Chamber of Representatives that had been dissolved, and the signature of the Comprehensive Peace Agreement on November 21, 2006 between the government and the Communist Party of Nepal (Maoist), according to which both parties agreed to put an end to over ten years of conflict, to draft a new Constitution and to set up an interim government.

In the *Philippines*, in addition to the violent repression of demonstrations, in particular in the framework of the proclamation of a state of emergency from February 24 to March 3, 2006³³, the number of extrajudicial killings of political opponents, human rights defenders, journalists, lawyers, and union and community leaders who denounced the violations committed by the government and the army, dramatically increased in 2006. The most affected regions were the ones where there was a strong military presence, in particular the Sulu and Luzon islands and the centre of the Philippines. In a general context of ongoing counter-revolutionary operations against units of the New Popular Army (NPA, the armed branch of the Communist Party of the Philippines), cases of arbitrary detention, extrajudicial killings and acts of torture were still being reported. These did not only concern people suspected of belonging to the NPA, but also activists, priests, lawyers, members of legal left-wing political parties (which are considered by authorities as sympathising with the general communist movement), and journalists.

The authors of these killings were usually unidentified men on motorcycles, suspected of having ties with the army, the police and other law enforcement agencies, who in most cases were sheltered from any legal proceedings, and who therefore enjoyed the utmost impunity. Although an operational force, the "USIG Task Force", was set up on May 13, 2006 by the Ministry of the Interior and the local government in order to inquire into the extrajudicial killings of journalists and politicians, and although an independent commission

33. See above.

(chaired by Mr. Jose Melo, retired Supreme Court Justice) was established in order to remedy these extrajudicial killings on August 21, 2006, it is feared that these measures will remain superficial. The situation was aggravated by the incapacity, the unwillingness, or the complicity of the government to prosecute the authors of these violations, including mining or timber corporations, large land owners and armed groups. For instance, in her speech to the Nation on July 24, 2006, President Macapagal Arroyo paid a glowing tribute to General Jovito Palparan, Commander of the seventh infantry division, for his “fight against the enemies” in Central Luzon³⁴. However, the General is known for his attacks against human rights defenders, and is reportedly behind the abduction and assassination of several of them³⁵.

In *Sri Lanka*, since the intensification of the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) in July 2006, the government has imposed an unofficial embargo on humanitarian aid in the zones controlled by the LTTE, who have been fighting the army for over thirty years in order to obtain the creation of a State for the Tamil minority in the north and the north-east of the country. Not only is it now more difficult for humanitarian agencies to assist civil populations because of the ongoing conflict, but the attacks, threats and restrictions against humanitarian workers, defenders working for peace and journalists have also increased, in particular in the northern and eastern provinces. On August 6, 2006 for instance, 17 Sri Lankan employees of the French NGO Action Against Hunger (ACF) were shot dead at point-blank range in their offices in the east of the country, in Muttur, a Muslim town that is situated in the epicentre of the fighting between the Sri Lankan army and the Tamil Tigers. According to an inquiry carried out by the Sri Lanka Monitoring Mission (SLMM), they were apparently killed by Sri Lankan security forces. On August 7, 2006, ACF decided to suspend its activities in Sri Lanka, but finally resumed them in December 2006 due to the rapid deterioration of the humanitarian situation in the country³⁶. On September 29, 2006, a grenade exploded in front of ICRC offices in Jaffna, causing material damages³⁷. SLMM was also

34. See www.bulatlat.com.

35. See Annual Report 2005.

36. See Action Against Hunger (ACF), Press Release, August 9 and December 4, 2006.

37. See ICRC, September 30, 2006.

attacked and members of the National Commission for Human Rights in Jaffa received death threats. Travel restrictions in the conflict zone were imposed on NGOs, as well as on the Office of the High Commissioner for Refugees and the SLMM. These restrictions and the attacks on humanitarian workers have led several organisations, including Oxfam, Care and Caritas, to suspend their humanitarian activities³⁸.

Furthermore, at the end of August 2006 a new circular was adopted, requiring all humanitarian workers to register not only with the Ministry of Social Protection but also with the Ministry of Defence. These measures, in addition to the Emergency Regulations promulgated in December 2006, the provisions of which may also impair the activities of humanitarian organisations³⁹, would aim to discourage NGOs from operating in the northern and eastern regions of the country.

In *Thailand*, violence continued despite the fact that the Prime Minister who was brought to power by the coup offered his apologies to the population in the southern provinces for the violent repressive policies of the previous government. In this context, Mr. Asan Yamaleh and Mr. Muhammad Dunai Tanyeen, two heads of village who had helped villagers victims of acts of violence in the southern provinces to submit their case to the authorities, were assassinated in October 2006.

Repression against defenders of economic, social and cultural rights

Defenders of the rights of minorities and of the rights to health, housing and land

In 2006, defenders of the rights of minorities and of the rights to health, housing and land continued to pay a heavy price for their activities in favour of the disadvantaged, and their opposition to powerful interest groups. The collusion, and sometimes the complicity of authorities in these increasing attacks remained a constant feature in the region.

In *Bangladesh*, defenders working on issues related to the rights of religious minorities were subjected to acts of harassment. For example,

38. See Forum-Asia.

39. See above.

on November 16, 2006, four journalists, Mr. Niamul Kabir Sajal of the *Dainik Prothom Alo*, Mr. Babul Hossain of the *Dainik Janakantha*, Mr. Mir Golam Mostafa of the *Dainik Shamokal*, and Mr. Nuruzzaman, a press photographer, were beaten by local militiamen and had to be taken to hospital after visiting a village in the district of Hatilet (in the north of Dakha) to investigate threats against the Ahmadiyah religious minority. They filed a complaint, and six of the aggressors were arrested, but their leader remained at large by the end of 2006⁴⁰.

In *Cambodia*, defenders were particularly targeted for their activities in the defence of the rights to land and natural resources: the sharp increase in land conflicts, with the rich and powerful people appropriating land belonging to the poor, was accompanied by an upsurge in threats and aggressions against activists and community representatives who defend the rights of their fellow citizens. Acts of repression against them ranged from verbal threats to physical aggressions, and they were also frequently prosecuted, often on the basis of the 2001 Land Act and the 2002 Forestry Act, and charged with violating the right to property. When released on bail, the charges held against the defenders remained pending indefinitely in order to deter them from pursuing their human rights activities. Moreover, Prime Minister Hun Sen decided, on March 15, 2006, to release all the villagers detained in connection with land conflicts, but many have been arrested again since then. The most serious threats were directed at those acting individually, without the support of an organisation⁴¹. Furthermore, in August 2006, Mr. You Saravuth, former editor-in-chief of the bi-weekly *Sralanh Khmer*, was granted asylum in Thailand by the High Commissioner for Refugees (HCR) after being prosecuted for “disinformation” and threatened by Mr. Okhna Hun Tho, a nephew of the Prime Minister, following the June 2006 publication of an article denouncing his involvement in the illegal seizure of land plots in the province of Mondolkiri⁴².

Likewise, NGOs were regularly prevented from observing peasant evictions. On June 6, 2006, human rights NGOs and members of

40. See Reporters Without Borders (RSF), November 22, 2006.

41. See LICADHO, *Attacks and Threats Against Human Rights Defenders in Cambodia Briefing Paper 2006*, December 2006.

42. See International Freedom of Expression eXchange (IFEX), September 15, 2006.

OHCHR were unable to go to Sambok Chab, in Phnom Penh, during a forced eviction operation that led to the arrest of eight villagers. Similarly, on June 29, 2006, two members of LICADHO were prevented from observing the forced eviction of 168 families in the village of Srae Ampel, Snaor, Ansnoul district in Kandal. They were arrested and briefly interrogated by the police, and were forbidden from taking pictures.

Furthermore, defenders attempting to help asylum-seekers were also subjected to threats and acts of harassment. In 2006, members of the Montagnard tribe continued to seek refuge in Cambodia due to the political and religious persecution they face in Vietnam. However, the authorities were constantly harassing defenders who tried to help asylum-seekers to contact the HCR. For instance, on August 31, 2006, Mr. Kong Sok, who had accompanied three Montagnard asylum-seekers to the HCR offices in Phnom Penh, was arrested on the premises by the police. He was placed in detention in the Prey Sar prison and sentenced to three months' imprisonment by the Phnom Penh Court on December 1, 2006 for having "helped or hidden" foreigners to enter Cambodia illegally.

In *China*, defenders denouncing forced evictions continued to be relentlessly repressed. Indeed, countless large-scale urban renovation projects in all large cities led to massive forced evictions. Protest movements considerably developed, and were violently suppressed. Repression was particularly severe against those considered to be the leaders of the protests, and the lawyers who defended them. Mr. Huang Weizhong for instance, a defender of peasants' rights in Putian, was found guilty of having "gathered a crowd with the intention of disturbing public order" by the Court of the Chengxiang district, and sentenced to three years' imprisonment on May 17, 2006. Likewise, Mr. Niu Yuchang, director of the "Sancundadi" Institute of Social Studies in Beijing, was placed under house arrest in July 2006 after having investigated and documented violations committed against peasants who had been protesting against their forced eviction since 2000. Mr. Niu Yuchang has been regularly detained, placed under house arrest or placed in a psychiatric hospital because of his activities⁴³.

In addition, activists involved in the fight against HIV/AIDS were often the victims of acts of harassment, because they raised the question

43. See CRD, June 20-August 13, 2006.

of the responsibility of the authorities in the development of the epidemic, in particular through contaminated blood transfusions. For example, Mr. Hu Jia, an HIV/AIDS activist in Shanghai and co-founder and former director of the Aizhixing Institute for Health Education, was detained from February 16 to March 28, 2006. In addition, on October 18, 2006, authorities from the autonomous region of Xinjiang ordered the closing down of Snow Lotus, an unregistered NGO fighting AIDS.

Lastly, the repression also applied to defenders of the right to the environment, whose activities threaten the economic interests of private actors, generally in collusion with local governments. For instance, Mr. Sun Xiaodi was briefly detained in April 2006. For the past 10 years, he has been denouncing the radioactive contamination caused by a uranium mine in the autonomous Tibetan Prefecture of Gannan (Gansu), and in particular the illegal reselling of contaminated material and the existence of illegal mining activities. Since then, he has been under constant police surveillance, and his wife and daughter have also been subjected to acts of harassment. In addition, on August 11, 2006, Mr. Tan Kai, one of the founders of the environmental NGO Green Watch, was sentenced to 18 months' imprisonment by the People's Intermediate Municipal Court of Hangzhou for "illegally obtaining State secrets".

In *India*, defenders fighting for the rights of people who have been displaced by the construction of dams on the Narmada River were also subjected to numerous reprisals. The dam would damage the ecosystem and force the displacement of millions of poor peasants belonging mainly to tribal fishing communities and to the Dalit caste. On April 5, 2006 for instance, Ms. Medha Patkar, founder and director of the Save the Narmada Movement (NBA), a coalition of local organisations hostile to dams in India, and Mr. Jamsingh Nargave, an NBA activist, were taken to a government hospital after a peaceful demonstration in Delhi, where they were detained for several days by the police. Furthermore, in December 2006, Ms. Medha Patkar was arbitrarily detained while demonstrating in support of the peasants and villagers of Digur, Hooghly district (Western Bengal), who were threatened with eviction because of the establishment of a car plant on agricultural land.

In *Malaysia*, 23 villagers and defenders of the right to housing were detained on November 20, 2006, while trying to defend the right to

housing of the poor populations of Kampung Berembang, in Jalan Ampang. Fifty families, who had lived there for over 30 years, were forcefully evicted and their houses were demolished in the framework of the Selangor government's "Zero squatters" policy.

Defenders promoting freedom of religion were also targeted, as the government gave instructions that the issue of religious freedom should not be discussed openly. Defenders also had to cancel certain conferences because of attacks from fundamentalist groups, Article 11, a coalition of thirteen NGOs, being a case in point.

In *Pakistan*, people committed to the defence of women's rights were increasingly targeted in the context of the heightened repressive actions of extremist groups⁴⁴.

In the *Philippines*, several peasant leaders were assassinated in 2006 in connection with conflicts linked to agrarian reforms. Such was the case of Mr. Antonio Adriaes, a peasant leader in San Isidro who was assassinated on January 10, 2006.

In *South Korea*, several demonstrations were organised in July 2006 to protest against the violent expropriation of land belonging to peasants in Daeuchuri (Pyungtaek region) and Doduri, in the framework of the expansion of the Camp Humphreys American base. On the last day of the protest, 45 demonstrators were arrested during the brutal dispersal of participants who had gone to the Pyungataek detention centre in order to request the release of Daechuri's village chief, who was detained and prosecuted for organising these "illegal" demonstrations⁴⁵.

In *Thailand*, where the perpetrators of past assassinations of defenders of the environment often enjoyed complete impunity⁴⁶, Mr. Thares Sodsri, a defender of the right to the environment in the Ban Kha district, Rachaburi province, disappeared on December 1, 2006. Two weeks earlier, Mr. Thares had handed the Minister for Natural Resources and the Environment a video recording showing the illegal working of a forest by a local political leader in Ratchaburi. Mr. Thares was also due to appear as a witness in the trial of several people suspected of forest encroachment.

44. See HRCP.

45. See Forum-Asia, vol. 2, n°2, second quarter, 2006.

46. See Compilation of cases below concerning the impunity for the assassination of Mr. Charoen Wat-aksorn.

Repression of trade union leaders

This year brought no respite for union leaders. Indeed, 2006 witnessed an upsurge in the number of cases of arbitrary arrests, aggressions, threats and acts of harassment against them.

In *Cambodia*, the increased repression of unions illustrated the deterioration of working conditions and workers' standards of living. While some strikes were tolerated, most were put down by force and followed by the arbitrary arrest of union leaders, who were accused of having "incited" the workers to go on strike. For instance, on June 13, 2006, Mr. Lach Sambo, Mr. Yin Khun, Mr. Sal Kimsan and Mr. Heng Samnang, members of the Free Trade Union (FTU) in a textile factory in the Ang Snoul district, were accused of "causing bodily harm" and "destroying property" by the Kandal Provincial Court. They received a suspended sentence of one year imprisonment and an eight million riel (1,500 euros) fine. On July 3, 2006, the three men were once again arrested in their homes by the police, accused of "illegal detention", and taken to the Kandal provincial prison. On August 7, 2006, they received an additional suspended sentence of three years' imprisonment. In addition, union leaders were also subjected to physical aggressions, like several FTU leaders in Phnom Penh.

In *China*, where union freedoms remained non-existent, it was extremely difficult for workers to defend their rights. For example, Mr. Yao Fuxin, a labour activist in the province of Lianoning, has been detained since March 2002 for "undermining State security" after having led a workers' demonstration in north-eastern China to protest against corruption and the non-payment of salary arrears.

In *Iran*, unions, which were increasingly present and active, were subjected to rising acts of repression. For instance, the members of the Union of Workers of the Tehran and Suburbs Bus Company (*Sherkat-e Vahed*) were especially targeted. Notably, in January 2006, the mayor of Tehran declared the union illegal, accusing its members of "sabotage" and "subversion". On January 27, 2006, around 100 members of the union were arrested, before being released in February. On November 19, 2006, Mr. Mansoor Osanloo, president of the union, and Mr. Ebrahim Madadi, vice-president, were arrested by plainclothes policemen. Mr. Osanloo was released on December 19, 2006 after paying a bail of 150 million toman (125,000 euros). Moreover, by the end of 2006, the legal proceedings against Mr. Mahmoud

Salehi, spokesman for the Organisational Committee to Establish Trade Unions and former president of the Saqez Bakery Workers' Union, against Mr. Mohsen Hakimi, a member of the Iranian Writers' Association, and against Mr. Jalal Hosseini, Mr. Bohran Divangar, and Mr. Mohammad Abdipoor, members of the Saqez Bakery Workers' Union, remained pending before the Court of Appeal.

In the *Philippines*, where the situation of union leaders remained very worrying, numerous union activists were the victims of extrajudicial killings in 2006, such as Mr. Napoleon Pornasodoro, secretary general of the South Tagalog Teachers for Development (STATEMENT) and a member of the National Council of the Alliance of Concerned Teachers (ACT), who was assassinated on February 27, 2006, and Mr. Sanito Bargamento, a member of the National Federation of Sugar Workers (NFSW), shot dead on September 2, 2006.

In *South Korea*, in July and August 2006, over 63 union members were arrested for taking part in a strike launched on July 1, 2006 by the "Pohang" trade union, an affiliate of the Korean Federation of Commerce and Industry Trade Unions (KFCITU), in order to request an increase in wages, a five-day workweek and better working conditions. On August 1, 2006, Mr. Ha Joong Keun, a member of KFCITU, died from the beatings he received from the anti-riot police on July 16, 2006 during a demonstration in support of a peaceful sit-in organised by the workers of the Pohang Steel Corporation (POSCO) on July 13, 2006⁴⁷. Members of the Korean Government Employees' Union (KGEU) were also subjected to relentless repression.

Ongoing repression against cyber-dissidents

In 2006, repression continued to escalate against cyber-dissidents, who use the Internet to promote human rights and democracy.

In *Burma*, the Internet policy remained even more repressive than the one in its Chinese and Vietnamese neighbours. In June 2006 for instance, the authorities clamped down on Internet telephone and chat services with a twofold aim: first, to safeguard the long distance telephone market, which up until now has been controlled by State-

47. See International Confederation of Free Trade Unions (ICFTU), Press Release, August 8, 2006, and KCTU.

owned companies; and second, to prevent cyber-dissidents from using a communication tool that is difficult to wire-tap⁴⁸. Authorities, who already blocked access to the mail services of Yahoo! and Microsoft (Hotmail), wanted to force Burmese users to use Mail4U accounts, which are managed by Myanmar Teleport, a State company that filters and controls mail content. At the end of May 2006, when Ms. Aung San Suu Kyi's house arrest was extended, the Internet was completely cut off in Burma. Only the local sites of Myanmar Wide Web, a national Intranet composed of sites approved by the regime, were accessible at that time. Furthermore, owners of cyber cafés were forced to request their clients' identity papers and to install a software that captures the screen every five minutes in order to monitor users' activities. Burmese authorities also ordered the filtering of independent online newspapers, of websites committed to the defence of human rights or the promotion of democracy, and of publications supporting the claims of the Karen people (an ethnic group living in the eastern part of the country that is fighting the junta). Lastly, under a law passed in 2000, expressing oneself online on political issues and publishing texts that "could undermine the interests of the Union of Myanmar" or that are "directly or indirectly harmful to the State's security policy" can incur a penalty of six months' imprisonment⁴⁹.

In *China*, following the publication, in September 2005, by the State Council Information Bureau and the Ministry of Information (MII) of the "eleven commandments" to be observed for blogs and the Internet in China, the control of the Internet and the surveillance of bloggers and operators of websites intensified in 2006. On January 25, 2006 for instance, Google Inc. launched *Google.cn*, a Chinese version of its search engine that filters and censors search results relating to terms considered to be politically sensitive by Chinese authorities⁵⁰. Furthermore, a recrudescence of the censorship of online publications was observed in 2006, as the authorities did their utmost to silence cyber-dissidents by closing down their publications⁵¹ and accused pro-

48. See RSF, November 2006.

49. See RSF, July 4, 2006.

50. See HRIC, January 2006.

hibited websites of being implicated in criminal activities. These new efforts to control the media were likely to be a government's response to popular discontent following the denunciation of several cases of public scandals involving land seizures, corruption and environmental hazards. The Ministry of Public Security, quoted by the official news agency *Xinhua*, reportedly declared that it had closed down over 320 "illegal websites" and suppressed 15,000 "dangerous" elements on the Internet from September 6 to 8, 2006. While most of them seemed to have been actually implicated in criminal activities such as the online sale of arms, explosives and narcotics, and online gambling and swindling, several were closed down for political reasons. For instance, on July 25, 2006 the Beijing government closed down the *Century China* website, which served as a public forum for discussions on political, social and cultural issues. The website had been in operation for six years, and was used in particular by lawyers and defenders inside and outside China in order to promote freedom of expression⁵².

Finally, on September 10, 2006, the official press agency *Xinhua* published the Measures for Administering the Release of News and Information in China by Foreign News Agencies, which immediately came into force⁵³, replacing the 1996 regulations. In particular, these measures give a list of the kinds of information that must not be published, including those that could endanger China's national security, its reputation and its interests, or those that promote themes that Chinese law prohibits. These measures also empower *Xinhua* to select which items will be disseminated and to prohibit foreign news agencies from directly soliciting subscribers.

In *Iran*, thousands of blogs and millions of websites continued to be filtered in 2006, and since the summer of 2006, censors seemed to have concentrated their efforts on publications dealing with women's rights⁵⁴. Furthermore, on November 27, 2006, the Council of Ministers decided that all websites reporting about Iran should register with the Ministry of Culture within a period of two months. This new regula-

51. According to HRIC, the Information Centre for Human Rights and Democracy announced that Chinese authorities had drawn up a "blacklist" containing the names of around 20,000 cyber-dissidents.

52. See CRD.

53. See HRIC, September 11, 2006.

54. See RSF, November 2006.

tion, which seems difficult to apply, should mainly allow authorities to justify the closure of independent information websites.

Furthermore, several bloggers and cyber-dissidents were arrested, including Mr. Arash Sigarchi, editor-in-chief of the daily newspaper *Gylan Emroz*, who has been detained since January 26, 2006⁵⁵. Three days earlier, he had been sentenced to three years' imprisonment for "insulting the Supreme Guide" and "propaganda against the regime".

In *Malaysia*, the Minister for Science and Technology, Mr. Kong Cho Ha, declared on December 3, 2006 that the government intended to introduce regulations designed to prevent "malicious use" of the Internet and the circulation by bloggers of information undermining the "social harmony" of the country. Mr. Kong Cho Ha clearly showed his determination to regulate information published by bloggers, although this is usually handled by the Ministry of Energy, Water and Communications. The government was also planning to require bloggers to register with the Ministry of Information. While Mr. Kong Cho Ha recognised that the system would be difficult to implement, he nevertheless wanted to incite Malaysian bloggers who dared to criticise the government to remove their publication or to apply self-censorship⁵⁶.

In *Thailand*, on November 15, 2006, the National Legislative Assembly (NLA) approved the principle of a bill authorising legal proceedings against authors of offences committed with a computer, which will likely reduce freedom of expression on the Internet. The Bill, which aims primarily at punishing computer hacking and pornography, also introduces safeguards linked to national security (Article 13), law and order and the reputation of individuals. In the absence of clear definitions, these provisions could lead to abuse, in particular with regard to any position critical of the government. As of the end of 2006, the Bill had been approved by the Cabinet, but had not yet been submitted to the NLA⁵⁷.

In *Vietnam*, the authorities pursued their repression campaign against freedom of expression and cyber-dissidents⁵⁸. For instance, on August 18, 2006, Mr. Truong Quoc Huy was questioned by security

55. See RSF.

56. See RSF, December 4, 2006.

57. See IFEX, November 17, 2006.

58. See Vietnam Committee for the Defence of Human Rights.

services in a cyber café in Hô Chi Minh City. Arrested a first time in October 2005, the young man had already spent nine months in prison for having participated in pro-democracy discussion forums. He was again accused of “attempting to overthrow the government”. His brother, Mr. Truong Quoc Truan, was also arrested and questioned by the police. He was released the next day and was under house arrest by late 2006⁵⁹.

Moreover, on July 1, 2006, Decree no. 56/2006/ND-CP on “administrative sanctions in the field of culture and information”, signed on June 6, 2006 by Prime Minister Phan Van Khai, came into force. The decree came a few months after corruption scandals involving the highest levels of the State and of the Party, as well as subsequent demands by Prime Minister Phan Van Khai to punish the news agencies and journalists who had revealed the scandals. This text, which makes it possible to sanction behaviours that are outside the scope of the Criminal Code, punishes with heavy fines up to 30 million dong (about 1,400 euros) the circulation by whatever means (Internet, radio, printed material, etc.) of information with “harmful content”, without any definition being provided. Under Article 7, any person using the Internet to circulate press releases, information or online newspapers without prior authorisation is liable to a fine of up to 20 million dong (945 euros), and up to 30 million dong if printed material, radio broadcasts, etc. are involved. Likewise, under Article 21, the divulgence of “State or Party secrets” in the broadest sense of the term, and the spreading of “reactionary ideology” are severely punished (30 million dong). Article 17 of the Decree refers specifically to the Internet and sets up a regime of prior authorisation for browsing the Internet or for sending electronic mail, as cyber café clients must inform (being fined if they fail to do so) the owner of the establishment (who is himself liable) of the content of what they consult, send or put on their websites. Failing to do so, they can incur a fine⁶⁰.

At the same time, on July 1, 2006, Vietnamese authorities launched

59. See RSF, August 22, 2006.

60. Under Article 17, any person posting “harmful” information that could have “serious” consequences is liable to a fine of up to 25 million dong, and Internet users who send or receive such “harmful” information, or who circulate information that is not authorised by the State are liable to a fine from three to ten million dong. Authorities can also confiscate computers and suspend Internet accounts for 90 to 180 days. Access providers and cyber cafés who authorise their clients to access “harmful” information are liable to a fine of one to three million dong.

a vast three-month campaign to control access providers, cyber cafés, hotels, and any place providing access to the Internet.

Lastly, Prime Minister Nguyen Tan Dung reasserted the need to control and repress, among others, websites “breaking the law” and “disclosing State secrets”⁶¹.

Mobilisation for the regional and international protection of defenders

United Nations (UN)

In her report to the 62nd session of the Commission on Human Rights⁶², which she finally delivered to 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 Secretary General on the situation of human rights defenders, indicated that 23.87% of her communications concerned Asian countries in 2005⁶³. Ms. Jilani also emphasized that her requests to visit *Bhutan, India, Indonesia*⁶⁴, *Malaysia, Nepal, Pakistan* and *Singapore* remained unanswered.

In her annual report presented during the 61st session of the General Assembly⁶⁵, Ms. Jilani focused on the right to freedom of assembly. Among others, she denounced the travel restrictions imposed by authorities on defenders wishing to attend international events, as for instance in *Pakistan*.

On January 4, 2006, Ms. Louise Arbour, High Commissioner for Human Rights, expressed her deep regret that in *Cambodia*, Mr. Kem Sohka, president of the Cambodian Centre for Human Rights (CHR), and Mr. Yeng Virak, director of the Community Legal Education Centre (CLEC), were arrested on December 31, 2005 on charges of “defamation”⁶⁶. Ms. Arbour also reminded the government of Cambodia of its duty to respect and guarantee the freedoms of

61. See Directive 37/2006/CT-TTg, of November 29, 2006, in application of the Politburo Circular 41-TB/TW of October 11, 2006, on measures for “guiding and directing the press”.

62. See United Nations Document E/CN.4/2006/95.

63. See United Nations Document E/CN.4/2006/95/Add.1.

64. However, during the 2nd session of the Council, Indonesia orally announced that the Special Representative would be invited in 2007.

65. See United Nations Document A/61/312.

66. See Compilation of cases below.

expression, association and assembly⁶⁷.

On May 30 and June 29, 2006, Ms. Hina Jilani and Mr. Miloon Kothari, Special Rapporteur on adequate housing, deplored the evictions that had taken place near the Bassac River, in Phnom Penh, and the intervention of municipal authorities to prevent NGOs from distributing tents and humanitarian assistance to families who were left homeless⁶⁸.

