

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de l'Homme

THE OBSERVATORY
for the Protection
of Human Rights Defenders

EL OBSERVATORIO
para la Protección
de los Defensores de Derechos Humanos

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ALGERIA – Judicial Proceedings **May 19, 2004 – DZA 001/0404/OBS 024.1**

Mr. Mohammed Smaïn, head of the Relizane section of the Algerian League for the Defence of Human Rights (LADDH), was summoned on May 16, 2004, by the judicial police because the former mayor of Relizane, Mr. Mohamed Abed, had filed a complaint against him for “defamation and denouncing an imaginary crime.” This refers to Mr. Smaïn’s testimony in April in a case of torture and crime against humanity filed in France against two former militiamen, Mr. Abdelkader and Mr. Houcine Mohamed, both sons of the former mayor Mr. Mohamed Abed. Since Mr. Smaïn’s return from France, he has been subjected to various threats and acts of harassment.

ALGERIA – Threats / Judicial Harassment **May 27, 2004 – DZA 002/0504/OBS 039**

Mr. Hafnaoui El Ghouli, head of the Algerian League for the Defence of Human Rights (LADDH) in Djelfa and a journalist, was put in administrative detention on May 24, 2004, following an interview he gave to a national daily newspaper *Le Soir*, on May 17, denouncing the situation of human rights and the situation facing journalists in the region of Djelfa. Three complaints for defamation have been filed against him. The first two were lodged by the state representative (wali), and the third by the Director of Public Health of Djelfa. The visitation request by Mr. El Ghouli’s family was denied. Prior to these events, Mr. El Ghouli had experienced acts of harassment, his apartment having been placed under surveillance on several occasions. He also received death threats, directed at his family as well, while at the police station on May 15, 2004.

ARGENTINA – Murder of Land Rights leader **July 13, 2004 – ARG 001/0704/OBS 058**

A leader of the organisation “Federation of Land and Housing”, Mr Martín Cisneros, was murdered on 25 June 2004 by a man named Juan Carlos Duarte who is known as an informant for the police and protected by them, according to the denunciations made. The murder occurred only two blocks of houses from the police station, whose members initially did not intervene to arrest the presumed murderer, despite the fact that various witnesses went to the police to denounce the murder. After many popular demonstrations, the presumed murderer was arrested, but so far neither any inquiry has been opened nor has anyone been summoned to testify on the case. This crime is allegedly part of a campaign against the movement of unemployed people in Argentina (known as the “Piqueteros”).

BAHRAIN – Defamation of an NGO **July 8, 2004 – BHR 001/0704/OBS 054**

On June 30, 2004, in an interview with *Al Arabiya* TV Channel, the Minister of Labor and Social Affairs in Bahrain openly threatened to shut down the Bahrain Center for Human Rights (BCHR) because of “its political activities.” The Minister, Dr. Majeed Al Alawi, called BCHR a political opposition body that has adopted a political agenda. Furthermore, Dr. Alawi criticized the

organization's use of demonstrations as well as article and letter writing to defend and protect human rights in Bahrain. These accusations follow earlier threats from the Minister of Labor and Social Affairs to withdraw the Center's operating license if it continued its "political activities", as they would contradict Law No. 21 of 1989 on Societies. According to the information received, such threats were issued in letters to BCHR in October 2003 and May 2004.

BANGLADESH – Harassment
June 10, 2004 – Open letter to Prime Minister Begum Khalida Zia

On May 22, 2004, Dr. Qazi Faruque Ahmed and Mr. David William Biswas, two leading members of Proshika, a development NGO in Bangladesh working on women rights and voter education, were arrested, held without bail, and charged with mismanagement of funds and fraud. Both have serious health conditions and are without access to medical attention. Proshika has been targeted by the authorities since 2001 and, like other Bangladeshi NGOs, has undergone lengthy investigations concerning mismanagement of funds, during which all international donor funds were blocked by the government. Other human rights defenders have been targets of threats and harassment, such as Ms. Aroma Dutta, director of PRIP Trust, an NGO working in humanitarian and social field, and member of the Proshika Executive Board, who was threatened with arrest upon her return from testifying to restrictions on religious freedom in Bangladesh at a hearing in the U.S. The government is attempting to criminalize and stigmatize all human rights activities through such means as legislation as well as slanderous comments made about NGOs by high government officials.

BELARUS – Judicial Harassment
June 17, 2004 – BEL 001/ 0604/OBS 046
June 28, 2004 – BEL 001/0604 /OBS 046.1

The Belarusian Helsinki Committee (BHC) was at risk of being closed down following accusations of tax evasion brought against it by the Belarusian authorities. Inspectors from the Moscow District of Minsk investigated the BHC's financial history since 1995. The accusations concerned funds received from the European Union's TACIS technical assistance programme, which, according to the General Rules agreed upon by Belarus and the European Union, are tax exempt. The BHC was requested to pay over 385,000,000 Belarus Rubles (approx. \$180,000). The Committee appealed this decision to the Minsk Tax Inspection and then to the Economic Court of Minsk, which cancelled it on June 23, 2004. It also ruled that the BHC was to be refunded the money it had already paid to the Tax Inspection of the Moscow District of Minsk, stating that the BHC had acted within the legal framework. The Department of Financial Investigation also brought a criminal case against the BHC Chair, Ms. Tatsiana Protska, and the Chief Accountant, Ms. Tatsiana Rutkevitch. They are still under prosecution for tax evasion.

CENTRAL AFRICAN REPUBLIC – Threats and Intimidation
June 4, 2004 – CAF 001/ 0604/OBS 042

Mr. Goungaye Wanfiyo, vice president of the Central African League of Human Rights (LCDH) received threats and intimidation in the course of his work as a legal defender of human rights. On May 25, 2004 Mr. Wanfiyo held a press conference denouncing the violations of judicial procedure and the rights of the defendants in the cases of his clients, Mr. Oumarou, who was held in detention despite dismissal of his case, and Mr. Boykota Zouketia, who was denied bail for 6 days and following his release was arrested again and illegally detained. After the press conference, the Attorney General, Mr. Sylvain N'Zas replied to Mr. Wanfiyo publicly in an authoritative tone and threatened to refer him to the Council of Order if Mr. Wanfiyo continued to "treat the Magistrates like [his] servants."

