

Human Rights Defenders On the Front Line

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The Observatory
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Introduction

Human Rights Defenders in the Turmoil of the Fight Against Terrorism

Defending human rights in Colombia, Bangladesh, the Democratic Republic of Congo, China, Tunisia, Turkey, Uzbekistan or Italy, and in some eighty other countries, can be a very risky activity.

In the year 2001 it became clear that the more active civil society becomes, the greater the risk to it. Activists in some countries pay a high price for their commitment.

This, to some extent, is the price of success: never before has the respect for human rights, including economic rights, carried so much weight in international relations. NGOs defending human rights have become key players in this regard.

Under these conditions, it is not surprising that activists and their organisations are now subjected to a range of ills including being considered as military targets, enduring assaults on their reputations, and being used as instruments to various ends depending on the circumstances.

People are more and more concerned about human rights violations taking place both in their own countries and elsewhere. A positive consequence of this trend is that the work of dictators and of numerous other authors of human rights abuses has become more difficult.

The actions of civil society occur in different forms and reflect the diversity of those taking part. The protection of human rights is no longer only a matter for NGOs. Everyone is concerned: the mother of a person who has "disappeared" in

Argentina, a judge who denounces the absence of an independent judiciary in Tunisia, a journalist who writes about Russian atrocities in Chechnya, a trade unionist fighting for workers' rights in Colombia, a woman fighting for equality and against all forms of sexual discrimination. Millions of people throughout the world are seeking to overcome the deficiencies of the State, to denounce the blindness or the high handedness of financial institutions or the interference of multinational corporations in military or corrupt governments. These new citizens are fighting for justice and truth, defending the rights of women, sexual minorities, the environment and the rights of indigenous people. They take risks to these ends and the international community has a duty to protect them.

This dynamism of civil society is visible in all areas of political, economic and social life. The human rights movement is growing and strengthening its impact and its credibility on the national and international scene.

However, many governments waver between the necessity to take into account the legitimate demands of civil society participants and feelings of fear and mistrust towards them.

Today, more than ever before, independent organisations defending human rights and groups and individuals committed to ensuring that these rights are respected by their countries, are branded as enemies of the state and traitors of the nation, representing a threat to national security and destabilising the country. This is how they are presented to the population. Smear campaigns are organised to destabilise human rights defenders and to denigrate them. These campaigns are orchestrated by the authorities, through media sources that have been overtaken by governments. The campaigns take on vicious forms by targeting defenders, their families and their entourage. Defenders are thus considered to be spies, as in Egypt, the Democratic Republic of Congo and elsewhere.

These tendencies were accentuated in 2001: independent associations are being targeted and face numerous obstacles to their work.

In some countries, any activity in support of human rights is immediately crushed, to the point that defenders have no margin in which to manoeuvre. There are no

independent associations. In other countries, the right to create an organisation and to receive foreign funding, the right to carry out research and to disseminate information, and the right to meet and to demonstrate peacefully are regularly or systematically repressed.

Various methods are used: restrictive measures linked to the registration of NGOs in the CIS; new legislation introducing obstacles to the receipt and use of foreign funds, e.g. in North African countries; banning of peaceful demonstrations or disproportionate use of force by the police; overtaking of the judiciary to sanction freedom of expression, censorship, theft of material.

The overtaking of the judiciary for political ends is a frequent occurrence. Human rights defenders are arbitrarily tried and imprisoned because they cannot count on an independent judiciary. This trend is particularly pronounced in certain countries, such as Turkey and Kyrgyzstan.

In many other countries, human rights defenders risk their lives. In 2001 at least 10 Colombian NGO activists and 150 trade unionists were killed. In the CIS several activists and journalists were assassinated. In every region of the world, these grave abuses are the result of the predominance of security services over civil authorities, and are conducive to impunity for the perpetrators of human rights violations. But these States are not the only authors of violations of human rights defenders. Private groups, paramilitary forces and economic pressure groups are also responsible for such violations. In this context, it is essential to recall that the State has a duty to protect defenders and to guarantee their freedom of action, in particular their freedoms of association and expression.

Regional and International Action

The year 2001 ended on a mixed note. It was marked by an increase in protection for human rights defenders and by reflection on the creation of regional mechanisms to complement the work of the United Nations in this area, in particular, the Special Representative of the Secretary General on Human Rights Defenders, who has just completed the first year of her mandate. Encouraged by the recommen-

dations of its partners around the world, the Observatory will continue this year to support the activities of the office of the Special Representative, in particular by launching urgent appeals, organising meetings with defenders and reporting on international investigation missions. The Special Representative must have at her disposal all the necessary means to carry out her task. Indeed, it is essential for defenders to be aware of their rights, nationally and internationally, and to insist on their respect. In this regard, it is the responsibility of States to disseminate information on the instruments of protection for defenders, the first of which is the 1998 Declaration, which was the outcome of a struggle that lasted for over 15 years.¹ It is also important that regional organisations that are closer to the political reality prevailing in their constituent countries, take over and establish mechanisms for the protection of defenders. This is what happened in Latin America in 2001, where the dramatic circumstances under which human rights defenders operate, particularly in Colombia, Guatemala and Mexico, that often involving risk to their own lives, lead the Inter-American Commission on Human Rights to create a special unit to receive complaints from threatened or harassed groups and individuals in order to evaluate the general situation of human rights defenders across the entire continent. In other regions, although there is a growing awareness of the need to institute genuine protection for defenders, in practice there is significant resistance to the process. The European Union, the OSCE, the Council of Europe and the African Commission are still at the stage of declarations of intention. However, these must now be materialized by the adoption of specific mechanisms to respond to the needs of defenders so that they can exercise their activities freely.

The Fight Against Terrorism and the Legitimacy of Defenders

The end of 2001 was also marked by the attacks of 11 September 2001 and the creation of an « international coalition against terrorism ». The security measures implemented as a result of the attacks are already being felt: defending universal

rights has in many cases become even more difficult. Both the United Nations and grassroots organisations have expressed concern about the risk of abuse of the measures. Already exposed in their own countries for their support of human rights, the new international context has further aggravated the suspicion and mistrust that defenders confront. They find themselves on the frontline more than ever before. Unless there is commitment on the part of the international community to stake its legitimate claims for freedom of expression and peaceful, credible rights, the corpus of international human rights instruments will run the risk of becoming no more than an empty shell. In Asia in particular, national security laws have been reinforced, leading to fears of an even higher number of arbitrary detentions.

All over the world, and for several years, States have been instituting powerful strategies to silence dissenting or critical voices. But the events of 11 September and the reshuffling of alliances gave many States a free rein to go ahead in that process. In every region of the world, the terrorist threat that emanates from various contexts, is being used by the regimes in power to perpetrate serious human rights violations so as to strengthen their own power base. In some ways, States are reassured of the legitimacy of their repressive strategies. For example, statements by Mr. Putin and other world leaders since 11 September, and the adoption, in many countries, of laws or emergency measures under the auspices of protection of “national security,” leave the door wide open to arbitrary behaviour. Defenders risk once again being the main targets.

More than ever before, it is necessary to pay close attention to these concerns.

Sidiki Kaba
President of FIDH

Eric Sottas
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Part I

Target Groups

The Fight Against Impunity in Guatemala

Guatemala is still suffering from the effects of the interruption of the social and political democratisation process in June 1954, when the elected president, Jacobo Arbenz, was overthrown by a coup d'état. Civil war then broke out – the most cruel in the whole of Latin America – waged by the military oligarchy against the insurgent movements. The war lasted 36 years and, according to the Commission for Historical Clarification, was responsible for 200,000 deaths and disappearances; at the height of the conflict, there were approximately a million and a half displaced persons and refugees within the country. The methods used mainly hit the civilian population, particularly the indigenous population, between 1981 and 1983 with the implementation of a “scorched earth” policy. This resulted in the destruction of whole villages, the systematic massacre of the inhabitants, and the infliction of torture, rape and forced labour on the most vulnerable groups; in those two years alone, over 30,000 people died. The social movement was also severely crippled by brutal repression exercised against any form of social organisation considered to be subversive. These crimes were mainly committed by the Guatemalan army, including special units such as the sadly notorious “Kaibiles”.

The war ended in 1996 with the signature of the Peace Agreements, but the majority of the undertakings specified in the “Global Agreement on Human Rights” have not been implemented, including the provisions regarding the fight against impunity, the protection of persons and institutions working for the respect of human rights, and the measures concerning the dismantling of clandestine security organisations. The coming into office in 2000 of the Guatemalan Republican Front (FRG) is a

symptom of the resilient power of the military intelligence organisations and the parallel armed structures set up during the war years (military representatives, civil action patrols, etc.). The presence in key government positions of persons whose past is linked to the most reprehensible periods and methods of the anti-insurgency war, is a green light signal and a guarantee of impunity for those in power. Following the rise to the Presidency of the National Assembly of the former dictator Rios Montt, the appointment eight months later as Minister of the Interior of Byron Barrientos¹, a former officer in the G2² military intelligence service, only made the situation worse.

Furthermore, in Guatemala, as in several countries of the region, one of the consequences of the terrorist attacks in the United States has been the return to the forefront of the military, in response to security concerns, along with an increased marginalization of the representatives of the human rights movement. Some observers even talk of a witch hunt. One of the most striking examples of the phenomenon is the 1 December 2001 appointment of General Arevalo Lacs as Minister of the Interior, although the Peace Agreements specify that the position must be held by a civilian.

It is in this context that one should view the wave of aggression against the defenders of human rights, and more generally against a large part of the social movement, which has occurred since the beginning of 2000. The international mission of investigation mandated by the Observatory, which visited to Guatemala between 24 May and 2 June 2001³, found that the defenders who were the most violently attacked were, on the one hand, those who were party to the legal proceedings relating to the aftermath of the war and the exhumations of mass graves, and on the other hand, those who were playing an active role in the movement of the civil society against corruption. This is particularly true of those who denounced the falsification,

1. Mr Barrientos had to leave office in November 2001 because of charges against him of embezzlement of public funds. Preliminary legal proceedings have been initiated against him.

2. During the war this military intelligence organisation was placed directly under the authority of the President.

3. The mission was composed of Françoise Mathe, a French lawyer, and Juan Carlos Capurro, an Argentinian lawyer.

by several FRG parliamentarians, including General Rios Montt, of the tax provisions of the law on alcoholic beverages. Between February 2000 and May 2001 CEIBAS (Centre for Research, Information and Basis for Social Action) was the victim of fifteen acts of aggression of varying degrees of severity. FAMDEGUA (Families of Disappeared Persons in Guatemala), which is taking part in the exhumation of clandestine cemeteries, was also the victim of various forms of intimidation. These exhumations, which take place in rural areas, give rise to very strong pressure against the witnesses and the whole of the communities, which include former military commissars and members of the civil action patrols.

FAMDEGUA is in particular at the heart of the proceedings in the Dos Erres case, a massacre which took place in 1982 and which resulted in the executions of over three hundred people, including sixty-seven children. Sixteen military functionaries, including six high-ranking officers, have been charged. They are trying to elude their responsibility by invoking the law on national reconciliation. CEIBAS and FAMDEGUA have been the victims of particularly serious acts of aggression, but most human rights organisations have been subjected to harassment of varying degrees of severity. Such is the case in particular of the organisations that deal with cases relative to violations committed during the war, such as the GAM (Group for Mutual Support), set up to regroup the families of victims, or the CALDH (Centre for Legal Action for Human Rights), which works on the procedures in the field of war-time violations of international humanitarian law. Such is also the case of the Rigoberta Menchu Foundation, of the National Co-ordination of Widows of Guatemala (CONAVIGUA), of the FADS group (Families and Friends against Disappearance and Sequestration), and of most of the member organisations of the Alliance against Impunity and of the National Co-ordination of Human Rights in Guatemala (CONADEHGUA).

Apart from the NGOs, a second sector to be particularly exposed is that of the actors on the judicial scene: judges, public prosecutors, and lawyers.

A large number of physical acts of aggression or threats connected with the trial of the suspected assassins of Bishop Gerardi have been recorded. Bishop Gerardi was killed during the night of 26 to 27 April 1998, three days after the public pre-

sentation of the report of the "REMHI" project (Recuperation of the Historical Memory) of which he was the main actor. The purpose of the report was to determine the nature and the scope of the crimes committed during the war, as well as to restore the memory of the victims and to initiate treatment of the after-effects of the violence, in order to allow for effective reconciliation. The trial of Bishop Gerardi's suspected killers opened on 22 April 2001. The pressures exercised on the members of the legal professions involved in the case are a concentrate of the general situation of those professions in the country. Nearly all of them, prosecutors, judges, lawyers representing the families of the victims, who strove to ensure that the killing should not remain unpunished, or who simply wanted to show their will to be fully independent in judging the authors of the crime, were subjected to threats and even attacks on their person. To quote but one example, Mrs Jazmin Barrios Aguilar, a member of the Court of the First Instance, received reiterated threats, which culminated a few days before the trial was due to begin with an attack on her home: activated hand grenades with the pin taken out were thrown inside the premises.

The MACK Foundation, founded following the assassination of Myrna Mack in 1970, was also subjected to specific threats at the time of the Gerardi trial. The Foundation keeps a permanent watch on the attacks on the independence of prosecutors, judges and lawyers.

The situation of judges, lawyers and prosecutors is serious enough to have warranted a visit in May of the United Nations Special Rapporteur for the independence of judges and lawyers, who noted in particular that the recommendations made at the end of the preceding visit in 1999 had not been carried out.

The physical safety of judges and lawyers comes under threat as soon as their professional activity leads them to charge, or merely even to disturb, the persons or structures that exercise power, usually in an occult fashion, and often at the highest national level, but sometimes also at local level.

The most disturbing example is the organised lynching of Judge Alvaro Hugo Martinez Perez, in San Antonio Senahu.

This lynching, carried out during the night of 12 to 13 March 2001, is part of a pattern that was first considered to be a spontaneous phenomenon, the expression of the exasperation of the rural populations at the ineffectiveness of the State, leading them to take justice into their own hands. It has been noted that the Departments with frequent incidents of lynching are Quiché, Alta Verapaz, Guatemala, and Huehuetenango, as well as Departments where internal strife was the most intense.

The case of the acts of aggression and the threats against the association "Mujeres Vamos Adelante" (Forward, Women), is also revealing of the prevailing climate of total impunity and its consequences for the administration of justice. The association is active in training, research, and denunciation in the field of in-family acts of violence. Without engaging in activities that have a direct political impact, the organisation has nevertheless criticised the passivity of certain magistrates and other public authorities vis-à-vis the most serious cases of family violence. The aggressions against its members are very probably linked with these criticisms.

On 24 October 2000, two men came to the headquarters of the association, which at the time was almost next door to a police station, and asked for information on a training program. Once they had succeeded in getting inside, they took out a gun, and two other men joined them. They then called in one by one all the members of the staff, and isolated two women, whom they raped. Before leaving, they engaged in acts of vandalism in the offices, and then left in a taxi, taking with them boxes of floppy disks, computer hard disks, and accounting documents. People working in the building opposite said that there were two police cars behind the taxi.

During the following weeks members of the association received telephone calls in the middle of the night and threatening letters. No action was taken on the complaint that was lodged.

It is noteworthy that the association was unable to find a barrister who would accept to take up the case. Several lawyers said they were afraid to do so, because of the current wave of assassinations of members of their profession.

The authorities usually ascribe such acts of aggression to ordinary criminal delinquency. However their systematic nature, and the absence of any economic motive in most cases, lead to the view that they are in fact a form of harassment and intimidation of the social movement. At all events, and despite the extreme seriousness of some of the acts of aggression, no proper investigation has been carried out by the authorities, nor has any case been elucidated.

The fight against impunity remains an extremely dangerous pursuit, and it is to be feared that the new international context will further reinforce the feeling of absolute power on the part of the authorities vis-à-vis the representatives of the civil society.

This text is based on the report of the Observatory's international mission of investigation to Guatemala

January 2002

An Act of Rebellion by Judge Mokhtar Yahyaoui

On 6 July 2001, Judge Mokhtar Yahyaoui, President of the 10th Civil Chamber of the Tunisian Court, published an open letter to the Head of State and President of the Superior Council of the Magistrature, Zine El Abidine Ben Ali. The publication constituted one of the most remarkable events in Tunisia in the year 2001.

Such a scathing attack on the total lack of independence in the judicial system, (see the letter which follows) by a senior magistrate little known for the defence of liberties or the opposition, was a clear illustration of the discomfort felt by the Tunisian judiciary.

This rebellious move by Judge Yahyaoui, considered by his peers as a man of "great integrity and beyond reproach", marks a turning point. For the first time, a magistrate expressed open concern regarding the allegiance to Justice.

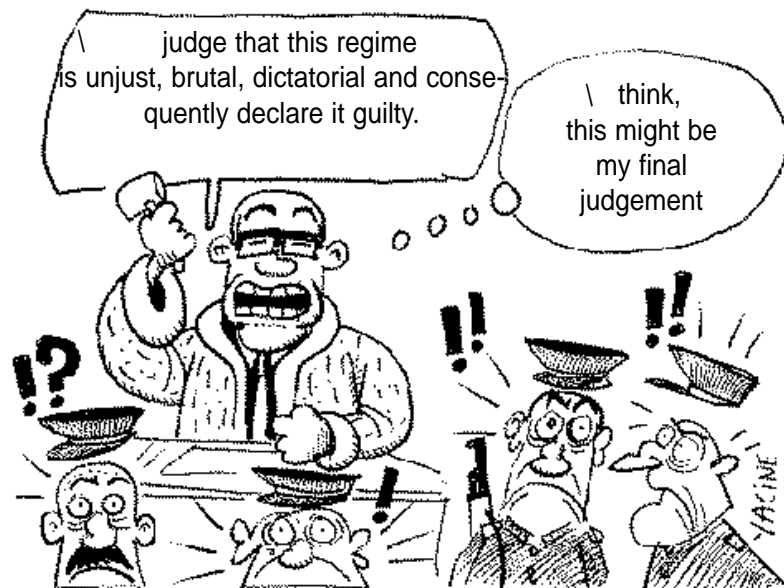
Insulted and slandered, with his salary and functions suspended, Judge Yahyaoui was summoned to appear before the Disciplinary Council on 2 August 2001. However, his initiative generated such enormous national and international support that the government was forced to make concessions and to reinstate him on 1 August 2001. His appearance before the Disciplinary Council was indefinitely postponed.

Almost six months later, on 20 December 2001, Judge Yahyaoui was again summoned to appear before the Disciplinary Council on 29 December for 'breaches in his professional obligations' and 'attacking the integrity of the magistrature.'

In the interval, Judge Mokhtar Yahyaoui was subjected to all kinds of pressures. The Observatory reacted by lending him its entire support.

Despite pressure and destabilising threats, Judge Yahyaoui refused to retract his statement.

From that point, the suspension by the District Council, while considered scandalous from every perspective, was inevitable. Judge Mokhtar Yahyaoui thus paid the price for speaking out and for the blow dealt by his revelations to a regime, whose authoritarian, despotic and racketeering character is accompanied by growing insecurity among the judiciary. However, the 'little judge' - as he has been known by



— The judge —

admirers in Tunisia for the last six months - had not seen the last of his problems. On 12 January 2002, he was refused permission to board at Tunis-Carthage Airport before his departure to Europe. He was told that the reference to his profession as a jurist rendered his passport invalid.

It is almost certain that the threats and harassment will continue. Since 8 December 2001, Judge Mokhtar Yahyaoui has presided over a 'Centre for Independent Justice (CIJ)' founded through the initiative of a coalition of lawyers, jurists, and academics. The instigators of the initiative have tried vainly to get legal recognition for the CIJ. Nevertheless its leaders have decided to carry out their activities in co-operation with associations for the defence of liberties and human rights.

OPEN LETTER TO THE HEAD OF STATE

To His Excellency the President of the Republic and President of the Superior Council of the Magistrature

I am writing this letter to inform you of my disbarment and to express my criticism of the catastrophic condition that has befallen the Tunisian justice system. Things have reached the point that judicial authorities and magistrates have been deprived of their constitutional prerogatives and are no longer in a position to carry out their responsibilities in the service of justice as an independent republican institution. And yet it is only with the autonomy of the judiciary that magistrates can contribute to the construction of their country's future and effectively perform the role they have been given in the protection of rights and liberties.

Tunisian magistrates are frustrated and exasperated by the constraint placed upon them to deliver verdicts dictated by the political authorities and which do not result from any objective or independent critical analysis. This results in judgements which frequently reflect only the executive power's interpretation of the law.

Subjected to the most repressive harassment, Tunisian magistrates no longer have any margin of action to carry out their role fairly. Despised, living with fear, suspicion and denouncement, they face acts of intimidation and coercion that shackle their will and prevent them from expressing their true convictions. Their dignity is ridiculed every day and their negative image within the population adds to fear, arbitrariness, and injustice. The fact of belonging to our profession is degraded in the eyes of the oppressed and people of honour.

Tunisian justice has submitted to the implacable control of a group of opportunists and sycophants. They have managed to constitute a parallel justice system situated outside any legal norms and to control the National Council and the majority of key positions in the different courts. Ignoring the meaning of impartiality and objectivity, their harmful activities have managed to substitute the notion of independence with that of resignation. This has created a real sense of discouragement among

those magistrates who try to be impartial. Prevented from performing the role to which they aspire, they cannot assume their responsibilities or use their abilities to serve an impartial justice system and the interests of their country.

The category of magistrates who obey orders sell their allegiance by imposing a spirit of dependence and submission which is contrary to any notion of change and creative adaptation, thus aligning themselves with the zeal of the current political regime. Their objective is to systematically make a confusion between the regime and the state by monopolising all the institutions. This behaviour, which favours discord and confrontation, constitutes a real threat to order, security, and stability.

Our daily practices enable us to appreciate the gravity of the situation for magistrates and encourage us to break our binding commitment to silence. With all possibilities of impartial and balanced dialogue closed, silence can no longer be acceptable and the call of our consciences has become a necessity. Even if it means that our prisons must be the only place where we can rediscover dignity, freedom and an easy conscience, I have decided to listen to this call.

Mr President, in order to enable all citizens to exercise the liberties guaranteed to them by the constitution, your constitutional responsibilities oblige you to require the removal of controls over the justice system and all other state institutions. Only under these conditions will it be possible to make the changes all our people hope for and which are in the interests of our country.

Yours sincerely,

Mokhtar Yahyaoui

Lawyers at risk in Sudan

In Sudan, human rights violations are being committed on a daily basis. Since the military junta came to power after a coup on June 30th 1989, the Sudanese are deprived of their civil and political rights, while political parties and trade unions are banned. Since April 2001, when the last UN Commission for Human Rights adopted its resolution on Sudan, the authorities have embarked on a new tactic of harassing, intimidating and persecuting human rights defenders, mainly lawyers and journalists, who are targeted for undermining the façade of respectability that the Sudanese government is trying to promote. The country is under the state of emergency and the security forces act with total impunity, as the National Security Act - adopted in 1994 and amended in 2000 and 2001 - provides them with virtual immunity from prosecution, along with vast investigative powers, including arbitrary arrest and searches, as well as incommunicado detentions without any judicial review.

In this context, lawyers are privileged targets for the authorities. In 1997, some of them gathered in a loose coalition, the National Alliance to Restore Democracy (NARD), one of the most important organized resistance to the regime by trade unions and civil society organizations. Lawyers have played a crucial role in fostering awareness about human rights. They kept educating the Sudanese about their rights and continuously criticized the repressive laws used by the Junta. Therefore, lawyers have been faced with a multiform repression implemented by the government.

In 2001, 15 lawyers were arrested and harassed by the security forces for defending other victims of human rights violations. Several lawyers have been arrested and charged under the Criminal Act, the Press and Publication Act (articles 23, 25 and 26) or the National Security Act. Ali Mohammed Hassain and Ghazi Suleiman were arrested in December 2000 and detained until February 2001, for defending detained leading members of the opposition party, the National Democratic Alliance (NDA). They spent over 70 days in detention, during which they were ill-treated and

tortured. Other lawyers have been arrested without being charged, such as Osman Yousif, arrested on February 13th and released on June 4th. Besides, when the authorities called new elections for the Sudanese bar association in the first week of January 2002 (with very short notice to prevent a massive participation¹), several lawyers, including NARD members, were arrested in order to exert pressure on them and prevent them from participating. In an unprecedented move, the NARD refused to participate in the elections.

During their detention, the lawyers are initially held incommunicado, for a period ranging from a few days to several weeks, in a secret detention centre, with no access granted to their lawyer or relatives. Afterwards, they are either released or transferred to Kober prison for a long period. While detained in the security offices, they are commonly submitted to various kinds of torture. The detention conditions are particularly disastrous: the cells are small and filthy, and there are often rats or mice. Furthermore, the detainees are frequently deprived of sanitation or medication and receive food on an irregular basis. Physical ill-treatment ranges from having to stand in the hot sun for several hours to performing hard exercises (especially for the elderly), but it also includes slaps in the face or beating with gun butt or whip. The detainees can be held in solitary confinement for a long time, which increases the psychological pressure exerted upon them.

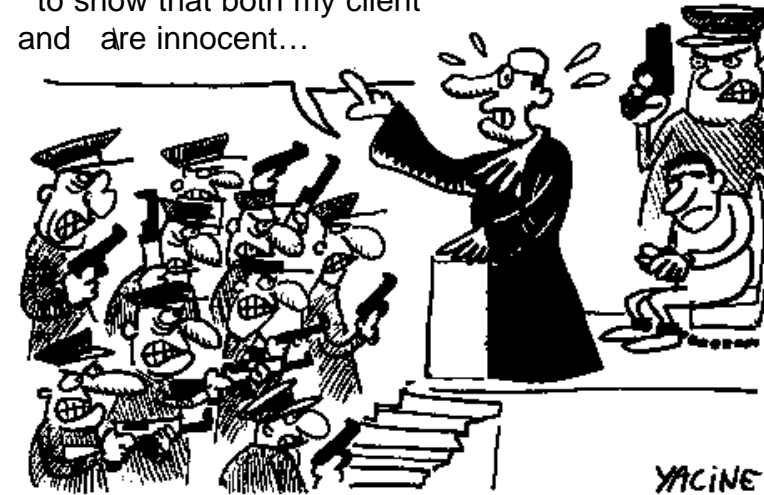
Furthermore, the Sudanese security forces have adopted a new method of "part-time arrest", consisting in obliging the lawyers to report on a daily basis to the security forces headquarters and in keeping them from morning to night, sometimes without interrogating them.

