

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de l'Homme

THE OBSERVATORY
for the Protection
of Human Rights Defenders

EL OBSERVATORIO
para la Protección
de los Defensores de Derechos Humanos

The Observatory - Newsletter No. 29 *August-September 2004*

ALGERIA – Legal Proceedings and Condemnations

August 6, 2004 – DZA 002 / 0504 / OBS 039.1

August 10, 2004 – DZA 002 / 0504 / OBS 039.2

Mr. Hafnaoui Ghoul, an official of the Ligue algérienne de défense des droits de l'Homme (LADDH) in Djelfa and press correspondent, was the object of another condemnation by the Court of First Instance on August 2, 2004, thereby condemning him to two months of imprisonment for the offence of “illegal transfer of an official document out of the prison”. The condemnation is based on the publication, in the daily *Essabah El Djadid*, of a letter by Mr. Ghoul to his daughter, written on June 24, in which he explains his judicial situation and his detention. The Observatory recalls that Mr. Ghoul has long been subject to legal harassment by the authorities.

In addition, on August 8, 2004, the Appeal Court of Djelfa condemned Mr. Hafnaoui Ghoul to three months of imprisonment for slander. This decision aggravates a sentence pronounced on June 23 by the Court of First Instance of Djelfa, which had condemned Mr. Ghoul to two months of imprisonment. This new judgement is the result of thirteen complaints, including that of the state representative (wali), lodged against Mr. Ghoul after the publication of an article which took the form of a socio-economic analysis of the city of Djelfa, in the Arabic journal *Djazair News*.

ALGERIA – Obstacles to Freedom of Demonstration and Detentions / Releases

September 20, 2004 – DZA 001 / 0301 / OBS 018.3

September 21, 2004 – DZA 001 / 0301 / OBS 018.4

Several people were violently dispersed and others arrested on September 20, 2004, as they were demonstrating in front of the temporary headquarters of the Comité *ad hoc* sur les disparus à Constantine. Mrs. Louisa Saker, Secretary General of the Association des familles de disparus de Constantine, was arrested on that morning by members of the police (Brigade Mobile de Police Judiciaire, BMPJ). The same happened to Mr. Hmamli, a protester who intervened on behalf of those ill-treated by the police. Indeed, many protesters and relatives of disappeared persons, such as Mrs. Farida Oughlissi, bore signs that they were victim of physical violence at the demonstration. Both were released in the evening. However, during her detention, Mrs. Saker was intimidated by intelligence agents who, after producing a knife and a lacrimogene bomb in front of her, threatened to sue her for troubles to the public order.

ARGENTINA – Mistreatment and Arbitrary Detention

August 18, 2004 – Open Letter to President Nestor Kirchner

Mr. Juan Eduardo Riquel, secretary of the Asociación de Trabajadores del Estado (ATE), was the object of mistreatment by the police in Castelli (province of Chaco) on August 10, 2004, when he was beaten and taken into custody. A few hours before, Mr. Juan Eduardo Riquel had called for the police to stop beating members of the Toba community who were having a local celebration at the “Club Sarmiento de Castelli”. After suffering from respiratory difficulties, he was brought to a hospital where the police told the medical staff that he was a detainee who had confronted and protested against the authorities. He was finally able to return back home, thanks to the assistance of his doctors who did not inform the police of his recovery. However, he still received threats by the police for having denounced the case.

BAHRAIN – Arbitrary arrest and detention / Closure of an NGO
September 27, 2004 – Press Release
September 30, 2004 – BHR 001 / 0704 / OBS 054.1

Mr. Abdul-Hadi Al-Khawaja, a prominent human rights activist and executive director of the Bahrain Centre for Human Rights (BCHR), was arrested on September 26, 2004 at the Nabee Saleh police station. He was summoned there two days after his participation in a symposium called « Poverty and Economic Rights in Bahrain », organised by the BCHR in the Al-Oruba Club. During this seminar, he presented a paper titled « *Combating poverty in Bahrain: campaigning principles and strategies* », in which he criticized the government policy, and put forward civil society action.

