

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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ALGERIA – Aggression September 23, 2005 – Press release

On September 14, 2005, Mr. **Mouloud Arab**, father of a disappeared, was arrested during the weekly meeting of SOS Disappeared (*SOS disparu(es)*) before the National Consultative Commission for the Promotion and the Protection of Human Rights (*Commission nationale consultative pour la promotion et la protection des droits de l'Homme* - CNCPPDH) in Algiers, as he was distributing flyers on the situation of the families of disappeared. He was released a few hours later.

On September 22, 2005, several members of the Association of the Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* - CFDA) and SOS Disappeared, among them Mr. **Bellatrèche**, spokesperson of the Families of Disappeared in Constantine, were beaten and arrested by the police while they were trying to meet Mr. Bouteflika, President of the Republic, in Constantine.

Moreover, in September, Mrs. **Fatima Yous**, president of SOS Disappeared, and Mr. **Hacène Ferhati**, treasurer, received several anonymous phone calls on their mobile phones. Mrs. **Fatima Nekrouf**, secretary of the Oran branch, also received several death threats by phone.

BRAZIL - Assassination / Rape / Armed Attack / Death Threats / Harassment July 8, 2005 - BRA 001 / 0705 / 050

On May 21, 2005, around ten heavily armed men entered the village of Kamihaw, in the city of Grajaú, State of Maranhão, and murdered Mr. **João Araújo Guajajara**, chief of the indigenous Guajajara community. The assailants also wounded his son, Mr. **Wilson Araújo Guajajara**, raped his daughter and burned a house. On May 18, 2005, Mr. Guajajara had complained to the Civil Police about threats against his community made by Mr. Milton Alves Rocha, a farmer who had ordered the expulsion of the community before the end of May.

Mr. Milton Alves Rocha was arrested with his two sons on May 24, 2005 in connection with the attack, but released on June 30, 2005 by the Maranhão State Court of Justice.

On July 14, 2005, the Prosecutor summoned the accused and members of the indigenous community in Grajaú. Moreover, Messrs. **José Arão Marizê Lopes**, **Maruzan Kamura'y**, **Alderico Lopes**, Wilson Araújo Guajajara, **Edimar Mendes Guajajara** and Mrs. **Judite Marizê Lopes**, other Guajajara community leaders, also received death threats from the same group.

Following these events, Mrs. **Maria de Jesús Fernández**, missionary for the Indigenous Missionary Council (CIMI), was followed by one of the assailants.

CAMBODIA - Assassination / Impunity August 17, 2005 - KHM 001 / 0805 / OBS 070

On August 1, 2005, the Phnom Penh Municipal Court found guilty Mr. Sok Sam Oeun and Mr. Born Samnang of the murder of Mr. **Chea Vichea**, former President of the Free Trade Union of the Workers of the Kingdom of Cambodia (FTUWKC), who was shot on January 22, 2004. Both men were sentenced to 20 years in prison and to pay \$5,000 compensation to the plaintiff. However, numerous procedural irregularities and inconsistencies were observed. Mr. Vichea's brother said he would not accept the money because he did not believe that both men were guilty.

Messrs. Sok Sam Oeun and Born Samnang were to ask King Norodom Sihamoni to grant them royal amnesties as well as request intervention in their case from Prime Minister Hun Sen and Prince Norodom Ranariddh before they lodge a complaint with the Appeal Court.

CAMEROON - Judicial proceedings / Harassment
August 30 2005 - CMR 001 / 0805 / OBS 075
September 6, 2005 - CMR 001 / 0805 / OBS 075.1
September 28, 2005 - CMR 001 / 0805 / OBS 075.2

On July 29, 2005, Mr. **Alhadji Mey Ali**, chairman of the NGO *Organe de la société civile - OS_civile*, seized upon the police commander in Maroua, in order to denounce some acts of torture and inhuman acts committed by the sergeant Enama Pantaleon and/or his children against the Sao district's inhabitants, in Afadé. On July 25, 2005, the Association of the Sao district inhabitants had already accused this sergeant, and lodged a complaint to the police commander in Makary for acts of torture and collusion in torture.

On August 11, 2005, Mr. Alhadji Mey Ali, along with Mr. **Alhadji Mamat**, the district chief who had lodged the complaint on behalf of the Sao district inhabitants, were summoned to appear before the Court of first instance of Kousseri on August 25, 2005, and charged with "slandering denunciation and defamation". Their trial was postponed to September 1, 2005, on which date the Court President informed that the hearing concerning this case was in fact planned for September 22, 2005. On that date, as M. Alhadji Mamat was absent, the judge decided to postpone the case to October 13, 2005, so that the latter can appear before the Court.

CENTRAL AFRICAN REPUBLIC – Serious threats / Harassment
September 28, 2005 - CAF 001 / 0905 / OBS 086

On September 19, 2005, the FIDH and the Central African League of Human Rights (*Ligue centrafricaine des droits de l'Homme - LCDH*), jointly with the UN Peace-Building Office (BONUCA), organised a seminar concerning the International Criminal Court (ICC) jurisdiction on the Central African situation, after the national authorities referred on it to the ICC Prosecutor in December 2004. The discussion also focused on sexual crimes and the rights of victims before the Court.

Since their participation in this seminar, at least four victims of international crimes were subjected to serious threats and pressure, which aimed in particular to dissuade the victims from cooperating with the FIDH, to incite them to drop their activities within the implementation process of international justice, as well as to tear to pieces their membership cards to the Organisation for Compassion and Development of Families in Distress (*Organisation pour la compassion et le développement des familles en détresse - OCODEFAD*), which was created in December 2004, and which gathered around 800 victims of international crimes committed since 2001.

CHAD – Death threats / Arbitrary arrests / Harassment
July 5, 2005 - TCD 001 / 0705 / OBS 048

Mr. **Kagmbaye Mapideh**, president of the Association for Human Rights (*Association pour les droits de l'Homme - ADH*), and Mr. **Gedeon Nekarmbaye**, member of the Chadian Association for Non-Violence (*Association tchadienne pour la non-violence - ATNV*) in Krim Krim, were regularly subjected to acts of harassment and intimidation from Mr. Bedmbaye Naim Paul, chief of the Krim Krim district police (*gendarmerie*), because they denounced several times the latter's illegal deduction of 10% of the individual compensations paid to the populations by petroleum companies.

On February 3, 2005, Mr. Nekarmbaye was arbitrarily arrested and released 48 hours later, and had to pay an expensive fine. On March 11, 2005, Messrs. Nekarmbaye and Mapideh received a threatening letter on behalf of Mr. Bedmbaye. Mr. Nekarmbaye was re-arrested on March 14, 2005, along with Mr. **Gabriel Banyo**, Mr. **Denis Diongoussou** and Mr. **Christian Djeratar**, ADH members, before being all released 24 hours later.

Finally, on June 4, 2005, Mr. **Patrice Mbaihoudou**, president of ATNV Local Unions and vice-chairman of ATNV section in Krim Krim, was beaten by Mr. Bedmbaye because he opposed the deduction of 10% in the Compensation payment centre. Subsequent to the complaint he lodged, the trial, planned on June 23, 2005, was postponed to July 11, 2005.

On August 22, 2005, Mr. Gedeon Nekarmbaye was once more assaulted and received death threats in the premises of the Krim Krim district police from Mr. Bedmbaye Naim and Mr. Issaka Djos, a retired military officer.

On August 23, 2005, the Prosecutor summoned Mr. Mapideh and Mr. Nekarmbaye, along with the district chief, in the framework of an investigation that was ordered by the general secretary of the Ministry of Justice with regards to the threats against them from Krim Krim authorities.

As of October 2005, Mr. Mbaihoudou was still subjected to acts of intimidation by the district chief (*chef de canton*), who was forcing him to withdraw his complaint and put an end to the judicial proceedings.

CHILE – Judicial proceedings / Acquittals / Arbitrary detentions
July 12, 2005 - Press release
July 12, 2005 - Mission of judicial observation

July 27, 2005 - Press release

In July 2005, the Observatory sent a mission to observe the trial of sixteen Mapuche community members, including Messrs. **Pascual Pichún Paillalao** and **Aniceto Norín Catriman**, community leaders, before the Oral Criminal Court in the city of Temuco.

They were accused of alleged affiliation to the Arauco Malleco Coordinating Group (*Coordinadora Arauco Malleco* - CAM), a violent Mapuche land rights movement, in relation with acts of protests, fires and destruction of property that had occurred between 1997 and 2001. They were charged with “illicit terrorist association” on the basis of the Special Anti-terrorist Law N° 18.314. On July 22, 2005, they were all acquitted.

Nevertheless, Messrs. Pascual Pichún Paillalao, Aniceto Norín Catriman, **Jaime Marileo Saravia**, **Patricio Marileo Saravia**, **Juan Carlos Huenulao Lienmil**, **Victor Ancalaf Llaupe**, and Mrs. **Patricia Troncoso Robles** remained arbitrarily detained under the Anti-Terrorist Law, pursuant to other judicial proceedings.

CHILE – Attack / Harassment

July 28, 2005 – CHL 001 / 0705 / OBS 056

On July 22, 2005, the house of Mrs. **Juana Calfunao Paillalef**, a leader of the Mapuche Juan Paillalef indigenous community in the municipality of Cunco, was put on fire by some unknown individuals. Mrs. Juana Calfunao Paillalef had already been subjected to threats and harassment and this was the third incendiary attack against her house since 1998. This last event followed Mrs. Juana Calfunao Paillalef's trip to Europe, where she denounced the political persecution suffered by the Mapuche community in her country.