On February 3, 2006, the Office of the High Commissioner for Human Rights (OHCHR) in *Nepal* called for the immediate release of all detainees arrested in the framework of the Public Security Act (PSA) for “exercising their right to freedom of peaceful assembly or expressing their political opinion”, and called on the Nepalese government to respect the freedoms of expression and of peaceful assembly⁶⁹. On April 11, 2006, the OHCHR in Nepal once again deplored the security forces’ excessive use of force during public demonstrations in the Kathmandu Valley and in Biratnagar, Polhara and Nepalgunj⁷⁰. On April 13, 2006, the High Commissioner for Human Rights also said she was shocked by the excessive force used by security forces in Nepal, and also by the considerable recourse to arbitrary detentions, in violation of the right to the freedom of peaceful assembly⁷¹.

On April 20, 2006, Mr. Philip Alston, Special Rapporteur on extra-judicial, summary or arbitrary executions, Ms. Hina Jilani, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedoms of opinion and expression, Mr. Manfred Nowak, Special Rapporteur on torture, and Ms. Leïla Zerrougui, Chairperson-Rapporteur of the Working Group on arbitrary detention, declared that they were deeply disturbed by the wave of increasing violence that accompanied, on both sides, demonstrations in Nepal. They also denounced the arbitrary detention of several peaceful demonstrators, among them numerous human rights defenders⁷².

On March 23, 2006, Mr. Ambeyi Ligabo welcomed the release of

67. See United Nations Press Release, January 4, 2006.

68. See United Nations Press Releases, May 30 and June 29, 2006.

69. See United Nations Press Release, February 3, 2006.

70. See United Nations Press Release, April 11, 2006.

71. See United Nations Press Release, April 13, 2006.

72. See United Nations Press Release, April 20, 2006.

Mr. Akbar Ganji, a journalist detained since April 2000 in the Evin prison in Tehran (*Iran*)⁷³.

Furthermore, during its 61st session in November 2006, the UN General Assembly adopted a resolution on the human rights situation in the Islamic Republic of Iran, in which it declared itself deeply concerned by the “continuing harassment, intimidation and persecution of human rights defenders, non-governmental organisations [...], journalists, webloggers, including through restrictions on the freedoms of assembly, conscience, opinion and expression [...], by the undue blocking of Internet sites, and restrictions on the activities of trade unions and non-governmental organisations”, and invited the Iranian government to “end the harassment, intimidation and persecution of [...] human rights defenders”⁷⁴.

In a press release issued on April 13, 2006, Ms. Hina Jilani, Mr. Miloon Kothari and Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, stated that they were deeply concerned by reports that the police had apparently exercised indiscriminate, excessive and disproportionate force against demonstrators who protested, on April 5, 2006, against the project to raise the height of the Sardar Sarovar dam in *India*. They also expressed concern regarding the hunger strike started on March 29, 2006 by three members of the Save the Namarda Movement (NBA)⁷⁵.

On May 23, 2006, Ms. Louise Arbour expressed her concern regarding the escalation of violence in *Sri Lanka*, in particular the increase in the number of civilians killed, including members of humanitarian agencies, and “the recent threats and obstruction to the work of the Sri Lanka Monitoring Mission (SLMM)”⁷⁶. Likewise, on August 11, 2006, Ms. Hina Jilani and Mr. Jean Ziegler, Special Rapporteur on the right to food, declared themselves “shocked and alarmed by the recent intensification of violence in Sri Lanka, culminating in the brutal murder of 17 humanitarian workers, members of *Action Contre la Faim*, on Sunday, August 6”⁷⁷.

On June 7, 2006, Mr. Paulo Sergio Pinheiro, Special Rapporteur on

73. See United Nations Press Release, March 23, 2006.

74. See Resolution A/C.3/31/L.41.

75. See United Nations Press Release, April 13, 2006, and Compilation of cases below.

76. See United Nations Press Release, May 23, 2006.

77. See United Nations Press Release, August 11, 2006, and Compilation of cases below.

the situation of human rights in *Myanmar*, welcomed the release, the preceding day, of Ms. Su Su Nway, who had prosecuted high-level officials of the local government for imposing forced labour. She had been detained since October 2005, accused by the same officials of “criminal intimidation”⁷⁸.

During its 88th session, held from October 16 to November 3, 2006, the United Nations Human Rights Committee adopted its conclusions following the examination of the third periodic report of *South Korea*. The Committee expressed “its concern at the significant number of senior public officials who are not permitted to form and join trade unions and at the State party’s unwillingness to recognise certain trade unions, in particular, the Korean Government Employees’ Union (KGEU)”⁷⁹, and recommended that “the State party should reconsider its position vis-à-vis the rights of association of senior public officials, and engage in dialogue with the representatives of the 76,000 KGEU members with a view to ensuring the realization of their right of association”⁸⁰.

European Union (EU)

In 2006, the European Union denounced on several occasions the situation of human rights defenders in a number of Asian countries.

For instance, in its Declaration of January 16, 2006, the EU Presidency expressed its “concern over the continuing use of defamation law suits by the Royal Government of Cambodia against members of the opposition, media, trade unions and NGOs resulting in their arrests. This disturbing trend culminating in the arrest of the Director of the Cambodian Center for Human Rights on 31 December 2005, and other human rights defenders has the cumulative effect of a targeted intimidation campaign against NGOs and human rights defenders in Cambodia”. It also appealed “to the Cambodian government to refrain from law suits resulting in the criminal prosecution for accusations regarded as defamatory”. The European Union also welcomed “the decision to release Mr. Yeng Virak from prison on 11 January and expresse[d] the hope that all others arrested following

78. See United Nations Press Release, June 7, 2006.

79. See Compilation of cases below.

80. See United Nations Document CCPR/C/KOR/CO/3/CRP.1.

the events at the Human Rights Day ceremony on 10 December 2005 will also be released”⁸¹. Likewise, in a resolution adopted on January 19, 2006, the European Parliament stated that it was “deeply concerned about the recent arrests and prosecutions (...)” and took due note “of the above mentioned release of recently arrested human rights activists and call[ed] for the annulment of all charges against them; and ask[ed] for the annulment of all charges and arrest warrants issued against human rights defenders who are not currently detained”. Lastly, it requested “all acts of intimidation and harassment of human rights activists in Cambodia to be halted”⁸².

On January 20, 2006, the EU condemned “those who perpetrated the attack at the offices of the *Sri Lanka* Monitoring Mission (SLMM) in Batticaloa on 13 January” and called upon “the parties to the Ceasefire Agreement to ensure the security of the SLMM in order to allow the mission to fulfil its mandate”⁸³. On August 17, 2006, the EU Presidency expressed its “concern about the working conditions of the NGOs in Sri Lanka, and call[ed] on the government to support their work(...)”, “in the light of the killing of the 17 aid workers in Muthu”⁸⁴. Finally, on October 26, 2006, the EU requested all parties to the conflict to “guarantee the security of the personnel [of the SLMM]”, expressed its “deep concern about the allegations of both sides committing highly serious human rights abuses, including killings of NGO workers”, and urged “the parties to guarantee free and safe access for NGOs and international organisations to help civilian population and communities in need of essential humanitarian assistance (...)”⁸⁵.

On January 27, 2006, the EU called upon “the King, the Government of *Nepal* and the Security Forces (...) to immediately release all political prisoners and human rights defenders, and ensure that political and civil rights, including freedom of assembly and freedom of speech, can be exercised peacefully”⁸⁶. Furthermore, on April

81. See Declaration by the EU Presidency on the deterioration of the political situation in Cambodia, January 16, 2006.

82. See European Parliament Resolution P6_TA(2006)0032, January 19, 2006.

83. See Declaration by the EU Presidency on the situation in Sri Lanka, January 20, 2006.

84. See Declaration by the EU Presidency on Sri Lanka, August 17, 2006.

85. See Declaration by the EU Presidency on peace talks in Sri Lanka, Press Release 430/2006, October 26, 2006.

21, 2006, the EU Presidency “roundly condemned the use of (...) excessive measures by Government forces to curb pro-democracy protests in Kathmandu and elsewhere in Nepal”⁸⁷. For its part, in a Resolution adopted on May 18, 2006, the European Parliament stressed that “all political prisoners, including journalists and human rights activists, should be released” and welcomed the fact “that the government ha[d] already repealed a number of controversial royal ordinances curbing press freedom and controlling non-governmental organisations”⁸⁸.

Regarding the situation of defenders in *China*, the EU Presidency welcomed, on March 15, 2006, the release of Mr. Xiao Yunliang on February 23, 2006⁸⁹, stressing that “Xiao Yunliang had been arrested and sentenced together with Yao Fuxin. Whilst Xiao has been released, Yao Fuxin is still serving a sentence. The EU would like to reiterate its concerns about his health, his treatment and the way the judgement was arrived at”⁹⁰. For its part, the European Parliament expressed its concern at the censorship of the Internet in the country on the eve of a EU-China Summit on September 9, 2006 in Helsinki⁹¹. The same day, the Parliament adopted a Resolution on EU-China relations, in which it “(...) call[ed] on the Chinese government to recognise and to guarantee the basic right to freedom of expression and association and the right to strike” and “deplore[d] the recent crackdown by Chinese officials on defence lawyers aimed at stamping out legal challenges to their authority; call[ed] upon the Chinese authorities to reveal the whereabouts of human rights lawyer Gao Zhisheng, (...) who is held on suspicion of criminal activity, and to release him unless he is to be charged with a recognised criminal offence; similarly call[ed] for the release of Chen Guangcheng, a peasants’ rights advocate (...) who was sentenced to more than four years in prison”⁹². The Parliament also urged “the authorities to ensure that all human rights defenders can carry out peaceful and legitimate

86. See Declaration by the EU Presidency on the political situation in Nepal, January 27, 2006.

87. See Declaration by the EU Presidency on the current situation in Nepal, April 21, 2006.

88. See European Parliament Resolution, May 18, 2006.

89. See Compilation of cases below.

90. See Declaration by the EU Presidency on the release of Yu Dongyue and Xiao Yunliang, March 15, 2006.

91. See Initiative Report of the European Parliament, September 7, 2006.

92. See Compilation of cases below.

activities without fear of arbitrary arrest, torture or ill-treatment and that they be given access to proper legal representation in the event of arrest” and expressed “deep disquiet at the current clamp-down (...) on freedom of expression and free access to the Internet” before condemning “the Internet censorship law passed by the National People’s Congress”. It called, in particular, “for the *AsiaNews.it* site to be allowed back onto the Web without delay – or in any event no longer be blacked out – (...), being an excellent source of information about Asia and human rights advocacy (...)”⁹³.

The issue of freedom of expression was a priority during the 21st round of the EU-China Human Rights Dialogue, which took place on May 25 and 26, 2006, “following worrying trends in China towards more restrictions in the media and on the Internet, arrests and intimidation of journalists and individuals, as well as closure of newspapers”. There was also discussion on the situation of non-governmental organisations in China.⁹⁴ Similarly, on the occasion of the 22nd meeting of the EU-China Human Rights Dialogue on October 19, 2006, which was preceded by a legal seminar on October 16-17 where labour rights and freedom of access to information were the main topics, “the EU expressed its deep concern over the continuing restrictions on freedom of expression in China, including on the use of the Internet. The EU further expressed concern on the high number of human rights defenders, lawyers and journalists in prison and urged China not to harass or punish individuals exercising their right to freedom of expression in a peaceful manner”⁹⁵.

In a resolution on *Bangladesh* on November 16, 2006, the European Parliament condemned “the physical attacks on journalists, NGO staff, trade unionists and others, (...)”⁹⁶.

On March 20, 2006, the EU Council welcomed “the release of Akbar Ganji on 17 March”, in *Iran*, while condemning “his detention and treatment while in prison” and also “the violence used against peaceful protesters on International Women’s Day”⁹⁷. In addition, the

93. See European Parliament Resolution P6_TA(2006)0346, September 7, 2006, and Compilation of cases below.

94. See EU Presidency Press Release “21st round of EU-China dialogue on human rights”, May 26, 2006.

95. See EU-China Human Rights Dialogue, October 20, 2006.

96. See European Parliament Resolution on Bangladesh, P6_TA-PRO(2006)0502.

EU expressed “alarm about the indictment of the human rights defender Abdolfattah Soltani”⁹⁸ and called on “Iranian authorities to respect Mr. Soltani’s right to a fair and public hearing by a competent, independent and impartial tribunal established by law”. The EU also deplored “that Abdolfattah Soltani ha[d] been disbarred from holding his elected position in the Iranian Bar Association” and asked “the competent bodies to reconsider this decision”⁹⁹. On August 24, 2006, the EU expressed grave concern “about the situation of the Iranian human rights defenders after the reported death on 31 July of a student activist Mr. Akbar Mohammadi (...) as a result of a hunger strike while in custody in Evin prison serving his fifteen year sentence (...) for his participation in peaceful student demonstrations”. The EU also expressed “grave concern regarding the harsh treatment of (...) all human rights defenders in Iranian prisons”¹⁰⁰. For its part, the European Parliament, in a Resolution adopted on November 16, 2006¹⁰¹, stressed “that the Centre for Defence of Human Rights (CDHR), co-founded by the 2003 Nobel Peace Prize laureate Shirin Ebadi and provider of pro-bono legal defence to Zahra Kazemi, Akbar Ganji and Abdolfatah Soltani, was declared an illegal organisation by President Ahmadinejad in August 2006 and that the Ministry of the Interior has threatened those who continued their activities with prosecution”, and “that demonstrations for legal reforms to end discrimination against women have been broken up and participants have been arrested, although later released again”. Considering that “according to reports, the Iranian authorities are increasingly filtering Internet sites and blocking access to several dozen online publications and political, social and cultural weblogs”, it also expressed particular concern “about the increasing reports of arbitrary arrests of and threats against journalists, cyber-journalists and bloggers”. While welcoming the release of Mr. Akbar Ganji, it “remain[ed] concerned about the fate of the lawyer Saleh Kamrani, who defended Azeri Turks in a law suit and disappeared on 14 June 2006”. Condemning “the arrests

97. See Conclusions of the 2719th meeting of the Council (External Relations) on Iran, March 20, 2006.

98. See Compilation of cases below.

99. See Declaration by the EU Presidency, May 5, 2006.

100. See Declaration by the EU Presidency, August 24, 2006.

101. See European Parliament Resolution on Iran, P6_TA-PROV(2006)0503.

and imprisonment of cyber-journalists and bloggers and the parallel censorship of several online publications, blogs and Internet sites (...)", the Parliament also called for "the release of all imprisoned journalists and bloggers".

Lastly, on December 13, 2006, the EU strongly condemned "the re-arrest of Mansour Osanloo, the president of the Syndicate of Workers of Tehran and Suburbs Bus Company, which appears to be without credible justification"¹⁰².

On May 26, 2006, the EU expressed its concern that "over the last months, the *Maldivian* security forces have repeatedly cracked down on peaceful gatherings in Male". It was in particular "very concerned over recent numerous arrests of peaceful demonstrators by security forces"¹⁰³.

On the same day, the EU urged the State Peace and Development Council (SPDC) of *Burma* "to cease its harassment of politicians and human rights defenders [and] to lift restrictions on freedom of speech and assembly"¹⁰⁴. On December 5, 2006, the EU Presidency expressed its dismay "that the government of Burma/Myanmar has ordered the International Committee of the Red Cross (ICRC) to close its five field offices in the country", before encouraging "the government of Burma/Myanmar to reconsider its decision (...) and allow the full resumption by the ICRC of its humanitarian operations in line with its mandate and mission"¹⁰⁵.

Finally, in its Annual Report on Human Rights, the EU stressed that in *Thailand* "various disappearances have not been solved, including the case of the human rights lawyer Somchai Neelaphaijit". The EU also mentioned having "focused (...) on the situation of women human rights defenders" in China. Furthermore, the EU deplored "the extra-judicial killings [of political activists, journalists, human rights defenders, judges and lawyers]" in the *Philippines*. Lastly, the EU added that "freedom of expression [was] severely restricted" in *Iran*, and that "human rights defenders (...) continued

102. See Press Release 16690/06 (Press 364) of the Council of the European Union, December 13, 2006.

103. See Declaration by the EU Presidency, May 26, 2006.

104. See Declaration by the EU Presidency on Burma/Myanmar, May 26, 2006.

105. See Declaration by the EU Presidency on the closure of ICRC field offices in Burma, December 5, 2006.

to report harassment and intimidation”¹⁰⁶.

Civil society

On March 3 and 4, 2006, the Women’s Rehabilitation Centre (WOREC) organised a national conference on women defenders in Lalitpur, Nepal, in order to promote the issue of women defenders at the national level and to make their work more visible¹⁰⁷.

In 2006, several sub-regional forums were organised by Forum-Asia, in cooperation with other NGOs in the region. On June 6 to 8, 2006, the first Human Rights Defenders’ Forum of Southern Asia (HRDF-SA) was held in cooperation with INSEC, in Dhulikhel (Nepal). Sixty-one representatives from *Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, Sri Lanka*, as well as *Cambodia* and *Tibet* attended. Likewise, the first Forum of Human Rights Defenders of North-East Asia (NEA-HRDF) was held in Nukht, Ulaanbaatar (Mongolia), from August 16 to 20, 2006, with the collaboration of the Centre for Human Rights and Development (CHRD), in order to discuss the promotion of economic, social and cultural rights, and the right to development. From November 14 to 18, 2006, the first Forum of Human Rights Defenders of South-East Asia was held in Phnom Penh (Cambodia), on the initiative of Forum-Asia and LICADHO, in cooperation with ADHOC. The meeting was attended by 33 regional activists (*Aceh, Burma, Cambodia, East Timor, Indonesia, Malaysia, Philippines, Singapore, Thailand*) and around fifty Cambodian defenders. Special attention was paid to defenders who assist victims of land conflicts and to restrictions to freedoms of association, expression, movement, assembly and access to information in these countries. Lastly, on November 28 and 29, 2006, Forum-Asia organised a second Forum of Human Rights Defenders in Asia, in which the Observatory participated. On that occasion, participants celebrated the first International Women Defenders’ Day on November 29, 2006.

The 11th Annual Meeting of the Asia-Pacific Forum on National

106. See EU Council Document 13522/1/06 REV 1, October 4, 2006.

107. See www.defendingwomen-defendingrights.org/kathmandu.php.

Human Rights Institutions (APF) took place from July 31 to August 3, 2006, in Suva, Fiji¹⁰⁸. On that occasion, NGOs and national institutions were able to exchange views on the topic of human rights defenders during a seminar organised by the Fijian Commission for Human Rights, in collaboration with the Women's Crisis Centre (FWCC), Forum-Asia, Asia Pacific Women, Law and Development (APWLD) and the International Service for Human Rights (ISHR).

108. See Human Rights Features, HRF/147/06, August 15, 2006.

HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

BANGLADESH

Lack of investigation into the assassination of two members of Christian Life Bangladesh¹

As of the end of 2006, the investigation into the assassination of Mr. **Liplal Marandi** and Mr. **Tapan Kumar Roy**, two employees of the international NGO Christian Life Bangladesh, was still under way and the police had not submitted any charge sheet.

On July 29, 2005, Mr. Liplal Marandi and Mr. Tapan Kumar Roy were murdered in the village of Dopapara, Boalmari Upazila, Faridpur district.

End of acts of harassment against PRIP Trust²

In 2006, the funds granted by the European Union's "SMILING" project to the Private Rural Initiatives Project TRUST (PRIP Trust), an NGO working on humanitarian and social issues and for minority rights in Bangladesh, were finally released. The funds had been held up by authorities since 2002.

On March 29, 2005, the government had announced that it gave permission to the NGO to take part in the "SMILING" project. Furthermore, on April 25, 2005, the English-speaking daily *New Age* had announced that "the government decided to release eight million euros to PRIP Trust, whose funds have been held up".

Since April 2002, the NGO had been deprived of this important source of funding and was surviving on technical capacity building assistance from NGOs, thanks to the support of certain donors.

1. See Annual Report 2005.
2. *Idem*.

Ongoing acts of harassment against HRCBM members³

In 2006, the members of the Human Rights Congress for Bangladesh Minorities (HRCBM) continued to be the victims of ongoing acts of harassment.

On March 16, 2006, Mr. **Rabindra Gosh**, president of HRCBM in Dhaka and a member of Global Human Rights Defence (GHRD), Mr. **Kamal Dey** and Mr. **Mohammad Sohel**, also GHRD members, were arbitrarily detained for four hours at Narayanganj police station. A police officer confiscated Mr. Dey's camera because he was filming an interview with the police superintendent at the station and pushed him down the stairs, causing a leg injury. Mr. Rabindra Gosh, Mr. Kamal Dey and Mr. Mohammad Sohel had come to the police station to denounce abuses against Fatullah minorities. In response, the police superintendent asked them why they were not defending Muslims or human rights in other countries, and threatened to arrest them for recording the interview. Mr. Rabindra Gosh had also come to file a complaint against two police officers who had allegedly tried to bribe him in order to obtain his silence on March 11, 2006 while he was carrying out an investigation into an attack against a young Hindu by members of the Bangladesh Nationalist Party (BNP).

The camera was given back to them after four hours in detention and a visit by the Narayanganj Prosecutor, but the film had been erased.

Lastly, on November 23, 2006, Mr. Gosh called the deputy police superintendent in Jatrabri, Dhaka, to enquire on the progress of the investigation into the murder of a young Hindu. He was told that “[he] would have to deal with the consequences if [he] continued to interfere in the murder”.

New repression campaign against *Proshika*⁴

In 2006, the government launched a new repression campaign against *Proshika*, a development NGO working on women's rights and voter education, notably by offering micro-credits. *Proshika* has been targeted by the authorities since the BNP's electoral victory in October 2001. In particular, the authorities accused it of participating

3. *Idem.*

4. *Idem.*

in political activities, without being able to provide evidence to support these accusations.

In September 2006, the government prohibited protests or assemblies around the Prime Minister's office in Dhaka for 24 hours, where a coalition of 14 opposition parties had planned a sit-in on September 12, 2006 to call for the reform of the electoral commission, free elections and the end of the caretaker government. A large protest was also organised for September 18, 2006. *Proshika* had planned to send a large delegation to both events.

From September 8, 2006 onwards, several hundred *Proshika* members were arrested, including the deputy director, Mr. **Rajshahi Sirajul Islam**, who was arrested without a warrant. Most of the members were accused of "theft", "subversion" or "sedition".

Moreover, on September 11, 2006, 200 sections of the organisation were allegedly closed by police officers and members of government agencies. Some offices were ransacked and many documents were destroyed.

On September 11 and 12, 2006, 17 of its leaders were allegedly arrested, notably in Rajshahi, Manikganj, Kishoreganj and Raipur in the Luxmipur district, including six executives of the Chittagong section of *Proshika*, Mr. **Quamruzzaman**, Mr. **Md Hasan**, Mr. **Md Tayab**, Mr. **Mohiuddin**, Mr. **Noor Mohammad** and Mr. **Niladri Barua**. The deputy director of the Kishoreganj section was also arrested.

Following this wave of arrests, many *Proshika* leaders decided to go into hiding.

By the end of 2006, no further information had been made available about the situation of the people who had been arrested.

BURMA

Sentencing and arbitrary detention of Mr. Ko Win Ko and Mr. Phyo Zaw Latt⁵

On October 6, 2006, Mr. **Ko Win Ko** and Mr. **Phyo Zaw Latt**, two human rights defenders from Moenyo (Bago), were stopped at Letpadan station by a dozen policemen and members of the Union

5. See Urgent Appeal MMR 001/1206/OBS 147.

Solidarity and Development Association (USDA), a pro-governmental organisation. Both men were on their way to Rangoon to present to the government a petition calling for the release of a group of political prisoners who had been arrested on September 27 and 30, 2006.

Mr. Ko and Mr. Phyo were arrested and taken to the Letpadan police station as soon as the police found the petition on them. Two USDA members also claimed that they had found stubs of illegal lottery tickets in Mr. Ko's bag. He was accused of "resisting to the forces of order during an arrest" (Section 353.3 of the Criminal Code) and "illegal betting" (Section 15a and 16a of the Law on Gambling). Mr. Phyo was detained without charges.

On October 19, 2006, Mr. Ko's lawyer went to court to attend his client's hearing. However, he was informed upon his arrival that Mr. Ko had been sentenced to three years in prison the day before.

On October 22, 2006, Mr. Phyo was released for good behaviour and almost immediately rearrested on his way home. That same day, both men were charged with "deceit" and "counterfeiting" (Sections 420, 465 and 468 of the Criminal Code).

On November 9, 2006, Mr. Ko and Mr. Phyo were sentenced to 14 years in prison by the Tharawaddy Court, without their lawyers present. Their families were not informed of the hearing.

CAMBODIA

Ongoing detention of Mr. Sok Sam Oeun and Mr. Born Samnang⁶

As of the end of 2006, Mr. **Sok Sam Oeun** and Mr. **Born Samnang** were still being detained in Prey Sar prison for the death of Mr. **Chea Vichea**, president of the Free Trade Union of the Workers of the Kingdom of Cambodia (FTUWKC), who was shot dead on January 22, 2004. They were transferred to Prey Sar prison in the fall of 2006.

In a trial marred with irregularities, Mr. Sok and Mr. Born were found guilty of murder on August 1, 2005 and were sentenced by the Phnom Penh Municipal Court to 20 years' imprisonment and a fine

6. See Annual Report 2005.

of 3,800 dollars in compensation and interests. Mr. Chea Mony, the brother of the victim and president of FTUWKC, stated that he would refuse the money because he had his doubts as to whether the two men were guilty.

On October 21, 2005, Mr. Sok and Mr. Born filed an appeal after having asked for an amnesty from King Norodom Sihamon.

On July 25, 2006, the secretary of the Ministry of Justice wrote to Mr. Chea Mony that more evidence would be required to reopen the investigation.

In this respect, on August 10, 2006, Ms. Var Sothy, owner of the newspaper stand in front of which Mr. Chea Vichea was murdered, gave a detailed witness statement stating the innocence of the two men and describing the murder, the murderer and his accomplice, their car, etc. The statement was given from abroad, as she left the country, fearing for her life.

In August 2006, the police officer in charge of the arrest of the two men, Mr. Heng Pov, former superintendent of Phnom Penh, admitted in an interview with the French newspaper *L'Express* that he had believed that the men were innocent as soon as the investigation had begun. He has since fled Cambodia, after having accused the Prime Minister and other high-level representatives of the authorities of being involved in many human rights abuses, including murders, kidnappings and drug trafficking.

A hearing in the appeal lodged by Mr. Sok and Mr. Born's lawyers was scheduled for October 6, 2006. However, it was postponed indefinitely due to the absence of the president of the Court.

Acts of harassment against CCHR members⁷

Judicial proceedings against Mr. Kem Sokha, Mr. Yeng Virak and Mr. Pa Nguon Teang⁸

On December 31, 2005, Mr. **Kem Sokha**, president of the Cambodian Centre for Human Rights (CCHR), and Mr. **Yeng Virak**, director of the Community Legal Education Centre (CLEC) and a

7. See Cambodian Centre for Human Rights (CCHR).

8. See Annual Report 2005 and Urgent Appeals KHM 001/0106/OBS 001, 001.1, 001.2, 001.3 and 001.4.

member of the organising committee for celebrations of the International Human Rights Day (December 10), were arrested and charged with “defamation” in relation to these events. This charge was based on the display of CCHR banners criticising Prime Minister Hun Sen’s policies. The men were held in provisional detention in Prey Sor prison, near Phnom Penh.

