

# THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE

pour la Protection des Défenseurs  
des Droits de l'Homme

EL OBSERVATORIO

para la Protección  
de los Defensores de Derechos Humanos

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**2006 ANNUAL REPORT - Publication of the Spanish version**

**July 12, 2007 - Press release**

**July 17, 2007 - Joint press release**

**July 26, 2007 - Joint press release**

On July 12, 2007, the Observatory published the Spanish version of its 2006 Annual Report, which was officially launched on March 14, 2007 and which deals with the cases of over 1,300 human rights defenders repressed as well as with obstacles to freedom of association in about 90 countries.

On the occasion of the publication of this Spanish version of the report, a press conference was held in Bogotá (Colombia) and press releases were issued jointly with OMCT and FIDH member or partner organisations in Guatemala and Mexico in order to, *inter alia*, highlight the situation of human rights defenders in these countries.

In Guatemala, where acts of reprisals against defenders constantly increased in 2006, 136 attacks against them were further recorded in the course of the first six months of 2007. Defenders of economic, social and cultural rights were particularly targeted. It is also to be feared that the number of these particularly violent attacks increase in the run-up of the September 2007 general elections.

In Mexico, where the Observatory dealt with 46 cases of violations against defenders in 2006, the most vulnerable (workers, women, minorities, landless populations, indigenous communities and their children) seem to be particularly targeted. 2007 witnesses the tendency to strengthen restrictive legislative frameworks against fundamental freedoms, and to repress social movements. In addition, the actions of the defenders are regularly criminalised and discredited.

**2006 ANNUAL REPORT - Publication in Russian of the part on "Europe and the CIS"**

**July 26, 2007 - Press release**

While the situation of human rights defenders and freedom of association is increasingly deteriorating in Europe and the Commonwealth of Independent States (CIS), the Observatory published on July 26, 2007 the Russian version of the part of its 2006 Annual Report devoted to this region. To that extent, two press conferences were organised, respectively in Moscow and Saint-Petersburg, in the presence of the Russian civil society.

Indeed, 2006 witnessed the confirmation of strong tendencies of repression aimed at reducing - sometimes drastically - the capacity of independent civil society to operate in several countries in Europe and in the Commonwealth of Independent States (CIS). The strategies used by these States, in particular in several CIS member States (Belarus, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan) were aimed primarily at making national laws more restrictive in relation to freedom of association, thus making it easier to control independent civil society, which was frequently considered as a threat to the maintenance of ruling powers.

Freedoms of assembly and peaceful gathering were also flouted in many countries (Azerbaijan, Belarus, Belgium, Georgia, Kyrgyzstan, Russian Federation, Uzbekistan). In addition, freedom of expression remained in 2006 the most common reason invoked for repressing human rights defenders in the region, particularly when denouncing the lack of democracy or freedoms, fighting discrimination or even denouncing corruption or torture.

Human rights defenders were still subjected to serious retaliation as a result of their activities. Defenders were further subjected to acts of torture and ill-treatments (Belarus, Russian Federation, Turkey, Uzbekistan), sometimes leading to death (Turkmenistan). They were also victims of death threats (Moldova, Russian Federation), smear campaigns (Azerbaijan, Greece, Kyrgyzstan), judicial proceedings and arbitrary arrests or

detentions (*Russian Federation, Turkey, Uzbekistan*), or constraints upon their freedom of movement (*Azerbaijan, Belarus*).

**ARGENTINA - Armed robbery / Harassment**  
**July 16, 2007 - ARG 004 / 0707 / OBS 078**

On June 26, 2007, around 8.00 p.m., two armed persons entered the premises of the Committee for the Defence of Health, Professional Ethics and Human Rights (*Comité de Defensa de la Salud, la Ética Profesional y los Derechos Humanos - CODESEDH*), in Buenos Aires. A computer containing evidence and archives related to an ongoing trial against dictatorship was stolen, together with a videotape and various personal belongings.

In addition, on July 2, 2007, swastikas were painted on the walls of the Centre of the Human Rights Professionals (*Centro de Profesionales por los Derechos Humanos - CEPRODH*), similar to these represented in the Saint-Cross Church, where the founders of the Mothers of the May Square Movement (*Madres de Plaza de Mayo*) had been illegally confined during the dictatorship.

**BELARUS - Obstacles to the freedom of association**  
**August 31, 2007 - Press release**

On August 28, 2007, the Ministry of Justice of the Republic of Belarus refused to re-register the Human Rights Centre “Viasna”, in violation of the Communication n°1296/2004 of the United Nations Human Rights Committee issued on July 24, 2007. The Minister concluded that “the Charter of the association [did] not comply with the Law on Public Associations”, on the grounds that [it did] not contain concrete goals (which could imply the possibility for the association to develop subversive activities), that the information provided on some of the members of the association was mistaken and that 20 founders out of 69 had been charged with criminal offences, five of them being convicted.

On July 23, 2007, Viasna had submitted a re-registration request to the Ministry of Justice, which had to reply within a month.

On October 28, 2003, Viasna had been closed down by order of the Supreme Court at the demand of the Ministry of Justice, in a context of massive violation of the right to freedom of association<sup>1</sup>.

**BURMA - Arbitrary detentions / Sentencing / Ill-treatments**  
**August 9, 2007 - MMR 001 / 0807 / OBS 090**

On July 24, 2007, the Henzada Township Court sentenced Messrs. **Ko Myint Naing** (also known as Myint Hlaing), **Ko Kyaw Lwin**, **U Hla Shien**, **U Mya Sein**, **U Win** and **U Myint**, six members of Human Rights Defenders and Promoters (HRDP), to four to eight years’ imprisonment for “intent to cause public disturbance” under the Criminal Procedure Code of Myanmar<sup>2</sup>.

As of the beginning of August 2007, the six men remained detained and were about to lodge an appeal to the Supreme Court. No additional information could be obtained since then.

On April 17, 2007, the six men had actively took part in the organisation of a human rights education seminar. On the next day, six HRDP members who had taken part in this seminar, namely Messrs. **Myint Aye**, **Maung Maung Lay**, **Tin Maung Oo**, **Yin Kyi**, Myint Naing and Kyaw Lwin, had been violently assaulted by a group of more than 100 individuals, including members of the Union Solidarity and Development Association (USDA), the civilian wing of the Burmese military government, while returning home.

Furthermore, on July 30, 2007, Mr. **Ko Min Min**, a human rights activist in Pyay Township (Western Bago region), was condemned to three years’ imprisonment and a fine of 300,000 kyats (USD 30) by the Pyay Township Court for “giving illegal tuition classes” on human rights. Mr. Min Min was arrested on July 10, 2007, one day after he had played a leading organisational role in a human rights education session. Copies of the Universal Declaration of Human Rights were then seized.

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<sup>1</sup> 89 associations were dissolved by legal means in 2003 and 2004, several of which were human rights organisations, and about 40 associations were dissolved by legal means in 2005. Furthermore, on August 1, 2005, amendments to the Law on Public Associations entered into force in Belarus, thus leading to further restrictions of freedom of association.

<sup>2</sup> Mr. Ko Myint Naing was sentenced to eight years in prison, while Messrs. Ko Kyaw Lwin, U Hla Shien, U Mya Sein, U Win and U Myint were sentenced to four years’ imprisonment.

**BURMA - Arbitrary detention / Sentences / Ill-treatment**  
**September 13, 2007 - MMR 002 / 0907 / OBS 111**

On September 7, 2007, during a trial held inside Rangoon's Insein prison, Messrs. **Thurein Aung, Kyaw Kyaw, Wai Lin, Myo Min, Kyaw Win, and Nyi Nyi Zaw**, six labour rights advocates, were all found guilty of "inciting hatred or contempt for the government", and some of them for membership in "illegal associations". Messrs. Thurein Aung, Wai Lin, Myo Min and Kyaw Win were sentenced to 28 years prison, while Messrs. Nyi Nyi Zaw and Kyaw Kyaw were sentenced to 20 years' imprisonment.

Messrs. Thurein Aung, Kyaw Kyaw, Wai Lin and Nyi Nyi Zaw had been arrested on May 1, 2007 after holding a May Day celebration and planning to discuss labour issues at the US Embassy's American Centre. This event had immediately been cancelled subsequent to their arrests.

On May 10, 2007, Messrs. Kyaw Win and Myo Min had been arrested on their way to the Thai-Burma border in order to inform the outside world about these May Day arrests.

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

**CAMBODIA - Assassination**  
**July 9, 2007 - KHM 004 / 0707 / OBS 075**

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

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

Although the provincial military police arrived on the crime scene immediately after the killing, an improper investigation seems to have been conducted, which resulted in the contamination of the crime scene.

**CAMBODIA - Assault**  
**July 31, 2007 - KHM 005 / 0707 / OBS 086**

On July 23, 2007, at about 11.30 pm, four assailants throw a home-made grenade at the front door of the home of Mr. **Sat Savuth**, a human rights campaigner advocating land and forestry rights in Anlong Veng district's Phat commune (Oddar Meanchey province). Mr. Savuth and his family were not injured.

In 2005, Mr. Savuth had moved to Anlong province for fear of his life. An unidentified gunman had indeed shot at him after he had criticised the government corruption in Tomring commune, Kampong Thom province. Recently, Mr. Savuth's denunciations of illegal logging in the Tomring commune appeared in the report on Cambodia drafted by the environmental group *Global Witness*, entitled *Cambodia's Family Trees*, the diffusion of which has been banned by the Government.

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

**CHILE - Hunger strike / Arbitrary detention / Harassment**  
**August 22, 2007 - CHL 001 / 0705 / OBS 056.7**

On August 7, 2007, Mrs. **Juana Calfunao Paillalef**, *lonko* (traditional chief) of the "Juan Paillalef" Mapuche community in the municipality of Cunco in Temuco, started a "dry" hunger strike<sup>3</sup>, along with her sister, Ms. **Luisa Ana Calfunao**, in order to draw the attention on the Mapuche people's rights, as well as to urge the ratification by Chile of the 169 Convention of the International Labour Organisation (ILO). On August 17, 2007, Mrs. Juana and Luisa Ana Calfunao decided to carry on with their hunger strike but to resume drinking. Mrs. Juana and Luisa Ana Calfunao are currently waiting for a ruling of the Constitutional Court with respect to

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<sup>3</sup> A dry hunger strike means that the hunger strikers refrain from eating and drinking.

incidents that occurred in the Temuco Court in November 2006<sup>4</sup>. They respectively face 15 and 10 years of imprisonment.

**CHINA - Arbitrary detention / Torture and ill-treatment**  
**July 5, 2007 - CHN 004 / 0406 / OBS 044.4**

On May 15, 2007, Ms. **Mao Hengfeng**, an activist who has been active in opposing the Chinese family planning policy as well as forced evictions in Shanghai, 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. Ms. 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, Ms. 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 April 16, 2007, the Shanghai Municipal No. 2 Intermediate People's Court had upheld on appeal the sentencing of Ms. Mao Hengfeng to two and a half years' imprisonment for "intentional damage of property", after she had broken a lamp in the room where she had been arbitrary placed under "soft detention" from May 23 to June 30, 2006<sup>5</sup>.

**CHINA - Obstacles to freedom of expression**  
**July 12, 2007 - Open letter to the President of the IOC Coordination Commission**

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.