COLOMBIA – Presumed enforced disappearance

August 23, 2005 - COL 009 / 0805 / OBS 071

Mr. **Iván Ernesto Egas Córdoba**, son of Mr. **Ramiro Egas Villota**, chairman of the Permanent Committee for Human Rights (*Comité Permanente por la Defensa de los Derechos Humanos* - CPDH), and of Ms. **Alba Lucy Córdoba Zambrano**, member of the Nariño Teachers Trade Union (*Sindicato del Magisterio de Nariño* - SIMANA), disappeared on July 11, 2005, as he was returning from his summer job in Pasto, Nariño Department.

One month later, an unknown person called Mr. Egas Villota, telling him that his son was detained by the United Autodefences of Colombia (*Autodefensas unidas de Colombia* - AUC), allegedly as retaliation against Mr. Ramiro Egas' involvement in human rights.

A complaint was lodged before the local prosecutor office.

COLOMBIA – Assassination / Acts of torture

September 13, 2005 - COL 010 / 0905 / OBS 082

Mr. **Luciano Enrique Romero Molina**, leader and former human rights secretary of the National Food Industry Trade Union (*Sindicato Nacional de Trabajadores de las Industrias de Alimentos* - SINALTRAINAL), and active collaborator in the Foundation for Solidarity with Political Prisoners (*Fundación Comité de Solidaridad con los Presos Políticos* – FCSPP), was found dead on September 11, 2005. He had received 40 knife wounds.

Mr. Romero Molina was benefiting from the protective programme of the Inter-American Human Rights Commission of the Organisation of American States (*Comisión Interamericana de Derechos Humanos* – CIDH-OAS), after he had received several death threats and left the region in order to protect his life.

COLOMBIA – Serious threats / Harassment

September 30, 2005 - COL 013 / 0804 / OBS 065.1

Between September 21 and 24, 2005, Mrs. Omaira Morales, Matilde Morales, Gladis Morales and Mr. William Bustos, respectively sisters and brother-in-law of Mr. **Samuel Morales Flórez**, chairman of the Central United Organisation of Colombian Workers (*Central Unitaria de los Trabajadores* – CUT), received threatening phone calls from people identifying themselves as AUC member at their homes and workplaces. The authors threatened to attack them or their families if they did not leave the region within three days.

Mr. Samuel Morales Flórez, who was arrested on August 5, 2004 in Bogotá, had been the witness of the murder of three trade union leaders, MM. Alirio Martínez, Jorge Eduardo Prieto Chamusero, and Leonel Goyeneche Goyeneche on the same day in Vereda Caño Seco de Saravena. On July 29, 2005, during his transfer from the prison of Bogotá to Saravena, where a hearing was taking place, Mr. Luis Francisco Medina, lieutenant, came to his cell and threatened indirectly to attack his sisters and his wife, who works in an hospital, and ordered the hospital director to fire her.

CUBA – Temporary detention / House arrest / Harassment
August 12, 2005 - CUB 001 / 0504 / OBS 033.1

On August 6, 2005, Mr. **Juan Carlos González**, chairman of the Cuban Foundation for Human Rights (*Fundación Cubana de Derechos Humanos*), was arrested while participating in a meeting in order to elect new board members. He was taken for six hours to the National Revolutionary Police office, in the city of Florida, Camagüey Department. In addition, about fifty policemen forced the activists to leave the building where the meeting was taking place.

Mr. Juan Carlos González Leiva was then taken back to his home in Ciego de Ávila. After he took part in a peaceful protest in March 2002, Mr. González Leiva was violently arrested and detained during two years. Since April 2004, he is serving a house arrest sentence.

Moreover, after Mrs. **Ana Peláez García**, member of the Foundation, who was arrested and condemned along with Mr. González Leiva in 2002, and who is still serving her house arrest sentence, refused to work in a state society, she was subjected to various acts of harassment.

DEMOCRATIC REPUBLIC OF CONGO - Threats / Harassment
July 8, 2005 – RDC 003 / 0705/ OBS 049
July 13, 2005 – RDC 003 / 0705 / OBS 049.1

On July 7, 2005, a threatening speech from Mr. Donatien Nyembo Kimuni, press officer of Mr. Urbain Kisula Ngoy, governor of Katanga province, and targeting the African Association for Human Rights, Katanga section (*Association africaine des droits de l'Homme - ASADHO/Katanga*), was broadcasted by *Radio Télévision Nationale Congolaise, Station du Katanga* (RTNC/Katanga).

These threats were linked to an ASADHO/Katanga press release, dated July 1, 2005, denouncing the authorities' failure to sanction the authors of lootings, rapes and executions perpetrated by members of the Congolese armed forces against the population in Kilwa on October 18, 2004.

Moreover, on July 13, 2005, a demonstration of 300 persons against ASADHO/Katanga was allowed by Mr. Kisula Ngoy and received financial support from the Anvil Mining company, which was accused by ASADHO/Katanga to be involved in the Kilwa massacre. The members of the association were prevented from leaving their office, and the security forces did not intervene despite a call from ASADHO/Katanga members.

DEMOCRATIC REPUBLIC OF CONGO - Threats / Attacks / Intimidations
July 12, 2005 – RDC 004 / 0705/ OBS 051
September 27, 2005 - RDC 004 / 0705 / OBS 051.1

During the night of July 2, 2005, armed individuals broke into the house of Mr. **Dismas Kitenge Senga**, president of the Lotus Group, a human rights association based in Kisangani. They stole valuable goods, shot in the air, and threatened Mr. Kitenge's family to come back if he did not give up "politics". Members of the Presidential Security Special Guard (*Garde spéciale de sécurité présidentielle - GSSP*), who were stationed next to the house, did not intervene.

These events followed public statements made by Mr. Kitenge during some meetings with local authorities, in which he denounced the human rights violations perpetrated by GSSP members during the violent dispersal of a demonstration on June 30, 2005, when five to ten persons died, and many people were wounded.

In the night from September 22 to 23, 2005, Mr. Kitenge's house was burned down by several unidentified men. On September 16, 2005, Mr. Kitenge had taken part in a press conference on human rights violations committed by GSSP members in Kisangani. His declaration had been broadcasted by several local radios in the following days.

DEMOCRATIC REPUBLIC OF CONGO – Assassination / Obstacles to freedom of demonstration / Arrests
/ Threats
August 2, 2005 - RDC 005 / 0805 / OBS 059
August 10, 2005 - RDC 005 / 0805 / OBS 059.1

In the night from July 30 to 31, 2005, three armed men in uniform broke into the house of Mr. **Pascal Kabungulu Kibembi**, executive secretary of the organisation "*Héritiers de la justice*", and vice-president of the Human Rights League in the Great Lakes Region (*Ligue des droits de l'Homme dans la Région des Grands Lacs - LDGL*), and shot him in front of his family. Mr. Kabungulu died a few minutes after he was taken to hospital.

On August 5, 2005, some activists who were participating in an authorized march, in order to protest against his murder, were arrested by the police. A lot of them were taken for a moment to the police headquarters in Kasavubu, Kinshasa, where they were subjected to intimidation and torture threats.

Two military officers, suspected to be involved in Mr. Kabungulu's murder, were arrested on August 4, 2005 and

taken to the central prison in Bukavu. On the same day, three other officers took the detained suspects out of the prison, by threatening the guards with their gun. After several protests by civil society members, these officers were rearrested on the following day. However, they still did not appear before the Military Court nor were they indicted till now.

DEMOCRATIC REPUBLIC OF CONGO – Serious threats / Harassment
September 2, 2005 - RDC 006 / 0905 / OBS 078

Mr. **Paul Nsapu**, president of the League of Electors (*Ligue des électeurs* – LE), who had to leave the country in July 2005, was still subjected to threats and smear campaigns. His family, who stayed in the DRC, was living in a very insecure situation.

At the beginning of July 2005, Mr. Kanga Bongo, member of the People Party for Reconstruction and Democracy (*Parti du peuple pour la reconstruction et la démocratie* – PPRD, ruling power), publicly declared that if Mr. Nsapu had taken part in the protest of June 30, 2005 against the prolongation of the transition period – during which some protesters were killed - “he would have been killed without pity nor any other form of trial”.

On July 18, 2005, Mr. **Sabin Banza**, LE vice-president, and Mr. **Guillaume Kabeya**, in charge of the training of the organisation, received threatening phone calls, specifying that Mr. Nsapu was particularly targeted.

On the same day, Mrs. Nsapu was informed by an anonymous phone call that she was being followed and that the authors of the threats “knew all her doings and actions”. Two armed men in plain clothes went to Mr. Nsapu’s house, asked for him and threatened his wife, stating that they were acting under orders from the authorities.

Finally, on August 29, 2005, LE also received two anonymous phone calls, in which Mr. Nsapu and his family were insulted and threatened.

DJIBOUTI – Hunger strike / Arbitrary detentions / Abusive dismissal
September 26, 2005 - DJI 002 / 0905 / OBS 084

In the night of September 24 to 25, 2005, MM. **Mohamed Ahmed Mohamed, Ali Ibrahim Darar, Mohamed Abdillahi Dirieh, Moustapha Abchir Egueh, Mohamed Abdillai Omar, Mohamed Ahmed Ali, Samira Hassan Mohamed, Koulmiyeh Houssein** and **Djibril Houssein Awaleh**, leaders of the Harbour Workers Trade Union (*Union des travailleurs du port* - UTP), were apprehended by some policemen who took their access cards, as they were trying to come into the harbour. They were placed in preventive custody in the detention centre of Nagad. This took place after a 3-day general strike of the Djibouti harbour workers between September 14 and 17, 2005.

