



/ ASIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



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Arbitrary detention and ill-treatments against Mr. Shahidul Islam¹

On January 27, 2007, Mr. **Shahidul Islam**, a defender of environmental rights and of the rights of the landless people in the south-west region of Bangladesh, and Executive Director of the development NGO Uttaran, based in Satkhira, was arrested by military members from the Uttaran training centre in Tala Upazilla, and brought to an interrogation cell, where he was allegedly subjected to ill-treatments. Mr. Islam was then taken to the local police station in Tala.

On January 28, 2007, Mr. Shahidul Islam was sentenced by the district administration, without official charge being brought against him and without being heard by a court, to one month in detention, on the basis of the 1974 Special Powers Act that provides for such penalties for persons who might commit “prejudicial acts” against the State. Mr. Islam was then brought to the Satkhira district prison.

The sentencing took place in a special context: on January 11, 2007 President Iajuddin Ahmed had proclaimed a national state of emergency following violent political protests in the country.

On August 21, 2007, the Satkhira High Court ordered the release on bail of Mr. Shahidul Islam. Subsequently, the charges against him were dropped.

Death in detention of Mr. Cholesh Ritchil²

On March 18, 2007, Mr. **Cholesh Ritchil**, a leader of the Garo community, was arrested while travelling in a bus by a group of soldiers commanded by Major Toufiq of Kalibari (Mukttagacha), probably for “possessing illegal weapons”. He was taken to the army camp of Modhupur Kakraidh, north of Dhaka, where he would have been tortured to death. Mr. Cholesh Ritchil was declared dead the same evening.

Since 2003, the leaders of the Garo indigenous community, which lives in Modhupur, have been fighting against the construction of an “ecological park” on their ancestral land, on the grounds that it would deprive them of their land and means of livelihood.

Death threats against Mr. Nasiruddin Elan³

On April 26 and May 2, 2007, Mr. **Nasiruddin Elan**, Executive Director of the human rights organisation Odkhikar, was summoned by phone on five occasions by the naval headquarters in Banan, in order to discuss with Captain Zubayer about the death of two men in naval custody at sea, in Bhola, in February and March 2007. Although Mr. Elan requested that an official summons be sent to him, a naval official told him that the phone call served as an oral summons.

On May 3, 2007, a naval radio operator came to Odkhikar to fetch Mr. Elan and bring him to the naval headquarters. Less than an hour later, an officer called Odkhikar to ask whether Mr. Elan had already left for the naval headquarters or not.

An hour later, Mr. Elan was taken to an office where two officers and two members of the Directorate General of Forces Intelligence (DGFI) insulted and threatened him by saying: “how do you dare criticise the Navy? If I kill you now, who will come and save you?”. The four officers continued to threaten Mr. Elan, adding that “they knew a lot about Odkhikar”, and that they would also question Odkhikar President, Mr. **Hassan Arif**. They declared that all Odkhikar members were involved in “anti-State and seditious activities”, all of them being “traitors”, “agents of America, India and Pakistan”, “from where [Odkhikar] received money”. Finally, they demanded that the members of

1./ See Urgent Appeal BGD 001/0107/OBS 010.

2./ See Odkhikar and Hotline Human Rights - Bangladesh.

3./ See Urgent Appeal BGD 002/0507/OBS 041.

the organisation cease their activities. One of the officers added that if Mr. Elan made any mention of this meeting, he would be arrested.

Early in the afternoon, Mr. Elan was able to leave the Navy headquarters. As of the end of 2007, he had not received further threats.

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Ongoing arbitrary detention of Messrs. Ko Win Ko and Phyo Zaw Latt⁴

As of the end of 2007, Messrs. **Ko Win Ko** and **Phyo Zaw Latt**, two human rights defenders from Monyo (Bago) and members of the Human Rights Defenders and Promoters (HRDP) association, were still detained in the Taungoo prison.

On October 6, 2006, Messrs. Ko Win Ko and Phyo Zaw Latt had been arrested at the Letpadan railway station by a dozen policemen and members of the Union Solidarity and Development Association (USDA), the civilian wing of the military Government. Both men were on their way to Rangoon to hand the Government a petition calling for the release of a group of political prisoners who had been arrested on September 27 and 30, 2006.

When the police had found the petition, Messrs. Ko and Phyo had been arrested and brought to Letpadan police station. Two USDA members had also claimed they had found some illegal lottery ticket stubs in Mr. Ko's bag and the latter had then been charged with "resisting to the forces of order during an arrest" (Section 353.2 of the Criminal Code) and "illegal betting" (Section 15a and 16a of the Gambling Act), while Mr. Phyo Zaw Latt had been detained without charges.

On October 19, 2006, Mr. Ko's lawyer had gone to court as a hearing was scheduled in his client's case. However, he had been informed upon his arrival that Mr. Ko had already been sentenced to three years' imprisonment on the day before.

On October 22, 2006, Mr. Phyo had been released on a good behaviour bond, but almost immediately rearrested while going back home. On the same day, both men had been charged with "deceit" and "counterfeiting" (Sections 420, 465 and 468 of the Criminal Code).

On November 9, 2006, Messrs. Ko and Phyo had been respectively sentenced to 17 and 14 years in prison by the Tharawaddy Court, in the absence of their lawyers.

Arbitrary detention and sentencing of six defenders of labour rights⁵

On May 1, 2007, Messrs. **Thurein Aung**, **Kyaw Kyaw**, **Wai Lin** and **Nyi Nyi Zaw**, defenders of labour rights and trade union freedoms, were arrested after holding a May Day celebration and planning to discuss labour issues at the American Centre of the US Embassy in Rangoon. This event was immediately cancelled subsequent to their arrests.

On May 10, 2007, Messrs. **Kyaw Win** and **Myo Min** were arrested on their way to the Thai-Burma border in order to inform the international community about these arrests.

Subsequent to their arrest, the six activists were held at a special interrogation centre, before being transferred to the Insein central prison in Rangoon, where they were reportedly held in separate buildings, denied visits, and also subjected to cruel and inhuman treatments. Besides, the interrogation of the six men by Burmese security agents reportedly focused specifically on finding links with the Federation of Trade Unions of Burma (FTUB).

On September 7, 2007, Messrs. Thurein Aung, Kyaw Kyaw, Wai Lin, Myo Min, Kyaw Win and Nyi Nyi Zaw were all found guilty of "inciting hatred or contempt for the Government" (Article 124(a) of the Criminal Code) and sentenced to 20 years' imprisonment and a 1,000 kyat fine (about 101 euros). In addition, Messrs. Thurein Aung, Wai Lin, Myo Min and Kyaw Win were also found guilty of membership in "illegal associations" (Article 17(1) of the 1908 Act on Illegal Associations) and of having illegally crossed the frontier (Article 13(1) of the 1947 Act on Emergency Immigration Measures). Each of them received an additional five years' prison sentence for illegal association, and three years more for having crossed the frontier illegally.

4./ See Annual Report 2006.

5./ See Urgent Appeal MMR 002/0907/OBS 111.

As of the end of 2007, Messrs. Thurein Aung, Wai Lin, Myo Min, Kyaw Win, Nyi Nyi Zaw and Kyaw Kyaw remained detained in the Insein prison.

The six men lodged an appeal against the West Rangoon District Court rulings with the Rangoon Court of Appeal. When they lost their trial in appeal, they lodged an appeal with the Supreme Court. This appeal procedure has been pending since February 20, 2008.

Arbitrary detention and sentencing of six HRDP members⁶

On May 2, 2007, Messrs. **Ko Myint Naing** (also known as **Myint Hlaing**), **Ko Kyaw Lwin**, **U Hla Shien**, **U Mya Sein**, **Ko Win** and **Ko Myint**, six members of HRDP, were arrested.

On April 17, 2007, the six men had played an active role in the organisation of a human rights education seminar. The next day, six members of HRDP who had taken part in this seminar, namely Messrs. **Myint Aye**, **Maung Maung Lay**, **Tin Maung Oo**, **Yin Kyi**, Myint Naing and Kyaw Lwin, were violently assaulted by a group of over 100 persons, including USDA members, as they were returning home.

On July 24, 2007, Messrs. Ko Myint Naing, Ko Kyaw Lwin, U Hla Shien, U Mya Sein, Ko Win and Ko Myint were found guilty by the Henzada Township Court of “intent to cause public disturbance” under the Criminal Procedure Code of Myanmar. Mr. Ko Myint Naing was sentenced to eight years’ imprisonment, and Messrs. Ko Kyaw Lwin, U Hla Shien, U Mya Sein, U Win and U Myint to four years’ imprisonment.

At the end of 2007, Messrs. Ko Myint Naing, Ko Kyaw Lwin, U Hla Shien, U Mya Sein, Ko Win and Ko Myint remained detained in the Henzada prison.

Arbitrary detention and sentencing of Mr. Ko Min Min⁷

On July 10, 2007, Mr. **Ko Min Min**, *alias* La Min Tun, a human rights activist in Pyay township (Western Bago region), was arrested. The day before, he had organised a human rights education session. Copies of the Universal Declaration of Human Rights were then seized. Mr. Ko Min Min was also going to host a HRDP meeting at his home.

On July 30, 2007, Mr. Ko Min Min was sentenced by the Pyay Township Court to three years’ imprisonment and a fine of 300,000 kyats (3,022 euros) for “giving illegal tuition classes [on human rights]”. On the same day, Mr. Ko Min Min appealed the decision.

At the end of 2007, Mr. Ko Min Min remained detained in the Lashio prison.

Arbitrary detention and sentencing of Mr. U Tin Hla⁸

On November 28, 2007, Mr. **U Tin Hla**, a member of FTUB and of the Burma Railway Union, and his family were arrested at their home by the Special Branch Police. During the search, police confiscated photographs of Daw Aung San Suu Kyi, National League for Democracy (NLD) party literature, electrical wire and tools.

The police accused Mr. U Tin Hla of organising railway workers and encouraging them to join the demonstrations of September 2007. Mr. U Tin Hla, his wife, his son and his daughter were all taken to Mingala Taungyunt police station for interrogation. His wife and children were released after five days, but Mr. U Tin Hla was taken to an unknown location for further interrogation.

A few days later, Mr. U Tin Hla was apparently taken back to the Mingala Taungyunt police station. He was charged with “possession of explosive material, tools and electrical wire”.

On January 11, 2008, Mr. U Tin Hla was sentenced to seven years’ imprisonment. Since then, he has remained detained in the Insein prison.

6./ See Urgent Appeal MMR 001/0807/OBS 090.

7./ *Idem*.

8./ See Urgent Appeal MMR 003/1207/OBS 161.

/ CAMBODIA

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Acts of harassment against CCHR members⁹

No follow-up to the judicial proceedings against Messrs. Kem Sokha, Yeng Virak and Pa Nguon Teang

At the end of 2007, the judicial proceedings against Messrs. **Kem Sokha**, the then President of the Cambodian Centre for Human Rights (CCHR), **Yeng Virak**, Director of the Community Legal Education Centre (CLEC), **Pa Nguon Teang**, Deputy Director of CCHR and producer of the CCHR programme *Voice of Democracy*, and **Ou Virak**, the then CCHR Spokesman, appeared to have been dropped, the legal deadline for prosecuting them having been exceeded.

On December 31, 2005, Mr. Kem Sokha, and Mr. Yeng Virak, also a member of the organising committee for celebrations of the International Human Rights Day (December 10), had been arrested and charged with “defamation” in relation to these events. This charge was based on the display of CCHR banners criticising Prime Minister Hun Sen’s policies. The two men were held in provisional detention in the Prey Sar prison, near Phnom Penh.

On January 4, 2006, the police had arrested Mr. Pa Nguon Teang, Mr. Ou Virak, and one of their friends. Mr. Pa Nguon Teang had then been taken to the Ministry of the Interior in Phnom Penh, where he had been held overnight before being interrogated on his role in organising the December 10 celebrations. He had then been charged with “defamation” in relation to these events and taken to the Prey Sor prison.

On January 11, 2006, Mr. Yeng Virak had been released on bail.

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

On February 3, 2006, the complaints for defamation lodged by Mr. Hun Sen against Messrs. Kem Sokha, Pa Nguon Teang and Yeng Virak had officially been dropped. However, the charges against them were still pending, since, according to Cambodian law, the withdrawal of a criminal claim for defamation does not imply that the charges have been dropped.

No follow-up to the judicial proceedings against Mr. Ing Kong Chit

At the end of 2007, the judicial proceedings against Mr. **Ing Kong Chit**, CCHR Investigator for the Battambang section, had not materialised.

On October 24, 2006, Mr. Ing Kong Chit had been summoned by the Battambang Provincial Court for “defamation”, following a complaint lodged by the Director of the Pailin hospital, whom Mr. Ing Kong Chit had accused of corruption during a radio programme on *Voice of Democracy*.

Acts of harassment against defenders of peasants’ rights

Ongoing arbitrary detention of Mr. Hem Choun¹⁰

At the end of 2007, Mr. **Hem Choun**, a reporter for the newspaper *Samrek Yutethor* (Fight for Justice), was still detained in the Prey Sar prison.

On June 7, 2006, Mr. Hem Choun had been arrested by the police while leaving Kouk Roka commune (Dangkao district), where the villagers of Sambok Chap had been displaced the day before after their forced eviction. Mr. Hem Choun had been taken to Kraing Thnoug police station and then transferred to the Phnom Penh police station, without a warrant.

9./ See Annual Report 2006.

10./ *Idem*.

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

On November 30, 2006 Mr. Hem Choun had been sentenced to two years’ imprisonment.

Ongoing arbitrary detention of Mr. Chhea Ny¹¹

On February 23, 2007, Mr. **Chhea Ny**, a representative of more than 3,170 families involved in a long land dispute with the local authorities in the Bavel district, was sentenced to one year’s imprisonment for “trespassing on private property” and 400 dollars in damages were awarded to the plaintiff. Mr. Chhea did not attend the hearing, as he had been transferred to Phnom Penh prison. Neither the plaintiff nor his witnesses gave evidence, thereby preventing counsel for the defence from cross-examining them. Messrs. **Hem Lack** and **Mou Sabb**, two other representatives of the community, were sentenced to six months’ imprisonment.

On August 1, 2006, Mr. Chhea Ny had been arrested by a group of policemen, soldiers and members of the military police. He was accused of “abuse of individual rights” (Article 57 of the UNTAC Law, a crime liable to five years’ imprisonment) and “trespassing on private property” (Article 253 of the 2001 Territorial Law, which provides for a two-year prison sentence and a fine of 25 million riels - 4,688 euros).

On September 4, 2006, Mr. Hem Lack and Mr. Mou Sabb had been arrested and taken to Battambang prison.

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

On May 11, 2007, in the course of the appeal procedure, the charges against Mr. Chhea Ny were changed to “destruction of public property”. His one-year prison sentence was then reduced to nine months in prison and three months’ suspended sentence. Although he had already served his term, at the end of 2007 Mr. Chhea Ny remained in detention pending the production of new charges.

In May 2007, Messrs. Hem Lack and Mou Sabb were released.

Sentencing of Ms. So Socheat¹²

On October 22, 2007, Ms. **So Socheat**, representative of the Wat Bo villagers, Sala Kamroeuk commune (Siem Reap), was sentenced to eight months’ imprisonment for “assaulting a police officer” and “destruction of private property”, despite a flagrant lack of evidence. In particular, the policeman she was supposed to have assaulted asserted during the trial that she was not the person who had attacked him.

On May 3, 2006, Ms. So Socheat had been arrested during a peaceful protest of villagers against attempted evictions. This gathering, which was held on the third day of negotiations between the villagers and authorities of the Wat Bo pagoda (Siem Reap), who claim property rights for their land, had been violently dispersed by about forty policemen armed with electrified batons.

Ms. So Socheat had been beaten and detained while attempting to protect the villagers from blows.

On May 4, 2006, Ms. So Socheat had been released, but the charges against her remained pending.

Acts of harassment against OSJI members¹³

After having denounced, in February 2007, allegations of financial embezzlement within the Extraordinary Chambers of the Courts of Cambodia (ECCC) in the framework of the Khmer Rouge

11./ See Annual Report 2006 and International Fact-Finding Mission Report, *Defending Economic and Social Rights in Cambodia: A High Risk Activity*, February 2008.

12./ *Idem*.

13./ See Urgent Appeal KHM 001/0407/OBS 029.

trial, members of the Open Society Justice Initiative (OSJI), a US-based international organisation with observer status with the ECCC, were threatened to be expelled or to have their visas revoked by the Cambodian Government.

Obstacles against defenders of environmental rights

Threats and acts of harassment against Global Witness¹⁴

On June 3, 2007, the Cambodian Minister of Information, Mr. Khieu Kanharith, issued a statement, declaring that the Government was banning the publication of the latest report of Global Witness, an organisation that is particularly active in the protection of the environment, and would confiscate any copies found in the country. He added that the report was “a politically motivated attack on Prime Minister Hun Sen and retaliation for the expulsion [of Global Witness] from Cambodia in 2005”.

The report, entitled *Cambodia’s Family Trees: Illegal logging and the stripping of public assets by Cambodia’s elite*, was released on June 1, 2007. It accused members of the Cambodian elite, notably family members and business associates of Prime Minister Hun Sen, of environmental plunder.

On June 4, 2007, Mr. Hun Neng, Kompong Cham Provincial Governor and the Prime Minister’s brother, declared that he was considering taking legal action against the organisation. He added that if Global Witness members came to Cambodia, he would “hit them until their heads are broken”.

On June 8, 2007, Mr. Khieu Kanharith declared that “the newspapers could refer to the Global Witness report, but not reproduce it”. However, like other media, *Radio Free Asia* continued to broadcast extracts from the report after that date, and was ordered to stop its broadcasts on this issue.

Death threats against Mr. Lem Piseth¹⁵

On June 16, 2007, after having published articles on deforestation in Kompong Thom province, Mr. **Lem Piseth**, a journalist with *Radio Free Asia*, received an anonymous phone call from someone who called him “insolent” and asked him if he wanted “to die”, referring explicitly to his articles, adding that “there would not be enough land [in the forest] to bury [him]”.

Moreover, following the publication of his articles, Mr. Piseth was followed by the police and the military, and had to leave his hotel at the request of the owners, without any explanation.

By fear for his own safety, Mr. Piseth had to leave the country.

Assassination of Mr. Seng Sarorn¹⁶

On July 4, 2007, Mr. **Seng Sarorn**, a member of the Culture and Environment Preservation Association (CEPA) and a leader of the Sre Kor (Stung Treng province) village community, was shot dead by an unknown person while at home with his wife.

