

# 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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#### AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS – 38<sup>th</sup> ordinary session November 2005 - Oral and written contributions

During the 38<sup>th</sup> session of the African Commission on Human and Peoples' Rights (ACHPR), the Observatory drew the attention of ACHPR members to the deterioration of the situation of human rights defenders on the African continent in 2005.

Indeed, this year was characterised with numerous acts of violence, including assassination of human rights defenders in several countries, in particular in the Democratic Republic of Congo, Sudan, Tunisia and Zimbabwe. These acts, which were accompanied by many forms of repression (death threats, arbitrary arrests, judicial prosecutions, harassment, etc.), remained for the most part unpunished.

Through its efforts, the Observatory contributed to the renewal of the mandate of the ACHPR Special Rapporteur on Human Rights Defenders. During this session, Ms. Reine Alapini-Gansou was appointed to this post.

#### **ARGENTINA – Search / Harassment** **November 15, 2005 - ARG 001 / 1105 / OBS 112**

On November 9, 2005, the headquarters of the Peace and Justice Service (*Servicio de Paz y Justicia - SERPAJ*) in Buenos Aires were searched. In particular, six computers containing important information and documents concerning the 3<sup>rd</sup> Summit of Peoples at Mar del Plata were stolen. Furniture were also destroyed.

The SERPAJ and its President, Mr. **Adolfo Perez Esquivel**, had been actively involved in the organisation of this Anti-Summit to the Summit of the Americas, which took place from November 1 to 5, 2005 at Mar del Plata, and gathered more than ten thousand people.

SERPAJ lodged a complaint and demanded an inquiry into these events.

#### **ARGENTINA – Threats / Harassment** **December 12, 2005 - ARG 002 / 1205 / OBS 123** **December 13, 2005 - ARG 003 / 1205 / OBS 125**

On December 5, 2005, the name “rats” and an arrow pointing to the door of their office were painted on the walls of the law firm of Mr. **Pablo Salinas**, Mr. **Alfredo Ramón Guevara Escayola** and Mrs. **María Angélica Escayola**, lawyers for the families of disappeared persons in the province of Mendoza and members of the Ecumenical Movement for Human Rights (*Movimiento Ecuménico por los Derechos Humanos - MEDH*). On November 20, 2005, threatening messages against Mr. Alfredo Ramón Guevara Escayola had already been painted on the walls of the office.

In addition, on December 10, 2005, Mr. **Rodolfo Yanzón**, a lawyer and a member of several human rights organisations, including MEDH and the Argentinian Human Rights League (*Liga Argentina de Derechos Humanos - LADH*), received a threatening phone call at home.

These events seemed to be a reaction to the work of these lawyers who are deeply involved in the fight against impunity in Argentina. In particular, they have appealed the decision of the first Federal judge of Mendoza, Mr. Walter Bento, who, on November 17, 2005, declared himself unqualified to judge crimes against humanity committed in this province during the dictatorship.

#### **BELARUS - Obstacle to freedom of movement** **November 14, 2005 - BLR 001 / 1105 / OBS 110**

Ms. **Vera Stremkovskaya**, a lawyer and a human rights activist, was prevented from leaving Belarus in order to attend an international conference of the Organisation for Security and Cooperation in Europe (OSCE) on November

3 and 4, 2005, on the “role of defence lawyers in guaranteeing a fair trial”, in Tbilisi (Georgia). She had intended to speak about the need to change the Belarus legislation for the independence of lawyers and court system. She was notified of this ban on October 28, 2005, after she had requested the authorisation to travel abroad from the Minsk Bar Association. Indeed, Belarusian law requires lawyers to ask in advance for days-off if they wish to leave the country. On that date, Mr. A. V. Gambolevsky, Vice-President of the Association, issued an order forbidding her to leave the country, on the grounds that “there might be a need for extra lawyers in important criminal cases in other regions of Belarus”.

**BELARUS – Amendments to the Penal Code**  
**December 1, 2005 – Press Release**  
**December 9, 2005 – Open Letter to the authorities**  
**December 14, 2005 – Press Release**

On November 23, 2005, the President of the Republic, Mr. Alexander Lukashenko, submitted as a matter of urgency to the Lower House of Parliament a series of amendments to the Penal Code, which are extremely restrictive in terms of freedoms of association, assembly and expression. After these were adopted by Parliament on December 8, 2005, Mr. Lukashenko signed them on December 13, 2005. They came into force on December 30, 2005.