A few hours later, these 9 trade unionists received the notification of their dismissal, for “hindering freedom of work”, in reference to the strike. In the morning of September 25, 2005, they were all transferred to the criminal police offices, where they stayed until September 28, 2005.

In response to these arrests, the harbour workers launched a new strike in the night of September 24 to 25, during which 110 strikers and trade unionists were also arrested by the National Police Forces (*Forces nationales de police* - FNP) and taken to the Police School in Nagad.

On September 25, 2005, other strikers and trade unionists were also arrested by FNP, and released on the two following days, without any charge against them.

On September 26, 2005, MM. **Kamil Mohamed Ali** and **Ibrahim Moussa Sultan** were arrested at their home and directly conducted to the police offices. They were also notified of their dismissal.

As of September 26, 2005, about 160 persons were detained in Nagad.

On September 28, 2005, Mr. **Ali Ahmed Aras**, UTP secretary general, was arrested at his home and his house was searched, without any mandate being presented to his family.

On the same day, the 11 trade unionists appeared before the prosecutor, who ordered their detention in the prison of Gabode.

MM. Mohamed Ahmed Mohamed, Ali Ibrahim Darar, Moustapha Abchir Egueh, Mohamed Ahmed Ali, Koulmiyeh Houssein and Djibril Houssein Awaleh were charged for “threats to commit an offence, which materialised in the form of repeated public assemblies” and “participation in unlawful assemblies likely to disturb public order”; MM. Kamil Mohamed Ali, Ibrahim Moussa Sultan and Ali Ahmed Aras were charged for “participation in an unlawful assembly” and “incitement to rebellion”. On October 2, 2005, the court of first instance discharged and release them. However, the Prosecutor office initiated an appeal proceeding against this decision (See urgent appeal DJI 002/005/OBS 084.1, October 6, 2005).

ECUADOR– Harassment / Threats
September 9, 2005 - ECU 004 / 0905 / OBS 081

On August 20, 2005, Mrs. **Lina María Espinoza Villegas**, missionary of the *Vicariato Apostólico* in the city of El

Coca, Orellana Province, was stopped three times by military patrols, as she was returning from the city of Dayuma, where she had informed the local population of its rights, following the violent repression of a general strike on August 5, 2005.

On August 22, as she was in Quito as an observer of the negotiations between the government and local authorities, Mrs. Lina María Espinoza informed the mayor of Orellana, Mrs. Ana Rivas, of the attack committed by armed forces against the Dayuma's people on August 5, 2005, and the existence of 12 detainees. Mrs. Ana Rivas publicly asked the Ecuadorean Interior Minister, Mr. Mauricio Gandara, to suspend negotiations until the necessary measures would be issued for the concerned communities.

Between August 24, 2005 and August 28, 2005, Mrs. Espinoza Villegas received six calls on her mobile phone, threatening her and her family.

On August 26, 2005, Mr. Mauricio Gandara, during a statement on *TeleAmazonas*, indirectly accused Mrs. Espinoza Villegas of being an infiltrated member of the Colombian Revolutionary Armed Forces (*Fuerzas Armadas revolucionarias de Colombia - FARC*) among the strikers and in the negotiations between national and local authorities. This allegation put Mrs. Espinoza Villegas in a very insecure situation, as she could be considered as a member of the guerilla.

EL SALVADOR – Harassment
September 7, 2005 - SLV 001 / 0905 / OBS 080

On August 24, 2005, Mr. **Miguel Montenegro**, director of the Human Rights Commission of Salvador (*Comisión de Derechos Humanos de El Salvador – CEDHES*), was followed by a vehicle with tinted windows. On August 26, another unidentified vehicle was parked in the street where Mr. Miguel Montenegro's mother lives, and where he often goes to. On August 29, an unknown person asked for him at his relatives' house. These acts of harassment follow several statements made by Mr. Montenegro, denouncing the violations by hardline policies aiming at fighting violence in the country, in particular on August 22, 2005 to the radios *La Klave* and *Chapararrastique*, and on August 29 to *Notimex* information agency, *Radio France International* and *Radio Autralia*.

ETHIOPIA – Releases on bail / Judicial proceedings
July 8, 2005 – ETH 001 / 0605 / OBS 040.2

On July 4, 2005, Mr. **Tadesse Chernet**, who had been mandated by the Ethiopian Human Rights Council (EHRCO), Mr. **Tsegu Birhanu**, head of the Monitoring and Investigation Department of EHRCO, and Mr. **Yared Halemariam**, his assistant, were released on bail, following a third court hearing before the Temporary Federal Court of Zeway.

They had been arrested after having investigated into human rights violations that had occurred during a demonstration on June 8, in Addis Ababa, during which 26 people died and one hundred were injured. They were officially accused of "trying to overthrow a legitimate government by force".

GUATEMALA –Threats / Harassment
July 12, 2005 – GTM 008 / 0705 / OBS 052

On July 7, 2005, a threatening fax was sent to the Association for the Promotion and Development of the Community's (*Asociación para la Promoción y el Desarrollo de la Comunidad - CEIBA*) headquarters in Chimaltenango, and addressed to Mr. **Mario Antonio Godínez López**, CEIBA general coordinator. The message warned the organisation not to carry out meetings of more than 20 people and recommended "much prudence in what [they] plan to do in the communities and in the department in the future".

On March 15, 2005, nationwide demonstrations had taken place against the Free Trade Agreement (*Tratados de Libre Comercio - TLC*), during which one person died and others were injured. On the following day, armed men had come, asking for one of CEIBA leaders at their office in Huehuetenango, where Mr. Mario Antonio Godínez López usually works. He was outside the country at that time.

GUATEMALA – Death Threats / Harassment
July 27, 2005 – GTM 009 / 0705 / OBS 054

Since July 1, 2005, Mr. **René Muñoz**, a member of the Programme for Rural Development Studies of the Co-ordination of NGOs and Cooperatives (*Coordinación de ONGs y Cooperativas - CONGCOOP*), had received threatening phone calls at his office and at his house. Mr. Muñoz actively supports peasants' organisations in their fight for access to land and rural development. On July 1, 2005, a man identifying himself as a member of the Chamber of Agriculture called him, insulted him and said that "if this were a threat, [he] would already be dead". On July 4, 2005, Mr. Muñoz's wife received various threatening phone calls at their house.

On July 5, 2005, CONGCOOP filed a formal complaint to the Human Rights Prosecutor's Office, which offered to

present the complaint to the Public Ministry and requested extra security measures, namely police guards around Mr. Muñoz's house and CONGCOOP office. That night, Mr. Muñoz and his family found underneath their house door paper sheets, with nothing written on them.

On July 6, 2005, when Mr. and Mrs. Muñoz returned home, they found that the door lock had been broken and that the key did not fit in any more.

On July 11, 2005, Muñoz's father-in-laws' house received a call from an unknown person who asked for Muñoz's wife. When she answered, they told her: "We want that son of a bitch to be away!"

GUATEMALA – Assassination / Death threats August 3, 2005 - GTM 011 / 0805 / OBS 060

On July 8, 2005, Mr. **Álvaro Juárez**, leader and co-founder of the Association of Petén Rootless (*Asociación de Población Desarraigada del Péten* - APDP) and chairman of the Development Committee of the Vista Hermosa colony, in the city of San Benito, was murdered at his house by unknown individuals.

A few days before these facts, Mr. Juárez had reported a murder attempt against him, but the authorities did not take any action.

Moreover, on July 14, 2005, Mr. **Francisco Javier Mateo**, APDP chairman, received death threats by phone call, due to his position against the ratification of the TLC between the United States and Central America.

GUATEMALA – Death threats / Intimidation August 4, 2005 - GTM 012 / 0805 / OBS 062

On July 25, 2005, the leaders of the National Mortgage Bank's Workers Trade Union (*Sindicato de Trabajadores del Banco "Credito Hipotecario Nacional"* - STCHN), affiliated to the Guatemala Workers Trade Union (*Unión Sindical de Trabajadores de Guatemala* - UNSITRAGUA), found a funeral wreath in their office, with two threatening messages.

Three days before these facts, STCHN members had gone to the bank staff office to meet a prosecutor from the Labour Ministry, in order to state the retaliations against trade union leaders. One of the bank leaders, Mr. José Fidencio García Beltetón, came instead of the prosecutor, and insulted and threatened them.

HONDURAS – Attacks / Assassination / Robbery / Arbitrary detention August 12, 2005 – Open letter to the authorities

In January 2005, the headquarters of the Centre of Prevention, Treatment and Rehabilitation for the Victims of Torture (*Centro para la Prevención, el Tratamiento y la Rehabilitación de las Víctimas de la Tortura* - CPTRT) were broken into for the third time since October 2004, one computer was stolen and some documents were destroyed.

On May 24, 2005, Mr. **Edickson Roberto Lemus**, regional leader of the National Centre of the Rural Workers (*Centro Nacional de los Trabajeros del Campo* - CNTC), was murdered in El Progreso, Yoro.

On May 30, 2005, Mrs. **Gregoria Flóres**, leader of the Black Fraternal Organisation in Honduras (*Organización Fraternal Negra de Honduras* - OFRANEH), was shot in Puerto de la Ceiba. A few weeks before, the house of Mrs. **Miriam Miranda**, another leader of the organisation, had been broken into.

On June 5, 2005, Mr. **Feliciano Pineda**, indigenous leader of the Vertientes community, Montaña Verde, and member of the Civic Council of the Indigenous and People Organisations in Honduras (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* – COPINH), was attacked by some paramilitary men. Just after being taken to hospital, Mr. Feliciano Pineda was arrested by the police and charged with murder. As of mid-August 2005, he was still detained at the Gracias prison, Lempira department, in a very poor health condition.