In particular Mr. Seng Sarorn actively encouraged people in his community to protest about forestry and fishery, as well as about land-grabbing issues. Shortly before his death, Mr. Sarorn had also been involved in protests demanding that the Sal Sophea Pheanich company give back to the poor people of the community the forestland it had illegally acquired.

Although the Stung Treng military police arrived on the spot immediately after the killing, an improper investigation would have been conducted, which resulted in the contamination of the crime scene.

14./ See Urgent Appeal KHM 002/0607/OBS 064.

15./ See Urgent Appeal KHM 003/0607/OBS 068.

16./ See Urgent Appeal KHM 004/0707/OBS 075.

Aggression against Mr. Sat Savuth¹⁷

On July 23, 2007, around 11.30 p.m., four unidentified persons threw a grenade in front of the home of Mr. **Sat Savuth**, a defender of land and forest rights in the Phat commune, in the Anlong Veng district (Oddar Meanchey province). Neither Mr. Savuth nor his family were injured.

In 2005, Mr. Savuth had moved to Anlong province for fear of his life. Indeed, an unidentified person had shot at him after he had denounced the Government corruption in Tomring commune, Kampong Thom province. Shortly before the assault of July 2007, Mr. Savuth's denunciations of illegal logging in the Tomring commune had been taken up in the Global Witness report on Cambodia¹⁸.

Although the local authorities pledged to properly investigate into this aggression, the Governor of Anlong Veng province would have dismissed the idea that the attack was "politically motivated", as quoted in the *Cambodia Daily* on July 23, 2007.

Acts of harassment against trade union leaders

Assassination of Mr. Hy Vuthy¹⁹

On February 24, 2007, Mr. **Hy Vuthy**, President of the Free Trade Union of Workers in the Kingdom of Cambodia (FTUWKC) at the Suntex works, was killed while leaving his work, in Phnom Penh, by two unidentified persons on a motorcycle.

Mr. Hy is the third FTUWKC member to be killed in three years.

Arbitrary sentencing of Messrs. Born Samnang and Sok Sam Oeun for the murder of Mr. Chea Vichea²⁰

On April 6, 2007, the trial of Messrs. Born Samnang and Sok Sam Oeung opened before the Court of Appeal. They were accused of murdering Mr. **Chea Vichea**, FTUWKC President, who was shot dead on January 22, 2004.

On April 12, 2007, the Court of Appeal upheld the sentencing of Messrs. Born Samnang and Sok Sam Oeun. The ruling was handed down following a trial marred with numerous irregularities, and despite overwhelming evidence of the innocence of the two men. Indeed, the judges of the Court of Appeal rejected the conclusions and recommendations of the Prosecutor, who had admitted that there were gaps in the first police investigation, and who had recommended that the Court order an additional investigation to find out the truth. The Court also refused to accept the validity of testimonies in favour of Mr. Born Samnang, expressing doubts about the reliability of witnesses who had asserted that the accused was in Neak Loeung on the day of the murder, whereas the Municipal Court had accepted the written statements of witnesses for the prosecution, who never appeared in court. Nor did the Court accept Mr. Born Samnang's recanting of his initial confession. Lastly, the judges refused to take into account the new evidence produced by Ms. Var Sothy, the owner of the newspaper stand in front of which Mr. Chea Vichea was killed, in a statement made under oath and certified by a notary in Thailand.

On August 1, 2005, the Phnom Penh Municipal Court had sentenced Messrs. Born Samnang and Sok Sam Oeung to 20 years' imprisonment and 3,800 euros in damages.

On August 10, 2006, Ms. Var Sothy had produced a precise account showing the innocence of the two men, describing in detail the assassination, the murderer and his accomplice, their vehicle, etc.

In August 2006, the police officer responsible for the arrest of the two men, Mr. Hent Pov, former Superintendent of Phnom Penh, had admitted, in an interview given to the French magazine

17./ See Urgent Appeal KHM 005/0707/OBS 086.

18./ See above.

19./ See Press Release, February 27, 2007.

20./ See Annual Report 2006, Urgent Appeal KHM 001/0805/OBS 070.1 and International Fact-Findint Mission Report, *Defending Economic and Social Rights in Cambodia: A High Risk Activity*, February 2008.

L'Express, that from the outset of the enquiry he had believed the two men to be innocent. He has since fled Cambodia.

At the end of 2007, Messrs. Born Samnang and Sok Sam Oeung remained detained in the Prey Sar prison.

Arbitrary detention of eight foreign nationals calling for justice for Messrs. Born Samnang and Sok Sam Oeung²¹

On June 19, 2007, the Cambodian immigration police detained for over nine hours eight foreign nationals who had publicly appealed for justice for Messrs. Born Samnang and Sok Sam Oeun, the two men who were convicted for the murder of Mr. Chea Vichea²².

Indeed, in the early morning, two lorries, each displaying two large poster boards featuring words in Khmer describing the cases of Messrs. Born Samnang and Sok Sam Oeun, were driven around the centre of Phnom Penh just before the opening of the Cambodia Development Cooperation Forum (CDCF) meeting. The lorries stopped several times at various points, in particular on the Wat Phnom rotary in order to make the boards visible to incoming international donors. They did not obstruct traffic at any time, but moved ahead when requested by nearby police officers. Approximately an hour after the beginning of the protest action, a man who identified himself as an immigration police official ordered other officers to take control of one of the lorries. An officer in charge said the group's actions were in violation of Cambodian law. When asked which law they had violated, he replied: "pick any one you want". The other lorry was escorted by police to the immigration office. The drivers and passengers of both vehicles were not given any reasons for being taken into custody. When one of the passengers asked en route as to where they were going and why, the officers refused to answer.

At the time of the incident, the lorries contained two drivers and six passengers, all foreign nationals: one British citizen, three Americans, two Canadians, one Dane, and one New Zealander. Upon arrival at the police station, police took photos of the detainees. One officer told a detainee that he "knew her" and "now he had her picture". Each detainee was then interviewed separately, without impartial interpreters, until late morning. Representatives from embassies, UN OHCHR, human rights NGOs, media members and defence lawyers were present for some of the interviews at the request of the detainees. The police officers copied each detainee's passport and visa, and each was required to sign a statement written in Khmer. By signing, the detainees agreed that they would, among other things, not engage in any activities that would disturb public order and would seek permission from local authorities when participating in similar demonstrations. Although the detainees and foreign representatives repeatedly asked which law they had violated, no official offered an answer.

The eight persons were released in the evening.

21./ See International Fact-Finding Mission Report, *Defending Economic and Social Rights in Cambodia: A High Risk Activity*, February 2008.

22./ See above.

Ongoing repression of cyberdissidents

In 2007, repression continued against cyber-dissidents, those defenders who use Internet to promote human rights and democracy in China.

Release of Messrs. Jiang Lijun and Zhao Changqing²³

- Mr. **Jiang Lijun**, sentenced on November 18, 2003 to four years in prison for having published pro-democracy political opinions on the Internet and for “subverting State power” (Article 105 of the Criminal Code), was released in November 2006 after serving his sentence.

- On November 27, 2007, Mr. **Zhao Changqing**, who had been sentenced in August 2003 to five years’ imprisonment for “incitement to subvert State power” after he co-signed an “Open Letter to the 16th Party Congress”, which called in particular for progress with regards to democratisation and the protection of human rights in the country, the right to return of exiled Chinese political opponents and the release of prisoners of conscience, was released. He was detained since November 28, 2002.

Ongoing arbitrary detention of many cyberdissidents²⁴

As of the end of 2007, many cyberdissidents remained in detention, including:

- Mr. **Tao Haidong**, sentenced to seven years in prison in January 2003 for “incitement to subvert State power” after posting books and articles on websites based in China and overseas.

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

- Mr. **Wang Sen**, sentenced in May 2002 to ten years in prison for “inciting subversion of the State”, after having reported on the Internet that a medical centre in the south-western city of Dachun was selling tuberculosis medication donated by the Red Cross for a steep price. While in detention, Mr. Wang Sen was diagnosed with diabetes and his health seriously deteriorated. He is due to be released in 2011.

- Messrs. **He Depu**, **Sang Jiancheng**, **Dai Xuezhong** and **Han Lifa**, who were among the 192 signatories of the “Open Letter to the 16th Party Congress”. On August 23, 2007, Mr. He Depu’s wife could visit her husband, at the Beijing No. 2 prison. After she told a friend about his miserable conditions of detention (in particular, Mr. He Depu is physically very weak), this information was circulated on the Internet. On September 25, 2007, when she went to visit her husband again, a member of the penitentiary staff scolded her for talking about conditions at the prison and threatened her to be prevented from visiting her husband for six months if she once again talked about prison conditions. Mr. He Depu received the same warning.

23./ See Annual Report 2006.

24./ *Idem*.

- Mr. **Wang Xiaoning**, who was arrested in September 2002 for having posted articles on the Internet. On September 12, 2003, the Beijing Municipal First Intermediary People's Court had sentenced him to ten years' imprisonment, with two years' deprivation of his political rights for "incitement to subvert State power". These charges were linked to essays calling for democratic reforms and a multi-party system, and denouncing repression against trade union leaders and peasants. As of late 2007, Mr. Wang remained detained in the Beijing No. 2 prison.

- Mr. **Li Jianping**, a cyberdissident from Shandong, arrested in June 2005 and sentenced on October 25, 2006 to two years' imprisonment for "incitement to subvert State power", in relation to articles he wrote and posted on foreign websites. On April 12, 2006, 31 articles written by Mr. Li criticising Chinese authorities and the human rights situation in the country had been used as evidence against him. Subsequently, Mr. Li lost his trial in appeal.

- Mr. **Guo Qizhen**, a volunteer with the Tianwang Disappeared Persons Service Centre, Cangzhou, Hebei province, sentenced on October 16, 2006 to four years in prison by the Changzhou Intermediate People's Court and to three years of deprivation of his political rights during a hasty trial, for "incitement to subvert State power". He was accused of posting articles on foreign websites criticising the communist regime and the repression of fundamental freedoms by the Chinese authorities. On June 18, 2007, when his wife was finally able to visit him after two months of being refused permission by the prison authorities, she found him covered with bruises. He would have been beaten by fellow-inmates at the behest of the prison's guards. His health has continuously deteriorated.

Ongoing arbitrary detention of Mr. Zhang Jianhong and deterioration of his health²⁵

On March 19, 2007, Mr. **Zhang Jianhong**, *alias Li Hong*, founder and Editor-in-chief of the website *The Aegean Sea (Aiqinhai)*, which was closed down in March 2006, and a member of the independent writers' association PEN, was sentenced to six years in prison for "inciting the subversion of State power" by the Intermediate Court of Ningbo City, Zhejiang province.

Moreover, Mr. Zhang Jianhong's health seriously deteriorated. Indeed, although Mr. Zhang was diagnosed in May 2007 with a form of muscular dystrophy that could lead to paralysis and even death, he did not receive any medical treatment until October 20, 2007. In addition, his family has repeatedly called for his release for medical treatment, in vain. Likewise, the letters Mr. Zhang has written to the Zhejiang Province Prison Management Bureau, as well as to the Zhejiang Qiaosi prison and the Zhejiang prison general hospital to request his release for medical treatment received no response.

On September 6, 2006, Mr. Zhang Jianhong had been arrested in his home in Nigbo, Zhejiang province, and detained for "incitement to subvert State power". The policemen had produced a search warrant and seized the hard drives of two of his computers and an address book. They had also interrogated his wife on her husband's acquaintances and the articles calling for democratic reforms that he was posting on websites based abroad. In particular, Mr. Zhang had criticised in these online articles the human rights abuses of the Chinese Government against dissidents, journalists and other Chinese citizens in the run-up to the Olympic Games. His family had been officially informed of his arrest on October 12, 2006.

On June 24, 2007, Mr. Zhang was transferred from Changhu prison to Ningbo City detention centre before being, subsequently, transferred to the Qiaosi prison.

Sentencing and ongoing arbitrary detention of Mr. Yan Zhengxue²⁶

On April 13, 2007, the Intermediate People's Court of Taizhou sentenced Mr. **Yan Zhengxue**, an artist and a dissident, to three years' imprisonment and one year of deprivation of his civil and political rights for "incitement to subvert State power". According to the verdict, Mr. Yan would have "used the Internet, discussion forums and speeches to publish distorted facts, attack and vilify the State power, and incite subversion of State power and overthrow of the socialist system".

25./ See Annual Report 2006 and Urgent Appeal CHN 012/1207/OBS 164.

26./ See Annual Report 2006.

On October 19, 2006, Mr. Yan had been arrested in Taizhou, Zhejiang province, by the local Public Security Bureau (PSB). PSB members, equipped with a warrant, had searched his home and confiscated his computer and some personal belongings. At first, the PSB had denied detaining Mr. Yan, but finally informed his wife on October 25, 2006 that he was detained at the Luqiao PSB detention centre in Taizhou.

On November 10, 2006, Mr. Yan's wife had bentold that she was not authorised to hire a lawyer to defend her husband because his case involved "State secrets".

On November 15, 2006, Mr. Yan Zhengxue had been accused of "subversion of State authorities", most probably in link with his writings in favour of human rights and political reforms, which criticised the regime and its corruption.

In the past, Mr. Yan had already been arbitrarily detained on several occasions. He is also known for his paintings, which portray the situation in Chinese prisons, and for organising a campaign against Re-Education Through Labour (RTL)²⁷.

As of the end of 2007, Mr. Yan remained detained at the Shilifeng prison (Zhejiang province).

Release of Mr. Zhao Yan²⁸

On September 15, 2007, Mr. **Zhao Yan**, a researcher and a journalist for the *New York Times*, who had previously worked with peasants on their complaints to local and central authorities, was released on the completion of his sentence.

On March 17, 2006, charges of "divulging State secrets to a foreign organisation" held against Mr. Zhao had been dropped one month before the visit of Secretary General of the Chinese Communist Party, Mr. Hu Jintao, to the United States. Mr. Zhao is also known for his reports on the situation of rural populations in China and had been arrested in September 2004.

However, on August 25, 2006, Mr. Zhao had been sentenced to three years in prison for "fraud" during a hearing held behind closed doors. His charge was linked to the same charges of divulgation of State secrets that had been dropped a few months before.

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

Mr. Zhao had already been detained for two years awaiting trial.

Ongoing arbitrary detention of Mr. Shi Tao²⁹

As of the end of 2007, Mr. **Shi Tao**, a journalist and a freelance writer, remained detained.

After being arrested on December 14, 2004, he had been sentenced by the Changsha Intermediate People's Court (Hunan province), on April 27, 2005, to ten years in prison and to two years of deprivation of his political rights for "illegally divulging State secrets abroad"(Article 111 of the Criminal Code).

On June 2, 2005, the Supreme People's Court of Hunan Province had confirmed this judgment in appeal, without even conducting a hearing.

Ongoing arbitrary detention of Mr. Huang Weizhong³⁰

As of the end of 2007, Mr. **Huang Weizhong**, a defender of peasants' rights in Putian (Chengxiang district), remained detained in the Cangshan prison.

27./ RTL is an administrative detention measure, according to which, without any proper legal procedures or trial, the PSB can send individuals to detention facilities for a maximum of four years. Detainees sent to RTL are deprived of their rights to legal counsel and appeal.

28./ See Annual Report 2006.

29./ *Idem*.

30./ *Idem*.

After being arrested on December 28, 2005, Mr. Huang Weizhong had been accused on February 28, 2006 by the Prosecutor of Putian of “gathering crowds to disturb social order”.

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

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

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

On July 17, 2006, the Court of Appeal had confirmed his sentence.

Lawyers, a privileged target for repression

Ongoing arbitrary detention of Mr. Yang Maodong³¹

On January 11, 2007, as his lawyer was visiting him, Mr. **Yang Maodong**, *alias Guo Feixiong*, legal adviser with the Beijing-based Shengzhi law firm, informed him that he had been subjected to torture since the beginning of his detention, on September 14, 2006. In particular, he would have been handcuffed and shackled to his bed for more than 40 days. Mr. Yang added that he had been deprived of sleep for days, and subjected to more than a hundred interrogations for suspicion of “illegal business activity”, sometimes for more than 24 hours. He would have gone on hunger strike for more than 25 days to protest against his conditions of detention, in vain.

Furthermore, on January 13, 2007, Mr. Yang’s sister was told by a police officer from the Public Security Bureau (PSB) of Shiyan city, Hubei province, that she should “psychologically prepare” herself for the likelihood that Mr. Yang would be sentenced to five to eight years in prison. On the same day, Mr. Yang’s brother reportedly received a phone call from the local PSB saying that Mr. Yang’s case was being transferred to Liaoning province. The Prosecutor refuted these assertions.

On April 2, 2007, Mr. Yang Maodong’s wife was informed by the Public Prosecutor of the Tianhe district that her husband had been transferred back to the Guangzhou No. 3 detention centre, following a previous transfer to the town of Shenyang (Liaoning province) in January 2007. She was also told that the Guangzhou PSB had submitted the case of her husband to the Public Prosecutor for further investigation on March 30, 2007.

Officially arrested on September 30, 2006³² for “illegal business activity”, Mr. Yang was formally indicted on May 15, 2007. His arrest is probably linked to the legal aid he has been providing since July 2005 to the peasants of the village of Taishi (Guangdong) who have been trying to obtain a court ruling to dismiss the head of the village committee, suspected of corruption.

On July 9, 2007, his trial was again adjourned because of his “unruly” behaviour in court and his refusal to answer questions from the Prosecutor.

On July 26, 2007, Mr. Yang’s wife learned that the office of the Prosecutor had requested that his case be sent back before the Tianhe District Court for further investigation. On October 12, 2007, she learned that the Tianhe District Court had requested approval from the Higher People’s Court of Guangdong province to delay his case for another month.

On November 14, 2007, Mr. Yang Maodong was sentenced by the Tianhe District Court of Guangzhou City to five years’ imprisonment and a fine of 40,000 yuan (3,716 euros) for “illegal business activity”, in connection with the publication of *Shenyang Political Earthquake*, which exposed Government corruption in Shenyang city, Liaoning province. The trial was marred with serious procedural irregularities. In particular, Mr. Yang’s lawyers were not present at the sentencing hearing.

As of the end of 2007, Mr. Yang remained detained in the Meizhou prison, Guangdong province, where he was transferred following his sentencing.

31./ See Annual Report 2006 and Urgent Appeals CHN 001/0206/OBS 018.1, 018.2 and 018.3.

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

Ongoing arbitrary detention of Mr. Chen Guangcheng³³

On January 12, 2007, the Intermediary People's Court of Linyi confirmed the sentencing of Mr. **Chen Guangcheng**, a lawyer involved in the struggle against the Linyi city authorities' recurrent use of violence for the implementation of the Government birth quotas, to four years and three months in prison.