Finally, the security forces have maintained constant pressure on lawyers, through acts of harassment, intimidation or threats against them, and continuous surveillance of their offices. Mustafa Abdel Gadir², the main defense lawyer for the NDA members during their trial, was continually harassed by the government and his office was under surveillance. Moreover, witnesses have also been

1. The last elections were held in 1997 and reportedly accompanied by widespread fraud by the ruling party, in order to install pro-regime lawyers at the association's board.

2. Mr. Abdel Gadir was repeatedly arrested and has spent over two years in prison.

Thank you all for coming to hear
my defence... will attempt
to show that both my client
and are innocent...



— The lawyer —

harassed, intimidated or arrested. Prime defence witness Hisham Abdullateef, who had filed complaints for harassment and threats by security forces, was arrested on December 10th by security officers and taken to the security offices, where he was detained for 5 days and severely tortured to make him change his testimony.

In order to further hinder their activities, the security forces have proceeded to the confiscation of lawyers' personal and professional belongings. Osman Yousif had his office searched by security forces, who confiscated his computer, personal documents and client files, none of which has been returned.

Since 2000, the Sudanese government has made some modest concessions regarding human rights, which included the partial shutdown of some secret detention centres and the release of dozens of political prisoners and detainees. It lifted the ban on travelling for some political leaders and started negotiations and peace talks with the opposition. These concessions indicate that internal and international

pressure, combined with the Sudanese government's desire to break its isolation and to legitimize its position, can bring human rights improvements.

Text based on the information provided by Osman Hummada,
General Secretary of the Sudanese Victims of Torture Group (SVTG),
member of the Assembly of Delegates of the OMCT, and Gazi Suleiman,
member of the Sudanese Human Rights Group (SHRG)

January 2002

The situation of trade unionists in Colombia

What is the current situation of trade unionists in Colombia ?

International public opinion is not unaware that membership of a trade union is a high risk activity in Colombia. 3000 trade union leaders were assassinated between 1987 and 2001, among whom over 150 in 2001 alone.

Not only do trade union leaders risk assassination, they are also the victims of forced displacement, threats to their lives and their physical and moral integrity, arbitrary detention, imprisonment and other forms of harassment.

Counsellors and lawyers of the Colombian trade union movement also receive frequent threats.

According to data provided by the National Trade Union School (a Colombian NGO), a high percentage of victims of serious violations held senior posts within the trade union movement. Also according to the same source, 80% of trade unionists assassinated in the world each year are Colombians.

Where those guilty of assassinating trade union leaders have been identified, 90% have been carried out by paramilitary groups operating with complete impunity and often with the connivance of the State security forces. The remaining 10% were carried out by guerrilla movements, public forces and other miscellaneous bodies.

Over 90% of human rights violations in Colombia go unpunished, and when they are aimed at trade unionists, the rate of impunity is in excess of 97%. Scarcely 3 out of every 100 crimes committed against trade unionists will be solved and the

authors judged. The instigators of these crimes go unpunished in 100% of cases.

Impunity could be overcome to a large extent if the political will existed and the conditions for freedom of trade union activities were improved. The fact that impunity prevails is a positive message to those behind such crimes.



— The trade unionist —

Furthermore, communications between trade unionists and other human rights defenders are often intercepted by members of the public forces. This was the object of a penal investigation by the Public Ministry in Medellín after it was proved that police officers and the Colombian secret services had carried out illegal interception activities. After a few months the officers in charge of these units were released and even though the investigation has not been closed, it is already common knowledge that they are unlikely to be punished.

Why are trade unionists persecuted in Colombia ?

In an interview given to the French newspaper in June 2001, the paramilitary chief, Carlos Castaño, stated that trade unionists must be eliminated because, in his words “they prevent work”.

According to the National Trade Union School, threats and assassinations of trade unionists tend to increase during periods when collective bargaining is taking place. Furthermore, in their public speeches, senior civil servants accuse the trade union movement of being responsible for the economic crisis, as was the case at the last session of the International Labour Conference (89th Session), during the debate of the Commission on the Application of the Norms of the International Labour Organisation (ILO).

If one adds to this, legislation which opposes demands for social improvements, or even renders them criminal, it becomes clear that trade unionists run major risks to their physical and moral integrity because of their activities in defence of workers' rights, or in other words, because of their trade union activities.

In international fora, and in particular in the context of the ILO, on Colombian government has blamed the deaths of trade union activities on the fact that they were involved in armed conflict. This theory is unacceptable because trade union leaders are precisely the victims of this conflict. Furthermore, on numerous occasions, army officers have accused trade union leaders of serving the interests of the rebels. It has now become customary for the Colombian government – in international human rights meetings - to present itself in the light of a victim of an armed conflict and of the drugs trade.

What obstacles are there to freedom of trade union activities other than assassination ?

Trade union activities are hindered by different factors. First and foremost, national legislation is inflexible and does not fully respect the principles of Conventions No. 87 and No. 98 of the ILO, in spite of some progress and several

decisions of the Constitutional Court which render certain restrictive measures ineffective.

The trade union organisations of companies undergoing restructuring have been most affected by fiscal adjustment policies, leading to the widespread sacking of union leaders and in fact contributing to the harassment of non-unionised workers by threatening them with the loss of their jobs. The case of the Caja Agraria, a national bank, is significant: a presidential decree was issued ordering it to go into liquidation and to transfer its assets to the Banco Agrario which replaced the Caja. This decree transferred to Banco Agrario all the contracts entered into by the Caja, with the exception of employment contracts which were cancelled. The new bank did not replace the Caja as an employer, the workers who had legal protection were sacked without legal permission. The union had over 8'000 members.

Furthermore, public companies now make use of subcontractors from the private sector who not only do not recognise the possibility of adhering to the company trade unions, but who are engaged on short term contracts regularly renewed. This situation jeopardises their right to belong to a trade union. In private sector companies short term contracts and growth of the tertiary sector are also factors which hinder the exercise of these freedoms.

Between 1998 and the first half of 2000 the rate of union affiliation went from 8% to 5.5%, i.e. it decreased by 2.5% within a year and a half. This corresponds to the dissolution of 195 organisations, to the decline of 356 of them and 100 061 fewer people with trade union membership.

Some of the circumstances restricting the full exercise of the freedom to belong to a trade union are: the possibility for employers to sign "collective agreements" with non-union workers, the attitude of numerous judges in industrial tribunals who not only do not protect trade union rights but who also resort to wily, underhand arguments so as to avoid applying the law. Another factor is a climate of unfavourable public opinion with respect to trade union activities.

How much latitude do trade union activists enjoy, how do they defend themselves, and

how do they organise ?

In this context, trade unionists try to resist. In view of the widespread violations and pressure by the international community, the government has drawn up a programme for the protection of people in danger, which includes not only trade union activists who are considered to be most at risk – according to studies carried out by state agencies – but also members of NGOs who are human rights defenders working in the social sector, former guerilleros who have reintegrated civilian life following the 1991-92 peace process, as well as social welfare leaders in other sectors. There are obviously not enough means to grant protection to so many people.

The programme offers the services of armed escorts and, in some cases, armoured vehicles. In other cases training courses in self-defence are proposed. Certain trade unionists protected by the programme have been the victims of serious assaults. While some escaped, many others were assassinated.

Trade unionists vigorously denounced this situation at the international level and applied to the supervisory bodies established by the international community, particularly the International Labour Organisation. Since 1998, in the context of Article 26 of the ILO Constitution, a complaint was filed against Colombia by the trade unions with a view to the creation of a commission of inquiry. In spite of the seriousness of the facts, the Board of Directors of the International Labour Organisation (ILO) adjourned the decision to create a commission of inquiry and opted for alternative mechanisms: a Special Representative of the Director General presented his last report in June 2001 and since June, a special programme of technical cooperation with Colombia has been approved.

The situation of trade unionists in Colombia has been brought to the attention of Mrs. Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, who visited Colombia on her first trip to Latin America last November. Currently, trade unionists rely on international mechanisms and also turn to other organisms such as the Inter-American Commission for Human Rights in the hope of achieving firm action to overcome the repeated acts of violence to which they are subjected.

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22 November 2001

Barriers to Trade Union Freedom in Bangladesh

Trade Union freedom is far from being reality in Bangladesh. Legal, administrative and police obstacles affect all aspects of trade union activities (creation, demonstrations, meetings and the right to strike)

Many restrictions affect the creation of Trade Unions in Bangladesh. The Industrial Relations Ordinance of 1969 establishes that in order to register a Trade Union, at least 30% of the workforce have to be members. The International Labour Organization (ILO)¹ has been repeatedly calling for the abolition of this regulation for many years. The authorities have the right to rescind the registration of any Trade Union at any moment. Moreover, in order to discourage the creation of any transversal or General Trade Unions, no legal provision enables trade unions to be registered on a national level, and trade unions formed by employees working in different factories owned by different individuals are not permitted. In 1999, the ILO Expert Committee declared that the Government's refusal to register several trade unions from the textile, metallurgic and garment sector was unjustified.

Furthermore, prior to registration, workers cannot engage in any union activity and are often persecuted by their employers. In fact, in the textile sector, the names of the workers who want to form a trade union are regularly handed over to the employer, who then dismiss them.

Trade Union activities endure many obstructions. The Industrial Relations Ordinance allows for the arbitrary transfer of workers suspected of engaging in trade union activities, as well as making them redundant with very low severance benefits (two week's salary). Moreover, a worker dismissed for misconduct cannot

1. Bangladesh, a member of the ILO, has ratified the ILO Convention n° 87 (trade union freedom and protection of trade union rights) and Convention n° 98 (right to organize and to collective bargaining).

become a trade union representative. This regulation is readily exploited in order to avoid workers from becoming trade union representatives. What is even more harmful is that trade unionists are deprived, in practice, from any appeal resources. Complaints taken to the Labour Court are pointless given the latent corruption and excessive delays (sometimes more than 10 years).

The authorities have widespread powers that allow them to interfere in trade union internal affairs. The Trade Union Register has far-reaching intervention powers and register representatives have the right to enter trade union premises and check documents.

Bangladeshi trade unionism is dominated by large structures aligned with the political parties. Sometimes even the large trade unions are directly affiliated to the political parties. Some of these trade unions use intimidation and vandalism as a means of action. Street battles between rival union members are frequent. Abul Hossein, independent union leader of the National Garment Workers Federation (NGWF), a textile sector trade union, stressed that many trade unions engage in political activities for self-serving reasons or those of the party they are aligned to, and do not defend the interests of the workers. According to Abul Hossein, there are few trade union leaders who are solely committed to the defence of the working class, and in doing so they endanger their own lives.

In addition, the government draws on the special powers of the 1974 law to detain trade unionists without presenting charges. In 1999, ten members of the Bangladesh Jatiyatabadi Sramik (BJSL) trade union, affiliated to the International Confederation of Free Trade Unions (ICFTU), including the BJSL's President Nashu Miah, were arrested for having encouraged industrial action in the Afil Jute mill, due to salaries in arrears. The unionists were held for four months, until the High Court declared their detention illegal².

Trade Unions are also confronted to an array of administrative and police harassment. In order to be able to attend ILO meetings, permissions need to be requested. In April 1999, at Dhaka airport, the border police prevented 11 members of the Bangladesh

Garment Workers Union Federation (BIGUF) from travelling to Philippines for a study trip, the pretext being that a government authorization was necessary.

Within the Public Sector and the Export Processing Zones (EPZ), trade unions are forbidden. Certain public sector employees, such as teachers or nurses, have created associations in order to try and bypass the prohibition. However, only registered trade unions can carry out collective bargaining. The prohibition of trade unions in the EPZ zones, where worker's rights are clearly a sensitive issue, is a source of particular concern. Around 93,000 workers, 90 % of them women, are employed in the EPZ, in particular in the textile, electronics and leather sector. Under the pretext of attracting foreign capital, legislation on freedom of association and the right to collective bargaining, as well as health and safety measures are not applied in the EPZ. Therefore there are no trade unions or collective bargaining in the EPZ. Foreign investors, opposed to the formation of trade unions in these areas, have even threatened the Government with withdrawing their capital if trade unions were permitted in the EPZ. Foreign investors preferred creating "Well-being Committees" where workers could defend their rights, but not demonstrate nor strike. In 1992, the government promised to end restrictions on trade union freedom by 1997 and to apply the whole of the labour legislation in the EPZ by the year 2000. These commitments have not been respected. In December 2000 the government postponed until 2004 the implementation of the new policies modifying the system in place.

The right to strike is also strongly shackled. The government can forbid a strike if they consider that it threatens national interests or if it affects a public utility. The Essential Service Ordinance allows the government to forbid strikes in a sector for three months. Moreover, three quarters of the members of a trade union must agree to a strike before it can take place.

In July 2001, the NGWF (National Garment Workers Federation) organized a national strike within the textile industry. The NGWF represents 6 trade unions in this sector. It was the first national strike coordinated by this federation, conducted by Abul Hossein. The sector's workers demanded the application of a charter they had submitted to the employers meeting at the Bangladesh Garment Manufacturers and Exporters Association (BGMEA). Their requests were as follows: a revised higher minimum pay (1800 tk), health and safety measures for the workers, the establishment of trade

union rights within the textile mills, including the EPZ, the building of hospitals and schools within the textile industry zones and the application of the Agreement Memorandum signed by the BGMEA and the BGWU (Bangladesh Garment Workers Unity) trade union in 1997 and in 2000, including provisions on maternity leave and weekly rest. More than ten people were injured during the strike. The police arrested 13 workers. Abul Hossein detailed that the employers association had passed on the names of the union leaders to be arrested to the police, including his own. During the day of action, seventeen mills were damaged. According to the workers the vandalism was the work of individuals hired by the employers. The employers also launched a defamation campaign in the press accusing foreign NGOs of being at the origin of the vandalism. The NGWF trade union was accused of receiving money from NGOs and other foreign groups with the purpose of destroying Bangladesh's textile industry.

Strikes carried out in the EPZ despite the Government's prohibition have caused several deaths. In May 2001, the Chinese Ring Ching Garments Mill, in the Savar EPZ, announced 25 redundancies and salary reductions. On 4 May employees occupied the mill in sign of protest. The mill's directors closed the doors and the police opened fire on the protesters. Thirty-two workers died³. On 9 August 2001, Iqbal Majumder, the national facilitator for APWSL (Asian Pacific Workers Solidarity Links) was shot dead when returning home. In November 2001, non-identified aggressors opened fire on the union leader Yakub Ali, who had to be hospitalised. On 8 December 2001, a worker was murdered and fifty others injured during a confrontation with the police in Dhaka. The police fired blanks and teargas to disperse the Acolade Fashions Ltd demonstrators who were demanding the payment of overdue salaries. In December the police also charged and opened fire on 2000 demonstrators in the port of Mongla. Four demonstrators were killed and 100 injured.

Text based on an interview with Abul Hossein, independent union leader of the National Garment Workers Federation, carried out by Katherine Vanfasse

14 January 2002

Journalists in Danger in the Democratic Republic of Congo

On 17 May 1997, troops of the AFDL (Alliance of Democratic Forces for the Liberation of Congo), a mixed politico-military group headed by Laurent-Désiré Kabila, entered Kinshasa after seven months of a rebellion that began in Uvira (a province of South Kivu). Marshal Mobutu Sese Seko had left the capital of the former Zaire on 16 May 1997 after a single-handed reign lasting 32 years. There was practically no fighting. Towns and villages fell one after the other like ripe fruit. The Armed Forces of Zaire (FAZ) and population sympathised with the rebellion, weary of a dictatorship that had finally brought nothing but misery and desolation.

In an address to the dignitaries of the regime on 24 April 1990, Mobutu had decided *inter alia* to put an end to the State preponderance of the single party and to establish a multi-party political and trade union system. These measures resulted in the appearance of genuinely independent media. The press, thus freed from the single party ghetto, almost openly applauded the rout of Mobutu's troops. This support from the Congolese people in general and the Zaire press in particular was not support for a man but rather for the advent of a new political order featuring greater freedom.

This hope, simply as far as freedom of speech was concerned, was very quickly to be disappointed. All the promises made by L.D. Kabila during his Kinshasa campaign about the democratisation of politics were to remain a dead letter. In July 1997, the *Le Phare* newspaper, published in Kinshasa, revealed that President Kabila was setting up a Praetorian guard along ethnic lines similar to Mobutu's famous DSP (Special Presidential Division). The paper's editor, Polydor Muboyayi Mubanga, was arrested, beaten and wounded in the face before being held for three months in the former Central Makala Prison, renamed the Kinshasa Penitentiary and Reeducation Centre (CPRK). The author of the article, Tshivis

Tshivuadi, was hunted down by the security services and had to spend six months in internal exile. However, within a few months the report was proven to be well-founded. A Praetorian guard was established. It was called not the DSP but the GSSP (Special Presidential Security Group). It was no less ethnically based and its holding area, the GLM (the seven-storey Litho Moboti Group Building named after its proprietor), was to be one of the infamous torture centres !

The scene was set. A dozen security agencies were authorised de jure or de facto to arrest and ill-treat journalists. Anyone holding any political, economic or military power whatsoever could make use of the police or security agencies or their connections within these bodies to harass a journalist if they were displeased by what he had written. The following departments were offshoot of Mobutu's enforcement agencies: the ANR (National Intelligence Agency, formerly the SNIP), the CSE (State Security Board, formerly the CNS), DEMIAP (Detection of anti-Homeland Activities, formerly the SARM), the GSSP (Special Presidential Security Group, equivalent to the DSP), Police Special Branch, Rapid Action Police, the IPK (Kinshasa Provincial Inspectorate, formerly CIRCO), the Order Military Court (COM), the State Security Court, the Congolese Armed Forces (FAC), the Airport Security Agency (ASA). The courts and tribunals were often used to whitewash police blunders.

The Rwandan troops, Kabila's allies, reigned in Kinshasa where they controlled not only the army but also the many security agencies. No opposition was allowed. The opposition political parties were obliged to remain silent. The only political activity tolerated was that of the supporters of Kabila, whom all affectionately called « Mzee », the wise one. The achievements in terms of freedom of expression handed down from the last seven years of Mobutu's reign had been shot to pieces. The party line was back. Faced with these totalitarian tendencies, the press was at the forefront of the fight against a return to dictatorship and amateurism in the management of government business. This role was to bring the press directly up against the repressive apparatus and from 17 May 1997 until the assassination of Laurent-Desire Kabila on 16 January 2001 at least 160 journalists were placed in custody for having done their jobs.

a publisher of the newspaper L'Alarme, was arrested and sentenced by the State Security Court to 12 months imprisonment. The journalist was accused of a breach of internal State security for having published a communiqué by the political leadership of FONUS (New Forces for Union and Solidarity), the opposition political party to President Kabila, whose president, Joseph Olengankoy, was held at the time in Buluwo prison in Katanga. After serving his sentence, the journalist was sent into exile in Congo Brazzaville.

Thierry Kyalumba Kebongo, aged 29, publications manager of the bi-weekly Vision, was arrested on 21 May 1998 by inspectors from the criminal investigation department. He was released on bail on 22 June 1998. The journalist was accused of libellous charges and misleading allegations in an article involving the management of the Ministry of Finance. He was to be arrested again in 1999 and brought before the COM, which sentenced him to 4 years imprisonment for treason. Kyalumba escaped from prison and lives in exile.

The screw tightened further on the press during 1999, which was marked by an extension of the new war that raged, from 2 August 1998, in the North-East of the country. The Congolese rebellion (RCD, Congolese Rally for Democracy, and the MLC, Movement for the Liberation of Congo) supported by Rwandan and Ugandan troops were fighting the loyalist troops supported by the Angolan and Zimbabwean armies.

The war had a considerable impact on the Congolese people's legitimate dream since the fall of the Mobutu regime of giving the country a fresh start. All sections of national life, both East and West, had and still have a heavy price to pay. By virtue of the war, a number of freedoms came under pressure. Press freedom was restricted in the name of the war by accusations of dealing with the enemy, discouraging the population or the fighting forces, divulging State or Defence secrets in wartime, etc. The period marked a return to a cult of personality as in the days of Mobutu. The image of President Kabila dominated the main public spaces in Kinshasa. Public service radio and television sang the praises of the « liberator ». The Minister of Communication and the Press, Dominique Sakombi, who had been the maestro of mobutism, took over two private radiotelevision stations, the RTKM

(Radiotelevision Kin Malebo) and Canal Kin. They were retitled RTNC 3 and 4. The Congolese State was thus to control the country's audiovisual media for a year. The schedules were based on the public service channel RTNC 1, with nearly three hours per day devoted to praise of the « Mzee ».

Journalists continued to be sent to prison, often before being tried, particularly if they had shown opposition to men or women holding public office, political or otherwise. Failing a direct attack on the journalist, the newspaper's editor or other journalists or even visitors who happened to be in the newsroom or members of the family found at home would be taken hostage. The fundamental principle of individual criminal Liability an offence was not respected! It was this concept of justice that enabled a senior army officer to lock journalists up in his residence for ten days and have them whipped twice a day .

Many journalists were arrested outside the legal system and when there were protests, the journalist « at fault » would be brought for the sake of appearances before an official of the public prosecutor's office who in many cases would know what to do: start by sending him to prison and then carry out the investigation on which to base the decision. The omnipotence of the executive, backed by the auxiliary departments (the police, intelligence agencies, Army), left the judiciary with no alternative.

On 16 January 2001, Laurent-Désiré Kabila was assassinated at his residence in the Marble Palace in Kinshasa/Ngaliema. On 26 January 2001, Joseph Kabila, the son of the deceased President and head of the army, officially succeeded him. At his investiture, he vowed to abide by public freedoms and human rights. The West applauded but back home people remained sceptical.

After a year in power, what assessment can be made of the promises made on his accession to the Presidency? In its annual report for 2001 entitled « Press freedom under Joseph Kabila », Journalists in Danger (JED), a non-governmental agency for the defence and promotion of press freedom based in the country, lists 49 cases involving the freedom to inform and be informed. A sports correspondent of Radio France Internationale, the Congolese Frederic Kitengie, was still in jail on the date

the report was published, 10 December 2001. 10 other journalists had been held in custody for more than 48 hours. The longest period spent in detention under Joseph Kabila was that of Freddy Loseke Lisumbu La Yayenga, the editor of La Libre Afrique, who spent three months in prison.

14 journalists were held in custody for periods not exceeding 48 hours and five others were attacked, ill-treated or tortured. The number of cases of threats or harassment of journalists or the media came to eight for both regimes. As for constraints upon the free circulation of information nationally and internationally, the new regime is well ahead with seven cases to zero. Four cases of economic, administrative or judicial pressure have been recorded under the younger Kabila. Overall the regime of Joseph Kabila appears less repressive than that of his father: 49 cases of attacks on the freedom of the press against 80 cases in 2000, 113 cases in 1999 and 73 cases in 1998 under L.D. Kabila.

It would be invidious not to acknowledge the relaxation Joseph Kabila's regime has introduced and that also goes for the return to their owners of the radiotelevision stations RTKM and Canal Kin. In dismissing Dominique Sakombi, L.D. Kabila's Minister of Communication, Joseph Kabila has put an end to the cult of personality that had reached heights comparable to Mobutu's day.

This slight improvement observed over the last year is more the outcome of increased pressure from the international community, local and international organisations for the defence of human rights and freedom of expression, than any real political will to respect the right to freedom of expression. True, there was a seminar on justice and human rights and a Conference on Human Rights that produced some worthwhile documents, but these have still not been implemented. The abolition of the COM, for example, as noted by all the participants in the seminar, including the government, has not yet been implemented. The great weakness of the Republic of Congo remains fine speeches that go nowhere.

On New Year's Eve, the repressive apparatus was back in action. Guy Kasongo Kilembwe and Vicky Bolingola, editor and editorial secretary of the Congolese satirical paper Pot-Pourri were arrested by the Police Special Branch and brought

before the State Security Court on a charge of « Offence to the person of the Head of State and breach of State Security ». In its issue dated 31 December 2001, the paper had published an article entitled « 2002 : the famine persists... » In a humorous style, the article painted a gloomy picture of the reign of Joseph Kabila, whom it described in passing as an « operatic major-general...bumped up to Head of State... ». The Court freed the two journalists after a storm of protest.

Kinshasa, 9 January 2002
 Donna M'Baya Tshimanga
 President of JED

Obstacles to the freedom of the media in the CIS

In 2001, independent media were subjected to a multiform repression by the authorities in many countries of the Commonwealth of Independent States. The situation for journalists in the region has deeply deteriorated and it has become increasingly difficult for them to pursue their professional activities with adequate integrity and safety. The following overview will highlight the various methods used to crack down on the freedom of the press. It first focuses on the situation in Kyrgyzstan, where the Special Representative of the UN Secretary General on Human Rights Defenders, Mrs. Hina Jilani, carried out a mission in August 2001.

In Kyrgyzstan, the government gradually implemented a strategy of harassment aimed at repressing all civil society members committed to defending human rights and democracy, and therefore targeted independent journalists and media critical towards the authorities.

The State strengthened its control over the media. For instance, the State TV-Radio Station is entirely devoted to the President and his family. The President's son-in-law, Adyl Toigombaev, is currently the majority shareholder of Vechernii Bishkek, a formerly independent newspaper. If they have not been taken over, the media are regularly controlled by tax services.

Economic pressure on the media is all the more efficient since it takes place within a legal system controlled by the authorities. In April 2001, Asaba, a very popular Kyrgyz language newspaper, had to close after being condemned to an unprecedented fine of \$100,000 for libel of a Parliament member. Asaba was targeted because of its criticism of the activities of the President and certain Parliament officials. On October 17th 2001, the independent newspaper Res Publica was sentenced to pay damages of 300,000 soms (\$7,000). Other judicial proceedings have been opened against this newspaper, in order to prompt its shutdown.