On July 9, 2005, the Committee of Families of Detainees and Disappeared in Honduras (*Comité de Familiares de Detenidos-Desaparecidos en Honduras* - COFADEH) received a testimony from a special agent concerning a group of policemen that would be dedicated to "dirty" missions, including arbitrary executions all around the country.

On July 10, 2005, the headquarters of *Vía Campesina*, an international movement which coordinates peasant organisations of small and middle-scale producers, agricultural workers, rural women, and indigenous communities, in Tegucigalpa, was broken into by some unknown men, who stole three hardware.

On July 14, 2005, the house door of Mr. **Daniel Yáñez**, peasant leader in *El Progreso*, Yoro, was broken by some unidentified persons.

On July 15, 2005, some agents from the Criminal Investigation Office raided the house of Mr. **Juan Barahona Mejía**, chairman of the United Federation of Honduras (*Federación Unitaria de Honduras* - FUTH), in Tegucigalpa, and broke the roof of the house.

HONDURAS - Harassment / Threats / Robbery / Seizure / Arbitrary detentions / Releases
September 13, 2005 - HND 001 / 0905 / OBS 083

Since March 2005, various activists of the Employers' Union Center of La Venta de Gualaco (*Central de Patronatos de La Venta de Gualaco – CEPAVEG*) in the region of Olancho, opposed to the construction of the hydroelectric company ENERGISA, were victims of threats and acts of harassment.

On March 27, 2005, Mr. **Orlando Arturo Ortiz Nájera** was going home when three policemen stopped him and tried to seize his gun, although Mr. Orlando Ortiz had a firearm licence. Policemen insisted on seeing his license and on requisitioning the weapon. However, Mr. Ortiz Nájera refused and policemen finally left, warning that they would come back with an arrest warrant.

On March 29, 2005, Mr. **José Gumersindo Pandilla Santos** was beaten by a policeman, and taken to a police station where he was detained during all night. He was released on the following day, after having been obliged to sweep the floor and take out the rubbish.

On July 30, 2005, Messrs. Orlando Ortiz Nájera and **Javier Pandilla Santos** were apprehended by six officers of the "Cobra Squadron" (National Police Force), who controlled and pushed them against the wall, stating that they were acting under orders. Messrs. Padilla y Ortiz Nájera were taken to the police station where they were not allowed to read their detention order. Later, they were transferred to the Catacamas Court and finally released, without any charges being held against them.

On August 2, 2005, Mr. **Wenceslao Santos Cardona** was at home when three policemen burst into his home and arrested him because he refused that the ENERGISA company set up electricity in his house.

On the same day, Mrs. **María Antonia Caballero** went to visit Mr. Santos, and was also arrested and detained by the police, before being released one hour later.

On August 3, 2005, Mrs. Caballero and Mr. Santos met in his house and talked about the possibility of denouncing the harassment they had been subjected to to the Public Prosecutor. Some policemen, who were spying them, burst into the house and arrested Mrs. Caballero as instigator of the complaint. She was taken to the Gualaco police station where her arrest was declared illegal by a sergeant, who finally released her.

On August 20, 2005, two drunk policemen took up a position in front of Mr. Orlando Arturo Ortiz Nájera's home and used their weapons in a provocative way.

HONDURAS - Harassment
September 28, 2005 - HND 002 / 0905 / OBS 087

On September 22, 2005, an unidentified man entered into the house of Mr. **Oscar Aníbal Puerto Posas**, director of the Rural Development Institute in Honduras (*Instituto Hondureño de Desarrollo Rural*), telling his son that he had been sent to glaze the doors.

When Mr. Puerto Posas' wife, Mrs. Accise Assaf de Puerto, asked him the reason of his visit, he ignored her and made a list of the objects present in the house. After a few minutes, he finally left the house with his notes without any explanation.

IRAN – Arbitrary detention / Hospitalisation
July 13, 2005 – IRN 004 / 0012 / OBS 125.8

On July 4, 2005, Mr. **Nasser Zarafchan**, a human rights lawyer who had been imprisoned since August 2002, was temporarily released so that he may receive medical treatment of his kidney stones. Mr. Zarafchan had started a hunger strike on June 7, 2005 to protest against the fact that he was denied hospitalisation outside the Evin prison. Mr. Zarafchan underwent a surgical intervention of one kidney but was taken back to jail at the beginning of September.

Mr. Zarafchan was sentenced to three years in jail on March 18, 2002, for alleged "possession of firearms and alcohol", and sentenced to two additional years for his public statements regarding the lawsuit of the alleged murderers of Iranian intellectuals in January 2002.

IRAN – Arbitrary detention / Hunger strike / Hospitalisation / Assault
July 13, 2005 - IRN 001 / 0004 / OBS 030.6
July 21, 2005 – IRN 001 / 0004 / OBS 030.7
August 23, 2005 - IRN 001 / 0004 / OBS 030.8
September 6, 2005 - IRN 001 / 0004 / OBS 030.9

On July 12, 2005, following a call for support from 400 intellectuals, hundreds of people gathered in front of the Tehran University, asking for the release of political prisoners, including Mr. **Akbar Ganji**, a journalist who has been detained since 2000 for having stated in his articles that the Iranian regime had been involved in the

assassination of dissident intellectuals in 1998. The police then assaulted the crowd, and several demonstrators were beaten and arrested.

Mr. Akbar Ganji, whose health had become alarming after more than one month of hunger strike and who has lost 50 pounds as a consequence, was hospitalised in Tehran's Milad Hospital on July 17, 2005.

In the night from August 20 to August 21, 2005, Mr. Akbar Ganji ended his hunger strike. His wife, who had not been allowed to visit him since August 1, 2005, was finally given permission to see him on August 21, 2005. In spite of his poor health, he was taken back to prison on September 3, 2005, after having been beaten and tortured during two days during his hospitalisation (See Open letter to the authorities, October 28, 2005).

IRAN – Arbitrary arrest / Threats / Smear campaign / Harassment

July 28, 2005 - IRN 002 / 0705 / OBS 055

August 3, 2005 – IRN 002 / 0705 / OBS 055.1

September 30, 2005 – Press release

On July 30, 2005, Mr. **Abdolfattah Soltani**, lawyer at the Bar of Tehran, was arrested while he was taking part in a sit-in at the Bar of Tehran in order to protest against an arrest warrant issued against him by Tehran Prosecutor, Mr. Saïd Mortazavi, on July 27, 2005.

Mr. Soltani is accused of “espionage” and has been since then detained incommunicado at the prison of Evin, in Tehran.

This arrest is likely to be linked with Mr. Soltani's recent statement on July 25, 2005, which he made during a hearing in camera in Mrs. Zahra Kazemi's case, an Iranian-Canadian photographer who died in July 2003 from torture and ill-treatment during her detention, during which he put into question the independence and fairness of the trial, pointing out that the main officials allegedly involved in the case had not been indicted by the court, including Mr. Saïd Mortazavi.

IRAN - Arbitrary arrests / Harassment

August 26, 2005- IRN 003 / 0805 / OBS 074

On August 2, 2005, Ms. **Roya Tolouï**, editor of the monthly cultural magazine *Rassan*, and leader of the Association of Kurdish Women for the Defence of Peace and Human Rights, was arrested at her home in Sanandaj, in the Kurdish province of Iran. She was charged with “disturbing the peace” and “acting against national security”. She was released on October 5, 2005, after having been seriously tortured.

On the same day, security forces arrested Mr. **Azad Zamani**, member of the Association of the Defence of Children's Rights at his home.

On August 4, 2005, Mr. **Mahmoud Salehi**, spokesman for the Organisational Committee to Establish Trade Unions and former President of the Saqez Bakery Workers' Union, was arrested for one hour for having participated in demonstrations in Saqez, following the killing, on July 9, 2005, of a Kurdish opposition activist by Iranian security forces, in the town of Mahabad.

Moreover, on August 7, 2005, the Iranian security forces raided the home of Mr. **Borhan Divangar**, a member of the Saqez Bakery Workers' Union. He was then arrested, his computer and other belongings were seized, and he was accused, among other things, with membership of the Committee to follow up the Establishment of Free Labour Organisations, membership of the newly formed Unemployed workers' organisation, managing a labour website in Iran called *Tashakol*, and with participating in the Saqez demonstrations.

ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES - Administrative detention

July 5, 2005 – ISR 001 / 0605 / OBS 039.2

On June 28, 2005, the Moscobiyya military court confirmed the six-month administrative detention order that had been issued by the Deputy Military Commander against Mr. **Ziyad Muhammad Shehadeh Hmeidan**, a fieldworker of the Palestinian NGO Al-Haq. His time already spent in detention has been included in the detention period and his administrative detention order was scheduled to be completed on November 23, 2005.

Mr. Hmeidan had been arrested on May 23, 2005 at the Qalandiya checkpoint, between Ramallah and Jerusalem, and transferred to the Moscobiyya detention Centre in Jerusalem on May 27, 2005. On June 16, 2005, Mr. Hmeidan had a hearing before the Moscobiyya Military Court during which the prosecutor referred to a “secret file” of classified information about him. On this basis, the judge decided to issue a six-month administrative detention order for an indefinitely renewable period of six months, although no formal charges were brought against him.

On July 3, 2005, Mr. Hmeidan was transferred to the Ansar III Detention Centre located in the Naqab desert, outside the Occupied Palestinian Territories.

ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES – Restrictions on freedom of movement
July 22, 2005 – Open Letter to the authorities

On June 23, 2005, Mr. **Khalil Abu Shammala**, director of the Al Dammear Association, a Palestinian human rights NGO, was denied access to pass through the Rafah international crossing-point by the Israeli Defence Forces (IDF), without any reasons, while he was travelling to Cairo to provide testimony before the United Nations Special Committee to Investigate Israeli Practices affecting human rights of Palestinians in the Occupied Territories.

On March 11 and 13, 2005, Mr. Shammala had already been prevented from travelling through Rafah international crossing point, the only way to leave Gaza Strip, and from attending international workshops. Security reasons were invoked.

KAZAKHSTAN - Break-in / Robbery / Harassment
August 26, 2005 - KAZ 001 / 0805 / OBS 073

Between August 13 and 14, 2005, the office of the Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR) in Almaty was robbed. Six LCD monitors and thirteen processors containing all the information about the association's activities were stolen from the office. No other valuables was stolen.

As of August 2005, the Almaty criminal police and representatives of the department of internal affairs of Bostandyk region were investigating into the robbery.

In addition, the organisation was subjected to a verification by the Almaty City Prosecutor's Office, at the request of a member of the Parliament concerning about 30 NGOs, including the KIBHR. The organisation is suspected to finance activities of the political opposition in Kazakhstan.

KENYA – Arbitrary arrests and detentions / Ill-treatment / Releases on bail / Judicial proceedings
July 1, 2005 – KEN 001 / 0705 / OBS 047
July 26, 2005 – KEN 001 / 0705 / OBS 047.1

On June 18, 2005, Mr. **Ojiayo Samson** and Mr. **Mithika Mwenda**, both human rights activists and members of the Multi-Sectoral Forum (MSF) – Yellow Movement, an organisation pressing for a people-driven Constitutional review process, were arrested and beaten up while attending a procession in Maua.

Mr. Samson was held at the Njiru Police Station in solitary confinement while Mr. Mwenda was admitted in Maua Hospital, chained to his bed and on police guard. On June 21, 2005, Mr. Ojiayo Samson and Mr. Mithika Mwenda were released on bail. Both men are facing charges for “offensive conduct conducive to a breach of the peace in a public place”, “behaving in a disorderly conduct in a police building”, and “refusing to permit finger prints to be taken”.

On July 19, 2005, human rights NGOs, opposition political parties and other civil society members marched to Parliament to defend the supremacy of the Constitution and the rule of law. However, security and armed forces dispersed the demonstration by firing teargas and water cannons on citizens. Messrs. Ojiayo Samson, **Ole Kina**, **Fred Odhiambo**, **John Odada** and **Sheik Ahamad**, members of MSF Yellow movement, were taken to police custody and later released on bail. They were charged with “taking part in an illegal demonstration”. Furthermore, on July 20, 2005, a similar demonstration was organised. Eight people were arrested, one person was killed and at least two others were seriously injured, including Mr. **Otieno Ombok**, a renowned human rights activist.

On July 21, 2005, Messrs. **Cyprian Nyamwamu**, executive director of the National Convention Executive Council (NCEC), **Kepta Ombati**, national coordinator of the NGO Youth Agenda and NCEC member, **Paul Angwenyi**, **Evans Owiti**, **Kelly Musyoka**, **Koitamet Ole Kina**, member of Bomas Katiba Watch (BKW), and **Elkanah Odemba**, convenor of BKW, and Sheik Ahamad were arrested in Nairobi as they were to address a public rally in town. They were released on bail on July 22, 2005 but charged with “causing disturbance and holding illegal demonstrations”.

KYRGYZSTAN - International mission of investigation
August 8, 2005 – Press release

From June 26 to July 6, 2005, the Observatory sent an international mission to Kyrgyzstan, in order to investigate into the situation of human rights defenders and freedom of association, in the aftermath of the “revolution” of March 2005, and in the context of the preparation of the presidential elections of July 10, 2005.

The Observatory observed the appeasement of the relations between the government representatives and human rights defenders, which might augur well for the outcome of certain pending cases against associations that had been initiated by the former government. The Observatory also took note of Kyrgyzstan's commitment towards a constitutional reform, in which the civil society should take part.

Nonetheless, although Mr. Kourmanbek Bakiev, interim new president, made some changes in the government, the practices of the former regime were not completely discontinued.

Regarding freedom of demonstration, a decision from the Constitutional Court on October 14, 2004 repealed as unconstitutional several provisions of the Law of June 22, 2002, on the right of assembly, such as the obligation to apply to the local authorities at least ten days in advance for an authorisation to hold meeting, demonstrations or other events. But a decision of the Council of Deputies, dated January 11, 2005, reinstated the obligation to contact the authorities ten days in advance of an event in Bishkek. In addition, on June, 17, 2005, the police used force and tear gas to break up a demonstration.

As regards freedom of assembly, local authorities sometimes took advantage of the power transition to levy pressure on NGOs from their regions. And several cases started by the former regime against independent NGOs were still not settled. Thus, the Kyrgyz Committee for Human Rights (KCHR) did not have the registration of its juridical namesake (which tries to discredit KCHR activities) invalidated.

MEXICO – Assassination / Harassment
September 27, 2005 -MEX 002 / 0905 / OBS 085

On September 18, 2005, Mr. **Tomás Cruz Zamora**, member of the Huamuchitos community in Cacahuatpec (most members of which are opposed to the construction of the hydroelectric power station of “La Parota”), was killed by Mr. Cirilo Cruz Elacio, member of the same community but in favour of its construction. After having participated in the assembly of the owners opposed to “La Parota”, in Aguas Calientes, Acapulco, State of Guerrero, Mr. Cruz Zamora was driving back about 30 inhabitants to the community of Huamuchitos. Suddenly, Mr. Cirilo Cruz Elacio threatened him, forced him to stop, and shot him in the head before running away.

This took place in the context of tensions between communities and national and federal authorities concerning this construction, as institutions did not inform the inhabitants of the situation, and did not involve them in any consultation.

NEPAL - Releases / Arbitrary detentions
July 8, 2005 – NPL 002 / 0205 / OBS 010.2
August 23, 2005 - NPL 002 / 0205 / OBS 010.3

On July 4, 2005, Mr. **Krishna Pahadi**, former president of the Human Rights and Peace Society (HURPES) and former chairman of the Nepali section of Amnesty International, and Mr. **Basu Koirala**, general secretary of the Nepal Students’ Union (NSU), were released, after several months in prison. They had been arrested in the context of the state of emergency declared by King Gyandendra and the Royal Nepalese Army (RNA) in February 2005.

Earlier in the year, several human rights defenders who had been arrested at the same period were released: Mr. **Nanda Bhandari**, lawyer and member of the Centre for Victims of Torture (CVICT), Mr. **Deepak Tamang**, Jhapa district president of the Central Committee of the Nepal Trade Union Congress (NTUC), Mr. **Bal Krishna Poudel**, HURON secretary in Chitwan district, Mr. **Narayan Adhikari**, correspondent at the national news agency *Rastriya Samachar Samitte* (RSS), Mr. **Basant Parajuli**, correspondent at *Gorakhapatra Daily*, Mr. **Sukharam Maharjan**, vice chairperson of the Kirtipur Branch of HURON, Mr. **Nava Raj Pahadi**, editor at *Antaranga Weekly*, Mr. **D.R. Pant**, correspondent at *Kantipur Daily*, Ms. **Sarita Bon**, NTUC District member, Kathmandu-Teachers’ Union, Mr. **Chandra Bhattari**, NTUC Senior Vice President of Construction Workers’ Union, Pokhara, and Ms. **Gita Pathak**, NTUC Central Committee member of Nepal Building and Construction Workers’ Union.

NEPAL - Ill-treatment / Arbitrary Arrests / Releases
August 2, 2005 - NPL 004 / 0805 / OBS 057

On July 25, 2005, the Citizens’ Movement for Democracy and Peace Coordination Committee organised a peaceful demonstration in Kathmandu, demanding the restoration of democracy and protesting the royal move of February 1, 2005, in which hundreds of professionals, human rights activists and intellectuals participated, when the police indiscriminately baton-charged demonstrators.

Police arrested at least 26 human rights activists, including Dr. **Devendra Raj Pandey**, chairman of the Rural Self-Reliance Development Centre (RSDC) and former Finance Minister, Mrs. **Suprabha Ghimire**, teacher and social worker, and former vice president of the Nepal University Teachers Association, Mr. **Padmaratna Tuladhar**, chairman of the Forum for the Protection of Human Rights (FOPHUR) and former mediator in the talks between government and Maoists, Mr. **Charan Prasain**, chairperson of the Human Rights Organisation of Nepal (HURON), Mr. **Krishna Pahadi**, and Mr. **Sachin Ghimire**, human rights project Manager at the Nepal Bar Association (NBA), who sustained head injury.

All the 26 persons arrested were released on July 26, 2005, without being charged.

NEPAL - Arbitrary arrests and detentions / Judicial proceedings / Pre-trial release / Releases

August 5, 2005- NPL 005 / 0805 / OBS 064

August 17, 2005 - NPL 005 / 0805 / OBS 064.1

On July 27, 2005, Mr. **Gagan Kumar Thapa**, a student leader and former NSU General Secretary, along with his friends, Mr. **Ajaya Shivakoti** and Mr. **Subodh Acharya**, was arrested by plainclothes security forces of the Anamnagar Ward Police Office. He was to visit Mr. **Pradeep Poudyal**, NSU vice-chairman, detained at the Ward Police Office in the Singh Durbar district, in Kathmandu, under the Public Offence Act, along with Messrs. **Thakur Gaire**, **Saroj Thapa**, **Pushpa Kumar Shahi**, **Narayan Bharati**, and **B.P. Regmi**, five other student leaders. They had been arrested in New Baneshwor while protesting against the government decision to introduce what they called "nationalist education".