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<sup>4</sup> On November 15, 2006, the Temuco Court of Appeal upheld Mrs. Juana Calfunao Paillalef's conviction for "public disorder", subsequent to her confrontation to guards in January 2006. Several members of the Mapuche "Juan Paillalef" community, who were outraged at the announcement of the verdict, initiated a boisterous protest. Mrs. Juana Calfunao was then allegedly physically assaulted by guards present in the room, which prompted a violent clash between the officers and the Mapuche, some of whom allegedly physically assaulted representatives of the public prosecution. Following these events, Mrs. Juana Calfunao Paillalef was detained and charged with "offences against the authorities, qualified damages, minor injuries and stealing papers concerning the investigation" in connection with the confrontation between Mrs. Calfunao and the guards in January 2006. In addition, Mrs. Juana Calfunao Paillalef was charged with "threats" against one of the prosecutors. On November 20, 2006, Mrs. Juana Calfunao was sentenced to 150 days' imprisonment for "public disorder" by the Temuco Oral Criminal Court.

<sup>5</sup> 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 other 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 being produced an arrest warrant, and placed under "soft" house arrest in Kelaideng Hostel.

**CHINA - Aggression / Ill-treatments / Harassment**  
**July 26, 2007 - CHN 001 / 0803 / OBS 041.11**

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 the Zhou Zhengyi's trial, scheduled for the end of July<sup>6</sup>.

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.

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".

**CHINA - Harassment**  
**August 3, 2007 - CHN 001 / 0807 / OBS 089**

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.

**CHINA - Incommunicado detention / Ill-treatments / Release**  
**August 7, 2007 - Press release**  
**August 17, 2007 - Press release**

On August 7, 2007, Ms. **Melanie Raoul**, Mr. **Sam Price**, Ms. **Leslie Kaup**, Mr. **Nupur Modi**, Ms. **Duane Martinez** and Mr. **Pete Speller**, members of Students for a Free Tibet, a worldwide movement campaigning for Tibetan independence, and citizens of the United Kingdom, the United States of America and Canada, 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 Ms. Melanie Raoul, Mr. Sam Price, Ms. Leslie Kaup, Mr. Nupur Modi, Ms. Duane Martinez and Mr. Pete Speller. During their detention, authorities imposed limitations on their freedom of movement, confining each of them to a chair and prohibiting them from lying down. In addition, official interrogators reportedly threatened the detainees 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.

**CHINA - Sentencing / Arbitrary detention / Ill-treatments**  
**August 20, 2007 - CHN 002 / 0807 / OBS 094**

On August 10, 2007, the Yixing City Court sentenced Mr. **Wu Lihong**, an environmentalist and a farmer from Zhoutie Township, Yixing city, Jiangsu province, to three years' imprisonment and a 500 RMB (about 48 euros) fine for "money extortion", following a 7-hour long trial. Mr. Wu said he would appeal this sentence.

Mr. Wu had been arrested on April 13, 2007 on suspicion of "extortion" by the Yixing City police. He had then

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<sup>6</sup> 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. They have received no reply to date. 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.

been placed in a detention centre in Yixing. During a visit, Mr Wu's lawyer, Ms. Zhu Xiaoyan, had noticed that he had been injured. Mr. Wu confirmed that he had been subjected to acts of violence. The lawyer requested a physical examination by a doctor, but it is unclear whether the medical examination ever took place. Since 1991, Mr. Wu has regularly reported cases of industrial waste dumping into Tai Hu (Tai Lake) to government authorities, which was considered as offending local officials and polluting industries.

**CHINA - Arbitrary detention / Judicial proceedings / Search / Harassment**  
**August 28, 2007 - CHN 003 / 0807 / OBS 099**

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 never came home. Subsequently, several state security police 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.

Mr. Lü Gengsong would have been arrested on charges of "incitement to subvert state power" and "illegally possessing state secrets". He is reportedly being held in Hangzhou's Xihu Public Security Bureau Detention Centre.

Furthermore, police reportedly prevented Mr. Lü's 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 has been reporting on the sentencing of Hangzhou eviction protester Mr. Yang Yunbiao. He also wrote a number of articles on corruption, organised crime and related topics.

**CHINA - Enforced disappearance / Harassment**  
**August 29, 2007 - CHN 004 / 0807 / OBS 102**

On the evening of August 21, 2007, a large number of Lithang County Public Security Bureau (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 45-year old 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'drak<sup>7</sup>.

Whereas Messrs. Adruk Gyatso and Adruk Nyima were released six hours after their detention, 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 currently 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.

As of late October 2007, the whereabouts of Mr. Adruk Lopoe remained unknown.

**CHINA - Enforced disappearance / Harassment**  
**September 27, 2007 - CHN 009 / 1106 / OBS 136.2**

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 reportedly driven away from his home by ten plainclothes State Security Protection officers. Since then, his whereabouts have remained unknown, as all attempts undertaken by his family to contact him or to know more about the place of his detention have failed.

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 the flat with him and his family for an undefined period.

As a criminal defence lawyer, Mr. Gao Zhisheng 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 in August 2006, Mr. Gao had been convicted on December 22, 2006 of "inciting the subversion

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<sup>7</sup> 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 the horse-race festival earlier in August.

of State power” and sentenced 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.

### **COLOMBIA - Publication of a mission report July 12, 2007 - Press release**

On July 12, 2007, the Observatory published a mission report titled *Colombia : Los tinieblas de la impunidad : muerte y persecución a los defensores de derechos humanos (Colombia: the darkness of impunity: death and harassment of human rights defenders)*, and organised on this occasion a press conference in Bogotá. This report is the result of an international mission conducted in November 2006 by the Observatory in order to assess the situation of human rights defenders in Colombia from 2002 to 2006, by focusing more particularly on the question of impunity of the perpetrators of violations against them, thus highlighting the recurrent acts of violence against them. To that extent, a detailed examination of the ongoing judicial proceedings regarding the cases of assassinations and enforced disappearances of human rights defenders dealt in the framework of the Observatory between 2002 and 2006 (138 in total) was carried out.

The report points out the persistence of grave violations against human rights defenders, who are regularly subjected to assassinations and summary executions, enforced disappearances, sexual abuses, acts of torture, threats, forced displacement, denunciations, arbitrary sentences and detentions, destruction of their NGO headquarters, etc.

It also highlights the connivance which often prevails between the State and paramilitary groups, and indicates in particular that the recent process of demobilisation of these groups has led neither to the pacification of the country, nor to a better protection of human rights defenders, the latter often being targeted by groups which reform again under different names.

In addition, the authorities continue to resort to an aggressive tone with regards to human rights defenders and to discredit their activities. Thus, from 2002 to 2006, the President and several other political officials affirmed on several occasions that human rights organisations were affiliated to the guerrilla and were opposing the governmental policy of “democratic security”.

### **COLOMBIA - Assassination July 16, 2007 - COL 013 / 0707 / OBS 080**

On July 13, 2007, the bus in which was travelling Mr. **Dairo Torres Sepúlveda**, the Coordinator of the humanitarian area of Alto Bonito, and leader of the Peace Community of San José de Apartadó, was intercepted by two paramilitaries, on the road between Apartadó and San José, in the surroundings of the Mangolo police station. The latter ordered Mr. Torres Sepúlveda to get out of the vehicle, threatening him with knives, before ordering the driver of the bus to continue his journey. The two paramilitaries then immediately executed Mr. Torres Sepúlveda. On the day before, the two men had uttered threats against the Peace Community.

### **COLOMBIA - Assault / Harassment / Death threats / Trespass August 10, 2007 - COL 014 / 0807 / OBS 091**

On July 30, 2007, the National Coordination of Displaced People (*Coordinación Nacional de Desplazados - CND*), an NGO defending the rights of the displaced people, received an email from the “Bosa Black Eagles” (*Águilas Negras de Bosa*), a paramilitary group, in which it affirmed that Mr. **Rigoberto Jiménez**, CND Director, as well as the members of the “Yira Castro” Legal Corporation (*Corporación Jurídica “Yira Castro” - CJYC*) had been defined as military objectives. Mr. Rigoberto Jiménez had already received death threats on July 12, 22 and 26.

In addition, on June 22, 2007, the CJYC premises had been burgled, and a video recorder, five hard disks and a laptop containing information on the organisation and its activities had been stolen.

On July 31, 2007, members of the “Black Eagles” paramilitary group burst into Mr. **Héctor Torres’** home, in Villavicencio city, while the latter was not present. The paramilitaries would have indicated that the purpose of their visit was to carry out a “political enquiry”. After threatening the persons present with their weapons, four men went upstairs, in an attempt to find Mr. Torres. The inhabitants of the house were then able to inform the neighbours, who called the police. On the same day, a complaint was lodged to the Rapid Reaction Unit of the Villavicencio General Public Prosecutor (*Unidad de Reacción Inmediata de la Fiscalía General de la Nación - URI*).

On several occasions, Mr. Torres denounced to legal bodies the recurrent violations of human rights and humanitarian law carried out by the law enforcement bodies and the paramilitaries against the communities of Bajo Ariari and of the Guejar river, in the framework of the implementation of the “Patriotic Plan”.

**COLOMBIA - Harassment / Judicial proceedings**  
**August 23, 2007 - COL 015 / 0807 / OBS 098**

Several judicial proceedings were launched against Mr. **Armando Pérez Araújo**, a lawyer specialised in the defence of the rights of the populations affected by the mining industry, in particular indigenous peoples and peasants of African origins in the department of La Guajira.

Mr. Pérez Araújo is sued, *inter alia*, by Ms. Carmen Frías, Public Prosecutor of the Section of La Guajira, for “insult and slander”, on the basis of an article published in *La Guajira Grafica*, a local newspaper of Riochacha, in which he had accused Ms. Frías of being “corrupted” and “mediocre”, since she required a 37 days’ imprisonment sentence against him in 2001. He had been sentenced after denouncing the activities carried out by the La Guajira mining companies.

**COLOMBIA - Illegal confinement / Releases**  
**September 5, 2007 - COL 016 / 0907 / OBS 109**  
**September 7, 2007 - COL 016 / 0907 / OBS 109.1**

On August 30, 2007, guerrilla men of the 34<sup>th</sup> Front of the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia - FARC*) raided the Tanguí community and penetrated in the house of Mrs. **Juana Padilla Mena**, one of the founders of the High Community Council of the Integral Peasant Association of the Atrato (*Consejo Comunitario Mayor de La Asociación Campesina Integral del Atrato - COCOMACIA*)<sup>8</sup>. Once in the house, the assailants detained her against her will, together with Mr. **Rodrigo Rodríguez Córdoba**, a community leader, a laic missionary of the Quibdó Diocese and Mrs. Padilla Mena’s brother.

On September 4, 2007, Mrs. Juana Padilla Mena and Mr. Rodrigo Rodríguez Córdoba were released, after being illegally confined for more than five days.

**COLOMBIA - Harassment / Death threats**  
**September 12, 2007 - COL 017 / 0907 / OBS 110**

On September 10, 2007, the headquarters of the Franciscan Foundation “Santo Tomás Moro”, a non-profit entity defending the rights of the poor and of displaced persons in the city of Sincelejo and more generally in the Department of Sucre, received a phone call from persons who identified themselves as members of the Central Block of the “Black Eagles” (“*Águilas negras*”) and who accused Mr. **Andrés Gutiérrez Baldovino**, member of the Foundation, of being an informer of the FARC, and declaring that he would become a “military objective” if he refused to show up to a confrontation with the other informers who had denounced him.

On September 12, 2007, Mr. Andrés Gutiérrez Baldovino was obliged to leave his hometown, for fear about his safety and that of his family. He settled in another city of Colombia, where he carries on with his professional activities. He is not subjected to acts of harassment any longer.

Furthermore, after Mr. Gutiérrez Baldovino lodged a complaint, the authorities elaborated a security plan for him and the Franciscan Foundation “Santo Tomás Moro”. However, this plan was only implemented on the first weeks and now seems to have been abandoned.