On June 16, 2007, Mr. Chen was beaten by six prisoners of the Linyi City Prison, who were forced to do so by the prison guards. Mr. Chen Guangcheng had just refused to have his head shaved.

On June 19, 2007, when his wife visited him, Mr. Chen told her that he had pains in his ribs and that he feared to have a broken rib. His wife demanded that the prison immediately arrange for Mr. Chen to be sent to a hospital for a check-up, which the authorities refused.

Mr. Chen said he had been punished for "being disobedient" due to his insistence on filing an appeal to the Provincial Higher Court for a review of the verdict in his case. Since Mr. Chen is blind, he requires the assistance of his lawyer or his wife to write down what he would dictate, but his lawyers and his wife have been denied the right to visit him longer than the normal half-an-hour long, which has made it impossible to prepare an appeal for Mr. Chen.

Mr. Chen Guangcheng remains detained since March 11, 2006. He had been sentenced on August 24, 2006 to four years' and three months' imprisonment for "organising a mob to disrupt traffic".

On October 31, 2006, the Court of Appeal had ordered the review of Mr. Chen's case. However, on December 1, 2006, the Court had sentenced Mr. Chen to four years and three months in prison for "intentionally disrupting traffic" and "inciting material destruction".

On December 8, 2006, Mr. Chen's lawyer had appealed the decision to the Intermediary Court of Linyi city.

As of the end of 2007, Mr. Chen Guangcheng remained detained in Linyi prison (Shandong province).

Harassment against Mr. Li Jianqiang³⁴

In June 2007, the Shandong Provincial Bureau of Judicial Affairs rejected the application lodged by Mr. **Li Jianqiang**, a lawyer committed in the defence of Chinese dissidents, for renewing his license, during the annual renewal of lawyers' licenses in China. The Shandong authorities did not provide any explanation, oral or written, for this decision, which made it difficult for Mr. Li to appeal.

Ongoing acts of harassment against Mr. Zheng Enchong³⁵

On July 24, 2007, Mr. **Zheng Enchong**, a Shanghai human rights lawyer, and his wife, Mrs. **Jiang Meili**, went to the Shanghai Municipal Higher People's Court in order to register themselves to attend Mr. Zhou Zhengyi's trial, scheduled for the end of July³⁶. In particular, Mr. Zheng is committed to defending the rights of people who have been evicted from their homes in the framework of re-urbanisation planning in Shanghai.

Upon arrival at the Courthouse, they were surrounded by six police officers, who knocked Mr. Zheng to the ground, beat him and dragged him on nearly 200 metres in an hour-long assault.

33./ See Annual Report 2006 and Urgent Appeal CHN 006/0706/OBS 087.5.

34./ See Urgent Appeal CHN 001/0807/OBS 089.

35./ See Annual Report 2006 and Urgent Appeal CHN 001/0803/OBS 041.11.

36./ In 2004, Mr. Zhou Zhengyi, former President of Shanghai-based property firm Nongkai Development Group, was sentenced to three years in prison for various offences, including accounting fraud and stock price manipulation. Shortly after his release in 2006, a corruption scandal erupted in Shanghai, resulting in the dismissal of Shanghai Party Secretary and many other officials. Mr. Zhou Zhengyi was arrested again on new allegations of bribery and forging tax invoices on January 21, 2007. On July 5, 2007, Mr. Zheng, together with other 100 evicted householders, signed a petition demanding a public trial for Mr. Zhou Zhengyi and for the evictees to be allowed to attend and testify at the trial. As of late 2007, they had received no reply. These householders are former residents of Dongbakuai, and assert that Mr. Zhou Zhengyi would have made use of his relations with corrupted officials of the Government of the Jing'an district, in Shanghai, in order to illegally obtain the right to build in Dongbakuai, therefore leading to their forced eviction.

The police officers then pushed Mr. Zheng and his wife into a taxi that took them to the home of Mrs. Jiang Meili's sister. Five police cars were blocking the exits of the street, preventing the couple from leaving.

Since his release, on June 5, 2006, Mr. Zheng has been under effective house arrest and constant surveillance by the police. He had been sentenced in October 2003 to three years in prison and deprivation of his political rights for one year by the Shanghai Second Intermediate People's Court, on charges of "illegally providing State secrets overseas", in particular for sending two documents to Human Rights in China (HRIC).

Incommunicado detention of Mr. Gao Zhisheng³⁷

On September 22, 2007, Mr. **Gao Zhisheng**, a human rights lawyer and the Director of the Beijing-based Shengzhi Law Office, which has taken on high-profile human rights cases, was driven away from his home by ten plainclothes State security protection officers.

On September 13, 2007, Mr. Gao had written an open letter calling upon US Congressmen to express their concern about China's human rights' situation in the lead-up to the 2008 Olympic Games. On September 16, 2007, a group of police from the Security Unit of the Beijing Public Security Bureau (PSB) searched his flat and declared that a "supervision and modification" committee was to be formed in order to closely monitor his activities by requiring that some officials live in his flat for an undefined period.

Early November 2007, Mr. Gao was brought back to his flat, in Beijing. He would have been beaten and subjected to ill-treatments while in detention.

As a criminal defence lawyer, Mr. Gao has been involved in sensitive cases relative to human rights violations, such as torture of members of the Falun Gong and Christian house church leaders, as well as cases of arbitrary detention of petitioners seeking official accountability for acts of corruption and negligence.

Arrested without a warrant on August 15, 2006, Mr. Gao had been sentenced on December 22, 2006 for "inciting the subversion of State power" to three year's imprisonment, commuted into five years parole and to the privation of his political rights during one year. Following this sentencing, Mr. Gao had been released and placed under house arrest.

Assault against Mr. Li Heping³⁸

On September 29, 2007, at about 17.30 pm, Mr. **Li Heping**, a Beijing-based human rights lawyer, was abducted in the parking lot of his law firm, after he briefly spoke to the policemen who were following him. A dozen plainclothes men put a hood on his head, dragged him into a car and took him to a basement. There, the men tore off his clothes and beat him during several hours with electric rods, grabbed his hair, while verbally abusing him and ordering him to leave Beijing.

Around midnight, they put the hood back on Mr. Li's head, drove him away and dumped him in the woods on Xiao Tang mountain, in Beijing's suburbs. Mr. Li Heping eventually made his way back home. Yet, Mr. Li had to be taken to hospital. When he returned home, he discovered that some of his personal belongings were missing, and that all the files on his laptop computer had been erased.

Several days before the attack, police officers from the National Security Protection Unit of the Beijing PSB had verbally ordered Mr. Li and his family to leave Beijing. Mr. Li had refused and had noticed that the police had followed and watched him since then.

37./ See Annual Report 2006 and Urgent Appeal CHN 009/1106/OBS 136.2.

38./ See Urgent Appeal CHN 005/1007/OBS 121.

Harassment acts against defenders of labour rights

Ongoing detention of Mr. Yao Fuxin³⁹

As of the end of 2007, Mr. **Yao Fuxin**, a labour activist from the province of Liaoning, remained detained in Lingyuan prison, Liaoning province, considered as one of the harshest prisons in China and where most detainees are political prisoners.

Mr. Yao had been arrested for having led a workers' demonstration against corruption and the non-payment of overdue salary in northeast China in March 2002.

On May 9, 2003, he had been sentenced to seven years in prison for "subverting State power" and three years of deprivation of his civil and political rights.

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

Arbitrary detention of Mr. Li Guohong⁴⁰

On October 31, 2007, Mr. **Li Guohong**, a laid-off workers' representative at Zhongyuan Oil Field, went to Puyang city, Henan province, where Zhongyuan Oil Field is headquartered, to learn about a lawsuit dismissed workers are going to file in Beijing against the oil field. Mr. Li went to Zhongyuan Oil Field PSB to learn more about the earlier detention of Zhongyuan Oil Field workers. There, he was himself promptly administratively detained for fifteen days.

On November 16, 2007, although Mr. Li was due to be released, the authorities sent him instead to a Re-education Through Labour (RTL) camp for one and a half years.

Since 2001, Zhongyuan Oil Field, which is owned by China Petroleum and Chemical Corporation (Sinopec), has dismissed 10,000 workers without proper compensation. Since last year, representatives of the dismissed workers have petitioned higher authorities and, as a result, have suffered beatings and detention.

Harassment acts against defenders of the right to environment

Ongoing acts of harassment against Mr. Sun Xiaodi⁴¹

In 2007, Mr. **Sun Xiaodi**, who has been denouncing for the past ten years radioactive contamination emanating from an uranium mine in the autonomous Tibetan prefecture of Gannan (Gansu), and his family continued to be subjected to permanent acts of harassment.

Release of Mr. Tan Kai⁴²

At the end of April 2007, Mr. **Tan Kai**, one of the founding members of the environmental NGO Green Watch (*lüse guancha*), based in Hangzhou city, Zhejiang province, was released after serving out his full term of one and a half years.

Mr. Tan had been arrested in October 2005, following the opening of a bank account under his name in order to seek funds that would legally permit the registration of his organisation⁴³.

On August 11, 2006, the Hangzhou Municipal Intermediate People's Court had sentenced him to 18 months' imprisonment for "illegally obtaining State secrets". It is presumed that the charges were linked to his job as a computer repair technician. In 2005, he had indeed repaired the computer of an

39./ See Annual Report 2006.

40./ See Urgent Appeal CHN 010/1107/OBS 145.

41./ See Annual Report 2006.

42./ See Annual Report 2006 and Urgent Appeal CHN 003/1005/OBS 103.2.

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

employee of the committee of the party of Zhejiang province and, as per normal procedure, he saved his client's files. However, it is believed that this accusation was just a pretext to prosecute Mr. Tan.

Sentencing and arbitrary detention of Mr. Wu Lihong⁴⁴

On April 13, 2007, Mr. **Wu Lihong**, an environmentalist and a farmer from Zhoutie township, Yixing city, Jiangsu province, was arrested by the Yixing city police and then placed in a detention centre in Yixing. During a visit of his lawyer, the latter noticed that he was injured. Mr. Wu then confirmed that he had been subjected to acts of violence.

On August 10, 2007, the Yixing City Court sentenced Mr. Wu to three years' imprisonment and a fine of 500 yuans (about 48 euros) for "money extortion", following a seven-hour long trial. Only four of his relatives could attend the hearing. Mr. Wu appealed this sentence.

On November 5, 2007, the Court of Appeal confirmed Mr. Wu's sentencing.

Since 1991, Mr. Wu has regularly reported cases of industrial waste dumping into Tai Lake to Government authorities.

Repression against defenders of the right to health and fighting against HIV/AIDS

Ongoing arbitrary detention of Mrs. Mao Hengfeng⁴⁵

On January 12, 2007, Mrs. **Mao Hengfeng**, a well-known petitioner against family planning policies and forced evictions in Shanghai, was sentenced by the Yangpu People's District Court to two and a half years' imprisonment for "intentional damage to property", after she broke one lamp in the room where she had been placed under "soft detention", without a warrant, from May 23 to June 30, 2006⁴⁶.

On April 16, 2007, the Shanghai Municipal N° 2 Intermediate People's Court upheld, on appeal, the sentencing of Mrs. Mao. The hearing only lasted ten minutes and her lawyer was prevented from entering the courtroom.

On May 15, 2007, Mrs. Mao Hengfeng was transferred from the police detention centre to prison, in particularly degrading circumstances, as she was only given one very thin and loose shirt to wear, which could hardly cover her body. When she protested, police beat her up and, upon arrival at the prison, she was immediately put in solitary confinement. Mrs. Mao subsequently started a hunger strike to protest against her situation. On three occasions, prison guards forced her to eat, tying her hands and opening her mouth by force, and inserting a tube into her throat. Prison guards also assigned several inmates to watch and insult her. Moreover, Mrs. Mao suffers from high blood pressure and arthritis with painful joints, and her detention conditions are extremely harsh: with no chairs or bed provided to her, she has to sit or lie on the cold and wet floor.

On June 28, 2007, her husband visited her, and requested that the prison authorities allow her lawyer to visit her and help her prepare for an appeal against her sentence, as well as to improve her conditions of detention.

On September 13, 2007, at the instigation of prison authorities, a fellow inmate was forced to beat Mrs. Mao Hengfeng in retaliation for revealing that she had been held in solitary confinement for 70 days in July and August 2007, in violation of Article 15 of the Chinese Prison Law (which stipulates a maximum of 15 days). Mrs. Mao was covered with bruises from the beating. She also reported having been force-fed.

44./ See Urgent Appeal CHN 002/0807/OBS 094.

45./ See Annual Report 2006 and Urgent Appeals CHN 004/0406/OBS 044.2, 044.3, 044.4 and 044.5.

46./ From February 13 to March 29, 2006, Mrs. Mao was put under house arrest in a flat in the Yangpu district of Shanghai on suspicion of "causing disturbance on a public thoroughfare". While under house arrest, Mrs. Mao was under constant surveillance and was beaten several times, in addition of being deprived access to her lawyer. Her arrest followed her participation, in early February, in a nationwide hunger-strike in support of several human rights defenders who had started a hunger strike against the violence and the repression of Chinese authorities. On May 23, 2006, Mrs. Mao Hengfeng was arrested once again by the police of Yangpu district without an arrest warrant, and placed under "soft" house arrest in Kelaideng Hostel.

On September 24, 2007, prison authorities sent Mrs. Mao to the Nanhui prison hospital. She had earlier refused to undergo a medical check-up, fearing of being forcibly injected with drugs. At the hospital, Mrs. Mao was tied to a bed so that she could only move her fingers. She was held in this way until October 15, 2007, monitored by closed-circuit television, and force-fed by other inmates.

Furthermore, her husband, Mr. Wu Xuwei, was prevented from visiting her at the Shanghai Women's Prison until October 26, 2007. On that date, Mrs. Mao and her husband were supervised by prison guards, who stopped her from speaking several times when she attempted to go into details about being force-fed.

Ongoing acts of harassment against Ms. Li Xige⁴⁷

As of the end of 2007, Ms. **Li Xige**, an HIV/AIDS activist from Ningling county, Henan province, and Director of the NGO Healthy Happy Home (*Kanglejia*), remained under house arrest due to her activities in favour of women who became HIV positive as a result of blood transfusions in State-run hospitals, in most cases when giving birth.

On July 18, 2006, Ms. Li Xige had been stopped by dozens of policemen and local Government officials from Ningling county and then transported in a bus owned by the Ministry of Health, upon her arrival, along with seven HIV positive women, in Beijing. These women had come to Beijing in order to call upon the Ministry of Health to look into their demands to the local Government for fair compensation for their HIV infection.

On August 11, 2006, Ms. Li Xige had been released on bail, but placed under surveillance the day after. Yet, at the end of 2006, the judicial proceedings against her had been lifted.

Ongoing acts of harassment against Mr. Hu Jia⁴⁸

On May 18, 2007, Mr. **Hu Jia**, cofounder and former Director of the Beijing Aizhixing Institute for Health Education, an organisation that aims at educating the public about the HIV/AIDS virus and at advocating for the rights of persons suffering from AIDS, was again put under residential surveillance by the PSB, without any legal basis.

Furthermore, on November 9, 2007, at 9 pm, Mr. Hu Jia was stopped at the stairway of his building by plainclothes officers from the National Security Unit of the Beijing PSB while on his way to visit his pregnant wife at Zhaoyang hospital. Mr. Hu tried to ignore the officers, who have been assigned to watch him in the framework of his house arrest, and kept walking. One officer then grabbed the collar of his shirt and hit him on the mouth. The officer further tried twisting Mr. Hu's arms behind his back to keep him under control.

Mr. Hu was finally allowed to go to the hospital but the National Security Unit continued to follow him while he drove to the hospital. They also kept a close watch on Mr. Hu and his wife by staying outside their room at the hospital.

Finally, on December 27, 2007, Mr. Hu Jia was arrested on suspicion of "inciting subversion of State power", after publicly denouncing after publicly condemning the Government's failure to keep its promise to promote and respect human rights, made on the occasion of its candidacy as the host of the Olympic Games.

As of the end of 2007, Mr. Hu Jia remained detained.

From February 16 to March 28, 2006, Mr. Hu Jia had already been detained for having participated in a hunger strike organised by human rights defenders and lawyers to protest against the unlawful detention of human rights activists. During his detention, authorities repeatedly stated that they did not know Mr. Hu's whereabouts and denied him the right to have access to the medication he requires to treat Hepatitis B.

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

47./ See Annual Report 2006.

48./ See Annual Report 2006 and Urgent Appeal CHN 009/1107/OBS 141.

On September 26, 2006, he was taken once again to the local PSB. Among other issues, the police interrogated him on his relationship with Mr. Gao Zhisheng and Mr. Chen Guangcheng⁴⁹, as Mr. Hu Jia had started an Internet campaign in favour of the two lawyers.

Obstacles to the freedom of expression in the framework of the 2007 Olympic Games⁵⁰

On July 5, 2007, during the session of the International Olympic Committee (IOC) in Guatemala City, Mr. Hein Verbruggen, the President of the Beijing-2008 Coordination Commission, would have declared that the way in which the Games are being used “as a platform for groups with political and social agendas [...] is often regrettable”. In addition, he would have called the Beijing Organizing Committee for the Olympic Games (BOCOG) to “take steps to negate” such human rights agendas.

The Observatory expressed its concern with the negative impact that such declarations could have on the situation of human rights defenders in China, which is already extremely precarious. The Observatory further pointed out that these declarations were violating the Olympic Charter, according to which the goal of Olympism to “place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity”.

As a reaction, *inter alia*, to the letter of the Observatory, Mr. Verbruggen publicly clarified his arguments in a letter addressed to the *Agence France Presse*, in which he pointed out that he had only advised NGOs not to “subordinate the Olympic Games to political ends”.

On August 6, 2007, Mr. Jacques Rogge, the President of the IOC, considered, in an interview given to the *Reuters* press agency, that it was fully “legitimate” for non governmental organisations or human rights associations to express themselves in parallel with the organisation of the Games.

Arbitrary detention of six members of the organisation “Students for a Free Tibet”⁵¹

On August 7, 2007, Ms. **Melanie Raoul**, Mr. **Sam Price**, Ms. **Leslie Kaup**, Mr. **Nupur Modi**, Ms. **Duane Martinez** and Mr. **Pete Speller**, citizens from Canada, the United States and the United Kingdom and members of Students for a Free Tibet, were arrested after having displayed a protest banner reading “One World, One Dream, Free Tibet 2008” in English and Chinese, on the Great Wall of China.

Their action took place on the eve of the one year countdown to the 2008 Beijing Olympics and aimed at drawing attention to continuing human rights violations in Tibet and to call peacefully for the rights of the Tibetans to self-determination. Following their arrest, the Chinese authorities refused to communicate their whereabouts.