On January 4, 2006, Mr. **Pa Nguon Teang**, CCHR deputy director and producer of its *Voice of Democracy* radio programme, Mr. **Ou Virak**, CCHR spokesperson, and one of their friends were arrested by the police. Mr. Pa Nguon Teang was then taken to the Ministry of the Interior in Phnom Penh, where he was held overnight before being interrogated on his role in organising the December 10 celebrations. He was charged with “defamation” in relation to these events and taken to Prey Sor prison.

On January 7, 2006, two CCHR members were briefly detained by the Takeo police because they were encouraging villagers to sign a petition calling for the release of Mr. Kem Sokha.

On January 11, 2006, Mr. Yen Virak was released on bail.

On January 17, 2006, Mr. Kem Sokha and Mr. Pa Nguon Teang were also released on bail on the order of the Prime Minister.

On February 3, 2006, the complaints for defamation lodged by Mr. Hun Sen against Mr. Kem Sokha, Mr. Pa Nguon Teang and Mr. Yeng Virak were officially dropped.

However, by the end of 2006, the charges against them were still pending, since, according to Cambodian law, the withdrawal of a criminal claim for defamation does not imply that the charges have been dropped. Therefore, Mr. Pa Nguon Teang, Mr. Kem Sokha and Mr. Yeng Virak still faced eight days to a year of imprisonment and/or a fine of one million to ten million riels (around 210 to 2,100 euros).

Arbitrary detention of Mr. Pann Soeun

On March 1, 2006, Mr. **Pann Soeun**, regional director of the CCHR Takeo section, was arrested in Srae Liew village, Trapeang Kleang commune, Chhuk district. He was there to negotiate with monks the organisation of a CCHR conference in the Koh Sla pagoda. The governor of Kampot province, who was attending a meeting in the pagoda, approached Mr. Pann Soeun with his deputy, the village chief, other representatives of the local authorities, and journalists. He asked him

for his mission order, which is given to CCHR members every month by the CCHR president. The governor then informed him that his mission statement had expired and ordered the village chief to take Mr. Pann Soeun's deposition. The latter was taken to the Trapeang Kleang police station and was asked why he had gone to the village without asking for the local authorities' permission. Mr. Pann Soeun refused to admit his "errors" in writing.

Alerted of the situation by the end of the afternoon, CCHR members went to the police station and obtained Mr. Soeun's release. The police allegedly said that it did not have any reason to detain Mr. Soeun, but that they were only following the governor's orders.

On March 3, 2006, CCHR asked the Ministry of the Interior to open an investigation into the events. In October 2006, the Ministry informed Mr. Pann Soeun that it had asked the Kampong governor to meet him. By the end of 2006, this meeting had not yet taken place.

Arbitrary detention of Mr. Hem Choun

On June 7, 2006, Mr. **Chun Socheath**, a CCHR investigator, and Mr. **Hem Choun**, a reporter for the newspaper *Samrek Yutethor* (Fight for Justice), were arrested by armed policemen while leaving Kouk Roka commune (Dangkao district), where the villagers of Sambok Chap had been displaced the day before after their forced eviction. Mr. Chun Socheath was accompanying Mr. Hem Choun, who had already been threatened with arrest when he had retrieved the testimonies from Sambok Chap villagers.

Mr. Chun Socheath and Mr. Hem Choun were taken to Kraing Thnong police station. Mr. Chun Socheath was released immediately, while Mr. Hem Choun was transferred to the Phnom Penh police station without a warrant.

He was charged along with two Sambok Chap villagers with "wrongful damage to property" under Article 52 of the Provisions relating the judiciary, criminal law and procedure applicable in Cambodia during the transitional period (United Nations Transitional Authority in Cambodia - UNTAC Law). The village chief, his assistant and a member of the municipal council filed a complaint against them for "encouraging the population to burn down the house of the village's chief", "attempted murder" and "material destruction" during an uprising on May 31, 2006.

As of the the end of 2006, Mr. Hem Choun was still detained in Prey Sar prison.

Judicial proceedings against Mr. Ing Kong Chit

On October 24, 2006, Mr. **Ing Kong Chit**, CCHR investigator for the Battambang section, was summoned by the Provincial Court of Battambang province for “defamation”, following a claim by the director of Pailin hospital. Mr. Ing Kong Chit had denounced his corrupt practices during a radio programme on *Voice of Democracy*.

The preliminary hearing was postponed due to the Prosecutor’s absence. As a result, the Court had not yet decided on the validity of the charges by the end of 2006.

Acts of harassment against defenders of peasants’ rights⁹

Attack against Mr. Choeng Rithy

On January 22, 2006, Mr. **Choeng Rithy**, resident of Raksmeay Samakee village (Nimit), O’Chrov district, was hit several times in the face by Mr. Kuor Keng, the brother-in-law of the Kampot governor. Mr. Rithy is disabled. On the request of the villagers, Mr. Rithy had come to ask Mr. Kuor Keng to stop the activities of a company that was pumping water from the communal basin used by villagers to irrigate their crops.

When Mr. Choeng Rithy met the village chief to file a complaint, the latter threatened to put him in prison.

Nevertheless, Mr. Choeng Rithy lodged a grievance, but no investigation had been opened by the end of 2006.

Judicial proceedings against three representatives of Banteay Meanchey villagers

On March 23, 2006, Mr. **Nuth Lay**, Mr. **Sath Samnieng** and Mr. **Heng Nauk**, representatives of O’Russeiv villagers, Poipet, organised a peaceful protest of around 100 people to denounce the rape of several young girls by a local monk, who was allegedly being protected by the village chief, Mr. So Moeun.

9. See LICADHO, *Attacks and Threats Against Human Rights Defenders in Cambodia Briefing Paper 2006*, December 2006.

Mr. So Moeun complained against the three villagers on June 2, 2006, stating that he had suffered economic loss because the protest had forced him to cancel a party.

On June 7, 2006, the Banteay Meanchey Provincial Court charged the three men with “instigating criminal acts”.

On June 30, 2006, Mr. Nuth Lay, Mr. Sath Samnieng and Mr. Heng Nauk stood before the Provincial Court. They were released following interventions by their lawyers and the Office of the United Nations High Commissioner for Human Rights. However, as of the end of 2006, the charges were still pending.

Ill-treatment and judicial proceedings against Ms. So Socheat

On May 3, 2006, Ms. **So Socheat**, representative of the Wat Bo villagers, Sala Kamroek commune (Siem Reap), was arrested during a peaceful protest of villagers against attempted evictions.

This gathering, which was held on the third day of negotiations between villagers and authorities of the Wat Bo pagoda (Siem Reap), who claim property rights for their land, was violently dispersed by about forty policemen armed with electrified batons. Ms. So Socheat was beaten and detained while attempting to protect the villagers from blows.

On May 4, 2006, Ms. So Socheat was released, but she remained charged with “material destruction”.

Arbitrary arrest of Mr. Tep Naroeth, Mr. Nget Soseng, Mr. Try Chhuon and Mr. Chhim Savuth

On May 4, 2006, Mr. **Tep Naroeth** and Mr. **Nget Soseng**, members of the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), Mr. **Try Chhuon**, a member of the Cambodian Human Rights and Development Association (ADHOC), and Mr. **Chhim Savuth**, a CCHR member, were arrested by around thirty policemen and soldiers on the orders of the provincial department of agriculture and forestry administration. They were gathering information on a dispute over property rights between provincial authorities and the residents of Prey Peay village, Trapeang Plang commune (Chhouk district). They were prevented from reaching the area and gathering the necessary information on the demolition of a house.

When Mr. Try Chhuon took pictures, his camera was confiscated and the negatives were destroyed.

The four men were arrested for half an hour and then expelled from the land.

ADHOC filed a complaint for illegal detention before the Kampot Provincial Court. The case was still pending by the end of 2006.

Arbitrary detention of Mr. Tan Sokhom

On May 22, 2006, Mr. **Tan Sokhom**, a member of ADHOC, was arrested by a forestry patrol composed of military police and members of the international NGO WildAid. Mr. Tan Sokhom was handcuffed for nearly 30 minutes and the film of his camera was destroyed. He had taken pictures of a clash between villagers and the patrol, which had burned three houses in the village, claiming that they had been built on a protected area.

A WildAid representative then accused Mr. Tan Sokhom of “leading a riot”. ADHOC brought a claim against WildAid before the Koh Kong Provincial Court. The case was still pending as of the end of 2006.

Arbitrary detention of Mr. Chhea Ny, Mr. Hem Lack and Mr. Mou Sabb

On August 1, 2006, Mr. **Chhea Ny**, representative of 3,170 families involved in a long land dispute with local authorities in Bavel district, was arrested by a group of policemen, soldiers and members of the military police. He was accused of “abuse of individual rights” (Article 57 of the UNTAC Law, a crime liable to five years’ imprisonment) and “trespass on private property” (Article 253 of the 2001 Territorial Law, which provides for a two-year prison sentence and a fine of 25 million riels – 4,688 euros).

At least seven other villagers, including Mr. Chhea Ny’s wife, were injured when they tried to stop his arrest.

On September 4, 2006, Mr. **Hem Lack** and Mr. **Mou Sabb**, two other representatives of the 3,170 families mentioned above, were arrested and taken to Battambang prison.

On November 13, 2006, Mr. Chhea Ny appealed against his detention. He was acquitted of the charge of “abuse of individual rights” but not of “trespassing on private property”.

As of the end of 2006, Mr. Chhea Ny, Mr. Hem Lack and Mr. Mou Sabb were still being detained in Battambang.

Arbitrary arrest of Mr. Tann Heng

On August 3, 2006, Mr. **Tann Heng** was arrested. He is the representative of 133 families of the Stung Trang district, Kampong Cham, in a dispute against the Boeung Ket rubber plantation. The families, who have lived on the land for a long time, have claimed ownership under Land Law, although the plantation has made a similar claim and has begun to clear parcels.

Mr. Tann Heng went to Kampong Cham Provincial Court several times to defend the villagers against a complaint filed by the company. On August 3, 2006, he was placed in custody and charged the next day with “destruction of public property”.

Mr. Tann Heng is also the author of several letters protesting against the company’s presence on the land.

On August 7, 2006, Mr. Tann Heng was released after being forced to sign a document in which he renounced to his rights to his parcel of land.

The charges were still pending by the end of 2006.

Acts of harassment against trade unionists¹⁰

Aggression and acts of harassment against several FTU leaders in Phnom Penh

In 2006, the leaders of the Free Trade Union of Workers (FTU) in the Bright Sky and Suntex textile factories, which belong to the same owner in Dangkor district, Phnom Penh, were attacked several times and harassed because of their fight for better work conditions:

- On March 1, 2006, Mr. **Chi Samon**, FTU president at the Bright Sky factory, was threatened by military police during the repression of a strike in the factory. He was told that he would be targeted by the police if he continued to organise actions within the company.

Moreover, as he left the factory on May 3, 2006, he was attacked by seven men, including a member of a rival trade union. He was hit several times in the face and on his body with sticks and iron bars. The

10. *Idem.*

attackers were then chased away by other workers who were leaving the factory. Mr. Chi filed a complaint with the police and the Phnom Penh Court. By the end of 2006, the case was still pending.

On May 22, 2006, Mr. Chi Samon was once again victim of an attempted attack by a group of 20 people as he was leaving the factory. He managed to seek refuge inside the factory until his attackers left.

- On May 1, 2006, Mr. Chea Mony¹¹ and two of his assistants, Mr. **Yan Roth Keopeisei** and Mr. **Chea Vaneath**, were detained by the police for two hours when they were caught protesting in favour of workers' rights.

- On May 12, 2006, Mr. **Yeng Vann Yuth**, an active member of FTU at the Bright Sky factory, was attacked and suffered head and rib injuries. He had to be taken to the hospital.

- On May 19, 2006, Mr. **Chey Rithy**, FTU vice-president at the Suntext factory, was attacked by two unidentified men who threw stones at him as he was returning home. Mr. Chey suffered serious head injuries.

- On June 8, 2006, Mr. **Lem Samrith**, FTU treasurer at the Bright Sky factory, was beaten by about 20 men as he was coming out of the factory after a night shift.

- On July 4, 2006, Mr. **Lay Chamroen**, FTU vice president at the Phnom Penh Garment factory, was the target of attacks by six young men on motorbikes as he was leaving work. As a result, he suffered a leg injury. He filed a complaint the next day with the local police and the Phnom Penh Municipal Court. The case was still pending trial as of the end of 2006.

- On September 19, 2006, Mr. **Choy Chin**, FTU secretary general at the Suntext factory, was attacked by two unidentified men who threw stones at him and hit him on the head and on the hand with a metal bar.

- On October 16, 2006, Ms. **Em Chhay Tieng**, FTU vice president at the Bright Sky factory, was hit in the face and threatened with arrest during the repression of a strike organised to defend Mr. Chi Samon and to denounce working conditions. Several workers were beaten with electric batons. Ms. Em Chhay Tieng began receiving

11. See above.

threats, including death threats, as soon as she became FTU vice-president in July 2006. Following the strike, Mr. Chi Samon and Ms. Em Chhay Tieng were fired from their night job.

Acts of harassment against seven members of CCAWDU

On March 14, 2006, Mr. Nat Leang Seab, Mr. Keo Pov, Mr. Nat Sokna, Mr. Lorn Savan, Mr. Nat Leang Sat, Mr. Roeun Saveath and Mr. Phung Sophea, members of the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU), were accused of participating in a strike of more than 10,000 workers from seven textile factories in Phnom Penh and Kandal province. The seven trade unionists were accused by the owners of the “Flying Dragon 3” factory of “inciting criminal acts and discrimination”, and immediately summoned before the Phnom Penh Court. Faced with the threat of litigation, they accepted an agreement with the factory management and the complaint was withdrawn.

Sentencing and arbitrary detention of four FTU representatives in Kandal

On June 13, Mr. Lach Sambo, Mr. Yin Khun, Mr. Sal Kimsan and Mr. Heng Samnang, FTU members in the Ang Snoul district textile factory, were sentenced to a one-year suspended sentence and a fine of eight million riels (1,500 euros) by the Kandal Provincial Court for “blows and injuries” and “material destruction” for their involvement in a strike organised in 2004. Four other activists, who have since left the factory, were also charged on the same grounds.

On June 17, 2006, Mr. Lach Sambo, Mr. Yin Khun, Mr. Sal Kimsan and Mr. Heng Samnang appealed the decision. They were fired three days later.

On July 3, 2006, Mr. Lach Sambo, Mr. Yin Khun and Mr. Sal Kimsan were arrested in their homes by the police and, the next day, they were accused of “illegal detention” and taken to the provincial prison of Kandal.

On August 7, 2006, Mr. Lach Sambo, Mr. Yin Khun and Mr. Sal Kimsan were found guilty and sentenced to a three-year suspended prison sentence.

Attack against Ms. Em Pun Ny

On June 17, 2006, Ms. **Em Pun Ny**, a teacher at the Wat Mohamontrey primary school in the Chamkar Mon district and a member of the Cambodian Independent Teacher's Union (CITA), was attacked by Mr. Yim Sokha, deputy director of the district's education department. She had been distributing information announcing the organisation of a strike by CITA to demand a pay rise and better work conditions. Mr. Yim Sokha allegedly threw stones at her, which resulted in head injuries.

On June 21, 2006, Ms. Em Pun Ny filed a complaint with the Phnom Penh Municipal Court. The case was still pending by the end of 2006.

Arbitrary detention of Mr. Kong Sok¹²

On August 31, 2006, Mr. **Kong Sok**, a Cambodian from the Kampuchea Krom region in Vietnam who is now living in Cambodia, was arrested by the police in the offices of the United Nations High Commissioner for Refugees (HCR) in Phnom Penh while he was accompanying three asylum seekers wanting to obtain refugee status.

On December 1, 2006, Mr. Kong Sok was sentenced to three months in prison by the Phnom Penh Municipal Court for breaching immigration law, which prohibits "helping" foreigners to enter Cambodia illegally or to "conceal" their presence in the country.

Acts of harassment against members of the People's Centre for Development and Peace¹³

On October 12, 2006, members of the People's Centre for Development and Peace (PDP - Centre) were arrested at the KM6 market in Russei Keo while they were distributing material for an anti-corruption campaign called "Clean Hand". They were arrested for four hours at the district police station and subsequently released after being forced to pledge that they would cease their activities.

12. See LICADHO, *Attacks and Threats Against Human Rights Defenders in Cambodia Briefing Paper 2006*, December 2006.

12. *Idem*.

On October 26 and 29, 2006, members of the PDP-Centre were arrested in the same circumstances at the Teuk Thla market in Russei Keo and in Chaktomuk commune, Daun Penh district. In both incidents, they were detained for two hours at the police station and their material was confiscated.

CHINA

Ongoing repression of cyber-dissidents

In 2006, repression increased against cyber-dissidents, who use Internet to promote human rights and democracy in China.

Release of Mr. Shi Xiaoyu, Mr. Luo Yongzhong and Mr. Luo Changfu¹⁴

- Mr. **Shi Xiaoyu** was released without being charged nearly a month after his arrest on October 20, 2005 in Chongqing, for having posted information online on police repression against city workers during various gatherings. As a result of this repression, two workers died and many other people were arrested and suffered injuries. Since the end of September 2005, Mr. Shi Xiaoyu was trying to help workers in the iron and steel industry in Chongqing who are fighting against the corruption of several officials.

- In 2006, Mr. **Luo Yongzhong** was released. He had been sentenced to three years in prison and two years of deprivation of his political rights in October 2003 after publishing over 150 articles on the Internet concerning issues such as the fate of disabled people and the need for constitutional reform. He was detained in Changchun Tiebei prison, in Jilin province.

- Mr. **Luo Changfu** was released after serving a three-year imprisonment sentence that was pronounced in November 2003. He was arrested in October 2003 by the Yincheng Public Security Bureau (PSB) (Hubei province) for organising a campaign for the release of Ms. Liu Di, a cyber-dissident released on bail on November 28, 2003.

14. See Annual Report 2005.

Ongoing arbitrary detention of many cyber-dissidents¹⁵

As of the end of 2006, many cyber-dissidents remained in detention, including:

- Mr. **Jiang Lijun**, sentenced on November 18, 2003 to four years in prison for having published pro-democracy political opinions on the Internet and for “subverting State power” (Article 105 of the Criminal Code).

- Mr. **Tao Haidong**, sentenced to seven years in prison in January 2003 for posting books and articles on websites based in China and overseas.

- Mr. **Jin Haike**, Mr. **Xu Wei** and Mr. **Zhang Honghai**, who founded, in May 2000, the New Youth Society, a study group that discussed political and democratic reforms, and Mr. **Yang Zili**, a member of the Society, were arrested in March 2001. Having refused to admit that they were guilty, they became the target of acts of violence whilst in detention. In October 2003, Mr. Jin and Mr. Xu were sentenced to ten years in prison, whereas Mr. Zhang and Mr. Yang were sentenced to eight years in detention and two years of deprivation of their political rights for “subversion aiming at overthrowing the government”. The verdict was confirmed on November 10, 2003 by the Beijing Municipal Supreme People’s Court.

- Mr. **Wang Sen**, sentenced in May 2002 to ten years in prison for “inciting subversion of the State”, after having reported on the Internet that a medical centre in the south-western city of Dachun was selling tuberculosis medication donated by the Red Cross for a steep price.

- Mr. **He Depu**, Mr. **Sang Jiancheng**, Mr. **Dai Xuezhong** and Mr. **Han Lifa**, who were among the 192 signatories of an “Open Letter to the 16th Party Congress”, which was posted on the Internet in mid-November 2002 and called for progress with regards to democratisation and the protection of human rights in the country, the right to return of exiled Chinese political opponents and the release of prisoners of conscience.

- Mr. **Wang Xiaoning**, who was arrested in September 2002 for having posted articles on the Internet¹⁶. On September 12, 2003, the

15. *Idem*.

16. See Open Letter to the Chinese authorities, May 3, 2006.

Beijing Municipal First Intermediary People's Court sentenced him to ten years' imprisonment, with two years' deprivation of his political rights for "incitement to subvert State power". These charges were linked to essays calling for democratic reforms and a multi-party system, and denouncing repression against trade union leaders and peasants. Mr. Wang was also accused of communicating by email with Mr. Liu Guokai, the exiled leader of the Chinese Social Democratic Party, which is considered by Chinese authorities as an "hostile organization".

- Mr. **Zhao Changqing**, who was sentenced in August 2003 to five years' imprisonment for "incitement to subvert State power" after he co-signed the "Open Letter to the 16th Party Congress". He has been held at the Weinan prison in the province of Shaanxi since 2002 and has been repeatedly subjected to ill-treatment while in detention. For example, he spent 40 days in solitary confinement following his refusal to sing a song praising the Chinese Communist Party on February 18, 2006¹⁷.

On April 10, 2006, his sister was informed that he would be placed in confinement for three additional months because he had spoken to a Falun Gong prisoner and had refused to do military drills. According to his sister, Mr. Zhao has only been allowed one medical examination since his detention despite his fragile health (he has already been treated for tuberculosis).

Ongoing acts of repression against Ms. Ma Yalian¹⁸

On February 15, 2006, Ms. **Ma Yalian**, a cyber-dissident, was arrested by the police for "trouble on the public thoroughfare", in the Minxin district of Shanghai. The police confiscated all her personal belongings. Ms. Ma had been released at the beginning of the month after ten days in illegal detention, but she was still under constant police surveillance.

Ms. Ma was detained in the Fengqi Hotel (Pudong district) under the watch of a dozen policemen and was released on May 6, 2006. As of the end of 2006, she was still under house arrest.

17. See Urgent Appeal CHN 001/0206/OBS 014.

18. See Annual Report 2005 and Urgent Appeals CHN 004/0406/OBS 044 and 044.1.

Since the publication of articles on acts of violence and humiliation conducted by the police and other civil servants, Ms. Ma Yalian has been detained several times in the past few years, and has at times been subjected to ill-treatment.

Ongoing acts of harassment against Mr. Huang Qi¹⁹

In 2006, Mr. **Huang Qi**, a cyber-dissident, continued to be the target of intimidation, especially since the posting of comments and pictures of a workers' protest in the Nanguang firm in Chengdu on his website *www.64tianwang.com* in June 2006.

Nanguang firm is closely linked to local authorities and published a propaganda pamphlet accusing Mr. Huang Qi of being involved in the organisation of this social movement. For their part, authorities accused Mr. Huang of illegally leading and supporting retired workers of the Nanguang firm, who gather on a regular basis to demand their pension. Moreover, the managers of the business affairs office denounced, in their pamphlets, links between Nanguang workers and foreign organisations and journalists of *Radio Free Asia*, based in the United States.

Mr. Huang Qi had been arrested on June 3, 2000 and sentenced in 2003 to five years' imprisonment for having posted several articles on the Tiananmen Square Massacre on his website. He was released on June 4, 2005 at the end of his sentence.

Moreover, in June 2006, the lease on his flat and his office were prematurely ended.

Arbitrary detention and sentencing of Mr. Li Jianping²⁰

On March 7, 2006, Mr. **Li Jianping**, a cyber-dissident from Shandong, was charged with "incitement to subvert State power" in relation to articles he wrote and posted on foreign websites.

On April 12, 2006, 31 articles written by Mr. Li criticising Chinese authorities and the human rights situation in the country were used as evidence.

19. See Annual Report 2005 and Reporters Without Borders (RSF), November 23, 2006.

20. See Urgent Appeal CHN 008/1006/OBS 128.

On October 25, 2006, the Zibo City Intermediate People's Court sentenced Mr. Li to two years' imprisonment, a verdict that was appealed by Mr. Li.

He was arrested on June 30, 2005 after police searched his home and seized manuscripts and correspondence. In 2005, the case was sent back twice to the Public Security Bureau (PSB) due to a lack of evidence.

Since his arrest, he has not been allowed to see his family nor his lawyer.

Arbitrary detention and sentencing of Mr. Guo Qizhen²¹

On May 12, 2006, Mr. **Guo Qizhen**, a volunteer with the Tianwang Disappeared Persons Service Centre, Cangzhou, Hebei province, was placed under house arrest by local security forces as he was preparing to join a hunger strike to fight against the government's repression of human rights defenders.

On June 6, 2006, Mr. Guo Qizhen was accused of "incitement to subvert State power" and held in detention centre n° 2 in Cangzhou City. He was not allowed to see his family nor his lawyer. Mr. Guo has a disabled leg and suffers from neurasthenia. He was accused of posting articles on foreign websites criticising the communist regime and the repression of fundamental freedoms by Chinese authorities.

During a hasty trial on October 16, 2006, Mr. Guo Qizhen was sentenced to four years in prison by the Changzhou Intermediate People's Court and to three years of deprivation of his political rights.

Arbitrary detention of Mr. Zhang Jianhong²²

On September 6, 2006, Mr. **Zhang Jianhong**, founder of the website *The Aegean Sea (Aiqinhai)*, which was closed down in March 2006, and a member of the independent writers' association PEN, was arrested in his home in Nigbo, Zhejiang province, and detained for "incitement to subvert State power". The policemen produced a search warrant and seized the hard drives of two of his computers and an

21. See Open Letter to the Chinese authorities, July 11, 2006.

22. See Human Rights in China (HRIC), September 2006.

address book. They also interrogated his wife on her husband's acquaintances and the articles calling for democratic reforms that he was posting on websites based abroad.

More specifically, in these online articles, Mr. Zhang criticised the human rights abuses of the Chinese government against dissidents, journalists and other Chinese citizens in the run-up to the Olympic Games.

His family was officially informed of his arrest on October 12, 2006. He was still being detained by the end of 2006.

Acts of harassment against trade unionists

Ongoing detention of Mr. Yao Fuxin / Release and harassment of Mr. Xiao Yunliang²³

On February 23, 2006, Mr. **Xiao Yunliang**, a labour activist from the province of Liaoning, was released three weeks before completing his four-year prison sentence. He was imprisoned since March 2002 for "attack on national security".

However, since his release, Mr. Xiao has remained under house arrest, and friends or relatives attempting to visit him have been harassed and intimidated by the police who are watching his house. On February 28, 2006, Mr. Xiao's daughter lodged a complaint against the police, denouncing her father's situation. She received no response.

Mr. Xiao Yunliang was arrested along with Mr. **Yao Fuxin** for having led a workers' demonstration against corruption and the non-payment of overdue salary in northeast China in March 2002. On May 9, 2003, they were sentenced to four and seven years in prison respectively for "subverting State power" and three years of deprivation of their civil and political rights. Their appeals were later rejected. Their health deteriorated after their transfer from Jinzhou prison to Lingyuan prison, considered as one of the harshest prisons in China, on October 8, 2003.

Mr. Yao Fuxin is due to be released in March 2009. The conditions of his detention remained precarious, and his health continuously deteriorated in 2006.

23. See Annual Report 2005 and Urgent Appeal CHN 002/1103/OBS 060.2.

Hong Kong - Judicial proceedings against representatives of three trade unions²⁴

On June 28, 2006, the Gold Peak Industries Holding Limited (GP) lodged a complaint for “defamation” with the High Court of Hong Kong against representatives of the Hong Kong Confederation of Trade Unions (HKCTU) and two local trade unions, Globalisation Monitor and the Neighbourhood and Workers’ Service Centre. The complaint followed a joint letter issued on June 4, 2006 by the three organisations in which they shared their concerns over the excessive exposure of GP workers to cadmium, which led in some cases to poisoning. The case was still pending by the end of 2006.