**COLOMBIA - Death threats / Harassment**  
**September 19, 2007 - COL 018 / 0907 / OBS 116**

On September 11, 2007, Mr. **José Manuel Gómez**, a member of the Permanent Committee for the Defence of Human Rights (*Comité Permanente por la Defensa de los Derechos Humanos - CPDH*), received an email, threatening him with death and signed by the Black Eagles.

On March 12, 2005, Mr. José Manuel Gómez had been compelled to leave his hometown, Barranquilla, because

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<sup>8</sup> The COCOMICA is a non-profit organisation, which seeks the welfare of its members through formative and educative initiatives, with the support of its members and of the international community. To this end, it advocates for a sustainable use of natural resources, the protection of human rights and the improvement of the quality of life through the production of objects which enable it to be auto-sufficient. The organisation is composed of 120 local community councils in the provinces of Antioquia and Chocó, in the Medio Atrato region.



of the harassment he had been subjected to from intelligence organisations and paramilitary groups. He had indeed been denounced as pertaining to the “José Antequera Urban Front” (*Frente Urbano José Antequera - RUJA*) of the FARC. As the acts of harassment had continued as he had decided to move to Bogota to flee the pressures, he then decided to leave the country to protect his life. The acts of harassment resumed when he came back.

Similarly, in the night of September 12, 2007, as Mr. **José Ramiro Orjuela Aguilar**, a legal advisor and also a member of the CPDH, was on board a vehicle assigned to him for security reasons, heading to the premises of the Investigation Department of the Criminal Police (*Servicio Seccional de Investigaciones de la Policía Judicial - SIJIN*), in Bogota, to try to obtain the release of a person who was detained there, his bodyguards noticed that they were followed by two taxis. These two taxis parked closed to his vehicle during the forty five minutes that Mr. Orjuela Aguilar spent at the SIJIN. As he went back on the road, he noticed that the two vehicles were still following him and he therefore went to the premises of the Administrative Department of Security (*Departamento Administrativo de Seguridad - DAS*) to report about the tracking. Accordingly, a patrol of the DAS controlled one of the taxi drivers and identified him as an agent of the SIJIN. As Mr. José Ramiro Orjuela Aguilar tried to ask the man for explanations, he was subjected to threats and insults, the taxi driver denying that he was following him. The agents of the DAS let the individual go, declaring that he could not be accused of anything illegal.

### **CUBA - Arbitrary arrests / Ill-treatments / Harassment** **August 30, 2007 - CUB 001 / 0807 / OBS 103**

On August 26, 2007, around 5.30 pm, Mr. **Juan Carlos González Leiva**, the Executive Secretary of the Council of the Human Rights Special Rapporteurs of Cuba (*Consejo de Relatores de Derechos Humanos de Cuba*) and the Chairperson of the Cuban Foundation of Human Rights (*Fundación Cubana de Derechos Humanos*), was arrested and beaten by several members of the military as well as by members of the State security at the “Amalia Simoni” hospital in Camagüey. Messrs. **Luis Esteban Espinosa Echemendía**, an independent journalist, and **Eisy Marrero Marrero**, a member of the Council of the Human Rights Special Rapporteurs of Cuba, were also arrested and physically assaulted. The three men were arrested while they had come to interview the adopted child of Mr. José Antonio Mola Porro, a political prisoner.

The three men were subsequently placed in detention in the department of prisoners and tuberculosis patients. When the agents tried to carry out a corporal search on Mr. González Leiva, the latter refused, arguing that such a search could only be realised in a police station. Later, some policemen came in and demanded that Mr. González Leiva give them his video camera. The latter replied that he accepted to give them the videotape but refused to hand out the video camera. A dozen of policemen subsequently threw him on the floor and beat him. They then dragged him to their vehicle. As he resisted, they violently hit him on the car.

Messrs. González Leiva, Espinosa Echemendía and Marrero Marrero were then driven to the Avellaneda police station, and placed for three hours in a cell, the floor of which was covered with urine and excrements. The three men were finally released, the policemen arguing that they had made a “mistake”. Mr. González Leiva then got his video camera back, as well as his four video tapes.

### **DEMOCRATIC REPUBLIC OF CONGO - Threats / Harassment** **September 14, 2007 - COD 001 / 0907 / OBS 114**

At the end of June 2007, following the denunciation by Journalists in Danger (*Journalistes en danger - JED*) of the murder of Mr. Serge Maheshe, a journalist at the United Nations radio *Okapi* in Bukavu (South-Kivu province) on June 13, 2007, Mr. **Tshivis Tshivuadi**, JED Secretary General, received a phone call, the author of which declaring that “he knew well his wife and his children” and warning him of the possibility of “a rocket falling on [his] house”.

On the day before, JED had revealed that Mr. Maheshe had received death threats one month earlier, from members of the republican guard (presidential guard). In front of the hasty judicial proceedings opened by the military justice less than 24 hours after the assassination and accusing about ten persons, including wives and children of two military men, JED had also denounced an “attempt to cover tracks” and to “protect the real murderers”. In addition, on May 3, 2007, on the occasion of the World Press Freedom Day, Mr. Tshivuadi had denounced arbitrary detentions and acts of torture against journalists.

Similarly, on July 6, 2007, Mr. Tshivis Tshivuadi and Mr. **Donat Mbaya Tshimanga**, JED President, would have been warned by a reliable source that the JED activities in the Maheshe case caused the discontent of hundreds of persons within the political circles. This source would have advised them to keep “low profile” and to “temporarily leave the country”.

On July 31, 2007, following a press conference held by Mr. M'Baya in Kinshasa in order to denounce the amendments to two bills restraining freedom of the press, the Press and Information Minister, Mr. Toussaint Tshilombo Send, gave an interview to the private channel *Antenne A*, qualifying JED as an "anti-patriotic organisation that needs to be annihilated by all means" and as an organisation "dedicated to the depreciation of the image of the country abroad for well-known reasons".

Following these threats, Messrs. Donat Mbaya Tshimanga and Tshivis Tshivuadi, whose names were quoted by Mr. Tshilombo Send, temporarily fled the country.

After their return in the DRC, JED received, on August 20, 2007, an anonymous facsimile ordering "once and for all" that Messrs. Donat Mbaya Tshimanga and Tshivis Tshivuadi stop working on the case of Mr. Franck Ngyke, a journalist assassinated in 2006. The message also warned them, by reading: "Your time will come and we know what we will do to you".

### **EGYPT - Closing down of an NGO / Obstacles to freedom of association September 14, 2007 - EGY 002 / 0907 / OBS 113**

On September 8, 2007, the Association for Human Rights Legal Aid (AHRLA), a non-governmental organisation monitoring and denouncing acts of torture in police stations as well as providing legal support to victims of torture, was notified of a closing-down order issued by the Ministry of Social Solidarity, alleging financial transgressions. The Ministry based its order on Article 17(2) of Law n° 84 (2002), which states that "in all cases no NGO is permitted to receive money from abroad whether from Egyptian or foreign persons or agencies or their representatives in Egypt, or sending money to persons or organisations abroad unless they obtain the permission of the Minister of Social Solidarity, except for books, newsletters and scientific and artistic journals".

In reality, even though AHRLA has always asked the Ministry for authorisation to receive grants from abroad, the Ministry has always refused to give its permission for long periods, therefore hindering human rights organisations from carrying out longstanding and sustainable activities.

A hearing on this case was to take place on November 4, 2007. The ruling was to be issued on December 26, but was then postponed to December 30, 2007, and to February 10, 2008.

### **GUATEMALA - Harassment / Threats August 28, 2007 - GTM 008 / 0807 / OBS 101**

On August 13, 2007, around 10.30 pm, Mr. **Sergio Fernando Morales**, Human Rights Prosecutors, was on board an official vehicle when he was informed by phone by his security agents that he had to stop, since his car seemed to be on fire. Flames were indeed coming from under the car. Later, as he got home, Mr. Morales received a message on his professional mobile phone, saying : "it is not armoured, the vehicle is, the armour is fusing with fire and the cable went on fire, as you probably noted".

On August 12, 2007, around 12.40 pm, unidentified individuals broke a glass and burst into the premises of the headquarters of the Guatemala Human Rights Public Prosecutor (*Procuraduría de los Derechos Humanos de Guatemala* - PDH), before escaping on the intervention of the security personnel.

On August 4, 2007, at around 12.30 am, unidentified individuals had attempted to enter the building where the headquarters of the Department of Education are located, which is annexed to the PDH, in Guatemala City, but were prevented from entering by a security guard, belonging to the national civil police.

These acts of intimidation took place as the national debate was going on the recent adoption of the International Commission against Impunity in Guatemala (*Comisión Internacional contra la Impunidad en Guatemala* - CICIG) by the Congress, and in the run-up of general elections that were to be held on September 9, 2007, characterised by an increasing climate of insecurity in Guatemala.

### **INDIA - Arbitrary arrest / Release on bail / Judicial proceedings July 24, 2007 - IND 002 / 0707 / OBS 084**

On July 17, 2007, at around 15:50 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 father<sup>9</sup>.

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<sup>9</sup> As the Director of FFDA, Mr. Mohapatra has filed over 300 complaints to the Chhattisgarh State Human Rights Commission on issues of

After Mr. Mohapatra refused to bribe to a clerk of the Commission, seven persons prevented him from leaving the office, 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 City 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 is prosecuted for “obstructing public servant in discharge of public functions” (Section 186 of the Indian Penal 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 a preliminary report to the Court before August 13, 2007.

On August 16, 2007, Mr. Mohapatra got a regular bail of INR 8,000 (about 142 euros). The next hearing was scheduled for late November. In the 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]”.

In addition, 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 October 2007, Mr. Mohapatra’s office remained daily watched by the police.

### **INDIA - Judicial harassment**

**August 10, 2007 - IND 001 / 0307 / OBS 017.2 (issued under IND 002/0307/OBS 017.2)**

On August 1, 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 charge sheeted by the Jalangi police station (Murshidabad district). The complainant in the case, Mr. Shanti Ranjan Mondal, alleged that Mr. Gopen Sharma accepted Rupees 6,000 (about 150 US\$) 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 against Mr. Sharma under Section 420 of the Indian Penal Code, for “cheating”.

However, it seems to appear that this case was filed at the initiative of two Sub-Inspectors of the Jalangi Police Station, namely Mr. Swapan Saha and Mr. Tuhin Biswas, who have been challenged several times by Mr. Sharma for their abuse of power. Furthermore, one of the witnesses present at the court, Mr. Surya Kanta Sarkar, is accused within the framework of a case that Mr. Sharma had been investigating, i.e. the murder of Mr. Surya Kanta Sarkar’s sister-in-law. In particular, MASUM had complained to various higher police officials and to the West Bengal Commission for Women about the fact that the officers of the Jalangi police station did not investigate the case properly. In particular, Sub-inspector Biswas would have played a vital role in helping that Mr. Surya Kanta Sarkar be arrested under lighter penal sections 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 to the District and Sessions Judge of Murshidabad. On August 9, 2007, at which 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 report over the matter.

On February 8, 2007, Mr. Gopen Sharma had been arbitrarily 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). On March 20, 2007, Mr. Sharma was released on bail. 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 Penal Code, and faces up to ten years’ imprisonment.

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human rights violations that occurred in the State during 2001-2007. Thus, on May 15, 2007, Mr. Mohapatra wrote an open letter to the acting Chairperson of the Commission on extrajudicial killings in which 12 tribals of Panjer and Santoshpur village of Bijapur (District of Chhattisgarh) 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.