The authorities accused Mr. Thapa of shouting anti-monarchist slogans during a demonstration in the Ratna Park area of Kathmandu on July 24, 2005.

On August 14, 2005, Mr. Gagan Thapa appeared before the Special Court in Kathmandu, where he was formally charged with "sedition", under the Offences Against the State Act. Although the government demanded that he be held in detention during the investigation, the Special Court released him on parole.

Mr. Pradeep Poudyal, along with Messrs. Thakur Gaire, Saroj Thapa, Pushpa Kumar Shahi, Narayan Bharati, and B.P. Regmi, were released on August 9, 2005.

NIGER - Arbitrary arrest and detention / Judicial proceedings / Sentencing / Releases

August 11, 2005 - NER 001 / 0805 / OBS 067

September 14, 2005 - NER 001 / 0805 / OBS 067.1

On August 8, 2005, Mr. **Abdoul Razak Amadou Guirey**, deputy general secretary of the Gaya section of the Independent Committee of Reflexion and Orientation for the Protection of Democratic (*Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques* - CROISADE), was arrested after having publicly denounced the detention of Mr. **Oumarou Souley**, chairman of the section of CROISADE in Gaya. The latter had been charged with "defamation and insult" on July 26, 2005, and was sentenced to two months of prison and a 25.000 CFA fine, after having denounced the bad administration and dysfunctions in the public hospital of the district.

On August 9, 2005, Mr. Amadou Guirey was taken to prison, and charged with "discredit on a decision of justice".

On August 16, 2005, Mr. Abdoul Razak Amadou Guirey was given a three-month suspended prison sentence and released on the same day.

On September 5, 2005, Mr. Oumarou Souley was released, after having served his two-month prison term and paid his 25.000 CFA fine.

NIGER – Violation of the Paris' Principles

August 12, 2005 – Open letter to the authorities

On July 29, 2005, the National Commission for Human Rights and Fundamental Freedoms (*Commission nationale des droits de l'Homme et des libertés fondamentales* – CNDHFLF) was hurriedly re-established by a decree during the Council of Minister, preventing independent human rights associations from designating their own representatives as members of the Commission, as it is provided by law. Thus, two members of the associations Nigerian Organisation for the Development of the Human Potential from the Foundations (*Organisation nigérienne pour le développement du potentiel humain à la base* – ONDPH) and the Human Rights Citizen Movement (*Mouvement citoyen des droits de l'Homme* – MCDH), which was created in June 2005 for the nonce, were appointed as the representatives of civil society on the board of the Commission. This violates Nigerian laws and the Paris' Principles, which provide that these representatives should be nominated by all organisations of civil society.

NIGERIA - Harassment

August 5, 2005 - NGA 001 / 0805 / OBS 065

On August 2, 2005, some agents of the State Security Service (SSS) besieged the Open Society Justice Initiative (OSJI) offices in Abuja, searching for Mr. **Chidi Odinkalu**, Africa Programme Director of the NGO, and leader of the campaign for Charles Taylor's indictment before the Special Court for Sierra Leone. The SSS officers said that they had instructions from the SSS Director General to arrest Mr. Odinkalu, although they had no arrest warrant. In the absence of Mr. Odinkalu, the SSS agents ransacked his office, took some of his staff hostage and detained them till the afternoon of the same day.

Mr. Odinkalu was then summoned for questioning at the SSS headquarters.

OSCE HUMAN DIMENSION IMPLEMENTATION MEETING
September 19 – 30, 2005 – Oral and written intervention

In the framework of the Human Dimension Implementation Meeting of the Organisation for Security and Cooperation in Europe (OSCE) in Warsaw, the Observatory intervened on September 19, 2005, under the item dedicated to freedom of assembly and association in OSCE countries.

The Observatory drew the attention of OSCE members to the persistence of serious human rights violations perpetrated against defenders in this region, on the part of national authorities or private groups. More particularly, the Observatory expressed its concern at the strengthening of the legislative arsenal aiming at limiting the exercise of freedoms of association and peaceful assembly in some countries, such as in the Russian Federation, Belarus and Uzbekistan.

In its recommendations, the Observatory called on the OSCE to strengthen the mandate of the programme of the Office for Democratic Institutions and Human Rights (ODIHR) on freedoms of association and assembly, and recommended the creation of a “Focal Point” or a Special Rapporteur, whose mandate would be to react publicly and immediately to instances of violations perpetrated against defenders, as well as to solicit, question, and answer to the States. This mechanism should also aim at assessing legislations relative to freedom of association.

PHILIPPINES – Extrajudicial killings
July 1, 2005 – Open letter to the authorities

Between February and May 2005, nine politicians and human rights activists were killed by unidentified persons. They were : Mr. **Arnulfo Villanueva**, a columnist for *Asian Star Express Balita* (community newspaper in Cavite), Mr. **Abelardo R. Ladera**, a council member of Tarlac City and provincial chapter leader of party-list Bayan Muna, Messrs. **Romeo Sanchez** and **Fedilito Dacut**, regional coordinators of Bayan Muna, Mrs. **Marlene Garcia-Esperat**, an anti-graft and corruption advocate, Mr. **Klein Cantoneros**, a radio broadcaster from *DXAA-FM Dipolog City*, Mr. **Philip Agustin**, editor and publisher of *Starline Times Recorder* (a local community newspaper in Aurora), both men being known for denouncing corruption, **Rev. Edison Lapuz**, a priest vocal on human rights issues, and Mr. **Alfredo Malinao**, a peasant leader and political activist.

Moreover, Mr. **Allan Caparro**, a human rights advocate, and his wife, Mrs. **Aileen Caparro**, as well as Mr. **Romeo T. Capulong**, a human rights lawyer and *ad litem* judge of the UN International Criminal Tribunal for the Former Yugoslavia, and Mr. **Alden Ambida**, a provincial coordinator of the Bayan Muna party in Eastern Samar, were all subjected to attempts on their lives.

Finally, from March 8, 2005 until she was released on March 15, Mrs. **Angelina Bisuna Ipong**, a leftist activist and peace advocate, was victim of an illegal arrest and detention, sexual abuse, torture and inhumane treatment from members of the Philippine army.

RUSSIAN FEDERATION – Assassination
August 2, 2005 - RUS 002 / 0805 / OBS 058

On July 21, 2005, one or some unidentified persons rang at the door of Ms. **Lyudmila Zhorovlya**, a well-known human rights defender in Vorkuta (north of Russia), and as she opened it she and her 21 years old son, Mr. **Konstantin Zhorovlya**, were shot dead.

In particular, Ms. Lyudmila Zhorovlya assisted residents in lawsuits against city authorities, calling for compensation over steep hikes in utilities bills. Ms. Lyudmila Zhorovlya’s work had been criticised several times, sometimes very harshly, by the Mayor of Vorkuta, Mr. Igor Shpektor, and she had received numerous threats and demands to stop her activities. Thus, she received threats by telephone in September and December 2004, as well as in January 2005, of which she informed the Prosecutor of Vorkuta. However, she did not receive any answer from him. On July 20, 2005, threats against her increased, notably after she promised to sue city authorities over compulsory charges for television antenna.

An inquiry into her death was opened by the Ministry of Interior. Numerous Russian NGOs requested that the Prosecutor General of the Russian Federation be involved in the inquiry.

RUSSIAN FEDERATION - Judicial and fiscal harassment
August 17, 2005 - RUS 003 / 0805 / OBS 069
September 16, 2005 – Press release
September 29, 2005 - RUS 003 / 0805 / OBS 069.1

On August 11, 2005, Mr. **Stanislav Dmitrievsky**, managing director of the Russian-Chechen Friendship Society (RCFS), and chief editor for the publications of the Information Centre of RCFS in Nizhny Novgorod, was

interrogated at the prosecutor's office of Nizhny Novgorod Region as a suspect in the judicial case against the *Pravozaschita* newspaper, a joint publication by RCFS and the Nizhny Novgorod Society for Human Rights (NNSHR).

On September 2, 2005, Mr. Dmitrievsky was charged by the prosecutor's office with "actions aimed at inciting hatred". This offence is liable to up to two years imprisonment.

Moreover, on June 16, 2005, RCFS received an order from the Federal Tax Inspection office, pursuant to an audit undertaken by the office, according to which RCFS had to pay 1'000'561 roubles (over 35,000 USD) for non-payment of income tax and fines for grants received in 2002, 2003 and 2004. On June 28, 2005, RCFS appealed against this decision considering that the Inspection office claims were unlawful and groundless. On July 11, 2005, the inspection office maintained its decision to allege tax irregularities committed by RCFS and to bring out further claims. On August 15, 2005, RCFS received another order from the Inspection office that confirmed the order to pay the same amount of taxes and fines. Despite the pending appeal lodged by RCFS against this decision before the arbitration court, the Tax Inspection office ordered on August 26, 2005 a compulsory withdrawal of funds from RCFS' bank account. The next hearing was scheduled to be held on October 25, 2005.

Moreover, RCFS, which is accused for having allegedly failed to provide some documents to the Ministry of Justice during a parallel audit to the one conducted by the Tax Inspection, is subjected to another proceed initiated by the prosecutor's office in April 2005, aiming at closing down the organisation. A court hearing was scheduled for September 21, 2005, during which the Ministry requested the cancellation of RCFS registration.