CHAD – New Information: Death Threats against Two Journalists
July 23, 2004 – TCD 001/1003/OBS 056.1

Death threats have been reported against Mr Evariste Ngaralbaye and Allahissem Ibn Miangar, both journalists in the FM *Liberté* broadcasting station, which is the main relay for independent human rights NGOs in the country. According to information received, threats could be linked to the interview given on 30 May 2004 by these journalists with native Ivory Coast musician Mr Tiken Djah Fakoly, who had criticised the dictatorial regimes in Africa on that occasion. Since that interview, the broadcasting station has been receiving anonymous leaflets with death threats to the two journalists in question. These facts have been reported to the police but no investigation has been opened yet. The broadcasting station had already been closed down in October 2003 because of a radio show, which criticised the President of the Republic of Chad, Mr Idriss Deby (TCD 001/1003/OBS 056).

CHINA – House Arrests
June 3, 2004 – COL 001/ 0304/OBS 019.1

Mrs. Ding Zilin was placed under house arrest on May 24, 2004 following a warning from a senior official against presenting a resolution before the Supreme People's Procuratorate against former Premier Li Peng on behalf of 126 people who lost a family member in the violent crackdown by the People's Liberation Army on protesters in Tiananmen Square on June 4, 1989. Mrs. Zhang Xianling and Mrs. Yin Min were also placed under surveillance and warned not to file any legal complaints. Following these events, the three women, members of the "Tiananmen Mothers" organization, issued an open letter demanding accountability for the violence against peaceful protesters 15 years ago in Beijing and calling for genuine reform by the Chinese government. Previously, Mrs. Zilin and Mrs. Xianling, as well as Mrs. Huang Jinping, were arrested in March following the release in Hong Kong of a video by the Tiananmen Mothers presenting testimony of families of the June 4 victims.

CHINA – Arbitrary Detention
July 12, 2004 – CHN 003/0704/OBS 056

Mr. Zhang Youren, the leader of a farmers group in Tangshan, Hebei Province, was arrested at his home on July 6, 2004. At the time, the police conducted a search of the home and when his family refused to cooperate, his wife, Wang Yushu, was beaten and forcibly removed to the police station. The farmers group has been protesting the terms of their forced relocation in the 1990's, specifically the misappropriation of funds intended to compensate those displaced by the creation of Henan's Taolinkou reservoir. The group was planning to petition Premier Wen Jiabao during his visit scheduled for July 8-10.

COLOMBIA – Alleged Forced Disappearance
May 25, 2004 - COL 008/0504/OBS 038

Mr. Carlos Alberto Hurtado Aramburo, nephew of Mr. Jorge Isaac Aramburo García, one of the most important and historic leaders of the Black Movement in Colombia, was kidnapped by two unknown persons on May 11, 2004. These persons came by taxi to Mr. Aramburo's residence in Buenaventura (department of Valle del Cauca) and took him away. This kidnapping is intended to dissuade his uncle, Mr. Jorge Isaac Aramburo García, from continuing his activities as a human rights defender. On October 1, 2003, the Inter-American Commission on Human Rights had ordered precautionary measures in favour of him and his family. Since the year 2000, 11 members of this same family have been killed, clearly indicating persecution because of their work.

COLOMBIA – Grave Threats / Harassment
May 28, 2004 - COL 009/0504/OBS 040

Serious threats have been reported concerning Mr. Guillermo Castaño Arcila and Mrs. Luz Adriana González Correa, respectively president and general secretary of the Permanent Committee for the

Defence of Human Rights (PCDHR) in the department of Risaralda. In February 2004, several persons staked out the rural property of Mr. Castaño Arcila at night and on April 14, 2004, he received phone calls threatening to burn his property. Mrs. Correa was stalked for three weeks by armed men. Reliable sources attest to the existence of a plan to assassinate Mr. Arcila and Mrs. Correa, in which persons close to the State Intelligence Services (though not employees) are implicated. Both Mr. Arcila and Mrs. Correa had received death threats from paramilitary groups in August 2002. The Inter-American Commission on Human Rights had adopted precautionary measures in favour of them, as well as of other members of the Committee.

COLOMBIA – Attacks against the work of NGOs
June 1, 2004 – Press release
June 7, 2004 – Open Letter to President Álvaro Uribe Vélez

The president of Colombia, Mr Álvaro Uribe Vélez, made negative remarks regarding human rights NGOs in the framework of a security council held in Apartadó, department of Antioquia, on May 27, 2004. His declarations targeted the leaders of the Peace Community of San José de Apartadó, as well as those supporting this organization with Peace Brigades International and other NGOs. The president accused the leaders and supporting NGOs in the region of impeding the work of the legitimate authorities, notably the Fiscalía Human Rights Unit (a government organ). He noted that the government was ready to support the Fiscalía with the help of the army and the police, adding that the possibility of arresting or expelling the opponents was not excluded. Although the Inter-American Commission on Human Rights adopted precautionary measures in favour of the community of San José de Apartadó on October 17, 1997, it has since then been the victim of 330 cases of violations of human rights: several massacres, more than 130 murders, tortures, disappearances, sexual violence, threats, forced displacements and plundering. On June 2, 2004, after the president's speech, the army, together with the representatives of the intelligence services – members of the Administrative Department of Security (ADS) and the Section of the Judicial Police – circulated in downtown San José de Apartadó, filming members of the community and asking for names, addresses and activities of its leaders.