**IRAN - Arbitrary detention / Acts of intimidation**  
**July 4, 2007 - IRN 003 / 0707 / OBS 072**

On July 1, 2007, Mr. **Mohamad Sadigh Kaboudvand**, the 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 at 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 Revolution.

At mid-August, 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.

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 *Payam-e Mardom-e Kurdistan*.

**IRAN - Sentencing / Acts of torture / Harassment**  
**July 5, 2007 - IRN 004 / 0707 / OBS 073**  
**August 22, 2007 - IRN 008 / 0807 / OBS 095**

On July 2, 2007, Ms. **Delaram Ali**, a women's rights activist, 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. Ali is involved in the "One Million Signatures" petition campaign<sup>10</sup>, and had been arrested in June 2006, together with 70 people, during a protest organised in Tehran to denounce discriminatory provisions against women that are enshrined in Iranian legislation.

Likewise, on August 12, 2007, the Tehran Revolutionary Court sentenced Ms. **Nasim Sarabandi** and Ms. **Fatemeh Dehdashti**, two other members of the "One Million Signatures Campaign", to six months' suspended imprisonment for "actions against national security through the spread of propaganda against the State".

These two women were arrested in January 2007 while collecting signatures in the subway, in the framework of the "One million signatures" 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 Revolutionary Courts' Special Prosecutor's Office on Security, where they were charged.

**IRAN - Abduction / Ill-treatments / Incommunicado detention / Risk of torture / Judicial proceedings**  
**July 11, 2007 - IRN 005 / 0707 / OBS 077**  
**July 13, 2007 - IRN 005 / 0707 / OBS 077.1**  
**September 7, 2007 - IRN 005 / 0707 / OBS 077.2**

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 company bus 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 would have been transferred to Section 209 of the Evin prison. He has remained in incommunicado detention since then, and his lawyers have been 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. They wanted to highlight the case of their husband and brother to the High Commissioner.

After talking with Ms. Shirin Ebadi, 2003 Nobel peace prize winner, who was due to meet with Ms. Arbour herself, the two were bundled into cars by plainclothes police officers. Relatives of a number of detained students who also wanted to see the High Commissioner were arrested along with the two women. Following the incident,

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<sup>10</sup> This campaign aims primarily at demanding for discriminatory laws against women to be changed.

Ms. Ebadi protested vehemently and a few minutes later they were released.

**IRAN - Arbitrary detention / Sentencing / Health concern**  
**July 12, 2007 - IRN 003 / 0805 / OBS 074.2**

On March 11, 2007, Mr. **Mahmoud Salehi**, Spokesperson for the Organisation Committee to Establish Trade Unions and former President of the Saqez Bakery Workers' Union, in Iran's Kurdistan Province, was sentenced by the Appeal Court to one-year imprisonment and a further suspended sentence of three years for "meeting and conspiring against national security", following his involvement in the organisation of the May 1, 2004 celebration in Saqez.

Mr. Salehi has been detained since April 9, 2007 at the Central Prison of Sanandaj city, where his health has considerably deteriorated. He suffers from a kidney stone in his one remaining kidney and needs dialysis treatment, a treatment that is not available to him in prison. In addition, he has recently 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, he can only contact his lawyer and relatives by telephone.

**IRAN - Sentencing / Obstacles to freedoms of expression and movement**  
**August 2, 2007 - IRN 006 / 0807 / OBS 088**

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 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. The articles called for the defence of persons who were sentenced to death in the southern Khuzestan region.

On the same day, his wife, Mrs. **Fatemeh Kamali Ahmad Sarahi**, editor of the now-closed monthly *Jameh-e-no*, 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 have appealed their sentence. As a consequence, Mr. Baghi was not detained.

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

**IRAN - Sentence to death /Arbitrary detention / Hunger strike / Ill-treatments**  
**August 16, 2007 - IRN 007 / 0807 / OBS 092**

On July 16, 2007, the Revolutionary Tribunal in Marivan sentenced to death Mr. **Adnan Hassanpour** and Mr. **Abdolvahid** (also known as Hiwa) **Boutimar**, two Kurdish journalists and active members of Iranian civil society, for, *inter alia*, "espionage", "attacks upon national security", "diffusion of separatist propaganda", "treason" and "collaboration with Kurdish political opposition parties".

Mr. Hassanpour is a member of the Iranian Kurdistan Journalist Association as well as a reporter for the *Aso* newspaper, a publication banned by Iranian authorities. He is also an active defender of Kurdish cultural rights. Mr. Boutimar is an active member of the environmental NGO *Sabzchia*. The accused were denied access to legal counsel throughout the entire legal process. After their respective arrest in December 2006 and January 2007, they were held incommunicado in Mariwan prison until July 2007.

Currently, the two men are being held in Sanandaj Intelligence Service's jail and they were - for the first time since their arrest - accorded a visit from family members on August 9, 2007. They were both in poor health and have experienced an extremely worrying deterioration of their mental state. They have been reportedly subjected to torture and other inhuman treatment and have been on hunger strike since their transfer to Sanandaj, in July 2007. In spite of their serious health problems, they informed their families that Iranian authorities have denied them access to appropriate medical treatment.

On October 22, 2007, the Supreme Court upheld the death sentence of Mr. Hassanpour but struck that of Mr. Boutimar because of procedural irregularities (See urgent appeal IRN 007/0807/OBS 092, issued on November 13, 2007).

**ISRAEL - Sentencing / Obstacles to freedom of movement / Harassment**  
**July 16, 2007 - ISR 002 / 0707 / OBS 079**

On July 2, 2007, the Jerusalem Magistrate's Court sentenced Mr. **Mordechai Vanunu**, a nuclear whistle-blower and a pacifist, to six months' imprisonment for violating the terms of his conditional release. Mr. Vanunu remains free while awaiting trial in appeal, which was to begin on November 13, 2007, but which was then postponed to January 2008.

In 1987, Mr. Vanunu had been sentenced to 18 years in prison for revealing secret information on Israel's nuclear capabilities to a UK-based newspaper. Mr. Vanunu was then working as a technician in a nuclear plant close to the town of Dimona, in Southern-Israel. Upon his release in 2004, an administrative order preventing him from leaving the country and from talking to foreign journalists had been issued against him.

**ISRAEL and OCCUPIED PALESTINIAN TERRITORY - Arbitrary detention / Harassment**  
**August 30, 2007 - ISR 003 / 0807 / OBS 106**

On August 2, 2007, late at night, Israeli soldiers arrested without an arrest warrant Mr. **Mohammad Bsharat**, Executive Director of the Nafha Society for the Defence of Prisoners and Human Rights, in Nablus. He was then detained and interrogated at the Huwara detention centre in Nablus, which is known for its poor conditions of detention, and where he would have been questioned about his human rights activities.

On August 12 and 19, 2007, Mr. Bsharat's detention was extended, with no charge being brought against him.

On August 26, 2007, the Salem Military Court ordered that he be detained administratively for a period of six months. According to the Israeli law, the status of administrative detention denies all civil and political rights to the detainees. In particular, the authorities are not bound to charge the prisoner, nor to bring him to trial (see urgent appeal ISR 003/0807/OBS 106.1, issued on October 30, 2007).

**ISRAEL and OCCUPIED PALESTINIAN TERRITORY - Legislative obstacles to the freedom of association / Obstacles to the freedom of movement**  
**September 19, 2007 - Press release**

On August 28, 2007, Mr. **Salam Fayyad**, the Interior Minister of the Palestinian Government in Ramallah, decided to dissolve 103 NGOs that had applied for re-registration, on the basis of a decree issued by President Mahmoud Abbas on June 20, 2007, which provides that all organisations or associations must "submit new registration applications within one week" and that "the violators of this directive shall be sanctioned by law", and which enables the Interior Minister to "review all permits for associations and organisations issued by the Ministry of Interior or any governmental source". The Interior Minister alleged that the 103 organisations had committed "legal, administrative or financial violations of Law n°1 of the Year 2000 on Benevolent societies and non-governmental institutions". Out of these 103 organisations, 56 had already been closed down as of September 19, 2007.

Furthermore, on August 29, 2007, Mr. **Raji Sourani**, the President of the Palestinian Centre for Human Rights (PCHR), was prevented by the Israeli authorities from traveling outside the Gaza Strip to attend the "UN Conference of Civil Society in Support of Israeli-Palestinian Peace" held at the European Parliament in Brussels, Belgium, on August 30 and 31, 2007. Mr. Sourani had to chair one of the conference sessions and to present a paper entitled *Enforcement of International Law in the Occupied Palestinian Territory: The Only Real Roadmap for Peace*". This refusal follows a long list of restrictions to Mr. Sourani's freedom of movement, who has received dozens of invitations from the international community, but has systematically been prevented from travelling in the past months.

**KYRGYZSTAN - Attacks**  
**September 14, 2007 - KGZ 001 / 0907 / OBS 115**

On September 13, 2007, Mr. **Ramazan Dyrlydaev**, the Chairman of the Kyrgyz Committee for Human Rights (KCHR), found that the office of the organisation in which he was planning to move on the day after had been burnt out. Indeed, on entering the office, he noticed smoke all over the place as well as a smell of carbon dioxide and of other chemicals.

On September 12, 2007, as workers had just finished the renovation of the apartment, some neighbours heard a detonation from inside the flat around 7 p.m. Later, two unidentified and burnt-out items were found in the bathroom. They were apparently thrown out through the ventilation duct of the bathroom.

On April 6, 2007, Mr. Dyrlydaev had already been attacked by unknown persons who had thrown stones at him,

after he had taken part in a TV show in which he had criticised the policy led by the Kyrgyz authorities, in particular the President of the Republic, Mr. Kourmanbek Bakiev, as well as the opposition leader and former Prime Minister, Mr. Felix Koulov, accusing them of being involved in cases of corruption. During this event, he had also insisted on the fact that the draft Constitution adopted in December 2006 had not taken into account the democratic aspirations of the May 2005 “Tulip Revolution”.

**KYRGYZSTAN - Arbitrary detention / Harassment**  
**Septembre 27, 2007 - KGZ 002 / 0907 / OBS 119**

On September 24, 2007, Mr. **Maxim Kuleshov**, a human rights defender and coordinator of the Tokmok Human Rights Resource Centre, was condemned to 10 days’ imprisonment by the Tolmok city Court for recording open discussions that were organised in the local assembly of the city of Tokmok, concerning the new draft Constitution that will be submitted to referendum on October 21, 2007, by the Kyrgyz President, Mr. Kurbanbek Bakiev, and for taking photos in the framework of this event. In particular, Mr. Kuleshov was asked by the mayor of the city of Tokmok to stop taking pictures and recording his speech, stating that he had no right to do it. Mr. Kuleshov was then taken out of the meeting hall by employees of the city hall. He was subsequently arrested by plain-cloth officers and sentenced to imprisonment.

Furthermore, on September 12, 2007, Mr. Kuleshov was informed that a litigation case against him had begun, after a deputy of the Tokmok city hall, Mr. Bolot Kadyrkulov, initiated judicial proceedings against him. Mr. Kuleshov is accused by the deputy of “harming his honour and business reputation”. A few months ago, Mr. Kuleshov lodged a complaint accusing Mr. Kadyrkulov of “breaching the Kyrgyz law” on free access to information.

Mr. Kuleshov has been defending human rights for several years, bringing cases of abuses perpetrated by Tokmok officials to administrative justice and cases of torture and ill-treatment to criminal courts.