On September 9, 2005, unidentified people distributed leaflets containing threats and smears aimed against Mr. Dmitrievsky, and his colleague and editor, Ms. **Oksana Chelysheva**.

On September 23, 2005, Mr. Dmitrievsky was summoned for interrogation at the Main Investigatory Department of the Ministry of the Interior of Nizhny Novgorod region. He was informed that a new criminal case against RCFS had been initiated on September 2, pursuant to an Inspection office's audit into the organisation's accounts on tax evasion charges for an important amount.

SAUDI ARABIA – Confirmation of sentences / Arbitrary detentions / Releases **July 29, 2005 - SAU 001 / 0304 / OBS 017.4**

On July 23, 2005, an appeal court in Riyadh upheld the prison sentences against Messrs. **Ali Al-Domainy**, **Abdullah Al-Hamad** and **Matrouk Al-Faleh**, three Saudi human rights activists who had been detained since March 2004 for peacefully advocating political reforms. On May 15, 2005, they had been convicted for "stirring up sedition and disobeying the ruler", and sentenced respectively to nine, seven and six years of imprisonment by the Riyadh Criminal Court.

On August 8, 2005, they were released after King Abdullah of Saudi Arabia issued a royal pardon in their favour. Their defence lawyer, Mr. **Abd Al-Rahaman Allahim**, who had been detained since November 2004, was released on the same day.

SERBIA-MONTENEGRO – Attack / Harassment **August 30, 2005 – Open letter to the authorities**

On July 10, 2005, the peaceful demonstration that the NGO Women in Black was carrying out in Belgrade to commemorate the 10th anniversary of the Srebrenica massacre was violently disrupted by a group of extremists, who threw tear gas at the protesters and insulted them.

On July 11, 2005, a star of David was sprayed along with anti-Semitic messages on the Humanitarian Law Center's (HLC) plaque, and at the offices of the Helsinki Committee for Human Rights in Serbia.

Moreover, the Serbian Radical Party (SRS) filed a criminal complaint against Ms. **Natasa Kandic**, HLC executive director and editor-in-chief of the TV channel *B92*, for Ms. Kandic's TV-broadcasted statement on the responsibility of SRS vice-president, Mr. Tomislav Nikolic, in the 1991 killing of civilians in Matic. The complaint was dismissed by the Fourth Municipal Prosecutor's Office in Belgrade. On July 23, 2005, Mr. Aleksandar Vucic, SRS general secretary and member of the Parliament, threatened that if by October 15 the case did not result in a condemnation, there would be "half a million people in the streets of Belgrade".

SIERRA LEONE - Assault / Death / Arrest and release of main suspects **August 3, 2005 - SLE 001 / 0805 / OBS 061** **September 2, 2005 - SLE 001 / 0805 / OBS 061.1**

On May 10, 2005, Mr. **Harry Yansaneh**, former acting editor of the independent newspaper *For di people*, member of the Sierra Leone Chapter of Amnesty International and of the National League for Human Rights, was beaten in his office in Freetown by a group of allegedly hired thugs and family members of Mrs. Fatmata Hassan, a Member of Parliament for the ruling Sierra Leone People's Party (SLPP).

Despite medical treatment, Mr. Yansaneh's health deteriorated a few weeks after and he died on July 28, 2005. After his assault, Mr. Harry Yansaneh had made a formal report to the Central Police Station in Freetown, but either the police or authorities failed to take necessary actions.

On August 1, 2005, Mrs. Fatmata Hassan was summoned by the Criminal Investigations Department (CID) of the Sierra Leone Police to make a statement on the circumstances surrounding Mr. Yansaneh's death.

A coroner's inquest into his death was instituted by the government for about two weeks and ended on August 26, 2005. The jury concluded that "the death of Harry Yansaneh was unlawful and illegal" and that it was an involuntary manslaughter.

As a result, on the same day, the coroner ordered that arrest warrants be issued against Mrs. Fatmata Hassan, Mr. Ahmed Komeh, Mr. Bai Bureh Komeh, Ms. Aminata Komeh, her three children, Mr. Reginald Bull, Mrs. Hassan's bodyguard and caretaker for the building housing *For di people*, and Mr. Olu Campbell, the property evaluator, who were also present at the time of the assault.

The CID of the Sierra Leone Police confirmed the arrests on the same day of Mrs. Hassan, Mr. Reginald Bull and Mr. Olu Campbell, and asserted that the police were now collaborating with Interpol for the immediate extradition of Messrs. Ahmed Komeh and Bai Bureh Komeh, and Ms. Aminata Komeh, who were believed to be in the United Kingdom.

On August 30, 2005, Mrs. Hassan, Mr. Bull and Mr. Campbell were released on bail at the High Court of Sierra Leone, after they were earlier denied bail at the Lower Court. They have not been charged to date.

THAILAND - Assault / Intimidation
August 30, 2005 -THA 001 / 0805 / OBS 076

On August 18, 2005, a grenade was thrown at the car of Mr. **Wiwat Thamee**, coordinator of the Ethnic and Indigenous People's Network of Thailand, in Chiang Mai. Mr. Thamee had recently returned from speaking before the United Nations Human Rights Committee in Geneva, Switzerland, where he had criticised government practices towards minority people in the North of Thailand.

Although police officers looked at the scene, as the car was parked next to a Border Patrol Police Post, they did not react, and even advised witnesses not to file a complaint. Nevertheless, on August 20, 2005, a complaint was lodged at the district police station, and the case was submitted to the National Human Rights Commission.

TUNISIA - Harassment
August 25, 2005 - TUN 002 / 0805 / OBS 072

On August 19, 2005, Mr. **Lotfi Hajji**, chairman of the founding committee of the Tunisian Journalists Trade Union (*Syndicat des Journalistes Tunisiens* - SJT), was interrogated by the police in the district of Bizerte about his activities within SJT. He was ordered not to publish any press release on behalf of the organisation, or he would be prosecuted. On the following day, he was summoned to appear at the police station on August 23. Finally, on August 24, 2005, Mr. Lotfi Hajji went to the Tunis Security Direction where he was interrogated and notified about the decision of the authorities to forbid SJT national congress on September 7, 2005.

TUNISIA – Harassment / Restrictions on freedom of assembly
August 29, 2005 – Press release
September 1, 2005 – Press release
September 2, 2005 – Press release
September 6, 2005 – Press release

On August 21, 2005, the board committee of the Tunisian League for Human Rights (*Ligue Tunisienne des droits de l'Homme* - LTDH) had to postpone its National Congress, after that numerous plainclothes policemen and some security members of the Democratic Constitutional Rally (*Rassemblement constitutionnel démocratique* – RCD, the ruling party) besieged the organisation offices in Tunis, preventing by force the presidents of sections and the members of the National Council from entering the building.

Two days before these events, the congress of the local section of LTDH in Nabeul had already been prevented by police agents.

On August 31, 2005, on the occasion of LTDH national Council, some members of the Council and guests were prevented by the police from entering. Both Mr. Abderrahmen Hedhili, member of the management committee, and Mr. Ali Taghraouit, general secretary of Bizerte section, were assaulted.

On September 1, 2005, LTDH was informed that it was summary summoned, with regard to the cancellation of its sixth national congress, which was to take place on September 9, 10 and 11 in Tunis. This resulted from an initiative of 22 people affiliated to RCD. Besides, a case on the merits was registered before the civil chamber of first instance in Tunis by the same persons.

The hearing in chambers, which was scheduled on September 2, was postponed to September 5, 2005. On that day, the lawyer mandated by the Observatory to attend the hearing was not authorised to enter the court. On September 5, 2005, the court of first instance ordered the LTDH to “suspend its congress on scheduled dates of September 9, 10 and 11”, as well as “all preparatory works aiming at facilitating this event [...], as long as no definitive verdict be rendered in the case on the merits”.

TUNISIA – Closure of an association / Obstacle to the freedom of association
September 1, 2005 - TUN 003 / 0905 / OBS 077

On August 29, 2005, Mr. **Ahmed Rahmouni**, chairman of the Tunisian Magistrates Association (*Association des magistrats tunisiens* – AMT), was summoned by the prosecutor of the Court of First Instance of Tunis, which ordered him to give him the keys of the organisation’s office.

On the following day, the public attorney of the court summoned AMT board members, and asked again for the keys of AMT. On August 31, 2005, the board members found that the locks had been changed, and they were not able to enter the office.

On August 1, 2005, the Ministry of Justice transferred about thirty members of AMT to new venues, sometimes at 400 kms from their house. For example, Mrs. **Kalthoum Kennou**, secretary general, was transferred to Kairouan (160 km from Tunis), Mrs. **Wassila Kaabi**, board member, was transferred to Gabès (420 km from Tunis), and nine magistrates, members of the AMT administrative commission, were transferred far away from their original jurisdictions.

Moreover, a law that seriously restricts the independence of judges entered into force on July 30, 2005. In particular, it denies judges the right to contest administrative decisions before a court and to appeal disciplinary penalties before the administrative court, and limits this right to a petition before a commission established under the Superior Council of Magistracy.

TUNISIA – Death threats / Attack / Abuse of power / Hindrance to the freedom of assembly
September 5, 2005 - TUN 004 / 0905 / OBS 079

On September 1, 2005, Mr. **Abdelkader Ben Khémis**, secretary general of the National Council for Freedoms in Tunisia (*Conseil national des libertés en Tunisie* – CNLT) was in the market of Kef (North East of the country) when he was insulted, attacked and threatened with death by various delinquents, known to be close to those who are influential in the black market of the city.

Mr. Ben Khémis went to the nearest police station to lodge a complaint, but the six policemen insulted and beat him. Mr. Ben Khémis was placed in custody for two hours, without any official charges, before being thrown out in a brutal way.