In addition to these judicial sanctions, on January 14th 2002, the Prime Minister

signed a decree which grants the Ministry of Justice the power to control, ban or suspend any publication.

In addition, journalists are regularly being threatened. Vechernii Bishkek's former director, A. Kim, was repeatedly threatened with arrest and finally compelled to resign. During summer 2001, Zamira Sydykova and Giaz Tokombaev, respectively chief editor and collaborator of Res Publica, received repeated death threats and were ordered to stop criticizing the President's family.

The Kyrgyz government has recently changed its tactics of judicial persecution. Articles 128 and 129 of the Criminal Code -which punish slander and libel by two years of imprisonment- have been frequently used against journalists. However, in 2001, in an attempt to achieve greater international respectability, President Akaev proposed a bill excluding them from the legislation. Even though the Parliament has not adopted it yet, journalists have since then been increasingly persecuted on the basis of other articles of the Criminal Code (such as bribery, illegal possession of weapons or misbehaviour), resulting in longer prison terms. On May 28th 2001, journalists Muhtar Topchiev and Samagan Orozaliev, who were preparing a TV report on corruption among local officials, were sentenced respectively to nine and eight years of prison.

The methods used against journalists in Kyrgyzstan are also applied in other countries of the CIS.

In this region, the media lack independence from the authorities and are faced with a near state monopoly. The independent newspapers are confronted with growing difficulties in maintaining their financial independence. In Belarus¹, the State controls the major printing houses and distribution services. The discriminatory printing and distribution prices imposed to independent newspapers resulted in a drastic cut in their incomes, which were further reduced after State companies were ordered not to advertise in them anymore. Therefore, the independent media had to rely almost exclusively on foreign aid to survive, which is all the more difficult

1. For more details on Belarus, see the Observatory's Report, «Belarus: a Caricature of Autocracy. The Civil Society in a Stranglehold», September 2001.



since certain legal provisions restrict the right to receive foreign funds.

In Kazakhstan or Uzbekistan, the President's entourage owns the main press groups and media companies, the State controls most of the printing and distribution system and it finances the main newspapers.

In the Russian Federation, the State has also strengthened its control over the media. In April, the Gazprom² company, whose majority shareholder is the State, took over the Media-Most press group. As a result, the independent television NTV, which belonged to this group, came under the control of the authorities. New management was appointed and the journalists opposed to this change were dismissed. On January 11th 2002, the Supreme Court of Moscow maintained the compulsory liquidation of TV6, the last independent nationwide channel that had welcomed NTV journalists in May. A complaint for "mismanagement" had been filed against TV6 in September 2001 by the State Petroleum Company Loukoil-Garant, which

2. See Reporters without borders.

owns 15% of TV6.

In Ukraine, the authorities multiplied checking commissions -mainly tax inspections- for independent media and, for some of them, froze their bank accounts.

In order to censor the diffusion of information deemed “disturbing”, the governments are exerting pressure on local printers to deter them from publishing independent newspapers. Tax services have frequently confiscated whole editions, as was the case for Kazakh newspapers XXI Vek and SolDat. In Belarus, the legislation governing the media allows the ban of a publication, if it has previously received two warnings, and the condemnation of its editor to five years of prison.

Moreover, journalists are the object of acts of harassment perpetrated by the police or the administration. For instance, in Georgia on October 30th 2001, a police raid was carried out in the Tbilisi offices of Rustavi 2, one of the main independent TV channels, which dares to criticise the government and denounce the corruption. Yet, a fiscal inspection made the previous week had concluded that the channel respected its obligations. In Kazakhstan, the military occupation in November of the independent channel KTK’s offices was presented as a security operation, within the context of the conflict in Afghanistan.

Justice is also being instrumentalised to political aims. In the Russian Federation, journalist Grigory Pasko has been arbitrarily prosecuted since 1997. He has been accused of high treason, after a Japanese channel broadcast one of his reports on the dumping of nuclear waste. In December 2001, the military court of Vladivostok sentenced him to 4 years of prison. He was put in detention once again³.

On June 7th, Ukrainian journalist Oleg Lyashko was convicted of criminal libel under article 125 of the Criminal Code, and condemned to a two-year suspended prison sentence and a two-year ban on practicing as a journalist.

The charge of “malicious hooliganism” has been frequently used against journalists. This was the case for Belarussian journalist Valery Schukin, sentenced to three months of prison in March after trying to attend a press conference, and Azerbaijani journalists Yaqub Abbasov and Surkhay Qojaev, respectively condemned in December to one

year and two months and one year suspended sentences.

In Azerbaijan, independent newspapers, which had investigated acts of corruption, were sentenced to crippling fines or shutdown for slander. Baku Boulevard had to close in September, after the complaint of defamation filed by the mayor of Baku.

Journalists keep being arrested, arbitrarily detained, even murdered. In Azerbaijan, a hundred journalists, who were demonstrating on December 12th against the latest attacks on press freedom in front of the President’s party headquarters, were assaulted and ill-treated by the police.

In Ukraine, over thirteen journalists were attacked in 2001. Two of them died, among which Georgiy Gongadze⁴, the chief editor of the on-line newspaper Ukrainkay Pravda, who “disappeared” on September 16th 2000. His body was found one and a half months later. In November 2000, “recordings, claimed to have been made in the President’s office, which tend to prove the implication of the highest authorities in the disappearance of the journalist” were broadcast. In the weeks preceding his death, he had been the victim of acts of intimidation. Igor Alexandrov, director of the TV station TOR, died on July 7th 2001, after being savagely hit on the head by unidentified men.

In Georgia, the main presenter on Rustavi 2, Georgy Sanaya, who was committed to denouncing the endemic corruption -including that within the Ministry of Interior- and very critical of government policy, was found dead on July 26th 2001. The investigation, which started over a year ago, has not identified any of the perpetrators. On October 12th, Paata Kurashvili, director of the press agency Caucas-Press, was attacked and seriously injured by unidentified men in Tbilisi.

On November 16th, Daniar R. Ashimbaev, a Kazakh journalist, was arrested in Almaty by militia officers, after the discovery of a “drug-like substance” planted on him. At the end of 2001, his whereabouts are unknown. On March 6th, Marina Soloveva, former director of Kazakh independent television Ust-Kamenogorsk, was attacked by several men who broke her arm. The police did not open any investigation and charged Soloveva with making false accusations.

In Belarus, Dimitri Zavadsky, cameraman for the Russian public television ORT,

disappeared in July 2000. Former personal cameraman for the President, he had been jailed for two months in 1997, after he reported security breaches along the frontier between Belarus and Lithuania. The Belarussian security forces are believed to bear responsibility for his disappearance.

Furthermore, journalists are often the object of serious threats. In September, Anna Politkovskaia, Russian journalist for the *Novaia Gazetta* who persisted in reporting on the atrocities committed by the Russian Army against Chechen civilians, received repeated death threats and consequently had to flee the country. The Kazakh authorities threatened to shut down Channel 31, one of the few independent TV channels in Almaty, in order to obtain the dismissal of Tatyana Deltsova, general editor of one of its evening programs. She had to leave on March 31st, after she reported the government harassment campaign against three leading opposition members.

Finally, the new technologies have not been spared by the authorities. Access to the Moscow-based web site of the Analytical Information Centre Eurasia⁵ was forbidden in Kazakhstan. On April 17th, the Parliament passed restrictive amendments to the law on mass media, which brought Internet sites under its control.

In Turkmenistan, the government decided to impose limits on the freedom of the electronic media, by restricting the access to certain articles and sites critical of the government. These last events are regarded as a further step in the monopolization of the media and access to information in Turkmenistan.

Text based on an interview with Ramazan Dyrlydaev,
Chairman of the Kyrgyz Committee for Human Rights,

January 2002

Defenders of Homosexual Rights and Prevention of AIDS in India

India faces a major HIV/AIDS epidemic that threatens the country's achievements in health and development. Recent estimates from India's National Aids Control Organization (NACO) suggest that there are 4 million HIV-infected persons in India (about 1 percent of the adult population). The main concentration of infection in India is among those who are poor and marginalized. The homosexual community belongs to the second category. Despite these alarming figures, organizations involved in the prevention of HIV and defending the right to health for the homosexual community face serious obstacles from the legislation, the police and the judicial authorities. A case that occurred in July 2001, in Lucknow, in the region of Uttar Pradesh helped to raise concern over this issue. The police raided the offices of the Bharosa Trust, a local sexual health organization for gay men, and of the Naz Foundation International (NFI) liaison Office in Lucknow, an international development agency providing technical support for the promotion of male sexual and reproductive health in South Asia. Members of the two organizations were arrested and accused of "incitement to commit an offence".¹ Mr. Aditya Bondyopadhyay, who was the lawyer of the detained in this case accepted to answer the questions of the Observatory.

The Observatory: What is the situation of homosexual men in India in terms of legislation and public services offered for the protection of their sexual health?

Aditya Bondyopadhyay: With the advent of HIV, the Indian state has taken a very progressive stance in the formulation of its policies and in the international fora on

1. See Urgent Appeal IND 001/0107/OBS 065

The Naz Foundation is an organization based in London which provides technical, financial and institutional support to gay men sexual health interventions, groups and networks in South Asia. We wish to express our gratitude to M. Shivananda Khan, Executive Director of the Naz Foundation as well as to the International Gay and Lesbian Human Rights Commission (IGLHRC) for their help.

the rights of gay men (often referred to as MSM, Men having Sex with Men) to health and HIV intervention. In this regard there have been many public announcements and this forms part of the national AIDS control policy. But the law, which has not been changed, continues to exhibit not only a conflict and double standards in the government machinery, but also constitutes an impediment to effective intervention. This when serological data shows that HIV amongst MSM is spreading very rapidly.

The criminal law in the country has a section called Section 377, which criminalizes "Carnal Intercourse against the order of nature" with up to life imprisonment and a possible fine. Although what constitutes carnal intercourse against the order of nature has not been specified in the statute, the courts have interpreted this to include a wide range of practices. In effect all possible forms of sexual expression between males have been criminalized.

But it must be stated that in India we have a very effective and strong evidence law which means that an offence under Section 377 is very hard to prove before a court, for penetration has to be evidentially established. This means that very few charges under Section 377 are brought in the courts. But section 377 acts as a Sword of Damocles hanging over the heads of all homosexual men. In public spaces it is a weapon in the hands of the police to threaten, abuse [sometimes sexually], and extort from gay men, because no one wants to be charged under a draconian law, not to speak of the shame that it brings on a person and his/her family in a traditional and often conservative country like India. This harassment is often extended to outreach workers [drawn from the community] who go to the field to do HIV/AIDS intervention work. Thus HIV-AIDS work is hindered.

The other consequence of this section is that people and organisations that work with gay men can be charged with either encouraging or conspiring to commit an offence under Section 377. This is exactly the basis on which the members of the organizations arrested in the context of the Lucknow case have been charged.

So far, the Indian associations of psychiatrists and psychologists have chosen to ignore or not address the issue of homosexuality. In private, many agree that homo-

sexuality is not a treatable pathological condition, but numerous psychiatrists, including those from some of the leading medical institutions in the country continue to 'treat' homosexuality.

The form that this treatment takes can safely be described as torture. It includes hormone therapy with severe side effects, the use of drugs that dull the faculties and lead to other psychological complications, and most horrendously 'aversion therapy'. In this case, the person being treated is shown a series of sexual pictures, and every time there is an illustration depicting homosexuality, he/she receives an electric shock. The fact that the psychiatrists around the world have rejected this form of treatment has not had any impact on Indian psychiatrists.

The sad fact is that a complaint brought to the National Human Rights Commission (NHRC) about the fact that such treatment is continuing in the All India Institute of Medical Science (AIIMS, the premier medical institution in India) by Naz Foundation India was rejected as they do not consider it as an important issue. One of the reasons that NHRC gave was that their hands were tied in view of section 377.

The law creates the main impediment to intervention. The Narcotics and Psychotropic Substances Act of 1985 criminalizes the exchanging of needles with Injection Drug Users (IDU). The Immoral Traffics Act of 1956 allows police to harass sex workers, increasing their vulnerability. Identifiable vulnerable groups are often tested without their consent, although the policy on testing states otherwise. There is no effective HIV policy in prisons and prisoners continue to be vulnerable. The state government often actively discriminates against HIV positive prisoners, they are denied Anti-retroviral (ARV) treatment, although their health is a state responsibility, and they are put in solitary confinement.

The Observatory: What are the services provided by the NGOs working in the field of sexual health prevention and support for people living with HIV? How do you see their role?

Aditya Bondyopadhyay: NGOs have taken on the onus of all the effective interven-

tion that is taking place in India with People with Aids (PWA) and with regard to the provision of services. Both the central government and the governments of the various states have failed to provide the services that PWAs deserve as part of their fundamental right to health. Project implementation plans, decided by NACO, are not available in most government hospitals in spite of the promise made many months ago. Nothing has been done to make anti-retroviral affordable (the private drug manufacturers have taken the lead, as the government offers very little to support them in their fight against the multinational drug companies in the World Trade Organization, and via the Trade-related aspects of intellectual property rights (TRIPS)). It is the NGOs which are providing counselling, care, support, treatment, needle exchange, intervention for prevention, etc. All the government does is create impediments in accessing subventions and medical care by creating bureaucratic problems.

The Observatory: What are the risks faced by those engaged in this type of activity and defending the right to sexual difference? What are the obstacles to their work?

Aditya Bondyopadhyay: There has been no effective training of the police on the HIV policy or the human rights concerns of the vulnerable and affected. This means that they are at the forefront of those creating impediments to intervention. In Lucknow (Uttar Pradesh), the police hostile to their work raided the offices of the NAZ Foundation and the Barosha Trust and several members were arrested. The state and more specifically NACO have rarely come out in defence of their own policies even when those working under these policies have been targeted by the police and other state agencies.

There was another case in the same region when the police detained various members of the HIV prevention organisation "SAHYOG" [though not involved in sexual minority HIV intervention]. Its activists were charged under the National Security Act of 1947 and the Obscenity Act and its offices were sealed because they published a research report on the HIV situation in the hill areas of Uttar Pradesh and the sexual practices in this region. The state found it obscene and 'insulting to the people, therefore anti-national'. I represented the group as part of the Lawyers

Collective (A Human Rights Lawyers Body) and we could only get bail after filing a writ in the High Court of Allahabad. In that case the activists were tortured in custody and were paraded handcuffed through the Bazaars of Almora Town like animals, in complete disregard of their human and fundamental rights.

The Observatory: What are the current climate and the prospects for the future? What was the impact of the Lucknow case on the working conditions of the organisations ?

Aditya Bondyopadhyay: Despite a dark climate in terms of recognition and protection, there is a very strong NGO response emerging and through NGOs and human rights organisations there is a lot of mobilisation in favour of the rights of the vulnerable, both for gay men and other vulnerable groups.

Lucknow has helped in bringing together many organisations for the rights of vulnerable groups. It has also generated enormous support for the gay minority issue and has made it into a mainstream discourse in the HIV field. In that light Lucknow has been very helpful. Activist groups and individuals have come together and formed a coalition called PRISM 'Protection of Rights in India of Sexual Minorities'. It is an advocacy/activist body that has started negotiating with various state agencies and human rights organisations for the Rights of sexual minorities. It also acts as a watchdog over violations and hopes to intervene whenever there is a violation.

Despite this mobilisation, I have very little hope that the government will do much by way of proactive intervention for the protection of the rights of the sexual minorities.

Aditya Bondyopadhyay
Advocate
Interviewed by Laurence Cuny,

18 December 2001

Rights of Indigenous People and of the Environment in Malaysia

Bruno Manser, a Swiss ethnologist aged 46, has been missing since 23 May 2000. He disappeared without a trace on the island of Borneo in the Malaysian state of Sarawak and so far no one knows what happened to him: is he in prison? Was he assassinated? Did he choose to disappear? Several theories have been set forth.¹

However, one thing is certain, his activities upset the authorities and he had become a symbol of the struggle for indigenous peoples' rights and the protection of their environment. His disappearance has raised numerous questions on the best strategy for the protection of indigenous populations. Starting from a practical experience which led him to resort to methods verging on illegal, Bruno Manser succeeded in mobilising international public opinion and ensuring that official measures were taken concerning the plight of the Penan people who inhabit western Malaysia in the State of Sarawak (Borneo Island), and whose homeland, the rain forest, has lost 70% of its surface area in 20 years.

He supported the efforts of this population that had developed its own culture for survival so as to continue to flourish without suffering from the destruction of its environment, and believed that destroying the tropical forest in Sarawak was tantamount to condemning the culture of its inhabitants.

His strategy and the hurdles he encountered were considerable, as are the obstacles that confront those who try to defend the rights of indigenous people in regions where economic interests are at stake, whether in Asia or in Latin America, where

1. See December 2000 issue of Journal of the Bruno Manser Fund on rain forests, indigenous rights and timber trade.

2. The generic term of Dayak applies to the tribes of Sarawak comprising the Iban, the Kenyah, the Kelabit and the Penan tribes. They comprise approximately 200'000 people. Although the Dayaks form some 50% of the population of Sarawak, the Malays dominate the political hierarchy while industry and commerce tend to be concentrated in the hands of the people of Chinese descent.

indigenous populations also face eviction from land which they believe to be theirs.

Bruno Manser went to join the nomadic Penan people in 1984 and lived among them for 6 years. He learnt their language, absorbed their knowledge and was the first person to become aware that organised opposition was necessary to defend the environment of the Penan people. Barriers were erected on the roads built by the companies exploiting this land under government protection: at the end of the 1980s non-violent protests by the indigenous people drew the attention of western countries and repression by the Malaysian authorities.

Thus, Bruno Manser became a symbol of resistance against the massive destruction of the rain forest in Sarawak, and also the enemy of the Chief Minister Taib Mahmud who had been in power in the region since 1981 and was re-elected in November 2001. Chief Minister Taib Mahmud granted licences for exploitation of timber without any consideration for indigenous populations whose livelihood depends on the environment. At the end of the 1980s, the government introduced legislation rendering it illegal to obstruct the felling of trees. Many Penans have been and continue to be arrested and sentenced to prison under these laws.

Bruno Manser came to Sarawak for the first time in 1984 on a simple two-month tourist visa. He tried several times to have his visa renewed in Miri but was unsuccessful, despite a recommendation from the chief of the Kelabits, one of the tribes of Sarawak. It could be said that henceforth, his presence in Sarawak was illegal, though tolerated. Apart from his grassroots activity, he started in 1985 to help to organise and to coordinate and assisted in the drafting of a letter to the authorities requesting that the rights of the Penan People be respected. Even though he did not sign the letter himself, it was suspected that he had had a hand in it.

In May 1986 two plain-clothes policemen tried to arrest him in Long Napur. Even though he managed to escape, it was clear that his presence and his statements were starting to disturb. Indeed, thanks to his denunciations, in September 1986 the WWF Switzerland³ and the Society for Threatened People sent a petition to the Malaysian Ambassador in Geneva requesting that the rights of indigenous people and their environment be respected. After this petition, the authorities considered

that Bruno Manser was at the root of the international attention to the cause of the Penan people and that he had to be neutralised. While he was awaiting an appointment with a journalist from Sarawak who had close ties with the government, a group of commandos fired at him. It appears that after this incident the police and the army often dispatched groups to find Bruno Manser. A smear campaign was launched accusing Bruno Manser of using the Penan people as his slaves and trying to use their cause to establish power over them.

Bruno Manser nevertheless remained in Sarawak until the beginning of 1990. At that point the Penans and international NGOs urged him to leave Sarawak and continue to defend the cause of the Penan people by mobilising public opinion from abroad. He left the territory secretly and returned to Switzerland where he created the Bruno Manser Fund (BMF), an association for the people of the rain forest, whose aim is to inform and sensitise the public, to work towards recognition and respect of the territorial and traditional rights of the Penans and other populations living in tropical rain forests, to achieve a moratorium on the importing of tropical wood, and finally to make it obligatory to declare the essence and origin of all types of wood. Since then, BMF has supported and given financial assistance – mainly in Sarawak – to various organisations working for the cause of indigenous people by participating in the financing of programmes for surveying and reporting on human rights, as well as legal fees, costs of court cases and compensation for periods spent in prison.

On his return to Europe Bruno Manser made good use of the media by giving conferences, meeting journalists, etc. He held meetings with other international organisations to promote the cause of the Penan people and develop a negotiation strategy. In 1993, with the support of 37 organisations and political parties, he

3. According to a WWF study published in 1995, a third of the timber production in Malaysia in the mid-1990s was illegal and Malaysia, and the State of Sarawak in particular, felled trees far in excess of what was permissible to ensure sustainable management of the forests. It should be noted that the introduction of substitute cultures such as that of palm oil often goes hand in hand with forest fires, widespread felling and slashing, violations of national or regional laws, conflicts with the local population and degradation of the soil and the water. Several companies have boycotted these products because they are not exploited in acceptable social and ecological conditions. Palm oil groves are largely responsible for the disappearance of tropical rain forests.

undertook a 60-day hunger strike in front of the Swiss parliament in Bern, Switzerland, to emphasise the necessity of putting an end to the importing of tropical wood.

From then on, Bruno Manser's strategy was to negotiate with the authorities for the creation of a reserve in the relevant region in Sarawak. However, he did not consider this solution as an alternative, but rather, as a concession to the authorities.

On his departure from Sarawak the campaign against him was intensified, he was declared persona non grata and would not be able to return to Sarawak legally. Bruno Manser was also accused of having abandoned a wife and a child in Sarawak, which is considered by the Dayak people as a serious offence.

When he found in 1998 that the idea of a reserve was not advancing he decided to revert to the strategy of confrontation, convinced as he was that the authorities were playing for time and diverting attention from it. In March 1998 he stated that "as long as deforestation continues in Sarawak and the bulldozing continues, our action for the creation of a natural reserve in Penan and self-determination for the Penan people will not have succeeded". He then took the decision to give himself up to the Malaysian authorities so that his arrest would be a symbol of the breakdown of negotiations and revive mobilisation in favour of a reserve. To this end, he decided to parachute himself on to Malaysian territory, but at the last moment the airline that had agreed to transport him withdrew, seemingly under pressure from the authorities. On 6 April 1998 he carried out a parachute jump on the UN headquarters in Geneva. Around the same period, he met the Malaysian ambassador to the UN. He tried once again to get an appointment with the chief Minister of Sarawak, but in vain, and on 29 March 1999 Bruno Manser made a flight in a ULM over the residence of the Chief Minister and allowed himself to be arrested. He was transferred to Kuala Lumpur and deported to Switzerland three days later.

On 15 February 2000 he returned to Indonesia, crossed the frontier clandestinely to make his way to Sarawak. He was last heard of on 23 May 2000. On 20 November 2000 Bruno Manser's family asked the Federal Department of Foreign Affairs to send a "Missing" notice to Malaysia and to officially request the assistance of Kuala Lumpur to try and find him. Several expeditions were also organised on

the spot. So far these steps have been unsuccessful.

Text based on the information of John Künzli and Rudolf Dietrich of
the Bruno Manser Fund

December 2001

Human rights defenders and globalization

Along with the expansion of “anti-globalization” movements, one of the most salient developments of the last few years is the increased repression of these movements. The cities of Seattle, Prague, Quebec and Genoa have now become emblems of violent, disproportionate police repression. Clearly “maintaining law and order” has now often become an excuse for repressing and restricting protest movements against institutions (World Bank, IMF, WTO, G8, etc.) whose insufficient transparency and lack of democratic legitimacy are prompting ever stronger criticism.

Mobilization on an unprecedented scale

Free-market globalizatoin and its recognized negative impact on human rights have fostered the emergence of a new category of human rights defenders. Although the vast majority of the organizations participating in these protest movements aim to peacefully promote respect of the fundamental freedoms, the issues they are now addressing and their target are unprecedented.

This is indeed the first time that human rights defenders have systematically and massively involved themselves in the fields of economics, trade and finance, resulting in unprecedented mobilization to defend the economic, social and cultural rights which are the first to be affected by globalization.

Moreover, the demands of these organizations are no longer being addressed exclusively to States, although the latter remain the primary guarantors of the rights enshrined in international instruments; they are also being addressed to the economic and financial players which have derived unprecedented power from globalization and which are acting, for the time being, with total impunity.

This form of human rights activism differs from previous mobilizations in its scale and geographic reach and in the deterritorialization of the organizations involved and their mandates, which focus not just on national governments but on the

demand for democratization and respect for international standards by institutions which are themselves supranational. The forms this mobilization takes are also different and more public in the massive demonstrations which express a different kind of citizenship.

Methods of repression, intimidation and harassment

The methods employed to harass these national, regional and transnational movements are both conventional and unprecedented. They are conventional in the sense that the usual tools (arbitrary arrest, ill-treatment, etc.) are still applied. There were for example serious human rights violations during the annual meetings of the International Monetary Fund and the World Bank in Prague in September 2000. Fearing a repetition of the Seattle excesses, the Czech police adopted a series of measures in early September 2000 which fed a public sense of insecurity. The population was asked to take such precautionary steps as leaving Prague temporarily, finding a place to stay outside the capital, making sure that the windows of dwellings were protected and drawing up a list of personal belongings which could be used if there were damage.

The Czech police were also observed to use disproportionate force in police stations and detention centers. Official statistics reported 300 people (police and demonstrators) injured and nearly 860 arrested. The latter were not notified of the grounds for their arrest, they were not given access to a lawyer and some of them were kept in detention for more than 24 hours. Many witnesses have reported serious violations, especially inhuman and degrading treatment in detention centers. It should be stressed that investigations of complaints of torture and ill treatment perpetrated by the police were biased, incomplete and inappropriate.

Police violence in Genoa at the G8 Summit in July 2001 was even more serious and resulted in the death of a demonstrator, Carlo Giuliani. People arrested were systematically ill-treated.