These amendments to the Penal Code, *inter alia*, criminalise the organisation of any activity carried out by a suspended or dismantled association. Such activities may be punished by a fine or a six months’ prison sentence; in the most serious cases (of which no definition has been given), these sentences could be up to two years of “restriction of freedom”<sup>1</sup> (Article 193-1).

In addition, any person offering training or any other type of education aimed at a participation in “mass activities”, or at a “group activity causing serious disruptions of the public order” or who finances these activities, incurs a sentence of up to six months in prison, or a “restriction of freedom” of three years (Articles 293 and 342).

Finally, persons suspected of acts of “terrorism” or of “vandalism”, concepts that are not defined in the law, may be detained for ten days without charge.

These amendments stipulate that giving false information to a foreign State or to an international organisation about the political, economic, military or international situation of Belarus, as well as on the judicial situation of the citizens of Belarus or on any governmental instance, is punishable by a sentence of six months’ imprisonment or two years of “restriction of freedom”.

**BOLIVIA - Arbitrary detention / Judicial proceedings**  
**November 29, 2005 - Open letter to the authorities**

Mr. **Francisco José Cortés Aguilar**, a Colombian peasant leader and a human rights activist, remained in pre-trial detention, although the National Commission for Refugees of the Bolivian Ministry of Foreign Affairs (*Comisión Nacional del Refugiado* – CONARE) granted him political refugee status on November 16, 2005.

This decision of the Commission represents significant support for Mr. Cortés Aguilar, as it implicitly condemns the pre-trial detention in which he has been held since his arrest, on April 10, 2003, by police officers in La Paz, Bolivia, where he had taken refuge. Mr. Cortés Aguilar was charged with drug trafficking. The judicial proceedings are characterised with many irregularities and his lawyers continue to be subjected to acts of harassment.

**BRAZIL - Assassination**  
**November 24, 2005 - BRA 002 / 1105 / OBS 115**

On November 17, 2005, Mr. **Pedro Laurindo da Silva**, a member of the Peasants Federation (*Federação dos Trabalhadores na Agricultura* – FETAGRI), co-Director of the Peasants’ Trade Union of Marabá (*Sindicato dos Trabalhadores Rurais de Marabá* – STR) and Coordinator of the “Zumbi dos Palmares II” settlement, was shot by two bullets in the head. He was heading to the headquarters of the STR in Marabá, where he had been staying during a seminar on violence and human rights in the State of Pará. During this seminar, Mr. Laurindo da Silva had denounced the acts of violence perpetrated in May 2005 by the Marabá military police when expelling families from the “Zumbi dos Palmares” settlement claiming the property of the Hacienda “Cabo de Aço”. In March 2005, Mr. Laurindo da Silva had also declared before the members of the National Programme for the Protection of Human Rights Defenders that he had received death threats from members of the Hacienda, which was corroborated by other residents in the community. Nonetheless, no protection had been provided for him following these denunciations.

**CAMEROON - Publication of a judicial observation mission report**  
**November 15, 2005 - Press release**

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<sup>1</sup> The term “restriction of freedom” means that those who are sentenced are sent to villages where they are forced to live, work and present themselves at the police station on a regular basis, or else to closed labour camps, often under very harsh conditions.

On November 15, 2005, the Observatory published a report on a judicial observation mission carried out on March 23 and 24, 2005 in Cameroon, concerning the judicial proceedings initiated against two active members of the Movement for the Defence of Human Rights and Freedoms (*Mouvement pour la défense des droits de l'Homme et des libertés* - MDDHL), Messrs. **Blaise Yacoubou** and **Aminou Mohamadou**. This report also gives account of many other judicial proceedings brought against MDDHL and its President, Mr. **Abdoulaye Math**.

Although the hearings on March 23 and 24, 2005 took place in conformity with the right to a fair and impartial process, the report underlines a number of concerns, in particular many obstacles encountered by Cameroon's human rights defenders in the exercise of their activities, and the existence of collusion between the local administrative and police authorities, which is likely to affect the principle of fairness and to lead to irregular procedures.