COLOMBIA – Harassment
June 14, 2004 – COL 010/0604/OBS 044

There are allegations that the Administrative Department of Security (ADS) plans to accuse Mr. Pedro Julio Mahecha Avila, a lawyer with Corporación “José Alvear Restrepo”, of being a member of the guerrilla forces, FARC. On May 14, 2004, while travelling in Cartagena (department of Bolívar) for professional purposes, Mr. Mahecha Avila was harassed and tracked by men who identified themselves as ADS officials. The tracking continued, causing him to request police assistance and eventually forcing him out of the city. After a petition from the Corporación “José Alvear Restrepo”, the Chief of the Judicial Section was questioned regarding these events. He acknowledged the facts, but denied that the operation targeted Mr. Mahecha Avila, arguing that the tracking was part of a broader plan aimed at preventing crime before and during talks concerning the Free Trade Agreement. Since 2003, Colombian President Alvaro Uribe Vélez has repeatedly accused Corporación and other NGOs of being “terrorist organizations that hide behind the banner of human rights”.

COLOMBIA – Arbitrary Arrest and Detention
June 18, 2004 – COL 011/0604/OBS 048

Mr. Mauricio Avilez Álvarez, a representative of the Operative Committee for the Coordination of Human Rights in Colombia, Europe and the United States, was arrested in Barranquilla on June 10, 2004 by the Group of Unified Action for Personal Liberty (GAULA) of the Army. Members of the group took him away in a car without license plates to the local police station lockup, where he has been detained from this date. Officially, he is accused of rebellion, extortion and aggravated homicide, as he is held responsible for a bomb-attack on a shopping centre in Barranquilla on December 16, 2003, in which one person died.

COLOMBIA – Extrajudicial Execution
July 23, 2004 – COL 012/0704/OBS 060

On July 15, 2004, Sra. Elisa Nova Hernández, the accountant (“fiscal”) of the Workers Union of the Clinics and Hospitals of Santander (SINTRACLINICAS), was extra-judicially executed. Two unidentified men, who escaped in a motorcycle with a covered license plate, shot Sra. Nova Hernández three times, killing her almost instantly. Sra. Nova Hernández had recently been elected as the accountant (“fiscal”) of the Union, prominent for its firm defense of workers’ and union rights. This assassination took place despite the complaints previously expressed by the members of SINTRACLINICAS regarding various acts of harassment against SINTRACLINICAS, which began in March 2002 with the attempted kidnapping of the Union’s President.

CUBA – Sentencing of Human Rights Defenders
May 5, 2004 - CUB 001/0504/OBS 033

Members of the Cuban Foundation for Human Rights, including the president Mr. Juan Carlos Gonzalés Leiva, and independent journalists were condemned to harsh prison sentences on April 26, 2004. They had been detained for more than two years without trial since their peaceful demonstration against the beating of an independent journalist, Mr. Jesús Alvarez Castillo, on March 4, 2002. All detainees were accused of disrespect of the president, resistance, disobedience, and public disorder. Mr. Gonzalés Leiva was condemned to 4 years of house arrest. Some of the other members of the Foundation as well as independent journalists were also condemned to several years of imprisonment, and two women were sentenced to house arrest.

CUBA – Liberation
July 26, 2004 – CUB 001/0403/OBS 018.1

Ms. Marta Beatriz Roque, member of the Assembly for the Promotion of Civil Society and the Institute of Independent Economists, was released on July 22, 2004. She had been arrested during the wave of repression on the part of the Cuban government in March 2003 that resulted in the detention of 78 dissidents. Ms. Roque was sentenced on April 7, 2003 to 20 years in prison on the count of conspiracy. Prior to her release, she had spent fifteen months in jail despite her precarious state of health – she suffers from diabetes, hypertension and facial paralysis. Although no official version for the reasons of Ms. Roque’s liberation exists, Ms. Roque believes her release to be the result of pressure placed by the international community on the Cuban government. Thirty-three other dissidents were also sentenced to fifteen to twenty-five years’ imprisonment for conspiracy with United States representatives in Cuba; many of them, including several human rights defenders, remain in jail.

DEMOCRATIC REPUBLIC OF CONGO – Arbitrary Detentions
June 16, 2004 – Open letter to President Joseph Kabila

Mr. Robert Numbi Ilunga, president of the NGO Nelson Mandela’s Friends for the Defence of Human Rights (NMFDRH), Mr. Rodolphe Mafuta, president of Bana Kalamu, Mr. Kally Kalala, president of Bana Matonge, and Mr. Lems Kalema, member of Bana Matonge were arrested on June 7, 2004 based on claims that they were responsible for destruction of a private construction site. They were detained for four days, rather than the 48 hours allowed by law, under terrible conditions and then transferred to the central prison in Kinshasa, following a hearing on June 10, at which they were accused of “inciting a revolt” and “malicious destruction.” They were not informed of their rights and were not allowed to access their lawyers because they were unwilling to pay the required bribe. They were released under bail on June 16, 2004 with the obligation to appear before the examining magistrate twice a week and with the prohibition to live in Kinshasa.

DEMOCRATIC REPUBLIC OF CONGO – Attempted Kidnapping
July 12, 2004 – COD 003/0704/OBS 057

On July 6, 2004, while he was on his way to meet with a journalist working for the newspaper *Le Potentiel*, Mr. Floribert Chebeya Bahizire, the president of the Voix des Sans-Voix pour les droits de l'Homme (VSV, a local NGO), was stopped by four armed men wearing civilian cloths who searched him thoroughly and took money from him, while one of them was on the phone apparently waiting for instructions. Waiting for a moment's inattention on the kidnappers' part, he eventually managed to escape and take refuge in the newspaper's headquarters. Mr. Floribert Chebeya Bahizire had previously been the target of a number of threats coming from high representatives of the military court (Cour d'ordre militaire, later dissolved) which forced him to go underground at the end of 2002. He only regained his country in April 2003.