He was then brought to the Howdh Aljaf detention centre and presented to the public prosecutor, who remanded him in custody for 45 days. He was charged for « encouraging hate of the state » and « distributing falseness and rumours » on the basis of articles 165 and 168 of the Bahraini penal code and could face up to five years of imprisonment. Detained *incommunicado*, Mr. Al-Khawaja has not been allowed to receive the visits of his family nor his lawyer. He informed his family by phone that he was to start a hunger and speech strike.

Moreover, the Al-Oruba Club was closed for 45 days for hosting the seminar and on September 26, the Ministry of Labour and Social Affairs, Dr. Majeed Al-Alawi created a Committee composed of different governmental institutions, with the aim of « taking punitive and legal actions against the BCHR ».

Finally, on September 29, 2004, Dr. Majeed Al-Alawi issued a press release, in which he declared that he had ordered the dissolution of the BCHR the night before, the order coming into force that same day. The official motive behind this decision is that the BCHR would have violated Law No. 21 of 1989 on Societies, with no further precision. The BCHR learnt this information through the press and has not been directly notified of this decision until yet.

BOSNIA-HERZEGOVINA – Break-in of an NGO
September 30, 2004 – BIH 001 / 0904 / OBS 074

The Helsinki Committee for Human Right's office based in Sarajevo, Bosnia-Herzegovina, has been subjected to a break-in on September 26, 2004. Computer hard drives, containing information and files about pending investigations on human rights violations, have been removed, as well as a camera. However, it appears that some other valuable equipment, including a new computer, without any file about the office's activities was not disrupted. This tends to indicate that the robbery was aimed to obstruct the work and researches of the Committee, and, possibly, to investigate into their activities.

However, it is not the first time that the office faces difficulties in its work. Indeed, on February 7, 2004, Mr. Branko Todorovic, the President of the Committee, received death threats after having denounced the reluctance of the Ministry of Interior and its Minister, Mr. Zoran Djeric, to apprehend persons suspected of war crimes, and after having pointed at the lack of results in the investigation into the physical attack against Mr. Mladen Mimic, President of the Citizen's Association in Milici, in March 2003.

BURUNDI – Arbitrary Arrests and Detentions
September 27, 2004 – BDI 001 / 0904 / OBS 073

Mr. Pierre Claver and Mr. Celestin Nsavyimana, respectively President and Treasurer of the Confédération des syndicats du Burundi (COSYBU), were arrested on September 24, 2004 at the organisation's headquarters in Bujumbura. Two computers were also seized at the time of their arrest.

Mr. Claver and Mr. Nsavyimana had requested that the members of COSYBU sign a memorandum criticising the adoption of a new constitution by the Burundian Parliament on September 17, 2004. In that document they expressed their concern regarding the role and importance that would be given to institutions ensuring the freedom of unionising, individual liberties and political stability. Hence their detention appears as a clear attempt to hinder the participation of independent civil society organisations in the constitutional debate.

CAMEROON – Judicial Proceedings
September 28, 2004 – CMR 001 / 0803 / OBS 039.02

Two members of the Mouvement pour la défense des droits de l'Homme et des libertés (MDDHL), Mr. Blaise Yacoubou and Mr. Aminou Mohamadou, are facing new judicial prosecutions. They had already been arrested on April 20, 2003 as they were researching on the human rights situation in the Ndoukoula region, and on August 10, 2003.

They were to be brought again to court on September 29, 2004 by the State Prosecutor in Maroua, Diamaré district, Mr. Koué Kaokamla. They have been accused of “disturbing the operation of a public service they are alien to” and could face from one to ten years of incarceration. Moreover, MDDHL’s President, Mr. Abdoulaye Math, is also facing arbitrary prosecutions notably for swindling and breach of trust.

Another issue of concern are the continuous threats and harassment to which members of ACAT/Littoral and the Maison des droits de l’Homme at Douala have been subjected.