Acts of harassment against defenders denouncing forced evictions

Arbitrary detention of Mrs. Liu Hua and her husband Mr. Yue Yongjin²⁵

On February 20, 2006, Mrs. **Liu Hua** and her husband Mr. **Yue Yongjin**, two rural land rights activists from the district of Shenyang, in the province of Liaoning, were arrested by members of You’anmen’s PSB after filing petitions in Beijing against corruption and illegal land seizures in their village just before the annual session of the National People’s Congress. No arrest warrant was presented to them.

On February 21, 2006, Mrs. Liu and Mr. Yue were forcibly taken to Shenyang, where they remained respectively detained at the Shenyang’s Masanjia Re-education Centre and the Sujiatun District Detention Centre.

Mrs. Liu Hua and Mr. Yue Yongjin have been denouncing the corrupt practices of the local authorities in villages for many years, and since 2004 they have been asking Beijing authorities to intervene in forcible land seizures in the village.

Mrs. Liu is the former village chief of Zhangliangbao village (Liaoning province) and Mr. Yue was president of the village council.

When 40 villagers protested in front of the Sujiatun PSB to demand their release, a PSB officer explained that Mrs. Liu was being held because “she had caused trouble in Beijing” and that her crimes were “serious”.

24. See Press Release, July 28, 2006.

25. See Urgent Appeal CHN 003/0306/OBS 039.

Mrs. Liu Hua was allegedly released at the end of March 2006.

It was not possible to obtain further information on Mr. Yue Yongjin's situation as of the end of 2006.

Arbitrary arrest of Mr. Liu Zhengyou²⁶

On June 16, 2006, Mr. **Liu Zhengyou**, a defender of the rights of peasants evicted from their land by local authorities in Zigong (Sichuan province), was arrested at the Beijing airport without an arrest warrant at the request of the Zigong Municipal PSB and the Sichuan Provincial PSB. At the time of his arrest, he was about to board a plane for Geneva (Switzerland), where he was to attend a training course on human rights organised by the International Service for Human Rights (ISHR) from June 17 to 25, 2006.

Mr. Liu was immediately taken back to Zigong by the police, where he was detained and interrogated by the Zigong PSB for two hours as a "criminal suspect" for his role in the April 20, 2005 "illegal demonstrations" that aimed at presenting a petition calling for enquiries into the eviction of farmers without compensation to the mayor of Zigong.

On June 18, 2006, Mr. Zhengyou was finally released after 37 hours in detention, but he was told that he would have to return for more questioning later.

In August 2006, Mr. Liu Zhengyou was subjected to acts of harassment and was reportedly beaten.

Arbitrary detention of Mr. Chen Qian²⁷

On November 9, 2006, Mr. **Chen Qian**, a representative of the villagers of Dongzhou, was arrested for displaying anti-corruption banners in Dongzhou, Shanwei, Guangdong province. It was not possible to obtain further information concerning his situation by the end of 2006.

Mr. Chen Qian has been targeted by the authorities since he led a group of villagers to demand compensation for the families of victims of the violent repression of a protest on December 6, 2005, which resulted in the death of three people and dozens of injured. Thirteen protesters were also arrested and sentenced to three to seven years in

26. See Urgent Appeal CHN 005/0606/OBS 081.

27. See Network of Chinese Human Rights Defenders (CRD), November 21, 2006.

prison for “disturbing public order”. They were protesting against the confiscation of their land in Dongzhou without fair compensation.

Acts of harassment against HIV/AIDS activists

Ongoing acts of harassment against Mr. Hu Jia²⁸

From February 16 to March 28, 2006, Mr. **Hu Jia**, a prominent HIV/AIDS activist in Shanghai and co-founder and former director of the Aizhixing Institute of Health Education, was arrested following a hunger strike by human rights defenders and lawyers to protest against the unlawful detention of human rights activists. During his detention, authorities repeatedly stated that they did not know Mr. Hu’s whereabouts and denied him the right to have access to the medication he requires to treat Hepatitis B.

Furthermore, since July 17, 2006, Mr. Hu Jia has been under house arrest and has been unable to leave his home without the prior consent of the Tongzhou Unit (Beijing suburb). His wife, Mrs. **Zeng Jinyan**, has also been under surveillance and her movements have been restricted. According to police, these measures were taken to prevent them from going to Linyi, Shandong, to protest against the detention of Mr. Chen Guangcheng, a lawyer²⁹.

On September 7, 2006, Mr. Hu was arrested by 20 plain-clothes policemen and detained for 12 hours for no official reason.

On September 26, 2006, he was taken once again to the local PSB. Amongst other issues, the police interrogated him on his relationship with Mr. Gao Zhisheng and Mr. Chen Guangcheng, as Mr. Hu Jia had started an Internet campaign in their defence.

Attempted assassination of Mr. Liu Xiaowu³⁰

On June 15, 2006, Mr. **Liu Xiaowu**, an HIV/AIDS activist in Henan, was stabbed in the back three times by an unidentified person. Four days earlier, he had lodged a complaint with the Health Ministry in which he denounced civil servants in the health sector who were taking advantage of the free medical treatment offered by the government.

28. See Annual Report 2005 and Press Release, August 16, 2006.

30. See below.

30. See HRIC, July 2006.

Arbitrary arrest of several HIV/AIDS activists in the Henan province³¹

On July 18, 2006, Ms. **Li Xige**, an HIV/AIDS activist from Ningling County, Henan province, and director of the NGO Healthy Happy Home (*Kanglejia*), was stopped along with seven HIV positive women upon their arrival in Beijing by dozens of policemen and local government officials from Ningling County, and later transported in a bus owned by the Ministry of Health.

These women had become HIV positive as a result of blood transfusions in State-run hospitals, in most cases when giving birth by caesarean between 1993 and 2001. They had come to Beijing in order to call upon the Ministry of Health to look into their demands to the local government for fair compensation for their HIV infection.

The eight women were immediately taken back to Ningling and questioned on July 20, 2006. Five women were released shortly afterwards, while Ms. Li Xige, Ms. **Wang** and Ms. **Zhang** were charged with “gathering people to assault a State body”. Ms. Wang and Ms. Zhang were released on bail on medical grounds on July 27 and August 2, 2006.

On August 11, 2006, Ms. Li Xige was released on bail, but was placed under surveillance the day after, and has not been allowed to leave town since then. However, she was authorised to go to Beijing to receive AIDS treatment at the end of August 2006.

Ms. Li was still under police surveillance as of the end of 2006, as were Ms. Wang and Ms. Zhang. However, judicial proceedings against them were lifted.

Closure of Snow Lotus³²

On October 18, 2006, the authorities of the Xinjiang autonomous region ordered the closure of Snow Lotus, an NGO involved in the fight against HIV/AIDS, because it was not registered. The police also conducted a search in the home of the director, Mr. **Chang Kun**, and confiscated his personal belongings, including a computer.

The registration requirements are such that many NGOs are unable to meet the criteria and are thus unable to register. Snow Lotus was

31. See Press Release, August 16, 2006.

32. See CRD, September 14–October 20, 2006.

closed down just after it had denounced discrimination against Hepatitis B patients.

Arbitrary detention of Mr. Kong Delin³³

Mr. **Kong Delin**, who supports hemophiliacs suffering from HIV/AIDS and helps them to obtain compensation, was taken in for questioning by members of the Shanghai PSB on October 24, 2006. Soon after, he was officially accused of “interference with official matters”.

On the same day, three hemophiliacs suffering from HIV/AIDS were also arrested. These arrests took place shortly before a November conference in Beijing on compensation for hemophiliacs and those suffering from AIDS and which they were planning to attend.

Mr. Kong Delin was released on November 20, 2006.

Arbitrary detention of Mr. Wan Yanhai³⁴

On November 24, 2006, Mr. **Wan Yanhai**, a prominent member in the fight against HIV/AIDS and co-founder and former director of the Aizhixing Institute of Health Education in Beijing, was arrested and detained for three days by the PSB of Beijing. The Institute had planned to organise a symposium entitled “Blood safety, HIV/AIDS and legal human rights” on November 26, 2006 to help people suffering from the virus to find out more about their rights. The symposium was cancelled after Mr. Wan’s arrest.

Acts of harassment against several defenders of environmental rights

Acts of harassment against Mr. Sun Xiaodi³⁵

For the past ten years, Mr. **Sun Xiaodi** has been denouncing radioactive contamination emanating from uranium mine n° 792 in the autonomous Tibetan prefecture of Gannan (Gansu) and in particular the illegal resale of contaminated equipment.

33. See CRD, Briefing October 21 - December 1, 2006.

34. See HRIC, November 2006, and CRD, Briefing October 21 - December 1, 2006.

35. See HRIC, Press Release, December 2, 2006.

Mr. Sun went to Beijing on March 30, 2006 to denounce these activities to the government once again. On April 1, 2006, he went to Shenyang, Liaoning province, to visit Mrs. Liu Hua³⁶, who had just been released after being detained for a month. On April 4, 2006, Mr. Sun visited her husband, Mr. Yue Yongjin, who was detained in the Sujiatun district detention centre, and participated in a protest in Zhangliangbao village calling for his release. He was briefly arrested by the police on April 6, 2006.

Since then, Mr. Sun has been under constant surveillance and members of his family have also been harassed. His home has notably been attacked several times since December 5, 2006 by unidentified men who threw stones on his door and windows during the night. When Mr. Sun reported these events to the local police, they reportedly simply replied that he was “free to leave if he wished to do so”.

Moreover, since he was diagnosed with an abdominal tumour in November 2006, Mr. Sun has still not received any response to his request to go to Beijing to receive medical treatment.

Mr. Sun had already been detained in Lanzhou prison from April to December 2005 after denouncing environment damage in Gansu in an interview with foreign journalists and emphasized the appearance of birth defects and a rise in the number of cancers. He had then been placed under house arrest until March 20, 2006.

Arbitrary detention and judicial proceedings against Mr. Huang Jin, Mr. Mo Zhensheng, Mr. Mo Zhenning, Mr. Tan Heshan and Mr. Xu Yugao³⁷

Mr. **Huang Jin**, chairman of Daxin county, Leishe district, was arrested in the company of Mr. **Mo Zhensheng**, Mr. **Mo Zhenning**, Mr. **Tan Heshan** and Mr. **Xu Yugao** on June 27, 2006. They were suspected of organising a sit-in protesting against the construction of a manganese electrolyte factory, which is used for the production of steel, in the Guangxi province. The factory was built by a company called “Daxin Manganese”, which was merged with the partially State-owned CITIC conglomerate. There is a great risk that the

36. See above.

37. See HRIC, Press Release, December 4, 2006.

factory will pollute the region, especially the Heishui River, which is the only source of water for the inhabitants. The protest also aimed at drawing the attention of local authorities to irregularities concerning the compensation awarded to villagers who were forcibly evicted from their homes. More than a hundred policemen were deployed and a dozen people who were suspected of organising the protest were arrested. Although most were released soon afterwards, Mr. Huang Jin, Mr. Mo Zhensheng, Mr. Mo Zhenning, Mr. Tan Heshan and Mr. Xu Yugao were charged with “gathering a crowd in order to attack a State building”. No further information regarding their possible detention could be obtained by the end of 2006.

A hearing was planned on December 5, 2006. No further information could be obtained since then.

Sentencing and arbitrary detention of Mr. Tan Kai³⁸

On April 29, 2006, Mr. **Tan Kai**, a founding member of the environmental NGO Green Watch (*lüse guan cha*), was charged with “illegally obtaining State secrets”. It is presumed that the charges were linked to his job as a computer repair technician. In 2005, he had indeed repaired the computer of an employee of the committee of the Party of Zhejiang province and, as per normal procedure, he saved his client’s files. However, it is believed that this accusation was just a pretext to prosecute Mr. Tan.

On August 11, 2006, Mr. Tan Kai was sentenced to 18 months’ imprisonment by the Hangzhou Municipal Intermediate People’s Court.

The hearing in the appeal was held *in camera* by the Intermediary People’s Court of Hangzhou in October 2006. By the end of 2006, Mr. Tan’s lawyer had not yet been informed of the verdict, but it seemed that the Court upheld Mr. Tan’s sentence, since he was still being detained in the West Lake detention centre in Hangzhou.

Mr. Tan Kai was arrested in October 2005, following the opening of a bank account in his name by the founders of Green Watch in order to seek funds that would allow them to legally register the

38. See Annual Report 2005 and Urgent Appeal CHN 003/1005/OBS 103.1.

organisation³⁹. Green Watch's objectives include defending environmental rights in Huashui Town, Dongyang City, in Zhejiang province, where the residents complain that the pollution generated by the chemical factory affects the quality of the water, destroys crops and causes birth defects.

On November 15, 2005, Green Watch was declared illegal by the government of Zhejiang province. Since then, Mr. Tan Kai's relatives have been subjected to threats and acts of intimidation.

Ongoing arbitrary detention of Mr. Shi Tao⁴⁰

Mr. **Shi Tao**, a journalist and a freelance writer, was still being detained by the end of 2006.

He was arrested on December 14, 2004 and the Changsha Intermediate People's Court of Hunan province sentenced him on April 27, 2005 to ten years in prison and to two years of deprivation of his political rights for "illegally divulging State secrets abroad"(Article 111 of the Criminal Code). On June 2, 2005, the Supreme People's Court of Hunan Province confirmed this judgment in appeal, without even conducting a hearing.

Sentencing and arbitrary detention of Mr. Zhao Yan⁴¹

On March 17, 2006, charges of "divulging State secrets to a foreign organisation" held against Mr. **Zhao Yan** were dropped one month before the visit of President Hu Jintao to the United States. Mr. Zhao is a researcher and a journalist for the *New York Times*, who had previously worked with peasants on their complaints to local and central authorities. Mr. Zhao is also known for his reports on the situation of rural populations in China and had been arrested in September 2004.

However, Mr. Zhao was sentenced to three years in prison for "fraud" on August 25, 2006 during a hearing held behind closed doors. This charge was linked to the previous accusations, which had been dropped only a few months before.

39. Under Chinese law, registration requires a legal deposit of 30,000 yuan (3,074 euros) as starting capital. However, under the Regulations for registration and the managing of social organisations, issued by the Chinese State Council, the founders of an organisation cannot fundraise until the organisation is legally established. This puts them in an inextricable situation.

40. See Annual Report 2005.

41. *Idem*.

Mr. Zhao appealed the decision.

On December 1, 2006, the Beijing High Court confirmed his sentence in a short hearing during which Mr. Zhao was not allowed to make a statement, nor present evidence or witnesses. Moreover, his lawyer was not allowed to attend the hearing.

Mr. Zhao has already been detained for two years awaiting trial. He is expected to be released in September 2007.

Ongoing acts of harassment against Ms. Ding Zilin⁴²

In 2006, Ms. **Ding Zilin**, one of the main spokespersons for the Tiananmen Mothers, an organisation that tirelessly campaigns for an independent inquiry into the repression of pro-democracy demonstrations in 1989, continued to be subjected to recurrent surveillance and harassment.

Since May 30, 2006, on the occasion of the 17th anniversary of the 1989 events, Ms. Ding Zilin and Ms. **Zhang Xialing**, also a spokesperson for the Tiananmen Mothers, have been subjected to close surveillance by the police. Indeed, Ms. Ding was only given permission to leave her house on rare occasions and was always accompanied by policemen.

Since January 27, 2005, Ms. Ding Ziling has been under house arrest in Beijing after asking for the release of two human rights defenders. Moreover, the Tiananmen Mothers' bank account, which contains 5,940 euros, has been frozen by the Beijing PSB since 1998 for "the purpose of an investigation".

Ill-treatment and arbitrary detention of Ms. Mao Hengfeng⁴³

In 2006, Ms. **Mao Hengfeng**, a prominent defender in the campaign against Chinese family planning policies and forced evictions in Shanghai, was subjected to ongoing acts of harassment.

From February 13 to March 29, 2006, Ms. Mao was put under house arrest in a flat in the Yangpu district of Shanghai on suspicion of "causing disturbance on a public thoroughfare". While under house arrest, Ms. Mao was under constant surveillance and was beaten several times, in addition of being deprived access to her lawyer. One of her jailers allegedly hit her in the chest and simulated strangling

42. See Annual Report 2005 and Open Letter to the Chinese authorities, July 11, 2006.

43. See Annual Report 2005 and Urgent Appeals CHN 004/0406/OBS 044 and 044.1.

her. Her arrest followed her participation, in early February, in a nationwide hunger-strike in support of Mr. Gao Zhisheng⁴⁴ and several other human rights defenders who had started a hunger strike against the violence and the repression of Chinese authorities.

On May 23, 2006, Ms. Mao Hengfeng was arrested once again by the police of Yangpu district without being produced an arrest warrant, and placed under “soft” house arrest in Kelaideng Hostel. Ms. Hengfeng broke a lamp while protesting against her illegal detention and, on May 30, 2006, she was placed under criminal detention and charged with “intentionally damaging property”.

On August 28, 2006, the charges against Ms. Mao were sent to the Prosecutor of Yangpu district, who sent them back to Yangpu PSB due to lack of evidence.

Ms. Mao was still in detention as of the end of 2006 and could not receive any visit from her family.

Ms. Mao has already been subjected to many acts of harassment and arbitrary detentions. She was sentenced to 18 months of Re-Education Through Labour (RTL) by the Shanghai PSB in April 2004, during which she was subjected to ill-treatment.

From September 23 to 27, 2005, Ms. Mao and her relatives were placed under house arrest after she announced her intention to protest against acts of harassment against her at the United Nations Office in Beijing. Since then, she has been repeatedly arrested.

Repression against lawyers

Sentencing and arbitrary detention of Mr. Huang Weizhong⁴⁵

Mr. **Huang Weizhong**, a defender of peasants’ rights in Putian (Chengxiang district), was accused by the Prosecutor of Putian of “gathering crowds to disturb social order” on February 28, 2006. He had been arrested on December 28, 2005.

In the past two years, Mr. Huang Weizhong had unrelentingly sent petitions, filed complaints and asked for a protest permit to defend peasants’ right to land.

On May 17, 2006, Mr. Huang Weizhong was found guilty of the charges against him by the Chengxiang District Court and was sentenced to three years in prison.

44. See below.

45. See CRD, June 2006.

On May 29, 2006, Mr. Huang appealed the decision and filed a complaint for defamation with the Chengwiang District Court against *Meizhou Daily*, a newspaper of the Committee of the Putian Municipal Party. On May 18, 2006, the newspaper had published on its front cover an article entitled “Huang Weizhong sentenced to three years in prison by the Court of First Instance for fomenting a resistance movement for the requisition of land”.

Arbitrary detention of Mr. Yang Maodong and ill-treatment of Mr. Tang Jingling⁴⁶

In 2006, Mr. **Yang Maodong**, *alias* Guo Feixiong, a legal counsel in the Shengzhi law firm in Beijing, whose activities were suspended in November 2005⁴⁷, was subjected to ongoing acts of harassment by the police.

On February 3, 2006, he was held for 12 hours at the Linhe police station in Canton (Guangdong province). When released, he was beaten and photographed by a group of unknown persons while police officers stood by.

On February 8, 2006, Mr. Yang Maodong wrote an open letter to the Chinese President, Mr. Hu Jintao, and his Prime Minister, Mr. Wen Jiabo, in which he protested against the disproportionate use of force by the authorities during the recent repressions of civil society movements and protests in rural areas. He also denounced forced evictions, violence against human rights defenders and the strengthening of censorship. He invited the authorities to begin a dialogue with peasants in order to avoid an escalation of land disputes and asked them to guarantee local democracy, freedom of the press and the respect for human rights.

Mr. Yang was arrested on the same day and brought to the Fuyou police station in Beijing. He was released the next day and escorted back home by three policemen. Since then, his house has been under police surveillance and all his movements have been watched.

Mr. Yang was detained on August 2, 2006, after being beaten by the police once again for joining a demonstration in front of the central government’s residence in Beijing.

46. See Urgent Appeal CHN 001/0206/OBS 018.

47. See below.

On August 9, 2006, Mr. Yang was beaten by police officers on a train to Beijing and taken to Shaoguan (Guangdong), where he was detained until the next day. The police reportedly accused him of having a fake train ticket.

On September 14, 2006, Mr. Yang Maodong was arrested in his home in Canton, where police produced a search warrant, searched the house and seized his three computers and personal notes, among other items. He was accused of “illegal trading” and of illicitly printing, publishing and selling 20,000 books. His wife, Mrs. **Zhang Qing**, was also taken to the police station to be interrogated.

On September 18, 2006, his wife tried to visit him at the Canton PSB, but was not allowed to see him.

On September 30, 2006, Mr. Yang was officially arrested for “illegal trade of publications”⁴⁸.

During numerous interrogations at the Panyu police station, Guangdong province, he was reportedly not allowed to sleep for several days in a row.

On October 19, 2006, Canton PSB sent Mr. Yang’s case to the municipal Prosecutor of Canton who, on October 28, 2006, sent it back to the PSB for more information.

On December 28, 2006, the Prosecutor informed Mr. Yang that he had received a “statement of investigation” from the PSB.

Mr. Yang Maodong was still detained at the local Canton detention centre as of the end of 2006.

Since July 2005, Mr. Yang has provided legal aid to the farmers of Taishi village (Guangdong), who are trying to obtain the legal revocation of the head of the village committee, suspected of corruption. In September 2005, the local government had violently repressed their protests, detaining and injuring dozens of villagers. Mr. Yang had denounced these events by posting a number of articles on the Internet, including on the *Yannan* forum, which was closed on October 1, 2005. He was arrested in Canton on September 13, 2005, and released on December 27, 2005 after a 59-day hunger strike.

Furthermore, Mr. **Tang Jingling**, another lawyer providing legal aid to the villagers of Taishi, was followed and beaten by five unidentified

48. In China, the police usually carry out arrests without a warrant, the official arrest taking place subsequently.

men on February 2, 2006 as he was returning from a visit to Mr. Yang. After having reported the incident to the police, he was followed by two taxis on his way home.

Sentencing and arbitrary detention of Mr. Chen Guangcheng⁴⁹

On March 11, 2006, Mr. **Chen Guangcheng**, a lawyer involved in denouncing the extensive use of violence by the authorities of Linyi in relation to birth planning policies, was arrested with other militants by local police officers for “disturbing traffic”. It is only on June 11, 2006 that his wife was informed by the Yinan PSB that her husband was charged with “deliberate destruction of property” and “organising a mob to disrupt traffic”.

On June 19, 2006, the authorities banned a press conference in Beijing that called on the international community to denounce Mr. Chen’s situation. The organisers of the conference were interrogated and put under surveillance. Mr. Chen’s family was also subjected to repeated acts of harassment.

The first hearing in his case, scheduled for July 20, 2006, was finally postponed until August 18, 2006 by the Linnan County People’s Court in Shandong Province.

On August 24, 2006, Mr. Guangcheng was sentenced to four years’ and three months’ imprisonment, without his lawyers being allowed inside the hearing room. His trial only lasted two hours.

On October 31, 2006, the Court of Appeal ordered the review of Mr. Chen’s case.

On November 27, 2006, the new proceedings against Mr. Chen took place before the People’s Court of Yinan Canton and lasted ten hours. His lawyers, his wife and his mother were allowed to attend the hearing.

On December 1, 2006, the Court sentenced Mr. Chen to four years and three months in prison for “intentionally disrupting traffic” and “inciting material destruction”.

On December 8, 2006, Mr. Chen’s lawyer appealed the decision to the Intermediary Court of Linyi City.

49. See Open Letter to the Chinese authorities, July 11, 2006 and Urgent Appeals CHN 006/0706/OBS 087, 087.1, 087.2, 087.3 and 087.4.

He was still being detained at the Yinan detention centre as of the end of 2006.

Acts of harassment against several of Mr. Chen Guangcheng's witnesses and lawyers⁵⁰

In addition, since the beginning of his trial, Mr. Chen Guangcheng's lawyers and several key witnesses have been subjected to ongoing acts of reprisals.

- On August 18, 2006, Mr. **Xu Zhiyong** was beaten by unidentified men and taken into police custody, only to be released 22 hours later, after Mr. Chen's trial had finished. The same day, Mr. **Li Jinsong** and Mr. **Zhang Lihui** were arrested and detained on charges of theft. Both were released, but were then prevented from attending the trial. Two other defence lawyers, Mr. **Yang Zaixin** and Mr. **Zhang Jiankang**, were also harassed and forced to return home. Consequently, authorities appointed their own public defender, who was not able to read Mr. Chen's file before the hearing.

- Moreover, on the morning of November 26, 2006, Mr. **Chen Gengjiang**, a key witness in the proceedings, was detained for the whole duration of the hearing and was only released once he had signed a declaration promising not to get involved in the case. Two other key witnesses, Mr. **Chen Guangdong** and Mr. **Chen Guangyu**, disappeared on November 26 after telling their lawyers that they planned to testify in the proceedings. On the same day, Mr. **Chen Guanghe**, Mr. Chen's cousin, was kidnapped by unidentified men as he was on his way to meet Mr. Chen Guangcheng's lawyers. The police allegedly threatened Mr. Chen's family and ordered Mr. Chen Guanghe not to attend the hearing. As of the end of 2006, Mr. Chen Guanghe was officially placed in detention.

All four men had been tortured to coerce them to provide false testimonies against Mr. Chen during the first case against him.

- Besides, Mrs. **Yuan Weijing**, Mr. Chen's wife and a witness, was placed under house arrest until November 25, 2006. She was arrested around noon by members of the Yinan PSB in the presence of her lawyers on November 28. Policemen produced an arrest warrant authorizing her detention for interrogation. Eight hours later, she was

50. *Idem.*

violently thrown out of a police car and left nearly unconscious on a road near her village. She was only able to talk the next day to explain that the police had mistreated and insulted her. During her detention, police officers presented a warrant authorising house arrest for “suspicion of intentionally disrupting traffic” and “inciting material destruction”. These crimes are punishable with up to six months of house arrest under Chinese law. Mrs. Yuan had already been placed under house arrest for 15 months without any reason.

- Furthermore, Mr. Chen’s lawyers, Mr. **Li Jinsong** and Mr. **Li Fangping**, were taken in for questioning on the outskirts of Gushidong, where Mr. Chen lives. They had gone there to meet witnesses and collect evidence in preparation for the judicial review of the case. Although they were able to meet Mr. Chen’s wife and mother, the police prevented them from speaking to other key witnesses.

Mr. **Teng Biao**, who is also a defence lawyer for Mr. Chen, was arrested for five hours on November 27, 2006 (the day of the trial), thus preventing him from attending the hearing. During his detention, he was violently attacked by several police officers who immobilised him on the floor, searched him, seized his mobile phone, and interrogated him.

Lastly, on December 27, 2006, eight men boarded the night bus on which Mr. Li Jinsong and Mr. Li Fangping were travelling and violently assaulted them. Mr. Li Jinsong and Mr. Li Fangping were on their way to Linyi to visit their client.

Ongoing acts of harassment against Mr. Zheng Enchong and his relatives⁵¹

Mr. **Zheng Enchong**, a lawyer with the Shanghai Bar, and his relatives have been subjected to many acts of harassment since his release from Tilangiao prison on June 5, 2006. Mr. Zheng is committed to defending the rights of people who have been evicted from their homes by Shanghai authorities in relation to re-urbanisation planning.