**EGYPT – Arbitrary Search and Risk of Closure of Nadim Center
July 28, 2004 – EGY 001/0704/OBS 061**

An “abusive” inspection of the Nadim Center for the Psychological Rehabilitation of Victims of Violence in Cairo occurred on July 11, 2004. A committee of persons presented a document from the Private Medicine Department of the Health Affairs Office of the Cairo Governorate authorizing an inventory of the Center's medical equipment and inspection regarding conformity with sanitary laws. However, instead of checking the equipment, the inspectors searched offices, confiscating doctors' personal belongings, as well as documents related to the patients that are protected by medical confidentiality. The committee subsequently issued a report on the inspection, which did not refer to the medical equipment and was not given to the Center's lawyers. On July 19, the Directorate of Health Affairs sent a letter informing that the Center was in violation of law 51 adopted in 1981, regarding the regulation of medical establishments, for numerous reasons. This law provides for the closure of the medical establishment would it fail to remedy to these violations within a maximum period of 30 days.

**EUROPEAN UNION – Adoption of Guidelines on Human Rights Defenders
July 8, 2004 – Press Release**

The Observatory welcomes the adoption by the Council of the European Union of Guidelines on Human Rights Defenders on June 15, 2004. Recognising the role of Human Rights Defenders and supporting the principles contained in the UN Declaration on Human Rights Defenders, the guidelines provide for a set of “ways and means” to “effectively work towards the promotion and protection of human rights defenders in third countries, within the context of the Common Foreign and Security Policy”, including conferring an important role to EU delegations in third countries and strengthening regional mechanisms of protection of human rights defenders already existing. For more information about the Guidelines please see the website of the Council of the European Union at <http://ue.eu.int>. The full text of the Guidelines is available at <http://ue.eu.int/uedocs/cmsUpload/GuidelinesDefenders.pdf>

**GUATEMALA – Violation of the Right to Life
June 10, 2004 - GTM 002/0604/OBS 043**

On June 5, 2004, Mr. Hugo Oswaldo Gutierréz Vanegas, President of the Pro-Land Committee of La Pita, in the department of Petén, was assassinated. After participating in a training session, he was returning home when he was struck multiple times with a machete, resulting in his death. Mr. Gutierréz Vanegas, a community leader, had founded an association called “United Communities”, to fight land confiscation. He had been the victim of an assassination attempt two months before.

**GUATEMALA – Death Threats
July 7, 2004 – GTM 003/0704/OBS 052**

Death threats have been reported against Mr Herminio González, secretary general of the Workers Trade Union of the Municipality of Esquipulas on 30 June 2004. An unknown person called Mr

González by phone and told him that he was watched over. The voice ordered him to leave his house and threatened him of death if he didn't. The anonymous person also mentioned references to a quarrel that occurred in September 2002. Together with 41 other workers, Mr González had been dismissed on 17 September 2002 in an illegal way by the former mayor of the above-mentioned municipality.

GUATEMALA – Threats, Harassment and Arbitrary Detentions
July 22, 2004 - Open Letter to Oscar Berger Perdomo

The situation of human rights defenders in Guatemala remained extremely precarious throughout 2003, and the Observatory is concerned that following the arrival of Mr. Berger Perdomo as president of the Republic of Guatemala the situation of human rights defenders in Guatemala remains one of the most troubling in Latin America. Human rights activists, union leaders, social and rural leaders as well as public officials who work protecting human rights continue to be the subject of threats, acts of harassment, and arbitrary detentions. Specifically, the Observatory in this open letter highlighted the recent 2004 cases of 1) the break in of the house and inspection of personal documents of Ms. Edda Gaviola, the director of the Centro de Acción Legal para los Derechos Humanos (CALDH), 2) the temporary kidnapping of Mr. Edwin Galicia of the CALDH, 3) the violent detention by state officials of various union leaders, namely Mr. Victoriano Mindez, secretary general of the Central General de Trabajadores and the Federación Nacional de Trabajadores; Mr. Miguel Ochoa of the Junta Directiva de la Unión de Pilotos de Transporte Pesado de Carga por Carretera; and Mr. Wilson Carreto López, president of the Unión de Pilotos de Transporte Pesado de Carga por Carretera, 4) the telephone death threats against Mr. Herminio González, secretary general of the Sindicato de Trabajadores de la Municipalidad de Esquipulas and of the Federación Nacional de Servidores Públicos, 5) and the harassment and threatening of members of the Procuraduría (similar to an Ombudsman) for human rights and the human rights section of the Public Ministry, namely Mr. Erick Villatoro and Ms. Telma Inés Peláez Pinnelo de Lam.

INDIA – Physical Attack on Human Rights Activists
July 6, 2004 – IND 002/0704/OBS 053

Mr. Kailash Satyarthi, chairman of Bachpan Bachao Andolan (Save the Children Movement), was attacked, threatened, and charged with illegal action in his attempt to rescue children enslaved in the "Great Roman Circus" in Gonda district, Uttar Pradesh. The attempted rescue, on June 15, 2004, was orchestrated in conjunction with the Sub-divisional Magistrate and involved several parents as well as Mr. Satyarthi. But when the group arrived, the Magistrate turned against them in conspiracy with the circus management who launched a violent attack on the activists, using knives, iron rods and guns. The circus manager threatened to shoot Mr. Satyarthi if he took the children away and the Magistrate threatened the other activists as well. Although charges have been filed against Mr. Satyarthi, no effort has been made by the authorities to investigate this unlawful attack.

ISRAEL – Israeli Conscientious Objectors Receive Reduced Sentences
July 20, 2004 – Press Release

On July 14, 2004, the Military Parole Committee has decided to reduce the sentences of Haggai Matar, Matan Kaminer, Shimri Zameret, Adam Naor and Noam Bahat, conscientious objectors to the occupation of the Palestinian territories. Initially scheduled to be released in January 2005, they will now be released on September 15, 2004. However, Jonathan Ben Artzi, the first Israeli conscientious objector to be court-martialled since the 1970s, is currently serving a two-month period for refusing to pay the fine associated with his most recent sentence (after having served more than eight sentences) for the offense of refusing to serve in the Israeli army. In its Final Opinion in 2003, the UN Working Group on Arbitrary Detention determined that, although the rejection by a state of the right to conscientious objection cannot be considered incompatible with international law, the repeated penalties imposed on Jonathan Ben Artzi, Matan Kaminer, Adam Naor and Noam Bahat violate the principle of *non bis in idem*.