But the methods used are also unprecedented, since the police forces involved are themselves not up to coping with such demonstrations and are thus forced to devise new ways to restrict freedoms; for example, in Quebec during the April 2001 Summit of the Americas, a fence over 3 meters high was put up all round the "secu-

rity perimeter" and the residents evacuated from a broader area around the Summit venue. There too, police repression was disproportionate.

Finally, the choice of Qatar for the WTO Ministerial Conference in November 2001 speaks volumes: freedom of association and the right to demonstrate were severely curtailed there. To obtain a visa for Qatar it was necessary to have conference accreditation and a hotel reservation. Only those who had successfully applied for official accreditation to the WTO were able to go to Qatar, and that considerably cut back the number of activists at the venue.

Members of civil society with Conference accreditation who went to Qatar reported severe restrictions on their activities and more generally on their participation in the debates.

Criminalisation of social protest at national level

This repression affects more than just the activists present at the venues of international Summits or conferences. Within countries there is an increasing tendency to consider social demonstrations as a criminal offense, Argentina being a case in point. The deep economic crisis which Argentina is currently experiencing was indeed preceded by many years of recession which severely affected many segments of the population; there, too, the main response of a government incapable of coping with the demands being made with respect to jobs, health and education, appeared to be to criminalize social protest.

Concern over this development has grown since it was strengthened, following the events of 11 September 2001, by the anti-terrorist arsenal set up by most of the western countries in particular. The fight against terrorism must not be transformed into a prohibition preventing peoples from peacefully standing up against injustice, especially economic and social injustice.

More generally, security restrictions introduced in the wake of 11 September have brought about a de facto reduction in the transparency of institutions, making it even more difficult for NGOs to gain access to them, as was clearly the case in Doha.

This repression of social protest movements is a matter of concern with implications for freedom of expression, association and assembly, since it portrays the expression of peaceful, legitimate and well-founded demands as illegitimate and illegal.

Anne Christine Habbard
Secretary General of FIDH

January 2002

Part II

World-wide Harassment and Repression of Human Rights Defenders

AFRICA

Human rights defenders in Africa

This year again, the human rights situation in Africa has further worsened. This region continues to be faced with protracted conflicts, which have often taken a regional dimension (Democratic Republic of Congo - DRC, Burundi, Sudan, Angola, Liberia and Sierra Leone), as well as the multiplication of crisis and tensions (Nigeria, Zimbabwe, Chad, Central African Republic and Congo Brazzaville). Though in the last three years, some African countries have enjoyed change of government party (Ivory Coast, Ghana, Senegal, Cape Verde and Benin), many other States still oppose this change and master electoral - included constitutional - manipulations (Chad, Uganda, Gambia, Guinea Conakry, Gabon, Zambia, Congo Brazzaville, Zimbabwe). All these factors directly affect the economic and social development in the region.

AFRICA

At the same time, civil society is very active and despite its very limited resources, its mobilisation contributes to hold back some breaches committed by the most repressive States. Civil society's mobilisation must be credited with the important progress achieved in the fight against impunity, resulting from the complaints filed by victims in Senegal, Chad and Belgium against Hissen Habré and his collaborators. The associations defending civil and political rights, but also economic and social rights, keep developing very rapidly and the number of activists is growing. As a result, NGOs increasingly appear as unavoidable partners or negotiators for the governments, due to their impact on national and international scenes. However, their relations with the authorities remain tense and difficult. The governments waver between the necessity to take civil society into account and the distrust and fear inspired to them by this mobilisation and its organisers. Human rights NGOs are systematically labelled as enemies of the State or political opponents trying to destabilise the country.

It is difficult yet to measure the impact of the events of September 11th on the situation of human rights defenders in Africa. Many States had actually implemented for a long time genuine strategies to gag all people having a divergent and critical opi-

nion. However, the campaign against terrorism, which results in a re-positioning of the States, contributes to give international moral backing to the most repressive States, which have often used the fight against terrorism to repress any kind of opposition.

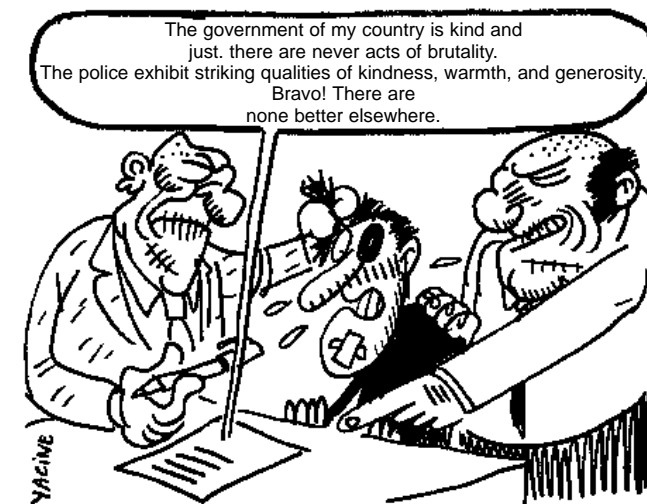
Freedom of association

The obstacles to the freedom of association are multiform. First, they are legislative. Though archaic legislation has been maintained in some countries (such as Tanzania), in others, the authorities have adopted or attempted to adopt new texts, which are clearly restrictive and only aim at muzzling the exercise of this freedom. This is perfectly illustrated by the examples of Rwanda and Uganda. In April 2001, Rwanda passed a law granting vast powers to the government in order to interfere in the work of NGOs. In Uganda, the Parliament is currently examining a bill. This text strengthens in particular the powers of the department in charge of the registration of NGOs in accordance with the 1989 law and reinforces the sanctions against NGOs, should they carry out their activities without prior registration.

Besides, the right to search and publish information on all human rights continues to be violated in many African countries. Students, journalists, lawyers, NGO members keep being arrested due to their commitment in favour of human rights. For instance, Thompson Ade-Bayor, head of Liberia Watch for Human Rights, was detained for several days and charged with sedition after issuing a press release on the Anti-Terrorist Unit and the necessary restructuration of the national army.

Other people were also targeted for their activities in favour of human rights, such as Mesfin Wolde Mariam, member of the Ethiopian Human Rights Council, and Berhanu Nega of the Ethiopian Economic Association, who were detained during one month, for incitement to violence following a meeting on human rights at the university of Addis Abbeba. Many Sudanese lawyers were the victim of arbitrary arrest and detention¹. In the Democratic Republic of Congo (DRC), this practice is still customary. Golden Misabiko, President of the section of the

1. See in the present report the analysis on Sudanese lawyers.



— The NGO activist —

ASADHO in Katanga, was detained for 8 months and could not have access to a lawyer. N'Sii Luanda, President of the CODHO, was detained for 3 months without charges. Jules Nteba, President of Elimu, based in Uvira, was detained for nearly one month in Goma, a region controlled by the authorities of the Congolese Rally for Democracy. All these arbitrary detentions are accompanied by acts of torture and ill-treatment.

Besides, defenders are repeatedly harassed. The most harmful methods are used against them and their close friends and relatives. The harassment is perpetrated by the police (arrests, threats, visits by the police or security forces to NGO offices, surveillance of residence, tailings, pressure exerted against the clients of lawyers regarded as disturbing...). Genuine libel campaigns originate from the highest authorities and political parties, and aim at discrediting NGOs and their members. In some States, such discourse can be considered as a call to murder. In order to do so, the regimes use the media under their control. These acts of intimidation can also occur during international fora, mostly in an attempt to discredit the target NGO in the eyes of potential donors.

the first targets of the repression, such as in Chad, Congo Brazzaville or Tanzania, Burkina Faso and Cameroon.

In the conflict zones, defenders are faced with further risks. For instance, the defenders acting in the area controlled by the authorities of the Congolese Rally for Democracy are systematically the object of pressure and acts of intimidation. The members of the Lotus Group in Kisangani, like all civil society representatives, are targeted by the authorities, mainly because of their stance in favour of the demilitarisation of Kisangani, along with their collaboration with intergovernmental institutions and personalities of the international community.

AFRICA

Regional protection

- The African Commission on Human and Peoples' Rights

The Observatory has actively participated for several years in the African Commission on Human and Peoples' Rights and has contributed to the creation of an item about human rights defenders on the agenda of each session of the Commission.

In 2001, the Observatory intervened at the African Commission sessions in Tripoli (23 April to 7 May 2001) and Banjul (13 to 27 October 2001). It highlighted the persistent acts of violence and breaches of the rights of human rights defenders in Africa, along with the necessary adoption of a specific protection mechanism at regional level. For several sessions, the creation of this mechanism has been envisaged in plenary session. Several States and Commissioners are favourable to the creation of such a mechanism, which would be complementary of the work of Mrs. Jilani, Special Representative of the UN General Secretary on Human Rights Defenders. However, they run into a blocking minority, mainly composed of countries from Southern Africa and North Africa.

It must be stressed that this year, only one resolution of the Commission tackled the question of human rights defenders. It was the resolution on Tunisia adopted in Tripoli.

- The European Union

This year, the European Parliament adopted several resolutions on human rights defenders in Africa. Two resolutions were adopted in May 2001, the first on Ethiopia following the arrests of Mesfin Wolde Mariam and Berhanu Nega, the second on Cameroon with respect to the threats and acts of intimidation against NGOs. The last resolution (December 2001) was about Togo, and more particularly, lawyer Agboyido.

International protection

The Special Representative of the UN General Secretary on Human Rights Defenders went to Dakar to participate to a consultation with West African NGOs organised by Amnesty International in March 2001.

Besides, several special geographical Rapporteurs have dealt with the situation of human rights defenders. More particularly, the Special Rapporteur on Equatorial Guinea gave an account of the lack of improvement regarding the freedom of association in its annual reports to the Commission for Human Rights. The Special Rapporteur on Sudan mentioned the case of several lawyers being harassed. Finally, Mr. Garreton, the former Special Rapporteur on the Democratic Republic of Congo, constantly intervened in favour of human rights defenders during his official meetings and within intergovernmental institutions.

AFRICA

BURKINA-FASO

Reinstatement of the right to demonstrate¹

The decree dated 6 December 2000 concerning the « suspension of marches and events on public thoroughfares except for duly authorised religious events and burial processions » was abrogated by a Cabinet decision on 28 March 2001. The purpose of the decree in the first place was to thwart attempts by groups of political parties and mass democratic organisations to organise demonstrations after the death of journalist N. Zongo in 1998. In this connection, meetings to commemorate the 3rd anniversary of the death of N. Zongo on 13 December 2001 were able to proceed without let or hindrance this year.

Burkina-Faso
AFRICA

The UIDH still under pressure²

The Headquarters agreement signed in 1995 by Burkina-Faso and the Interafrican Union for Human Rights (UIDH) was challenged in 1999 and nothing has changed since. Furthermore, Mr. Halidou Ouedraogo, President of the UIDH and the Burkina-Faso Movement for Human and People's Rights (MBDHP) is still being rattled by the administration in relation to the request regarding secondment to the Interafrican Union. The Minister of Justice is still refusing to rule on the matter.

CAMEROON

ACAT still under fire³

The members of the Christians' Action for the Abolition of Torture (ACAT) in Douala were still being threatened in 2001 in view of the enquiries conducted by them on the unruly treatment meted out by the Operational Command. Members of ACAT were followed, molested and pursued by unidentified people all year long.

1. See Annual Report 2000 - 2. See Annual Report 2000 - 3. See Annual Report 2000

In March, three people came to the hotel where ACAT is headquartered in Douala and quizzed the receptionist on the exact whereabouts of ACAT offices in the hotel. The receptionist deliberately gave misleading information and that very evening an unidentified individual entered the hotel, went upstairs and came back down running. A few moments later the floor where the ACAT offices were supposed to be located caught fire.

In April, after the publication of a press release, Mrs. Madeleine Afite the co-ordinator of ACAT-Littoral was prevented from entering the Central Prison in Douala on the grounds that the information contained in the press release was detrimental to the Head of State.

On 16 May, an individual with no ID papers walked into the ACAT offices in Douala. A week previously, on 10 May he had already been to the ACAT offices to enquire as to how the organisation was run and said he was in charge of a Catholic youth movement and had been sent by a clergyman which, after verification, turned out to be incorrect. ACAT asked he be escorted to the Police Station in the 9th district of Douala. He was released by the police that very same evening.

Continued pressure on MDDHL⁴

Mr. Abdoulaye Math, President of the Movement for the Defence of Human Rights and Freedoms (MDDHL), was taken in for questioning on 27 August 2001 whilst he was on the premises of Star Voyages in Ngaoundéré by local police authorities. All his personal papers and photos were confiscated and he was the object of libellous accusations. All of this occurred a month after some official complaints, filed with the National Coalition against Impunity (CNCI) in July, in Maroua, were stolen from the IEMS (an express delivery service) in Maroua and handed over to superiors. These complaints were relative to violations of human rights in the northern part of Cameroon.

Furthermore, on 29 October, MDDHL premises in Hardé in Maroua were broken into and confidential documents were stolen and computer equipment damaged.

The enquiry that was started in May 1999 after the aggression of Mr. Math and Mr. Soulaye, MDDHL Treasurer, has still not been resolved.

4. See Annual Report 2000

CHAD

Repression of those fighting impunity⁵

Mrs. Jacqueline Moudeïna, in charge of legal affairs at Chad Association for the Promotion of the Defence of Human Rights (ATPDH) and counsel for Chad victims in the cases being tried in N'Djamena against Hissein Habré, former President of Chad, was attacked on 11 June 2001 by members of the crowd control squad.

This happened as she was attending a women's meeting outside the French Embassy in N'Djamena to protest about the support afforded by France to President Deby during the presidential elections. As the meeting was being dispersed, officials asked where Mrs. Moudeïna was and then threw a grenade in her direction injuring her seriously in her right leg. Even in hospital she was harassed. She had then to seek medical care abroad.

Furthermore, the Police Superintendent Samuel Togoto, former vice-president of the Association of the Victims of Crime and Political Repression in Chad (AVCRP) and former detainee by the Direction of Documentation and Security (DDS), is being harassed by the administration. He is being accused of travelling abroad without prior permission from the Ministry of the Interior and of having made declarations contrary to his position as a police officer in Chad and in Dakar, where he gave testimony as a victim in the Habré case. He is liable to a sanction, which could be either not being paid for several months or being dismissed from the police force. He has been questioned by Inspector Brahim Djidda, former Director General of the « Security », now sued for torture by victims.

Mr. Daniel Bekoutou, a journalist from Chad, who was active in Dakar right from the beginning of the Hissein Habré case, had to flee the country in February 2000 as he received death threats on account of the articles he wrote in favour of having Habré tried. He is currently living in Europe.

LTDH members harassed⁶

5. See Letter to the Chadian authorities on 11 June 2001

Mr. Dobian Assingar, president of the Chadian League of Human Rights (LTDH) and vice president of FIDH, was still threatened in 2001, in particular within the framework of his professional activity. Once he returned to N'Djamena in August after receiving medical care in France, his Director told him that he had received instructions to dismiss him and that he had asked for a written memo to this effect from the authorities. Mr. Assingar is administrative and finance Director at the National Bureau of Rural Development.

Mr. Silas Ndadoum, LTDH vice president in Moundou, was arrested at the beginning of December 2001, after attracting the attention of the authorities to a leaflet, calling people to a holy war. He was questioned for five days before being released.

CONGO-BRAZZAVILLE

Threats and slander campaigns against OCDH

In 2001, the Congolese Observatory of Human Rights (OCDH) was still harassed by the authorities, who considered the OCDH to be an opposition political party as is the case for all independent NGOs⁷. The pressure exerted on this NGO increased in view of its position with respect to the fight against impunity. This organisation and the Deported Persons Organisation in Impfondo (in the north of the country and hotly disputed by the military and politicians by parties in favour of war in 1998) filed a suit with damages with the County Court of Pointe Noire in May 2001, on charges of arbitrary detention, torture, deportation on the part of a number of military and police officers. Thereafter, members of OCDH were slandered.

On 2 April, the President of the Republic threatened OCDH militants during a Radio France International broadcast, accusing OCDH of being the sounding board for

6. See Annual Report 2000 - 7. See Annual Report 2000

his exiled opponents. This interview has been amplified by the local press, which constitutes a true invitation to murder, in the light of the current situation. On the same day, Mr. Roger Bouka-Owoko, in charge of communication, received death threats.

At the end of June, an individual reported that during a meeting at the Central Police Station in Pointe Noire, a police officer, whose name appeared in the report, brought up the name of Mr. Christian Mounzeo, Secretary General, stating that he was a "man to gun down".

On 2 August, a famous colonel, adviser to the Minister of the Interior (Home Secretary) met with the President of the Coalition of Disappeared People's Relatives and said "Be very careful what you're about with your friends at OCDH".

On 3 August, Mr. Roch Euloge Nzobo, legal assistant was taken to task by the Public Prosecutor of Pointe Noire County Court who threatened to imprison him as OCDH was guilty of slander and preventing the government from doing its job, with publications that put investors off the Congo.

On 17 December, in Pointe Noire, Mr. Roch Euloge Nzobo had talks with the Regional Director of the National Police at Kouilou, who declared that OCDH was not an NGO but a local branch of exiled political opponents and that the organisation was corrupt.

Access to the media for NGOs and trade unions is systematically hampered. Furthermore, unions are still under fire and have been banned from engaging in activities likely to cause a breach of the social truce in violation of police standing orders.

DEMOCRATIC REPUBLIC OF CONGO

Congo-Brazzaville
AFRICA

AFRICAN ASSOCIATION OF HUMAN RIGHTS OF THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

Detention of Mr. Golden Misabiko⁸

Mr. Golden Misabiko, President of the Katanga Office of the African Association of Human Rights (ASADHO) was arrested on 5 February 2001 in Katanga by two men in plain clothes presumably belonging to the country's National Intelligence Agency (ANR). On 6 February, he was transferred and detained in isolation in Pavilion 1 of the Kinshasa Rehabilitation and Penitentiary Centre (CPRK), the former Central Prison in Makala, but no charges were pressed. The Pavilion is guarded by soldiers of the Zimbabwe Defence Forces (ZDF) and is used for detaining people suspected of being involved in the murder of President Laurent-Désiré Kabila.

Mr. Misabiko was reported to have been beaten on several occasions on 8 and 9 February and prevented from seeing a doctor even though he was suffering from a urinary complaint. Furthermore, he was virtually not allowed to go outside. He was not given the services of a lawyer and was deprived of all legal counsel. He was only allowed to see his family and even then not very often.

An international enquiry mission was set up by the Observatory in the first week of July but was not allowed to see Mr. Misabiko despite the previous assurances to this effect from the Minister of Human Rights.

Mr. Misabiko was released on 13 September 2001 on a decision by the Minister of Human Rights.

In November after an interview on the arbitrary detention of two citizens, Mr. Misabiko was again threatened by the Military Detection of Anti-Fatherland Activities (DEMIAP). He was charged with supporting Mr. Katebe Katoto, a potential candidate for the presidential elections.

Detention of Mr. N'sii Luanda⁹

On 5 June 2001, Mr. N'sii Luanda, President of the Human Rights Observers

Demo. Rep.
of Congo
AFRICA

Committee (CODHO), was arrested and detained at the head office of the ANR, in Gombe, Kinshasa. He was charged with being in contact with suspects likely to jeopardise national security. On 2 and 4 June 2001, he had already been questioned by the DEMIAP. He was detained without charges and was not afforded the services of a lawyer.

Mr. N'sii Luanda was released on 7 September on orders from the Public Prosecutor's Office.

Then on 29 October, he was questioned by a CPRK agent, after visiting this prison in pursuance of the CODHO mandate. The agent took from him documents given to him by detainees including a letter signed by 12 detainees and addressed to the Director of the United Nations Office. The Chief Warden of the Penitentiary threatened him.

The Voice of the Voiceless still under fire¹⁰

The Voice of the Voiceless for human rights (VSV) were harassed several times in 2001.

At the end of April 2001, the President of the Republic accused VSV of engaging in a campaign to denigrate the government, after the publication of press releases about the assassination of Mr. Ngbutene Gbende by the DEMIAP and National Security. In June, Mr. Floribert Chebeya Bahizire, President of the VSV was called in for questioning at the Kinshasa/Gombe office of the ANR in connection with the assassination. The latter repeated their criticisms of the NGOs accused of colluding with foreigners, funding agencies of the opposition and of being against the government.

In August Mr. Fidele Bazana Edadi, driver and member of the VSV, was threatened with immediate arrest after sending a letter from his organisation to the Prosecutor of the Order Military Court (COM) in order to guarantee the physical security of the Masasu family. The latter, former colleague of President L.D. Kabila was condemned and executed for having organised a coup d'Etat. This kind of threat against VSV members entrusted with expediting interventions of the organisation happens frequently.

9. See Urgent Appeals RDC 004/0106/OBS 049; RDC 004/0106/OBS 049.01

10. See Annual Report 2000

When the VSV publishes letters, it systematically receives visits from police officials or the DEMIAP seeking information and threatening NGO members. They question VSV members on the sources of their information and the addresses of victims named in their interventions.

The press conference on the files - monitored by the COM - of several detainees accused of plotting against President Joseph Kabila, due to take place on 25 September at the Grand Hotel in Kinshasa, was banned. On 24 September the hotel was given orders to prevent the meeting from taking place on grounds that it had not been authorised and during the night, posters announcing the conference were torn down. The following day, guests and organisers were prevented from entering the room by the officials responsible for order and were threatened with arrest. Even though there is no provision to this effect, on 26 September VSV sent a request to the Kinshasa City Hall to hold a press conference on 28 September. The Governor of the City refused the request and asked for a memorandum from VSV regarding the detainees.

Finally, people in possession of VSV documents (bulletins and posters) are systematically plagued at Kinshasa/Ndjili airport when leaving the country (questioning, being watched and prevented from travelling).

Members of the League of Electors harassed¹¹

On 27 August 2001, Mr. Guillaume Kabeya Shambuvi, official in charge of training, was kidnapped from Kinshasa by armed security forces that forcefully took him away in a Jeep. He was beaten and detained for nine hours and blindfolded. He was questioned about Mr. Paul Nsapu, President of the League, on his presence in Gaberone and Johannesburg for the preliminary round of Intercongolese talks and on how the League is funded.

Following the events on the Kinshasa campus, several students, members of the League and co-ordinators have had to go underground. They are M. François Butedi, Serge Kibambe Ndjibu, Mutoke Buloba and Mukulu Mukulu. Security forces are actively looking for them. Mr. Sabin Banza, vice president of the League,

11. See Annual Report 2000

recently chaired a meeting of the civil society, during which the decision was taken not to admit Mai Mai individuals as members of the civil society delegation to the Intercongolese talks in view of the armed uprisings they have been involved in. Since then, Mr. Banza has been threatened by members and affiliates of the Mai Mai.

Release of Mrs. Mukanirwa¹²

Mrs. Jeanine Mukanirwa, member of the National Campaign for Sustainable Peace (CNPDP), who had been arrested for the first time in December 2000 and detained by the DEMIAP in Kinshasa for nearly a month, was then arrested again on 26 January 2001. She was released on 20 March 2001 and has left the country.

Release of Mr. Kakese Vinalu¹³

Mr. Aimé Emile Kakese Vinalu, President of the Action for Human Dignity and a journalist, was sentenced to a term of two years imprisonment by the Kinshasa Order Military Court on grounds of jeopardising state security. He has on 4 January 2001.

Mr. Placide Tshisumpa, new situation¹⁴

Reverend Placide Tshisumpa, President of the International Society for Human Rights/RCD was arrested in June 2000 and charged with jeopardising state security. His records were forwarded to the State Security Court. He was released on 12 December 2000. His case was still being examined by the Court at the end of December 2001.

ASADHO, removal of the seals¹⁵

The seals placed on the offices of ASADHO in Kinshasa in April 1998, were remo-

12. See Annual Report 2000

13. See Annual Report 2000

14. See Annual Report 2000

ved on 14 May 2001.

REPRESSION ORGANIZED BY THE AUTHORITIES OF THE CONGOLESE RALLY FOR DEMOCACY (DRC)

- Reprisals against human rights defenders in the region of Kisangani

Members of the Lotus Group harassed¹⁶

Mr. Dismas Kitenge Senga, President of the Lotus Group (a human rights NGO based in Kisangani) came under a great deal of pressure in the summer of 2001, like in the previous year, as were most other defenders of the area. The authorities have targeted the NGO that is seeking to have troops removed from Kisangani and is working towards this objective alongside institutions and dignitaries of the international community. DRC authorities are accusing the NGO and its President with treason, spying on behalf of foreign powers and the government in Kinshasa and encouraging the population to rebel. These intimidation and libel campaigns are being conducted on the Congolese National Radio and Television (RTNC) or during political meetings organised by RCD locally. After the meeting between the Belgian Prime Minister and the civil society in Kisangani on 1 July 2001, Mr. Kitenge Senga has received even more threats. On this occasion, Mr. Kitenge Senga pleaded publicly to have troops removed from Kisangani by RCD/Goma forces and the Rwanda People's Army (APR). Since the beginning of July, agents of the Security Services (DSR) have been conducting enquiries on the trips made by Mr. Senga and his family. During the nights of 4, 5, 7 and 8 July a DSR patrol raided the district Mr. Senga lives in.

After the visit of the UN Secretary General on 3 September 2001, Mr. Senga and other defenders were denigrated. On 10 and 11 September he was questioned by the DSR about the support afforded by the Lotus Group to students during the visit of the UN Secretary General to Kisangani.

15. See Annual Report 2000

16. See Urgent Appeals RDC 010/0012/OBS 121.01 ; RDC 007/0109/OBS 077

Mr. Gilbert Kalinde Abeli, the leading official of the conflict prevention and resolution section of Lotus Group was also being targeted by extremist groups opposed to peace, as well as Mrs. Bambale Boloza, "Women and Children" programme manager.