On 8 August 2007, after more than 36 hours in detention, Chinese authorities released the six activists. During their detention, authorities confined each of them to a chair and prohibited them from lying down. In addition, official interrogators reportedly threatened them with lengthy terms of imprisonment. Interrogation sessions were conducted constantly throughout the period of detention and authorities denied proper sleep to the detainees, only allowing 15 minutes rest at a time before interrogations would recommence.

Enforced disappearance and sentencing of the monk Adruk Lopoe⁵²

In the night of August 21, 2007, a large number of Lithang County PSB officials and members of the People’s Armed Police (PAP) stormed into the Yonru Kharshul village (Ponkar township, Lithang county, Kardze “Tibetan Autonomous Prefecture” (TAP), Sichuan province), and arrested Mr. **Adruk Lopoe**, a monk and human rights activist, along with Messrs. Adruk Gyatso and Adruk Nyima, two of his brothers, after they had called for the release of their uncle, Mr. Ronggye A’drak⁵³.

49./ See above.

50./ See Open Letter to the President of the IOC Coordination Commission, July 12, 2007.

51./ See Press Releases, August 7 and 17, 2007.

52./ See Urgent Appeals CHN 004/0807/OBS 102 and 102.1.

53./ Mr. Ronggye A’drak was arrested on August 1, 2007, and detained at the Lithang PSB detention centre after speaking about the importance of the Dalai Lama’s return to Tibet to a large Tibetan crowd gathered for a horse-race festival.

Whereas Messrs. Adruk Gyatso and Adruk Nyima were released six hours after their arrest, Mr. Adruk Lopoe was transferred to an unknown location shortly after his arrest. It is therefore to be feared that Mr. Adruk Lopoe would be detained as a mean to sanction his human rights activities. Indeed, Mr. Adruk Lopoe is a very strong proponent of the need of education for the youth and a leading advocate against deforestation, lumbering and wildlife hunting in Kardze.

On November 20, 2007, the Kardze Intermediate People's Court, in the TAP, Sichuan province, sentenced Mr. Adruk Lopoe to ten years' imprisonment for "colluding with foreign separatist force to split the country and distributing political pamphlets".

As of the end of 2007, Mr. Adruk Lopoe remained detained in the Maowan prison (Sichuan province).

Arbitrary detention of Mr. Lü Gengsong⁵⁴

On August 24, 2007, police officers from the Hangzhou's Xihu district Cuiyuan dispatch station called Mr. **Lü Gengsong**, a free-lance writer and human rights defender of Hangzhou, "for a talk" but he was not at home. Later in the day, several State security police officers carried out a search of Mr. Lü's home and took away his computer hard drive, along with his daughter's one. Mr. Lü's wife was also taken to the detention centre for related paperwork.

On September 29, 2007, Mr. Lü Gengsong was officially arrested for "incitement to subvert State power" and "illegally possessing state secrets".

On February 5, 2008, Mr. Lü was sentenced by the Intermediary People's Court of Hangzhou to four years in prison and to one year of deprivation of his political rights.

Furthermore, police would have prevented his wife from going to Beijing to petition on his husband's behalf, and threatened that if she proceeded, she would be dismissed from her job, and her daughter's schooling would also be affected.

In the past, Mr. Lü wrote a number of articles on corruption, organised crime and related topics. He also denounced the sentencing of Mr. Yang Yunbiao, who had protested against evictions in Hangzhou.

Enforced disappearance of Mr. Yao Lifa⁵⁵

On October 10, 2007, Mr. **Yao Lifa**, an activist promoting local democratic elections in Hubei province, was reported missing, after his son, who lives in the United States of America, was not able to reach his father on his cell phone. He was then informed by some of his father's friends that Mr. Yao had been taken into custody by police on October 1 and has since been out of contact.

On October 29, 2007, Mr. Yao was released, after being detained at the Peasants Liaison Office of Qianjiang city, being officially suspected of "diffamation".

Mr. Yao is known for his strong involvement in favour of democratic governance at rural-township level. A former representative to the local People's Congress, he was blocked from seeking re-election because of his activities promoting free and fair elections in the country. He has been constantly harassed and kept under surveillance by the police.

Arbitrary detention of Mrs. Liu Jie⁵⁶

On October 11, 2007, Mrs. **Liu Jie**, an activist for the rights to complain and to seek justice in Beian city, Heilongjiang province, was arrested by Beijing police around noon and was taken to the You-an Men police station, where her cell phone was confiscated.

Mrs. Liu was the lead organiser of a public letter signed by 12,150 petitioners calling on Chinese Communist Party leaders at the 17th Party Congress to implement political and legal reforms. Since 2003, Mrs. Liu has organised petitioners every year to submit open letters addressing Chinese leaders

54./ See Urgent Appeal CHN 003/0807/OBS 099.

55./ See Urgent Appeal CHN 006/1007/OBS 127.

56./ See Urgent Appeals CHN 007/1007/OBS 129 (issued under OBS 128), 129.1 and 129.2.

at important meetings, such as the annual National People's Congress, advocating legal and political reforms. Other organisers of the open letter campaign are now in hiding.

On October 13, 2007, Mrs. Liu was officially arrested for suspicion of "gathering crowds to disturb social order", on the basis of Article 61 of the Criminal Procedure Law.

On November 12, 2007, Mrs. Liu's husband was informed by the Beian Nongken detention centre, where Mrs. Liu is detained, that his wife was sentenced to 18 months of Re-Education Through Labour (RTL) by the PSB of the Beian city Military Farm Bureau, in Heilongjiang province.

Arbitrary detention of Mrs. Zheng Mingfang⁵⁷

On October 19, 2007, Mrs. **Zheng Mingfang**, a human rights defender in Ji county, Tianjin, was sleeping when policemen from the Ji county PSB came and asked her husband to step out to "have a talk". When he returned, Mrs. Zheng had disappeared.

On October 20, 2007, with the help from friends, her husband was able to locate her: she had been taken into custody by the local police. Mrs. Zheng was then detained at the PSB detention centre, but her family did not receive any formal detention order.

On November 3, 2007, Mrs. Zheng was released.

Shortly before her detention, Mrs. Zheng had reported about the psychiatric detention of a petitioner from Tianjin.

Mrs. Zheng Mingfang spent two years in detention after asked the authorities the permission, in 2004, to organise the "Tiananmen 9.18 Ten-Thousand-People March". While in prison, Mrs. Zheng was mistreated and tortured. She was released in September 2006.

Arbitrary detention and judicial proceedings against Mr. Gong Haoming⁵⁸

On November 8, 2007, Mr. **Gong Haoming**, a Shanghai human rights activist, was arrested by members of the Shanghai PSB, Huangpu sub-division, and then detained incommunicado on suspicion of "intentionally leaking state secrets", in the PSB Huangpu sub-division detention centre.

On November 27, 2007, his lawyer was denied access to his client, as the case would involve "State secrets".

On December 8, 2007, Mr. Gong was released awaiting trial. As a consequence, he cannot leave Shanghai without an authorisation.

Since 1996, when Mr. Gong's home and shop were demolished, the latter relentlessly helped his neighbours whose properties were forcibly demolished, filing a lawsuit against the Shanghai city Government for violating housing and property rights.

In December 2003, Mr. Gong was sent to a RTL camp for two and a half years for "disturbing social order".

In May 2007, Mr. Gong also helped organise the "We Want Human Rights, Not the Olympics" letter-signing activities to demand improvement of the human rights situation in China.

57./ See Urgent Appeal CHN 008/1007/OBS 132.

58./ See Urgent Appeal CHN 011/1207/OBS 159.

Ongoing arbitrary detention of Ms. Irom Chanu Sharmila⁵⁹

As of the end of 2007, Ms. **Irom Chanu Sharmila** remained detained due to the hunger strike she is regularly carrying out since 2000 in order to protest against the Armed Forces Special Powers Act (AFSPA), which is at the origin of many acts of police violence in the State of Manipur.

Ms. Sharmila began her strike after the “Malon massacre” of November 2, 2000, in which members of the Assam Rifles shot down ten suspected insurgents at a bus stop near Imphal. This tragic event illustrates the abuses generated by the AFSPA, which entered into force in 1958. This Act gives the Indian army full powers in areas affected by armed uprising, notably in Kashmir and in the north-eastern States, including Manipur, where separatists rebels are present. In particular, the AFSPA empowers soldiers to arrest, keep in detention and shoot at any person (Section 4.a) so as to “maintain public order” if the soldier has reasons to believe that he or she is an “insurgent”. This can be carried out with total impunity as the law requires the permission from the central Government to prosecute a member of the army. To date, no soldier has been sentenced on the basis of this law.

Ms. Sharmila was arrested for the first time in November 2000 for “attempting suicide” (Section 309 of the Criminal Code) and has refused to eat or drink since then. As a consequence, she is force-fed.

The maximum sentence under Section 309 of the Criminal Code is one year in detention. Therefore, Ms. Sharmila is released every year and then placed in detention the next day for the same reasons.

Ongoing acts of harassment against Ms. Medha Patkar⁶⁰

In 2007, Ms. **Medha Patkar**, the founder and Director of the Save the Narmada Movement (*Narmada Bachao Andolan - NBA*), a coalition of local organisations fighting for the rights of people who were displaced because of the dam-building projects on the Narmada river and which are also affecting the eco-system), continued to be subjected to acts of harassment because of her human rights activities.

For instance, on March 22, 2007, 62 demonstrators who were peacefully protesting in New Delhi were briefly arrested, including Ms. Patkar.

In 2006, Ms. Patkar had already been arrested several times during demonstrations or actions in favour of villagers who were threatened with eviction because of the construction of a car factory on their land.

Judicial harassment against Mr. Gopen Chandra Sharma⁶¹

On February 8, 2007, Mr. **Gopen Chandra Sharma**, District Human Rights Officer of People’s Watch’s “National Project on Prevention of Torture in India” (NPPT), in the Murshidabad district of West Bengal, and a member of the human rights organisation “Manabadhikar Suraksha Mancha” (MASUM), was arrested by police officers while visiting the Kaharpara Border Out Post of the Border Security Force (BSF) camp in order to collect information on three cases of human rights violations that would have been committed by the BSF, following complaints lodged to the National Human Rights Commission (NHRC).

At the Out Post n°1, Mr. Sharma was suddenly assaulted by an unknown individual, who argued that one of his co-villager would owe him some money. As Mr. Sharma asked for protection to the

59./ See Annual Report 2006.

60./ *Idem*.

61./ See Urgent Appeals IND 001/0207/OBS 017, 017.1 and 017.2.

local BSF, he was instead taken into custody and immediately handed over to Ranninagar police station, where no memo of the arrest was shown to him. When he arrived at the police station, Mr. Gopen Sharma lodged a complaint against his assailant, who was then also arrested. Yet, the police did not register his complaint.

During his arrest, Mr. Gopen Sharma was reportedly threatened and insulted by a police officer, who accused him of filing complaints with human rights groups against the police and the BSF. In addition, the police seized all documents and papers regarding the complaints to the NHRC and Mr. Gopen Sharma's mobile phone.

On February 9, 2007, Mr. Gopen Sharma appeared before the Additional Chief Judicial Magistrate of Lalbagh, Murshidabad, who decided to send him to judicial remand until February 22, 2007. In addition, the bail petition that Mr. Sharma's lawyer had lodged on his behalf was rejected.

These events followed a fact-finding mission carried out on February 1, 2007 by Mr. **Henri Tiphagne**, Executive Director of People's Watch, Mr. **Kirity Roy**, MASUM President, Mr. **Biplap Mukherjee**, State Programme Coordinator of the NPPT for West Bengal, and Mr. Gopen Sharma to make inquiries into human rights violations perpetrated by police officers against local villagers. When the fact-finding team reached the area, the BSF staff at the BSF Khayer Tala Border Out Post threatened and harassed the four men.

On March 15, 2007, the Judicial Magistrate of Calcutta decided to release on bail Mr. Gopen Sharma, who was effectively released on March 20, 2007. However, he remains prosecuted under Sections 420 ("cheating and dishonestly inducing delivery of property"), 468 ("forgery for purpose of cheating") and 471 ("using as genuine a forged document"), of the Indian Criminal Code, and faces up to ten years' imprisonment. The next hearing in his trial was scheduled for June 11, 2008.

Furthermore, on August 1, 2007, Mr. Gopen Sharma was charge-sheeted by the Jalangi police station (Murshidabad district). The complainant in the case, Mr. Shanti Ranjan Mondal, alleged that Mr. Gopen Sharma accepted 6,000 rupees (about 90 euros) for, accordingly, promising that he would arrange for a telephone connection for him. The later accused Mr. Sharma of having failed to keep his promise. This was denied by Mr. Sharma. A case was then registered at the Jalangi police station against Mr. Sharma for "cheating".

However, this case would have been filed at the initiative of two Sub-Inspectors of the Jalangi police station, namely Messrs. Swapan Saha and Tuhin Biswas, who have been challenged several times by Mr. Sharma for their abuse of power. Furthermore, one of the witnesses present in court was being accused within the framework of a case that Mr. Sharma had been investigating. MASUM had notably complained about the fact that the officers of the Jalangi police station did not investigate the case properly. In particular, Mr. Biswas would have played a vital role in helping that the witness be arrested under lighter penal sanctions than it should have been.

On August 4, 2007, Mr. Gopen Sharma filed an application under Section 438 of the Criminal Procedure Code for anticipatory bail. On August 9, 2007, the date the hearing concerning the anticipatory bail application had been set, the police did not submit any report before the Court of District and Sessions Judge of Murshidabad. The Court then directed the police to submit a report over the matter. The next hearing was set to September 24, 2008.

Arbitrary detention and judicial proceedings against Mr. Vasanth SR⁶²

On March 8, 2007, Mr. **Vasanth SR**, a member of People's Watch in the Coorg district of Karnataka, was arrested while visiting the Medikeri Town police station (Kodagu district of Karnataka) in order to inquire into a torture case on behalf of the NPPT, coordinated in the State of Karnataka by People's Watch and the South India Cell for Human Rights Education and Monitoring (SICHREM).

On the following day, Mr. Vasanth was released on bail, without any charge. He was reportedly beaten by the police while in custody.

On March 9, 2007, NPPT and SICHREM lodged a complaint with the NHRC. Yet, it was not until July 18, 2007 that the NHRC decided to take the case, merely referring the latter back to the police Superintendent of Kodagu.

62./ See Urgent Appeal IND 001/0307/OBS 017.1 and Closed Letter to the authorities, November 5, 2007.

On August 22, 2007, Mr. Vasanth was charged with “obstructing public servant in discharge of public functions” (Section 186 of the Criminal Code), “resistance or obstruction to lawful apprehension of another person” (Section 225), and “assault or criminal force to deter public servant from discharge of his duty” (Section 353).

As of the end of 2007, the judicial proceedings against Mr. Vasanth remained pending. If found guilty, he may face up to two years’ imprisonment.

Arbitrary arrest and judicial proceedings against Mr. Subash Mohapatra⁶³

On July 17, 2007, at around 3:50 pm, Mr. **Subash Mohapatra**, Director of the Forum for Fact-finding Documentation and Advocacy (FFDA), a human rights monitoring organisation in Raipur, Chhattisgarh, was arrested by policemen in the office of the Chhattisgarh State Human Rights Commission. At the time of his arrest, Mr. Mohapatra was submitting comments on an investigation report, upon request of the Commission, regarding a case of a Dalit student whose grant had been seized by the Durg Rajnandgoan Grameen Bank because of the debts of her father⁶⁴.

After Mr. Mohapatra refused to bribe a clerk of the Commission, seven persons prevented him from leaving the office, and abused him physically and verbally.

Mr. Mohapatra was first detained in an office of the Commission for half an hour, before being brought into the Gol Bazar police station without any arrest warrant being showed to him. After being detained for three hours, he was transferred to the Kotwali police station, where he was interrogated for his alleged connections to the armed Naxalite movement. Mr. Mohapatra was then brought back to the Gol Bazar police station, before being released on bail at 10.30 pm.

Mr. Subash Mohapatra was then charged with “obstructing public servant in discharge of public functions” (Section 186 of the Indian Criminal Code), “assault or criminal force to deter public servant from discharge of his duty” (Section 353), “obscene acts and songs” (Section 294) and “punishment for criminal intimidation” (Section 506).

While Mr. Mohapatra was expected to appear before the Judicial Magistrate Court of Raipur on August 6, 2007, the Chhattisgarh police was not able to submit any preliminary report to the court before August 13, 2007. As a consequence, Mr. Mohapatra appeared before the Court on August 16, 2007.

On that day, Mr. Mohapatra got a regular bail of 8,000 rupees (about 120 euros). Meanwhile, the State Human Rights Commission sent a letter to Mr. Mohapatra, informing him that “the police did not violate any law”, and “did not torture [him]”.

Furthermore, although Mr. Mohapatra lodged a complaint to the Gol Bazar police station, his complaint was not registered and no investigation was open into acts of ill-treatments against him.

As of late 2007, the judicial proceedings against Mr. Mohapatra remained pending.

Judicial proceedings against seven NGOs members⁶⁵

On September 26, 2007, the Indian VII Additional Chief Metropolitan Magistrate in Bangalore issued arrest warrants against Ms. **Ineke Zeldenrust**, Ms. **Esther de Haan** and Ms. **Christa de Bruin**, members of the Clean Clothes Campaign (CCC), an organisation that struggles for the improvement of working conditions in garment industries, Mr. **Evert de Boer**, CCC Chair, as well as against Mr. **Gerard Oonk**, Mr. **Hans Maas** and Ms. **Pauline Overeemend**, members of the India Committee of the Netherlands (ICN), an NGO raising awareness on the negative impacts of globalisation policies on human rights in India.

63./ See Urgent Appeal IND 002/0707/OBS 084.

64./ As the Director of FFDA, Mr. Mohapatra has filed over 300 complaints to the Chhattisgarh State Human Rights Commission on issues of human rights violations that occurred in the State from 2001 to 2007. Thus, on May 15, 2007, Mr. Mohapatra wrote an open letter to the Chairperson of the Commission on extrajudicial killings about 12 tribals of Panjer and Santoshpur village of Bijapur (district of Chhattisgarh) who would have been killed by the State police on April 28, 2007. On several occasions, Mr. Mohapatra also questioned the role of the Commission, accusing the latter of being ineffective and corrupt.

65./ See Urgent Appeal IND 003/1107/OBS 137 and Closed Letter to the authorities, December 6, 2007.

These arrest warrants followed a complaint lodged by the company Fibres and Fabrics International (FFI) and its subsidiary company Jeans Knit Pvt Ltd (JKPL), two subcontractors of big brands such as G-Star, Armani, RaRe, Guess, Gap and Mexx, which are accused of physical and verbal abuse on employees, forced labour, unpaid overtime working hours, non-deliverance of contracts, confiscation of identity cards, etc.