KYRGYZSTAN – Repression of a Peaceful Gathering
May 7, 2004 – Open Letter to Prime Minister Nikolai Tanaev

On April 15, 2004, a peaceful demonstration, which took place in Bishkek, was heavily repressed. The peaceful march was organised in support of Mr. Felix Kulov, an opposition party (“Ar-Namys”) leader who is serving a seven-year sentence in prison. Eighteen people, including Ms. Aziza Abdirasulova, a member of the Kyrgyz Committee for Human Rights (KCHR), Mr. Tursunbek Akunov, a leader in the human rights movement, and Mr. Tolekan Ismailova, leader of the Public Union “Civil Society Against Corruption”, were arrested and taken to Peromaiskyi Rayon Department of Internal Affairs (RDIA). They were released the same day. Ms. Abdirasulova, Mr. Akunov and Mr. Ismailova were sentenced to pay a fine and Ms. Abdirasulova was also subjected to ill-treatment and beaten during her detention. Following these events, Mr. Akunov was again prosecuted for having provided support and legal advice to some demonstrators who were protesting, on April 16, against the “disappearance” of their savings, after the bankruptcy and closure of a company called “Renton Group.” Mr. Akunov was charged with “hooliganism” and for “organization of a meeting and a demonstration.” He was tried on April 19, 2004 and is still awaiting the verdict of the judge.

KYRGYZSTAN – Physical Attack
July 21, 2004 – KGZ 002/O8O3/ OBS 044.3

Mrs. Aitbaeva Ainura, the daughter of Mr. Ramazan Dyrlydaev, the Chairman of the Kyrgyz Committee for Human Rights (KCHR), was attacked in her home on the evening of July 3, 2004. Unknown persons broke into her home while she was there with her two children and violently beat Mrs. Ainura to the point of unconsciousness; she was subsequently admitted to the hospital with a concussion. The Observatory fears that this attack was perpetrated not by petty criminals but, rather, as a result of her father’s human rights activities. Mr. Dyrlydaev’s KCHR presidency, which is backed by the active members of the committee, was challenged by three former KCHR members, whose non-elected claims to leadership have been backed by the government. The Helsinki Federation for Human Rights, as well as FIDH and OMCT, have refused to recognize the new KCHR leadership. Threats and harassment against active members of the original KCHR have intensified following the instatement of the new committee leadership, and Mr. Dyrlydaev is currently in Vienna taking refuge due to the confirmation of an existing assassination attempt against him (see Observatory Annual Report 2003).

LAOS – Death in Custody
June 2, 2004 – LAO 001/0604/OBS 041

New information, previously concealed by authorities, reveals that Mr. Khamphouvieng Sisa-At, a leader of the “Laos Student Movement for Democracy of October 26, 1999”, died in late 2001 as a result of mistreatment endured while in detention in Samkhe prison. On October 26, 1999 the Student Movement organised a peaceful march, publicly calling for the respect of human rights, the release of political prisoners, political reform and new elections. Four members of the Movement are still missing since they were arrested that day by secret police.

MALAYSIA – Harassment / Physical Attack
May 18, 2004 - MYS 001/0504/OBS 037

Mr. Ponnusamy Uthayakumar, human rights activist and lawyer, was attacked by three unidentified people wielding a sledge hammer while on his way home from his office in Kuala Lumpur, at around 7.15 pm on May 10, 2004. Although he managed to escape, he sustained injuries on his body, face and head. Mr. Uthayakumar had been subject to acts of harassment in the past. There are fears that these acts of harassment and the attack of May 10, 2004 are related to Mr. Uthayakumar’s human rights activities. He has been actively involved in investigating cases of abuse of police powers and deaths in police custody.

NEPAL – Postponing of a Trial
May 6, 2004 – Open Letter to Prime Minister Surya Bahadur Thapa

On May 2, 2004, the trial of Mr. S.K. Pradhan, general secretary of the people's Forum for Human Rights and Democracy (PFHRD), was postponed by the District Court of Chandragari, Jhapa, for the nineteenth time since he was arrested on September 19, 2001. This was reportedly due to the fact that the Chief Judge, Mr. Tanka Bahadur Moktan, was unavailable that day. Mr. Pradhan had been arrested at his home in Kathmandu without an arrest warrant by policemen in plainclothes. He was charged with involvement in the murder of Mr. R.K. Budhathoki, chairman of the Bhutan Peoples' Party (BPP), which took place on September 9, 2001. However, during the time of the murder, Mr. Pradhan was holding a meeting with several refugee students in the office of the Youth Organisation of Bhutan (YOB) in Damak, Jhapa. The arrest is based on the complaint lodged by Mr. Balaram, general secretary of the BPP, without any other evidence.

NEPAL – Arbitrary Arrests
June 8, 2004 – NPL 001/0104/OBS 005.1

Mr. Dinesh Prasain, the program coordinator for the Collective Campaign for Peace (COCAP), and Ms. Usha Titikchum, a photojournalist, were forcefully arrested without warrant on the morning of June 4, 2004 at the offices of COCAP in Anamnagar. Mr. Prasain was beaten by the police inspector. The arrests were allegedly intended to prevent a protest against Indian Military assistance to the Nepali government, planned for that afternoon. The detainees were released the following day. Previously, Mr. Prasain was attacked and beaten by members of the Royal Nepali Army in January 2004, and had received death threats concerning his article exposing corruption in some NGOs in December 2003.