CHILE – Arbitrary Arrests and condemnations
August 24, 2004 – Press Release

Mr. José Huenchunao Mariñan, spokesman of the Mapuche coordinator Arauco Malleco, and Mr. Juan Millacheo Licán, leader of the Chekenko community, have been condemned to ten years and one day of imprisonment. Along this decision, made public by the Tribunal of Angol on August 21, 2004, three other members of the Mapuche community, Ms. Patricia Troncoso, Ms. Florencia Jaime Marileo and Mr. Juan Patricio Marileo Saravia, were tried and condemned. The Mapuche leaders were accused of having caused a fire on December 19, 2001 in lands owned by timber company Mininco. The judgement against the Mapuche leaders began on July 27, 2004 under the charge of “terrorist fire”. The accused deny the charges brought against them. There are reasons to believe that the judgement is not impartial, particularly in regard to the declarations of the witnesses and experts which present important contradictions. The context of the judgement is also very worrying in that there is an evermore frequent assimilation between defenders of the rights of the Mapuche community and terrorist groups.

CHINA – Arbitrary Detention
September 20, 2004 – CHN 004 / 0904 / OBS 071

Mr. Yan Zhengxue, who is actively involved in human rights campaigns and an outspoken human rights promoter, as well as a well-known artist and dissident, was arrested on September 14, 2004 in Taizhou City, Zhejiang Province. He has been since then secretly detained by the State Security Department police.

In June 2004, Mr. Yan sued the Beijing, Zhejiang and Jiaojiang Public Security authorities for slandering his reputation with false information. This followed an incident that had occurred at the Zhejiang local police, when Mr. Yan Zhengxue went to ask for protection, after thugs sent by Zhu Yongjie, of the Taizhou City Procuratorate, intimidated his mother while he was in visit to the United States in late 2003. The thugs aimed at inducing her to leave her son's flat. After he returned to China, Zhu Yongjie and a group of thugs demanded that he hand over his flat and threatened him of serious bodily harm. Mr. Yan Zhengxue went to the police to ask for protection, but the police not only refused to help but also tried to discredit him with slander.

COLOMBIA – Extra-judicial Execution and Arbitrary Arrest
August 9, 2004 – COL 013 / 0804 / OBS 065

Messrs. Héctor Alirio Martínez, president of the Asociación Departamental de Usuarios Campesinos (ADUC), Jorge Eduardo Prieto Chamusero, president of the Asociación Nacional de Trabajadores de Hospitales y Clínicas (ANTHOC) and Leonel Goyeneche Goyeneche, executive of the Central Unitaria de Trabajadores (CUT), were the victims of extra-judicial killings; the first two were under the protection of the Inter-American Commission of Human Rights due to fears for their safety. During these events, which occurred in the department of Arauca, Mr. Samuel Morales Flóres (president of the CUT) and Ms. Raquel Castro (member of the Asociación de Educadores) were arbitrarily detained. According to information

received, on August 5, 2004, members of the Batallón Mecanizado Revéiz Pizarro del Ejército de Saravena (Arauca) carried out the executions and arrests of the above-mentioned persons in unclear circumstances. Moreover, Mr. Freddy Arias Arias, director of the Organización Indígena Kankuamo, was killed in Valledupar (department of Cesar) on August 3, 2004 by two unidentified persons. Mr. Freddy Arias Arias had denounced the systematic human rights violations between 2002 and 2004 on the indigenous population of Kankuamo.

COLOMBIA – Harassment and Threats
September 3, 2004 – COL 014 / 0904 / OBS 068

Ms. Diana Teresa Sierra Gómez, a lawyer and human rights defender working for the Corporación Colectivo de Abogados “José Alvear Restrepo”, was the object of acts of harassment. Ms. Diana Teresa Sierra Gómez was scheduled to travel to The Hague (Netherlands) on September 2, 2004, as she was invited by the International Federation for Human Rights (FIDH) to participate in the International Criminal Court Assembly of States Parties. However, on that day, the above-mentioned Corporación Colectivo de Abogados was informed by a reliable source that the Departamento Administrativo de Seguridad (DAS) was organising an operation against Ms. Diana Teresa Sierra Gómez to take place at El Dorado Airport of Bogotá; for this reason, the lawyer in question was forced to cancel her flight. Moreover, grave threats were directed at Ms. Lilia Solano, a professor at the Universidad Nacional and Director of “Proyecto Justicia y Vida”. In a list published on the website of the Autodefensas Unidas de Colombia (AUC) – Bloque Central Bolívar –, Ms. Lilia Solano was accused of being “an ideologist of the narco-guerrillas...” and of “corrupting the minds of the students...”