The seven defenders were accused of “cybernetic crimes”, “racist and xenophobe acts” and “criminal defamation” under Articles 499 and 500 of the Indian Criminal Procedure Code and under Articles 2 to 6 of the Additional Protocol to the Convention on Cybernetic Crime. As a consequence, they could be sentenced to two years’ imprisonment if arrested on the Indian soil.

On December 1, 2007, the Magistrate Court in Bangalore requested the Indian Ministry of Home Affairs to execute these arrest warrants and called for the extradition of the seven Dutch nationals.

On January 28, 2008, all judicial proceedings against Ms. Ineke Zeldenrust, Ms. Esther de Haan, Ms. Christa de Bruin and Ms. Pauline Overeemond, as well as against Messrs. Evert de Boer, Gerard Oonk and Hans Maas were dropped.

Since 2005, several local trade unions, which had denounced the violations of labour rights in FFI/JKPL facilities, have been sued by FFI for “defamation”. Following a court order issued by the Court of the IV Additional City Civil Judge in Bangalore on July 28, 2006, and prolonged on February 19, 2007, they have been denied the right to disclose information on the working conditions of FFI and JKPL workers.

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Three years later, Mr. Munir Said Thalib's murder remains unpunished⁶⁶

As of the end of 2007, impunity remained blatant over the murder of Mr. **Munir Said Thalib**, co-founder of the Commission for Disappearances and Victims of Violence (KONTRAS), who died on board of a Garuda Airlines flight from Jakarta to Amsterdam on September 7, 2004.

In particular, the responsibility of former senior executives of the State airline Garuda and high-level officials of the State Intelligence Agency (*Badan Intelijen Nasional* - BIN) in the death of Mr. Munir had not yet been established.

However, on January 25, 2008, the Supreme Court decided to sentence again Mr. Polycarpus Budihari Priyanto, a Garuda Airlines pilot and the main suspect, to twenty years' imprisonment. In October 2006, the Court had decided to acquit Mr. Priyanto. The latter is suspected of having offered a first class seat to Mr. Munir and then putting arsenic in his orange juice.

In June 2005, an official investigation team (*Tim Pencari Fakta* - TPF) that had undertaken an inquiry from December 2004 to June 2005 had submitted its report to the President of the Republic, Mr. Susilo Bambang Yudhoyono. The report suggested the involvement of senior executives of the Garuda airline and BIN high-level officials in the death of Mr. Munir. However, this report was not used during the trial.

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

66./ See Annual Report 2006.

Repression against members of the One Million Signatures Campaign

In 2007, members of the “One Million Signatures” Campaign, officially launched in August 2006, continued to be subjected to a severe repression.

Access to the *www.we-change.org* website blocked⁶⁷

Since January 2007, the website *www.we-change.org* of the One Million Signatures Campaign has been blocked by the authorities and is thus not accessible in Iran. This website is the result of an on-line campaign that was launched by Iranian feminist groups on August 27, 2006, asking for the elimination of all forms of legal discrimination against women. However, it remains accessible from abroad.

Arbitrary arrest of Ms. Mansoureh Shojaei, Ms. Sedigheh Taghinia and Ms. Farnaz Seifi⁶⁸

On January 27, 2007, Ms. **Mansoureh Shojaei**, Ms. **Sedigheh Taghinia** (*alias* Tal’at Taghinia) and Ms. **Farnaz Seifi**, three journalists at the forefront of the One Million Signatures Campaign, were arrested at the Imam Khomeini Airport, in Tehran, and prevented from leaving the country. They were on their way to India to participate in a journalism workshop, organised by the *Shahzad News* website. Police officers then searched their houses, and seized some of their personal belongings, such as cell phones, computers, books and notes, before transferring the three women to the 209 section of Evin prison, in Tehran.

Ms. Shojaei, Ms. Taghinia and Ms. Seifi were subsequently released on bail on January 28, 2007, in the afternoon, without any official charges against them.

Arbitrary arrest and sentencing of Ms. Nasim Sarabandi and Ms. Fatemeh Dehdashti⁶⁹

In January 2007, Ms. **Nasim Sarabandi** and Ms. **Fatemeh Dehdashti**, two members of the One Million Signatures Campaign, were arrested while collecting signatures in the subway, in the framework of this campaign. They were subsequently held in detention at Gisha prison for 24 hours before being released on bail.

On April 18, 2007, they were summoned to the security section of the Revolutionary Courts and then taken to Eshrat Abad, the headquarters of the security police, where they were interrogated. They were then transferred to the Revolutionary Courts’ Special Prosecutor’s Office on Security, where they were informed about the charges held against them.

On August 12, 2007, the Tehran Revolutionary Court sentenced Ms. Nasim Sarabandi and Ms. Fatemeh Dehdashti to six months’ suspended imprisonment for “actions against national security through the spread of propaganda against the State”.

Arbitrary detention of 33 members of the Campaign⁷⁰

On March 4, 2007, 33 women rights activists in Tehran were arrested while peacefully demonstrating in front of the Tehran Revolutionary Court to mark International Women’s Day, on March 8, 2007.

67./ See Urgent Appeal IRN 001/0107/OBS 003.

68./ See Press Release, January 29, 2007.

69./ See Urgent Appeal IRN 008/0807/OBS 095.

70./ See Urgent Appeals IRN 002/0307/OBS 023, 023.1 and 023.2.

They were also protesting against the trials of six women human rights defenders who were prosecuted in connection with their participation in a peaceful gathering on June 12, 2006, and with their involvement in the One Million Signatures Campaign. Five of these six women, namely Ms. **Nahid Jafari**, Ms. **Sousan Tahmasebi**, Ms. **Parvin Ardalan**, Ms. **Noushin Ahmadi-Khorasani** and Ms. **Shahla Entesari**, were amongst those arrested. One of their lawyers, Ms. **Shadi Sadr**, was also arrested.

The 33 women who were arrested included Ms. **Assieh Amini**, Ms. **Gila Baniyaaghoub**, Ms. **Mahboubeh Abbasgholizadeh**, Ms. **Mahboubeh Hosseinzadeh**, Ms. **Sara Loghmani**, Ms. **Zara Amjadian**, Ms. **Maryam Hosseinkhah**, Ms. **Jelveh Javaheri**, Ms. **Niloufar Golkar**, Ms. **Parastou Dokouhi**, Ms. **Zeynab Peyghambarzadeh**, Ms. **Maryam Mirza**, Ms. **Saghar Laghai**, Ms. **Khadijeh Moghadam**, Ms. **Saghi Laghai**, Ms. **Nahid Keshavarz**, Ms. **Mahnaz Mohamadi**, Ms. **Nasrin Afzali**, Ms. **Talat Taghinia**, Ms. **Fakhri Shadfar**, Ms. **Maryam Shadfar**, Ms. **Elnaz Ansari**, Ms. **Fatemeh Govarai**, Ms. **Azadeh Frghani**, Ms. **Samiyeh Farid**, Ms. **Minou Mortazi** and Ms. **Sara Imanian**.

From March 6 to March 8, 2007, all these women were released on bail, apart from Ms. Gila Baniyaaghoub, Ms. Mahboubeh Abbasgholizadeh and Ms. Shadi Sadr, who were at the time carrying out an hunger strike.

Ms. Gila Baniyaaghoub was released on bail on March 9, 2007. Ms. Mahboubeh Abbasgholizadeh and Ms. Shadi Sadr were released on bail on March 19, 2007.

Arbitrary detention and judicial proceedings against Ms. Nahid Keshavarz and Ms. Mahboubeh Hosseinzadeh⁷¹

On April 2, 2007, Ms. Nahid Keshavarz and Ms. Mahboubeh Hosseinzadeh, two members of the media committee of the One Million Signatures Campaign, were arrested at the Laleh park, in Tehran, while collecting signatures in support of the Campaign. Three other members of the Campaign, Ms. Sara Imanian, Mr. **Homayoun Nami** and Ms. **Saiedeh Amin**, were arrested and detained all day at the police station, before being released in the evening.

On April 3, 2007, Ms. Nahid Keshavarz and Ms. Mahboubeh Hosseinzadeh were taken to the Revolutionary Court, where they were asked to sign a statement agreeing to end their activities within the Campaign. When they refused to do so, the two women were charged with “actions against national security” and transferred to the Evin prison.

On April 14, 2007, Ms. Keshavarz and Ms. Hosseinzadeh were released on bail.

Sentencing of six members of the Campaign who had organised the demonstration of June 12, 2006⁷²

In April 2006, six members of the Campaign who had organised the peaceful demonstration on June 12, 2006 were sentenced by the Tehran Revolutionary Court. Ms. Azadeh Forghani was sentenced on April 11 to two years’ suspended imprisonment for “acting against national security by participating in an illegal gathering”; Ms. Sousan Tahmasebi and Ms. **Fariba Davoudi-Mohajer⁷³** were sentenced on April 18, 2007 to, respectively, two years’ imprisonment, of which one and a half was suspended, and four years’ imprisonment, of which three were suspended, for “actions against the State” and “threatening national security”; Ms. Noushin Ahmadi-Khorasani, Shahla Entesari and Parvin Ardalan were sentenced on April 24 to three years’ imprisonment, of which two and a half were suspended, for “collusion and assembly endangering national security”.

They have all appealed their sentences.

71./ See Urgent Appeal IRN 002/0307/OBS 023.4.

72./ See Annual Report 2006 and Urgent Appeal IRN 002/0307/OBS 023.4.

73./ Ms. Davoudi-Mohajer was sentenced in absentia.

Release on bail of Ms. Zeynab Peyqambarzadeh⁷⁴

On May 16, 2007, Ms. Zeynab Peyqambarzadeh, who was detained at the Evin prison, was released on bail after paying 20 million toman (around 16,000 euros), a sum collected thanks to a movement of solidarity.

She had been arrested after appearing before the Revolutionary Court in Tehran on May 7, and then placed in detention, without being given the reasons for her arrest.

Sentencing of Ms. Bahareh Hedayat⁷⁵

On May 26, 2007, Ms. **Bahareh Hedayat**, President of the Women's Commission of the Office for Consolidation of Unity, the main student organisation in Iran, and also a member of the One Million Signatures Campaign, was sentenced to two years' suspended imprisonment for "acting against national security and participating to illegal gatherings". Ms. Hedayat appealed this decision. Ms. Hedayat had also taken part in the peaceful gathering of June 12, 2006, in Tehran.

On July 9, 2007, Ms. Hedayat was again arrested as she was taking part in a student protest.

On August 8, 2007, Ms. Hedayat was released on bail.

Sentencing of Ms. Delaram Ali⁷⁶

On July 2, 2007, Ms. **Delaram Ali**, a member of the Campaign, was sentenced to 10 lashes and two years and 10 months' imprisonment for "participation in an illegal gathering", "propaganda against the system", and "disturbing public order".

Ms. Delaram Ali had been arrested in June 2006 during the protest organised in Tehran to denounce discriminatory provisions against women that are enshrined in Iranian legislation.

On November 4, 2007, the Tehran Court of Appeal confirmed the sentencing of Ms. Ali. Although Ms. Ali brought her case to the Court of Cassation, the authorities informed her that the decision of the Court of Appeal would be implemented by the end of the week.

However, in late November 2007, the implementation of her sentence was suspended.

Sentencing of Ms. Alieh Eghdamdoust and Ms. Maryam Zia⁷⁷

On July 5, 2007, Ms. **Alieh Eghdamdoust**, a member of the Campaign, was sentenced to three years and four months' imprisonment and to twenty lashes for "endangering State security" (Article 610 of the Criminal Code), subsequent to her participation in the demonstration of June 12, 2006.

Likewise, Ms. **Maryam Zia** was sentenced to six months in prison and ten lashes, which was suspended for two years.

Ms. Eghdamdoust and Ms. Zia appealed their sentence and remain free while waiting to be heard on appeal.

Arbitrary detention of Mr. Amir Yaghoub-Ali⁷⁸

On July 11, 2007, Mr. **Amir Yaghoub-Ali**, a student, was arrested as he was collecting signatures for the Campaign. On July 15, 2007, he was transferred to the section 2009 of the Evin prison, in Tehran.

On August 8, 2007, he was released on a 20 million toman bail. As of late 2007, eleven charges were pending against him.

74./ See Annual Report 2006 and Press Release, May 21, 2007.

75./ See Urgent Appeal IRN 002/0307/OBS 023.5.

76./ See Annual Report 2006 and Urgent Appeals IRN 004/0707/OBS 073 and 073.1.

77./ See Observatory Document, *Arbitrary arrests and sentences against women's rights defenders in Iran: the Observatory urges the international community to react*, September 2007.

78./ *Idem*.

Arbitrary detention of Ms. Ronak Safazadeh⁷⁹

On October 9, 2007, nine agents of the security forces entered the home of Ms. **Ronak Safazadeh**, a women's rights activist and a member of the One Million Signatures Campaign, and seized some of her personal belongings, such as her computer, copies of the petition of the Campaign and the booklet of the Campaign explaining laws. Ms. Safazadeh was then arrested and transferred to the detention centre of the local Office of Information and Security Ministry in Sanandaj, Kurdistan, with limited contacts to her family and none access to her lawyers.

These events follow the participation of Ms. Safazadeh in a event held on October 8, 2007 in commemoration of the International Day of the Child, during which she engaged in discussions with participants about the Campaign and collected signatures in support of its petition.

As of late 2007, Ms. Safazadeh remained detained in the Sanandaj prison, where she had been transferred in December.

Incommunicado detention of Ms. Hana Abdi⁸⁰

On November 4, 2007, Ms. **Hana Abdi**, a member of the Campaign and of "Azar Mehr", a women's rights NGO, was arrested by seven security officers in her grandfather's home in Sanandaj, Kurdistan. Following her arrest, the officers searched her father's home and confiscated her computer and educational pamphlets related to the Campaign.

As of late 2007, Ms. Abdi remained detained in the prison of Sanandaj.

Arbitrary detention of Ms. Maryam Hosseinkhah⁸¹

On November 17, 2007, Ms. Maryam Hosseinkhah, also a member of the Women's Cultural Center and editor of the site of the Campaign, was summoned to the Security Branch of the Revolutionary Courts. This summoning intervened a few days after an order issued by the Ministry of Culture and Islamic Guidance and the Judiciary shut down the site of the Women's Cultural Centre.

After having been interrogated for over two hours, Ms. Hosseinkhah was charged with "disruption of public opinion", "propaganda against the State", and "publication of lies" through the publication of untrue articles on the sites of the Women's Cultural Centre and of the One Million Signatures Campaign. Ms. Hosseinkhah was then ordered to return to the Revolutionary Courts for further interrogation on the following day.

On November 18, 2007, when Ms. Hosseinkhah arrived in Court, an arrest order was issued against her and she was immediately arrested and transferred to Evin prison.

On January 2, 2008, Ms. Hosseinkhah was released after her bail amount was reduced from 95,000 euros to 4,000 euros.

Arbitrary detention and judicial proceedings against Ms. Jelveh Javaheri⁸²

On December 1, 2007, Ms. Jelveh Javaheri, a journalist and an active contributor of the website of the Campaign, was summoned for questioning to the Security Branch of the Revolutionary Court in Tehran. She spent several hours in interrogation, and was subsequently charged with "disruption of public opinion", "propaganda against the State", and "publication of lies" on the website of the One Million Signatures Campaign. She was then transferred to the Evin prison.

On January 2, 2008, Ms. Jelveh Javaheri was released after her bail amount was reduced from 50,000 euros to 4,000 euros.

79./ See Urgent Appeal IRN 009/1007/OBS 130 (issued under OBS 129).

80./ See Urgent Appeal IRN 013/1107/OBS 154.

81./ See Urgent Appeal IRN 011/1107/OBS 144 and Press Release, January 8, 2008.

82./ See Urgent Appeal IRN 014/1207/OBS 157 and Press Release, January 8, 2008.

Arbitrary detention of Mr. Sohrab Razzaghi⁸³

On March 15, 2007, the Volunteer Actors Institute (*Koneshgaran Davtaleb*), also known as the Iran CSO Training and Research Centre (ICTRC), an Iranian NGO supporting the development of the civil society in Iran, along with the Rahi Legal Centre and the Non-Governmental Organisations Training Centre, was shut down, sealed, and barred from further activities, following orders issued by the Ministry of Intelligence and the Tehran Revolutionary Court.

On the same day, Mr. **Sohrab Razzaghi**, President of the ICTRC, was interrogated for several hours, and security officials confiscated some of his personal belongings and froze the ICTRC as well as his personal bank accounts.

On October 24, 2007, Mr. Sohrab Razzaghi was arrested at his home, and brought to section 209 of the Evin prison in Tehran.

On November 22, 2007, Mr. Razzaghi was released after paying a 200,000 US dollars bail.

Mr. Razzaghi had just finished drafting a report on civil society in Iran, titled *Analysis of the status of the Iranian Civil Society: Opportunities, Challenges and Strategies*. He had also been invited by Frontline to attend their annual platform, which took place in Dublin from November 22 to 24, 2007. Mr. Razzaghi was thus prevented from participating in this meeting.

Ongoing acts of harassment against DHRC

Release of Mr. Nasser Zarafchan⁸⁴

On March 15, 2007, Mr. **Nasser Zarafchan**, a human rights lawyer and a founding member of the Defenders of Human Rights Centre (DHRC), was released after completing his sentence.

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

Acquittal and ongoing acts of harassments against Mr. Abdolfattah Soltani⁸⁵

On May 28, 2007, Mr. **Abdolfattah Soltani**, a lawyer at the Tehran Bar, and a founding member of the DHRC, was acquitted by the Tehran Revolutionary Court of all charges that were pending against him since July 2005.

Mr. Soltani had been arrested on July 30, 2005 while taking part in a sit-in at the Tehran Bar to protest against an arrest warrant issued against him by Mr. Saïd Mortazavi, Public Prosecutor of Tehran, on July 27, 2005, for "espionage".

On March 6, 2006, Mr. Soltani had been released after a bail of 100,000 euros had been paid, thanks to a national and international movement of solidarity.

On July 16, 2006, the Revolutionary Court of Tehran had sentenced him to a five-year prison term and to the loss of his civic rights, for failing to respect the confidentiality of the preliminary inquiry into the case of Ms. Zahra Kazemi, an Iranian-Canadian photographer who died in 2003 from acts of torture and ill-treatments to which she was subjected during her detention. In July 2005, Mr. Soltani, the Kazemi family's lawyer, had questioned the independence and fairness of the trial, stressing that the main officials allegedly involved in the case had not been prosecuted by the court, including Mr. Saïd Mortazavi.