**CAMEROON – Judicial proceedings / harassment  
December 22, 2005 – CMR 002 / 1205 / OBS 130**

On May 4, 2005, Mr. **Adama Mal-Sali**, a representative of the MDDHL in Balaza-Lawane, appeared before the Court of First Instance of Maroua, following a complaint filed by Mr. Amadou Adoum Haman, head of the canton of Balaza-Lawane, for “slander and libellous denunciations”. This complaint was filed after Mr. Mal-Sali had denounced, on April 23, 2005, Mr. Amadou Adoum Haman's practices against him and against those opposed to him (the head of the canton had notably prohibited all the villagers from cooperating with Mr. Adama Mal-Sali, in order to prevent him from denouncing his violations).

Because of the plaintiff's absence, the case was adjourned to June 1, 2005, then to August 3 and October 12, 2005. On November 23, 2005, the plaintiff's lawyer appeared for the first time, and, not knowing the background of the case, asked for the hearing to be postponed to December 28, 2005. On this date, the case was once again adjourned to February 1, 2006.

Furthermore, on December 15, 2005, the State prosecutor for the courts of first and high instance of Maroua, Mr. Koue Kaokamla, summoned Mr. Adama Mal-Sali, and then threatened him, asking him “not to write ever again, because the next time [he saw] his writing anywhere he [would] throw him in prison”.

On November 30, 2005, Mr. Adama Mal-Sali had helped Mrs. Zakiatou Ousmana, a citizen, to file a complaint with Mr. Koue Kaokamla against Mr. Amadou Adoum Haman for “abuse of power” and “fraud”. Mr. Amadou Adoum Haman then referred this case to the authorities in charge of it, in order to intimidate and put pressure on Mr. Adama Mal-Sali.

**CHAD - Arbitrary detention / Release / Threat of expulsion  
November 25, 2005 - TCD 002 / 1105 / OBS 118  
November 30, 2005 - TCD 002 / 1105 / OBS 118.1**

On September 25, 2005, Mr. **Tchanguiz Vathankha**, founder and President of the Association for the Protection of the Environment and Nature (*Association pour la protection de l'environnement et de la nature* - APEN), editor-in-chief of *Radio Brakoss* in Moissala and Iranian refugee living in Chad for 30 years, was arrested and taken to the N'Djamena central police station on the orders of the Minister for Immigration and Public Security, Mr. Routouang Yoma Golom.

On November 9, 2005, the administrative chamber of the Supreme Court declared the detention of the journalist as illegal, as he had been in custody for more than the legal limit of 48 hours, and enjoined the Minister for Immigration and Public Security to release him. However, the court refused to suspend the expulsion order issued against Mr. Vathanka and considered the request without object, as the government had taken no measures to this effect. However, on November 14, 2005, Mr. Routouang Yoma Golom ordered by decree the extradition of Mr. Tchanguiz Vathankha.

Mr. Vathankha was released on the evening of November 29, 2005, after having been forbidden to leave N'Djamena and to speak to the press.

**CHILE – Harassment / Threats  
December 13, 2005 – CHL 003 / 1205 / OBS 124**

Several defenders involved in the request for the extradition of the former president of Peru, Mr. Alberto Fujimori, arrested in Chile on November 7, 2005, were subjected to harassment.

Thus, Mr. **Cesar Mamani**, a Peruvian political refugee in Chile and a human rights activist who organised several demonstrations in favour of the extradition of Mr. Fujimori, received anonymous threatening phone calls at home. He has also been followed by a car wherever he went, since he organised, on November 20, 2005, a seminar on the refugees and exiles in Chile.

Besides, Mrs. **July Palomino**, also a Peruvian political refugee in Chile, constantly received anonymous threatening calls, and was followed everywhere she went. On November 30, 2005, her home was searched by three persons who said they were members of the “international police” and who took pictures of many documents found in her home.

On the same day, Mr. **Diego Carrasco**, a lawyer and a representative for civil society organisations in the extradition process of Mr. Fujimori, was threatened at gunpoint by several individuals who stole his computer, his mobile phone and several documents, including his diary and address book. Earlier in the day, these men had followed him and searched his car in the centre of Santiago.