Mr. Zheng was sentenced in October 2003 to three years’ imprisonment and a year of deprivation of his political rights by the Shanghai Second Intermediate People’s Court for “illegally providing State

51. See Annual Report 2005 and Urgent Appeals CHN 001/0803/OBS 041.5, 014.6, 041.7, 041.8, 041.9 and 041.10.

secrets to entities outside China” and in particular for sending two documents to Human Rights in China (HRIC). The Shanghai Court of Appeal upheld the verdict on December 18, 2003.

As soon as he was released, Mr. Zheng was placed under house arrest and his phone line was tapped and cut several times.

On June 27, 2006, he was allowed to go to the local PSB in order to renew his identity card, in accordance with the terms of his sentence to the deprivation of his political rights for one year. However, he could not renew his card because no officer was available to process his application. The next day, Mr. Zheng and his wife went to the office of the Shanghai municipal government in order to file a complaint concerning these facts. They were then informed that the loss of Mr. Zheng’s political rights entailed a total restriction on his freedom of movement.

On July 12, 2006, public security police officers from Shanghai’s Zhabei District North Station broke into his apartment and summoned his wife to report to the police station, on suspicion of “impeding officials of State bodies in the execution of their duties”. A search of Mr. Zheng’s home was carried out and the hard drive of their computer was seized, along with an important number of other documents, including a letter that Mr. Zheng had written to the authorities. A search warrant was reportedly produced after the search. Mrs. Zheng was released shortly afterwards. Later that day, the police returned to Mr. Zheng’s home and arrested him for “impeding officials of State bodies in the execution of their duties during a period of deprivation of political rights”. They released him a few hours later. Nevertheless, he has since then been repeatedly summoned to the police station for questioning.

On October 14, 2006, Mr. Zheng Enchong and his wife were prevented from going to the Mu’en church in Shanghai. As they were leaving their home, they were surrounded by a dozen policemen, who knocked Mr. Zheng to the ground before sequestering him in the entrance of his building for several hours. Around the same time, Ms. Shen Peilan, a friend who had arranged to accompany Mr. Zheng to church, was prevented from leaving her home by police officers.

Incommunicado detention, sentencing and house arrest of Mr. Gao Zhisheng⁵²

On August 15, 2006, Mr. **Gao Zhisheng**, a human rights lawyer and director of the law firm Shengzhi (Beijing) that works mainly on human rights cases, was arrested by more than 20 policemen in plain-clothes from the Beijing PSB. At the time, he was at his sister's house in Dongying, Shandong province. No arrest warrant was produced. Policemen also threatened Mr. Gao's sister and asked her to keep quiet about the arrest. On August 18, 2006, a statement was published by the official press agency *Xinhua*, stating that Mr. Gao had been arrested on "suspicion of breaching the law", without giving any detail on the crime he allegedly committed.

Mr. Gao was then held in incommunicado detention, as neither his family nor his lawyer knew where he was. The authorities declared that his case involved "State secrets".

On September 28, 2006, Mr. Gao's request for a release on bail was rejected. His lawyers issued another request on October 24, 2006.

On October 12, 2006, Mr. Gao's lawyer was informed that his client had been formally arrested and charged with "inciting subversion" on September 29, 2006.

On December 12, 2006, Mr. Gao allegedly pleaded guilty in front of the Beijing Intermediate Court N°1. Neither his lawyers nor his family had been informed of the hearing.

On December 22, 2006, the Court found Mr. Gao guilty and sentenced him to a three-year suspended prison term with a five-year probation period and the deprivation of his political rights for one year. Following this sentence, Mr. Gao was released and placed under house arrest.

Moreover, since his arrest, Mr. Gao Zhisheng's family members have been under close surveillance.

Indeed, on October 6, 2006, Mrs. **Geng He**, his wife, was "escorted" by policemen when she attempted to visit her husband in Beijing detention centre n°2, who remained present for the duration of the visit. Moreover, on November 24, 2006, Mrs. Geng He was beaten and insulted by the police who were following her around Beijing. Her 13 year-old daughter was permanently "escorted" by policemen, even when she went to school.

52. See Urgent Appeals CHN 009/1106/OBS 136 and 136.1.

As a criminal lawyer, Mr. Gao Zhisheng has represented victims of human rights abuses such as acts of torture against members of the Falun Gong Buddhist movement or leaders of the Christian church and arbitrary detention of petitioners seeking to bring a case against the government for negligence or corruption. He also defended cases involving freedoms of expression and of the press.

In November 2005, the activities of the Shengzhi law firm were suspended for one year by the local justice office of Beijing, and in December 2005 Mr. Gao's professional license was revoked. Mr. Gao appealed the decision, but lost the appeal. These events followed the publication of an open letter on the repression of Falun Gong members.

Ongoing acts of harassment against Mr. Li Weiping⁵³

Mr. **Li Weiping**, a political dissident who participated in the 1989 pro-democracy movement, revealed on May 17, 2006 that he had been approached by Beijing's secret services. They had asked him to "collaborate" with them by collecting information on the activities of groups advocating for democracy in China, risking otherwise to be expelled from the city. His landlord had already terminated the rent, although the police had given Mr. Li until June 11 to leave town.

On April 18, 2005, Beijing police officers had ordered the cancellation of a press conference planned to announce the creation of the Chinese Citizens' Rights Information Centre in Beijing by Mr. Li Weiping and Mr. **Liu Jingsheng**, a political dissident who also participated in the 1989 movement. Although they had obtained the authorisation of the Bureau of Commerce of Beijing to open the Centre on April 1, 2005, the police had given them a "friendly warning" to close down the organisation as soon as possible, making it clear that instructions emanated from "higher levels" of the government. On April 14, 2005, the Beijing Public Security Bureau had demanded the cancellation of the press conference and the relinquishment of all projects relating to the Centre.

The Chinese Citizens' Rights Information Centre had still not opened as of the end of 2006.

53. See Annual Report 2005.

Arbitrary detention of Mr. Zan Aizhong⁵⁴

On August 10, 2006, Mr. **Zan Aizhong**, a writer and a member of the Independent Chinese Pen Association, was fired from his position as a journalist for *China Ocean News*. The previous day, Mr. Zan had publicly called upon the authorities of Hangzhou Municipal PSB to address the demolition by police forces of a protestant church in Xiaoshan, Hangzhou City, on July 29, 2006. The incident had left over 50 people injured.

On August 11, 2006, Mr. Zan Aizhong was arrested for “spreading rumours” and “disrupting social order”, and was given a seven-day administrative detention order under the “Security Administration Punishment Law” for having given interviews and written articles denouncing religious persecution by the police.

On August 18, 2006, Mr. Zan was released.

Arbitrary detention of Mr. Yan Zhengxue⁵⁵

On October 19, 2006, Mr. **Yan Zhengxue**, an artist and a dissident, was arrested in Taizhou, Zhejiang province, by the local PSB. PSB members, equipped with a warrant, searched his home and confiscated his computer and some personal belongings. The PSB denied detaining Mr. Yan at first, but finally informed his wife on October 25, 2006 that he was detained at the Luqiao PSB detention centre in Taizhou.

On November 10, 2006, Mr. Yan’s spouse was told that she was not authorised to hire a lawyer to defend her husband because his case involved “State secrets”. Neither his lawyer nor his family were allowed to visit him.

On November 15, 2006, Mr. Yan Zhengxue was accused of “subversion of State authorities”. This charge was likely linked to his writings in favour of human rights and political reform, which criticise the regime and its corruption.

Mr. Yan had already been arbitrarily detained on several occasions in the past. He is also known for his paintings, which portray the situation in Chinese prisons, and for organising a campaign against Re-Education Through Labour (RTL).

54. See Urgent Appeal CHN 007/0806/OBS 097.

55. See Annual Report 2005.

Ongoing criminal proceedings against 14 human rights defenders⁵⁶

As of the end of 2006, criminal proceedings against 14 members of the National Group on NGOs of the National Human Rights Commission (NHRC), which began in March 2005, were still pending before the Cuddalore Second Magistrates Court (Tamil Nadu). Moreover, some of the accused had still not received a copy of the report incriminating them.

On October 11, 2004, several members of the National Group on NGOs of the NHRC had met at the Cuddalore town hall (Tamil Nadu) for a training session in the framework of the Campaign Against Torture - Tamil Nadu (CAT-TN). Members of these organisations planned to hold a press conference that afternoon on human rights violations committed by Mr. Prem Kumar, superintendent in the district of Cuddalore. As the training session was about to start, a group of police officers burst into the room and interrupted the meeting, stating that the press conference was banned. Mr. **Henri Tiphagne**, executive director of People's Watch - Tamil Nadu (PW-TN), an NGO promoting human rights education, was violently taken to the police station in the town hall. Thirteen other defenders, including Mr. **Nizamudeen**, national secretary general of the Core Coordination Group on NGOs, and Mr. **Murugappan**, regional monitoring director at PW-TN, were also arrested and taken to the police station of Cuddalore.

They were held in police custody for more than seven hours, before being released on bail.

By the end of 2006, all 14 people remained charged under Articles 147 (rioting), 452 (house trespassing with intention to injure, to assault or to exert duress), and 506(ii) (criminal intimidation) of the Criminal Code and Article 7(1) (a) of the Criminal Law Amendment Act (provocation of a person with intention to cause damage).

Moreover, no action was taken in relation to the complaint that was lodged on October 13, 2004 with Mr. Jangrid, general inspector of

56. See Annual Reports 2003 and 2005.

the police responsible for Cuddalore and the north of Tamil-Nadu, following these events, despite a number of reminders sent in 2005 and 2006.

Obstacles to Mr. Parvez Imroz's freedom of movement⁵⁷

On June 2, 2006, Mr. **Parvez Imroz**, a lawyer and founder of the Association of Parents of Disappeared Persons (APDP), was awarded the international human rights prize "Ludovic-Trarieux" by the Human Rights Institutes of the Bordeaux, Brussels, Paris and the European Bars⁵⁸. In order to receive his prize, Mr. Imroz was invited to go to France on October 13, 2006. However, despite national and international pressure and numerous requests by Mr. Imroz to Indian authorities to renew his passport, these remained without response. He was therefore not able to leave India. His wife and his nephew, Mr. Parvez Khurram, a human rights defender, received the prize on his behalf.

Arbitrary detention and release of two TIPS members⁵⁹

On August 23, 2006, members of the Manipur police and officers from the Assam Rifles (a paramilitary unit) arrested at his home Mr. **Yengkokpam Langamba Meitei** (*alias* Thabi), public relations secretary of the Threatened Indigenous Peoples' Society (TIPS) of Manipur and a spokesperson for *Apunda Lup*, a Manipur-based coalition of 34 human rights organisations. The police produced a memo relating to Section 41 of the Indian Code of Criminal Procedure, which allows police to arrest a person without a warrant. Mr. Langamba was taken to the Imphal police station, where he was accused of being involved in a vehicle-burning incident in Kamuchingjil and of stealing official files from government offices.

In the night of August 24 to 25, 2006, his colleague, Mr. **Leitanthem Umakanta Meitei**, a human rights lawyer and TIPS secretary general, was arrested at his residence in Porompat

57. See Press Release, October 11, 2006 and Closed Letter to the Indian authorities, September 20, 2006.

58. The Ludovic-Trarieux Prize is awarded every year to a lawyer who defends human rights, the rule of law and the fight against all forms of racism and intolerance.

59. See Urgent Appeals IND 001/0906/OBS 106 and 106.1.

Thawanthaba Leikai by the same team. Among other things, the officers seized fifteen CDs, three books from the International Labour Organisation (ILO) and his wife's mobile phone. The warrant for Mr. Umakanta Meitei's arrest was not produced until after he was arrested, when his wife and his brother went to visit him at the police station.

These detentions were probably linked to the demonstration that was organised on August 23, 2006 by *Apunba Lup* to protest against a bomb attack on August 16, 2006 that killed five Hindus and injured over forty as they prayed in the temple of Krishna in Manipur.

After their arrest, both men were detained at the Imphal police station, where they were interrogated and ill-treated by the police. They were also denied the right to meet their lawyer. They were both charged under Sections 38 and 39 of the Unlawful Activities Prevention Act (1967), which applies to people who support a terrorist organisation, for allegedly maintaining links with an illegal group called the Organisation to Save the Revolutionary Movement in Manipur (*Kanglei Yaꣳwol Kanna Lup* - KYKL).

On August 29 and September 1, 2006 respectively, the chief judicial magistrate ordered Mr. Umakanta and Mr. Langamba's release on bail for lack of evidence. However, they both refused to pay the bail and insisted on their unconditional release. They were subsequently remanded to judicial custody for an additional 15 days in Sajiwa central jail.

On October 4, 2006, a Court in Manipur ordered their release. All charges against them were dropped.

Arbitrary detention of Ms. Irom Chanu Sharmila⁶⁰

For the past six years, Ms. **Irom Chanu Sharmila** has regularly been on a hunger strike to protest against the Armed Forces Special Powers Act (AFSPA)⁶¹, which is at the origin of many acts of police violence in the State of Manipur. She began the strike after the Malon massacre on November 2, 2000, in which the members of the Assam Rifles shot down 10 suspected insurgents at a bus stop near Imphal.

60. See Urgent Appeal IND 003/1206/OBS 151.

61. On June 6, 2005, Justice Jeevan Reddy received the conclusions of the report submitted by the Committee constituted by the government to examine the AFSPA. The conclusions, which had never been made public, appeared in the press in October 2006. In its recommendations, the Committee expressly called for the repeal of the law which "has become a symbol of oppression, an object of hate and an instrument of discrimination and authoritarianism."

This tragic event was an illustration of the abuses generated by the AFSPA, which entered into force in 1958. This Act gives the Indian army full powers in areas affected by armed uprising, notably in Kashmir and in the north-eastern states, including Manipur, where separatists rebels are present. In particular, the AFSPA empowers soldiers to arrest, keep in detention and shoot at any person (section 4.a) so as to “maintain public order” if the soldier has reasons to believe that he or she is an “insurgent”. This can be carried out with total impunity and the law requires the permission from the central government to prosecute a member of the army. To this day, no soldier has been sentenced on the basis of this law.

Ms. Sharmila was arrested for the first time in November 2000 for “attempting suicide” (Section 309 of the Criminal Code) and has refused to eat or drink since then. The maximum sentence under Section 309 of the Code is one year in detention. Ms. Sharmila is thus released every year and then placed in detention the next day for the same reasons.

On October 2, 2006, she went to New Delhi on the day of her “annual release” to give a national resonance to her action. She was arrested a few days after her arrival by the police and forcibly hospitalised at the All India Institute of Medical Sciences (AIIMS), where she was force-fed by a nasal tube.

On November 28, 2006, Ms. Sharmila took the tube out to continue her hunger strike. She is watched by several dozen policemen and cannot move, speak nor meet people freely.

Acts of harassment against MASUM⁶²

On November 10, 2006, the headquarters of *Manabadhikar Suraksha Mancha* (MASUM), a human rights organisation working in India and South Asia and specialised in denouncing torture, were searched by a policeman from the District Intelligence Branch Department (DIB) in Howrah, West Bengal. During the search, the policeman enquired about the organisation’s activities and its registration certificate, and asked for the name and contact details of its managers. The only employee present at the time refused to give the information and asked the officer to come back later.

62. See Annual Report 2005 and Urgent Appeal IND 002/1206/OBS 144.

On November 21, 2006, another search was carried out at the MASUM headquarters by the same policeman, who was looking for more information on the organisation. He notably wrote down the address of Mr. **Kirity Roy**, MASUM secretary general, and asked for the association's registration certificate.

Mr. Roy was present during the search. When he asked the police officer for a search warrant, the policeman replied that he was obeying orders from the chief inspector of the West Bengal police. He then left the premises, saying that he would bring the warrant at a later time.

Mr. Roy received a telephone call shortly afterwards, summoning him to a meeting with the deputy police superintendent at the DIB office in Howrah. When Mr. Roy asked him to send a written summons, the police officer hung up.

On December 9, 2005, Mr. Kirity Roy had already been arrested by the police in Lal Bazar, Calcutta, West Bengal, along with 21 people, including Mr. **Abhijit Datta**, MASUM assistant secretary, Mr. **Pradip Mukherjee**, a MASUM employee, Mr. **Nirmal Karmakar**, secretary of the Deganga unit of the Association for the Protection of Democratic Rights (APDR), Mr. **Phanigopal Battacharjee**, secretary of Indo-Japan Steels Workers' Union, and Mr. **Dipankar Mitra**, a member of the Calcutta section of ActionAid. At the time, they were peacefully protesting in front of the secretariat of the government of West Bengal using banners to denounce cases of human rights violations committed by police officers. All of these persons were detained at the Lal Bazar police station before being released three hours later without charge.

Arbitrary arrest and ill-treatment of Ms. Medha Patkar and several of her supporters⁶³

On December 2, 2006, Ms. **Medha Patkar**, the founder and director of the Save the Narmada Movement (*Narmada Bachao Andolan - NBA*), a coalition of local organisations fighting for the rights of people who were displaced because of the dam-building projects on the Narmada river (which is also affecting the eco-system), was arbitrarily detained when she was on her way to Singur, Hooghly district, in West Bengal, to show her support to Singur villagers who were

63. See MASUM.

threatened with eviction because of the construction of a car factory on their land.

Seven other members of the organisation were also arrested. During her detention, Ms. Medha Patkar was reportedly victim of ill-treatment and insults. Her companions, including Mr. **Dipankar Chakraborty** and Mr. **Sumit Chowdhury**, were released on bail from the Chinsura police station. As to Ms. Medha Patkar, she was taken to Kolkota, where she remained in detention in a police car all night until being released the next morning.

Faced with the villagers' resistance to their eviction, the state's government deployed a contingent of close to 5,000 policemen and members of the Rapid Action Force (RAF) on November 2 to circle the village's land with barbed wire. The mobilised villagers tried to resist, but they were rapidly charged by the police and the RAF, armed with blundgeons, tear gas and rubber bullets.

The policemen also allegedly entered neighbouring villages, hitting and assaulting villagers, including women, elderly people and children. Several people were seriously injured.

During this incident, the police arrested more than 60 people, including women and children, in order to forcibly take their land. A dozen people were allegedly injured.

On December 4, 2006, Ms. Patkar was arrested by the police again as she was trying to enter the city. She was detained in a pension in Dankunim with several companions, including Ms. **Anuradha Talwar** and Ms. **Rekha Sarkar**. She was released on the afternoon of December 5, 2006 and immediately attempted to enter the city again. The police stopped her once more and took her back to Kolkota.

Moreover, on December 9, 2006, Ms. Patkar participated in a silent protest in Kolkota to denounce police repression during a protest organised the day before by several political parties who were trying to enter Singur. Ms. Patkar and several other participants were then arrested and taken to the Lalbazar police station in Kolkota, before being released a few hours later without charge.

No arrest warrant was ever presented to Ms. Patkar and no file has been registered with the police.

On April 5, 2006, a peaceful protest in Delhi against the transfer of thousands of people because of the dam project of Sardar Sarovar, on the Narmada River, was violently repressed by the police.

Ms. Medha Patkar and Mr. **Jamsingh Nargave**, an NBA activist, were taken to a government hospital, where they were detained by the police for several days.

INDONESIA

Two years later, Mr. Munir Said Thalib's murder remains unpunished⁶⁴

As of the end of 2006, the impunity for the murder of Mr. **Munir Said Thalib**, co-founder of the Commission for Disappearances and Victims of Violence (KONTRAS), who died on board of a Garuda Airlines flight from Jakarta to Amsterdam on September 7, 2004 was more blatant than ever: not only had no real progress been made in the investigation about those behind the attack, but the principal suspect, who was accused of “premeditated murder”, was acquitted.

Indeed, on October 3, 2006, the Indonesian Supreme Court acquitted Mr. Pollycarpus Budihari Priyanto, a Garuda Airlines pilot. He had been sentenced to 14 years in prison by the Jakarta Central District Court on December 20, 2005, along with Mr. Oedi Irianto and Mr. Yeti Susmiarti, both stewards of Garuda Airlines. The Supreme Court only found Mr. Priyanto guilty of “falsification of airline documents” and sentenced him to two years in prison.

The Court refused to accept new evidence and based itself on the evidence presented in previous trials.

Mr. Priyanto was suspected of offering a first class seat to Mr. Munir and then putting arsenic in his orange juice. He had appealed the sentence when the Jakarta High Court upheld the Jakarta Central District Court's judgment in March 2006.

On December 25, 2006, Mr. Priyanto was released from prison three months before the end of his sentence, benefiting from a reduction of his sentence on the occasion of a bank holiday, an Indonesian tradition.

In June 2005, an official investigation team (*Tim Pencari Fakta - TPF*) that had undertaken an inquiry from December 2004 to June 2005 submitted its report to the President of the Republic, Mr. Susilo Bambang Yudhoyono. The report suggested the involvement of senior

64. See Annual Report 2005.

executives of the State airline Garuda and high-level officials of the State Intelligence Agency (*Badan Intelijen Nasional* - BIN) in the death of Mr. Munir. However, this report had not been made public by the end of 2006 and was not used during the trial.

Moreover, when the TPF summoned the former head of the Indonesian secret services, who was in service at the time of the murder, he refused to respond to this convocation. He then lodged a complaint for defamation against two TPF members, Mr. **Usman Hamid**, KONTRAS director, and Mr. **Rachland Nashidik**, director of *Imparsial*, a human rights NGO. The charges against the men had been dropped by the end of 2006.

On November 7, 2006, the head of the Indonesian police force announced that he would not authorise any foreign intervention in the inquiry into the murder of Mr. Munir, just as Mr. Philip Alston, Special Rapporteur of the United Nations on extrajudicial, summary or arbitrary executions, had pledged to Mr. Munir's widow that he would follow the inquiry.

However, on December 7, 2006, the House of People's Representatives asked the President to relaunch an inquiry into the murder of Mr. Munir, to appoint an independent investigation team and to publish the TPF report.

Mr. Munir had played a leading role in the investigations on human rights violations perpetrated by the Indonesian army, particularly in East Timor. He had also led numerous investigations into the disappearances of activists in Aceh and Papua under the Suharto dictatorship.

IRAN

Assaults against DHRC and its members

Judicial harassment against the Defenders of Human Rights Centre⁶⁵

On August 3, 2006, the activities of the Defenders of Human Rights Centre (DHRC), co-founded by Ms. **Shirin Ebadi**, laureate of the Nobel Peace Prize in 2003, were declared illegal by the Minister

65. See Press Release, August 8, 2006.

of the Interior, who stated that any person who continued these activities would be prosecuted.

Nevertheless, no legal proceedings had been initiated on the merits of this case as of the end of 2006.

Since its creation, the Centre's requests for registration have been refused numerous times without any justification from the authorities.

Arbitrary detention of Mr. Nasser Zarafchan⁶⁶

On November 13, 2006, Mr. **Nasser Zarafchan**, a lawyer and founding member of DHRC who has been detained at the Evin prison since August 2002, was severely beaten by dangerous criminals condemned for ordinary crimes and who had just been transferred to the prison. Further information on Mr. Zarafchan's health or the circumstances surrounding these acts of violence was not available by the end of 2006.

Mr. Zarafchan is the lawyer of Mrs. Sima Pouhandeh, the widow of Mr. Mohammed Djafar Pouhandeh, a writer and a human rights defender who was murdered in 1998. He had been sentenced to three years' imprisonment by the Military Court of Tehran on March 18, 2002 for "possession of firearms and alcohol". He was also sentenced to two additional years of imprisonment and fifty whiplashes for his statements to the press regarding the trial of the alleged murders of Iranian intellectuals, which ended in January 2002. The verdict was confirmed in appeal by the Military Court of Tehran on July 15, 2002.

Mr. Zarafchan should be released during the first quarter of 2007.

Sentencing and release on bail of Mr. Abdolfattah Soltani⁶⁷

On March 6, 2006, Mr. **Abdolfattah Soltani**, a lawyer at the Tehran Bar and a founding member of DHRC, was released after his bail of 100,000 euros was paid thanks to national and international solidarity.

On July 16, 2006, the Revolutionary Court of Tehran sentenced Mr. Soltani to five years in prison and the loss of his civil rights for failing to respect the confidentiality of the preliminary inquiry into

66. See Annual Report 2005 and Urgent Appeal IRN 004/0012/OBS 125.9.

67. See Annual Report 2005 and Urgent Appeals IRN 002/0705/OBS 055.3, 055.4 and 055.5.

the case of Ms. Zahra Kazemi, an Iranian-Canadian photographer who died in 2003 from the acts of torture and ill-treatment she was subjected to during her detention. Mr. Soltani appealed against this judgment.

In July 2005, Mr. Soltani, the Kazemi family's lawyer, had questioned the independence and fairness of the trial, stressing that the main officials allegedly involved in the acts of torture had not been prosecuted by the tribunal, including Mr. Said Mortazavi, Tehran Prosecutor.

Mr. Soltani had been arrested on July 30, 2005 when participating in a sit-in on the premises of the Tehran Bar to protest against the warrant issued for his arrest for "espionage" by Mr. Said Mortazavi on July 27, 2005. He was detained incommunicado until January 2006, when he was able to meet his lawyers.

As of the end of 2006, Mr. Soltani remained free and was waiting for a definitive verdict.

Repression against trade unionists

Judicial proceedings against five trade unionists in the Kurdish province of Iran⁶⁸

As of the end of 2006, judicial proceedings against Mr. **Mahmoud Salehi**, spokesperson for the Organisational Committee to Establish Trade Unions and former president of the Saqez Bakery Workers' Union, Mr. **Mohsen Hakimi**, a member of the Iranian Writers' Association, Mr. **Jalal Hosseini**, Mr. **Borhan Divangar**, and Mr. **Mohammad Abdipoor**, all members of the Saqez Bakery Workers' Union, were awaiting to be heard on appeal.

In November 2005, Mr. Mahmoud Salehi was sentenced to five years in prison and three years in exile; Mr. Jalal Hosseini, to three years in prison; Mr. Mohsen Hakimi, Mr. Borhan Divangar and Mr. Mohammad Abdipoor, to two years in prison. These five people had been arrested and then released after having participated in the peaceful celebration of May 1, 2004. They were accused of "sympathizing with the banned political party *Komala* [for an Iranian Kurdistan]". Although Mr. Mahmoud Salehi was reportedly found not guilty with

68. See Annual Report 2005.

regards to this charge, he was nonetheless accused of “meeting and conspiring against national security” under Article 610 of the Islamic Punishment Act, which prescribes sentences from two to five years of imprisonment. During the hearings, Mr. Salehi’s involvement with trade unions was held against him.

In May 2006, the seventh section of the Court of Appeal of the Kurdistan province annulled the judgment and held that Mr. Salehi, Mr. Hosseini, Mr. Divangar, Mr. Hakimi and Mr. Abdipoor were innocent. However, new judicial proceedings were initiated against them with the Saqez Revolutionary Court.

On November 13, 2006, the Court sentenced Mr. Salehi and Mr. Hosseini to four and two years’ imprisonment respectively for “meeting and conspiring against national security” following their involvement in the organisation of the May 1, 2004 celebration in Saqez. On November 27, 2006, Mr. Mohsen Hakimi was also sentenced to two years in prison. On October 17, 2006, Mr. Borhan Divangar was sentenced to two years in prison, but Mr. Mohammad Abdipoor was acquitted. The four trade unionists appealed their sentences and were on provisional release as of the end of 2006.

Ongoing repression against members of the *Sherkat-e Vahed* Union⁶⁹

In 2006, the members of the Tehran and Suburbs Bus Company Workers’ Union (*Sherkat-e Vahed*) were still subjected to ongoing and increasing repression.