Despite this acquittal, the Iranian authorities have not yet returned his identity documents to Mr. Soltani, thus preventing him from exercising his freedom of movement. As a consequence, Mr. Soltani

83./ See Urgent Appeals IRN 010/1107/OBS 138 and 138.1.

84./ See Annual Report 2006 and Urgent Appeal IRN 004/0012/OBS 125.10.

85./ See Annual Report 2006 and Urgent Appeals IRN 002/0705/OBS 055.6 and 055.7.

could not travel to France, where he was to take part in a conference on freedom of expression in Iran, that was held at Sorbonne University on October 27, 2007.

Harassment acts against journalists human rights defenders

Arbitrary detention of Mr. Mohamad Sadigh Kaboudvand⁸⁶

On July 1, 2007, Mr. **Mohamad Sadigh Kaboudvand**, Editor-in-chief of the Kurdish newspaper *Payam-e Mardom-e Kurdistan (The Message of the People of Kurdistan)*, as well as the founder and President of the Association for the Defence of Human Rights in Kurdistan (RMMK), was arrested and then detained in the Evin prison in Tehran, without any reason being given to him. His home was subsequently searched and some of his personal belongings were confiscated by agents of the Prosecutor's Office of the Revolutionary Court.

In 2006, Mr. Mohamad Sadigh Kaboudvand had already been sentenced to one year suspended imprisonment and to five years of deprivation of his journalistic activities for his involvement in human rights activities as well as for the publication of some articles defending cultural, social, and political rights of the Kurds in his newspaper.

As of late 2007, Mr. Kaboudvand remained arbitrarily detained. During a visit of his family in prison in July, he further declared that he was regularly subjected to pressure and acts of intimidation by the prison authorities.

Death sentence of Messrs. Adnan Hassanpour and Abdoulvahid Boutimar⁸⁷

On July 16, 2007, the Revolutionary Court in Marivan sentenced to death Mr. **Adnan Hassanpour** and Mr. **Abdoulvahid** (also known as Hiwa) **Boutimar**, two Kurdish journalists and active members of the Iranian civil society, for, *inter alia*, "espionage", "attacks upon national security", "diffusion of separatist propaganda", "treason" and "collaboration with Kurdish political opposition parties". The accused were denied access to legal counsel throughout the entire trial.

Mr. Hassanpour is a member of the Iranian Kurdistan Journalist Association as well as a reporter for the *Aso* newspaper, a publication banned by the Iranian authorities. He is also an active defender of Kurdish cultural rights.

Mr. Boutimar is an active member of the environmental NGO *Sabzchia*.

After their respective arrest in December 2006 and January 2007, Messrs. Hassanpour and Boutimar were held incommunicado in Mariwan prison until July 2007.

On July 18, 2007, Messrs. Hassanpour and Boutimar were transferred to the prison of Sanandaj. They then decided to carry out a hunger strike to protest against their arbitrary detention, their poor conditions of detention and their death sentence.

On August 9, 2007, for the first time since their arrest, they were granted a visit from their relatives, who found them in poor health. Both men also saw a deterioration of their mental state. In addition, they were reportedly subjected to ill-treatments during their detention and they were denied access to appropriate medical treatment.

On October 22, 2007, the Supreme Court upheld the death sentence of Mr. Hassanpour but struck out that of Mr. Boutimar because of procedural irregularities.

As of late 2007, Mr. Boutimar remained detained, waiting that his case be heard by another Court. Mr. Hassanpour also remained detained.

Sentencing of Mr. Emadeddin Baghi⁸⁸

On July 31, 2007, Mr. **Emadeddin Baghi**, a journalist involved in the defence of human rights, was condemned by the Tehran Revolutionary Court to three years in prison for "activities against national security" and "publicity in favour of the regime's opponents", subsequently to articles he had

86./ See Urgent Appeal IRN 003/0707/OBS 072.

87./ See Urgent Appeals IRN 007/0807/OBS 092 and 092.1.

88./ See Urgent Appeals IRN 006/0807/OBS 088 and 088.1.

written in the *Jomhouriat* newspaper, of which he had been the editor-in-chief until it was closed down by the authorities in September 2004. In particular, his articles called for the defence of persons who were sentenced to death in the southern Khozestan region.

On the same day, his wife, Mrs. **Fatemeh Kamali Ahmad Sarahi**, Editor of the now-closed monthly *Jameh-e-no* newspaper, as well as his daughter, Ms. **Maryam Baghi**, were given three-year suspended prison sentences and five years of probation for “meeting and colluding with the aim of disrupting national security”, after taking part in a series of human rights workshops in Dubai in 2004.

Mr. Baghi, his wife and his daughter appealed their sentence.

Over the past years, Mr. Baghi had already been subjected to repeated acts of harassment. In particular, he had already been detained from 2000 to 2003 in relation to articles he had written against the death penalty.

Furthermore, on October 14, 2007, Mr. Emadeddin Baghi was condemned by a security court in Tehran to one year in prison for having disclosed, through his association, the Society for Defending Prisoners’ Rights, secret information obtained from prisoners detained in security prisons. Previously, he had been heard three times by the judge in the framework of this case. A bail was first set for his release but the judge finally ordered that Mr. Baghi be conducted to Evin prison, as he had a one-year sentence to serve from a previous conviction in 2003⁸⁹.

On December 26, 2007, Mr. Baghi suffered a heart attack while in solitary confinement in Tehran’s Evin prison and was rushed to the hospital, where he suffered a second heart attack. Mr. Baghi was returned to the prison the day after.

Harassment acts against trade union leaders

Ongoing arbitrary detention of Mr. Mahmoud Salehi⁹⁰

On March 11, 2007, Mr. **Mahmoud Salehi**, Spokesperson for the Organisation Committee to Establish Trade Unions and former President of the Saez Bakery Workers’ Union, in Iran’s Kurdistan Province, faced his final appeal trial before Division 7 of the Kurdistan Province Court of Appeals, with Judge Sadeghi as the Chair, along with Messrs. **Jalal Hosseini**, a member of the Saez Bakery Workers’ Union, and **Mohsen Hakimi**, a member of the Iranian Writers’ Association.

The three men had been arrested in 2004, along with Mr. **Borhan Divangar**, a member of the Saez Bakery Workers’ Union, following their involvement in the organisation of the May 1, 2004 celebration in Saez. At that time, Mr. Sadeghi was the Prosecutor of the City of Saez and had signed their arrest warrants.

On November 13, 2006, the Revolutionary Court of Saez had sentenced Mr. Salehi and Mr. Hosseini to four and two years’ imprisonment respectively for “meeting and conspiring against national security”. On November 27, 2006, Mr. Hakimi had also been sentenced to two years in prison. On October 17, 2006, Mr. Divangar had been sentenced to two years in prison.

While no verdict was given on March 11, 2007, Mr. Salehi was brought on April 9, 2007 to the Prosecutor’s office, where he was informed that he had been sentenced to one year imprisonment and a further suspended sentence of three years for “meeting and conspiring against national security”. He was then transferred to the central prison of Sanandaj, 400 kilometres from Saez, where his family resides.

In detention, Mr. Salehi’s health has considerably deteriorated. He suffers from a kidney stone in his remaining kidney and needs dialysis treatment, a treatment that is not available to him in prison. In addition, he has developed heart and intestinal problems.

Although a specialised physician indicated on May 31, 2007 that Mr. Salehi could not be treated in prison, he is still denied the assistance that he needs. Thus, on June 17, 2007, after being examined, under heavy security, in the Tohid Hospital in Sanandaj, he was sent back to prison. His health has kept on deteriorating since then.

Moreover, Mr. Salehi can only contact his lawyer and relatives by telephone.

89./ In December 2003, Mr. Baghi had been sentenced to a one-year suspended prison sentence for “subversive activities against the Islamic Republic of Iran”, following the publication of articles against the death penalty.

90./ See Annual Report 2006 and Urgent Appeals IRN 003/ 0805/OBS 074.2 and 074.3.

Besides, on June 19, 2007, the authorities forbade Mr. Salehi's lawyer, Mr. Mohammad Sharif, to visit his client, arguing that Mr. Sharif would not need to intervene in the framework of Mr. Salehi's detention since the verdict was final.

On December 11, 2007, Mr. Mahmoud Salehi was admitted to Tohid Hospital in the city of Sanandaj, unconscious, after having collapsed repeatedly in prison between December 4 and 10, 2007. Despite his critical health condition, Mr. Salehi was subsequently brought back to jail.

As of late 2007, Messrs. Jalal Hosseini and Mohsen Hakimi remained also detained. As for Mr. Borhan Divangar, he was awaiting to be heard in appeal.

Arbitrary detention and judicial proceedings against Mr. Mansour Osanloo⁹¹

On July 10, 2007, Mr. **Mansour Osanloo**, President of the Syndicate of Workers of Tehran and Suburbs Bus Company (*Sandikaye Kargarane Sherkat-e Vahed*), was abducted by unidentified assailants as he was leaving a Vahed bus company near his home. His assailants beat him severely, and continued to beat him as they took him away in a metallic grey Peugeot with no plates, probably belonging to the Iranian security forces.

One week earlier, Mr. **Ebrahim Madadi**, Vice-President of the union, had been detained for a short period by the police before being released following trade union protests.

On July 12, 2007, Mr. Osanloo was transferred to section 209 of the Evin prison, where he was detained incommunicado detention, and his lawyers were prevented from contacting him. He was reportedly charged with "conspiring against national security".

On September 3, 2007, Ms. **Parvaneh Osanloo**, Mr. Mansour Osanloo's wife, as well as his sister were briefly arrested in Tehran after they attempted to meet with Ms. Louise Arbour, United Nations High Commissioner for Human Rights, who was at the time visiting Iran. The two women wanted to highlight the case of their husband and brother to the High Commissioner.

After talking with Ms. Shirin Ebadi, 2003 Nobel Peace Prize laureate, who was due to meet Ms. Arbour herself, the two women were bundled into cars by plainclothes police officers. Relatives of several detained students who also wanted to see the High Commissioner were arrested along with the two women. Following the incident, Ms. Ebadi protested vehemently and a few minutes later they were released.

After having lost the sight of one eye a few days before, Mr. Mansour Osanloo, who was at risk of becoming completely blind, was brought on October 20, 2007 to Tehran's Shahid Doktor Labafinejad Hospital in order to receive a successful eye surgery. He returned to prison following a short recovery period.

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

On November 19, 2006, Mr. Osanloo had once again been arrested by policemen in plain-clothes, and placed in detention in section 209 of the Evin prison, which is reserved for prisoners accused of political offences. He had been unable to get access to his lawyer before December 5, 2006.

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

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

As of the end of 2007, Mr. Osanloo remained detained, although his health requires a constant medical treatment.

Arbitrary arrest of and harassment acts against Mr. Reza Dehghan⁹²

On November 18, 2007, Mr. **Reza Dehghan**, a member of the Founding Committee of Painters Union (*Syndica Nagash*), was summoned to court for questioning. He was then arrested and brought to

91./ See Annual Report 2006 and Urgent Appeals IRN 005/0707/OBS 077, 077.1, 077.2, 077.3 and 077.4.

92./ See Urgent Appeals IRN 012/1107/OBS 153 and 153.1.

Evin prison, in Tehran. While no charge was brought against him, it might have been linked to his trade union activities and his vocal support for Mr. Mansour Osanloo⁹³.

On December 16, 2007, Mr. Reza Dehghan was released.

93./ See above.

Ongoing arbitrary detention of Messrs. Thongpaseuth Keuakoun, Sengaloun Phengphanh, Bouavanh Chanhmanivong and Keochay⁹⁴

As of the end of 2007, Messrs. **Thongpaseuth Keuakoun, Sengaloun Phengphanh, Bouavanh Chanhmanivong** and **Keochay**, members of the Lao Students Movement of October 26, 1999 for Democracy, a group that had organised a peaceful march in Vientiane on that day to denounce social injustice and to call for the respect of human rights and democratic reforms in Laos, were still allegedly detained in the Phonetong prison, in the province of Vientiane.

However, on March 20, 2007, when questioned by European Members of Parliament during an official meeting in Vientiane, the President of the Lao National Assembly, Mr. Thongsing Thammavong, had assured that these student leaders “[had been] released at the end of 2006, but that no public announcement had been made”.

In October 1999, Messrs. Thongpaseuth Keuakoun, **Khamphouvieng Sisa-Ath**, Sengaloun Phengphanh, Bouavanh Chanhmanivong and Keochay had been arrested and sentenced to 20 years of imprisonment for “generating social turmoil and endangering national security”.

In May 2004, co-detainees who had just been released had revealed that Mr. Khamphouvieng Sisa-Ath had died in late 2001 as a result of mistreatment while in detention in Samkhe prison, which is located in a suburb of Vientiane. He would have died after being exposed to heat for a long period of time.

The Laotian Government has always refused to provide any coherent information on the whereabouts or health conditions of the members of the Movement of October 26.

94./ See Annual Report 2004.

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Arbitrary arrest of Messrs. Nyam Kee Han and See Siew Min⁹⁵

On June 17, 2007, Mr. **Nyam Kee Han** and Mr. **See Siew Min**, respectively the Coordinator and a secretariat member of the human rights organisation “Suara Rakyat Malaysia” (SUARAM) branch in Johor Bahru, were arrested during a demonstration organised in front of the residence of the Chief Executive of the State, in order to draw his attention to the rising crime rate in the city. Both men were then handing out leaflets calling for the immediate creation of the Independent Police Complaint and Misconduct Commission (IPCMC), recommended by the Royal Commission in April 2005.

On the next day, Mr. Nyam and Mr. See were brought to the Court of Johor Bahru, which decided to grant them a 24-hour remand order to custody.

Following their release, on June 19, 2007, Mr. Nyam and Mr. See had to report back to the police station on June 26, 2007 to find out if they would be charged by the police. On that date, they were not charged but were asked to report back on July 2. Since then, it seems that their case has been dropped.

On June 19, 2007, the police searched Mr. Nyam Kee Han and Mr. See Siew Min’s houses without warrant while they were still in detention. The police took away Mr. Nyam’s computer devices as well as some personal documents. His computer was returned upon his release.

95./ See Urgent Appeal MYS 001/0607/OBS 067.

Status of the investigation into the extrajudicial killing of Mr. Dayaram Pariyar⁹⁶

On June 8, 2007, the Supreme Court gave order to the Home Ministry and the Nepalese police to explain why no suspect in the murder of Mr. **Dayaram Pariyar**, a member of the office of the National Human Rights Commission (NHRC) in Janakpur, had been arrested. The Court also ordered to reopen an investigation.

As of late 2007, no follow-up to this order had been made.

On March 24, 2006, Mr. Dayaram Pariyar had suffered injuries during gunfire between security forces and Maoists in the district of Dhanusha (Janakpur). Earlier, a Maoist group had attacked the Mujeliya police office in Dhanusha and executed two police officers. The security forces had then arrived from Janakpur and started to fire indiscriminately when they arrived at Dhanusha, thus injuring Mr. Dayaram Pariyar.

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

On November 13, 2006, his brother and sister had lodged a complaint before the Supreme Court.

Harassment acts and death threats against Mr. Jitman Basnet⁹⁷

On May 21, 2007, Mr. **Jitman Basnet**, a lawyer, a journalist and Secretary General of the Lawyer's Forum for Human Rights (LAFHUR), in Babarmahal, Kathmandu, received an anonymous phone call from a public phone booth located in Kathmandu. The caller declared that he had to "bear the results" of his involvement in the struggle against impunity in Nepal.

On August 7, 2007, an unknown female resumed threatening phone calls to Mr. Basnet. On August 11, 2007, Mr. Basnet was called again by a different individual who told him: "you are going to be killed, we will also kill your wife".

Following these threats, Mr. Basnet filed a complaint at the Tinkune police station, on August 13, 2007.

On August 18, 2007, a caller identifying himself as Khadga Mahato, and then subsequently as Mahat, contacted Mr. Basnet and said that he was named in "Mr. Basnet's book".

These threats followed the publication by Mr. Jitman Basnet, in March 2007, of a book entitled *258 Dark Days*, relating to his prolonged custody in Bhairabnath Battalion's facilities, in 2004. The book also covers the stories of many other detainees who were tortured, raped, killed and/or disappeared at the hands of the barracks' personnel.

Furthermore, in September 2006, Mr. Basnet had filed a writ of mandamus before the Supreme Court, demanding that a High Level Committee be formed to investigate into human rights violations that took place during the recent conflicts in Nepal, as well as into cases of forced disappearances. He had also accused King Gyanendra and army officials for supplying false information to the Supreme Court.

Fearing for his safety, Mr. Basnet left his house on September 18, 2007, before leaving the country on October 11, 2007.

As of late 2007, Mr. Basnet had decided to settle definitively abroad.

Harassment acts against Advocacy Forum⁹⁸

On May 29, 2007, while on a regular visit to the police detention centre of Banke district, the lawyers of Advocacy Forum, a Nepalese NGO that provides legal aid to detainees, were denied any

96./ See Annual Report 2006.

97./ See Urgent Appeals NPL 001/0507/OBS 056 and 056.1.

98./ See Urgent Appeal NPL 002/0607/OBS 061.

access to the detainees. When the regional office of Advocacy Forum in Midwestern attempted to regain access to the detention centre by calling the Chief of the District Police Office (DPO), the latter justified this denial by the fact that Advocacy Forum would have “made unnecessary reports stating that Bablu Rai was tortured by the police”⁹⁹.

On May 31, 2007, lawyers from the regional office of Advocacy Forum in Nepalgunj met the Chief of the DPO and the Deputy Superintendent of Police, and were blamed for giving “unnecessary burdens” to the police. They were subsequently informed that from now on, a written request from the detainees would be necessary to have access to them. Furthermore, the Chief of the DPO accused Advocacy Forum of fabricating Mr. Bablu Rai’s claim and promised that he “would continue to work on his own terms”.

Finally, on June 3, 2007, representatives from the central office of Advocacy Forum in Kathmandu met a representative of the human rights police cell who stated that he would discuss with the higher office at police headquarter and try to solve the problem soon.

One week after the Observatory Urgent Appeal was issued, acts of harassment against Advocacy Forum ceased, the members of the NGO having been allowed to meet the prisoners since then.

Death threats and harassment acts against Ms. Rita Mahato and Ms. Dev Kumari Mahara¹⁰⁰

After documenting two cases of rape victims in April and May 2007 and providing legal and medical support to the victims, threats and acts of harassment against Ms. **Rita Mahato** and Ms. **Dev Kumari Mahara**, two members of the Women’s Rehabilitation Centre (WOREC), in Siraha district, have been intensifying. Thus, Ms. Mahato started receiving threats of death, rape, kidnapping, etc. by the presumed authors of the rapes as well as by other members of the Govindapur community.