**CHILE – Judicial proceedings  
December 15, 2005 – CHL 004 / 1205 / OBS 127**

On November 13, 2005, the Court of Temuco, province of Cautín, officially opened an investigation on Mrs. **Myriam Reyes García**, a lawyer and public defence counsel in criminal cases, for “violating her obligation of confidentiality”. This investigation followed the publication, on August 18, 2004, in the online newspaper *El Gong* of Temuco, of a document issued by the prosecutor’s office, recording the payments made by this office to the witnesses in the trial of Mapuche leaders accused of setting fire to the property of the forestry company, Mininco S.A (this document recorded almost 20 million pesos – more than 32,200 euros – paid to ten or so witnesses). The purpose of these payments, according to the prosecutor’s office, was to protect the witnesses, although they were not facing any danger.

Mrs. Myriam Reyes García was charged with sending to the press this confidential document, which was discovered, three months after its publication, in one of the prosecutor’s offices. The two lawyers who worked with Mrs. Reyes García were not charged, which could imply that Mrs. Reyes García would have been targeted in connection with her work defending the Mapuche leaders accused of terrorism and, more generally, for her commitment to defending human rights in this community.

On December 23, 2005, the Appeal Court of Temuco suspended the prohibition on Mrs. Reyes García from leaving the country as well as her obligation to appear each month before the Court of Temuco, due to a lack of evidence produced by the prosecution. However, the lawsuits against her remained pending.

**CHILE – Attack / Arbitrary detention / Harassment  
December 28, 2005 – CHL 001 / 0705 / OBS 056.1**

On December 21, 2005, special force police officers from Temuco and Los Laureles visited the Juan Paillalef community, in order to open up a public road that had been blocked by members of this community, in Temuco. The police hurled tear gas bombs at the protesters, wounding several of them, including Mrs. **Juana Calfunao Paillalef**, leader of the indigenous Mapuche “Juan Paillalef” community in Cunco. Mrs. Calfunao Paillalef had just returned from a trip to Europe in October and November 2005, during which she had publicly denounced the political persecution of the Mapuche community in Chile.

On December 23, 2005, around 200 police officers, on the orders of the head of the “Padre Las Casas” prison, once again attacked the community using, amongst others, tear gas bombs. They once more destroyed Mrs. Calfunao Paillalef’s home, smashed electricity and water generators and removed agricultural and communications equipment. During this new attack, Mrs. Juana Calfunao Paillalef, along with her sister Mrs. **Luisa Ana Calfunao**, were beaten in front of their and the community’s children. They were then taken to the third police station of “Padre Las Casas”, and charged with “public disorder” and “threats against the security forces”.

Mrs. Calfunao Paillalef and Mrs. Luisa Ana were released on December 24, 2005, on the orders of the judge of the Court of Guarantees (*Corte de garantías*) of Temuco, which considered these two arrests as illegal.

However, on January 4, 2006, Mrs. Juana Calfunao Paillalef was placed in detention on the orders of the Court of Temuco, for the above-mentioned charges. Considered as “a danger to society” by the court, she was still in the women’s prison of Temuco, awaiting her sentencing on February 13, 2006.

**COLOMBIA - Arbitrary detention / Conditional release / Death threats  
November 9, 2005 - COL 004 / 0305 / OBS 019.2**

On November 1, 2005, Mr. **Miguel Alberto Fernández Orozco**, President of the Cauca section of the United Centre of Colombian Workers (*Central Unitaria de Trabajadores* – CUT) and Coordinator of the Human Rights’ office and the integration office of the Integration Committee of the Colombian Macizo Region (*Comité de Integración del Macizo Colombiano* - CIMA), was arrested at his office in Popayán. He was taken to the premises of the Administrative Department of Security (DAS), where he was charged with “false accusations”, “false threats” and “procedural fraud”. On October 18 and 19, 2005, CIMA members in Popayán had received two phone calls, ordering Mr. Miguel Alberto Fernández Orozco to leave the town before the end of the year, and threatening him and his family.

On November 8, 2005, the prosecutor announced the conditional release of Mr. Miguel Alberto Fernández Orozco. However, the charges against him remained pending.

**COLOMBIA - Assassination / Threats**

**November 22, 2005 - COL 014 / 1105 / OBS 114**

On November 22, 2005, Mr. **Arlen Salas David**, leader of the Peace Community of San José de Apartadó and coordinator of the humanitarian area of Arenas Altas, was attacked along with six other members of this community, by the army in Arenas Altas. Although Mr. Salas David had been seriously wounded by a grenade, the soldiers continued to fire at him and his companions, who were trying to help him. When the shooting stopped, Mr. Salas David was dead.