RUSSIAN FEDERATION – Defamation
May 24, 2004 – Open letter to Vladimir Putin
May 28, 2004 – Press release

On May 7, during a press-conference on the situation of Russian prisons, General Valerii Kraev, the Head of the General Direction of Sentence Enforcement of the Ministry of Justice of the Russian Federation (GUIN), made defamatory declarations, accusing human rights organisations of being financed by criminal networks. The accusations, reportedly based on "phone tapping" and information "found on the Web", followed a recent wave of protests and hunger strikes by human rights activists against deplorable prison conditions and torture. He also accused some of the NGOs of destabilizing the Ministry of Justice by exerting pressure on the administration of justice and by circulating false information in the press.

President Vladimir Putin, in his speech on the state of the nation, May 26, 2004, accused some of the civil associations in Russia of aiming only to receive funds from influent foreign and domestic foundations or to "serve dubious groups and commercial interests." The "interests" to which Mr. Putin was likely referring are exiled businessmen Boris Berezovsky and Vladimir Gousinsky and detainee Mikhail Khodorkovsky, all of whom are well-known financiers of political opposition to the Kremlin regime and NGOs that criticise the authorities. The statements are a continuation of a general libellous campaign against NGOs, whose independence depends on international funding, in an attempt to discredit them in the eyes of the Russian population.

RUSSIAN FEDERATION – Harassment / Threats / Break-in
June 17, 2004 – RUS 002/0604/OBS 045

Based on the publication of two books concerning human rights violations by Tatarstan Police and torture in Tatarstan, the Kazan Human Rights Center (KHRC) has been subject to accusations of illegal publication. The accusations are reportedly in reference to the use of a logo of a local publishing house, *Kheter*. *Kheter* was apparently initially involved with the production but backed out after "having trouble" due to the publication of the book. The KHRC has also been recently subject to audits and other investigations. Members of KHRC and their families have been put at risk, including

such dangers as grenade attacks. Additionally, KHRC offices were ransacked on May 27, 2004, following a press conference concerning the harassment of the KHRC.

RUSSIAN FEDERATION – Violation of the Right to Life
June 25, 2004 – RUS 003/0604/OBS 049

Mr. Nikolay Girenko, a noted anti-facist activist, human rights defender and expert on minority rights was murdered on June 20, 2004. He was shot through the closed door to his apartment, while both his wife and child were home. Mr. Girenko was the head of the Minority Rights Commission at St. Petersburg's Scientific Union and chairman of one of the main anti-racism groups in St. Petersburg, Ethnic Minority Rights. He had acted as expert in many legal cases against facist and skinhead groups and founded the House of Ethnic and Cultural Organizations. The St. Petersburg Department for Organized crime has made troubling comments implying that the murder was not politically motivated but was instead perpetrated by petty criminals.

RUSSIAN FEDERATION – Law Restricts Peaceful Demonstrations
July 13, 2004 – Press Release

A new bill passed by the Russian State Duma on June 4, 2004 and signed into law by President Vladimir Putin on June 21 severely restricts the rights of civil society to public demonstration. The law creates significant obstacles to the planning and execution of peaceful, legal demonstrations such as requiring 10-day notification to the authorities, provision of an hour-by-hour program, and allowing authorities to decide the location and/or change it within 3 days of the event. Allowable locations are severely limited, barring demonstrations near the president's residence, courthouses and jails, and no event may continue past 11 pm.

RUSSIAN FEDERATION – Illegal Search of NGO Office and Arbitrary Detention
July 15, 2004 – RUS 004/0704/OBS 059

On July 12, 2004, the Ingush regional offices of the Society of Russian-Chechen Friendship (SRCF) were searched by police officers without an official warrant and a correspondent of the SRCF, Mr Khamzat Kuchiyev, was taken into custody. Along with the previous arrests of the director of the regional office, Mr Imran Ezhiyev, in 2000 and 2001 (as well as his kidnapping in March 2003), the illegal search of the SRCF offices and the detainment of Khamzat Kuchiyev are evidence of a continuing attempt to disrupt the human rights activities of the NGO in question (see Observatory Appeals RUS 001/0303/OBS 012.1, RUS 001/0303/OBS 012.2 and RUS 001/0104/OBS 006).

RWANDA – Attack on Freedom of Association
July 8, 2004 – RWA 001/0704/OBS 055
July 15, 2004 – RWA 001/0704/OBS 055.1

On June 30, 2004, the Rwandan Parliament requested that the government dissolve the Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme (LIPRODHOR), as well as four other human rights NGOs, the Forum des organisations rurales, Souvernirs des parents, SDA-Iriba and 11.11.11 (a Belgian organisation based in Rwanda with an office in the field). This request was made on the basis of a partial report of a parliamentary commission set up last year to investigate the propagation of genocide ideology in Rwanda. This commission also established a list of several people, accused of propagating divisionist ideology in the country (including 13 members of the LIPRODHOR), and recommended that they be prosecuted and severely punished. Some members of the LIPRODHOR were forced to leave the country following these threats and are now living abroad without their security being guaranteed.

SERBIA AND MONTENEGRO– Harassment / Defamation
May 5, 2004 - Open Letter to the President and Prime Minister

On March 26, 2004, the Belgrade office of the Helsinki Committee for Human Rights in Serbia (The Committee), was searched by military police after a search warrant was issued by Mr. Vuk Tufegdzcic, investigating judge of the Military Court in Belgrade. Mr. Tufegdzcic, along with a deputy military prosecutor and several military policemen, stayed two hours at The Committee office in Belgrade, and confiscated all copies of the book *Military Secret*. This book, published in mid-March, 2004 by The Committee, mostly contained minutes concerning the activities of the Federal Republic of Yugoslavia (FRY) government against the opposition, taken at sessions of the Supreme Military Council during the period 1999-2000. Mr. Vladan Vlakovic, the author of the book, was put in preventive detention on March 18, 2004, just after its publication. Although he was released on April 16, he is still under investigation for disclosing a military secret, a crime that carries up to three years in prison.