COLOMBIA – Harassment and Threats
September 13, 2004 – COL 015 / 0904 / OBS 070

Ms. Claudia Julieta Duque, a journalist who has been working at the Corporación Colectivo de Abogados “José Alvear Restrepo” (CCAJAR) since August 2003, was the object of harassments and grave threats on September 7, 2004. Ms. Claudia Julieta Duque boarded a taxi near her work place to go to her home and noticed that the taxi driver (who was an employee of the “Tax Aeropuerto” taxi company) acted suspiciously when he asked her questions regarding a telephone conversation she had had with members of the Fundación para la Libertad de Prensa during the drive to her home. After dropping her off, the taxi driver parked his car and took notes. That same day, Ms. Claudia Julieta Duque received a vulgar message containing a death-threat on her answering machine. These facts were reported to Colonel Luis Alfonso Novoa, director of the Departamento de Derechos Humanos de la Policía Nacional, and to Police Sergeant Fabio Cepeda.

COLOMBIA – Extra-judicial killing
September 20, 2004 – Press Release

On September 17, 2004, Professor Alfredo Correa de Andreis, a human rights defender and member of the Red de Universidades por la Paz, and his bodyguard, Mr. Edward Ochoa Martínez, were killed in Barranquilla, Departamento del Atlántico.

Prof. Correa de Andreis had worked throughout the past 23 years as a researcher at the Universities del Norte and Simón Bolívar and was a strong advocate for peace, democracy and human rights in Colombia. He and his escort were attacked by two “sicarios” (hired killers) on a motorcycle, a few blocks away from his residence in the El Prado neighbourhood.

He had previously been wrongly accused by the Fiscalía 36 of Cartagena, Bolívar, of being the “ideologist of the FARC’s [Fuerzas Armadas Revolucionarias de Colombia] Caribbean Block”. Based only on three testimonies of demobilised guerrillas, he was arrested on June 17, 2004 in Barranquilla and released in July 2004 thanks to national and international pressure.

GUATEMALA – Threats and Harassment / Assault and Temporary Abduction
August 4, 2004 – GTM 004 / 0804 / OBS 064
September 16, 2004 – GTM 004 / 0804 / OBS 064.1

Mr. Miguel Ángel Albizures, the spokesman of the Centro de Acción Legal para los Derechos Humanos (CALDH), as well as a witness of the massacre in the village of Plan de Sánchez (July 1982), were the object of grave threats. The hand-written message containing these threats, which aimed also at human rights defenders and organisations, was found at the head office of the CALDH of Rabinal, Baja Verapaz (where Plan de Sánchez is located), on August 1, 2004.

On September 11, 2004, Mr. Mario Minera, Coordinator of the Programa de Fortalecimiento Municipal y Desarrollo Democrático, was assaulted by two armed men and temporarily abducted at 6:30 am on that day on his way to the village of Sololá. Mr. Mario Minera was driving a CALDH vehicle, when the two armed men in question stopped him and threatened to kill him if he did not follow their orders. They forced him into a vehicle and kidnapped him for approximately half an hour. Before letting him go, the abductors searched Mr. Mario Minera and confiscated his official CALDH documents, which they claimed would be returned to him at a later stage.

The threats against the head office of the CALDH and the assault on Mr. Minera follow a number of previous threats and acts of harassment, all of which appear to be part of a plan to put pressure on the employees of the CALDH and the witnesses of the massacre in Plan de Sanchez in order to obstruct and paralyse the trials regarding the 1980s carnages, which are still pending before the Public Ministry and the Inter-American Court and Commission.

GUATEMALA – Break-in / Harassment
September 24, 2004 – GTM 004 / 0904 / OBS 072

Two civil society organisations, Casa del Migrante and Paz y Tercer Mundo, had their offices in Guatemala City broken in and searched on September 19, 2004. Casa del Migrante has been working for over 10 years in order to obtain guarantees concerning the rights of (national and foreign) migrants who aim to reach the Northern countries in search for a better life. This organisation has undertaken investigation into those supposedly responsible for human trafficking, among them some individuals holding powerful positions. During the search, electronic and paper databases were seized.