On January 27, 2006, the day before a strike calling for, among other things, the release of Mr. **Mansour Osanloo**, president of the union, eight members of the Union’s executive committee were summoned by the court. Mr Osanloo had been detained in the Evin prison (Tehran) since December 22, 2005⁷⁰. The mayor of Tehran declared that the union was illegal, saying that the members were “saboteurs” and “subversive”, and asked that the strike be cancelled. New bus drivers were hired to break the strike. Moreover, more than 100 members of the union were arrested.

The next day, during the violent dispersal of the strike, hundreds of bus drivers and their wives were arrested and taken to the Evin prison.

69. See Annual Report 2005 and Press Releases, March 20 and August 10, 2006.

70. See Annual Report 2005.

The police also broke into the homes of some of the union leaders.

Most of the people detained were released in February 2006, except for seven members of the executive committee: Mr. Mansour Osanloo, Mr. **Ebrahim Madadi**, vice president, Mr. **Mansour Hayat Gheibi**, **Yusseff Moradi**, Mr. **Yagoub Salimi**, Mr. **Ali Zadeh Hosseini** and Mr. **Mohammad Ebrahim Noroozi Gohari**.

On March 4, 2006, Mr. **Gholamreza Mirzaie**, the union's spokesperson, was also arrested.

Furthermore, Mr. Mohammad Ebrahim Noroozi Gohari, Mr. Gholamreza Mirzaie, Mr. Yagoub Salimi, Mr. Mansour Hayat Gheibi and Mr. Ebrahim Madadi were fired in March 2006.

From March 18 to April 10, 2006, all the people arrested were released, except for Mr. Osanloo. Mr. Mansour Hayat Gheibi was arrested again 24 hours after his release, only to be released later.

On May 1, 2006, the police arrested 13 union members who had gathered for International Labour Day, including Mr. **Abbas Najand Kodaki**, Mr. Yagoub Salimi, Mr. **Mahmoud Hojabri**, Mr. **Gholamreza Gholamhosseini**, Mr. Gholamreza Mirzaie, Mr. **Hassan Dehghan Gholamreza Khani**, Mr. **Fazel Khani**, and Mr. Ebrahim Madadi. They were all released on May 6, 2006.

On July 15, 2006, eight union members were arrested after participating in a peaceful protest in front of the Ministry of Labour calling for the recognition of the legal status of their union: Mr. Ebrahim Madadi, Mr. **Seyed Davoud Razavi**, Mr. Yagoub Salimi, Mr. **Atta Babakhani**, Mr. **Naser Gholami**, Mr. **Seyed Reza Nematipoor**, Mr. **Manochehr Mahdavi Tabar** and Mr. Ebrahim Noroozi Gohari. They were all released four days later.

On August 9, 2006, Mr. Mansoor Osanloo was released after being detained incommunicado for more than seven months in the Evin prison. His release was reportedly conditional on a 150 million toman bail (125,000 euros), which was paid by his colleagues, friends and family.

On November 8, 2006, Mr. Osanloo was once again detained for several hours by the Tabriz police, along with nine representatives of *Sherkat-e Vahed*. At the time, they were on their way to Tabriz for a workshop organised by the International Labour Organisation.

On November 19, 2006, Mr. Osanloo and Mr. Ebrahim Madadi were arrested on the street by policemen in plain clothes. The policemen refused to show their police card or an arrest warrant. Both men

were on their way to the Ministry of Labour in Tehran and were allegedly physically and verbally assaulted by the policemen. One of them reportedly pointed a gun towards Mr. Madadi, before firing in the air. The officers finally forced Mr. Osanloo to get into their car and left.

Mr. Osanloo was placed in detention in section 209 of the Evin prison, which is reserved for prisoners accused of political offences. He was unable to get access to his lawyer before December 5, 2006.

On November 26, 2006, Mr. Osanloo appeared before the 14th Chamber of the Revolutionary Court along with 17 other trade unionists to answer the pending charges against him, the exact nature of which was not known.

A few days later, the Minister of Justice and the spokesperson for the Ministry reportedly declared that Mr. Osanloo had been arrested again for not reporting to the penitentiary authorities after the issue of an arrest warrant and summons. However, his lawyer certified that Mr. Osanloo never received a warrant or summons requiring him to return to prison, but only a summons requiring his presence at a hearing before the fourth chamber of the Special Civil Servants Court on November 20, 2006.

On December 5, 2006, the judge set an additional bail of 30 million toman for his release (his bail then amounting to about 150,000 euros), stating that only his wife was authorised to pay it.

On December 19, 2006, Mr. Osanloo was finally released after only paying 150 million toman in bail, which was related to his detention from December 22, 2005 and August 9, 2006.

Moreover, on December 3, 2006, Mr. Seyed Davoud Razavi, Mr. **Abdolreza Tarazi**, members of the union's board of directors, and Mr. Gholamreza Gholamhosseini were released at the Khavaran bus station in Tehran, as they were distributing pamphlets to bus drivers. Mr. Razavi and Mr. Tarazi were freed the same night without charges.

Mr. Gholamreza Gholamhosseini was released on bail on December 9, 2006. The Prosecutor of the Tehran Revolutionary Court reportedly opened a file against him, but it was not possible to obtain any information on its content.

Repression of two protests in favour of women's rights⁷¹

On the occasion of International Women's Day on March 8, 2006, the Iranian police, militiamen in plain clothes and members of the special anti-riot force of the Revolutionary Guards repressed a sit-in organised by independent groups of women and activists who were protesting in Tehran in favour of women's rights and peace.

After being photographed and filmed by the security forces, the protesters were given the order to disperse on the grounds that the gathering was illegal. The security forces then poured garbage over the head of the women protesters, assaulted them and hit them with their truncheons. The protesters then scattered, but the police followed and hit some of them. Moreover, several journalists, including foreign correspondents who were covering the protest, were arrested. They were released once their rolls and pictures were confiscated.

Moreover, on June 12, 2006, students and representatives of several women's rights NGOs who had organised a peaceful gathering in Tehran in order to protest against the discriminatory status of Iranian women were violently assaulted by the police.

Subsequently, at a press conference held on June 13, 2006, the Minister of Justice stated that 70 persons had been arrested and jailed in the Evin prison (Tehran) for "having organised an illegal gathering". Among them were Ms. **Gila Baniyaghoub**, Ms. **Shahla Entesari**, Mr. **Bahareh Hedayat**, Ms. **Atefeh Youssefi**, Ms. **Samira Sadri**, Ms. **Delaram Aramfar**, Ms. **Massoumeh Loghmani** and Ms. **Leyla Mohseninejad**, along with Mr. **Aliakbar Moussavi Khoini**, Mr. **Bahman Ahmadi Amoui**, Mr. **Ali Rouzbehani**, Mr. **Amin Ghalei** and Mr. **Vahid Mirjalili**. They were all released, except for Mr. **Aliakbar Moussavi** who was released on bail at a later date.

Judicial proceedings against these people were still pending as of the end of 2006.

Release of Mr. Akbar Ganji⁷²

Mr. **Akbar Ganji**, a journalist with the daily newspaper *Sobh-e-Emrooz*, was released on March 18, 2006, a few days before the official end of his prison term, scheduled for March 30, 2006.

71. See Press Releases, March 20 and June 14, 2006.

72. See Annual Report 2005 and Press Release, March 20, 2006.

Mr. Akbar Ganji was detained since April 22, 2000 at the Evin prison in Tehran for having written several articles denouncing the involvement of the Iranian regime in the assassination of political opponents and intellectual dissidents in 1998, and for taking part in a conference on the Iranian elections in Berlin in April 2000.

Mr. Ganji had been hospitalised in the Milad hospital in Tehran on July 17, 2005 after more than two months of hunger strike, which he finally ended on the night of August 20 to 21, 2005. He was taken back to prison on September 3, 2005, and had since been put in solitary confinement in a special section of the Evin prison.

On October 11, 2006, Mr. Akbar Ganji was awarded the Martin Ennals Award for Human Rights Defenders (MEA)⁷³, along with Mr. Arnold Tsunga, a defender from Zimbabwe.

Arbitrary detention and sentencing of Mr. Saleh Kamrani⁷⁴

On June 14, 2006, Mr. **Saleh Kamrani**, a lawyer in Tehran, disappeared after calling his wife to tell her that he was on his way home. Detained in section 209 of the Evin prison, Mr. Kamrani was sentenced on September 13, 2006 to one year in prison with five years' probation for "propaganda against the system" (Article 500 of the Islamic Criminal Code). He was released on September 18, 2006.

Shortly before his arrest, Mr. Kamrani had defended political prisoners who had been arrested during demonstrations against the publication of a cartoon that had offended many Azeri Turkish citizens. The cartoon had been published by a State-owned newspaper on May 12, 2006.

In the past, he had already been harassed because of his activities in favour of members of ethnic minorities.

73. The Martin Ennals Award for Human Rights Defenders (MEA) is the product of a unique collaboration between eleven human rights NGOs to offer protection to defenders in the world: Amnesty International, Human Rights Watch, Human Rights First, FIDH, OMCT, International Commission of Jurists, Diakonie Germany, International Service for Human Rights, International Alert, Front Line, and Huridocs.

74. See Urgent Appeal IRN 001/0606/OBS 076.

MALAYSIA**Ongoing judicial proceedings against Ms. Irene Fernandez⁷⁵**

Ms. Irene Fernandez, director of *Tenaganita*, an NGO working with migrant women, was still waiting for her appeal to be heard as of the end of 2006. Indeed, the minutes of the proceedings held in October 2003 had not yet been compiled, thus preventing her lawyers from preparing her defence.

In 1995, Ms. Irene Fernandez had been found guilty of “publishing false information with the intention to harm”, following the publication of a report entitled *Memorandum on the abuses, acts of torture and inhumane treatment suffered by migrant workers in detention camps*. This report contained allegations of abuses inflicted upon migrant populations based on Ms. Fernandez’s interviews with over 300 migrant workers.

Sentenced to twelve months’ imprisonment by the Kuala Lumpur Magistrates’ Court 5B on October 16, 2003, she was released on bail and lodged an appeal against the sentence on October 17, 2003 with the Kuala Lumpur High Court.

Furthermore, since Ms. Fernandez was forced to surrender her passport to the High Court at the time of her release on bail, she has to apply to authorities each time she wishes to travel abroad.

Obstacles to a forum on freedom of religion⁷⁶

On May 14, 2006, almost 300 demonstrators gathered near the Cititel Hotel in Penang for a forum entitled “A Federal Constitution - Protection for All”, organised by the human rights NGO *Aliran* and Article 11, a coalition of 13 NGOs, in order to discuss issues such as freedom of religion and the safeguard of the secular nature of the Malaysian Constitution. For the event, the police had erected road-blocks in the surrounding area to control access to the hotel.

Around fifteen minutes before the forum started, more than 100 people gathered in front of the hotel, holding posters and shouting slogans such as “Allah’s law prevails over human rights”. Shortly afterwards, as several of the demonstrators attempted to attack the

75. See Annual Report 2005.

76. See Open Letter to the Malaysian authorities, May 22, 2006.

hotel, the police entered the building and ordered the organisers to close the forum within 30 minutes. Consequently, the meeting did not take place.

A similar meeting organised by Article 11 in Johor Bahru in July 2006 was also stopped by protesters from Islamic groups.

Death treats against Mr. Malik Imtiaz Sarwar⁷⁷

In mid-August 2006, Mr. **Malik Imtiaz Sarwar**, a lawyer involved in the promotion of freedom of religion and president of the National Human Rights Society of Malaysia (HAKAM), received death threats through an electronic message that was widely circulated to several addresses. The message included a photograph of Mr. Imtiaz Sarwar with the following message above the picture: "Wanted dead". This message was also circulated in the form of a SMS.

These threats might have been linked to his defence on behalf of the Malaysian Bar in the case of Ms. Lina Joy, a citizen who converted from Islam to Christianity. She had filed a complaint against the National Registration Department, which had rejected her request to remove "Islam" from her identity card.

Mr. Malik Imtiaz Sarwar filed a complaint, and an inquiry was reportedly under way as of the end of 2006.

Arbitrary arrest of 23 villagers and housing rights defenders⁷⁸

Nine activists were arrested by the Municipal Council of Ampang Jaya (MPAJ) on November 20, 2006, as they tried to defend the housing rights of the poor living in Kampung Berembang, in Jalan Ampang. Indeed, 50 families who had been living in this village for over 30 years were threatened with eviction and the destruction of their houses under the "Zero Squatters" policy of the Selangor government. The inhabitants were informed of the eviction under the "Emergency Ordinance" even before their new houses were built. The organisation Network of Oppressed People (JERIT) helped the villagers delay their eviction until the new houses were ready. On November 2, 2006, the villagers had met with the secretary of Selangor state, who had promised to do everything possible to delay their eviction until April 2007. This decision was confirmed by Shah Alam High Court.

77. See Urgent Appeal MYS 001/0806/OBS 102.

78. See SUARAM, November 24, 2006.

The following nine people were placed in detention at the Ulu Kelang Taman Keramat police station: Mr. **Adli Abdul Rahman**, a villager, Mr. **Fiqtriy bin Al Hakimi**, a member of the organisation Food Not Bomb, Mr. **Lee Huat Seng**, administrative secretary of the Youth and Student Movement of Malaysia (DEMA), Ms. **Lechumy Devi Doraisamy**, JERIT coordinator, Mr. **Mohd Rajis**, a villager, as well as Ms. **Parames Elumalai**, Mr. **Ramachanthiran Ananthan**, Mr. **Ramalingam Thirumalai** and Mr. **Thevarajan Ramasamy**, members of JERIT.

Later that day, 14 additional people were arrested and detained at the Ampang Jaya police station for attempting to stop the demolition of houses: Mr. **Ebrahim Haris**, a member of Food Not Bomb, Messrs. **Sevan** and **Mohan**, Ms. **V. Wani**, Ms. **Kumaraveel** and Ms. **Sugumaran**, members of JERIT, Mr. **Sivarajan**, treasurer of the Malay Social Party (PSM), Ms. **Sabariah Ayoub**, Mr. **Awalluddin Sharif**, Mr. **Ahmad Tamrin**, Mr. **Azman Mohd** and Mr. **Faezae Ramzi** (15 years old), villagers, Mr. **Chang Lih Kang**, coordinator of *Suara Rakyat Malaysia* (SUARAM), and Mr. **S. Arutchelvan**, a member of SUARAM and general secretary of PSM.

One of the villagers who had fallen into a coma following blows by the police and municipal forces regained consciousness on November, 21, 2006.

They were all released the same evening and were due to present themselves before the Ampang Tribunal on December 4, 2006. All the houses were demolished.

On December 4, 2006, the hearing could not take place because the prosecution was not ready. No further date for the hearing was set by the end of 2006.

MALDIVES

Release of Ms. Jennifer Latheef⁷⁹

Ms. **Jennifer Latheef**, a photographer and journalist for the daily newspaper *Minivan* and a human rights activist, was released thanks to a presidential pardon on August 16, 2006.

79. See Annual Report 2005.

She had been sentenced on October 18, 2005 to ten years' imprisonment for "terrorist acts" and accused of throwing a stone on a police officer on September 20, 2003 during a protest following the death by torture of five prisoners of conscience. Ms. Latheef always denied the accusations held against her.

NEPAL

Absence of inquiry into the ill-treatment inflicted to Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi⁸⁰

As of the end of 2006, no inquiry had been opened on the 2005 attack against Mr. **Naman Kumar Shahi**, representative of the Informal Sector Service Centre (INSEC), and Mr. **Bhupendra Shahi**, editor-in-chief of the daily newspaper *Gorkhapatra Daily* and district president of the Journalists' Forum and of the Human Rights and Peace Society (HURPES). However, the deputy superintendent at the Dailekh police station allegedly presented his apologies to Mr. Naman Kumar Shahi.

On January 2, 2005, Mr. Naman Kumar Shahi and Mr. Bhupendra Shahi were beaten by plain-clothes officers of the Dailekh police station. They had gone to the district of Dailekh to gather information on the murder of Mr. Dil Bahadur Rana, a member of the District Working Committee of the Nepali Congress Party and secretary of the Independent Committee for Displaced Persons in the district, who was killed that same day by Maoists.

Arbitrary arrests, ill-treatment and acts of harassment against several human rights defenders⁸¹

Following a curfew and the complete prohibition of protests ordered by the government in Kathmandu and Lalitpur districts on January 17, 2006, the repression of Nepalese civil society has increased. Several protests were violently repressed, and several political leaders, journalists and human rights defenders were arrested.

79. See Annual Report 2005.

80. *Idem*.

81. See Informal Sector Service Centre (INSEC).

- On January 25, 2006, Mr. Naman Kumar Shahi was arrested by security forces in plain clothes as he was supervising a protest organised by the Seven Party Alliance (SPA). The police forces also attacked him and dragged him on the ground. He was released later that day.

On February 19, 2006, Mr. Naman Kumar Shahi was hit once again by a police officer as he was monitoring a protest organised by SPA. Following this incident, the deputy superintendent Prakash Bahadur made an apology on behalf of his subordinate.

- On January 26, 2006, Mr. **Nabraj Basnet**, a member of the Society Upliftment Centre, an INSEC affiliate, was arrested by members of the security forces in Janakpur as he was monitoring the programme for election nominations. He was detained all day at the police station and released in the evening.

- On January 27, 2006, Mr. **Arjun Basnet**, INSEC representative in Jhapa district, received a death threat by a stranger who warned him by telephone not to pursue his activities.

- On February 1, 2006, Mr. **Charan Prasai**, president of the Human Rights Organisation in Nepal (HURON), along with Mr. **Bijul Biswokarma**, Mr. **Mukund Rijal**, Mr. **Suresh Kumar Bhatta**, Mr. **Narayan Dutta Kande**, Mr. **Basu Devkota** and Mr. **Prakash Bara**, other HURON members, was arrested while they were taking part in a meeting on the occasion of the one-year “anniversary” of the royal take-over in Nepal⁸².

Mr. Bijul Biswokarma, Mr. Mukund Rijal, Mr. Suresh Kumar Bhatta, Mr. Narayan Dutta Kande, Mr. Basu Devkota and Mr. Prakash Bara were all released on February 5, 2006. Mr. Charan Prasai was released a month later.

- On February 2, 2006, Mr. **Rupesh Khatiwada**, secretary of the Free Students’ Union (FSU), was arrested at Tribhuban University by the police, and then taken to the Kirtipur police station in Kathmandu. He was tortured by two police officers that same evening.

82. See Urgent Appeal NPL 001/0206/OBS 012.

On February 5, 2006, Mr. Khatiwada, Mr. **Basudev Poudel**, Mr. **Rajan Khatiwada** and Mr. **Saroj Kumar Yadav**, also student leaders, were placed in provisional detention in the Women Development Training Centre in Jawalakhel, Lalitpur district. Mr. Poudel, Mr. Khatiwada and Mr. Kumar Yadav were also tortured during their arrest.

On February 3 and 4, 2006, the National Human Rights Commission and Mr. Ian Martin, head of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Nepal, visited the four prisoners. They were all released on February 21, 2006⁸³.

- On February 13, 2006, soldiers of the Ranadal Gulma garrison violently attacked Mr. **Kalli Bahadur Malla**, INSEC representative in the Kalikot district, during an identity check in the Manma bazaar. Once he had introduced himself as an INSEC member, the military declared that “all human rights defenders and journalists are Maoists”, before hitting him and causing head injuries.

- On April 5, 2006, the police arrested 37 journalists, lawyers and professors who were preparing themselves to join a protest in New Baneshwar (Kathmandu), including Mr. **Bishnu Nisthuri**, president of the Federation of Nepalese Journalists (FNJ), Mr. **Mahendra Bista**, general secretary of FNJ, and Mr. **Shambhu Thapa**, president of the Nepal Bar Association (NBA). They were all released the same evening.

- On April 8, 2006, 24 members of the Civil Movement for Democracy and Peace (CMDP) were arrested in Maharajgunj during a demonstration in support of democracy in Nepal, including: Mr. **Daman Nath Dhungana** and Mr. **Padma Ratna Tuladhar**, two observers of the peace negotiations; Mr. **Sundar Mani Dixit**, director of the Civil Society for Peace and Development; Mr. **Kanak Mani Dixit**, editor-in-chief of the Nepalese magazine *Himal South Asia* and director of the *Himal Media* press group; Mr. **Ishwar Koirala**;

83. See OMCT Urgent Appeal NPL 100206.

Mr. Charan Prasain; Mr. **Kapil Shrestha**, a teacher at Tribhuvan University in Kathmandu; Mr. **Laxman Aryal**, a former judge at the Supreme Court; Mr. **Mahesh Maskey**; Mr. **Bidur Wasti**; Mr. **Bharat Pradhan**; Mr. **Bhaskar Gautam**; Mr. **Bimal Aryal**, a teacher; Mr. **Kedar Sharma**, a member of the Nepal Forum of Environmental Journalists (NEFEJ); Mr. **Malla K. Sundar**, a defender of indigenous rights; Mr. **Saroj Dhital**, a doctor; Mr. **Anubhav Ajit**; Mr. **Rupak Adhikari**; Mr. **Arun Sayami**, a doctor; Mr. **Madhu Ghimire**; and, Ms. **Shanta Dixit**, a journalist.

They were all detained in the barracks of the Armed Police Force (APF) in Duwakot (Bhaktapur), and released on April 25, 2006.

- On April 9, 2006, authorities refused to grant permits to journalists and human rights defenders during the curfew to enable them to attend an INSEC conference. These measures had a great impact on the 2005 release of INSEC's annual report, which has been distributed on the same day since 1992.

- The same day, a protest organised by civilians in front of the District Administration Office of Doti district was repressed by the police armed with truncheons. Many journalists and activists were injured, including the journalists Mr. **Tekendra Deuba** and Mr. **Ran Bahadur Bohara**, and the activists Mr. **Ramhari Ojha**, Mr. **Dik Bahadur Mahara**, facilitator of the INSEC "Campaign for Peace", and Mr. **Shanker Deep Madai**. Mr. Madai had to be taken to hospital.

- On April 12, 2006, the security forces arrested Mr. **Baburam Giri**, secretary general of HURON, Mr. **Shriram Bastola**, HURON treasurer, and Mr. **Kekar Khadka**, Mr. **Jibnath Ghimire** and Mr. **Krishna Abiral**, heads of programmes for Pro-Public Good Governance, a Nepalese NGO which, among other things, fights against corruption in public institutions and for good management of public affairs. They were arrested in front of the gate to the Padma Kanya campus in Bagbazar. They were gathering information on the situation of people injured during protests calling for a return to democracy.

- On April 13, 2006, the police opened fire on a peaceful assembly organised by the Nepalese Bar Association (NBA), in Babarmahal,

thereby injuring the lawyers **Tanka Prasad Chaulagain** and **Ramchandra Singkhada**. **Mr. Santosh Sigdel**, **Mr. Sitaram Adhikari**, **Mr. Nandu Acharya**, **Mr. Prem Bahadur Khadka**, **Mr. Shambhu Thapa**, **Mr. Sher Bahadur KC**, vice-president, **Mr. Madhav Banskota**, secretary general, and **Mr. Yuvaraj Sangraula**, director of the law faculty of Kathmandu, were also violently assaulted. Messrs. **Purna Prasad Dangal**, **Kamal Bahadur Khatri**, **Kamal Itani**, **Nabin Shrestha**, **Rajendra Neupane**, **Govinda Khadka** and **Rabindra Lal Joshi** also suffered injuries and had to be taken to hospital. **Mr. Bimal Chandra Sharma** and **Mr. Bidyanath Bhurtel**, INSEC members, were also attacked while monitoring the gathering, and **Mr. Rajkumar Siwakoti**, a member of the Human Rights & Democratic Forum (FOHRID), was arrested and accused of throwing stones at security forces.

- On April 14, 2006, security forces arrested 14 NGO members during a peaceful demonstration organised by the Nepalese civil society in New Baneshwar to protest against human rights violations committed during a general strike organised by SPA, including: **Ms. Bhagwati Karki**, a member of the Women Self Dependent Centre, **Ms. Sharmila Karki**, president of Jagaran Nepal, an NGO defending women's rights, **Mr. Netra Timsina**, president of Forest Action in Nepal, **Ms. Shanti Adhikari**, general secretary of the Human Rights Alliance, **Mr. Bhola Bhattarai**, a member of the secretariat of the Federation of Community Forestry Users (FECOFUN), **Mr. Rajendra Lamichhane**, a member of the FECOFUN permanent committee, **Mr. Gajadhar Sunar**, secretary general of the Dalit NGO Federation, **Mr. Santosh BK**, a member of the Dalit Welfare Organisation, **Mr. Mitra Lal Basnet**, a member of the Women Rehabilitation Centre, and **Mr. Rubin Gandharba**, a singer and a central figure in the pro-democracy movement.

- On April 15, 2006, dozens of journalists were injured during the violent dispersal of a protest in Gaushala, which had been organised on the initiative of the Federation of Nepalese Journalists (FNJ). **Mr. Damodar Dawadi**, **Mr. Binod Pahadi**, **Mr. Mahendra Bista**, FNJ secretary general, **Mr. Rajendra Aryal**, **Mr. Harihar Birahi**, **Mr. Tej Prakash Pundit**, **Mr. Upendra Kishori Neupane**, **Mr. Bharat Pokharel**, **Mr. Krishna Humagain** and **Mr. Yuvaraj Sharma** suffered

injuries. Mr. **Surya Thapa**, editor-in-chief of the weekly newspaper *Budhabar* and a leader of FNJ, **Phanindra Dahal**, **Tikaram Yatri** and **Dipak Dahal** were arrested. They were all released the same day.

- On April 16, 2006, many activists were arrested during a protest organised by the Nepal Federation of Indigenous Nationalities (NEFIN) in Baneshwar, including Mr. **Yograj Limbu**, Mr. **Rajbhai Jakarmi**, Mr. **Gyanraj Rai** and Mr. **Suk Bahadur Tamang**. The police also assaulted Mr. **Om Gurung**, NEFIN secretary general. They were all released at a later date.

Threats against Ms. Nirmala Tiwari⁸⁴

On February 4, 2006, Ms. **Nirmala Tiwari**, INSEC representative in Syangja district, received threats from the deputy superintendent following an inquiry by the Human Rights Treaty Monitoring Coordination Committee (HRTMCC), of which INSEC is in charge of the secretariat, into the death of Mr. Pritam Bahadur Gurung. The latter was arrested on January 13, 2006, along with 29 other villagers of Manakamana, Syangja district, by security forces, after gunfire broke out between the security forces and Maoists. Mr. Bahadur Gurung was kept in a very cold bunker overnight. He was released the next day, but died on January 29, 2006 as a result of the bad detention conditions he endured⁸⁵.

On February 4, 2006, the deputy superintendent stated that human rights activists supported the Maoists and warned Ms. Nirmala Tiwari not to reveal the cause of Mr. Pritam Bahadur Gurung's death.

Extrajudicial execution of Mr. Dayaram Pariyar⁸⁶

On March 24, 2006, Mr. **Dayaram Pariyar**, a member of the office of the National Human Rights Commission (NHRC) in Janakpur, suffered injuries during gunfire between security forces and Maoists in the district of Dhanusha (Janakpur). Earlier, a Maoist group had attacked the Mujeliya police office in Dhanusha and executed two

84. See INSEC.

85. See OMCT Urgent Appeal NPL 080206.

86. See INSEC.

police officers. The security forces had then arrived from Janakpur and started to fire indiscriminately when they arrived at Dhanusha, thus injuring Mr. Dayaram Pariyar.