In addition, in the context of the upsurge of violence in Kosovo, in March 2004, the Observatory has received information of new media smear campaign against NGOs dealing with protection of human rights and minority rights has been launched. It portrayed the Fund for Humanitarian Law, the Jurists' Committee for the Protection of Human Rights and the Helsinki Committee for Human Rights in Serbia as "unpatriotic" and accused them of not having compassion for the Serb victims in Kosovo. This hostile climate against NGOs has also targeted independent journalists involved in denouncing human rights violations and political abuses. On May 3, Mr Masan Lekic, a B92 reporter, was attacked as he was conducting an investigation on Milrad "Legija" Lukovic, the main suspect in the assassination of former Prime Minister Zoran Djindjic.

SUDAN – Arrest / Arbitrary Detention / Risks of Torture
May 10, 2004 – SUD 003/0504/OBS 035

Mr. Osman Adam Abdel Mawla, a human rights activist and member of the Nyala branch of the Sudan Social Development Organisation (SUDO), a voluntary organisation created to promote sustainable development and human rights, was arrested on May 5, 2004 in Zalingy. He is currently being detained in the security forces offices in Zalingy with no official charges against him. There are serious concerns that he may be subject to torture as there have been several reports of torture by the security forces in Zalingy. There is reason to believe that these events are linked to Mr. Abdel Mawla's work with SUDO, which has been particularly active in Darfur, carrying out various workshops on human rights and providing assistance to internally displaced people within the region.

SUDAN – Arbitrary Arrests and Detentions
May 17, 2004 – SUD 004/0504/OBS 036

Mr. Nour Eldin Mohamed Abdel Rahim, tribal leader of Shoba, and Mr. Bahr Eldin Abdallah Rifa, tribal leader of Jabal Si, were arrested by security officers in Kabkabia on May 9, 2004. Their arrest occurred the day they participated in a meeting with local authorities and Red Cross representatives concerning human rights violations in Kabkabia region, Darfur, where the local population is subjected to recurrent and deadly attacks by pro-governmental militia. They are being detained at Kabkabia security offices and are denied any visits by family or contact with lawyers. Additionally, Mr. Salih Mahmoud Osman, a member of the Sudan Organization Against Torture's (SOAT) lawyers network remains in detention since February 1, 2004, because of his legal activities in the Darfur region.

SUDAN – Arbitrary Arrest and Detention
June 18, 2004 – SUD 005/0604/OBS 047

Mr. Adel Abullah Nasir Aldeain Saeed, a lawyer with the SOAT network in Nyala, was arrested on June 16, 2004 by security forces in Southern Darfur and is being held incommunicado without formal charges against him. Mr. Adel provides free legal aid to persons sentenced to death, amputation and

other inhumane and degrading punishments. In April, he participated with other lawyers in an appeal to the security forces to have all non-charged detainees released or charged and brought to a fair trial.

**SUDAN – Hunger Strike by Detained Human Rights Defender
July 6, 2004 – SUD 002/0104/OBS 009.2**

Mr. Salih Mahmoud Osman, a member of the SOAT lawyers network in the Darfur Region, in detention since February 1, 2004, without any formal charges, began a hunger strike on June 30, 2004. There are serious concerns regarding his health, as he was suffering from jaundice at the time of his arrest and continues to suffer from high blood pressure and diabetes, and the hunger strike will further endanger his life. Previously, on May 31, 2004, his lawyer submitted an official memorandum to the security forces requesting an immediate release of Mr. Mahmoud Osman, since there are no official charges brought against him and the required 90 days of detention under article 32 section 2 of the 1999 National Security Act has expired.

**SYRIA – Arbitrary Detention and Ill-Treatment
June 22, 2004 – SYR 002/0404/OBS 026.1
July 26, 2004 – Mission of judicial observation
July 27, 2004 – Press release**

The family of Mr. Aktham Naisse, president of Committee for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), who has been detained in Saidnaya prison since April 22, 2004 for “undermining the objectives of the Revolution”, was allowed to visit him on June 20. Due to his paralysis, the guards dragged him to where he met his family. The meeting was very brief.

The trial of Mr. Aktham Naisse began on July 26, 2004 before the Supreme State Security Court (SSSC) in Damascus. Mr. Naisse has been charged with “opposing the objectives of the revolution”, “disseminating false information aiming at weakening the State” and “affiliating with international organisations”. The Observatory mandated Mr. Hafez Abu Seada (Secretary General of the Egyptian Organisation for Human Rights) and Mr. Mokhtar Trifi (President of the Tunisian League for Human Rights), to observe the trial. The Court initially prevented international observers from attending the hearing. However, after negotiations, the court allowed Arab lawyers to attend the trial, including the international observers sent by the Observatory, while other observers from EU member States (Netherlands and Great Britain), the European Commission’s delegation to Syria, and the United States were not allowed to enter the room. As a consequence of an amnesty granted by the Syrian President on July 15, 2004, the court dropped the later charge. The hearing was postponed to August 16, 2004, on which date Mr. Naisse was released on bail.

**THAILAND – Violation of the Right to Life
June 25, 2004 – THA 001/0604/OBS 050**

Mr. Charoen Wat-aksorn, an environmentalist and president of the Love Bo Nok group, was murdered near his home in Bo Nok on June 21, 2004. The Love Bo Nok group had successfully stopped the plans for constructing a coal-burning power plant on public lands in Bo Nok. Following this, local officials had reportedly accepted bribes in return for providing the power company with deeds to the public lands. Mr. Wat-aksorn had filed several official complaints concerning the corruption and calling for an investigation. On the day of his murder, he had been to Bangkok to meet with the House Committee on Corruption Investigation.

**TOGO – Defamation of an NGO
June 16, 2004 – Press Release**

Following the release of a report on their investigative mission to Togo concerning the situation of human rights in Togo, two organizations, the Togolese League for Human Rights (LTDH) and the International Federation for Human Rights (FIDH), have come under verbal attack by Togolese authorities. In a radio interview on June 11, 2004, the president of the Togolese Parliament, Mr.