As for Paz y Tercer Mundo, whose headquarters were searched under similar conditions, it operates internationally in support of uprooted peoples and/or victims of the armed conflict in their process of socio-economic and communitarian development. A substantial amount of information – in form of archives, computers, passports and databases – was taken away from their office during the search. In fact, the organisation had already been the object of intimidation in May 2003, when its office in Ixcán was assaulted and received nine shots.

A few weeks earlier, two other social organisations working on development were searched in Guatemala City: the Unión Progresista Amatitlaneca – a financial institution which grants loans for individual and communal agricultural projects – and the co-operative COOSADECO, which confers loans to small businesses and was searched on August 28. Part of their archives and important documents were also confiscated, as well as a significant amount of money in the first organisation.

HAITI – Attack and Harassment
August 4, 2004 – HAI 001 / 0804 / OBS 063

Mr. Jean-Claude Bajoux and Mrs. Sylvie Bajoux, the heads of the Ecumenical Center for Human Rights (CEDH), were the victims of an attack on their home early in the morning of August 2, 2004, when armed men fired twice at their house, and the police, who were notified at 3:20am, did not arrive before 10:00am. The Observatory is concerned about the fact that this attack against the heads of CEDH occurred just as the 5th Forum for the Reform of Penal Justice, for which Mr. Bajoux is the spokesman, drew to a close and at a point in time when FIDH was present in Haiti and benefiting greatly from the assistance of CEDH.

INDIA – Attack
August 26, 2004 – IND 002 / 0804 / OBS 066

Activists of the Jangipara branch of the Association for Protection of Democratic Rights (APDR), a leading human rights organisation in West Bengal working for the cause of democratic rights since 1972, were

attacked by local leaders of the Communist Party of India (Marxist) (CPIM) on August 21, 2004 in Hooghly, greater Kolkota. The human rights defenders in question had assembled for a peaceful street-meeting against state-repression at the Jangipara Bus stand. The APDR meeting, which had been pre-arranged and peaceful, was suddenly interrupted by a group of 50 to 60 people who attacked the gathering by kicking and beating them with their fists and poles, and verbally abusing them. Although a contingent of police was posted nearby the place of the attack, and the victims rushed to the police station, no police officers came to stop the violence or arrest the perpetrators. Some of the victims of the attacks were later hospitalised.

ISRAEL – Releases
September 27, 2004 – Press Release

After almost two years in detention, Messrs. Haggai Matar, Matan Kaminer, Shimri Zameret, Adam Naor and Noam Bahat, Israeli conscientious objectors to the occupation of the Palestinian territories, were finally and definitively released on September 19, 2004. The Observatory had recently welcomed the decision by the Military Parole Committee on July 14, 2004 to reduce the sentences of the young men. They had actually been released on September 15 but received a call-up order for September 19. After spending the whole day in the induction centre, they could eventually return to their civil life.

KYRGYZSTAN – Judicial Proceedings
September 28, 2004 – KGZ 002 / 0803 / OBS 044.4

The Kyrgyz Committee for Human Rights (KCHR) and its chairman, Mr. Ramazan Dyrlydaev, have again been the object of acts of harassment. On September 21, 2004, legal executive Mr. T. A. Umrkulov passed on to the KCHR the ruling on the institution of executive proceedings and charges regarding writs of execution which were issued by the Bishkek city court and the Pervomaikyi rayon court of Bishkek city. The ruling stipulates that, on the basis of the rulings on January 12, July 13, October 8, 2001 and February 19, 2002, based on the complaints of Mr. Eliseev A. V. against the KCHR, the KCHR must pay a sum of US\$5276,5.