On September 3, 2005, the authorities deployed numerous policemen to the front of the headquarters of CNLT in Tunis, in order to prevent access by members of the liaison committee. The building remained barricaded until the evening of the next day.

UZBEKISTAN - Arbitrary arrests and detentions / Releases / Ill-treatment / Harassment / Violations of the right to freedom of movement and of assembly
July 1, 2005 - UZB 001 / 0505 / OBS 036.2

In May and June 2005, many human rights defenders were subjected to harassment, ill-treatment and harassment from the authorities and security forces.

In May 2005, Mr. **Bakhtior Kamroev**, chairman of the Djizak branch of the Human Rights Society of Uzbekistan (HRSU), Mr. **Sotivoldi Abdullaev**, HRSU member, and Mrs. **Elena Urlaeva**, chairperson of the Organisation for the Defence of Rights and Freedoms of Citizens of Uzbekistan, were insulted, beaten and threatened by the police.

In May 21, 2005, nine human rights defenders were arrested, and they remained detained as of July 1, 2005. These are Messrs. **Saidjahon Zaynabidinov**, member of the Human Rights Group in Andijan, **Dilmurad Muhitdinov**, president of the Markhamat regional section of Ezgulik, **Muhammadkodir Otahonov**, president of the local section of Andijan of the International Society of Human Rights, **Mussajon Bobojanov**, a member of Ezgulik and chief of the local organisation of the political party “Birlik”, **Nurmuhhammad Azizov**, chairman of the section of HRSU in Andijan, **Norboy Kholjigitov**, chairman of the HRSU Ishtikhanskii district branch (region of Samarkand) and member of the party *Ozod dekhkolar* (“free farmers”), **Abdusattor Irzaev** and **Khabibulla Okpulatov**, members of HRSU at Ishtikhanskii district, and **Rakhmatulla Alibaev**.

On May 30, 2005, Tashkent police prevented several human rights defenders from leaving their homes and other defenders were temporarily detained, including Pr. **Iskandar Khudaiberganov**, chairman of the “Centre of democratic initiatives”, Mr. **Bashorat Eshova**, HRSU member, and Mr. **Azam Turgunov**, chairman of the human rights organisation Mazlum. They were released after a short period of detention.

On June 4, 2005, police forces in Karshi, Ishtikhanskii district, arrested Mr. **Tulkin Karaev**, HRSU member and an independent journalist working for the Institute for War and Peace Reporting (IWPR), and put him on administrative detention for “hooliganism”. He was released on June 14, but on June 16, while he was going to Tashkent for medical reason with Mr. **Akmal Akhmedov**, a journalist and member of the Initiative Group for Independent Defenders of Uzbekistan, they were arrested and interrogated. The police released them but kept their passports to prevent them from leaving the city.

On June 6, 2005, Mr. **Sobitkhon Ustabaev**, of the Namangan Group for Protection of Human Rights, was released after 15 days of detention for having taken part in protests. On the same day, Mr. **Muzaffarmirzi Iskhakov**, chairman of Ezgulik for the Andijan region, was released on bail. However, police retained his passport and ordered him not to leave the city.

On June 13, 2005, Mr. Khabibulla Okpulatov’s son, Mr. **Youldash Okpulatov**, was intimidated and threatened. Mr. **Aslitdin Suvankulov**, Mr. Kholijigitov’s lawyer, was beaten after he stated that he also intended to defend Mr. Okpulatov.

On June 15, 2005, four members of a delegation from the International Helsinki Federation, Mr. **Tolib Yakubov**, Mrs. **Eliza Musaeva**, Mr. **Eldar Zeynalov**, Mr. **Dmitri Markushevski** and Mr. **Abdurzai Dezhuraev**, as well as their driver, were arrested and taken to the local police station. On June 16, 2005, the delegation had no other choice than to return to Tashkent.

On June 21, 2005, a demonstration in memory of the victims of the “Andijan tragedy” took place in Tashkent. The police prevented Mr. **Sotivoldi Abdullaev** and Mr. **Abdudjalil Vaimatov**, HRSU members, from going to the demonstration. Moreover, about 20 persons were arrested and detained at the police station without any reasons. Among them were Mr. **Anatolyi Volkov**, an independent human rights defender, Mrs. **Bashorat Iesheva**, HRSU member, and Mr. **Surat Ikramov**, chairman of the Initiative Group for Independent Defenders of Uzbekistan.

On June 27, 2005, in Tashkent, security forces in plain clothes prevented around 40 opposition parties’ members and human rights defenders from participating in a demonstration against smear campaigns in the state media, and against disinformation in media about events in Andijan. Some of them were arrested for 4 to 5 hours in the regional centre of the Ministry of Internal Affairs or placed under house arrest. Consequently, the demonstration had to be cancelled.

On the same day, three members of the security forces went to the home of Mrs. **Elena Urlaeva**, chairperson of the Organisation for the Defence of Rights and Freedoms of Citizens of Uzbekistan, where she was with Mr. **Rakhmatulla Alibaev**, a member of the Initiative Group for Independent Defenders of Uzbekistan. Security forces beat him and took him away. Mr. Alibaev was detained at an unknown place. On June 28, Mrs. Urlaeva was sentenced to a fine, after having demonstrated in front of the Ministry of Internal Affairs headquarters to demand the release of Mr. Alibaev and to stop the harassment against human rights defenders, journalists and opponents. Three men from the Ministry seriously beat her and threatened her and her family.

On August 27, 2005, the authorities arrested Mrs Urlaeva and detained her at the psychiatric hospital of Tashkent, where she remained as of October 2005. On October 21, 2005, she was forced to take a medical treatment against schizophrenia, which could have irremediable effects on her health.

UZBEKISTAN - Arbitrary arrest and detention

August 4, 2005 - UZB 002 / 0805 / OBS 063

On July 21, 2005, Mr. **Abdurasul Hudainazarov**, chairman of the Angren municipal branch of Ezgulik, was arrested in Korabog, pursuant to a criminal investigation by the city’s Prosecutor’s office. On July 24, 2005, he was charged with the extortion of 400 US dollars from Mr. Ilhom Zokirov, a police captain, and put in detention. A resident of Angren, to whom Captain Zokirov had extorted some money in return of his silence concerning some cows he would have stolen had called upon Mr. Hudainazarov in order to have the money back. Mr. Hudainazarov had thus contacted the police captain. However, immediately after Mr. Zokirov gave the money back to Mr. Hudainazarov, the police arrived and arrested him.

UZBEKISTAN - Harassment / Judicial proceedings

August 8, 2005 - UZB 003 / 0805 / OBS 066

On August 4, 2005, Ms. **Khalida Anarbayeva**, former managing director of the representative office of Internews Network, an international organisation that promotes freedom of the press and access to information for people around the world by fostering independent media and promoting open communications policies, and currently senior advisor, and Ms. **Olga Narmuradova**, accountant at Internews Network, were condemned for having violated Article 190(2)b of the Uzbek Criminal Code on charges of “publishing information and producing videos without a license”. Subsequent to the trial, the judge said that Internews had “started meddling in the politics of Uzbekistan and in the politics of the President”.

Later on, the appeal lodged by Mrs. Anarbayeva was rejected by the Tashkent Court in the absence of any valid

ground. However, in accordance with Uzbek law, Mrs. Anarbayeva and Mrs. Narmuradova are under no prison penalty as they do not have any police record.

ZIMBABWE - Unlawful entry / Intimidations

July 26, 2005 – ZWE 001 / 0705 / OBS 053

On July 19, 2005, three members of the police forces intimidated the NGO ZimRights security guard who allowed them to inspect ZimRights premises. They indicated that they had been “assigned to work at ZimRights premises”, without specifying who had given such an order. They also entered the International Socialist Organisation (ISO) premises, sheltered by ZimRights, where Mr. **Briggs Bomba**, ISO Officer, was working.

They did not specify him the purpose of their visit but they insisted on staying overnight to “protect” people. They ushered intimidating messages over their radio. Mr. Bomba, frightened, only managed to send a SMS message to colleagues, but did not dare to leave the office.

On the following morning, the three police officers left the premises saying to ZimRights security guardians that another police team was coming to replace them, but nobody came.

On July 25, 2005, ZimRights’ lawyers lodged a complaint at the Harare police station.

ZIMBABWE - Arbitrary arrests / Releases on bail / Judicial proceedings

August 12, 2005 - ZWE 002 / 0805 / OBS 068

On August 4, 2005, the National Constitutional Assembly (NCA), a grouping of independent NGOs, decided to spontaneously organise a demonstration in Harare in favour of a new constitution.

The marchers, including Mr. **Lovemore Madhuku**, NCA Chairman, planned to stage a demonstration outside the Harare International Conference Centre, where the Parliamentary Committee on Legal Affairs was holding a consultative public meeting on planned amendments to Zimbabwe’s Constitution, which could constitute a hindering to fundamental freedoms.

The police then called in a riot squad in order to foil the public protest. Mr. Lovemore Madhuku was arrested along with Mr. **Bright Chibvuri**, a journalist at *The Worker*, published by the Zimbabwe Congress of Trade Unions (ZCTU).

Mr. Madhuku and Mr. Chibvuri were charged with “gatherings conducting to riot, disorder or intolerance”, and are under penalty of a fine up to fifty thousand dollars or to imprisonment up to ten years or to both such fine and such imprisonment.

On August 5, 2005, both men were released on bail of Z\$ 250,000. As of the end of October, they remained on routine remands, appearing in court regularly, and waiting their trial date to be set.

Geneva - Paris, November 2005

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