Other threats during the visit of the UN Secretary General in Kisangani in September¹⁷

Mr. Matthieu Kirogozi Bometa, Mr. Piecam Kamwabi and Mr. Augustin Kangamina Feruzi, officials of the Kisangani Student Association were accused of drafting and delivering the student memorandum to the UN Secretary general and of allowing students to demonstrate against the RCD and the presence of Rwandese troops in the Congo in the presence of Mr. Kofi Annan. Furthermore, they were charged with not trying to prevent the kidnapping of RCD militants by students over a two day period. They were temporarily forced to go underground on the Kisangani campus for fear of being arrested. The Governor of the Eastern Province decided to organise elections for the new Student's Union Committee, though no legislation allows him to do so. This he did with the sole aim of removing current members of the committee. The elections were obviously staged and the three students mentioned above are still being followed.

Mrs. Dorcas Kanku, co-ordinator of Promotion of Women by the Media, was questioned at the Military Intelligence offices on 8 September 2001. She was charged with raising in women's awareness of the visit by the UN Secretary General and of organising a meeting between Kisangani women and the delegate of the Belgian Embassy. Mrs. Kanku is still under close surveillance and authorities still consider her activities to be detrimental.

During the visit of the UN Secretary general, Mr. Firmin Yangambi Libote, President of Peace on Earth and Kisangani civil society delegate at the Intercongolese talks, was accused on RTNC/Goma of inciting the population to rebel against the RCD. He was also accused of criticising the position of the RCD during the final meeting

17. See Urgent Appeal RDC 007/0109/OBS 077

of the pre-dialogue workshops in Gaberonne. Since then his press releases and his appearances regarding the talks have been banned on Kisangani radio.

Abbot Jean-Pierre Badidike, co-ordinator of Synergy for Peace (SYPA; a coalition of Kisangani based NGOs in favour of peace) and advisor to Justice and Liberation Group, was falsely accused of having sexual relationships by RTNC. Disseminating this kind of information is not only an attempt to denigrate civil society officials but also an attempt to divide them. Moreover, SYPA was suspended in March 2001, and was still closed at the end of 2001.

Threats after the visit of the Ambassadors of permanent member states of the Security Council and leading UN officials in Kisangani mid December¹⁸

Since then, Mr. Dismas Kitenge Senga, Mr. Zoka Lem, President of Justice and Liberation and Mr. Abisa Bokanga, President of the Co-ordination of the Civil Society are being closely watched by RCD/Goma security forces when they travel and meet. They are also being intimidated and denigrated.

Moreover, Mr. Yangambi Libote has been threatened with arrest by the Security and Intelligence Department (DSR)/Kisangani for having disseminated a petition to demilitarise the city. He was on his way back from Addis Ababa, via Kinshasa and was called in for questioning by the DSR on 22 December but refused to attend. On 26 December, at 9 am, Mr. Libote's house was besieged by the police, following orders given by the DSR commander for the province, who wanted to have him taken by force to the police headquarters. Police officers left his house at 1 p.m. since he refused to go with them.

Acts of torture against Claude Olenga Sumaili

On 9 August 2001, Reverend Claude Olenga Sumaili, President of the Justice and

18. See Urgent Appeal RDC 00/0109/OBS 077.01

Peace Commission, was arrested at his office and taken to the premises of the DSR where he was whipped after having his shoes and clothes removed. He was seriously injured in the thighs and back and was put in solitary confinement and questioned on the content of the radio programmes he took part in on Amani Radio and TV in the archdiocese of Kisangani as these programmes were considered hostile towards the RCD. He was also questioned as to the position of the civil society regarding the demilitarisation of Kisangani and his personal contacts with Mr. Kitenge Senga and other people committed to promoting peace. He was released at 9 p.m. and was ordered not to talk about the treatment he had undergone if he did not want to be arrested again. He has been forced into hiding and his wife has been threatened on several occasions by security forces who are trying to find her husband's whereabouts.

- Repression against defenders in the area of Uvira¹⁹

Detention of Mr. Majaliwa Kanazi

Mr. Majaliwa Kanazi, the co-ordinator of the Action Committee for Complete Development (CADI), was detained from 6 to 8 August 2001 for having delivered documents to the Great Lakes League containing reports of violations of human rights by members of the RCD in the region of Uvira in North Kivu.

Called in for questioning

The members of a number of organisations that had taken part in a seminar organised by International Human Rights Law Group and Human Rights Watch in March 2001, were called in for questioning by the administrator of the town of Uvira during the week of the 8th of August. Their names were on a list taken by the police during a search in the offices of an association called Elimu. The list was conveyed to the border police at Kavimvira on the road from Uvira to Bujumbura (Burundi) in a bid to prevent the people whose names were on the list from crossing into Burundi.

19. See urgent appeals RDC 006/0108/OBS 071; RDC 006/0108/OBS 071.01

Members of Elimu harassed and Mr. Nteba detained

In August 2001, members of Elimu (meaning « science » in Swahili), in Uvira, were harassed, accused of having helped the Maï Maï to print leaflets calling for a boycott of the third anniversary celebration of the RCD on 3 August, on the grounds that the association has computer equipment.

Mrs. Gege Katana Bukuru, an Elimu militant, had to go to Bureau 2 of the Police for Security, Respect and Surveillance from 6 to 8 August 2001 for questioning. Her house is reported to have been searched. Mr. Jules Nteba, President of the association, and who was accused of having produced the leaflets was forced to flee to Burundi owing to the threats he had received. On 11 October 2001, Mr. Nteba was arrested by the police in Bujumbura and detained until the 20th in Kigore prison. He was then released once the Burundi authorities had refused to hand him over to the representatives of the RCD that had requested he be extradited when they presented an arrest warrant signed by the Prosecutor of Uvira. On 31 October he was arrested again and taken by force by the Gatumba police (border area) and immediately transferred to the Emigration Office in Uvira, after which he was transferred to Bukavu and Goma at the beginning of November. He was subsequently released on 21 November 2001.

- Arrest and ill-treatment of Mr. Bin Talent in Beni²⁰

Mr. Hangi Bin Talent, a member of the ASADHO/Beni section (North Kivu) entrusted with inquiries and running radio programmes about human rights was taken in for questioning on 4 October 2001 by operatives of the RCD Liberation Movement of Chief Mbusa Nyamwisi without a warrant. Mr. Bin Talent was then taken to the ACR offices (Intelligence Service), was interrogated during 4 hours and whipped several times. The previous evening, Mr. Bin Talent had spoken at a conference held by the RCD Secretary, Mr. Kolosso Sumaili. He had demanded an enquiry on the massive human rights violations perpetrated by

20. See urgent Appeal RDC 008/0110/OBS 089

the RCD and had asked for explanations on the existence of holes dug in the houses of rebel leaders where people considered to be opponents were allegedly thrown in.

Mr. Bin Talent was released at about 6 p.m. and was told not to get involved in politics. and since then he has been being tailed permanently and has had to go underground. In the night of 11 and 12 October, men described as ACR operatives went to his home in Beni to search for him. According to more recent information Mr. Bin Talent is still being threatened.

Ethiopia
AFRICA

ETHIOPIA

Human Rights Defenders detained and taken to court²¹

Pr. Mesfin Wolde Mariam, founding member and former President of the Ethiopian Human Rights Council (EHRCO) and Dr. Berhanu Nega, President of the Ethiopian Economic Association, were arrested on 8 May 2001. These arrests followed a meeting devoted to human rights organised on 17 and 18 April at the University of Addis Ababa, during which they defended academic freedoms. EHRCO offices were closed on 9 May without official explanation and were searched on 11, 12 and 16 May.

Pr. Mariam, 71 years old, had to sleep on the floor. He and Dr. Nega started a hunger strike to protest against being arrested. They were deferred before the Federal High Court on 18 May. Both were accused of inciting others to violence and rioting in conjunction with student demonstrations that were put down violently by the police on 17 and 18 May. The High Court refused to release them on bail and extended their period of detention. They were finally released on bail on 5 June 2001. Pr. Mariam and Dr. Nega were not afforded legal counsel during this period. The trial, due to take place on 5 December, was postponed until 10 April 2002, due to the

21. See Urgent Appeals ETH 001/0105/OBS 040 and ETH 001/0105/OBS 040.1

absence of two judges.

GAMBIA

Mr. Mohammed Lamin Sylla arrested²²

Mr. Mohammed Lamin Sylla, Secretary General of the Amnesty International Office in Gambia was arrested on 22 October 2001 but no grounds for his arrest were ever forthcoming. He was arrested after being interviewed by the BBC during a session of the African Commission on Human and Peoples' Rights in Banjul (Gambia) from 17 to 27 October 2001.

He was released on bail on 26 October but was required to report to the police station every day. In November, he explained to the police that he was unable to report every day to the police station but that the police could come to his office if they wanted information. Since then, there has been no official contact with the police and no legal action has been taken against him. However, he has had anonymous phone calls and has had to change his telephone number.

Gambia
AFRICA

MAURITANIA

Interfering with free circulation²³

On 27 May 2001, Counsel Moussa Maïga, barrister at the Mali bar and member of the Malian Association for Human Rights (AMDH), was mandated by FIDH to observe the hearings of the legal action against Chbih Sheik Ould Malaonine, leader of the Mauritanian People's Front (FPM), charged with being in league with criminals. He was barred from entering the country as soon as he arrived at Nouakchott airport. Counsel Maïga saw no written order to this effect and was simply told that

22. See Letter to the Gambian authorities, 25 October 2001

23. See Urgent Appeal MAU 002/0107/OBS 066

instructions had been given to prevent him from entering the country because he represented an international organisation.

Harassment of a Human Rights Defender²⁴

Mrs. Aissata Satiguy Sy, member of the executive council of the Mauritanian Association of Human Rights (AMDH), was laid off on grounds of abandoning her job. Mrs. Satiguy Sy had been working for more than 15 years for Mauritanian Social Security. The decision was notified to her on 18 July on grounds of « unjustified absence ». Mrs. Satiguy Sy had taken sick leave several times during the year and had to go to Brussels, where she receives medical care.

Since 1991, when AMDH was set up, Mrs. Satiguy Sy has been actively taking part in exposing serious breaches of human rights in Mauritania. This year she took an active part in preparing the World conference against Racism in Durban.

Nigeria
AFRICA

NIGERIA

Judicial proceedings against M. Ledum

In April 2000, M. Ledum Mitee, leader of the Movement for the Survival of the Ogoni People (MOSOP), was charged with arson and attempted arson in a Magistrate's Court in Port Arcourt. This incrimination was linked with a raid in mid-April by some policemen, accompanied by a group of individuals in the village of K-Dere, during which several people were arrested and some houses put on fire, including Mr. Mitee's home. After his release on bail, Mr. Mitee's trial started in November 2000.

In 2001, the court decided to drop the charges for lack of evidence.

RWANDA

Théobald Rwaka, forced into exile²⁵

Mr. Théobald Rwaka, former Minister of the Interior in Rwanda, and founder of the Rwandan League for the Promotion and the Defence of Human Rights in Rwanda (LIPRODHOR), left Kigali clandestinely on 27 April 2001 and sought refuge abroad. He is living in the United States.

Theobald Rwaka, who was an active member of LIPRODHOR, was dismissed from his position as Minister of the Interior on 16 March 2001, after having been accused of transmitting some information to human rights NGOs.

Rwanda
AFRICA

SENEGAL

Alioune Tine called in for questioning²⁶

On 18 August 2001, Mr. Alioune Tine, Executive Secretary of the African Meeting for Human Rights (RADDHO) and co-ordinator of the African NGO Steering Committee for the World Conference on Racism (Durban), was questioned for a few hours by officers of the Criminal Investigation Department, after his participation in a press conference on 17 August, during which he had criticised the President of the Republic on the compensation issue in conjunction with slavery and colonisation in Africa. This came in addition to other arrests during the year, which targeted journalists, namely: Mame Less Camara, Thierno Talla, Pape Samba Kane, Sidi Diop and Alioune Fall.

No proceedings have been instituted against him and he was allowed to meet the President of the Republic of Senegal shortly thereafter. He was told by the President that this arrest was a mistake.

SUDAN

Mr. Osman Yousif arrested²⁷

[REDACTED] Sif, barrister at law and a human rights advocate was arrested on 13 February 2001 in his office in Khartoum. Security forces searched his office and confiscated his computer in addition to personal documents and case files.

He was arrested shortly after the Democratic Front for Lawyers had signed a memorandum on elections within the Bar Association and that criticised laws that currently restrict freedom of expression and association.

He was released on 4 June 2001.

Dr Nageeb Nagmeldin el Toum detained²⁸

Dr. Nageeb Nagmeldin el Toum, member of the Sudanese Victims of Torture Group (SVTG), Director of the Amal Centre for the Rehabilitation of Victims of Physical and Mental Trauma and former secretary general of the Union of Sudanese Doctors (banned), was arrested on 10 March 2001 at the Amal Centre in North Khartoum. He has been arrested seven times since 1989 and remained in prison for four years. He was ill-treated and tortured several times.

Two other members of the Amal Centre, Mr. Fatih Mohamed Ahmed, Administrator and Mrs. Zienab Omer, secretary, were also arrested. Both were released the same evening after being interrogated for several hours.

Security forces confiscated the Centre's computers and case files in addition to other documents and the Centre was closed down.

The security officials took Dr. Nageeb to his home, searched the house and then had him sent to their headquarters and from there to Kober prison. He was then accused with drafting lists of people that had been tortured with a view to speaking with the UN Rapporteur, Mr. Gerhard Baum on 13 March.

He was released on 27 March 2001. The Centre was reopened and the office equipment that had been confiscated was handed back.

On 10 and 11 October he was questioned yet again at security headquarters (political bureau) about the activities of the Centre. Security forces told him that the Centre was going to be closely monitored for two months.

Mr. Faisal el Bagir Mohamed harassed²⁹

27. See Urgent Appeal SDN 001/0201/OBS 014

28. See Urgent Appeals SDN 004/0301/OBS 020 ; SDN 001/0301/OBS 020.1

Mr. Faisal el Bagir Mohamed, an independent journalist, member of the SVTG and the Khartoum Centre for Human Rights Studies, was approached on 13 June 2001 at his home by security agents, who searched his house for four hours and confiscated computer equipment and many documents (books, diary, etc.). He was released that evening and was required to report to the security offices the following morning. He did so, was detained for 13 days without charges and then released on 26 June 2001.

He was questioned again on 16 October 2001 and on 29 October. He was then called in again by the security services on 19 November and was questioned for two hours on his activities within SVTG, as well as on his requests with the Minister of Justice that his confiscated property be handed back to him.

TANZANIA

LEAT members come under scrutiny³⁰

On 24 November 2001, the premises of the Lawyers Environmental Action Team [REDACTED] and documents and video-tapes were confiscated. This material had to do with the massacre of 50 workers in Bulyanhulu mine in August 1996. The workers in question were allegedly buried alive in the mine as several thousand miners were being evicted by the police in a bid to hand over the property to Kahama Mining Company LTD that belongs to a Canadian Consortium. LEAT President, Mr. Nshala Rugemaliza was also escorted to the police station, where he was detained for five hours. He may well be tried for sedition along with another LEAT lawyer, Mr. Tundu Lissu and a leader of an opposition party Mr. Augustine Mrema.

The search was a follow-on to a press conference set up by LEAT on 19 November and during which LEAT members asked for an independent enquiry on what hap-

29. See Urgent Appeals SDN 004/0106/OBS 054.1; SDN 004/0106/OBS 054.2

30. See Urgent Appeal TZN 001/0111/TZN 097

pened in 1996 to be conducted by an international commission of enquiry. Copies were made of documents showing how LEAT is funded which may mean that LEAT backers may be pressured.

It appears that the Canadian Company that owns the mine, Barrick Gold Corporation, that bought the mine from Sutton Ressources (Canada) in 1999 is also bringing pressure to prevent the independent enquiry and is trying to dissuade the LEAT backers from financially supporting the lawyers action team.

soon as he was released he and his family fled to Kwe Kwe and the local section of ZimRights.

The association went to Gokwe North and found that even though the facts had been reported to the police, no official enquiry had been set up.

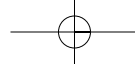
Zimbabwe
AFRICA

ZIMBABWE

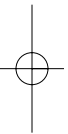
Attack against a ZimRights member³¹

Mr. Johannes Mudzingwa, a member of ZimRights, was mugged in Gokwe North [REDACTED] by young members of the Zanu PF party currently in power and by war veterans only a few days after his return from a trip to Kwe Kwe. Mr. Mudzingwa is very much involved in civic education programmes and is providing support to villagers in matters regarding the community. Mr. Mudzingwa's home was besieged by thirty young people, two of whom Godfrey Chifamba and Doungas Chisango asked Mr. Mudzingwa where he had been staying in November. When he said he had been in Kwe Kwe, they told him that the town in question was the stronghold of the opposition party (Movement for Democratic Change, MDC) and that he should show them his party card as a member of MDC. Mr. Mudzingwa answered that he was not a member of that party and was then taken to the bush to a place called Farai Mangondo. Once they arrived there, as some guarded Mr. Mudzingwa, others alerted the surrounding communities in order to have some other members of the Zanu PF party joining them. Mr. Mudzingwa was questioned yet again and was accused of supporting the opposition and of defending its interests. The Zanu PF party Secretary was present and about twenty young people took turns beating Mr. Mudzingwa with all kinds of weapons. The questioning and ill treatment lasted for over four hours. Mr. Mudzingwa was seriously injured and as

Zimbabwe
AFRICA



AMERICAS



Situation of Human Rights Defenders in Americas

The America Continent enjoys a long tradition in developing instruments protecting human rights. In 1979, the American States, assembled in the Organisation of American States (OAS), established the Inter-American Commission on Human Rights aimed at promoting the respect and defence of human rights. These developments have given a strong impetus to the emergence of many NGOs, along with legal grounds for the activities of defenders. However, there is a great gap between the obligations contracted by the States (ratification of international instruments protecting human rights, creation of national institutions) and the reality experienced by human rights defenders. The military dictatorships and the civil wars opposing militaries and paramilitaries to armed opposition groups, (which have marked the recent history of many Latin American countries) have weakened the Rule of law and favoured the rise of militaries and paramilitaries. The extent of the phenomena of impunity and corruption endangers all the achievements realised by civil society.

AMERICAS

In practice, obstacles to the activities of human rights defenders exist at all levels: violations target in the first place freedom of association (including the right to constitute trade-unions freely) and freedom of expression. The national security, the anti-subversion fight and the struggle against drug traffic and organised crime have come to justify the crackdown on the activities of groups and individuals that denounce the abuses made by the authorities. The responsibility of this situation can be attributed to the States, due to the direct involvement of their civil servants, but also to the tolerance, even sometimes the complicity and protection, shown by the authorities to the activities of groups and individuals connected to these grave violations. The guerrillas are also responsible for kidnappings and attacks on the right to life.

Throughout the year 2001, human rights defenders in the Americas have persistently been confronted with attacks on their right to life and their physical and

psychological integrity. The continent has registered once again the record number of defenders threatened with death and victims of summary executions. Most countries are still characterised by attacks against persons and organisations working for the promotion and protection of human rights, such as libel campaigns, illegal police investigations, arbitrary detentions or acts of intimidation. Indeed, the unacceptably high level of impunity keeps encouraging these acts. Some governments have undertaken efforts to carry out their duty of protection towards the defenders, under the pressure of NGOs and international organisations, but these efforts have proved to be insufficient. The extreme insecurity experienced by defenders even worsened following the 11 September terrorist attacks. In the new context of the fight against terrorism, the militaries are back in force in the State apparatus and the defenders are even more marginalised, as they are the victims of new discredit campaigns.

The situation of human rights defenders in Colombia and the murder of lawyer Digna Ochoa y Plácido¹, in Mexico on 19 October 2001, resulted in an increased mobilisation of the groups and individuals working for the respect of human rights. At national, regional and international levels, considerable efforts were made to grant stronger protection to defenders.

The analysis of the cases treated by the Observatory² this year highlights the major issues causing the gravest human rights violations: the most exposed targets are the groups and individuals fighting against impunity, defending the right of indigenous populations and landless peasants, trade-union freedom and vulnerable groups (such as street children or sexual minorities). The situation in Colombia deserves particular attention, due to the number of violations listed.

1. In a joint press release of October 24th 2001, the Special Representative of the UN Secretary General on human rights defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers expressed their condolences and asked the Mexican State to carry out an investigation to identify and prosecute the murderers of Mrs. Ochoa y Plácido.

2. In 2001, the Observatory intervened in Latin America with 46 urgent appeals, concerning 99 defenders. 22 of them dealt with Colombia. Out of the 62 defenders concerned, 20 of them (mostly trade-unionists) were murdered.

Violations against human rights defenders

• Situation in Colombia

All national, regional and international observers have reached the same conclusion: the human rights situation has worsened in 2001 and those defending these rights risk death³. The national security law adopted in August 2001, the context of the “international campaign against terrorism” and the Colombia Plan’s implementation are each worrying elements for the year 2002.

All civil society sectors, committed to denouncing the violations perpetrated by the beligerents or trying to defend their achievements, keep living in a climate of insecurity, which has taken unprecedented proportions and has intensified due to the high impunity and the State’s incapacity to carry out its duty of protection. In 2001, at least 9 NGO members and 150 trade-unionists were killed. Faced with the gravity of the situation, the Special Representative of the United Nations Secretary General on Human Rights Defenders, Mrs. Hina Jilani, visited Colombia in October. She was able to observe the grave abuses made against human rights defenders (threats, disappearances, murders, forced displacements...) and attributed the responsibility to the connivance between paramilitaries and the guerrillas, as she indicated the existence of strong clues pointing at the connivance between paramilitaries and militaries. She also pointed out the public verbal attacks made against defenders by civil servants and media⁴. In the current context, these attacks, originating from official authorities, can be interpreted as giving a free hand to the groups acting illegally to get rid of the dissident voices with total impunity.

The situation for trade-unionists remains alarming⁵. In 2001, there were as many trade-unionists killed in Colombia as in the rest of the world. In addition to the number of murders, whose perpetrators have not been identified, the acts of harassment and the

3. This observation was also made by the Inter-American Commission on Human Rights, which visited Colombia from December 2001. See press release 33/01 of December 13th 2001.

4. In October 2001, the United Nations Office in Colombia published a booklet on human rights defenders which particularly aims at raising awareness about their role in society and promoting Mrs. Jilani’s mandate.

5. See Alberto León Gómez-Zuluaga’s article on the situation of trade-unionists in Colombia.

threats against them have been constant and led several of them to leave the country as the only way to ensure their protection. During the International Labour Organisation's annual conference held in Geneva in June 2001, this situation was once again denounced. As several representatives of Colombian trade-unions were present, the Observatory organised a meeting with Mrs. Hina Jilani.

Several NGOs have been declared "military target" by the paramilitaries of the United Autodefenses of Colombia (UAC). Their members are the continued object of threats and harassment, which take the form of anonymous phone calls and letters, tailings and acts of intimidation against their relatives. A customary practice consists in informing them they have been labelled as persons "to eliminate" and dropping a wreath of flowers on their threshold in sign of condolences. Severe violations⁶ were perpetrated against lawyers denouncing impunity and questioning State officials, NGOs gathering families of disappeared persons or political detainees and trying to shed light on the disappearances or denouncing the detention conditions, women's organisations⁷ and NGOs defending the displaced populations and indigenous communities. Due to these constant threats, several activists had to take measures to ensure their own security (frequent change of address, bodyguards...), but these have proved insufficient.

This year, the effects of the Colombian conflict were also experienced in neighbouring countries, in particular Ecuador, where several NGO members denouncing the Colombia Plan's effects were accused of supporting guerrillas, and they received threats from paramilitary groups. Other countries in the Andes region, such as Venezuela or Panama, have also started experiencing the plan's effects.

• Continued impunity

As in Colombia, the fight against impunity remains a major challenge in most

6. See joint press release on July 9th 2001 of the Special Representative on human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions, who expressed their preoccupation concerning the murder of eight indigenous leaders since the beginning of the year and asked the government to take the necessary steps to protect the indigenous communities.

7. See press release of November 7th 2001 of the United Nations Special Rapporteur on violence against women, following her visit to Colombia.

Central and Latin American countries, mainly Guatemala, Honduras and Mexico, but also Chile or Argentina. Indeed, though complaints could be filed in certain cases, only very few of them have resulted in the identification and prosecution of the perpetrators.

In Guatemala, the issue of impunity remains central in the attempts of national reconciliation⁸. In its last report, the United Nations Verification Mission in Guatemala (MINUGUA) listed over 171 cases of violations of the defenders' rights, in particular for those who filed complaints involving State officials. These breaches materialise in phone tapping, tailings, robberies in NGO offices and in their members' homes (during which essential information was stolen) and threats. These threats particularly concern judges and lawyers, as reported by the Observatory's international fact-finding mission which visited Guatemala in May 2001. The United Nations Special Rapporteur on the independence of judges and lawyers, who went to Guatemala during the same month, made a similar observation. The level of impunity is unacceptable and exposes the people involved in denunciations to increased danger.

In Mexico, despite the hopes arisen from the National Action Party's accession to power (after the Institutional Revolutionary Party's 70 years of rule), the situation for defenders has remained very worrying. Several reforms announced by the new President Vicente Fox Quesada, appointed in December 2001, were actually proclaimed, but resulted in no practical effect. Most of the grave human rights violations remain unpunished and many new cases have arisen. By the end of the year, and following Digna Ochoa y Plácido's murder, many reports listed new death threats, acts of intimidation and persecution against defenders.

In Honduras as well, impunity is persisting and the groups and individuals defending human rights and denouncing the violations perpetrated by State officials have received threats. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions insisted that impunity remains rooted in the judicial system and that threats continued particularly against human rights defenders and indigenous acti-

8. See supra article on the fight against impunity in Guatemala.

vists. On 30 June 2001, Carlos Roberto Flores, an ecologist activist and community leader in the locality of Gualaco, was murdered by security officers of the Energisa company, because he was denouncing the construction of a hydraulic dam on Babilonia river. The demonstrations organised in the capital following this murder were cleared by the police, who injured many people. Following these demonstrations, judicial proceedings were opened against 20 human rights defenders. In November, Father Andres Tamayo received several threats due to his stances in favour of the protection of the forest.

In Chile, the authorities took legal action against lawyer Julia Urquieta, who defended organisers of “funas”⁹.