It is to be recalled that a new executive body membership of KCHR was registered by the government in 2003 but not recognized by human rights organisations such as the Helsinki Federation for Human Rights, FIDH and OMCT. Active members of the “real” KCHR, and in particular Mr. Dyrlydaev, who is now living abroad in exile, have long endured threats, harassment and campaigns of defamation because of their activity in favour of human rights and democracy in Kyrgyzstan. The repeated judicial complaints lodged by Mr. Eliseev have been part of this strategy of harassment orchestrated by the authorities. The Observatory is deeply concerned about this new ruling, the object of which seems to be to paralyse financially the human rights activities of the KCHR, on the eve of the local election to take place in October 2004.

NEPAL – Release
September 7, 2004 – NPL 002 / 0904 / OBS 069

On August 22, 2004, the District Court of Chandragari, Jhapa, decided to set up the date of the release of Mr. Pradhan on September 21, 2004. Mr. Pradhan, Secretary general of the Peoples’ Forum for Human Rights and Democracy (PFHRD), a Nepal based Bhutanese human rights association, had been sentenced in September 2001 for “participation in the killing” of Mr. Budhatoki, President of the Popular Party of Bhutan. However, at the time of the killing, Mr. Pradhan was 500 km away from Kathmandu, where the facts occurred.

PHILIPPINES – Assassination of a Human Rights Defender
August 26, 2004 – Open Letter to President Gloria Macapagal Arroyo

Mr. Rashid Manahan, the coordinator of Mamamayang Tutol sa Bitay (MTB-Davao / Movement for Restorative Justice), a newly established Philippine network of NGOs and human rights institutions involved in the struggle for the abolition of the death penalty, was killed in front of Ponces Suite, Bajada,

Davao City, on August 24, 2004. Mr. Manahan was on his way to attend a forum against the death penalty and salvaging at UP (University of the Philippines) Mindanao when he was assassinated.

RUSSIAN FEDERATION – Enforced Disappearance and Release
September 3, 2004 – RUS 005 / 0904 / OBS 067
September 14, 2004 – RUS 005 / 0904 / OBS 067.1

Mrs. Fatima Gazieva, who has been a human rights defender for more than ten years and one of the co-founders of the human rights organisation “Echo of War”, and her husband, Mr. Ilyas Ataev, disappeared from their home in Kalinovskaya, Naour, Chechnya. Mrs. Fatima Gazieva and her husband had been arrested early in the morning on September 3, 2004 by armed men (some of them masked) and were taken to the district of Shelkovskaya, and then to the Federal Russian military base of Hancala. While in detention, Mrs. Gazieva did not receive any information about the reasons of their arrest and detention. However, she was interrogated on her activities at “Echo of War”. On September 4, 2004, Mrs. Fatima Gazieva and her husband were released.

SERBIA & MONTENEGRO – Serious concern for Mrs. Djordjevic’s situation
September 28, 2004 – Open Letter to the authorities

In her book « Testimonies about Kosovo », published in July 2003, Mrs. Svetlana Djordjevic describes human rights violations perpetrated by the police in Kosovo in 1998 and 1999, till the end of the NATO intervention, and gives the full names of police officers, commanders and citizens who took part in human rights violations in the province. Immediately after the publication of this book, Mrs. Djordjevic began to receive anonymous phone calls at her home and threatening notes stuck on the door of her flat in Vranje. It is worth recalling that on June 27, 2004, Mrs. Djordjevic was the victim of a physical attack in her apartment and threatened in case she did not “go out publicly on television” and “deny all [she] said and wrote” or said anything about the assault. Following this attack, an investigation was launched, but no information has been revealed yet. Mrs. Djordjevic left her home in order to protect her family, and asked for a special protection from the police, which has been granted to her. However, the policemen who are supposed to ensure her protection are the ones she denounces in her book and many officers in Vranje consider her as a traitor. Moreover, she and her hosts have been subjected to repeated acts of harassment from the police. Thus Mrs. Djordjevic decided in the end of August to stay hidden for a while.