**LEBANON - Obstacles to the freedom of association**  
**August 22, 2007 - Open letter to authorities**

Subsequent to the application for registration lodged on October 9, 2006 by the Lebanese Centre for Human Rights (*Centre Libanais des Droits de l'Homme* - CLDH) to the Ministry of the Interior, CLDH received a preliminary registration number (2006/ODB/23220), followed by a second one (5823/2) on April 11, 2007, after its executive members requested that the authorities provide further information about the registration process and the examination of the CLDH file .

However, CLDH is still waiting for its definitive registration number in order to be officially registered, which undermines the ability of CLDH to carry out several of its actions, denying it - inter alia - the ability to open a bank account.

**MEXICO - Death threats / Harassment**  
**July 9, 2007 - MEX 010 / 0707 / OBS 074 (issued under OBS 073)**

On June 12, 2007, Mr. **Alejandro Cerezo Contreras**, one of the founding members of the Cerezo Committee, an organisation defending political prisoners and prisoners of conscience in Mexico, was tracked by a man who observed him for several minutes through the digital camera mode of his cell phone, while he was going through a medical check-up at the sports medical centre of Mexico.

Similarly, on June 20, 2007, Mr. Cerezo Contreras received a strange message on the answering machine of his cell phone, which had been confidentially given to him by the Federal State of Mexico, in the framework of precautionary measures of protection granted by the Inter-American Commission of Human Rights (IACHR).

Then, on June 26, 2007, Mr. Cerezo received death threats by email.

These threats followed the denunciation, by the Cerezo Committee, of the arrest and enforced disappearance of Mr. Raymundo Rivera Bravo and Mr. Edmundo Reyes Amaya, two activists of the Revolutionary Popular Democratic Party (*Partido Democrático Popular Revolucionario* - PDPR), during the events that occurred in the city of Oaxaca in May 2007.

**MEXICO - Arbitrary detention / Ill-treatment**  
**July 18, 2007 - MEX 011 / 0707 / OBS 081**

On July 4, 2007, Mr. **Santiago Pérez Alvarado**, a lawyer and the leader of the Mazahuas community, was violently arrested, in the Bravo Valley, by four men dressed in civilian clothes, who smashed one of his car

glasses and beat him up with a cross spanner. He was then driven to the local prison, on the basis of an arrest warrant issued in 2000 for “aggravated robbery against the government” and “organised delinquency”.

On the next day, the judge of first instance of the district noticed that the charges against him were prescribed and ordered his release. However, as he was getting out of the prison, several members of the State Security Agency (*Agencia de Seguridad Estatal - ASE*) arrested him again on another case which is being dealt with in the district of Temascaltepec, where he was transferred.

As he was being registered at the Temascaltepec prison, he was informed that he was being prosecuted for “illegal detention” against Messrs. Angel Bravo and Hesiquio Armenta, two former civil servants of the Direction of the State Government, in 1999<sup>11</sup>.

Mr. Pérez Alvarado supports the peasants and indigenous peoples of the Toluca Valley and of the south-east of the State of Mexico in their struggle against various hydraulic or development projects which affect the ecological, cultural and social environment.

### **MEXICO - Status of the investigation into an assassination / Threats August 6, 2007 - MEX 008 / 0607 / OBS 058.1**

On August 1<sup>st</sup>, 2007, the Prosecutor of the State of Mexico (*Procuraduría de Justicia del Estado de México - PGJEM*) announced that Messrs. Fernando Jacinto Medina and Silvestre Jacinto Medina, the two alleged murderers of Mr. **Aldo Zamora**, the son of Mr. **Ildefonso Zamora**, both environmental rights activists against illegal logging in the Zempoala National Park area, had been arrested at the outskirts of the Ocuilán city (State of Mexico). Nevertheless, two other suspects, Messrs. Luis and Alejo Encarnación, remain free.

On May 15, 2007, Mr. Aldo Zamora and his brother Mr. **Misael Zamora**, also active in the struggle against illegal logging, had been subjected to an armed attack carried out by four individuals, in Santa Lucia, department of Ocuilán. Mr. Aldo Zamora died and his brother Misael had been very seriously injured. Two of the alleged aggressors would be known for their implication in illegal logging.

On May 24, 2007, the four presumed perpetrators of the killings had been presented before the Court, which had ordered their arrest. They had subsequently gone underground.

The Zamora brothers had been taking part for several years to the environmental defence activities of their father, through the implementation of ecotourism and reforestation projects, and had worked, *inter alia*, with the Mexican section of *Greenpeace*.

In addition, other relatives, friends or collaborators of Mr. Ildefonso Zamora are still subjected to threats : Messrs. **Paulino Neri Carlos**, M. Zamora’s substitute, **Nicolás Hernández Alberto**, secretary for township affairs, and **Alejandro Ramírez Raymundo**, treasurer on township affairs and head of the Tlahuica Supreme Council.

### **MEXICO - Assassination Septembre 14, 2007 - MEX 012 / 0907 / OBS 112**

On September 6, 2007, the corpse of Mr. **Ricardo Murillo Monge**, an activist of the Sinaloa Civic Front (*Frente Cívico Sinaloense*), a non-governmental organisation which denounces, *inter alia*, cases related to public security and to prison detention conditions in the golden triangle conflict zone, was found by Mexican members of the military, in a van parked three streets away from the office of the Public Prosecutor of the State of Sinaloa. The corpse of Mr. Murillo Monge presented one shot in the head.

The office of the Public prosecutor launched an enquiry into this assassination, but as of the end of November 2007, no suspect had been identified.

In addition, Mr. Murillo Monge’s relatives refused the protection which had been offered to them by the State authorities, insofar as they did not want to benefit from a privileged treatment, as several other families witnessed the killing of one or more of their members in Culiacán, State of Sinaloa.

In 1993, Mr. Murillo Monge had funded the Sinaloa Civic Front together with his sister, Ms. Mercedes Murillo, and had been working since then for the defence of human rights and for the development of civil society actions.

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<sup>11</sup> In 1999, as a problem of drinkable water supply had occurred in the community of San Pedro Tenayac, in Temascaltepec, Mr. Santiago Pérez took part in the peaceful civil resistance movement of the Committee for the Defence of Natural Resources of the Temascaltepec River (*Comité por la Defensa de los Recursos Naturales del río Temascaltepec*), composed of dozens of communities from the south of the States of Mexico, Guerrero and Michoacán, opposing the construction of the El Tule dam in the area of San Pedro Tenayac. At the time, the continuation of the construction of the dam in spite of negotiations between the communities and the local and federal governments led to the discontent of the inhabitants of San Pedro Tenayac, who prevented the workers from getting to their place of work and kept two technicians for a few hours in order to ask them for an explanation regarding the reason for the continuation of the building works. But although Mr. Santiago Pérez Alvarado provided legal support to the inhabitants members of the Committee for the Defence of Natural Resources of the Temascaltepec River, he was not present on the day the mentioned events occurred, as he was in Mexico in order to start negotiations to settle the conflict.



In particular, he was investigating into two cases of abuses committed by the security forces in the framework of operations led against the organised crime.

**MOROCCO - Acts of violence**  
**July 11, 2007 - Open letter to the authorities**

On May 26, 2007, the police forces violently repressed a demonstration organised by the Democratic Federation of Labour (*Fédération démocratique du travail*) and the General Workers' Union (*Union générale du travail*), in Rabat, in favour of the union freedom.

Likewise, on June 15, 2007, a sit-in, which was organised in Rabat at the initiative of the National Instance for Solidarity with the Detainees of the 1<sup>st</sup> of May (*Instance nationale pour la solidarité avec les détenus du 1<sup>er</sup> mai - INSAD*), a movement created by the Moroccan Association for Human Rights (*Association marocaine des droits humains - AMDH*) in order to protest against the arrests and sentences of several activists who took part in the May 1, 2007 demonstrations in several localities of Morocco, was also violently dispersed<sup>12</sup>. Shortly before the beginning of the event, the auxiliary forces intervened and beat up several activists, dragging some of them by the feet. In total, more than 30 participants were subjected to acts of violence, among which were Ms. **Khadija Ryadi**, Chairperson of the AMDH Central Office, Messrs. **Abdelhamid Amine** and **Abdelilah Ben Abdesslam**, Vice-Presidents of the Central Office, as well as Messrs. **Abdesslam Adib** and **Omar Kaji**, respectively President and responsible for the AMDH Tiflet section. In particular, Mr. Omar Kaji was severely injured. The AMDH is about to lodge a complaint before the Moroccan judiciary in order that the arbitrary ban of the sit-in as well as the acts of violence perpetrated by the auxiliary forces be punished.

**NEPAL - Death threats / Harassment**  
**August 22, 2007 - NPL 001 / 0507 / OBS 056.1**

On August 7, 2007, an unknown female resumed threatening phone calls to Mr. **Jitman Basnet**, a lawyer, journalist and Secretary General of the Lawyer's Forum for Human Rights (LAFHUR), in Babarmahal, Kathmandu. Mr. Basnet had already received a similar phone call on May 21, 2007.

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 threatening phone calls, Mr. Basnet filed a complaint at 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 follow 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 Bhairabnath Barracks' personnel.

In September 2006, Mr. Basnet 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 also accused King Gyanendra and army officials for supplying false information to the Supreme Court.

**NEPAL - Obstacles to freedom of peaceful assembly / Ill-treatment / Arbitrary arrests / Releases**  
**September 4, 2007 - NPL 004 / 0907 / OBS 108**

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, 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"<sup>13</sup> and detained in custody. All protestors 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

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<sup>12</sup> On June 15, the AMDH had decided to maintain the organisation of the sit-in in spite of the ban issued by the authorities.

<sup>13</sup> Areas marked by the Ministry of Home Affairs that do not allow entry to demonstrators.

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 (the headquarters of the government in Kathmandu). However, they were charged with showers of truncheon. The police even tried to take off the sari and petticoat of Ms. **Uma Devi Badi**, the Coordinator of the Badi Community Struggle Committee. The Police arrested 120 protestors and took 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 Women Human Rights Defenders of Women's Rehabilitation Centre (WOREC) were taken to the Armed Police Force Battalion number 2 in Maharajgunj. They were all released in the evening, without charge against them.

**NICARAGUA - Defamation campaign**  
**July 9, 2007 - NIC 002 / 0707 / OBS 076**

At the beginning of July 2007, the judicial authorities launched a campaign of discredit and defamation against the Nicaraguan Centre for Human Rights (*Centro Nicaragüense de Derechos Humanos* - CENIDH), following its participation in the defence of an entrepreneur, Mr. Miguel Ignacio Lacayo, sentenced for deliberate omission to feed his daughter.

For instance, the Human Rights Prosecutor, Mr. Omar Cabezas Lacayo, publicly declared that he was "disgust[ed]" with the work of the organisation and affirmed that organisations such as CENIDH "were created in some areas or cities with the unique purpose of drawing the attention of journalists". Such declarations were largely taken over in the local media.

In addition, CENIDH, which denounced in particular the violation of the procedural rights of Mr. Lacayo, was denied the right to visit him in the Prison Centre of Tipitapa, in violation of the Law on Prisons System of Nicaragua.

**OSCE - Supplementary Human Dimension Meeting**  
**July 13, 2007 - Written and oral statement**

At the Supplementary Human Dimension Meeting of the Organisation for the Security and Cooperation in Europe (OSCE), which was held in Vienna on July 12 and 13, 2007, the Observatory pointed out that the first semester of 2007 witnessed an ongoing tendency of repression aimed at reducing - sometimes drastically - the capacity of independent civil society to operate in several OSCE member States. Thus, the *Russian Federation* continued to rely on restrictive laws in relation to freedom of association, thus making it easier to control independent civil society. Moreover, freedoms of assembly and peaceful gathering were flouted in some countries (*Georgia, Russia, Turkey*), whereas several defenders were still detained in *Uzbekistan* in extremely precarious conditions because of their human rights activities.