On March 28, 2006, he died of his injuries while in hospital.

His brother and sister lodged a complaint before the Supreme Court on November 13, 2006.

Attack against leaders of GEFONT⁸⁷

On October 16, 2006, around 90 Maoist unionists attacked leaders of the Independent Transport Workers' Association of Nepal (ITWAN), affiliated to the General Federation of Nepalese Trade Unions (GEFONT), to stop them from collecting unionist contributions. Mr. **Bidur Karki**, secretary of the education department of GEFONT and secretary general of the ITWAN central committee, suffered serious injuries. Several other people were abducted or injured, including Mr. **Naran Nath Luintel Bagmati**, secretary of the Central Union of Painters, Plumbers, Electro and Constructions Workers (CUPPEC), Mr. **Balgopal Thapa**, secretary of the central committee of the Independent Press Union (IPWUN, a GEFONT affiliate), Ms. **Sunita Bidhathoki**, a member of the central committee of the Nepal Independent Hotel Workers' Union, and Mr. **Gayatri Niroula**, Mr. **Rameshwar Dhungana**, Mr. **Khem Dahal** and Mr. **Govinda Magar**, members of the Nepal Education Support Trust (NEST).

PAKISTAN

Status of the inquiries into the assassinations of several human rights defenders⁸⁸

As of the end of 2006, the murderers of three human rights defenders killed in 2005 had still not been prosecuted:

- The trial regarding the assassination of Ms. **Yasmin Kanwal**, stabbed to death in Lahore on April 4, 2005, was before the Sheikhpura Court.

- The proceedings relating to the murder of Mr. **Babar Simpson**,

87. See Independent Confederation of Free Trade Unions (ICFTU), October 19, 2006.

88. See Annual Report 2005.

leader of the Ilam-Dost Foundation, and Mr. **Daniel Emanuel**, his driver, kidnapped on April 5, 2005 in Peshawar, were still pending before the Court of First Instance of Peshawar, without any further information on the circumstances of their death. Their mutilated bodies were found on April 7, 2005.

- The trial regarding the assassination of Ms. **Zubaida Begum**, a member of the Aurat Foundation in the district of Dir, an NGO in favour of women's rights, and her daughter, **Shumila**, in June 2005, was referred to the Dir Court. Five suspects were on the run as of the end of 2006.

Ongoing acts of harassment against Ms. Khalida Ahmed⁸⁹

In 2006, Ms. **Khalida Ahmed**, a member of the NGO "War Against Rape", received two phone threats.

On August 28, 2005, Ms. Khalida Ahmed had been harassed and threatened with death after taking a rape victim to the hospital.

Aggression against a delegation commissioned by HRCP⁹⁰

On January 8, 2006, members of a delegation mandated by the Human Rights Commission of Pakistan (HRCP), including Ms. **Asma Jahangir**, HRCP chairperson and United Nations Special Rapporteur on freedom of religion or belief, Mr. **Afrasiab Khattak**, former HRCP chairperson, Mr. **Munizae Jahangir**, a journalist, and Mr. **Muhammad Nadeem**, a cameraman, were attacked in the Balochistan region in the south-west of the country. The aim of the mission was to monitor the deterioration of the human rights situation in the area subsequent to military operations carried out by Pakistani armed forces on December 17, 2005. Three shots of Kalashnikov were fired during the attack, but no one from the delegation was hurt.

The Balochistan Liberation Army (BLA) then called the Quetta Club to claim responsibility for the attack, although this action was not typical of the organisation, which normally makes this kind of claims via its website.

89. *Idem.*

90. See Annual Report 2005 and Urgent Appeal PAK 001/0106/OBS 009.

No action had been taken following the complaint filed by HCRP delegates as of the end of 2006.

PHILIPPINES

Extrajudicial killings

Lack of inquiry into several extra-judicial killings of defenders⁹¹

While defenders remained the victims of extrajudicial killings in 2006, their perpetrators and/or those behind them escaped any kind of prosecution. As of the end of 2006, most of the cases of defenders who were executed in 2005 remained indeed unpunished:

- Mr. **Romeo Sanchez** and Mr. **Fedilito Dacut**, regional coordinators of *Bayan Muna*, a political party principally constituted of trade unions, were killed on March 9 and 14, 2005 respectively in Baguio and in Tacloban. Along with other defenders, Mr. Fedilito Dacut had protested against the nomination of Major General Jovito S. Palparan Jr. to the position of major general of the 8th infantry division in Eastern Visayas because of his responsibility for serious human rights abuses.

- On March 24, 2005, Mrs. **Marlene Garcia-Esperat**, a journalist involved in the struggle against corruption (in particular in the Mindanao region), was killed in her house in front of her family. Her husband had previously received death threats. In 2006, section 21 of the Regional Trial Court (RTC) in Cebu held Sergeant Estanislao Bismanos, Mr. Gerry Cabayag, a gunman, and Mr. Randy Grecia guilty of Mrs. Marlene Garcia-Esperat's murder, which was qualified as "treason". They received a life sentence. The three men were also sentenced to pay compensation of 75,000 Philippine pesos (1,144 euros) to the journalist's estate for civil damages, 75,000 pesos for emotional damages, and 25,000 pesos (395 euros) for exemplary damages and fees. A fourth suspect, Mr. Rowie Barua, a former secret services agent who reportedly coordinated the plot, was acquitted.

91. See Annual Report 2005.

However, the people behind the murder had not yet been identified by the end of 2006.

- On May 12, 2005, Reverend **Edison Lapuz**, a priest involved in the defence of human rights, and Mr. **Alfredo Malinao**, a peasant leader, were murdered in San Isidro, Leyte.

- On October 25, 2005, Mr. **Ricardo Ramos**, president of the Central Azucarera de Tarlac Labour Union (CATLU), was killed while he was in his garden in Barangay Mapalacsiao, Tarlac. Five hours earlier, the union had received more than eight million Philippine pesos (126,000 euros) from Hacienda Luisita Inc., in the framework of an agreement for overdue salaries. No inquiry had been opened as of the end of 2006 and the authors of the crime had not yet been identified.

- Moreover, on August 21, 2006, the Task Force Usig of the Philippine National Police (PNP), a special military unit whose object is to enquire into extrajudicial killings of activists and journalists, stated that, among others, Mr. Fedilito Dacut and Rev. Edison Lapuz were “thieves”.

- As of the end of 2006, no further information was available concerning the state of inquiries into the extrajudicial killings of Mr. **Arnulfo Villanueva**, a columnist for the *Asian Star Express Balita*, a community newspaper in Cavite (February 28, 2005); Mr. **Klein Cantoneros**, a presenter for the radio station *DXAA-FM Dipolog City*, well-known for his denunciations of the corruption of local officials (May 4, 2005); Mr. **Philip Agustin**, editor and publisher of *Starline Times Recorder*, a local community newspaper in Aurora (May 9, 2005); Mr. **Leodegario Punzal**, a member of PISTON (September 13, 2005); Mr. **Diosdado “Ka Fort” Fortuna**, president of the Filipino Employees Union of the Unity of Workers in Southern Tagalog - May First Movement (PAMANTIK-KMU), and the *Anakpawis* political party - South Tagalog section (September 23, 2005); Ms. **Victoria Samonte**, vice-president of the Caraga section of KMU, president of the Andres Soriano College Employees’ Union, president of ACT-BISLIG, president of the Drivers and Operators of Cumawas and Bliss Association (DOCUBA), secretary general of the

Bislig City Alliance of Transport Association (BCATA), and president of the Castillo Bagong Lipunan Homeowners' Association (CBLHA) (September 30, 2005); and Mr. **Federico de Leon**, spokesperson for the Bulacan Confederation of Operators and Drivers' Association (BCODA), president of PISTON in Bulacan province and president of the Bulacan section in *Anakpawis* (October 26, 2005).

Extrajudicial executions of peasant leaders⁹²

Since the beginning of 2006, many peasant leaders have been killed, in particular in relation to land reform disputes, including:

- On January 10, 2006, Mr. **Antonio Adriaes**, a farmer and leader of *Aguman Dareng Maldang Talapagobra Queng Gabun* (AMTG) in San Isidro, Mexico, Pampanga, was killed by two unidentified persons. Mr. Adriaes was leading the farmers' movement in the region and had fought the establishment of the detachment of the 69th infantry battalion of the army in Mexico⁹³.

- On March 27, 2006, Mr. **Vicente B. Denila**, an active member of the Camansi Farm Workers Cooperative (CFWC), whose members are beneficiaries of the land reform, was killed by two unidentified men in Sitio Cansuy-ong, Barangay Novalla, Tanjay City. Since his death, the members of his family have been threatened on a regular basis, which has forced them to move out.

- On April 15, 2006, Mr. **Rico Adeva**, a member of the Task Force Mapalad (TFM), a national peasant federation, and his spouse, were attacked by three unidentified men in Hacienda Fuego II, Brgy. Bagtic, in the town of Silay, as they were going home. Two of the men fired at point blank on Mr. Adeva, killing him on the spot, whilst the third man immobilised his wife. This murder occurred following a confrontation between TFM and the management of the Hacienda.

92. See Open Letter to the Philippine authorities, July 3, 2006.

93. See PAHRA, *Citizens' CHR Task Force Central Luzon - Fact Finding Mission Report*, April 2006.

- On April 22, 2006, Mr. **Porferio Maglasang Sr.**, chairperson of the Kabankalan chapter of the National Federation of Free Farmers (*Pambansang Katipunan ng Malayang Magbubukid* - PKMM), was killed by three unidentified men near his house in Sitio Caraan, Brgy. Tampalon, city of Kabankalan. Mr. Porferio and PKMM were fighting for nearly 2,000 hectares of land cultivated by almost 1,000 families in the highland areas of Kabankalan city.

- On April 24, 2006, Mr. **Ka Eric**, *alias* Enrico Cabanit, secretary general of the National Coordination of Local Autonomous Organisations of Rural Populations (*Pambansang Ugnayan ng mga Nagsasariling Lokal na Organisasyon sa Kanayunan* - UNORKA), an NGO fighting for land reform, was killed on the public market of Panabo by two unknown people. His daughter, who was with him at the time, was seriously injured and was taken to hospital in critical condition⁹⁴. Mr. Ka was killed by four bullets in the head as he was leaving a meeting with official representatives of the Department of Agrarian Reform (DAR) and other farmers in the UNORKA-Mindanao office. The aim of the meeting was to ensure that the lands belonging to the Floirendo family and located in the penitentiary colony of Davao (DAPECOL) were included in the list of the land subjected to the Comprehensive Agrarian Reform Programme (CARP). Indeed, under the programme the land must be redistributed by the owners to the beneficiaries.

- On May 16, 2006, Mr. **Pedro Angcon**, human rights manager of the Alliance for the Advancement of Human Rights (KARAPATAN) and one of the directors of *Anakbayan* (an affiliated youth movement in Bayan), was shot dead in his shop by two unknown persons in Guihulngan, Negros Oriental. Earlier, these two men had questioned several persons in his neighbourhood inquiring on his whereabouts. The two men immediately returned towards Guihulngan⁹⁵.

- On May 17, 2006, Mr. **Mario Domingo**, president of the Hacienda Cambuktot Agrarian Reform Beneficiaries Association

94. See Urgent Appeal PHL 001/0406/OBS 053.

95. See Task Force Detainees of the Philippines (TFDP) and www.bulatlat.com.

(HACARBA), was killed while visiting land occupied by 20 employees of Mr. Fairley Gustilo, the former owner of the land that had been awarded to the peasants by the Department of Agrarian Reform (DAR). When Mr. Domingo arrived, several of the employees fired at him and his colleagues, who then tried to escape. However, two employees continued to fire at Mr. Mario Domingo, who died instantly.

- On June 11, 2006, Mr. **Manny Delos Santos**, a member of the board of directors of the Peasant Alliance in Central Luzon (*Alyansa ng Magbubukid sa Gitnang Luzon-Nueva Ecija* - AMGL), was shot dead by two men on motorbikes in Brgy. Oliveti, town of Bongabon, Nueva Ecija province. Mr. Delos Santos was about to leave for a five-day peasant protest in Manila⁹⁶.

- On June 17, 2006, Mr. **Tito Marata**, head of the media department of the Philippines Peasants' Movement (*Kilusang Magbubukid ng Pilipinas-Western Mindanao* - KMP), was shot down by an unidentified person in Oroquieta. According to a witness, the murderer said: "I had already warned you to stop your activities". Mr. Marata had actively participated in campaigns in favour of better land reform, against mining operations prejudicial to the environment, and against human rights abuses⁹⁷.

- On June 20, 2006, Mr. **Eladio Dasi-An**, a volunteer with KARAPATAN's Negro section and vice-president of the Anti-Mine Alliance of Guihulngan, was assassinated by two unknown men on his way home in Barangay Malusay, Guihulngan.

- On June 26, 2006, Mr. **Wilfredo Cornea**, TFM vice-president and leader of the Mulawin Lanatan Agrarian Reform Beneficiaries Association (*Mulawin Lanatan Agrarian Reform Beneficiaries Association* - MULARBA), was assassinated at his home in the Hacienda Mulawin by two unidentified gunmen. Mr. Cornea was an ardent defender of the rights of the farmers who had been granted land under the CARP, to which the owner of the Hacienda was opposed.

96. See www.bulatlat.com.

97. *Idem*.

- On July 4, 2006, Mr. **John Gado**, Mr. **Igmidio Facunla**'s nephew, AMGL's general secretary, was shot down in front of his home in Yuson village, Guimba City, Nueva Ecija province. Just before his nephew's death, Mr. Facunla had complained about acts of harassment from the army⁹⁸.

- On September 7, 2006, Mr. **Victor Olayvar**, president of the Bohol Peasants' Organisation (*Hugpong sa Mag-uumang Bul-anon*), responsible of the regional section of *Bayan Muna* in the city of Tagbilaran and vice-president of Bayan-Central Visaya, was targeted by two individuals on a motorcycle, who shot at him. Mr. Victor Olayvar died from his wounds at the Francisco Dagohoy Hospital in Inabanga. He was particularly involved in the fight against genetically modified organisms (GMO)⁹⁹.

- On November 11, 2006, Mr. **Joey Javier**, former president of the Peasants' Alliance of Cagayan (*Alyansa dagiti Mannalon ti Cagayan - KAGIMUNGAN*), an affiliate organisation of KMP, and programme manager, was shot dead by two unidentified individuals as he was going to Baggao, Cagayan province. Previously, he had received death threats, notably by SMS. In October, soldiers had publicly threatened him¹⁰⁰.

98. *Idem*.

99. See PAHRA.

100. *Idem*.

Extrajudicial killings of union leaders¹⁰¹

- On February 27, 2006, Mr. **Napoleon Pornasodoro**, secretary general of the Southern Tagalog Teachers for Development (STATEMENT), and a member of the National Council of Alliance of Concerned Teacher (ACT), was assassinated.

- In early March 2006, Mr. **Robert De la Cruz**, a member of the Tritran Bus Lines' Union, was assassinated.

- On March 6, 2006, Mr. **Rogelio Concepcion**, a member of the Solid Development Corporation Workers' Association (SDCWA), was kidnapped and subsequently killed. Mr. Concepcion was allegedly kidnapped by members of the infantry's 24th battalion.

- On March 17, 2006, Mr. **Tirso Cruz**, a member of the board of directors of the United Luisita Workers' Union (ULWU), was killed in Hacienda Luisita. Mr. Cruz had received many death threats since a strike in 2005 and was a key witness of the November 16, 2004 massacre in the Hacienda¹⁰². He had also been one of the leaders of the fight against the construction of the Subic-Clark-Tarlac highway and the deployment of soldiers inside the hacienda.

- On July 6, 2006, Mr. **Paquito Diaz**, president of the Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE), was shot dead in front of his house in the town of Tacloban.

- On September 2, 2006, two men stopped the car of Mr. **Sanito Bargamento**, a member of the National Federation of Sugar Workers (NFSW), and shot him near Barangay, town of Manapla. On April 13, 2005, his brother, Mr. **Edwin Bargamento**, leader of NFSW, had also been murdered. As of the end of 2006, his murder had not yet been resolved¹⁰³.

101. See ICFTU, July 11, 2006.

102. See Annual Report 2005.

103. See www.bulatlat.com.

Extrajudicial killings of several members of civil society

- On July 24, 2006, four armed men wearing military uniforms abducted Mr. **Ernesto Santiago**, head of the Coalition Against Pollution (*Koalisyon Laban sa Polusyon*), from his home in Tulikan, Brgy. Dulong Malabon, Pulilan, Bulacan. The Coalition Against Pollution is a local organisation that protests against the dumping of toxic waste emanating from factories in the irrigation system, which has polluted the rice fields of several villages in Pulilan and Calumpit¹⁰⁴.

- On July 31, 2006, Mr. **Rie Mon Guran**, spokesperson for the League of Philippino Students in the University of Aquinas, Legazpi town, was shot in Bulan, Sorsogon, by an unidentified man¹⁰⁵.

- On October 3, 2006, Father **Alberto B. Ramento**, a bishop in the Philippine Independent Church (PIC) in Tarlac, was stabbed to death at dawn in the parish of San Sebastian. The first inquiries by the police established that his murder was in relation to a theft. However, it is believed that the murder of Father Ramento was due to his active involvement in the Monitoring Group in the Peace Talks between the government and the National Democratic Front of the Philippines.

Moreover, as president of the PIC Supreme Council of Bishops, Father Ramento had on several occasions condemned the political repression led by the State as well as the deterioration of human rights in the country. He had also denounced the extrajudicial killings of political leaders, social activists, lawyers, journalists, clergymen and other citizens, which took place with total impunity. Father Ramento had also supported the case of the workers of Hacienda Luisita¹⁰⁶.

- On November 5, 2006, Mr. **Rodrigo Catayong**, president of KARAPATAN in West Samar since 2001, was murdered by eight shots fired by five unidentified people as he was going to the catholic church in Samar¹⁰⁷.

104. *Idem*.

105. *Idem*.

106. See Forum-Asia, October 6, 2006.

107. See www.bulattlat.com.

Arbitrary detentions

Ongoing arbitrary detention of Ms. Angelina Bisuna Ipong¹⁰⁸

As of the end of 2006, Ms. **Angelina Bisuna Ipong**, a peace activist, remained detained in the Bureau of Jail Management and Penology (BJMP), in Lenienza, town of Pagadian. Moreover, the hearings in her trial for “rebellion” were postponed on several occasions due to the repeated absences of the plaintiffs.

On March 8, 2005, Ms. Angelina Bisuna Ipong was arrested by members of the Philippine army who blindfolded her. On March 15, 2005, she was informed that she would be interrogated, but as soon as her blindfold was removed, she realised that she had been brought into a room filled with journalists who photographed and questioned her. However, she was so shaken that she was unable to speak. At the end of this “press conference”, she was once again blindfolded and taken back to her cell. For thirteen days from the date of her arrest, Ms. Ipong was not allowed to receive visitors and refused to eat to protest against her arrest. On March 17, 2005, the Major General of the South announced that Ms. Ipong had been taken to Molave, Zamboanga del Sur. No one was allowed to see her before March 21, 2005, when a TFDP team went to the prison in the city of Pagadian to enquire into her situation. TFPD then learnt that Ms. Ipong had been charged with “rebellion”, without any possibility of release on bail, according to section 23 of the Molave Regional Court.

Ms. Ipong was also reportedly subjected to sexual abuse, torture and inhumane treatments by the soldiers.

Arbitrary arrests and threats against trade union leaders¹⁰⁹

- On February 25, 2006, Mr. **Crispin Beltran**, a union leader, founder and former president of the International League of People’s Struggle (ILPS), former president of *Kilusang Mayo Uno* (KMU) and representative of the Anakpawis Party in the lower chamber, was arrested and accused of “sedition”. Although his release was ordered by the Court in March 2006, he remained, as of the end of 2006, in detention at the general hospital of the Philippine national police in

108. See Annual Report 2005.

109. See ICFTU, July 11, 2006.

Camp Crane, Quezon town. He was reportedly arrested for “rebellion” in relation to an arrest warrant dating back to 1985.

- On February 27, 2006, Mr. **Dennis Maga** and Mr. **Marcial Dabela**, respectively secretary general and vice-president of the Alliance of Nationalist and Genuine Labour Organisation (ANGLO-KMU), were arrested while on their way to Camp Crane to protest in favour of the release of Mr. Crispin Beltran. They were immediately taken to Camp Karingal in the town of Quezon. They were reportedly released at a later date.

- On March 8, 2006, Mr. **Joshua Mata**, secretary general of the Alliance of Progressive Labour (APL), was arrested. He was later released on bail.

- On June 10, 2006, an armed man entered the residence of Mr. **Vicente Barrios**, president of the United Workers of Suyapa Farms (NAMASUFA), in Barangay New Alegria, Compostela, and threatened him. A second man searched the house. In September 2006, Mr. Barrios had accused the 28th infantry battalion of human rights abuses. The soldiers had then accused him of organising a rebel group. They also accused the union of being a “leftist group”¹¹⁰.

- On July 3, 2006, Mr. **Emerito Gonzales Lipio**, Mr. **Jose Ramos**, Mr. **William Aguilar**, Mr. **Jay Francisco Aquino**, Mr. **Fernando Poblacion**, Mr. **Jose Bernardino** and Mr. **Archie De Jesus**, seven PISTON and KMU leaders, were kidnapped by armed men in Hensonville, Brgy. Malabantias, town of Angeles, in Pampanga, Central Luzon. The next day, Mr. De Jesus and Mr. Aguilar were released. On July 5, 2006, Mr. Bernardino, Mr. Ramos, Mr. Poblacion and Mr. Aquino were also released (they had been detained by the 174th regiment of the national police (PNP) in Brgy. Sto. Domingo, Angeles), after paying a 500,000 pesos bail for “illegal possession of explosives”. No further information could be obtained concerning Mr. Lipio.

110. *Idem*.

Arbitrary arrest of Mr. Ustadz Kusain Abedin¹¹¹

On August 3, 2006, Mr. **Ustadz Kusain Abedin**, a member of United Youth for Progress and Development (UNYPAD) and of *Bantay Ceasefire*, a peace monitoring group in Cotabato City, was arrested by armed members of the Task Force Tugis (a special military unit) at the bus terminal in Weena. Mr. Abedin was then taken to the Task Force Tugis' headquarters and was interrogated on his supposed involvement in the Indonesian terrorist group, *Jemaah Islamiyah*, which he incessantly denied.

On August 4, 2006, Mr. Abedin was released without charge, thanks to the mobilisation of local civil society.

Arbitrary arrest and ill-treatment of Mr. Rafael Limcumpao¹¹²

On December 6, 2006, Mr. **Rafael Limcumpao**, one of the directors of the Peasant Alliance of Bataan (*Alyansa ng Magsasaka sa Bataan - ALMABA*), was arrested by two dozen policemen and members of the regional intelligence and investigation division. He was taken to a house and interrogated. When he refused to answer questions, he was hit in the stomach and on the back while he was handcuffed. He was later released at an unknown date.

SOUTH KOREA

Release of Mr. Anwar Hossain and ongoing acts of harassment against him¹¹³

On April 25, 2006, Mr. **Anwar Hossain**, president of the Migrant Workers' Trade Union (MTU), and a Bangladeshi national, was released on medical grounds. He was detained at the Cheonju immigration detention centre since May 2005. He was taken to hospital on the same day, and later granted a visa without time limit, which would enable him to be treated in Korea.

111. See TFDP, *Philippines Human Rights Update*, vol. 20, n° 3, 2006.

112. See PAHRA.

113. See Annual Report 2005.

However, during the 14th Asian Regional Meeting (ARM) of the International Labour Organisation (ILO) that was held in Busan from August 29 to September 1, 2006, the government prevented Mr. Hossain from participating as a delegation member of the Korean Confederation of Trade Unions (KCTU), to which the MTU (which is not legally recognised) is affiliated. The government threatened to arrest him again and to expell him from the country. The Ministry of Labour allegedly removed Mr. Hossain's name from the list of participants given to the ILO, stating that he had an illegal status.

Mr. Hossain was eventually able to participate in the meeting as a member of the International Confederation of Free Trade Unions (ICFTU).

Mr. Anwar Hossain had been arrested on May 14, 2005 by police officers of the immigration control division because his visa had expired. He was beaten and suffered injuries to his head and hands during his arrest. The same day, one of his articles criticising the government's policy towards illegal immigrant workers had been published in an important national newspaper.

Repression campaign against KGEU¹¹⁴

In 2006, a number of measures were taken by the South Korean government to repress the Korean Government Employees' Union (KGEU). On January 28, 2006, the "Act on the Establishment and Operation of Official Public Unions" came into force: according to this law, which severely restricts the union activities of civilian government employees, KGEU is an "illegal organisation". Furthermore, on February 8, 2006 the Ministers for Justice, Government Administration and Home Affairs, and Labour held a joint press conference to issue an "Announcement concerning the illegal activities of organisations of public officials", indicating that the government intended to take several repressive measures against the "activities of public servants' illegal organisations".

Finally, the "Directive to Promote the Transformation of Illegal Organisations into Legal Trade Unions", adopted by the Ministry of Government Administration and Home Affairs (MOGAHA) on

114. See Annual Report 2005 and Urgent Appeals KOR 001/0606/OBS 066, 066.1, 066.2 and 066.3.

March 22, 2006, clearly qualifies KGEU as an illegal organisation. Since then, MOGAHA has reinforced its repressive measures against the organisation.

On May 25, 2006, about 200 KGEU members, who were peacefully demonstrating in front of the Rural Development Administration (RDA) against restructuring plans and the repression of KGEU, were attacked by riot police and officers in plain clothes. Several individuals were severely beaten and injured by police officers, including Mr. **Kim Jeong Soo**, KGEU secretary general, and Mr. **Choi Nak Sam**, secretary for public relations. Both had to be taken to hospital. Many other participants were arrested, in particular eight KGEU members, against whom arrest warrants were issued and who were later brought to the Suwon Joongbu police station. The Court subsequently approved four of these warrants, which led to the detention of Mr. **Park Woon Yong**, KGEU secretary in charge of the social conflict department, Mr. **Lee Jeong Soo**, a leader of the organisation, along with two vice presidents, Mr. **Park Kee Han** and Mr. **Han Seok Woo**.

After the gathering was dispersed, 99 other KGEU members were arrested and detained for about 40 hours.

The next day, several women were beaten and harassed by security guards during a violent dispersal of another peaceful gathering in front of the RDA.

On May 28, 2006, the governor of Gyeonggi province closed down the KGEU provincial office, preventing the organisation's members from entering the building. In addition, the local government decided to infiltrate the ranks of the organisation and to proceed to a vote to make KGEU members relinquish their membership to the union and to make them join another so-called "legal" union. In response, KGEU members organised a sit-in in front of their premises. The provincial government retaliated by cutting electricity and Internet access to the union's office.

On June 9, 2006, Mr. Park Woon Yong, Mr. Lee Jeong Soo, Mr. Park Kee Han and Mr. Han Seok Woo were charged by the Suwon Regional Prosecutor's office with "bodily harm by special obstruction of public duty", "special obstruction of public duty" and "violation of the Assembly and Demonstration Act". Mr. Park Woon Yong and Mr. Park Kee Han were also indicted for "violation of the Local Public Officials Act" and Mr. Park Woon Yong for "general obstruction of traffic".