Fanbaré Outara Natchara, called the groups “dishonest” and “delinquents,” specifically mentioning the presidents of the organizations. The Togolese Minister of Communication, Mr. Pitang Tchallah, was quoted by AFP on June 9 saying that the report was “scandalous and revolting”. In the Togolese context, these accusations are considered threats to the physical and psychological integrity of human rights defenders.

TUNISIA – Blocking the Financing of an NGO
May 7, 2004 – TUN 001/0504/OBS 034

Funds granted to the Tunisian League for Human Rights (LTDH) by the European Union within the framework of the European Initiative for Democracy and Human Rights (EIDHR) have been blocked by the Tunisian authorities since August 2003. The LTDH is due to pay its annual rent on May 31, 2004 and if it fails to do so, it may have to close its doors. The Observatory notes that this blocking of funds occurs within the context of recurrent acts of harassment directed at the LTDH by the authorities (see the Annual Report 2003 of the Observatory).

TUNISIA – Violations of Freedom of Association
July 6, 2004 – TUN 002/0704/OBS 051

After submitting the proper authorization documents to the Tunisian authorities, the International Association for the Support of Political Prisoners (AISPP) was notified on June 22, 2004 that the Tunisia government refuses to legally recognize their organization. Additionally, the second congress of Raid-Attac (International Group for Alternative Development), scheduled for June 26 and 27, 2004 was forbidden by the Minister of the Interior. This did not come as a surprise considering that the first congress was forbidden as well, resulting in police violence, the beating of one Raid-Attac leader, and the raiding of homes of other members.

TUNISIA – Violations of and Obstacles to the Freedom of Association
June 9, 2004 – TUN 001/0603/OBS 030.1
July 15, 2004 – TUN 001/0603/OBS 030.2

On June 8, 2004, three leaders of the Association Against Torture in Tunisia (ALTT), Mrs. Radhia Nasraoui (president), Mr. Ali Ben Salem (vice president), and Mr. Ridha Barakati (treasurer) were attacked verbally and physically by both government agents and police to prevent them from accessing government buildings. Mrs. Nasraoui was held in custody for over 3 hours and Mr. Barakati was put in a taxi instructed to take him as far away as possible. The government has been refusing the efforts of ALTT to secure legal registration of this organization, founded in June 2003 with a mandate to support victims of torture, document cases, and promote legislation against torture.

In addition, on 10 July 2004, and for the second time in one week, Mr Chokri Latif, secretary general of the Association Against Torture in Tunisia has been summoned by the police and interrogated on his personal responsibility in publications deemed “illegal”, as well as his “appurtenance to a non-recognised association”. Following this interrogatory, an official warning has been delivered to him, meaning that he can be prosecuted for these facts considered as offences by the Tunisian authorities. That information follows the refusal to let ALLT activists (among them Mr Latif) register at the office responsible for administrative procedure in June 2003 (TUN 001/0603/OBS 030), as well as the acts of violence committed by the authorities against these latter when they tried one more time to accede to the same office (TUN 001/0603/OBS 030.1).

UZBEKISTAN – Closure of an NGO
May, 26 2004 - Open Letter to Mr. Islam Karimov

The Open Society Institute (OSI), Tashkent section, was shut down by the Uzbek government on April 14, 2004. The Ministry of Justice refused to renew OSI’s registration on the grounds that materials supplied to universities in Uzbekistan discredit the government politics. This decision was based on a December 2003 decree, in which the Uzbek government required international NGOs operating in

Uzbekistan to register with the Ministry of Justice and the Ministry of Foreign Affairs before March 1, 2004. According to George Soros, founder and chairman of the organisation, OSI's staff in Taskhent had received death threats and other intimidations prior to the closure. There are fears that this new decree is part of a process increasing government pressure on civil society. The Observatory is also concerned by amendments made to article 157 of the Uzbek Criminal Code, in February 2004, which defines the crime of treason as the "disclosure of secret information to foreign States and organisations". The Observatory is concerned that this article may lead to arbitrary abuses and be used as a tool to repress human rights defenders.

It is in this climate that Mr. Tulkin Karaev, a correspondent with the Institute for War and Peace Reporting (IWPR) and the Voice of the Islamic Republic of Iran Radio, received threats on April 15, 2004, after his coverage of the fight against terrorism in Uzbekistan. Moreover, Mr. Ruslan Sharipov, a critic of Uzbek government policies and founder of the Union of Independent Journalists of Uzbekistan remains in prison since September 25, 2003, when he was sentenced to four years in prison after being found guilty, in an unfair trial, of homosexual conduct, of involving minors in "antisocial behaviours", and of having sexual relations with minors.

ZIMBABWE - Arbitrary Arrests / Detentions
May 3, 2004 - ZWE 002/0504/OBS 032

Ms. Sheba Phiri, deputy executive director of the Human Rights Association of Zimbabwe (ZimRights), member of Amnesty International and of the National Constitutional Assembly (NCA), was arbitrarily arrested on April 28, 2004, and detained at Bulawayo Central Police station. Police ransacked and searched every room of Ms. Phiri's apartment without a search warrant. The police took away reports, files and documents concerning ZimRights' activities. Ms. Phiri was arrested together with six other human rights defenders from other organisations. All were detained and interrogated, and then released two hours later. The police informed the detainees that they could be summoned in the future. Moreover, ZimRights' Regional Officer in Masvingo, Ms. Mabel Sikhosana, was arrested on April 27, 2004 and temporarily detained by Masvingo Police. In a separate incident on April 23, 2004, the house of Mr. Arnold Tsunga, ZimRights National Chairman and Director of Zimbabwe Lawyers for Human Rights (ZLHR), was broken into and computer diskettes and publications concerning ZimRights were stolen.

Paris – Geneva, August 2004

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