The Observatory also welcomed the decision, in 2006, to establish a focal point on human rights defenders within the Office for Democratic Institutions and Human Rights (ODIHR) and insisted on the fact that the mandate of this mechanism should be clarified in order to include the possibility to address States on individual cases.

**PANAMA - Assassinations**  
**August 28, 2007 - PAN 001 / 0807 / OBS 100**

On August 14, 2007, Mr. **Oswaldo Lorenzo Pérez**, a representative of the Unique National Trade Union of Workers of the Construction Industry (*Sindicato Único Nacional de Trabajadores de la Industria de la Construcción y Similares* - SUNTRACS), was shot dead by a worker hired by the Brazilian construction company Norberto Odebrecht, whilst demonstrating with a group of workers for the reinstatement of some 100 unfairly dismissed workers. In March 2007, SUNTRACS had launched a major campaign denouncing the violation of health and safety standards in a bid to halt the wave of deaths and the deterioration of working condition in the construction industry.

On August 16, 2007, Mr. **Luigi Antonio Argüeles**, another SUNTRACS trade union representative, was shot dead by a police officer as he headed for MAQTEC SA with a group of workers to present a formal resolution issued by the Mayor of Balboa ordering the company's closure for failing to comply with municipal bylaws and to demand the payment of the wages owed.

Messrs. Oswaldo Lorenzo Pérez and Luigi Antonio Argüeles had opposed mass dismissals and the obligation to join the yellow union SINDICOPP, controlled by Norberto Odebrecht.

**PHILIPPINES - Extra-judicial killing**  
**July 25, 2007 - PHL 002 / 0707 / OBS 085**

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

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.

**PHILIPPINES - Extra-judicial execution**  
**August 30, 2007 - PHL 003 / 0807 / OBS 104**

On August 10, 2007, at 5.30 pm, 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, sustaining an intra-cranial injury. 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), a sister company 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 agreement<sup>14</sup>. 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, on the day after he had questioned the implementation of the Comprehensive Agrarian Law (CARL) and contracts of the SFPI-DAVCO at an inter-agency consultation. He had also referred to the destruction of crops and houses of the farmers who refused to enter into lease agreement with SFPI-DAVCO. He had accused the company of using a backhoe to clear the land already planted with cops, fruit trees and coconut trees by the farmers and in tearing down their houses in some areas. He had also condemned the killings that happened in the area against the farmers and an indigenous person struggling for their right to own a piece of land.

Mr. Labial was also his organisation's representative to the newly-formed Task Force ARAD, which was formed on July 13, 2007 among concerned government agencies, NGOs and affected people's organisations concerning dispute over the contested Carpable Cohunagco estate. In addition, he was the Vice-Chairperson of the Makabayan Pilipinas, Bukidnon Chapter (*Makabayang Alyansa ng mga Magbubukid ng Pilipinas*, Inc), the Provincial Chairperson of Sanlakas- Bukidnon and the Secretary General of the Coalition of Actual Tiller and Holders of a Certificate of Land Ownership Award (CLOA) in Bukidnon Farms, Inc (CATCH-BFI).

**RUSSIAN FEDERATION - Adoption of new restrictive amendments**  
**July 12, 2007 - Press release**

On July 11, 2007, the Council of the Federation (the Russian Parliament's Higher Chamber) voted amendments to the Criminal Code, the Administrative Code and the Federal Law on "Mass-media", which strengthen the measures against extremism and terrorism. This vote intervened after the adoption by the Duma (the Parliament's Lower Chamber), on July 6, 2007 and in third lecture, of the amendments to the Federal Law on the "Fight against extremist activities".

These amendments empower in particular the security services to resort to telephone tapping with regards to any person suspected of having committed a crime, regardless of the nature and the gravity of the accusation. Moreover, the amendments to the Criminal Code extend the definition of an extremist act to "criminal acts committed for reasons of political or ideological hatred or of hatred towards a social group". The media are also

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<sup>14</sup> As agrarian reform beneficiaries, Mr. Labial and his group of farmers claimed some 100-hectare parcel of the 2,900-hectare of the Construction Development Corporation of the Philippines (CDCP). In 1989, CDCP was among the sequestered land estates under the Comprehensive Agrarian Law (CARL) to be distributed to farmers. As a sequestered property, CDCP was later renamed as Bukidnon Farms Inc. (BFI). BFI consists of three big land titles covering the municipalities of Don Carlos and Maramag in the province of Bukidnon. The DAR granted 109 hectares to the agrarian reform beneficiaries, but it was found out that only 60 hectares have remained under their control since the intrusion of DAVCO in 2005.

prevented from publishing any information on organisations carrying out activities considered as “extremist”. An abusive use of such legislation could make it possible to consider as “extremist” any criticism towards the authorities, and to qualify the demonstrations from the opposition of “mass disorders”, an action that is punishable by an imprisonment sentence of up to 12 years. As a consequence, it is to be feared that an abusive use of this legislation might lead to further sanctions against the independent civil society.

#### **RUSSIAN FEDERATION - Arbitrary detention / Ill-treatments**

**August 2, 2007 - RUS 005 / 0807 / OBS 087**

**August 13, 2007 - RUS 005 / 0807 / OBS 087.1**

**August 21, 2007 - RUS 005 / 0807 / OBS 087.2**

On July 5, 2007, Ms. **Larisa Arap**, a Russian journalist and a member of the United Civil Front, an opposition movement, was arrested in a clinic in Murmansk where she had gone for a medical examination to renew her driver’s licence. Following her arrest, she was transferred to a psychiatric hospital 150 km outside Murmansk, and would have been forcefully injected with drugs, beaten and tied to a bed.

On June 8, 2007, an article she had written on the ill-treatment of children in psychiatric hospitals in the Murmansk region was published in a newspaper issued by the United Civil Front. In particular, she criticised the use of electroshock and alleged that patients would have been beaten and raped.

On July 18, 2007, a Murmansk district court signed an order for Ms. Arap’s compulsory treatment and on August 12, 2007, a local district court upheld this order. Ms. Arap’s lawyer appealed these two decisions. On July 26, 2007, Ms. Arap was taken to the hospital in Apatity.

On August 20, 2007, a medical committee informed Ms. Arap that she was released from the psychiatric hospital where she was forcibly held in the city of Apatity. The doctors did not explain their decision and made her sign an agreement to continue her prescribed treatment at home.

#### **RUSSIAN FEDERATION - Judicial proceedings / Harassment**

**August 16, 2007 - Press release**

**August 22, 2007 - RUS 006 / 0807 / OBS 096**

In April 2007, after that Mr. **Stanislaw Dmitrievskiy**, the editor-in-chief of the newspaper *Pravozaschita* and former Executive Director of the Russian-Chechen Friendship Society (RCFS), was one of the organisers and active participant of the “Marches of Dissenters” that were not authorised by the authorities, the Peace Court #1 of Nizhegorodskiy district (Nizhny-Novgorod) issued two rulings (on June 5 and 6, 2007) ordering that administrative proceedings be undertaken against him. In this regard, an inspector of the inter-district inspection to execute punishment #3 of Nizhegorodskiy district at the Main Department of the Federal Service to Execute Punishment of the Russian Federation made a written statement warning that Mr. Dmitrievskiy’s conditional sentence might be changed for a real term imprisonment under Part 1 of Article 190 of the Criminal and Execution Code of the Russian Federation<sup>15</sup>. The staff of the Inspection refused to hand in a copy of the warning to Mr. Dmitrievskiy, which made it impossible for him to appeal the warning in court.

On August 17, 2007, the Nizhegorodskiy District Court considered a motion lodged by the Inspection to Enforce Sentences of the Nizhegorodskiy District against Mr. Dmitrievskiy for “breaching administrative law”. The Court then decided to impose on the latter a “ban to violate the administrative law”, which, according to law, can lead to his imprisonment if he is found guilty of infringing this ban on two occasions. It is therefore to be feared that this ban might be used to turn into a real term imprisonment the conditional sentence Mr. Dmitrievskiy is currently serving.

Mr. Dmitrievskiy appealed the ruling.

#### **RUSSIAN FEDERATION - Obstacles to the freedom of association / Harassment**

**August 23, 2007 - Press release**

On August 21, 2007, Mr. Alexandre Stepanov, the Director of the Federal Registration Service (FRS) Department in charge of the relations with NGOs, told the *Agence France Presse* (AFP) that according to the latest figures issued by the FRS, 216,279 NGOs had been registered so far on a list called the “unified State-list”, but that 467

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<sup>15</sup> On February 3, 2006, Mr. Dmitrievskiy received a suspended sentence of two years in prison and four years of probation for “incitement to racial hatred” by the Sovetsky District Criminal Court (Nizhny-Novgorod), after *Pravozaschita*, a joint publication of RCFS and the Nizhny-Novgorod Society for Human Rights (NNSHR), released statements by Messrs. Akhmed Zakaev et Alsan Maskhadov, two Chechen separatist leaders, calling for a peaceful resolution of the Russian-Chechen conflict. On April 11, 2006, the appeals lodged by Mr. Dmitrievskiy and the Prosecutor, who considered the verdict too lenient, were dismissed by the Nizhny-Novgorod Regional Court.

of them would have to be shut down and 2,307 others would have to cease their activity as legal persons for failure to provide the necessary documentation.

Such facts result from the new Federal Law on NGOs, which entered into force on April 17, 2006 and provides for amendments to three previously existing Russian laws. In particular, this law restrains the capacity of foreign NGOs to operate in the country, toughens the registration conditions for NGOs and strengthens the powers of the authorities to interfere in their activities.

Furthermore, in June 2007, the District Court of Nizhny Novgorod ordered that the International Youth Human Rights Movement (YHRM), an international NGO present in more than 30 States, be taken off the FRS register of recognised NGOs for “absence of activities”, due to its “failure” to provide details about its actions and finances to the regional department of the FRS. Yet, YHRM had submitted all the information required to the Moscow office of FRS, in conformity with Articles 28 and 39 of the Federal Law on NGOs, which do not provide that this information should be submitted to the regional department.

In addition, the YHRM convocation before the District Court and the notification of the judgement were sent to a wrong address, which made it impossible for YHRM to attend the trial, to be notified of the decision and therefore to lodge an appeal on time (YHRM were informed only in August 2007 about the decision of the District Court).

### **RUSSIAN FEDERATION - Search / Confiscation of materials / Judicial proceedings / Harassment August 30, 2007 - RUS 007 / 0807 / OBS 105**

On August 27, 2007, members of the police and the Federal Security Service (FSB) came to the office of the Nizhny-Novgorod Centre to Support Migrants to inform Ms. **Almaz Choloyan**, Chairperson of the Centre, that she was suspected of having stamped a passport of a migrant with a real stamp of the Ukrainian border point of Nekhotevka. Ms. Choloyan was also ordered not to leave the city. In the framework of their investigation, the police and the FSB seized all the materials from the office of the Centre, including passports and official documents of several migrants. They also searched her flat.

In addition, the police and the FSB questioned the manager of the last project carried out by the Centre, which is financed by the U.S. Agency for International Development (USAID) and aims at providing migrants with legal assistance. To that extent, the FSB members would have made some remarks, hinting that the Centre members could be “easily accused of stirring up ethnic hatred between Russians and migrants providing migrants with such help”. For no apparent reason, Ms. Almaz Choloyan was also asked about her relations with Mr. Stanislav Dmitrievsky<sup>16</sup>.