On July 11, 2006, all four men were released on bail, but the charges mentioned above were still pending as of the end of 2006.

On August 3, 2006, the MOGAHA issued a decree that specifically requested all local governments, ministries and agencies to take “firm action” against KGEU and “to take thorough counter-measures, including the forceful closing down of illegal organisations of government employees”. In particular, the MOGAHA asked for “the closure of all KGEU offices in government buildings by August 31, 2006”, the “exclusion of KGEU members from staff meetings, the active encouragement of all government employees to withdraw from illegal organisations, the prohibition of union dues and the blocking of all financial support [...]”. Finally, the Ministry announced that it would take administrative and financial measures against local governments that did not implement these measures.

As a consequence, on August 29, 2006, the Gyeongnam Officials Training Institute, an affiliated agency to the provincial government, issued a letter informing that “forceful administrative measures would be executed (...) according to the government’s instructions that prohibit providing offices to unregistered government employees’ unions, according to the Act on Official Public Unions”.

On August 30, 2006, members of the KGEU Gyeongnam regional branch held a rally in front of their office in order to protest against this letter. Anti-riot police was deployed inside and outside the building, thus preventing KGEU members from entering the office. Several union members tried to enter by force, but were forcefully dispersed by the police. The union signboard was removed and the doors sealed off.

On August 17, 2006, Busan Metropolitan City Council issued a written warning to the KGEU Busan regional branch that its office would be forcefully closed if the union did not move out by August 31, 2006.

On September 4, 2006, the MOGAHA held a meeting with deputy mayors during which it indicated that all KGEU local offices in government buildings should be closed down by September 22, 2006. The Ministry also claimed that notifications or warnings of the forceful closure of the offices of illegal organisations should be issued permanently and that supervision of government employees should be intensified in order to prevent them from joining a KGEU rally in

Gyeongnam on September 9, 2006. That day, around 7,000 KGEU members reportedly gathered in Changwon, Gyeongnam-do, in order to protest against the government's repression. KGEU gave prior notice of the assembly to MOGAHA, which nevertheless declared it illegal, and said it would punish all government employees and union leaders who took part in or organised the demonstration. MOGAHA also announced that 11 KGEU leaders, including Mr. **Kwon Seung Bok**, its president, and Mr. Kim Jeong Soo, would be prosecuted.

On September 13, 2006, MOGAHA published another directive demanding governments and local ministries to close all local chapters of KGEU by September 22, 2006.

On September 22 and 25, 2006, several KGEU regional offices were attacked and shut down, including the one in Busan, which was raided by anti-riot police before being forcefully closed down. Seventeen KGEU members were arrested, including Mr. **Oh Bong Seop** and Mr. **Hwang Gi Joo**, president and secretary general of the branch respectively. They were released on September 23 and 24, 2006.

As of October 10, 2006, 125 of the 251 KGEU branches had been forcefully closed. Groups of men, allegedly hired by municipalities, systematically stormed various KGEU local offices and forcefully removed their members, as riot policemen blocked access to the buildings, in some cases cutting off electricity, Internet access and phone lines. In addition, 101 KGEU members and members of other sympathising organisations, such as the Korean Federation of Transportation and Public & Social Service Workers' Unions (KPSU), the Korean Confederation of Trade Unions (KCTU), the Korean Federation of Medical Groups for Health Rights (KFHR), the Korean Federation for Environmental Movement (KFEM), the Democratic Labour Party (DLP) and the Moojigae Community for Alternative Education (MCAE), were arrested. Some were brutally beaten and had to be taken to hospital. They may all face prosecution for "violating the provisions relating to the obstruction of the performance of official duties under the Criminal Code". Public servants could face additional charges for violating the Public Officials Act.

SRI LANKA
Status of the investigation into the attack against the headquarters of the Human Rights Commission¹¹⁵

As of the end of 2006, the investigation into the attack against the headquarters of the Human Rights Commission (HRC) in Colombo established that the attack was likely planned from inside the organisation. However, the authors of the assault had still not been arrested nor prosecuted.

On October 12, 2005, HRC headquarters in Colombo were attacked and searched, and documents relating to the Commission's investigations were burnt.

Upon their arrival at the office, the members of the Commission immediately went to the police station and filed a complaint. The Criminal Investigations Department (CID) was charged with investigating into the incident.

The Human Rights Commission, a national human rights institution, was established in 1997 to conduct independent investigations into complaints against alleged human rights abuses committed by the executive and administrative services, in particular those perpetrated by the police.

THAILAND
Status of the proceedings against the authors of Mr. Somchai Neelaphaijit's enforced disappearance¹¹⁶

Although the Prime Minister committed to ensure that the inquiry into the enforced disappearance of Mr. **Somchai Neelaphaijit**, president of the Muslim Lawyers' Association and vice president of the Committee on the Defence of Human Rights of the Lawyers' Association of Thailand, would be completed in February 2006, the identity of the people behind the attack remained unknown as of the end of 2006.

115. See Annual Report 2005.

116. See Annual Report 2005, Report of the International Fact-Finding Mission of the Observatory, *Somchai Abduction Trial: Justice Granted or Justice Denied*, January 2006, and Urgent Appeal THA 001/0106/OBS 005.

Mr. Somchai disappeared on the night of March 12 to 13, 2004. He was last seen in the Bang Kapi district. Shortly before his disappearance, he had received threatening anonymous phone calls and was informed that security forces had put his name on a list of members of terrorist groups.

Mr. Somchai had campaigned for the martial law to be lifted in the southern provinces and for justice for Muslims suspected of terrorist activities and treason. He had also denounced the fact that some Muslims accused of terrorism had been tortured during police investigations. His various activities had raised tension between him and the security forces, which were most likely involved in his enforced disappearance.

Five policemen were charged for “coercion” and “gang robbery” (Articles 309 and 340 of the Criminal Code), since enforced disappearance is not recognised as an offence in Thailand.

On January 12, 2006, the Bangkok Criminal Court found one of the policemen guilty of forcing Mr. Somchai into a car and sentenced him to three years’ imprisonment under Article 309 of the Criminal Code. The four other accused were acquitted due to lack of evidence.

As of the end of 2006, Mr. Somchai’s wife, Mrs. **Angkana Wongrachen**, nevertheless continued to be the victim of acts of intimidation. In particular, she regularly received telephone calls from people who “advise” her to drop the charges.

Status of the inquiry into the murder of Mr. Charoen Wat-aksorn¹¹⁷

By the end of 2006, the investigation into the murder of Mr. **Charoen Wat-aksorn**, an environmentalist and president of the group *Love Bo Nok* who was killed upon his return from Bangkok to Prachuap Khiri Khan province on the night of June 24, 2004, seemed to be at a standstill. Indeed, two of the suspects, Mr. Saneh Lekluan and Mr. Prachub Hinkaew, who had been arrested and had rapidly admitted that they were guilty of the murder, died under suspicious circumstances in prison.

The group *Love Bo Nok*, a local environmental protection organisation, became well-known following its mobilisation campaigns against the opening of a coal electricity plant on public land.

117. See Annual Report 2005.

On the day of his murder, Mr. Wat-aksorn had met with the House Committee on Corruption Investigation, in order to encourage them to open investigations into the accusations of corruption against local leaders, following the election of people opposed to the project within the local administration. Mr. Wat-aksorn had also lodged several complaints with the Minister of the Interior, the National Counter-Corruption Commission and with different committees of the House of Representatives and the Senate.

On June 21, 2005, following an interview with Mrs. Wat-aksorn, the Minister for Justice and the director of the Department of Special Investigation (DSI) agreed to “reopen” the investigation under the auspices of the Ministry of Justice.

Mr. Saneh Lekluan and Mr. Prachub Hinkaew always denied that they acted on the orders of influential people. They claimed that the murder was the result of a personal conflict and that they were drunk at the time of the events. They were remanded in custody although three other people, who were suspected of instigating the murder, were released on bail: Mr. Tanu Hinkaew, a lawyer and a former candidate to the general elections, Mr. Manoh Hinkaew, a member of a provincial council, and their father, Mr. Jua Hinkaew.

The proceedings against all five people began on June 29, 2006 before the Bangkok Criminal Court and were due to go on until March 2007. However, Mr. Prachub Hinkaew died in prison on March 21, 2006, supposedly of a bacterial infection. On August 3, 2006, Mr. Saneh Lekluan also died, officially of bad blood irrigation due to malaria. The director of DSI reportedly ordered an inquiry into both deaths, without any results to this date.

As of the end of 2006, the case was still pending before the Prosecutor, but the police still had no evidence against the three other suspects. Four hearings took place in December 2006, during which the prosecution presented its witnesses, mostly members of DSI. The next hearing was scheduled for February 28, 2007.

Acquittal of Ms. Supinya Klangnarong¹¹⁸

On March 15, 2006, Ms. **Supinya Klangnarong**, secretary general of the Campaign for Popular Media Reform (CPMR), a coalition

118. See Annual Report 2005 and Urgent Appeal THA 002/0306/OBS 032.

which gathers 45 NGOs, and the newspaper *Thai Post* were acquitted by the Bangkok Criminal Court in a lawsuit brought against them by the Shin Corporation, a media conglomerate founded by the Prime Minister.

Ms. Supinya Klangnarong was prosecuted for “criminal defamation” (Article 328 of the Criminal Code) since August 2003 after having revealed, in an article published by the *Thai Post* on July 16, 2003, that Shin Corp’s profits had significantly risen since Mr. Thaksin Shinawatra had become Prime Minister. Ms. Supinya was facing a fine of 200,000 baht (4,000 euros) and a two years’ prison sentence.

On August 24, 2004, Shin Corp had also initiated a civil libel suit for 400 million baht (over 8 million euros) against Ms. Supinya and the *Thai Post*, following the approval of the Criminal Court. On October 11, 2004, the Civil Court decided that the trial would begin after the Criminal Court had handed down its ruling.

On May 9, 2006, Shin Corp withdrew its civil defamation claim.

Status of the inquiry into the assault on Mr. Wiwat Thamee¹¹⁹

As of the end of 2006, no progress had been reported in the inquiry into the aggression and acts of intimidation against Mr. **Wiwat Thamee**, coordinator of the Ethnic and Indigenous People’s Network of Thailand, in Chiang Mai, in 2005, despite the 2006 request from the governor of Chiang Rai that the inquiry be successfully concluded by the police forces.

On August 18, 2005, a grenade was thrown at Mr. Wiwat Thamee’s car. He had recently attended the United Nations Human Rights Committee in Geneva (Switzerland), during which he had criticised certain practices of the Thai government towards minorities in the north of the country.

Police officers present near the vehicle did not react and further advised witnesses not to lodge complaints.

On August 20, 2005, a complaint was filed with the district police station, and the matter was submitted to the National Human Rights Commission. This complaint had not been examined by the end of 2006.

119. See Annual Report 2005.

Since these events, Mr. Thamee and his team have left the region in which they were working.

Extrajudicial execution of two village chiefs in the southern provinces¹²⁰

In October 2006, two village chiefs were murdered. They had helped villagers who had been subjected to acts of violence in the southern provinces to bring their case before the authorities.

On October 16, 2006, Mr. **Asan Yamaleh**, chief of village n°3 in Talo, Raman district, Yala province, was shot soon after bringing a group of people to meet with representatives of the authorities in Yala 3. Before his murder, Mr. Yamaleh had attended a meeting with members of the National Human Rights Commission and local human rights groups in order to complain about the brutality of the security forces in an attack on the village on September 13, 2006. During the raid, five villagers were arrested and village houses were set on fire.

On October 20, 2006, Mr. **Muhammad Dunai Tanyeeno**, chief of Jaroh village, Narathiwat province, was shot near his house. He had just gone out to meet with a person who had phoned him earlier. It was not possible to trace the origin of the call. On October 3, 2006, Mr. Dunai Tanyeeno, together with the Network for the Affected Population in Relation to Southern Violence, had helped victims of violence by enabling them to meet with the newly-appointed Army Commander of Region 4. Mr. Dunai had also helped villagers harassed since the massacre of 84 people by soldiers and policemen on October 25, 2004.

By the end of 2006, the authors of these murders had not yet been identified.

Enforced disappearance of Mr. Thares Sodsri, an environmental rights defender¹²¹

On December 1, 2006, the cleaning lady of Mr. **Thares Sodsri**, an environmentalist in the Ban Kha district, Rachaburi province, went to the police station to report his disappearance. She had left him on the evening of November 30, 2006. The next day, he had disappeared and the lights were still on inside the house.

120. See Urgent Appeal THA 003/1006/OBS 129.

121. See Urgent Appeal THA 004/1206/OBS 146.

The policemen found several traces of blood, three bullet cartridges, two bullets and tire tracks on Mr. Thares' lawn.

On December 2, 2006, the police carried out a raid in several areas of the Ban Kha district and confiscated guns, a truck and blood-stained clothes, so that they could be examined by forensic services.

A few days earlier, Mr. Thares' three dogs had been poisoned.

Two weeks before these events, Mr. Thares had submitted a video to the Ministry of Natural Resources and Environment, showing the illegal destruction of a forest by a local political leader in Ratchaburi, despite the fact that the forest was protected by a royal conservation project. Mr. Thares was also due to testify in proceedings against several people suspected in a forest encroachment case.

Over the past ten years, Mr. Thares had led a campaign against illegal forestry projects in the Ban Kha sub-district.

VIETNAM

Acts of harassment against cyber-dissidents

In 2006, defenders who posted articles criticising the government or promoting human rights on the Internet remained subjected to acts of harassment.

Arbitrary detention of Mr. Nguyen Vu Binh¹²²

As of the end of 2006, Mr. **Nguyen Vu Binh**, a journalist arrested on September 25, 2002 and sentenced to seven years in prison in December 2003 for having posted articles "of a reactionary nature", including an account of human rights violations sent to the United States' Congress, remained in detention.

The sentence was confirmed on appeal on May 5, 2004. Prison authorities pressured him to make a "self-criticism", which he always refused to do. His family was able to visit him on November 2, 2006 and noted that his health had seriously deteriorated. In particular, he suffers from diabetes and high blood pressure, for which he was not receiving proper medical treatment.

122. See Annual Report 2005.

Release of Mr. Nguyen Khac Toan and Mr. Pham Hong Son and ongoing acts of harassment against them¹²³

- On January 26, 2006 Mr. **Nguyen Khac Toan**, a business man and former military officer arrested on January 8, 2002 in a cyber-café in Hanoi, was granted amnesty and released on the occasion of the Lunar New Year. However, he remained under house arrest: he was under close police surveillance and his freedom of movement was severely restricted, as he could not leave his neighbourhood without paying a fine of 500,000 dong (24 euros).

He was sentenced on December 20, 2002 to twelve years in prison for “espionage” after being accused of helping farmers drafting complaints to authorities to protest against the confiscation of their land by the State, and of sending information to exiled Vietnamese human rights organisations.

Moreover, starting on August 12, 2006, Mr. Nguyen Khac Toan, as well as Mr. **Hoang Tien**, Mr. **Nguyen Van Dai**, Mr. **Bach Ngoc Duong** and Ms. **Duong Thi Xuan**, who had planned to publish an independent online newspaper, *Freedom and Democracy*, were subjected to daily interrogations for ten days. In addition, their homes were searched and their computers, mobile phones and files were confiscated. They were not authorised to receive visitors or leave their neighbourhood in Hanoi during this time. The newspaper was banned after the first issue.

Lastly, on the occasion of the Asia-Pacific Economic Cooperation (APEC) Summit that was held in Hanoi from November 17 to 19, 2006, members of the security forces were permanently posted around Mr. Nguyen Khac Toan’s home in Hanoi and stopped visitors from entering. On November 12, 2006, policemen hung a notice board on his door indicating “Security area - no foreigners allowed”.

- On August 30, 2006, Mr. **Pham Hong Son** was released seven months before the end of his sentence as part of an amnesty to mark Vietnam’s National Day on September 2, 2006. Nevertheless, Mr. Pham Hong Son will remain under house arrest for up to three years as part of his sentencing under Article 38 of the Criminal Code. On

123. See Annual Report 2005 and Press Releases, September 8 and November 20, 2006.

the day of his release, 20 policemen were posted in front of his house, his phone line was cut and his mobile phone was confiscated. In addition, Mr. Pham Hong Son is not allowed to leave the region without prior authorisation. This surveillance became more intense before and during the APEC Summit.

Mr. Pham Hong Song had been arrested on March 27, 2002 for having translated and posted online an article entitled “What is Democracy?” that he had found on the website of the American Embassy in Vietnam. He had previously written several articles promoting democracy and human rights, which he posted on online Vietnamese discussion forums.

In June 2003, he was sentenced to 13 years in prison for “espionage”, a punishment that, under international pressure, had been reduced on August 26, 2003 to five years in prison and three years of house arrest.

Throughout his detention, Mr. Pham Hong Son’s health seriously deteriorated due to a lack of medical care and harsh prison conditions.

Moreover, on November 17, 2006, Mr. Pham Hong Son was detained for seven hours in a police station, where he was repeatedly beaten.

Ongoing acts of harassment against Mr. Nguyen Dan Que¹²⁴

In 2006, Mr. **Nguyen Dan Que**, who was released on February 2, 2005 by amnesty on the occasion of the Lunar New Year, continued to be harassed. Mr. Nguyen Dan Que had been arrested on March 17, 2003 and sentenced in July 2004 to two and a half years in prison for “abusing democratic rights to jeopardise the interests of the State and the legitimate rights and interests of social organisations and citizens” after he denounced obstacles to freedoms of expression and of the press in Vietnam.

Since then, Mr. Nguyen Dan Que has been subjected to police surveillance and repeated acts of harassment. His phone line has been tapped and often cut off, and his relatives and friends have also been harassed.

124. See Annual Report 2005.

Ongoing acts of harassment against UBCV members

In 2006, leaders of the Unified Buddhist Church of Vietnam (UBCV), a prohibited organisation, continued to be subjected to acts of harassment.

Ongoing acts of harassment against Thich Thien Minh¹²⁵

Since his release on February 2, 2005, the monk **Thich Thien Minh** has been repeatedly harassed by the police forces. He had been sentenced to a double life sentence (in 1979 and in 1986), which was reduced to 20 years in prison for supporting UBCV and trying to escape a re-education camp.

For instance, Thich Thien Minh has still not received his identity card or a residency permit. The authorities also refused to let him go back to the pagoda in which he lived before his arrest in 1979, and systematically rejected his requests to build a small house where he could live a monastic life. Receiving death threats and harassed, he found refuge in the Giac Hoa pagoda in Ho Chi Minh City.

On November 19, 2006, the Superior Bonze of the Giac Hoa Pagoda was summoned by the security services, and the security director of the 7th arrondissement of Ho Chi Minh City ordered him to expell Thich Thien Minh.

Ongoing acts of harassment against Thich Huyen Quang and Thich Quang Do¹²⁶

By the end of 2006, the patriarch **Thich Huyen Quang** and his assistant **Thich Quang Do**, both members of UBCV, remained under house arrest since 1982. On October 9, 2003, the spokesperson for the Ministry of Foreign Affairs had stated that the two monks had been charged with “holding State secrets” (Articles 263 and 264 of the Criminal Code).

On February 15, 2006, when Thich Quang Do was on his way to visit Thich Huyen Quang for the Lunar New Year, over 100 officers of the security police waited for him at Saigon station. They physically attacked him and later detained him for more than six hours before forcibly taking him back to his monastery.

125. *Idem*.

126. See Annual Report 2005 and Press Release, October 31, 2006.

In December 2006, the police prevented Thich Huyen Quang from going to Ho Chi Minh City where he needed to undergo medical exams for his heart and lung problems.

Moreover, the government repressed 13 local UBCV committees that had been set up to bring spiritual and humanitarian help to impoverished populations in the central and southern provinces of the country. The members of these committees were forced to disband and to cut all contact with UBCV. For example, on June 1, 2006, the nun **Thich Nu Thong Man** had to leave Dich Quang pagoda, Khanh Hoa province, after several months of constant harassment (threats, public denunciations, pressures on members of her family, etc.).

Other members of these local committees were victims of harassment, including: **Thich Chon Tam** (An Giang province), Thich Thien Minh (Bac Lieu), **Thich Tam Lien** (Binh Dinh), **Thich Nhat Ban** (Dong Nai), **Thich Vinh Phuoc** (Ba Ria-Vung Tau), **Thich Thanh Quang** (Da Nang), **Thich Thien Hanh** (Hue), **Thich Vien Dinh** and **Thich Khong Tanh** (Ho Chi Minh City).

On September 21, 2006, Mr. Thich Quang Do was awarded the 2006 Professor Thorolf Rafto Memorial Prize by the Norwegian Rafto Foundation for his contribution to the movement for religious freedom and human rights in the country and as a “symbol of the growing democratic movement in Vietnam”.

In order to receive his prize, which was to be awarded in Bergen on November 4, 2006, Mr. Thich Quang Do was invited to Norway. However, despite the request of the Norwegian authorities, Vietnam prohibited Thich Quang Do from travelling to Norway to receive his prize. Consequently, Mr. Vo Van Ai, the international spokesperson for UBCV, received the prize on his behalf.

Ongoing acts of harassment against Mr. Hoang Minh Chinh¹²⁷

As of the end of 2006, Mr. **Hoang Minh Chinh**, former dean of the Institute of Marxist-Leninist Philosophy in Hanoi and an advocate for democratic reforms, remained under house arrest. His complaints filed with the authorities remained unanswered.

In June 2006, Mr. Hoang was again elected secretary general of the Democratic Party XXI, a position he had held from 1944 to 1988. In 1988, the Party had been dissolved by the Vietnamese Communist

127. See Annual Report 2005.

Party, but Mr. Hoang Minh Chinh decided to recreate it in 2006. Since then, he has not been authorised to leave his home and has been regularly subjected to police harassment.

In 2005, Mr. Hoang Minh Chinh gave evidence before the American Congress' Committee on International Relations and at Harvard University on the lack of democratic freedoms in Vietnam, during a medical visit to the United States. Upon his return to Vietnam on November 13, 2005, he and his wife went to their daughter's house in Ho Chi Minh City, where they wished to stay for a while due to Mr. Hoang's health condition. The police granted him a temporary residence permit of 10 days (according to Vietnamese law, residence permits have to be obtained each time one wants to stay overnight in another place than one's official residence).

On November 19, 2005, a local security agent warned the daughter of Mr. Hoang that her father's presence was causing serious unrest and dissatisfaction in the neighbourhood because he was "a traitor and an enemy of the people". The agent allegedly stated that the police would not protect him if any violence broke out.

Obstacles against the freedom of expression of several defenders during the APEC summit¹²⁸

During the Asia-Pacific Economic Cooperation (APEC) Summit, which was held in Hanoi from November 17 to 19, 2006, the security police set up surveillance posts outside the residence of numerous human rights defenders and pro-democracy activists. They also placed notice boards on their doors saying in English "No Foreigners" to discourage possible visitors. Several defenders were threatened, assaulted and subjected to questioning in the run up to the Summit:

- On November 14, 2006, agents of the Ministry of Public Security and of the local police set up a surveillance post in front of the house of Mr. **Hoang Tien**¹²⁹, a writer, Thanh Xuan Bac district, in Hanoi, to stop all comings and goings. The policemen declared that they did not have any official mandate but that they had "received orders from their superiors to block his house during the APEC Summit".

- From November 14, 2006 onwards, ten security police officers

128. See Press Release, November 20, 2006.

129. See above.

surrounded the home of Mr. **Nguyen Van Dai**, a lawyer, and prohibited visits. In October 2006, Mr. Van Dai founded the Committee for Human Rights in Vietnam and has since been summoned several times by the police for questioning.

- Mr. **Nguyen Phuong Anh**, a cyber-dissident, was also prevented from receiving visitors as police officers were guarding his house in Hanoi. The police subjected him to repeated questioning for one month due to pro-democracy articles he had posted online.

- Mr. **Duong Van Duong** (*alias* Dai Duong), who publicly denounced the corruption of civil servants in the Thai Binh province and helped farmers from Mai Xuan Thuong Park to express their grievances, was violently beaten by four policemen in plain-clothes as he was leaving the park where the farmers and other “victims of injustice” regularly meet to protest. One of the policemen told him that they would “beat him to death”, and they hit him on the face and in the stomach. Mr. Duong Van Duong was also prohibited from receiving or meeting foreign visitors.

- Security also reinforced its watch of dissidents in Ho Chi Minh City, where the international media and several foreign leaders were expected after the Summit, including the American President George W. Bush. On November 14, 2006, Mr. **Doan Huy Chuong** (*alias* Hoang Huy Chuong), a member of the newly-founded United Workers-Farmers Organisation (UWFO), was arrested in Ho Chi Minh City along with his two brothers. No mandate was presented to them. His arrest was likely related to his activities with the UWFO. Mr. Doan Huy Chuong was still detained by the end of 2006. Moreover, his father, Mr. **Doan Van Dien**, who had informed *Radio Free Asia* of his children’s arrest, was arrested himself on November 15, 2006.

- Following these events, several UWFO members were subjected to harassment: on November 15, 2006, Mr. **Nguyen Tan Hoanh**, UWFO founder, was arrested in Long Thanh province. In early 2006, he had been one of the main leaders of workers’ strikes in Vietnam. His whereabouts remained unknown. Moreover, Ms. **Tran Thi Le Hong** (*alias* Nguyen Thi Le Hong), also a founder of UWFO, was arrested on November 16, 2006, in Ho Chi Minh City. Her place of detention was also unknown.

- Ms. **Bui Thi Kim Thanh**, a lawyer, was placed in a psychiatric hospital in Ho Chi Minh City after being questioned by the security

police. According to her family, the police first took her to a neighbourhood psychiatric hospital in early November, where doctors did not find any evidence of mental illness. The police then transferred her to the central psychiatric hospital of Bien Hoa, in Ho Chi Minh City. Ms. Bui Thi Kim Thanh had openly criticised the government's land confiscation policy. She also defended expropriated farmers and other "victims of injustice" by helping them to file complaints and seek compensation. As of the end of 2006, Ms. Bui Thi Kim Thanh was still detained in the psychiatric hospital. The authorities reportedly offered to release her if she promised not to report on the treatment she was subjected to in that hospital, but she refused.

- On November 19, **Thich Vien Dinh**, vice president and secretary general of *Vien Hoa Dao*, the executive institute of UBCV, was summoned by the director of the security police of the 7th district of Ho Chi Minh City for a "working session" (an interrogation) at the police station, which lasted two hours. Moreover, the police strictly banned all UBCV monks from speaking to the media and to foreign diplomats during the APEC summit.

These events took place shortly after the arrest in Hanoi of the Buddhist nun **Thich Nu Dam Thoa** on November 14, 2006. She was detained in a "camp for social elements" in Bac Giang, Northern Vietnam, and was accused of being on a list of people who would allegedly have sought to meet the American President during the APEC Summit. She was released shortly after the end of the Summit.

- During this summit, Mr. **Do Nam Hai**, who has been regularly harassed for openly criticising the authorities in articles published on the Internet and calling for democratic and pluralistic reforms in Vietnam under the name of Phuong Nam, was questioned several times by the police. Moreover, Mr. Do Nam Hai remained under close surveillance by the Vietnamese secret services and was still harassed by the police. In February 2005, he had been fired for refusing to stop his activities¹³⁰.

Lastly, in contrast to previous APEC Summits, the Vietnamese government did not authorise the holding of a parallel People's Forum on NGOs, thereby preventing civil society from expressing their concerns.

130. See Annual Report 2005.