In Argentina, the issue of impunity remains latent and materialised in the threats continuously received by the President of the Madres de la Plaza de Mayo. The denunciation of the economic situation in the country and its consequences on certain groups, such as the Mapuche indigenous minorities, has also been accompanied by acts of harassment or intimidation.

- Right to land and indigenous communities

In Brazil, the issue of the land remains central. The communities trying to get organised, particularly in the regions of Pará, Sergipe, Paraná, Nordeste, Amazonia and the South of the country by occupying lands, have been severely repressed by organised landlords, who proceeded to violent expulsions. Several members of the Landless Movement were murdered, without their perpetrators being identified.

In Mexico, the denunciation of the extreme poverty existing in certain areas of the country, such as the States of Guerrero, Chiapas or Oaxaca (mostly agricultural regions which are often deprived of minimum services such as water or electricity), has provoked the murder of several members of the Peasant Organisation of the Sierra del Sur (OCSS). It must be noted that guerrillas and paramilitary groups

9. Visits made by the close relatives and friends of people who disappeared during the dictatorship to presumed torturers' residence or workplace in order to attract their entourage's attention to their past.

continue to be present in these regions.

- Insecurity and social cleansing

In several Latin American countries, there was a renewed outbreak of insecurity, along with the constitution or strengthening of death squads or non-official groups, which attack the most fragile sectors of society, in particular street children in Guatemala or Honduras. The organisation Casa Alianza, involved in judicial proceedings against two policemen accused of torturing and murdering five street children in Guatemala, was the target of a vast intimidation campaign, materialised in repeated robberies in its offices, threats against its members, even one homicide attempt. In Ecuador or Argentina, sexual minorities continue to be the victims of groups acting with total impunity, despite the commitments contracted by the authorities, and the people taking their defence are faced with unacceptable risks.

One of the major problems is the lack of respect shown by the authorities to the defenders' work. Despite the commitments made by the States, the defenders' role is frequently discredited in the eyes of the population. Regarded as undesirable, the people defending human rights are often the object of libel campaigns orchestrated by the public authorities and broadcasted by the media. This was particularly true in Nicaragua, where human rights organisations, and particularly women's organisations, were marginalised and harassed in the context of the presidential elections held in November 2001, as the Observatory's international fact-finding mission observed¹⁰.

Regional and international protection

Several initiatives, taken by national, regional and international NGOs in order to establish a specific regional mechanism for the protection of human rights defenders, succeeded in 2001. At national level, networks of NGOs, working in different fields but affected by severe breaches against their members, joined together. At regional level, the Latin-American Consultation on Human Rights Defenders,

10. See the Observatory's Report, “Nicaragua: human rights defenders harassed in the election context”, November 2001.

held in Mexico from 13 to 15 June 2001, gave the opportunity to provide an overview of the problems and risks faced by human rights defenders and to elaborate an action plan in collaboration with Mrs. Hina Jilani¹¹. A new consultation is planned for summer 2002, in order to examine the implementation of the recommendations and measure the progress made.

At institutional level, on 5 June 2001, the OAS adopted a resolution asking the Inter-American Commission to prepare a complete report on the defenders' situation¹². In November, Mrs. Jilani attended a session of the OAS Commission for legal and political affairs. She presented her mandate and insisted on the importance to promote regional protection mechanisms. These efforts materialised in the creation, on 7 December 2001, of a unit on defenders within the Inter-American Commission on Human Rights, while waiting for a Rapporteur to be appointed on this question¹³.

The creation by the United Nations High Commissioner for Human Rights of the position of Regional Representative for Latin America, entrusted to Mr. Roberto Garretón, is also an important achievement. The priorities identified in his mandate include the issue of human rights defenders.

11. This consultation was organised by the ad hoc non governmental Committee of protection for human rights defenders (Colombia), the national network of civil human rights organisations "All human rights for all" (Mexico), the international service for human rights and Amnesty International.

12. AG/RES. 1818 (XXXI-O/01): "Human rights defenders in the Americas: support for individuals, groups and organisations of civil society working to promote and protect human rights in the Americas".

13. OAS, Press release n°32, 7 December 2001.

ARGENTINA

Harassment of Lawyer Mariano Mansilla¹

In May 2001, the High Court of the Province of Neuquen passed a decision ordering the Bar Association to take punitive action against Mr. Mariano Mansilla, a lawyer and founding member of the Committee for Legal Action (Comité de Acción Jurídica, CAJ). Mr. Mansilla works as a lawyer on behalf of the Argentine Workers' Collective (Central de Trabajadores Argentinos) and the Mapuche Federation of Argentina (Federación Mapuche de Argentina). The decision taken by the Court is a violation of the right to defence as well as a breach of freedom of expression. In addition, it violates provisions contained in the Constitution (Article 18 and following) as well as in the Pact of San José of Costa Rica (Article 75, Paragraph 22). As a result of this decision, Mr. Mansilla could be barred from practising as a lawyer.

The legal proceedings against the lawyer began shortly after he denounced the Argentine State, at the United Nations in Geneva, for discriminating against immigrants and Mapuche people.

In an interview, given on his return from Geneva, to the daily newspaper *La Mañana del Sur*, Mr. Mariano Mansilla talked about his work in defence of human rights and made sharp criticisms of both the State of Argentina and some of the divisions of the Neuquen judicial administration.

Attack against the daughter of the president of the Association of the Madres de la Plaza de Mayo²

On 25 May 2001, two individuals, claiming to be employees of the local telecommunications company, entered the home of Mrs. Hebe de Bonafini, president of the Association of Madres de la Plaza de Mayo in the region of Plata, and attacked her daughter, María Alejandra, aged 35 years.

1. See Urgent Appeal ARG 001/0105/OBS 043

2. See Urgent Appeal ARG 002/0105/OBS 045

According to the victim, her attackers struck her on the back a number of times and subjected her to a form of torture known as the “dry submarine”, whereby a bag is placed over the victim’s head until he/she faints. In addition, they burned her arms with cigarettes, tied her hands together with adhesive tape and took her into one of the bedrooms where they threatened to rape her. They then searched the house, but took nothing away with them.

Mrs. Hebe de Bonafini, who was in Brazil at the time of the assault, had received messages from unknown people threatening to attack her “in her flesh”. Mrs. de Bonafini, whose two sons and sister-in-law had been abducted and disappeared in 1977, has often been threatened because of her activities. In 1999, the extremist Argentine Anti-Communist Alliance (Alianza Anticomunista Argentina, AAA) had already stated that it would take action against the Association of Madres, and particularly against its president if she continued to intervene in cases abroad³. In a press release, published on 28 May, Mrs. de Bonafini condemned the attack on her daughter who has since left the country. On 7 June a letter, denouncing the attack and demanding that action be taken, was given to the President of the Republic.

By the end of 2001, the investigation undertaken by the Court of Buenos Aires had revealed no conclusive results and the threats against the Madres de la Plaza de Mayo have continued.

Protection of Mrs. Vanessa Piedrabuena⁴

Local and international pressure brought to bear on the Argentine authorities in the case of Vanessa Piedrabuena, leader of the Association of United Transvestites of Córdoba (Asociación Travestis Unidas de Córdoba, ATUC), have had a positive impact. Mrs. Piedrabuena had been harassed because of her involvement in the case of an ATUC activist who was tortured and subsequently murdered while in detention. The Córdoba authorities have opened an office to deal specifically with cases of discrimination against sexual minorities and people infected with the AIDS virus. This office has provided effective support to Mrs. Piedrabuena in her work to defend the rights

3. See Annual Report 2000 - 4. See Annual Report 2000

of the homosexual community. Furthermore, the inquiry opened by the judicial authorities of Córdoba appears to be progressing. However, despite the fact that the situation of homosexuals and lesbians has improved, transsexuals continue to be harassed by members of the police.

BOLIVIA

Death threats against lawyer Waldo Albarracín Sánchez⁵

In April 2001, Mr. Waldo Albarracín Sánchez, a lawyer and president of the Bolivian Human Rights Permanent Assembly (Asamblea Permanente de Derechos Humanos de Bolivia, APDHB) and a member of the American Association of Jurists (Asociación Americana de Juristas), received anonymous telephone calls at his home warning him that he was “condemned to death”.

Already in 1997, Mr. Albarracín Sánchez had been abducted and violently beaten. No legal action has been undertaken by the authorities against the perpetrators and as of the end of 2001, the latter remained unpunished.⁶ The APDHB has requested government protection to ensure the safety and physical integrity of Mr. Albarracín Sánchez.

Attacks on defenders of the rights of indigenous peoples

On 15 September 2001, at about 3.00 PM, Mr. Tamburini and Mr. Carlos Romero, both activists working in the defence of the rights of indigenous communities, were attacked while leaving the headquarters of the Paikoneka Indigenous Office of San Javier (Central Indígena Paikoneka de San Javier) by armed individuals.

5. See Urgent Appeal BOL 001/0104/OBS 033 - 6. See Annual Report 1999

7. See Urgent Appeal BOL 002/0109/OBS 078

It appear that they were cattle farmers from the same commune or the commune of Concepción.

The men split into two groups. The first group attacked Mr. Tamburini, the Director-General, since 1996, of the Centre for Legal Studies and Social Investigation (Centro de Estudios Jurídicos e Investigación Social, CEJIS). The men chased him over a distance of 100 metres, hit him and finally forced him into a private vehicle. They then took him to the headquarters of the Farmers' Association of San Javier, where, after an hour of negotiations, his abductors agreed to release him. Mr. Tamburini remained at the headquarters of the Association, under the protection of the police and the president of the Association, until he was released at 7.30 PM. Subsequently, and still under police protection, he was taken to Santa Cruz, where he underwent a medical examination because of the severe bruising to his face, head and the rest of his body.

The second group of individuals pursued Mr. Romero but was not able to abduct him thanks to the presence of a police officer.

For the last three years, Mr. Tamburini has been working on behalf of the indigenous "Chiquitanos", a community he also defended during a court case about property deeds in the area of Monte Verde. Since August 2001, relations between the indigenous communities and the farmers have soured considerably, with the latter being responsible for many recent incursions into indigenous lands.⁸

According to the CEJIS, following pressure from the United Nations, the national police finally began an investigation into the events at the beginning of December. This investigation aims to reconstruct the events and issue a legal summons to the attackers to appear in court. In the light of this, the members of the CEJIS fear that they will be on the receiving end of more violence given that nothing has been put in place to ensure their security despite repeated demands made to the government, since the end of 2001.

BRAZIL

8. See Appeal OMCT BOL 240901.ESCRC

Harassment of members of the Pastoral Land Commission

• Death threats against members of the CPT/Paraná⁹

On 10 April 2001, armed individuals attacked and made death threats against Mr. Romoaldo Vandresen, aged 17 years, and his father, Mr. Dominican Dionisio Vandresen, the co-ordinator of the Pastoral Land Commission (Comisión pastoral de la tierra, CPT) in the State of Paraná. Mr Romoaldo was pursued by an unknown individual, who was driving a car. The latter forced him to stop, threatened him with a gun, took down his licence plate number and made threats against his father. He noticed that the gun with which he was threatened bore the emblem of the civil police. A woman who witnessed the incident was also threatened at gunpoint. This episode is the latest in a series of incidents in which the Vandresens have been threatened and harassed (threatening telephone calls, car chases), and is a direct result of their activities in support of landless peasants in the region of Paraná.

• Threats against Darci Frigo¹⁰

On 20 November 2001, Mr. Darci Frigo, a lawyer and member of the Pastoral Land Commission (CPT) was awarded the Human Rights Prize by the Robert Kennedy Centre in Washington for his constant fight in support of landless peasants. Mr. Frigo had been subjected to repeated death threats during 2000. These threats appear to have ceased but their authors have not been identified nor sentenced.

Between January 1997 and December 2000, 16 people were murdered in land conflicts in the region of Paraná and another 20 survived attacks. Nothing was done to identify and punish those responsible. During the same period, at least 36 threats were documented against defenders of land rights.

• Threats against Father Henri Burin des Roziers¹¹

9. See Appeal BRA 001/0401/OBS 035 - 10. See Annual Report 2000

The trial which began during 2000 against Father Henri Burin des Roziers, a defender of the rights of landless peasants in the southern region of the State of Pará, was closed in 2001. Father Henri Burin des Roziers was prosecuted along with another lawyer, Mr. Anilson Russi, for "incitement to violence", "formation of gangs", "insults against the authorities" and "illegal sequestration" after taking part in a protest demonstration following the municipal elections in Xinguara (Pará). An Habeas Corpus by the Tribunal of Pará recognized an absence of evidence and the other judicial proceedings against Father Burin des Roziers in 2000 were dropped, except one filed by the former delegate-general of the Police of Pará for material and moral damages.

The authors of death threats against Father Burin des Roziers at the beginning of 2000 have not been identified. There is no information about any enquiry into those facts.

- Murder of Mr. José Pinheiro Lima¹²

On 9 July 2001, two hired killers entered the home of Mr. José Pinheiro Lima, who was convalescing. They shot his wife, aged 53 years, then shot him and finally shot his 15-year old son who arrived home just as the killers were fleeing. The killers then took off on a motorcycle along the road, which leads to the commune of Jacundá.

Mr. José Pinheiro Lima was a member of the Executive Committee of the Union of Rural Workers of Marabá (Directiva del Sindicato de los Trabajadores Rurales de Marabá), in the State of Pará. For two years before his death he was responsible for 120 families occupying the São Raimundo property ("Hacienda São Raimundo"), in the region of Río Preto, 130 kilometres from Marabá. The property belonged to the landowner João David de Melo.

Threats against workers' leaders and against members of the peasant families

11. See Annual Report 2000

12. See Urgent Appeal BRA 002/0107/OBS 062

occupying the "Hacienda São Raimundo" have also been denounced. As the main land leader, Mr. José Pinheiro Lima received the most threats. A suspect who was arrested in connection with the murder of Mr. Lima was subsequently released due to insufficient evidence. This murder took place five days after the death of Mr. Manoel Messias Colono de Souza, who was repeatedly shot on property also situated close of Marabá.

Since April 2001, close to 120 rural workers have been arrested in the State of Pará and nearly 1500 families have been expelled from the properties they occupied.

- Murder of Mr. Carlos Alberto Santos de Oliveira¹³

Mr. Carlos Alberto Santos de Oliveira, also known as "Carlos Gato", president of the Union of Citrus Fruits Workers (Sindicato de Trabajadores de la Citricultura) in the State of Sergipe, and active in the struggle against child labour, was murdered on 22 September 2001 by unknown individuals who shot him while he was on his way to Boquim, in the region of Sergipe.

An activist with the Autonomous Workers Central (Central Autónoma de Trabajadores, CAT), Mr. Oliveira was known both nationally and internationally, and particularly by the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF), for his work against the exploitation of children. He was also the national co-ordinator of the Global March against Child Labour (Marcha Mundial contra el Trabajo Infantil) in Brazil. He had regularly denounced the use of child labour on many of the plantations in the region, and had received death threats on numerous occasions.

- Threats and harassment of the homosexual community in Sao Paulo¹⁴

Although various fascist groups are still active in Sao Paulo, the response provided by the authorities about the murder of Mr. Edson Neris da Silva, a homosexual, was

13. See Urgent Appeal BRA 003/0109/OBS 081 - 14. See Annual Reports 1999 and 2000

satisfactory: those responsible for the murder were immediately arrested and most of them were tried and condemned to prison sentences ranging from five to 11 years. In addition, a special unit, to deal with such crimes, has been established within the police forces. The State of Sao Paulo has also taken anti-discriminatory measures so as to protect the homosexual community.

CHILE

Chile
AMERICAS

Legal proceedings against a CODEPU¹⁵ lawyer

On 23 May 2001 a case opened in the Court of Santiago against Mrs. Julia Urquieta, a lawyer with the Committee for the Defence of the Rights of the People (Comité de Defensa de derechos del pueblo, CODEPU). The proceedings were the result of an interview which Mrs. Urquieta gave to the television channel La Red on 30 October 2000. She gave the interview in her role as defence lawyer for a number of organisers of “funas”¹⁶. One of these “funas” had targeted Mr. Ricardo Claro Valdés, the manager of an important national company. During the interview Mrs. Urquieta explained, on behalf of her clients, the accusations that they had made against Mr. Ricardo Claro Valdés. Mrs. Urquieta was subsequently accused of “public outrage” against Ricardo Claro Valdés, as defined by Article 417 n° 4 of the Chilean Penal Code.

On 1 June, Parliament Members, lawyers and human rights associations filed an appeal (“recurso de amparo”) on behalf of the lawyer. The appeal was rejected and, on 14 June 2001, the case was brought before the second chamber of the Court of Cassation, which upheld the case against Mrs. Urquieta.

At the end of 2001, the case was brought before the Court of Appeal of Santiago.

15. See Urgent Appeal CHL 001/0106/OBS 057

16. A “funas” is a peaceful public campaign aimed at identifying and denouncing, either at home or in their work place, former agents of repression or individuals implicated in acts of repression.

On 1 October 2001, the Bar examined the complaint lodged by Mr. Ricardo Claro and issued a warning to Mrs. Urquieta.

The headquarters of CODEPU had been burgled on 3 November 1999¹⁷ and the investigation had not yielded any results as the end of 2001.

COLOMBIA

Colombia
AMERICAS

SUMMARY EXECUTIONS AND ATTEMPTED MURDERS

Murders of trade unionists

- Murder of Mr. José Luis Guete¹⁸

Mr. José Luis Guete, president of the Banana Industry Union (Sindicato de la Industria Bananera, SINTRAINAGRO), was murdered on 24 January 2001. As of the end of 2001, the investigation into this event had not yielded any results.

- Murder of Mr. Edgar Manuel Ramírez Gutiérrez¹⁹

Mr. Edgar Manuel Ramírez Gutiérrez, vice-president of the Electricity Union of Colombia (Sindicato de la Electricidad de Colombia, SINTRAELECOL), was murdered on 22 February 2001. As of the end of 2001, the investigation had not yielded any results.

- Murder of Mr. Alberto Alvarez Madrigal²⁰

Mr. Alberto Alvarez Madrigal, president of the Huila section of the National

17. See Annual Report 2000 - 18. See Urgent Appeal COL 004/0301/OBS 023

19. See Urgent Appeal COL 004/0301/OBS 023 - 20. See Urgent Appeal COL 008/0104/OBS 031

Association of Peasant Workers (Asociación Nacional de Usuarios Campesinos, ANUC), was murdered on 24 March 2001. The investigation carried out into the incident yielded no result. As of end 2001, the members of ANUC and their families continued to receive threats.

- Murder of Mr. Aldo Mejía Martínez²¹

Mr. Aldo Mejía Martínez, president of the National Union of Aqueduct, Drain and Sanitary Company Workers (Sindicato Nacional de Trabajadores de Acueducto, Alcantarillado y Empresas de Obras Sanitarias, SINTRACUEMPONAL), was murdered on 4 April 2001 in the commune of Codazzi. The inquiry into the murder yielded no results.

- Murder of Mr. Juan Rodrigo Suárez Mira²²

Mr. Juan Rodrigo Suárez Mira, a teacher, was murdered on 21 March 2001 in the town of Medellín. He had been teaching for over six years in the suburb of Manrique. His murder seems to be linked to the fact that a few days earlier, he had been selected as a union delegate to attend the Congress of the Colombian Federation of Teachers (Congreso de la Federación Colombiana de Educadores), which began on 26 March in Santa Marta.

The atmosphere of insecurity in which teachers live in the department of Antioquia is extremely worrying: during the year 2000 and the first few months of 2001, some 32 teachers were murdered. Many were involved in trade union, social or human rights activities. The inquiry undertaken yielded no result.

- Murder of four members of the Drummond²³ trade union

On 20 February 2001, Mr. Cándido Méndez, a member of the Workers' Union of the multinational Drummond in Colombia, was murdered in Chiriguana by a com-

21. See Urgent Appeal COL 008/0104/OBS 031

22. See Urgent Appeal COL 005/0103/OBS 026

23. See Urgent Appeals COL 004/0103/OBS 023 and COL 017/0110/OBS 084

mando unit of armed men claiming to belong to the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC). The men forced Mr. Méndez to leave his house and then killed him in front of his family²⁴.

On 12 March 2001, trade union leaders Messers. Valmore Locarno Rodríguez and Víctor Hugo Orcasita, respectively the president and vice-president of this same union, were murdered. Fifteen armed men intercepted the bus in which they were travelling along with 20 other workers from the Drummond Corporation, forced them to get off the bus and subsequently executed them²⁵.

On 6 October 2001, Mr. Gustavo Soler Mora, who had succeeded Mr. Valmore Locarno as president of the Drummond Union, was abducted by a group of armed men, in all likelihood, members of a paramilitary group. The men called him by his name and forced him off the public transport vehicle in which he was travelling from Valledupar to Chiriguana. They forced him to get into their minibus. His body was later found in Rincón Hondo, in the province of Chiriguana, with two bullets in the head²⁶.

Mr. Gustavo Soler Mora was also the president of the El Paso branch of the National Union for the Mining and Energy Industry (Sindicato Nacional de Trabajadores de la Industria Minera y Energética, SINTRAMINENERGÉTICA), and a member of the Executive of the CUT.

The government had been informed of the repeated death threats made against Drummond trade union leaders. In fact, the threats against the workers had been highlighted in the minutes of a meeting, Minutes n° 20 of 19 December 2000, between the workers of Drummond and the government. Despite this, the trade union leaders had no particular protection at the time of their murders. As of end 2001, the inquiry opened into these murders had yielded no results and the leaders of the Drummond Union continued to receive threats.

In addition, the spouses of the murdered trade unionists have also been threatened. As a result, the wife and children of Mr. Orcasita have been forced to leave the

country.
24. See Urgent Appeal COL 004/0103/OBS 023 - 25. See Urgent Appeal COL 004/0103/OBS 023

26. See Urgent Appeal COL 017/0110/OBS 084

- **Murder of Mr. Ciro Arias**²⁷

On 24 March 2001, Mr. Ciro Arias, president of the Capitanejo branch of the National Union of Colombian Tobacco Industry Workers (Sindicato Nacional de Trabajadores de la Industria Colombiana de Tabacos, SINTRAITABACO), was murdered by members of a paramilitary group. Apparently, a few days earlier, the same group had entered the headquarters of the union and announced that they would "finish him off". As of end 2001, the inquiry into this murder had yielded no results.

- **Murder of Mr. Manuel Pajaro Peinado**²⁸

On 24 March 2001, Mr. Manuel Pajaro Peinado, treasurer of the Union of Public Services (Sindicato de Servidores Públicos) in the department of Barranquilla, was murdered in his home. Mr. Pajaro Peinado had apparently already requested protection under the Protection Programme of the Ministry of the Interior, however, his request had been rejected following the recommendations of the Administrative Security Department (Departamento Administrativo de Seguridad, DAS).

- **Murder of Mr. Ricardo Luis Orozco Serrano**²⁹

Mr. Ricardo Luis Orozco Serrano, the first national vice-president of the National Association of Workers and Employees of Hospitals, Clinics, Dispensaries and Other Community Assistance Organisations (Asociación Nacional de Trabajadores y Empleados de Hospitales, Clínicas, Consultorios y entidades dedicadas a procurar la salud de la comunidad, ANTHOC), was murdered on 2 April 2001 in the commune of Soledad.

Mr. Serrano and one of his colleagues from the union of the district of ANTHOC, were singled out by two strangers who followed them and then opened fire against the trade unionist, shooting him five times in the head.

27. See Urgent Appeal COL 013/0108/OBS 072 - 28. See Urgent Appeal COL 013/0108/OBS 072

29. See Urgent Appeal COL 006/0401/OBS 028

Following the threats that Mr. Serrano had received since taking up his job a year earlier, the Central Unit of Workers (Central Unitaria de Trabajadores, CUT) had already, in the year 2000, filed a request for his protection with the Committee for the Protection and Evaluation of Risk (Comité de Protección y Evaluación de Riesgo) of the Ministry of the Interior. The investigation subsequently carried out by the DAS to determine the level of danger to which Mr. Orozco Serrano was exposed, had concluded a "low risk" and as a result the DAS had not followed up his request for protection. Furthermore, a number of members of ANTHOC received anonymous letters containing pictures of crosses covered in blood. As a result of these threats, two leaders of the district branch of ANTHOC, Messers. Angel Salas and Robert Alvarino, were forced to leave the country.

The inquiry into the circumstances of the death of Mr. Orozco Serrano has yielded no results and his family continues to receive threats.

- **Murder of two members of SINCOTRAINER**³⁰

Mr. Luis Manuel Anaya Aguas, treasurer of the Santander Drivers' and Transport Workers' Union (Sindicato de Conductores y Trabajadores de los Transportes de Santander, SINCONTRAINER), was murdered on 16 October 2001 in Barranquermeja. Three days later, on 19 October 2001, Mr. Luis López, president of the same union, was also murdered. By the end of 2001, the inquiry into these murders has yielded no results.

- **Attempted murder of Mrs. María Elisa Valdés Morales**³¹

On 26 March 2001, Mrs. María Elisa Valdés Morales, president of the Dagua branch of the National Union of Health and Social Security (Sindicato Nacional de la Salud y la Seguridad Social, SINDESS), was attacked as she was on her way to work.

Because of the steady stream of threats that she had received, Mrs. Morales had already filed a request for an exit visa with the Protection Programme of the Ministry

30. See Urgent Appeal COL 018/0110/OBS 087 - 31. See Urgent Appeal COL 005/0103/OBS 026

of the Interior, so as to be able to leave the country. Her request had never been answered. Following the attempt on her life, Mrs. Valdés Morales left her country to seek refuge in Europe. By the end of 2001, the inquiry into the incident had yielded no results.

- Attack on three members of SINTRAELECOL³²

On 16 August 2001, three members of Executive Committee of the Electricity Workers' Union of Colombia (Sindicato de la electricidad de Colombia, SINTRAELECOL) were attacked as they left their workplace at Fusagasuga. The attack cost Mrs. Doris Lozano Núñez her life and left Mr. Omar García Angulo seriously wounded. A third person escaped unscathed. By the end of 2001, the inquiry into the incident had yielded no results.