SUDAN – Correction: Arbitrary Arrest
August 17, 2004 – SUD 006 / 0704 / OBS 062.1

This is a correction regarding the urgent appeal SUD 006/0704/OBS 062 issued on July 30, 2004, concerning the arbitrary arrest of Mr. Aba Zer Ahmed Abu Al Bashir. The Sudan Organisation Against Torture (SOAT) informed the Observatory that contrary to misleading information previously transmitted, the link between the arrest of Mr. Aba Zer Ahmed Abu Al Bashir and his submission (eight days earlier) of a written request to the Governor of Southern Darfur state to put an end to the conflict within the state is not clearly established. Moreover, the ten peace activists and tribal leaders who submitted the written request were actually not arrested. Finally, Mr. Adel Abdullah Nasir Aldeain Saeed, cited in the July 30 appeal as still detained, was released on June 23, 2004.

SYRIA – Release of Mr. Aktham Naisse
August 16, 2004 – Mission of judicial observation
August 17, 2004 – Press Release

The Supreme State Security Court of Syria (SSSC) has accepted on August 16, 2004 the demand for the release on bail of Mr. Aktham Naisse, president of the Committees for the Defense of Democratic Liberties and Human Rights in Syria (CDF). The Observatory sent Mr. Mohamed Zarea, president of the Human Rights Association for the Assistance to Prisoners in Egypt, to observe the trial. While the Observatory welcomes the release of Mr. Naisse, it remains concerned that Mr. Naisse’s trial will continue to take place before the SSSC, which does not guarantee fair and impartial trials because the decisions of the Court are

final (and thus there is no possibility for appeal) and because of the fact that two of the three judges on the SSSC panel for the case in question are military officers. If convicted on all remaining counts, Mr. Naisse risks up to fifteen years of forced labour.

UZBEKISTAN – Threat to Freedom of Association and Expression
August 13, 2004 – Open Letter to the authorities

President Karimov signed a decree (Cabinet of Ministers Decree No. 56) in February 2004 which ordered the transfer of all NGO funds received from international donors to the Uzbekistan National Bank or Asaka Bank in order to ostensibly prevent and crack down on money laundering. In effect, this decree translates into the freezing of NGO funds, as now NGOs have to obtain permission from governmental committees to access their funds.

A decree that came into force on 27 May 2004 requires the NGOs defending women's rights to re-register with the government Committee for Women, which is under the vice-Prime Minister, before 1 November 2004. The decree says nothing about the modalities, nor the selection criteria for the NGOs concerned.

Lastly, on 11 June 2004, the government signed a decree making it compulsory for NGOs to obtain official approval for their publications. This text strengthens a decree issued in December 2003 requiring all NGO publications to be registered with the government.

ZIMBABWE – Restrictions on Freedom of Association and NGOs
August 13, 2004 – Open Letter to President Robert Mugabe

A draft bill (called “Non-governmental organisations Bill 2004”) threatens to impose serious restrictions on the freedom of association and expression in Zimbabwe. If passed in Parliament, this bill could have negative implications for the country’s civil society, as its provisions are designed to control, criminalize and appropriate the assets of NGOs, thereby threatening the existence of a truly independent NGO sector and restricting and paralysing the work of human rights defenders. Along with the obligation of NGOs to register with the government lest human rights defenders be criminally sanctioned, the bill envisages, among other things, the creation of an NGO Council, which appears to serve as a governmental instrument (since it works under the aegis of the Minister of Social Welfare) to better control and investigate NGO activities. Also, the bill provides for criminal sanctions – including prison sentences - against human rights defenders who would be members of non registered organisations. Finally, the NGO bill would not only allow for the government to ban all foreign funding for human rights NGOs, but it would also permit the government to repatriate the money back to the funding partner, or take possession of the money, securities and property of the organisation.

Paris – Geneva, October 2004

To contact the Observatory call the Emergency Line :

Tel and fax FIDH: + 33 (0) 1 43 55 20 11 / 01 43 55 18 80

Tel and fax OMCT: + 4122 809 49 39 / 41 22 809 49 29

E-mail : observatoire@iprolink.ch

Un programme de la FIDH et de l'OMCT - An FIDH and OMCT venture - Un programa de la FIDH y de la OMCT

fidh

International Federation
For Human Rights
17, Passage de la Main d'Or
75 011 Paris, France

OMCT

World Organisation
Against Torture
Case postale 21 - 8 rue du Vieux-Billard
1211 Genève 8, Switzerland