Similarly, on August 29, 2007, the office of the Nizhny-Novgorod Foundation to Support Tolerance<sup>17</sup> was raided by the police from the Department to Combat Crimes in relation to information technology, with an order signed by the Minister of the Interior, in order to hold an inspection of the financial, economical, entrepreneurial and other types of activities of the Foundation. Yet, the motion did not give any explanation of the reasons for such a full inspection. As a result of this inspection, the police established that the Foundation could not provide the licenses to some of the software and then seized the computers in order to carry out their full inspection, after agreeing the information recorded on the computers be copied.

Furthermore, on August 28, 2007, at a press conference which was organised subsequent to the regular meeting of the Regional Anti-Terror Committee of the Nizhny-Novgorod district, the regional governor announced the creation of a “list of extremists” and the need “to check the work of all public organisations where young people work”.

Finally, on August 30, 2007, the offices of the *Novaya Gazeta* in Nizhny-Novgorod, one of the only independent Russian newspaper, and of the Nizhny-Novgorod Human Rights Alliance were also raided by policemen acting on the grounds of a motion signed by the Minister of the Interior. The computers of *Novaya Gazeta* were also seized.

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<sup>16</sup> See above.

<sup>17</sup> The Nizhny-Novgorod Foundation to Support Tolerance is the name under which the RCFS reconstituted itself after its definitive closure in January 2007.

**RWANDA - Sentencing / Arbitrary detention**  
**August 22, 2007 - RWA 001 / 0607 / OBS 059.1**

On August 18, 2007, the gaçaça<sup>18</sup> appeals tribunal of Biryogo upheld the sentence of Mr. **François-Xavier Byuma**, former Vice-Chairperson of the Rwandan League for the Promotion and Protection of Human Rights (*Ligue rwandaise pour la promotion et la défense des droits de l'Homme* - LIPRODHOR), to 19 years' imprisonment for "participating in a training on firearms handling" and "participating in attacks while being administrative authority" during the Rwandan war. This decision had been issued by the gaçaça tribunal of first instance on May 27, 2007.

Mr. Byuma is also the Coordinator of the Network of Human Rights Defenders in Central Africa (*Réseau des défenseurs des droits de l'Homme en Afrique centrale* - REDHAC) and the President of the Rwandan Association for the Protection and Promotion of the Child (*Association rwandaise pour la protection et la promotion de l'enfant - Turengere Abana*), a Kigali-based NGO which struggles, in particular, against sexual violence and forced child labour.

Mr. Byuma was then transferred from the Kigali prison to the Rilima prison, 70 km south of the capital. He filed an appeal for review to the Executive Secretary of the national service of the gaçaça jurisdictions, which was accepted.

On May 3, 2007, Mr. François-Xavier Byuma had received a summons to appear before the gaçaça tribunal of first instance for "complicity in the 1994 Rwandan genocide". This notification had intervened as the *Turenger Abana* NGO was investigating into allegations of rape against a young 17-year girl, the responsible of which being, according to *Turenger Abana*, the President of the gaçaça tribunal of first instance.

**SENEGAL - Acts of intimidation and of harassment**  
**July 23, 2007 - SEN 001 / 0707 / OBS 082**

On July 18, 2007, during a press conference held by the Ministry of Interior on the question of illegal migrations of Senegalese, the Senegalese Minister of Interior declared that "human rights organisations as the African Meeting for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO) have no more *raison d'être*".

Such declarations followed, in particular, the discovery, on July 11, 2007, of unclassified war weapons at the RADDHO headquarters, by a policeman in civilian clothes who would have entered the premises of the organisation in order to use the water-closets. According to RADDHO, these weapons would have been stocked in this location following the organisation of a awareness-raising campaign against light weapons in 2004 and 2005.

On two occasions, Mr. **Alioune Tine**, RADDHO Secretary General, was heard by the police on that question: by the police of Dieupeul on July 11, 2007 on the one hand, and by the Chief Commissioner for Urban Safety, on July 17, 2007, on the other hand.

Subsequently, the headquarters of the organisation were put under permanent police surveillance until the end of July 2007, when the declassified weapons were, as planned by the RADDHO, incinerated in Ndioum, Northern Senegal, in the framework of the "Flames of Peace" awareness-raising demonstrations against light weapons organised by the organisation.

**SRI LANKA - Intimidation acts**  
**August 10, 2007 - Press release**

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 from August 6 to 9, 2007, 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, perspectives and experiences with Mr. Holmes, without fear of any kind of reprisals.

Furthermore, 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 the military would brief Mr. Holmes about the human rights and security situation, while the Government would brief Mr. Holmes about the

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<sup>18</sup> The gaçaça tribunals are popular jurisdictions that are inspired of ancient local assemblies and have been set up in the whole country. They are part of a community system aiming at prosecuting those who are presumed to be involved in the 1994 genocide. However, the instigators and the rapers are judged by conventional tribunals.

situation of Internally Displaced Persons (IDPs).

### **SUDAN - Arbitrary detention / Release / Harassment**

**July 23, 2007 - SDN 001 / 0707 / OBS 083**

**July 27, 2007 - SDN 001 / 0707 / OBS 083.1**

**August 6, 2007 - SDN 001 / 0707 / OBS 083.2**

**August 20, 2007 - SDN 001 / 0707 / OBS 083.3**

**September 14, 2007 - SDN 001 / 0707 / OBS 083.4**

On July 20, 2007, Mr. **Osman Ibrahim**, Spokesperson of the Committee Against the Kajbar Dam (CABKD), a group campaigning on behalf of the communities which are at risk of being affected by this dam, was arrested by policemen while at his home in Farraig village, Halfa municipality (Northern Sudan). No warrant was presented to him and nobody informed him of where he was being taken.

Mr. Osman Ibrahim's arrest followed incidents reported on June 13, 2007, when Sudanese security forces killed and injured civilians in the Farraig village by shooting at them during a peaceful demonstration against the construction of the Kajbar dam in the area. On that occasion, several individuals were arrested and detained in Dongola, the capital of the northern State, and in Khartoum, including Messrs. **Alam Aldeen Abd Alghni**, **Emad Merghni Seed Ahmed**, **Abd Allah Abd Alghume**, lawyers, and Mr. **Mugahid Mohamed Abdalla**, a journalist covering the event.

After being detained at the Dabak prison, in the North of Karthoum, they were all released on August 19, 2007.

Furthermore, the following members of the CABKD might also be at risk of being arrested as security personnel have been asking and inquiring about them since June: Mr. **Adham Nasor**, representative of the Khartoum section of the CABKD and coordinator of the international committee of the organisation, Dr. **Abdul Halim Sabar**, Mr. **Abdul Fatah Zaidan**, Mr. **Abdul Hakam Nasor**, Dr. **Ahmed Abdalla Khidir**, Dr. **Abdel Gadir Shallabi**, working for the local developmental NGO "Nabata", and Mr. **Ezzendeen Idris**, seventy year-old teacher from the Farraig section of the CABKD.

Between August 27 and 29, 2007, the following members of the Committee Against the Building of the Kajbar were arrested in Dongola, the capital of the Northern Province of Sudan: Mr. **Nazmi Mohamed Hamed**, Mr. **Nayif Mohamed Hamed**, his brother, Mr. **Al Khatib Mohamed Elsir**, Mr. **Maisara Izzeldin Mohamed Munowar**, and Mr. **Faroug Nuri**. In addition, Mr. **Hisham Abbas** was arrested in Wadi Halfa City while travelling to Egypt, and Messrs. **Daoud Suliman** and **Isam Mohamed Fagir** were arrested in Kerma, before being transferred to Dongola.

All men were detained in Dongola, under the control of the National Intelligence and Security Forces (NISS), except for Mr. Hisham Abbas, who was detained in Wadi Halfa.

While Mr. Nayif Mohamed Hamid was released on September 12, 2007, Messrs. Nazmi Mohamed Hamid, Nayif Mohamed Hamid, Al Khatib Mohamed Elsir, Maisara Izzeldin Mohamed Munowar, Faroug Nuri, Hisham Abbas, Daoud Suliman and Isam Mohamed Fagir were released on September 13, 2007.

Furthermore, on the same dates, the following members of the Committee were arrested, before being released shortly after : Mr. Osman Ibrahim, Mr. Ezzeldeen Idris, Mr. **Abdel Hakim Nasor**, a lawyer and a member of the Committee, Mr. **Mamoun Abdel Aziz**, a member of the Committee in Karma, who handed himself to the security forces in Karma after they arrested his brother, Mr. **Abdel Razig**, and Mr. **Samil Mohamed Samil**.

### **TUNISIA - Acts of harassment**

**July 17, 2007 - TUN 001 / 0407 / OBS 037.1**

Judicial proceedings were launched against Mr. **Abderraouf Ayadi**, a lawyer and former member of the Bar Council (*Conseil de l'Ordre des avocats*), as well as former Secretary General of the National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie - CNLT*), for "aggression" against the Chief of the Bab Bnet station (of which the courthouse is part). Yet, Mr. Ayadi had been aggressed on April 14, 2007, by an officer of the political police in front of the court room of the Court of first instance in Tunis, as he was preparing to plead in a case involving defendants charged under the anti-terrorist law.

At the same time, Mr. Ayadi was subjected to acts of harassment. Thus, on July 7, 2007, he saw a man putting an envelope on his mail box. The man escaped hastily as Mr. Ayadi arrived. As he considered that the envelope was suspect since it resembled another envelope he had received one week earlier, which contained a photomontage about his wife, he went to the police station where he asked an officer to open it. The latter contained a DVD. Mr. Ayadi demanded that this act be recorded in a written statement in view of starting legal proceedings, as he considered that there were strong reasons to believe that the content of the DVD was once again aimed at discrediting him. However, the officer refused to do so, following the orders of his hierarchy, and accepted only

to record the facts on a mere sheet of paper. After protesting against the illegality of these facts, Mr. Ayadi went out of the police station. Half an hour later, Mr. Ayadi's secretary found out the same envelope in the same mail box.

### **TUNISIA - Release / Obstacles to the freedom of movement**

**July 25, 2007 - Press release**

**August 28, 2007 - Press release**

On July 24, 2007, Mr. **Mohamed Abbou** was conditionally released after more than two years in prison.

Mr. Abbou is a lawyer and human rights defender, a member of the CNLT and of the International Association for the Support of Political Prisoners (*Association internationale de soutien aux prisonniers politiques - AISPP*), and had been detained since March 1, 2005. He had been sentenced, among others, for publishing articles on the detention conditions in Tunisia, comparing the Tunisian prisons to Abu Ghraib. His trial had been marred with irregularities. In particular, Mr. Abbou had been tortured in the framework of his detention pending trial.

However, on August 24, 2007, Mr. Abbou was turned back and denied the right to travel to London, where he had to take part in a TV programme on democracy and human rights in the London studios of *Al-Jazeera*. Indeed, as he was about to go through the customs, the air and border police denied him the right to leave Tunisia, on the grounds that his release was conditional and that he had not been allowed to leave by the judge and the tribunal which had sentenced him, even though such a procedure does not exist in Tunisian law.

In addition, on August 18, 2007, 3,700 Tunisian dinars (about 2,200 Euros), which had been sent to him by the organisation Frontline through Western Union, were withdrawn on his behalf. This amount was aimed at covering his travel expenses for a trip to Paris and was given back to him a few days later.