- Murder of Mr. Aury Sara Marrugo and his bodyguard, Enrique Arellano Torres³³

The lifeless bodies of Mr. Aury Sara Marrugo, president of the Cartagena section of the Workers' Union (Unión Sindical Obrera, USO), and of his bodyguard, Mr. Enrique Arellano Torres, were found on 5 December 2001 in a rural zone of the commune of Marialabaja. On 30 November, Aury Sara Marrugo and his bodyguard had been accosted by armed men travelling in three vehicles who had forced them to leave their car and then taken them to an unknown place.

In a letter dated 3 December sent to the guerrilla forces and to Mr. Camilo Gómez Alzate, the High Commissioner for Peace in the State of Colombia, the paramilitary group, United Self-Defence Unit of Colombia (Autodefensas Unidas de Colombia, AUC) claimed responsibility for the abduction of Mr. Marrugo and promised to free him provided he was tried and condemned by the Colombian authorities. By imposing such conditions, the paramilitary group was assuming illegitimate legal powers.

32. See Urgent Appeal COL 013/0108/OBS 072

33. See Urgent Appeals COL 021/0112/OBS 100 and 100.1

Murder of a member of CREDHOS³⁴

Mr. Julián Rodríguez, a member of the Human Rights Regional Corporation (Corporación Regional para la Defensa de los Derechos Humanos, CREDHOS), was murdered in Barrancabermeja on 17 October 2001. CREDHOS was created in 1987 following the murder of Sandra Rondón Pinto, a young schoolgirl who was believed to have witnessed a political attack. Since its creation, the Corporation has been the target of constant harassment. Between 1991 and 1992, six of its members were assassinated.

In July 1998, the organisation was singled out as a "military objective" by the Self-Defence Units of Colombia of Santander and of Sur del Cesar (Autodefensas de Colombia de Santander y Sur del Cesar, AUSAC), a paramilitary group linked to the AUC. From the beginning of 1999 until the end of 2001, members of CREDHOS were victims of systematic harassment by suspected paramilitary groups, including threats, two attacks, burglary of the headquarters of the organisation, and permanent pressure in the workplace or in their homes. In addition, a number of people close to CREDHOS were murdered. As a result of the continual harassment of members of the organisation, since August 2000, 12 members of the Executive Committee have left the region. However, despite the continued harassment, CREDHOS continues to work for human rights in the region of Magdalena Medio and is hoping to extend its activities to include economic, social and cultural rights.³⁵

Murder of three indigenous leaders³⁶

On 24 November 2001, Messers Luis Angel Chaurrua, founder of the National Indigenous Organisation of Colombia (Organización Nacional Indígena de Colombia, ONIC), Fernando Ladino and Víctor Manuel Asprilla, members of "Cabildo" (a branch of government) and of the Indigenous Regional Council of Caldas (Consejo Regional Indígena de Caldas, CRIDEC) were forced out of their homes and murdered in the reserves of Cañamomo and Lomapieta by a group of armed men claiming to be

34. See Urgent Appeal COL 018/0110/OBS 087

35. See Annual Report 2000

36. See Urgent Appeal COL 020/0111/OBS 098

from the AUC. Mr. Charrua was due to attend the National Congress of Indigenous Peoples (Congreso Nacional de Pueblos Indígenas) a few days later. A young indigenous man was also murdered by paramilitaries in Riosucio.

For a time prior to these events, the ONIC and the CRIDEC had been denouncing the presence in the indigenous reserves of these paramilitary groups who were putting pressure on the indigenous communities so that they could continue to exploit the wood supplies. Because of the presence of the paramilitaries, in the last year or so, close of 500 indigenous people have been forcefully moved to the commune of Riosucio. By the end of 2001, neither the local authorities nor the central government had come up with a solution to these problems. According to Mr. Armando Valbuena, the president of ONIC, some 400 leaders or indigenous chiefs have been assassinated in Colombia since 1991.

Murder of a nun³⁷

On 19 September 2001, Sister Yolanda Cerón was murdered by unidentified individuals who opened fire against her as she was walking through the Nariño Park after having left the Social Pastoral Office (Oficina de la Pastoral Social) where she worked. For a number of years, Yolanda Cerón had led a campaign to denounce the serious human rights violations committed in the region. As a result, she had already drawn the attention of the authorities to the fact that she had been the object of acts of harassment; such as surveillance of the headquarters of the Pastoral Social Office by unknown persons; and the fact that she had been followed on numerous occasions by unidentified individuals. Furthermore, she had already been summoned by the Attorney of Tumaco and asked to confirm the accusations she had made previously about human rights violations. By the end of 2001, the inquiry into these events had yielded no results.

ABDUCTIONS

• Abduction and disappearance of Mr. Jaime Alonso Duque Castro³⁸

On 24 March 2001, Mr. Jaime Alonso Duque Castro, president of the Santa Bárbara section of the Union of Construction Materials Workers (Sindicato Unico de Trabajadores de la Industria de Materiales de Construcción, SUTIMAC), and a regional leader of the Antioquia section of the Executive Sub-Committee of the CUT, was abducted in Antioquia by armed individuals. He was released unharmed on 5 April 2001.

• Abduction of five members of USO³⁹

Messrs. William Hernández, Rodrigo Aparicio, Eduardo Franco, Jaime Sampayo and Julio Cabrales of the Workers' Trade Union (Unión Sindical Obrera, USO), were abducted on 22 June 2001 in the department of Cesar. Two armed men accosted them and forced them to get into a minibus whence they were taken in the direction of the department of the North of Santander. Although they were all subsequently released, the inquiry into the events has yielded no results.

• Disappearance of two members of the ASFADDES⁴⁰

To date there is no news of Mr. Angel Quintero and Mrs. Claudia Patricia Monsalve, who "disappeared" on 6 October 2000. On 6 November 2001, the Cundinamarca section of the ASFADDES organised a demonstration in memory of its two members. The inquiry opened into their disappearance has revealed that many telephone lines belonging to non-governmental organisations, including those of the ASFADDES, have been illegally tapped by governmental agencies.

ARBITRARY DETENTION

• Arbitrary detention of six trade union leaders⁴¹

38. See Urgent Appeals COL 005/0103/OBS 026 and COL 005/0104/OBS 026.1

39. See Urgent Appeal COL 010/0106/OBS 058

40. See Annual Report 2000

On 19 October 2001, five leaders of the Workers' Union (Unión Sindical Obrera, USO) – Messers. Jairo Calderón, Alonso Martínez, Luis Eduardo Viana, Edgar Mojica and Ramón Rangel, along with an ex-leader of FEDEPETROL, Mr. Fernando Acuña – were accused of “rebellion” and arrested in different towns in Colombia. These arrests followed the organisation, by USO, of a day of protest by the employees of the public sector company, ECOPEPETROL, to denounce the threats, harassment, forced disappearances and murders of which members and leaders of USO are victim. Some of them remain in house arrest.

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THREATS

Threats against members of the “José Alvear Restrepo” Lawyers’ Collective (CAJAR)

- Threats against Alirio Uribe Muñoz and Reinaldo Villalba Vargas⁴²

During the course of the legal investigation into the attack on 15 December 2000⁴³ against the trade union leader Wilson Borja – responsibility for which was immediately claimed by the paramilitary leader Carlos Castaño – the police discovered, when searching the homes of one of the suspects who worked for the military intelligence services, a photograph of Mr. Alirio Uribe Muñoz, a lawyer and member of CAJAR, with the addresses of his home and his office. This led them to fear that his life was in danger. According to reports of the inquiry into the attack on Wilson Borja, an Officer in the Army and a Captain of Police, still in active service, have been arrested. Reports also indicate that the name of Mr. Uribe Muñoz was found on three lists of names of people at risk, which also included the name of the trade unionist, Wilson Borja. In addition, it appears that a week before his death, the trade union leader Jorge Darío Hoyos, who was murdered on 3 March 2001, told a number of people that his name, along with those of three other people, including that of

41. See Urgent Appeal COL 018/0110/OBS 087

42. See Urgent Appeal COL 007/0104/OBS 030, letters to the authorities dated 6 April and 31 August 2001

43. See Annual Report 2000

Reinaldo Villalba Vargas, a lawyer and member of CAJAR, were on a list of people to be executed by paramilitary groups.

These threats and acts of harassment are, in all likelihood, directly linked to the activities of the lawyers Alirio Uribe Muñoz and Reinaldo Villalba Vargas, who undertook the legal defence in a number of cases of serious human rights violations. Mr. Alirio Uribe Muñoz has, among others, been followed, been visited in his offices by suspicious persons, and been a victim of anonymous telephone calls both to his home and his office. At the end of 2001, the complaint lodged by Mr. Uribe Muñoz had not yielded any result.

According to the Colombian government, the political and security measures necessary for the protection of Mr. Alirio Uribe Muñoz and the CAJAR have already been put in place. That said, as far as security measures are concerned, it should be noted that the “the programme for the protection of witnesses and other threatened persons” (“Programa de Protección de Testigos y Personas amenazadas”) under which the CAJAR and Mr. Alirio Uribe Muñoz are supposedly protected, has revealed itself to be unsatisfactory. Eventually, on 19 October, three armoured vehicles, eight bulletproof vests and 10 walkie-talkies were finally made available to the CAJAR. However, these measures were not followed up by political action to ensure the protection of members of the Collective and more generally, to ensure the protection of human rights defenders.

- Threats against Mr. Luis Guillermo Pérez Casas⁴⁴

Mr. Luis Guillermo Pérez Casas, a lawyer and member of CAJAR, who has received numerous threats in the past⁴⁵, is again subject to harassment and, most recently, has been stalked. His name figures on a list of “people to be executed” held by suspected armed paramilitary groups.

On 1 June 2001, as he attended a meeting in his capacity as lawyer in the offices of the Military Police Regiment n° 13 in Bogotá, two tyres on his car were slashed. This act was apparently carried out by officers of the army who are currently under

44. See Annual Report 2000; Urgent Appeal COL 011/0106/OBS 060 - 45. See Special Appeal of 14 April 1998

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investigation, both for the massacre carried out at la Gabarra and for the attack against the trade union leader, Wilson Borja. The harassment campaign against Luis Guillermo Pérez Casas – who has been forced to move out of his home for security reasons – has been stepped up since he made two visits, in his capacity as a lawyer, to Lieutenant Hernán Orozco Castro who is being held in a military prison. The latter has been accused of treason ever since he denounced a number of his superiors for their suspected role in the massacre of Mapiripán in 1997.

In addition, on 4 May 2001, Mr Henry Cubillos Garzón came to the headquarters of the CAJAR and declared that he had information about an attack that the Self-Defence Units of Cundinamarca (Autodefensas de Cundinamarca) were planning to carry out against members of the Collective, including Alirio Uribe Muñoz, Luis Guillermo Pérez Casas and Maret Cecilia García. The latter is currently overseas for security reasons.

Mr. Henry Cubillos Garzón was a key witness in the case of the death of the trade unionist César Chaparro Nivia, brought jointly by Alirio Uribe Muñoz and Maret Cecilia García.

- Threats against Mr. Oscar Rodas Villegas and his family⁴⁶

As a result of threats made against Mr. Oscar Rodas Villegas, a member of CAJAR, a lawyer and university professor, because of his work as a teacher and in defending political prisoners, he has decided to leave the country. In 1999, he received death threats and anonymous letters; and he was forced to temporarily abandon his academic job as a professor at the University of Antioquia because of the increase in the number of attacks against members of the teaching staff of this public university. In January 2001, his partner, Olga Iliana Velez, was abducted in the town of Medellín, and four months prior to that his brother, Juan Fernando Rodas Villegas, was assassinated in Bogotá.

A number of other members of the CAJAR, who have been victims of various forms

of harassment, have also been forced to go into exile in order to protect their lives, following in the footsteps of Messers. Rafael Barrios Mendivil and Miguel Puerto Barrera.

Threats against members of the OFP⁴⁷

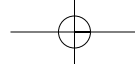
On 27 January 2001, two men claiming to be from the United Self-Defence Units of Colombia (AUC), came to the House of Women (Casa de la Mujer), run by the Popular Women's Organisation (Organización Feminina Popular, OFP), and demanded that the "keys to the house" be handed over to them. On 29 January, fresh threats were made against people present in the secretariat of the organisation by a paramilitary who took advantage and stole a mobile telephone at the same time.

On 8 February 2001, two armed individuals entered the House of Women in Barrancabermeja, department of Santander, where Mr. Larks Emerson, a member of Peace Brigades International, was carrying out his mission as an international observer.

The two men took Mr. Emerson's identity cards and his mobile telephone. They also took the mobile telephone of Mrs. Jackeline Rojas, the head of the OFP. They then left the House of Women, after threatening Mr. Emerson that he would figure among the military targets of the Self-Defence Units.

On 8 March 2001, the Observatory mandated a solidarity mission to express its solidarity to the civil society in Barrancabermeja, on the occasion of the closure of a large mobilisation campaign initiated by the OFP and the Centre for Human Rights Workers in Barrancabermeja and Magdalena Medio (Espacio de Trabajadores y Trabajadoras de Derechos Humanos) entitled "Long Live Barranca: for Life, for Peace and Against the Paramilitary".

In addition, Mrs. Yolanda Becerra Vega, co-ordinator of the OFP, has also been a victim of death threats and other serious acts of harassment. On 4 May 2001, the OFP apparently drew attention to and denounced the existence of a report by Military Intelligence, detailing plans to assassinate her. The OFP has asked the civi-



lian government to hand over a copy of this report and open an inquiry into its contents. So far, the request has been met without success. In December 2001, Mrs. Yolanda Becerra was once again threatened and reference was made to the above-mentioned plan to assassinate her.

On 9 May 2001, paramilitaries prevented another member of the OFP from posting notices announcing a meeting of women.

On 18 May 2001, Mrs. Dany Rada, co-ordinator of the OFP, was threatened by paramilitaries working in Puerto Wilches, who told her she would be a military target. Since that day, the harassment has intensified.

On 10 November 2001, a house of women run by the OFP, situated in the suburb of La Paz, in a sector of commune 3 of the province of Barrancabermeja, was completely destroyed by a group of people belonging, in all likelihood, to paramilitary organisations. For five years, the house had offered a public canteen and had been developing a variety of social activities in the area.

The house was empty at the time of the attack. As a result of the incident, the organisation decided to temporarily suspend its activities until such a time as the civilian and military authorities, as well as the police forces, put in place adequate measures to ensure the security of its members.

As part of the inquiry to determine the identity of those responsible for the fire, the authorities have arrested one of the paramilitary leaders in the area, José David Londoño Navarro, who has been responsible for numerous incidents against members of the OFP since the beginning of 2001. Mrs Dora Guzmán and Mrs. Gloria Amparo Suárez, members of the OFP, were invited to file a complaint on 16 November. Ever since they were asked by the authorities to identify José David Londoño Navarro, the two women have been the subject of death threats and intimidation aimed at discouraging them from identifying the paramilitary chief. In the face of such pressure, they have been forced to leave Barrancabermeja.

Members of the Corporation of Professional Services, SEMBRAR, (Corporación Servicios Profesionales Comunitarios), a non-governmental organisation that has been working for human rights for the last 10 years, are the targets of harassment and death threats. On 16 July 2001 a threatening phone call was made to the offices of the organisation. Then, on 2 August 2001, a stranger called asking for four members of the organisations using their full first names and surnames. He proffered all manner of insults before finally hanging up. In addition to these telephone calls, many members of SEMBRAR, as well as other people linked to the organisation, were followed by unknown individuals as they made their way to or from the secretariat.

On 5 July 2001, the SEMBRAR Corporation, in collaboration with the Committee for Solidarity with Political Prisoners (Comité de Solidaridad con los Presos Políticos, CSPP) and the CAJAR ensured the legal defence of a number of incarcerated prisoners, displaced persons, and people who had been forced out of the town of Barrancabermeja. Some of them were released because of insufficient evidence to justify keeping them in detention. It would seem that the first of the threatening telephone calls was directly related to this case.

The second threatening telephone call made to the SEMBRAR Corporation was received on the day when the International Caravan for the Life of the South of Bolívar (Caravana Internacional por la Vida en el Sur de Bolívar), in which the organisation had actively participated, was due to travel to Barrancabermeja. The caravan, organised in response to the serious humanitarian crisis that was affecting the inhabitants of the region, had left Bogotá on 1 August.

At the beginning of November, the organisation received another threatening letter containing the names of all its members. Then, on 3 December, Mrs. Diana Herrera, a member of the association, was followed by a suspicious individual in the centre of Bogotá. On 5 December, a local daily newspaper published a "list" giving the names of five members of SEMBRAR: Nelson Urrego, Blanca Valencia,

Ludivia Giraldo, Sandra Herrera and Diana Herrera.

Threats against members of ASFADDES⁴⁹

At the end of September 2001, Mrs. María Eugenia López, an active member of the Medellín section of the Association of Families of the Detained-Disappeared (Asociación de Familiares de Detenidos Desaparecidos, ASFADDES), received death threats. Mrs. María Eugenia López has been an active human rights defender since 1990 when she began to seek members of her family who had disappeared.

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Threats against members of the ACVC⁵⁰

On 7 November 2001, members of the Investigations Technical Body (Cuerpo Técnico de Investigaciones, CTI), of the Prosecutor's Office and the Fifth Army Brigade, illegally entered the home of Mr. César Jerez, a member of the Executive Committee of the Valle del Río Cimitarra Association (Asociación Campesina del Valle del Río Cimitarra, ACVC), in Bucaramanga. They were looking for Mr. Jerez as well as Oscar Duque, another member of the ACVC. The members of these public institutions of the Colombian State intimidated the family of Mr. César Jerez and took off with a portable computer containing data about a biological research project being carried out by one of César's sisters who is currently abroad. According to the reports of the inquiry, they also stole the passport of Mr. Andrés Gil, the spokesman of the ACVC, and photographs belonging to the Jerez family.

A number of members of the ACVC have been victims of threats and attacks as a result of their campaign against impunity. In particular, Mr. Edgar Quiroga, a signatory of the agreements signed with President Pastrana on 4 October 1998 and calling for the temporary return of the peasants displaced by force from the south of Bolívar and Magdalena Medio. He was abducted on 28 November 1999⁵¹, and at the end of 2001 had still not been found. According to the information received, the Colombian government has not respected the political demands made by the ACVC. In the light of the deteriorating situation, on 1 November 2000, the Inter-American

Commission on Human Rights wrote to the Colombian government to request a strengthening of the protective measures granted in 1999 to those members of the ACVC who had been singled out as military targets by paramilitary groups in the region. The government has not as yet provided the protection requested.

Threats against members of ANDAS⁵²

On 11 October 2001, two individuals on a motorcycle threatened at gunpoint Mr. Rigoberto Jiménez, the president of the National Association for Solidary Assistance (Asociación Nacional de Ayuda Solidaria, ANDAS). They also threatened a member of the Executive Committee of Cartagena. On 16 October 2001, Mr. Manuel de la Rosa, the treasurer of the Executive Committee of ANDAS in Cartagena, was abducted in a van by three armed individuals. He was later released following the intervention of other members of the organisation.

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Threats against members of COMPERDH⁵³

During the month of October 2001, Messers. Ernesto Amézquita Camacho, Luis Jairo Ramírez and Carlos Lozano, as well as Mrs. Jahel Quiroga, members of the Permanent Committee for the Defence of Human Rights (Comité Permanente para la Defensa de los Derechos Humanos, COMPERDH), all received threatening telephone calls.

Threats against Mrs. Berenice Celeyta Alayón⁵⁴

Mrs. Berenice Celeyta Alayón, an anthropologist and coroner, and a founding member of the non-governmental organisations, SEMBRAR, MINGA and NOMA-DESC – of which she is currently the president – has been the target of harassment and death threats, which have escalated since 14 May 2001. She has been involved in the struggle for human rights for 15 years.

51. See Annual Report 2000 - 52. See Urgent Appeal COL 018/0110/OBS 087

53. See Urgent Appeal COL 018/0110/OBS 087 - 54. See Urgent Appeal COL 009/0106/OBS 050

In addition to the anonymous telephone calls she has received at home, Mrs. Celeyta Alayón has been followed by different people lingering outside her home, on motorbikes or in vehicles with darkened windows, who have kept a permanent watch on the people coming and going from her home. In addition, a bouquet of flowers – a common gesture when there has been a death – was placed on her doorstep. This was taken as a death threat. At the end of 2001, Mrs Celeyta Alayón, who was still being threatened, moved house for safety reasons.

Threats against trade unionists

Colombia
AMERICAS

• Threats against members of ANTHOC⁵⁵

On 16 August 2001, Messrs. Edgar Pua and José Meriño, respectively the treasurer and lawyer for the Atlantic branch of ANTHOC, received messages containing death threats, telling them to leave the town within 12 hours, and to cease all trade union activities. This was the second time they had been threatened since a first message had already been sent to them on 6 June 2001. Furthermore, a death threat against Mr. Gustavo Villanueva, leader of the Polonuevo section of the departmental Committee of ANTHOC, was found on the doorstep of the district headquarters of ANTHOC.

• Threats against Mr. Hernando Montoya⁵⁶

On 7 September 2001, Mr. Hernando Montoya, a trade union leader with the Cartage section of SINTRAMUNICIPIO, received an anonymous message warning him of a possible attempt on his life.

Mr. Hernando Montoya, a former president of the Cartage branch of SINTRAMUNICIPIO, had already received threats in the past from a Security Co-operative (Cooperativa de Seguridad), that goes by the acronym of COPROSEG, which has claimed responsibility for the murders of a number of trade union leaders in Cartage. COPROSEG also claimed responsibility for other acts of violence, including the attack last year against Mr. Albeiro Forero.

Mr. Hernando Montoya is currently under the protection of the Ministry of the Interior to guarantee his security. However, he continues to be harassed, and to receive threats, in all likelihood from paramilitary groups operating in the region. In addition, the Mayor of Cartage has himself made verbal threats against Mr. Hernando Montoya, thereby aggravating his tenuous circumstances.

• Threats against Mr. Over Dorado Cardona⁵⁷

On 19 September 2001, the wife of Mr. Over Dorado Cardona was accosted in the entrance to her home by three individuals travelling in a red car, who threatened her husband, accused him of belonging to the guerrilla and claimed to be watching him. They also gave her a box with a message of condolence.

Mr. Cardona is a trade unionist with the Association of Teachers of Antioquia (Asociación de Institutores de Antioquia, ADIDA). He represents threatened persons before the Special Committee for People under Threat (Comité Especial de Amenazados) of the Department of Education of Antioquia. He is also a member of the Permanent Committee for the Defence of Human Rights (Comité Permanente para la Defensa de los Derechos Humanos), "Héctor Abad Gómez".

The harassment and threats to which he is constantly subjected seem to arise directly from his work for the defence of teachers and public education. As a result, he has been forced to notify different State security and control organisations of his situation and to request protection under the programme for the protection of trade unionists.

• Threats against Mr. Pedro Barón⁵⁸

During the month of April 2001, Mr. Pedro Barón, a teacher and lawyer with the sub-division of the Tolima section of the CUT, was regularly followed and the target of numerous death threats. As a result, he was forced to leave the area, to renounce his trade union activities and to leave his family. The inquiry into these events has yielded no results.

Colombia
AMERICAS

- Threats against ten members of the CGTD⁵⁹

In September 2001, the individuals listed below, all members of the Central Workers' Democratic Union (Central General de Trabajadores Democráticos, CGTD), were the targets of serious threats and harassment by armed groups: Mr. Orlando Herrán, president of SINDINALCH, Bogotá; Mr. Rogelio Pérez Gil, leader of the Departmental Union for the Health of Cesar (Sindicato Departamental de la Salud del Cesar, SIDESC); Mr. Edgar Alvarez Cañizales, a leader of SIDESC; Mr. Dalgy Barrera Gamez, president of the Astrea section of SIDESC; Mr. Mario de Jesús Cardona Marín, of the ANUC-ACC – Manizales; Mr. Pedro Antonio Ramírez Varela, of HOCAR – Bucaramanga ; Jorge Vásquez Nivia, president of FEGTRAVALLE – Cali; Mr. Javier González, treasurer of FEGTRAVALLE – Cali ; Mr. Humberto Castro and other members of the Executive Committee of SINTRADEPARTAMENTO in Valle; Mr. Cérvulo Bautista Matoma, a lawyer, responsible for human rights within the CGTD, and a Commissioner of the CLADEHLT in the Andean region.

These people live in constant fear of the threats they receive both by telephone and in writing, particularly since many of these threats are also aimed at members of their families.

ECUADOR

Obstacles to freedom of movement⁶⁰

On 2 July 2001, Alexis Ponce, spokesman of the Permanent Assembly of Human Rights (Asamblea Permanente de Derechos Humanos, APDH) was forced to cancel his trip to Las Palmas de Gran Canaria (Spain), where he was to attend the Second International Solidarity Meeting due to take place from 26 July to 5 August. Upon his arrival at Quito airport, his luggage was subjected to an unusual check by police officers. After having shown all his identity papers, including his official card proving that he was a human rights activist, to a plainclothes agent, Alexis Ponce was taken to an

unknown area. There, his questions went unanswered and another individual dressed as a doctor submitted him to an x-ray while other men registered his luggage which contained, among others, books and video cassettes about the situation in Ecuador as well as posters protesting against the “Plan Colombia”.

After he had been checked in and before boarding, Mr. Alexis Ponce asked to be able to check his luggage. When the police officers and the airline personnel refused to comply with his request, he decided to cancel his trip fearing, in his own words, “that someone had planted drugs in his luggage to create problems for him upon arrival in Spain”.

In 1999, Mr. Ponce had already been the target of serious threats, including death threats that he received in anonymous telephone calls, and his home had been searched.⁶¹

Appearance of a para-statal group threatening human rights defenders involved in denouncing the “Plan Colombia”⁶²

A group calling themselves the “White Legion”(“Legión Blanca”) made its appearance at the end of July 2001 and made threats, via e-mail and other communiqués, against various associations internationally recognised for their human rights work. The White Legion also set about discrediting various human rights defenders and their families.