Subsequent to WOREC denunciations and reports, the Govindapur community blamed Ms. Mahato for calling the police to arrest a perpetrator involved in one of the cases of rape, whereas the community had decided that the case was to be settled in the community itself.

Furthermore, on June 2, 2007, WOREC office was attacked with sharp bricks, while the staff was still working. When the staff went out to inspect the situation, they were further volleyed with bricks. The local police, which was informed of the events, replied that they were unable to come due to security reasons. The main gate of WOREC was dismantled and thrown in the middle of the road by the presumed authors of the rapes. Although a complaint was lodged, no investigation was opened.

Repression of two peaceful demonstrations¹⁰¹

On August 22, 2007, three dozen women human rights defenders from the Badi community, a small Dalit community in Nepal, staged protests in Singha Durbar, the headquarters of the Prime Minister and of the Government in Kathmandu. Some of their demands included rehabilitation of women who have been forced to work as commercial sex workers, right to own land, representation of at least one female and one male candidate in the constituent assembly, establishment of legal bodies at all levels of the Government addressing issues such as racial discrimination, untouchability and legal identity to their children who are deprived of citizenship certificates. In the process of asserting their rights, these women were severely beaten for entering the “restricted areas”¹⁰² and detained in custody. All demonstrators were released later on that day, without being charged.

On August 27, 2007, as a continuation of their demands, 450 Badi women and men, out of which 225 were women from the Badi Community Struggle Committee, along with members of the Dalit Civil Society Movement, staged a joint protest to enter in Singha Durbar. However, they were charged with showers of truncheon. The police even tried to take off the sari and petticoat of Ms. **Uma Devi Badi**, Coordinator of the Badi Community Struggle Committee. The police arrested 120 demonstrators

99./ On May 22, 2007, Advocacy Forum had lodged a complaint to the District Court of Banke on behalf of Mr. Bablu Rai, who was subjected to acts of torture while in detention in the district police office.

100./ See Urgent Appeal NPL 003/0607/OBS 065.

101./ See Urgent Appeal NPL 004/0907/OBS 108.

102./ Areas that are designated by the Ministry of Home Affairs and that do not allow entry to demonstrators.

and took them to various police battalion areas. Among others, Mr. **Binod Pahari**, Head of the Dalit Civil Society Movement, Ms. Uma Devi Badi and ten members of WOREC were taken to the Armed Police Force Battalion number 2 in Maharajgunj.

They were all released in the evening, without charge against them.

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Wave of repression against judges, lawyers and civil society¹⁰³

On November 3, 2007, President Musharraf imposed a state of emergency in Pakistan, suspended the Constitution, dismissed the Chief Justice and arrested leading lawyers in the country.

On the same day, Ms. **Asma Jahangir**, Chairperson of the Human Rights Commission of Pakistan (HRCP), human rights lawyer and United Nations Special Rapporteur on freedom of religion or belief, was put under house arrest, under a 90 days preventive detention order issued by the Home Department of the Government of Punjab in order to prevent her making “inflammatory speeches”.

A house arrest warrant for a period of 90 days was also issued against Ms. **Hina Jilani**, Special Representative of the United Nations Secretary General on the situation of human rights defenders, who was at the time overseas.

On November 4, 2007, the police raided the office of HRCP located at Tipu Block, New Garden Town in Lahore, and arrested 55 of its members¹⁰⁴, including Messrs. **Syed Iqbal Haider** and **I. A. Rehman**, respectively HRCP Secretary General and Executive Director. Charged with “holding illegal assembly” and “interfering with public officers”, they were remanded to the Kot Lakhpat Jail Lahore.

On November 6, 2007, the 55 members of HRCP were released on bail. Yet, they are still facing charges under Sections 146, 147 and 148 of the Criminal Code.

Furthermore, hundreds of lawyers and judges of superior courts were arrested and would have been tortured while in detention, including Mr. **Muneer A Malik**, former President of the Supreme Court Bar Association and leader of the lawyers’ movement, detained at the Attack Fort under the custody of the military intelligence, Mr. **Aitzaz Ahsan**, President of the Supreme Court Bar, and kept in Adiyala jail in solitary confinement, Mr. **Tariq Mahmood**, former President of the Supreme Court Bar Association, detained in the Adiala jail, and Mr. **Ali Ahmed Kurd**, former Vice President of the Pakistan Bar Council, in the custody of military intelligence and kept at an undisclosed place. On November 13, 2007, Mr. **Afrasiab Khattak**, former President of HRCP, was also arrested.

On November 16, 2007, at 2.30 am, policemen came to Ms. Jahangir’s house to inform her that her house arrest was lifted.

103./ See Urgent Appeals PAK 001/1107/OBS 136, 136.1 and 136.2 and Press Release, November 14, 2007.

104./ These 55 human rights activists included Ms. **Shahtaj Qazalbash**, Mr. **Mehboob Khan**, Mr. **Nadeem Anthony**, Ms. **Saleema Hashmi**, Ms. **Rubina Saigol**, Ms. **Samina Rehman**, Brig. **Rao Abid Hameed**, Mr. **Faisal Akhtar**, Mr. **Waseem Majeed Malik**, Mr. **Irfan Barkat**, Dr. **Naseem Ali**, Dr. **Khurram Iftikhar**, Dr. **Yousaf Yaseen**, Mr. **Irshad Choudhry**, **Imran Qureshi**, **Shams Mahmood**, **Zaffar ul Hassan**, **Khalid Mehmood**, **Bilal Hassan Minto**, **Muhammad Bashir**, **Ali Cheema**, **Shahid Hafeez**, **Syed Mozam Ali Shah**, **Mansoor Ali Shah**, **Shahzeb Masood**, **Javed Amin**, **Suleman Akram**, **Muhammad Bilal Sabir**, **Shahid Amin**, **Khawaja Amjad Hussain**, **Mahmood Ahmed**, **Rahim ul Haq**, **Ashtar Ausaf Ali**, **Alia Ali**, **Samia Ali**, **Azhra Irshad**, **Jona Anderyas**, **Ayra Anderyas**, **Zeba**, **Neelam Hussain**, **Gulnar**, **Sonobar**, **Sadaf Chughtai**, **Nasreen Shah**, **Shaista Parvaiz Malik**, **Iram Sharif**, **Amina Sharif**, **Taina Sabah ud Din**, **Tamkant Karim**, **Lala Raukh**, **Huma Shah**, **Nasreen Shah**, **Samia Ameen Khawaja**.

/ PHILIPPINES

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Extrajudicial executions

Lack of investigation into several summary killings of defenders¹⁰⁵

While defenders remained the victims of extrajudicial killings in 2007, their perpetrators and/or those behind them escaped any kind of prosecution. Thus, as of the end of 2007, most of the cases of defenders who were assassinated in 2006 remained unpunished:

- Mr. **Napoleon Pornasodoro**, Secretary General of the Southern Tagalog Teachers for Development (STATEMENT) and a member of the National Council of Alliance of Concerned Teacher (ACT), assassinated on February 27, 2006. Although an investigation was opened, no suspect had been identified as of the end of 2007.

- Mr. **Vicente B. Denila**, an active member of the Camansi Farm Workers Cooperative (CFCW), whose members are beneficiaries of the land reform, killed on March 27, 2006 by two unidentified men in Sitio Cansuy-ong, Barangay Novalla, Tanjay city.

- Mr. **Rico Adeva**, a member of the Task Force Mapalad (TFM), a national peasant federation, killed on April 15, 2006 by three unidentified men in Hacienda Fuego II, Brgy. Bagtic, in the town of Silay. This murder occurred following a confrontation between TFM and the management of the Hacienda.

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

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

- Mr. **Pedro Angcon**, Human Rights Manager of the Alliance for the Advancement of Human Rights (KARAPATAN) and one of the directors of "Anakbayan" (an affiliated youth movement in Bayan), in Guihulngan, Negros Oriental, shot dead on May 16, 2006 in his shop by two unknown persons.

- Mr. **Mario Domingo**, President of the Hacienda Cambuktot Agrarian Reform Beneficiaries Association (HACARBA), killed on May 17, 2006 while visiting land occupied by 20 employees of Mr. Fairley Gustilo, the former owner of the land that had been awarded to the peasants by the DAR.

105./ See Annual Report 2006.

When Mr. Domingo arrived, several of the employees fired at him and his colleagues, who then tried to escape. However, two employees continued to fire at Mr. Mario Domingo, who died instantly.

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

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

- Mr. **Paquito Diaz**, President of the Confederation for Unity, Recognition and Advancement of Government Employees (COURAGE), shot dead in front of his house in the town of Tacloban, on July 6, 2006. Following a resolution of the Commission on Human Rights dated August 23, 2006, the case was archived until the perpetrators of the killing be identified and witnesses come forward to testify.

- Mr. **Rie Mon Guran**, Spokesperson for the League of Philippine Students in the University of Aquinas, Legazpi town, shot in Bulan, Sorsogon, on July 31, 2006.

- Mr. **Sanito Bargamento**, a member of the National Federation of Sugar Workers (NFSW), Barangay, town of Manapla, shot on September 2, 2006. However, his case was taken into account by the Commission on Human Rights.

- Mr. **Victor Olayvar**, President of the Bohol Peasants' Organisation (*Hugpong sa Mag-uumang Bul-anon*), responsible of the regional section of "Bayan Muna" in the city of Tagbilaran and Vice-President of Bayan-Central Visaya, was targeted on September 7, 2006 by two individuals on a motorcycle, who shot at him. Mr. Victor Olayvar died from his wounds at the Francisco Dagohoy Hospital in Inabanga. He was particularly involved in the fight against genetically modified organisms (GMO). Although suspects were identified, the case did not progress due to the lack of witnesses.

- Father **Alberto B. Ramento**, Bishop in the Philippine Independent Church (PIC) in Tarlac, stabbed to death in the parish of San Sebastian on October 3, 2006. The police refused to consider the human rights activities of Father Ramento as being at the origin of his murder, and rapidly established that his murder was in relation to a theft. However, it is believed that the murder of Father Ramento was due to his active involvement in the Monitoring Group in the Peace Talks between the Government and the National Democratic Front of the Philippines. Moreover, as President of the PIC Supreme Council of Bishops, Father Ramento had on several occasions condemned the political repression led by the State as well as the deterioration of human rights in the country. He had also denounced the extrajudicial killings of political leaders, social activists, lawyers, journalists, clergymen and other citizens, which took place with total impunity. Father Ramento had also supported the case of the workers of the Hacienda Luisita.

- Mr. **Joey Javier**, member of the Peasants' Alliance of Cagayan (*Alyansa dagiti Mannalon ti Cagayan - KAGIMUNGAN*), an affiliate organisation of the Philippines Peasants' Movement (*Kilusang Magbubukid ng Pilipinas-Western Mindanao - KMP*), Baggao, Cagayan province, shot dead on November 11, 2006. Although Mr. Javier had pointed out just before his death that he had been threatened by soldiers, the police filed a case against Prof. Jose Ma. Sison, founding Chair of the Communist Party of the Philippines, currently the Chief Political Consultant of the National Democratic Front of the Philippines (NDFP), who lives in exile in the Netherlands.

Furthermore, as of the end of 2007, no further information was available concerning the status of the investigations into the extrajudicial killings of Messrs. **Antonio Adriaes**, leader of “Aguman Dareng Maldang Talapagobra Queng Gabun” (AMTG) and of the farmers’ movement in the region of San Isidro, Mexico, Pampanga (January 10, 2006); **Robert de la Cruz**, a member of the Tritrans Bus Lines’ Union (March 2006); **Rogelio Concepcion**, a member of the Solid Development Corporation Workers’ Association (SDCWA), kidnapped and subsequently killed, allegedly by members of the infantry’s 24th battalion (March 6, 2006); **Tirso Cruz**, a member of the Board of Directors of the United Luisita Workers’ Union (ULWU), killed in the Hacienda Luisita (March 17, 2006)¹⁰⁶; **Manny Delos Santos**, a member of the Board of Directors of the Peasant Alliance in Central Luzon (*Alyansa ng Magbubukid sa Gitnang Luzon-Nueva Ecija* - AMGL), Brgy. Oliveti, town of Bongabon, Nueva Ecija province (June 11, 2006); **Tito Marata**, Head of the media department of the KMP, in Oroquieta (June 17, 2006)¹⁰⁷; Mr. **John Gado**, Mr. **Igmidio Facunla**’s nephew, AMGL’s General Secretary, Yuson village, Guimba City, Nueva Ecija province (July 4, 2006); **Ernesto Santiago**, Head of the Coalition Against Pollution (*Koalisyon Laban sa Polusyon*), abducted by four armed men wearing military uniforms in Tulikan, Brgy. Dulong Malabon, Pulilan, Bulacan (July 24, 2006); **Rodrigo Catayong**, President of KARAPATAN in West Samar since 2001 (November 5, 2006).

Extrajudicial execution of Mr. Charlie Solayao¹⁰⁸

In the night of July 17, 2007, Mr. **Charlie Solayao**, Vice-Chairperson of the Tacloban section of the Association of Urban Poor Communities (*Kalipunan ng Damayang Mahihirap* - KADAMAY), and an active campaigner against the demolition of sidewalk vendors in Tacloban market, was shot dead by two men driving a motorcycle in Tacloban.

In June 2007, Mr. Solayao had been warned by his cousin, a member of the Philippine military, that he could be killed if he did not stop his human rights activities.

As of late 2007, the investigation into Mr. Solayao’s assassination had not led to any result.

Extrajudicial execution of Mr. Franklin Cabiguin Labial¹⁰⁹

On August 10, 2007, Mr. **Franklin Cabiguin Labial**, a peasant leader and the President of the Don Carlos Bukidnon United Farmers Association, Inc. (DCBUFAI), was gunned down by two unknown assailants in front of his house in Don Carlos, Bukidnon province (Island of Mindanao). Mr. Labial died on the spot. The perpetrators were reportedly riding a red motorcycle and had been tailing the victim since the marketplace. They fled immediately after the killing.

On August 9, 2007, Mr. Labial had gone to the office of Southern Fruits Products, Inc and Davao Venture Corporation (SFPI-DAVCO), owned by the Floriendo family (a prominent farm developer in Davao City). DAVCO has a lease agreement over the land Mr. Labial and his group of farmers are applying for tenural agreement¹¹⁰. Under this lease-agreement, DAVCO already appropriated some 800 hectares of the total 2,900 hectares claimed by agrarian reform beneficiaries, i.e. the indigenous peoples who are actual tillers and/or occupants. Accordingly, Mr. Labial demanded that the manager stop the clearing of land in the area in question. About 20 hectares will be further subjected to land clearing, if they were to be acquired by the said company. Mr. Labial also spoke to the Secretary of the Department of Agrarian Reform (DAR).

On July 14, 2007, Mr. Labial had already received death threats through text messages, after he had questioned the implementation of the Comprehensive Agrarian Law (CARL) and contracts of the SFPI-DAVCO. He had also denounced the destruction of crops and houses of the farmers who refused

106./ Mr. Cruz had received many death threats since a strike in 2005 and had been a key witness of the November 16, 2004 massacre in the Hacienda. He had also been one of the leaders of the fight against the construction of the Subic-Clark-Tarlac highway and the deployment of soldiers inside the Hacienda.

107./ Mr. Marata had actively participated in campaigns in favour of better land reform, against mining operations prejudicial to the environment, and against human rights abuses.

108./ See Urgent Appeal PHL 002/0707/OBS 085.

109./ See Urgent Appeal PHL003/0807/OBS 104.

110./ As agrarian reform beneficiaries, Mr. Labial and the group of farmers he was representing claimed some 100-hectare parcel.

to enter into lease agreement with SFPI-DAVCO, as well as the killings of farmers and indigenous peoples struggling for their right to own a piece of land.

Mr. Labial was also his organisation's representative to the Task Force ARAD, which was formed on July 13, 2007 among concerned Government agencies, NGOs and affected people's organisations concerning dispute over land.

As of late 2007, the investigation into Mr. Labial's assassination had not led to any result.

Assassination attempt against Mr. Jose Ely Garachico and enforced disappearance of Ms. Maria Luisa Posa-Dominado and Mr. Nilo Arado¹¹¹

On April 12, 2007, as Mr. **Jose Ely Garachico**, Public Information Officer of KARAPATAN and a member of the Society of ex-Detainees for Release, Against Detention and for Amnesty (SELDA), Ms. **Maria Luisa Posa-Dominado**, also a member of SELDA, and Mr. **Nilo Arado**, a member of the Peasant Movement of the Philippines, were returning home, they were stopped in Cabanbanan, Oton, Iloilo, by three armed men who fired at them, seriously injuring Mr. Jose Ely Garachico. Ms. Maria Luisa Posa-Dominado and Mr. Nilo Arado were abducted on the spot.

The vehicle in which Ms. Maria Luisa Posa-Dominado and Mr. Nilo Arado were travelling was found burnt down in the area of Barangay Guadalupe, 33 km northwest of Iloilo city.

As of the end of 2007, Ms. Maria Luisa Posa-Dominado and Mr. Nilo Arado remained missing.

Mr. Arado had already received death threats in December 2006 for his action in favour of agrarian reform.

Arbitrary detentions

Ongoing arbitrary detention of Ms. Angelina Bisuna Ipong¹¹²

As of the end of 2007, Ms. **Angelina Bisuna Ipong**, a peace activist, remained detained in the jail of Pagadian.

On March 8, 2005, Ms. Angelina Bisuna Ipong was arrested by members of the Philippine army who blindfolded her. On March 15, 2005, she was informed that she would be interrogated, but as soon as her blindfold was removed, she realised that she had been brought into a room filled with journalists who photographed and questioned her. However, she was so shaken that she was unable to speak. At the end of this "press conference", she was once again blindfolded and taken back to her cell. For thirteen days from the date of her arrest, Ms. Ipong was not allowed to receive visitors and refused to eat to protest against her arrest.

On March 17, 2005, the Major General of the South had announced that Ms. Ipong had been taken to Molave, Zamboanga del Sur. No one was allowed to see her before March 21, 2005, when a team of Task Force Detainees of the Philippines (TFDP) went to the prison in the city of Pagadian to enquire into her situation. TFPD had then learnt that Ms. Ipong had been charged with "rebellion", without any possibility of release on bail, according to section 23 of the Molave Regional Court.

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

Release of Mr. Crispin Beltran¹¹³

On June 1, 2007, the Supreme Court voided the charges against Mr. **Crispin Beltran**, a union leader, founder and former President of the International League of People's Struggle (ILPS), former President of "Kilusang Mayo Uno" (KMU) and representative of the Anakpawis Party in the Lower Chamber. Mr. Beltran was then released.

111./ See Urgent Appeal PHL 001/0407/OBS 036.