Furthermore, on August 25, 2007, Mr. **Taoufik Mezni**, the brother of Mr. **Kamel Jendoubi**, Chairperson of the Euro-Mediterranean Human Rights Network (EMHRN) and of the Committee for the Respect of Liberties and Human rights in Tunisia (*Comité pour le respect des libertés et des droits de l'Homme en Tunisie - CRLDHT*), was prevented from getting back to France, the country where he has been residing for more than seven years. At the Tunis-Cartagena Airport, the police seized his passport, therefore preventing him from boarding the plane. He was allowed to go back to France after waiting for six hours. Mr. Mezni had already been interrogated on his links with Mr. Jendoubi in the past.

### **TUNISIA - Judicial proceedings / Harassment**

**August 15, 2007 - Press release**

**August 16, 2007 - Judicial observation mission**

**August 17, 2007 - Press release**

Since March 2007, Mr. **Omar Mestiri**, the editor-in-chief of the *Kalima* online newspaper, was prosecuted on the basis of Articles 42, 50, 51, 53, 72 and 78 of the Code of the Press, for publishing a press article, on September 5, 2006, in *Kalima*, in which he expressed his surprise with the rehabilitation of Mr. Mohamed Baccar by the Council Bar, since the latter was, according to Mr. Mestiri, close to personalities in power and that he had been "condemned on several occasions for swindle".

On March 29, 2007, Mr. Mestiri had been heard in the framework of this case by the Substitute of the Prosecutor, Mr. Zied Soudane, in order to be heard as regards the defamation complaint filed by Mr. Baccar. On the occasion of this summons, his lawyers had raised, *inter alia*, the absence of legal basis regarding the proceedings against M. Mestiri, arguing that the substantial elements of the above-mentioned article could not be invoked by the complainant since the access to the *Kalima* website was censored in Tunisia. Mr. Mestiri had also been interrogated on the so-called libellous elements of his article, and pointed out that he had proofs of what he had asserted, including several definitive rulings sentencing Mr. Mohamed Baccar for swindle.

On July 7, 2007, Mr. Mestiri received a summons to appear before the Tunis Tribunal of First Instance on August 2, 2007 in the framework of this defamation complaint. At the request of the lawyer of the complainant, the hearing was postponed to August 16, 2007, when the Observatory mandated a Moroccan *chargé de mission* to observe the trial. On that date, the hearing was once again postponed to August 28, 2007, here again at the request of the lawyers of the complainant.

On August 31, 2007, Mr. Mohamed Baccar withdrew his complaint, therefore putting an end to the proceedings against Mr. Mestiri. At the August 28 hearing, the judge had openly put pressure on Mr. Baccar, so that he maintain his complaint.



**TUNISIA - Assault / Harassment**  
**August 31, 2007 - TUN 003 / 0807 / OB 107**  
**September 6, 2007 - Open letter to the authorities**

On August 31, 2007, Mr. **Ayachi Hammami**, Secretary General of the Tunis section of the Tunisian League of Human Rights (*Ligue tunisienne des droits de l'Homme* - LTDH) and rapporteur on the question of the independence of justice for the EMHRN, found that his desk and that of his secretary were burning. After the fire was extinguished, Mr. Hammami noticed that the protections of the computers' central units had been removed beforehand, so that computer data be more easily deleted by the fire. In addition, an important amount of paper documents was destroyed.

Mr. Hammami was about to finish his report on the independence of the judiciary in Tunisia, in view of a presentation at a seminar, titled "Independence and impartiality of justice - the Tunisian case", held on September 8 and 9, 2007 in Paris, by EMHRN, with the support of LTDH and of CRLDHT.

**TURKEY - Sentencing**  
**August 17, 2007 - TUR 002 / 0807 / OBS 093**

On June 7, 2007, Mr. **Ethem Acikalin**, President of the branch in Adana of the Human Rights Association (*Insan Haklari Dernegi* - IHD), Mr. **Mustafa Bagcicek**, Secretary General, and Mr. **Hüseyin Beyaz**, Financial Secretary, were sentenced by the Adana Criminal Court n°1 to two years and eight months' imprisonment for "inciting hatred and hostility" and "praising crime and criminals" (Article 215 of the Criminal Code). These charges relate to their criticisms, in 2005, of the "Return to Life" military operations of December 2000<sup>19</sup> and the prison conditions of Kurdish leader Abdullah Öcalan.

On the same day, the three men appealed their sentence before the Appeal Court in Ankara (Yargitay). They will remain free until the decision of the court, which should take place within one year.

On December 18, 2005, Mr. Ethem Acikalin, Mr. Mustafa Bagcicek and Mr. Hüseyin Beyaz had organised a demonstration, protesting against these military operations and calling for the prosecution of those responsible for these violations. They also criticised, in the press release issued at the occasion of the demonstration, Mr. Öcalan's solitary confinement in Imrali Prison.

**UZBEKISTAN - Judicial proceedings / Incommunicado detention**  
**September 26, 2007 - UZB 004 / 0907 / OBS 118**

On September 19, 2007, Mr. **Sobir Tulaganov**, the Director of the Tashkent section of the Human Rights Society in Uzbekistan (HRSU), went to the Criminal Court of the Yuzunabad District in order to be granted access to the case of slander that was filed against him by Ms. Feruza Sokatbaeva on April 13, 2007, on the basis of Article 139 of the Uzbek Penal Code. However, not only was he denied access to the case, but he was also arrested in the premises of the tribunal on the basis of a decision of the judge, who decided to turn the compulsory order of residence by which he has been bound in 2007, in the framework of the judicial proceedings against him, into imprisonment. Since then, no additional information could be obtained regarding his whereabouts or his possible release.

Ms. Sokatbaeva lodged her complaint on the basis of an article published by Mr. Tulaganov in a local newspaper, criticising the Uzbek maternity hospitals, after the latter recently discovered that his daughter and that of Ms. Sokatbaeva had been inter-changed by mistake by the personnel of the hospital a few days after their birth, more than fifteen years ago.

Since the complaint was lodged before the Criminal Court of Yuzunabad on April 13, 2007, a series of procedural irregularities have taken place. First of all, Mr. Tulaganov was only notified of the existence of the complaint 71 days after the enquiry procedure was opened and could therefore not introduce all the elements he wanted to rely upon for his defence within the "90 days of enquiry" provided by law. On July 27, 2007, Mr. Tulaganov was interrogated by Mr. Almatov, the Senior enquiry officer of the department of internal affairs of the Yunuzabad district. He subsequently lodged a complaint to the Prosecutor of the city of Tashkent, Mr. Valiev, in order to protest against the procedural irregularities he has been confronted to. However, he has received no answer so far. On August 17, 2007, Mr. Almatov declared that the enquiry procedure that was opened on May 16, 2007 was

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<sup>19</sup> On December 19, 2000, the military had organised the "Return to life" military operations that had been launched simultaneously in 22 prisons all over Turkey in order to end two months of hunger strikes and "death fasts" carried out by hundreds of political prisoners, and which resulted in the death of 31 people, two of them soldiers. At that time, the hunger strikers were protesting against the State's plan to transfer its prisoners from large wards to "F-type" prisons (characterised by small one- and three-person cells, where continued isolation leaves prisoners particularly vulnerable to torture and other forms of ill treatment).

closed, whereas he had no mandate to close it.

### **ZAMBIA - Obstacles to freedom of association July 20, 2007 - Press release**

On July 17, 2007, the Minister of Justice, Mr. George Kunda, presented a bill on non-governmental organisations to Parliament for enactment, declaring that this text represented an attempt to “enhance transparency and accountability among civil society groups”.

On July 20, 2007, the Zambian Parliament debated this bill, which seems to aim at regulating the activities of the organisations of civil society and at stifling any dissenting voice towards the government. Non-governmental organisations are indeed regularly accused by the government of being “politicians using NGOs as a shield”.

In particular, the bill calls for “the registration and co-ordination of NGOs [including international organisations that have offices in Zambia, so as] to regulate the work, and the area of work of NGOs operating in Zambia”. In addition, if the bill becomes law it would empower the Minister of Home Affairs to form a 10-member board, comprised of government members and two representatives from civil society, which would “receive, discuss and approve the code of conduct [of NGOs], and [...] provide policy guidelines to NGOs for harmonising their activities to the national development plan of Zambia”.

The bill also provides that NGOs should register annually, and enables the government to suspend NGOs that fail to submit quarterly or annual reports or when they misapply funds they receive from donors.

### **ZIMBABWE - Death threats August 23, 2007 - ZWE 005 / 0807 / OBS 097**

On August 22, 2007, a person calling himself Moyo from the office of the Zimbabwe African National Union - Patriotic Front (ZANU PF, ruling party) called the law firm of Mr. **Kucaca Phulu**, a lawyer and chairperson of the Zimbabwe Human Rights Association (ZimRights), and spoke to the receptionist. “Moyo” then said that Mr. Phulu had been seen with one of his client who is charged for “armed robbery” and wanted for arrest. He then threatened Mr. Phulu, adding that if his client could not be found, Mr. Phulu would be “killed” in his place.

Although ZimRights lodged a complaint, it has never received any acknowledgment of its reception. As of the end of November 2007, no public investigation into these events had taken place.

### **ZIMBABWE - Arbitrary detentions / Ill-treatments / Judicial proceedings / Harassment / Releases September 21, 2007 - ZWE 006 / 0907 / OBS 117**

On September 13 and 14, 2007, three members of the Zimbabwe Congress of Trade Unions (ZCTU), Messrs. **Eliot Muposhi**, **Willmore Makure** and **Tafara Tawengahama**, were arrested in Masvingo and taken to the police station of the city where they were interrogated by police officers from the Law and Order section and members of the Central Intelligence Organisation, concerning a “stay away” (boycott) which was supposed to take place on September 19 and 20, 2007, in order to peacefully protest against the deterioration of living conditions and other related issues such as salary freezes, job losses, runaway inflation, corruption and unemployment. After the interrogation which lasted three hours the three were released but threatened with reprisals if they went ahead with the stay away.

On September 17, 2007, in Harare, three ZCTU members, Messrs. **Michael Kandukutu**, **Justice Mucheni** and **Tennyson Muchepfa** were arrested in the Workington area while trying to distribute fliers for the stay away. In the framework of these arrests, the ZCTU members were assaulted by police officers before being taken to Mbare police station where they were further assaulted. They were then transferred to Harare Central police station where they were submitted to serious ill-treatment.

On September 19, 2007, they were taken to court and released on a bail of Z\$ 500,000, but remained charged with “criminal nuisance” under Section 46 of the Zimbabwean Criminal Code.

On October 5, 2007, a court in Harare decided to drop all the charges against the three men, adding that the three were distributing information that was public knowledge (See Urgent Appeal ZWE 006/0907/OBS 117.1, issued on October 12, 2007).

On September 18, 2007, Mr. **Isaac Teveteve**, the Secretary of the Gweru branch of the ZCTU, was arrested and sent to detention in Gweru, in Bulawayo, before being released a few hours later.

On the same day, three members of Women of Zimbabwe Arise (WOZA), Ms. **Magodonga Mahlangu**, Ms. **Rosemary Siziba** and Ms. **Sitshiyiwe Ngwenya**, were arrested and taken to the Bulawayo police station where they were charged under sections 140 and 143 of the Criminal Codification Act for “malicious damage to property owned by the State”. The charges relate to messages reading “choose love over hate” that have been

written on roads around Bulawayo. Ms. Mahlangu was reportedly brought to a police station located 30 kilometres away from the city. While she was in detention, Law and Order officers subjected her to intensive interrogations and threatened her with death. The three activists were then brought to court on September 19, 2007, where lawyers facilitated their release. However, they remain prosecuted for “malicious damage to property owned by the State”.

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Geneva - Paris, January 2008.

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The logo for the International Federation for Human Rights (FIDH) consists of the lowercase letters 'fidh' in a bold, black, sans-serif font.

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