In its first communiqué, dated 30 July 2001, the group specifically threatened the following human rights activists: Mr. Alexis Ponce, spokesperson of the APDH, Mr. Pablo de la Vega, co-ordinator of Human Rights Documentation Centre, Mrs. Yanet Yanez and Mrs. Teresa Orrego, from the Colombo-Ecuadorian Fraternal and Solidarity Network (Red de Hermandad y Solidaridad Colombo-Ecuatoriana), Mrs. Elsie Monje, president of the Ecumenical Human Rights Commission (Comisión Ecuémica de Derechos Humanos, CEDHU), Mrs. Inés Espinosa,

61. See Annual Report 1999

62. See Press Release of 8 August 2001; Letter to the Ecuadorian authorities dated 15 August 2001; Urgent Appeal ECU 003/0108/OBS 073

Executive-Secretary of the Ecuadorian Front for Human Rights (Frente Ecuatoriano de Derechos Humanos, FEDHU), Mr. Johnny Jimenez, president of the Service for Peace and Justice (Servicio Paz y Justicia, SERPAJ). These people were also accused of maintaining direct relations with the guerrilla and the Colombian “narcoterrorists” of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), as well as with the National Liberation Army (Ejército de Liberación Nacional, ELN). They were also accused of bringing weapons into Ecuador from Colombia with the specific aim of destabilising the democratic Ecuadorian regime.

Ecuador
AMERICAS

In its second communiqué, dated 8 August 2001, the group addressed the human rights defenders directly and called on the authorities to sentence them to the death penalty.

In a fourth communiqué dated 20 August 2001, the White Legion claimed responsibility for a number of summary executions, as well as for the murders, committed on 2 August in the Honduras, of the director of the Pro-Refugee Committee of the Ecuadorian Episcopal Conference (Comité ProRefugiados de la Conferencia Episcopal Ecuatoriana), Mrs. Dilva Stepp, and of her driver. The group also claimed responsibility for other murders and illegal activities such as the ransacking of trade union headquarters in the town of Guayaquil, illegally entering people’s homes, following people, electronic surveillance of individuals and other reprehensible acts.

The threats, which seemed to subside after 21 August, began again in November 2001 when a number of organisations, among them the Network for Human and Trade Union Rights (Red de derechos humanos y sindicales), received a new communiqué announcing the return of the White Legion.

After the first series of threats, the national police had been asked to open an inquiry. Although the authorities knew of the existence of the para-statal group, no measures have been put in place to prevent new incidents or to identify and punish those responsible.

Death threats against Mr. Orlando

Montoya⁶³

On 23 March 2001, the Equity Foundation (Equidad), the Quito Gay Association and several other human rights organisations received e-mails, signed by a group calling itself “Cleantotal7”, which announced its intention to lead a campaign to eliminate all homosexuals starting in April 2001. On 5 April, Mr. Orlando Montoya, the Director of Equity, a pioneering organisation in the defence of homosexuals, lesbians and transsexuals, received an electronic death threat from this same group. Mr. Montoya, has been known for his work in defence of sexual minorities in Ecuador since 1985 and has fought against the use of torture and violence against these minorities. He has also participated in programmes for the prevention of AIDS and other sexually transmitted diseases.

These threats could be the beginning of a new “systematic social cleansing campaign” denounced by several human rights organisations in a letter sent to the Attorney General on 30 April 2001. A similar campaign of extermination had already taken place in 1993 and 1994 in Quito and Guayaquil, during which some 20 transvestites involved in prostitution had been murdered.

In their letter to the Attorney General, the human rights organisations demanded that an inquiry be opened to identify those responsible for the threats. Even if this inquiry has not as yet yielded any results, it appears that the harassment of Mr. Montoya has ceased.

GUATEMALA

Violations committed against CEIBAS⁶⁴

Ecuador
AMERICAS

On 10 and 11 March 2001, unidentified individuals entered the premises of the Centre for Studies, Information and Social Action (Centro de Estudios, Información y Bases para la Acción Social, CEIBAS), and searched the archives and the study files. The intruders stole seven computers, a photocopier and several megaphones. Over the last few months the CEIBAS has been actively supporting the actions of the Citizen's Movement for Justice and Democracy (Movimiento Ciudadano por la Justicia y la Democracia), which has been campaigning for the due application of the law in a case about the parliamentary immunity of 24 deputies involved in the amendment of the law on alcoholic beverages of 27 June 2000.

This theft, which was reported to the courts, the Public Ministry, the National Civil Police, the Office for the Representation of Human Rights (Procuraduría de los Derechos Humanos) and the MINUGUA, is the third to take place in the offices of CEIBAS. On 12 March, the National Civil Police visited the scene of the crime. An inquiry has been opened.

On 15 May 2001, a new theft was committed in the office of CEIBAS by strangers who took various documents, computer and office equipment and a first aid kit. This new incident appears to indicate that the aim of those responsible is to bring about the closure of the offices. On the same day, various installations, including the electricity network and the locks, seemed to be malfunctioning.

In addition, the homes of various members of CEIBAS have also been violated. On 28 February 2001, the home of Mr. Factor Méndez Doninelli, Director of the Centre for the Research, Study and Promotion of Human Rights (Centro de Investigación, Estudios y Promoción de los Derechos Humanos, CIEPRODH) was illegally entered and burgled by three heavily armed individuals who searched his house and took off with jewellery, money and other goods. Mr. Factor Méndez tried, on numerous occasions, to lodge a complaint with a division of the National Civilian Police in Mixco, but without success. During the night, a second police division came to his home to register the complaint, claiming that the file with the first complaint had

been misplaced.

Fifteen attacks against the CEIBAS have been recorded, including four illegal intrusions into people's homes (on 7 February 2000, 8 April 2000, 10 March and 1 May 2001). At the end of 2001 none of these incidents had been investigated.

Harassment of Casa Alianza

- Ransacking of the offices of Casa Alianza: disappearance of files regarding 12 street children⁶⁵

On 2 April 2001, the offices of Casa Alianza in Guatemala City were ransacked by two unidentified individuals who entered by force and went up to the second and last floor of the building which houses the offices of Street Educators (Educadores de la Calle) and the Legal Support Programme (Programa de Apoyo Legal) of Casa Alianza. The two individuals forced open metal filing cabinets containing information about individual street children that the organisation was looking after. The two strangers eventually left leaving hundreds of files strewn in the office.

At first, the staff of Casa Alianza only noticed that two digital cameras had disappeared. Later, on 2 May, the staff noticed that files on 12 street children had disappeared when the offices were ransacked. The files were those of: Laura Escobedo; Gudelio Palacios; Marcelino Pichilla; Karla Patricia Melgar; Leopoldo Aleman; Alejandro Saquic; Sandra Ruano; Javier Cortez Monje; Alejandra Nineth Azurdia; Jimmy Alexander Fernandez; Jose Luis Guillen and Julissa Marisol Rojas. All are aged between 14 and 22 years.

In the week prior to these events, the organisation had received strange telephone calls and had been visited on numerous occasions by the police. Other non-governmental organisations were also victims of similar attacks during the same period.

The theft committed in the offices of Casa Alianza was immediately reported to the police station and the competent authorities who, according to the reports provided,

apparently found fingerprints at the scene of the crime.

Casa Alianza is searching for the children whose files disappeared to ensure that they are safe. They do not know why the miscreants took those particular files. The organisation has lodged a complaint, however, it has not been followed up with a rigorous inquiry. Furthermore, the files have not as yet been recovered.

- Threats and harassment against Mr. Héctor Dionisio Godinez⁶⁶

On 10 September 2001, Mr. Héctor Dionisio Godinez, the co-ordinator of the Casa Alianza Legal Support Programme in Guatemala, along with other people who were with him in a land cruiser bearing the Casa Alianza logo, were attacked by a car which tried several times, without success, to cause an accident. The car tried to force Mr. Héctor Dionisio Godinez off the road. It was not possible to identify the culprits using the number plate of the car because, according to the police, the vehicle was not registered.

On the same day, Mr. Héctor Dionisio Godinez received a threatening telephone call at home. On 25 September, he received the same call twice on his mobile telephone.

On 26 September, two unidentified individuals tried to steal the Casa Alianza land cruiser that was parked outside the offices of the Legal Support Programme.

Mr. Héctor Dionisio Godinez had already filed a complaint with the authorities about the threats he had been receiving. The threats against Casa Alianza have intensified ever since 1990 when the organisation lobbied the government to pay financial compensation to the families of five street children who were tortured and murdered by two police officers.

This case, denounced by Casa Alianza and the Centre for Justice and International Law (Centro por la Justicia y el Derecho Internacional, CEJIL), was heard in May 2001

66. See Urgent Appeal GTM 003/0110/OBS 083

by the Inter-American Court of Human Rights. The sentence handed down by the Court gave the State of Guatemala until 26 November 2001 to pay financial compensation. On 21 December, the president of the Commission on Human Rights (COPRE-DEH) presented a cheque for \$ 500 000 to the families of the victims and \$ 30 000 to cover the legal costs incurred by Casa Alianza and the CEJIL. Although the leaders of Casa Alianza welcomed this gesture, they nevertheless pointed out that the Guatemalan State still had considerable ground to cover to ensure that its obligations under the Convention on the Rights of the Child were fully respected.

Finally, the threats against Mr. Godinez appear to have stopped.

Harassment of Mrs. Matilde González Izás⁶⁷

Mrs. Matilde González Izás, a researcher for the Guatemalan Association for the Advancement of Social Sciences (Asociación para el Avance de las Ciencias Sociales, AVANCSO), was stalked and was the victim of a series of acts of harassment because of her studies on the army.

Her latest research project, about the means used by the army to control the civilian population and the community with the help of former military commissioners and former members of the Civilian Self-Defence Patrols (Patrullas de Autodefensa Civil, PAC), apparently irked the people involved.

On 2 October 2001, unidentified strangers broke into her home while she was travelling and made off with photographs related to her work, as well as her computer where the research on her latest project in San Bartolomé-Jocotenango and San Ildefonso Ixtahuacan was stored.

Upon her return the next day, 7 October 2001, Mrs Gonzalez was followed by a vehicle which waited for her by her home as she went out to do some shopping with one of her daughters.

On 9 October 2001, Matilde Gonzalez was again followed by seven unmarked vehi-

67. See Urgent Appeal MEX 003/0107/OBS 061

cles as she left the offices of the AVANCSO.

HAITI

Threats against members of the POHDH and the NCHR⁶⁸

[REDACTED] of September 2001, Pierre Espérance, the Executive Director and Treasurer of the Platform of Haitian Human Rights Organisations (POHDH), Serge Bordenave, Secretary-General of the POHDH, Jean-Simon Saint-Hubert, Executive Secretary of the POHDH and Vilès Alizar, supervisor of the programme of the National Coalition for Haitian Rights (NCHR), all received death threats via e-mail, the telephone and tracts that were distributed in the street.

The threats were received after the NCHR had sent an open letter to the Superior Police Council, denouncing the intensification of human rights violations in Haiti as well as threats made against journalists, human rights defenders and political opponents. The letter named the people believed to be responsible for the violations.

It should be remembered that on 8 March 1999, Pierre Espérance had already been the victim of an attack perpetrated by eight armed men.⁶⁹ He received injuries to his back and to one leg and had to be hospitalised. In the weeks before the attack, tracts containing threats against human rights defenders had been distributed. No inquiry has ever been opened to discover those responsible for this attempted murder.

HONDURAS

Threats against Mr. Christian Callejas⁷⁰

Since the beginning of October 2001, Christian Callejas, the regional co-ordinator

[REDACTED] ranch of the Committee for the Defence of Human Rights (Comité para la Defensa de los Derechos Humanos, CODEH), has been the target of acts of harassment and death threats from unknown individuals who keep shooting into the air in front of his home.

On 8 November 2001, for instance, just as he was answering an anonymous call on his mobile telephone, he heard a gunshot outside.

On 20 November 2001, Mr. Callejas received a death threat by telephone from Mauricio Mejía, a technical agent from the Directorate General for Criminal Investigations (Dirección general de Investigación Criminal, DGIC), because of legal procedures that Christian Callejas had begun against Mr. Mejía's brother, Juan Ramon Mejía, for injuries inflicted on a minor, Edwin Peña.

Until the month of June 2001, Mr. Christian Callejas worked as a legal adviser in the northern regional office of CODEH, whose headquarters are in San Pedro Sula, where he used to bring cases of human rights violations before the courts. It appears that the threats against him and various members of his family are a direct consequence of his campaign against impunity in this town.

Such threats are particularly worrying, as they have already concluded with the summary execution of Mr. Ernesto Sandoval Bustillo, the regional president of CODEH in Santa Rosa de Copán⁷¹.

MEXICO

Murder of members of the Organisation of Peasants of Sierra del Sur (OCSS)

- Summary execution of Mr. Francisco De la Cruz Mesino⁷²

Haiti
AMERICAS

Honduras
AMERICAS

On 1 March 2001, Mr. Francisco de la Cruz Mesino, a representative of the Organisation of Peasants of Sierra del Sur (Organización Campesina de la Sierra del Sur, OCSS), was murdered in the commune of Agua in the Sierra de Atoyac-Guerrero by unidentified individuals who shot him several times as he was entering his home. His home was situated directly opposite a police station. At the time of his murder, no police officers were in the station and the police only arrived at the scene of the crime half an hour later. Although an inquiry has been opened into the events, to date, it has not yielded any results.

Mexico
AMERICAS

- Summary execution of Mr. Marco Torres Campos⁷³

On 4 July 2001, Mr. Marcos Torres Campos, a local leader of the OCSS, was murdered in the commune of Coyuca de Benítez, in the state of Guerrero.

Marcos Torres Campos was killed by gunshot close to the Town Hall. Before killing him, it appears that his murderers cut off four fingers from his left hand.

Since 28 June 2001, Marcos Torres Campos had taken part in the "operation snail" and in the "Plantón" (permanent strike) organised by the OCSS in front of the Town Hall of Coyuca de Benítez. The aim of the strike was to secure a meeting with the Secretary-General of the State government in order to ask for fertiliser, plastic sheeting and other agricultural equipment for use by a number of the communities of la Sierra.

The Public Ministry has opened an inquiry to identify the perpetrators of this murder.

In addition, Mr. Luis Olivares Enríquez, a member of the organisation, received threats from the Under-Secretary of Government, warning him of the negative consequences of the a campaign undertaken by the OCSS.

This murder comes on top of the murder of Misael Ascencio Domínguez, the brother of José Ascencio Domínguez, a leader and founder of the OCSS. According to the

72. See Urgent Appeal MEX 002/0103/OBS 021 - 73. See Urgent Appeal MEX 003/0107/OBS 061

OCSS, the murder of Misael Ascencio Domínguez is a direct result of his human rights activities. On the same day, representatives of the OCSS had attended a regional meeting in Coyuca where they were presented with a book of condolences and where a human rights workshop had been organised by the Association of the Families of the Disappeared and the Victims of Human Rights Abuses (Asociación de Familiares de Desaparecidos y Víctimas de violaciones a los Derechos Humanos, AFADEM). The members of the OCSS, who keep denouncing the conditions of extreme poverty in which the farmers of the State of Guerrero live, continue to be shocked by the negligence and impunity that the governmental authorities demonstrate in the face of human rights violations. According to information provided by the OCSS, during its last seven years of activity, 50 of its members have been murdered, leaving at least 54 children orphaned. Attention should also be drawn to the fact that since the Governor René Juárez Cisneros took up office, five farmers of the OCSS have been murdered, including: José Luis Rodríguez, José Martínez Ramón, Felipe Nava Gómez, Misael Ascencio Domínguez and, most recently, Francisco De la Cruz Mesino.

On 19 July 2000, Mr. Abadicio Mayo, a leader of the OCSS, was wounded by unidentified individuals, who shot at him⁷⁴. None of the inquiries into these summary executions has yielded any results which only goes to show that negligence and impunity are the order of the day in the Mexican state of Guerrero.

Murder of Mrs. Digna Ochoa y Plácido⁷⁵

On 19 October 2001, Mrs. Digna Ochoa y Plácido, head of the Legal Department of the Miguel Agustín Pro-Juarez Human Rights Centre (Centro de Derechos Humanos Miguel Agustín Pro-Juarez, PRODH) and an eminent human rights activist, was shot and killed by an unidentified person in her office in Mexico City.

The Observatory had already been informed of the threats levelled against the PRODH in 1998, threats which intensified during 1999.⁷⁶ Mrs. Ochoa had been victim of abduction for four hours on 9 August 1999, as well as a victim of death

74. See Annual Report 2000

75. See the letter addressed to the Mexican authorities on 24 October 2001

Mexico
AMERICAS

threats both in her home and in the offices of the PRODH during September 1999. Other acts of intimidation that took place on 5 October 1999 had also been denounced. The Observatory had already voiced its concern about the frequency and the means used to intimidate and harass the members of the PRODH. In addition, during the night of 28 to 29 October 1999, unidentified individuals entered the home of Mrs. Ochoa and, after an interrogation that lasted nine hours, fled leaving her tied up near an open gas bottle.

Given the serious nature of the events, the Inter-American Commission on Human Rights intervened on 17 November 1999 and exhorted the Mexican government to “immediately take all the measures necessary to protect the life and personal integrity of Digna Ochoa y Plácido”. The Mexican government had complied with this request.

However, in two separate letters addressed to the Inter-American Court on 31 May and 13 August 2001, respectively, the Mexican government had asked for permission to withdraw the protective measures from the lawyer Digna Ochoa, because of the absence of threats in the period from 2000 – May 2001. The Court had granted permission on 22 August 2001. It must be highlighted, nonetheless, that during the period in question, Mrs. Ochoa was often overseas and only returned to Mexico permanently in April. According to various witnesses, she was the subject of fresh threats because of her involvement with various cases dealing with human rights violations.

A month after the murder of Digna Ochoa, the PRODH published a report outlining the results of the inquiry that was carried out. In this report, the PRODH denounces the fact that certain confidential information was leaked to the media.

Given the threatening situation in which the family, friends and colleagues of the lawyer found themselves, the Public Ministry responsible for the inquiry, decided, if need be, to gather all these people together at the headquarters of the PRODH. However, members of the legal police came to their homes on numerous occasions to interrogate them, which could put their lives at risk.

76. See Annual Reports 1998 and 1999

At the same time, it is worrying to note that the Public Prosecutor's Office has not as yet authorised the re-opening of the offices of the PRODH, that were sealed at the beginning of the inquiry on 19 October 2001.

On 8 November 2001, Messers. Rodolfo Montiel and Teodoro Cabrera, who work for environmental protection in the State of Guerrero, were released from prison by Presidential Decree. They had been in detention since 2 May 1999. Before her murder, Digna Ochoa had been their defence lawyer. It is worrying to note that it took the death of Mrs. Ochoa to bring about the release of her clients.

Threats against Miguel Sarre, Sergio Aguayo, Edgar Cortéz, Juan Antonio Vega and Fernando Ruiz

On 27 October 2001, workers at the Mexico City headquarters of the newspaper Reforma, received a telephone call informing them that they had to retrieve a message from a public telephone box. This message contained death threats against Messers. Miguel Sarre, of the Committee for the Humanisation of Accusatory Practices (Comité para la Humanización de las Prácticas Incriminatorias), Sergio Aguayo, of the Mexican Academy for Human Rights (Academia Mexicana de Derechos Humanos), Edgar Cortéz, of the Miguel Agustín Pro Juárez Centre for Human Rights, Juan Antonio Vega, member of the international bureau of the FIACAT, former director of ACAT-Mexico and currently Technical Secretary of the National Network “Rights for All” (Red Nacional “Todos los Derechos para Todos”) and Fernando Ruiz, of the Council for Law and Human Rights (Consejo para la Ley y los Derechos Humanos). The message also mentioned the conditions of the murders, namely six million pesos for each murder, and also mentioned the lawyer Digna Ochoa y Plácido.

Harassment of Mrs. Marina Patricia Jiménez Ramírez

In September and October 2001, unknown individuals with false identification investigated the movements of Mrs. Marina Patricia Jiménez Ramírez, Director of

77. See Urgent Appeal MEX 005/0111/OBS 091

the Fray Bartolomé de Las Casas Human Rights Centre (Centro de Derechos Humanos Fray Bartolomé de las Casas).

On 17 September 2001, an employee of a travel agency in Chiapas declared that he had been visited by two individuals, one of whom claimed to belong to the Fray Bartolomé de las Casas Human Rights Centre. They reportedly requested details of the date, the time and the reference number of Marina Patricia Jiménez Ramírez's flight to Guatemala in the month of November.

On 9 October 2001, a man also claiming to belong to the Centre, went to the same travel agency to demand details of Mrs. Ramírez's trip to Mexico City.

On 11 October 2001, a member of the Centre received a telephone call from a person claiming to be Heriberto Velasco, a well-known journalist from the Notimex Press Agency in the town of San Cristóbal de las Casas. The person apparently requested details about the date of Marina Ramírez's departure for Colombia. A telephone call to Mr. Velasco confirmed that he did not make the telephone call in question.

On 15 October 2001, the Fray Bartolomé de Las Casas Human Rights Centre, asked the National Human Rights Commission to take all necessary measures to ensure the physical and psychological integrity of its members. The Commission transmitted the request to the government of Chiapas on 27 October 2001. At the end of 2001, Mrs. Jiménez Ramírez was still living in insecurity.

Attack against Mr. Ramon Pérez Peñate⁷⁹

On 8 December 2001, suspected members of the paramilitary group, Peace and Justice (Paz y Justicia) set fire to the home of Mr. Ramon Pérez Peñate, situated in Ejido Emiliano Zapata, in the commune of Tila, Chiapas. Despite the considerable material damage caused by the fire, Mr. Ramón Pérez Peñate, who was asleep at the time, escaped unhurt. This attack is apparently a direct consequence of his work as a community defender, and particularly a result of his efforts to trace peo-

78. See Urgent Appeal MEX 004/0110/OBS 085

79. See letter to the Mexican authorities dated 20 December 2001

ple who have disappeared in the region of north Chiapas during confrontations between members of the group Peace and Justice and the units for the support of the Zapatista National Liberation Army (Ejército Zapatista de Liberación Nacional, EZLN).

This attack is one of many that has taken place in the context of threats, attacks and acts of harassment against members of the Network of Community Defenders (Red de Defensores Comunitarios) since the second half of 2001, because of their struggle for the respect of human rights and their denunciations of the abuses committed in various indigenous communities of the State of Chiapas.

NICARAGUA

Smear campaign and harassment of members of the CENIDH⁸⁰

██████████ 2001, the Nicaraguan Centre for Human Rights (Centro Nicaragüense de Derechos Humanos, CENIDH) and particularly its president, Mrs. Vilma Núñez de Escorcía, have been victims of threats and a smear campaign⁸¹.

The Minister of the Interior, Mr. José Marengo Cardenal, accused Mrs. Vilma Nuñez de Escorcía of supporting the armed group, the Andrés Castro United Front (Frente Unido Andrés Castro, FUAC), on account of photocopies of letters that the group had sent to a number of people and organisations, including the director of the CENIDH, requesting financial assistance. Mr. José Marengo Cardenal informed the Attorney General of the Republic of Managua that Mrs. Nuñez de Escorcía was in contact with the FUAC so that an inquiry would be opened.

80. See Urgent Appeal NIC 001/0003/OBS 020.2

81. See Annual Report 2000 and Urgent Appeals NIC 001/0003/OBS 020 and 20.1

In a decision handed down on 8 May 2001, the Attorney General concluded that there was “an absence of elements justifying a criminal investigation against Mrs. Vilma Núñez, or against the Nicaraguan Centre for Human Rights”.

This resolution put an end to the legal harassment. However, the smear campaign led by the media continues, as witnessed by the Observatory, which has mandated an international fact-finding mission to Nicaragua from 18 to 31 May 2001.⁸² It should be pointed out that in the month of July 2000, the Inter-American Commission on Human Rights (CIDH) ordered the adoption of measures to ensure the protection of the president of the CENIDH, measures that had already been requested on 31 March 2000. Despite the fact that such measures were adopted during the month of November 2000, with the co-operation of the National Police, Mrs. Vilma Nuñez de Escorcia continues to receive insults, and death threats, both by telephone and in writing. It is indeed worth noting that some defamatory press articles seem not to be aware of the decision handed down by the Attorney General. The Presidential elections that took place in November 2001 seem to have contributed to a worsening of the situation, because human rights defenders were seen as siding with the opposition. In particular, women’s organisations have been victims of disdain on the part of the parties vying for power. Ana Quiroz, head of the Unit for Urgent Civil Co-ordination and Reconstruction (Coordinación Civil para la Emergencia y la Reconstrucción), as well as members of the organisation Si Mujer (Yes Woman), who had already been the subject of a smear campaign and harassment the year before, have also suffered from this situation .

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Inquiry into the burglary at the headquarters of the COMISEDH⁸⁴

In the case of the burglary that took place at the headquarters of the Commission on Human Rights (Comisión de Derechos Humanos, COMISEDH) on 1 November

82. See the Report of the International Fact-Finding Mission carried out by the Observatory: “Nicaragua: Human Rights Defenders Harassed in the Context of Presidential Elections ”

83. See Annual Report 2000

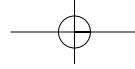
██████████ inquiry into the incident concluded that the police officers who came to the premises to register the complaint were guilty of negligence and could be subject to administrative punishment. Indeed, the inquiry concluded that they intervened too late despite the fact that they had been notified of the crime well before. Furthermore, they were rather slack in their investigation.

Threats against Mr. Jesús Agreda Paredes⁸⁵

On 12 July 2000, the wife of Mr. Jesús Agreda Paredes received an anonymous telephone call from a man who threatened her husband. At the time, the authorities took the necessary steps requested to guarantee the physical integrity of Mr. Agreda. Since then, he has given up his activities with the Association for the Defence of Human Rights (Asociación de Defensa de Derechos humanos) in Tacna.

84. See Annual Report 2000

85. See Annual Report 2000



ASIA