112./ See Annual Report 2006.

113./ *Idem*.

On February 25, 2006, Mr. Beltran had been arrested and accused of “sedition”. Although his release was ordered by the Court in March 2006, he remained, till his release in June 2007, in detention at the general hospital of the Philippine national police in Camp Crane, Quezon town.

Arbitrary detention of Mr. Ricardo Bellamia y Beceril¹¹⁴

On November 2, 2007, Mr. **Ricardo Bellamia y Beceril**, an organiser of labour unions for KMU, an organisation struggling in favour of workers’ rights, and a member of the National Federation of Labour in Barangay Casay in Dalaguete town, province of Cebu, was arrested at home by members of both the Regional Command of the Philippine National Police and of the Armed Forces of the Philippines Central Command (CENTCOM), on the basis of a warrant of arrest issued by the Judge Sylvia Aguirre Delanga of the Regional Trial Court (RTC), Branch 25, Danao city, dated March 21, 2006.

On November 5, 2007, Mr. Bellamia was brought to Court and charged with “rebellion” by the Regional Trial Court, Branch 25, Danao city. He would be accused of being an official of the New People’s Army (NPA) and of being linked to the killing of soldiers belonging to the 78th Infantry Battalion during rebel-military encounters that occurred reportedly in 2004 at Brgy Dalid, Tabuelan town, Brgy Sumon and Brgy Kalanggaman in Tuburan, and Brgy Baliang in Danao city, all in the province of Cebu. Yet, Mr. Bellamia has always denied being a NPA member.

On the same day, Mr. Bellamia was transferred from the police station of Guadalupe (Cebu city) to the Central Command of the Armed Forces of the Philippines at Camp Lapu-Lapu in Apas, Lahug, Cebu city, in the section of intelligence services.

As of late 2007, Mr. Bellamia remained detained at the Camp Lapu-Lapu and prosecuted for “rebellion”.

Harassment against Mr. Roman Polintan, Mr. Joseph Canlas, Ms. Angelina Ladera and Ms. Jovelyn Suson¹¹⁵

On September 20, 2007, Mr. **Roman Polintan**, Chairperson of BAYAN in Central Luzon, an alliance composed of organisations of peasants and workers, and Regional Coordinator of Bayan Muna, a political party that promotes the rights and welfare of the marginalised sectors of the country, Mr. **Joseph Canlas**, Chairperson of the Peasant Alliance in Central Luzon (*Alyansa ng Magbubukid sa Gitnang Luzon - AMGL*), a regional chapter of the Philippines Peasants’ Movement (*Kilusang Magbubukid ng Pilipinas - KMP*) and Regional Coordinator of ANAKPAWIS, a national political party that promotes, advocates, and advances the patriotic and democratic aspirations of marginalised sectors of workers, Ms. **Angelina Ladera**, Chairperson of WAR3, a trade union alliance promoting and defending the rights and welfare of workers and union members in Central Luzon region, and Ms. **Jovelyn Suson**, a staff member of BAYAN, were followed by two individuals as they had just held a press conference on the protest rally to be held the following day in commemoration of the 35th year of the declaration of the martial law.

The two individuals, who were following them on a motorcycle as the four human rights defenders had just boarded into a van, tried to have a look inside the van. Messrs. Polintan and Canlas, Ms. Ladera and Ms. Suson then went to the police station of Plaza Miranda, Brgy. San Nicolas, Angeles city, in order to report the incident. When the men who were following them saw that they had entered a police station, they left. However, they were replaced by two other men driving another motorcycle.

On September 19, 2007, Mr. Polintan had talked at *Infomax 8*, a radio station, about the martial law, and had invited the listeners of the programme to join the mobilisation on September 21, 2007. Mr. Polintan, Mr. Canlas and Ms. Ladera also denounced the activities of then Major General Jovito Palparan Jr. during his stint as Commanding General of the 7th Infantry Battalion based in Nueva Ecija, as well as the continuing human rights violations against defenders by elements of the Armed Forces of the Philippines.

114./ See Urgent Appeal PHL 005/1107/OBS 139 (issued under OBS 138).

115./ See Urgent Appeal PHL 004/1007/OBS 120.

/ SOUTH KOREA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Deportation of three leaders of the Migrant Workers' Trade Union¹¹⁶

In the morning of November 27, 2007, Messrs. **Kajiman Khapung**, President of the Migrant Workers' Trade Union (MTU), and **Abul Basher M. Moniruzzaman (Masum)**, MTU General Secretary, were arrested as they were leaving their houses to attend a protest in front of the Seoul Immigration Office.

On the same day, Mr. **Raju Kumar Gurung**, MTU Vice-President, was arrested by four immigration officers in front of the factory where he worked. The three men, who were arrested for being in an irregular or undocumented situation, were sent to a detention center in Cheongju, northern Choongjeong province, south of the capital Seoul.

On December 13, 2007, Messrs. Kajiman, Raju and Masum were secretly taken out of Cheongju detention center, where they had been confined since they were arrested, and deported to their native countries (Nepal and Bangladesh).

The arbitrary arrest and subsequent deportation of Messrs. Kajiman, Raj and Masum came at a time when the MTU was planning campaigns against revisions to the Immigration Law proposed by the Ministry of Justice, which could remove the requirement on authorities, in the process of conducting checks on migrant workers, to present identification documentation, to obtain other relevant documentation such as warrants prior to entering buildings, and the necessity of obtaining detention orders before arresting migrant workers.

Since the beginning of August 2007, more than 20 MTU members and leaders were arrested.

116./ See Urgent Appeal KOR 001/1207/OBS 168.

/ S R I L A N K A

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Threats against several NGOs and United Nations Agencies¹¹⁷

On April 17, 2007, an email was sent to several NGOs and United Nations agencies working in the Trincomalee district by the Intelligence Unit of the “Thamil Makkal Viduthalai Pulikal” (TMVP), a break-away group of the Liberation Tigers of Tamil Eelam (LTTE). In this email, organisations were required to fill in an application form to join LTTE, and to submit it before April 30, 2007. They were also “invited” to “stop [their] bad behaviours” and to join LTTE as this would “create a peaceful country”. Besides, the email warned that for those failing to register TMVP would “not [be] responsible for [their] security in the north and east”.

On April 20, 2007, another threatening message was sent to the NGOs that are members of the Consortium of Humanitarian Agencies (CHA) as well as to UN workers in eastern Sri Lanka. The authors of this email said that they were “following CHA very closely” and that they “would take the necessary steps to eliminate them if needed”. They added that they would guarantee “full security to whoever co-operates” and that those who did not “would have to face the consequences after the deadline”.

Subsequently, the TMVP denied having sent these emails.

Intimidation acts against NGOs¹¹⁸

On August 7, 2007, while Mr. John Holmes, the United Nations Under Secretary General on humanitarian affairs and emergency relief co-ordination, was carrying out a visit to Sri Lanka, his attempt to meet with civil society representatives during his visit to Jaffna was marred by the heavy presence of the military, thus preventing humanitarian and human rights NGOs from freely sharing their views with Mr. Holmes.

In addition, the day before Mr. Holme’s visit to Jaffna, the Military Commander reportedly called for a meeting at Palaly military headquarters, during which NGOs and civil society representatives were instructed not to refer to human rights issues and to restrict themselves to issues of humanitarian assistance during their meeting with Mr. Holmes. The military further told the civil society representatives present that he would brief Mr. Holmes about the human rights and security situation, while the Government would brief Mr. Holmes about the situation of internally displaced persons (IDPs).

Extrajudicial execution of Reverend Fr. Nicholaspillai Packiaranjith¹¹⁹

On September 26, 2007, Reverend **Fr. Nicholaspillai Packiaranjith**, a Catholic priest from the Diocese of Mannar, who had notably been working to assist and protect children and IDPs in and around Mannar, as the District Coordinator of the Jesuit Refugee Service (JRS), was killed in a claymore blast in Mallavi while he was carrying humanitarian supplies to a camp and orphanage at Vidathalvu for people affected by the war. He was in a vehicle clearly marked with JRS logo.

Although the Mallavi area is under the control of the LTTE, the LTTE political wing condemned the killing “without reservation”.

This assassination came less than two weeks after the Sri Lankan Government dismissed and denied submissions by Sri Lankan and international religious and civil society groups to the UN Human Rights Council on attacks on religious leaders and places of worship as “isolated incidents”

117./ See Press Release, May 2, 2007.

118./ See Press Release, August 10, 2007.

119./ See Urgent Appeal LKA 001/1007/OBS 124.

and a “desperate attempt by a small number of NGOs to portray Sri Lanka as a country where religious leaders and places of workshop have been under constant attack”.

As of late 2007, no investigation had been opened following this assassination.

/ THAILAND

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Threats and harassments against Mrs. Angkhana Wongrachen¹²⁰

On March 12, 2007, Mrs. **Angkhana Wongrachen**, a human rights defender and the wife of Mr. **Somchai Neelaphaijit**, President of the Muslim Lawyers Association and Vice-President of the Human Rights Committee of the Lawyers Association of Thailand, lodged a complaint with the Bangkok Central Administrative Court about the failure of the police investigation into the disappearance of her husband, during the night of March 12-13, 2004. In particular, the five policemen who remain accused in the criminal case connected to her husband's abduction are still working in the police, even though the case against them is still pending appeal. In particular, Police Major General Ngern Tongsuk had been found guilty in 2006, before being released on bail.

On the same day, the Police Chief warned Mrs. Angkhana Wongrachen that she would become his enemy if she kept on calling for justice for her husband.

On April 4, 2007, the Central Administrative Court of Bangkok decided that the reappointment of the five policemen was within the national police chief's power, and that Mrs. Angkhana Wongrachen's complaint was not admissible.

On May 3, 2007, Mrs. Angkhana filed an appeal to the Supreme Administrative Court.

Mr. Somchai disappeared on the night of March 12 to 13, 2004. He was last seen in the Bang Kapi district. Shortly before his disappearance, he had received threatening anonymous phone calls and was informed that security forces had put his name on a list of members of terrorist groups.

Mr. Somchai had campaigned for the martial law to be lifted in the southern provinces and for justice for Muslims suspected of terrorist activities and treason. He had also denounced the fact that some Muslims accused of terrorism had been tortured during police investigations. His various activities had raised tension between him and the security forces, which were most likely involved in his enforced disappearance.

Five policemen were charged for "coercion" and "gang robbery" (Articles 309 and 340 of the Criminal Code), since enforced disappearance is not recognised as an offence in Thailand. On January 12, 2006, the Bangkok Criminal Court found one of the policemen guilty of forcing Mr. Somchai into a car and sentenced him to three years' imprisonment under Article 309 of the Criminal Code. The four other accused were acquitted due to lack of evidence.

120./ See Annual Report 2006 and Urgent Appeal THA 001/0106/OBS 005.1.

/ VIET NAM

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Release of Mr. Nguyen Vu Binh¹²¹

On June 9, 2007, Mr. **Nguyen Vu Binh**, a journalist, was released. He would have benefited from an amnesty granted by President Nguyen Minh Triet, after he wrote to the Chief of State, “pleading for clemency”.

Mr. Nguyen Vu Binh had been arrested on September 25, 2002 and sentenced to seven years in prison in December 2003 for “espionage” (Article 80 of the Criminal Code), after having posted articles “of a reactionary nature”, including an account of human rights violations sent to the United States’ Congress.

The sentence had been confirmed on appeal on May 5, 2004.

Release of Ms. Bui Thi Kim Thanh¹²²

On July 18, 2007, Ms. **Bui Thi Kim Thanh**, a lawyer, was released. She had been placed in the psychiatric hospital of Bien Hoa, in Ho Chi Minh city, in November 2006, after she had defended expropriated farmers and protested against land confiscation by the State.

Ms. Bui Thi Kim Thanh had notably criticised the Government’s land confiscation policy. She also defends expropriated farmers and other “Victims of Injustice” by helping them to file complaints and seek compensation.

Ongoing acts of harassment against UBCV leaders¹²³

In 2007, the repression against leaders of the Unified Buddhist Church of Viet Nam (UBCV), a prohibited movement that peacefully promotes religious freedom, democracy and human rights, continued, and even intensified.

Indeed, these leaders, among whom **Thich Huyen Quang** and **Thich Quang Do**, were more and more regularly subjected to house arrests, summons to police stations, arbitrary arrests, restrictions on their freedom of movement, etc.

In particular, the members of the 20 provincial committees of poor provinces, set up to assist deprived populations, were regularly harassed, interrogated, arrested and threatened so that they resign from these committees, especially in the provinces of Binh Dinh, Thua Thien-Hue, Dong Nai and Bac Lieu.

For instance, on September 11, 2007, during a meeting with representatives of the Vietnamese community in New Zealand, and reacting to questions about the recent arrests of religious leaders and the Government’s virulent media campaign against UBCV and Thich Quang Do, President Nguyen Minh Triet stated that these personnes will be one day “convicted” for having “violated the law” while “hiding under the cloak of religion” because they “are not really religious people”.

Similarly, on August 23, 2007, **Thich Khong Tanh**, Commissioner for Social and Humanitarian Affairs of the UBCV, was arrested by security forces while distributing aid to peasants and farmers demonstrating outside the Government Complaints Office, in Hanoi. Demonstrators were dispersed by the police. He was released on the next day, and forcibly escorted to Ho Chi Minh city by the police.

121./ See Annual Report 2006.

122./ *Idem*.

123./ *Idem*.

Ongoing acts of harassment against UWFO members¹²⁴

Since its creation in 2006, the United Workers-Farmers Organisation (UWFO) and its members have regularly been subjected to acts of harassment and some have been forced to carry on their activities secretly¹²⁵.

On December 10, 2007, Mr. **Doan Huy Chuong** (*alias* Hoang Huy Chuong), Mr. **Doan Van Dien**, his father, Ms. **Tran Thi Le Hong** (*alias* Nguyen Thi Le Hong), three UWFO leaders, were respectively sentenced to one year and eight months' imprisonment, four years and three years' imprisonment, for "abusing freedom and democracy to infringe on the interests of the State".

On November 14, 2006, Mr. Doan Huy Chuong had been arrested in Ho Chi Minh city. No mandate was presented to him. Mr. Doan Van Dien, who had informed *Radio Free Asia* about his arrest, had been arrested himself on November 15, 2006. As for Ms. Tran Thi Le Hong, she had been arrested on November 16, 2006, in Ho Chi Minh city. They had been arrested, along with Mr. **Nguyen Tan Hoanh**, another UWFO leader, in November 2006, before the opening of the Summit of the Asia-Pacific Economic Cooperation (APEC) in Viet Nam. Mr. Nguyen Tan Hoanh has also been sentenced to one year and a half in prison.

Furthermore, in January 2007, Mr. **Tran Quoc Hien** was arrested two days after being appointed UWFO Spokesperson. He had accepted this function following the arrest of Messrs. Nguyen Tan Hoanh, Doan Huy Chuong, Doan Van Dien and Ms. Tran Thi Le Hong.

On May 15, 2007, Mr. Tran Quoc Hien was sentenced to five years' imprisonment as well as to two years' probation for "spreading anti-Government propaganda", in particular on the Internet, and "endangering national security".

Arbitrary detention and sentencing of Mr. Nguyen Van Dai¹²⁶

On March 6, 2007, Mr. **Nguyen Van Dai**, a lawyer and pro-democracy activist, was arrested at his home, in Hanoi.

On May 11, 2007, the People's Court of Hanoi sentenced him to five years' imprisonment and four years' house arrest for "conducting propaganda against the Socialist Republic of Viet Nam" (Article 88 of the Criminal Code).

Since the creation of his organisation, the Committee for Human Rights in Viet Nam, in November 2006, Mr. Nguyen had been summoned repeatedly for police interrogations because of his statements in favour of human rights and democracy. Besides, during the APEC Summit of November 2006, ten security police officers had surrounded his home and prohibited all visitors.

On February 28, 2007, following pressure from security police, the Business Registration Office of Hanoi's Planning and Investment Bureau issued a "decision" to withdraw the licence of the Translation and Legal Consultation Firm (TNHH) in Hanoi, of which Mr. Nguyen Van Dai is a co-founder and the Executive Director.

On November 28, 2007, the Hanoi Appeals Court decided to reduce Mr. Nguyen Van Dai's sentencing to four years' imprisonment, followed by four years' house arrest.

As of late 2007, Mr. Nguyen Van Dai remained detained in the prison of Thanh Liet, 10 km from Hanoi.

Incommunicado detention and sentencing of Mr. Tim Sa Khorn¹²⁷

On June 30, 2007, Mr. **Tim Sa Khorn**, a Khmer Krom abbot and a member of the Unrepresented Nations and Peoples' Organisation (UNPO), was summoned to the office of the religious head of the

124./ *Idem*.

125./ In a country in which trade unions are not authorised, the UWFO, which is not recognised by the Government, works for the protection and promotion of workers' rights, including the right to form or belong to a trade union without Government interference. The organisation also calls for justice for people whose lands or goods have been illegally confiscated by Government officials, and for an end to the use of cheap labour and dangerous working conditions.

126./ See Urgent Appeals VNM 001/0307/OBS 024 and 024.1.

127./ See Urgent Appeal VNM 002/1107/OBS 152.

Takeo province in Cambodia (neighbouring Viet Nam). On arrival, witnesses saw men in uniforms force him to enter a car.

On July 3, 2007, a spokesperson of the Cambodian Minister of Foreign Affairs declared that Mr. Tim Sa Khorn “had returned to Viet Nam”.

On August 2, 2007, the Vietnamese authorities announced that Mr. Tim Sa Khorn had been arrested for having illegally entered the country, without giving further information neither on his place of detention nor on the date of his trial. His location and whereabouts remained unknown until November 8, 2007, when the Vietnamese authorities finally announced that his trial was going to be held within a few hours.

On November 8, 2007, Mr. Tim Sa Khorn was brought before the People’s Court of Justice of the An Giang province, southern Viet Nam, to be tried for “sabotaging the unification policy” under Article 87 of Viet Nam’s Criminal Code¹²⁸. His trial, which started without preliminary notification, took place after four months of incommunicado detention.

During his trial, Mr. Tim Sa Khorn was denied the right to be represented by a lawyer and to present his defence. Instead, he was forced to repeat a text read by the judge. He was then sentenced to one year imprisonment and denied the right to appeal.

In 1979, due to the acts of harassment he was subjected to, Mr. Tim Sa Khorn had to flee the Kampuchea-Krom region in Viet Nam for the city of Phnom Den in southern Cambodia, where he acquired Cambodian citizenship and subsequently settled.

128./ The Vietnamese authorities often see the activities of the Khmer Krom monks as a threat to national integrity, as the latter regularly raise international awareness on the violations of freedom of religion by the Vietnamese regime.