Following this assassination, two groups from the San José community and the La Unión community met representatives of the army. The latter admitted having killed Mr. Salas David and threatened to kill also the members of the two communities, accusing them of belonging to a guerrilla group.

Later, troops fired on the hamlet of Arenas Altas, forcing the families to hide. They also fired at the school where a teacher and his pupils were staying, claiming that they had been fired at from that direction.

**COLOMBIA – Harassment / Threats  
December 7, 2005 - COL 014 / 0904 / OBS 068.2**

On December 4, 2005, three armed persons, including one woman, who said they were police officers, entered the apartment of Mrs. **Lilia Solano Ramirez**, a teacher at the National University of Bogota and Chairman of the NGO “Justice and Life Project” (*Proyecto Justicia y Vida*), threatening her son who was there alone. The assailants tied him up, insulted him, locked him in and covered his face while they were searching the premises. They removed the hard drive from Mrs Solano’s computer, as well as several important documents and two mobile phones.

In 2004, Mrs. Lilia Solano, also a member of the National Movement of the Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado*), had been subjected several times to harassment and serious threats. For example, the United Auto-defence of Colombia (*Autodefensas unidas de Colombia - AUC*) from the central block of Bolivar had accused her, on their Internet site, of being an “ideologist of the drug guerrillas” and of “corrupting students’ minds”. Fearing for her life, Mrs. Solano had to leave her country in December 2004, before returning to Colombia in February 2005.

**COLOMBIA – Harassment  
December 8, 2005 - COL 015 / 1205 / OBS 122**

On November 29, 2005, two police officers went to Mr. **Elkin Ramirez Jaramillo's home**, a lawyer for the Legal Corporation Liberty (*Coporación Jurídica Libertad*), in Medellín, Antioquia, saying that they only wished to question him about a public offence case. The following day, two plain-clothes officers from the Elite Anti-terrorist Corps of the Columbian police (CEAT) returned to his home, asking especially when he was generally at home. On December 1, 2005, two police officers again went to his home to investigate about him.

These events occurred in addition to other acts of harassment against the Legal Corporation Liberty, which documents cases of serious human rights violations committed by members of the public forces, and against other human rights organisations in the city of Medellín.

**CUBA – Arbitrary detention  
December 7, 2005 - CUB 001 / 1205 / OBS 121**

On February 26, 2005, Mr. **Oscar Elías Biscet**, a doctor, founder and Chairman of the Lawton Foundation, an independent human rights organisation in Cuba, was sentenced to three years’ imprisonment for pulling down a Cuban flag as a sign of protest against the abuses and human rights violations in Cuba. Accused of “insult and lack of respect for the symbols of the fatherland”, “public disorder” and “incitement to commit crimes”, he remained detained in East Combiné Prison, in La Havana.

Since August 2005, although Mr. Oscar Elías Biscet has been suffering from hypertension, chronic gastritis and hypercholesterolaemia, he has been prohibited, following his refusal to wear a prison uniform, from receiving the treatment he needed, which, by the end of 2005, aggravated his state of health.

In the past, Mr. Oscar Elías Biscet had already been imprisoned and sentenced several times.

**DEMOCRATIC REPUBLIC OF THE CONGO - Assassination / Arrests/ Releases/ Harassment  
November 16, 2005 – Press release**

On November 9, 2005, in Mbuji-Mayi, Mr. **Polycarpe Mpoi Ngongo**, Coordinator of Solidec-K and programme Manager at the People’s Centre for Training and Education (*Centre d’éducation et de formation populaire - CEFOP*) was knocked down by a vehicle belonging to the Rapid Intervention Police (PIR), which swerved from its course and hit him. The impact was so violent that he died outright.

Mr. Mpoyi Ngongo was going on his mop to his office when he was called on his mobile phone. The call subsequently turned out to be from an unknown number. Mr. Mpoyi Ngongo was hit while he had stopped on the pavement to answer this call.

On several occasions, particularly on the day of his murder and the three days prior to it, Mr. Polycarpe Mpoyi Ngongo had been the subject of threats and intimidation from PIR officers, who regularly watched his home.

In the presence of the Governor of Eastern Kasai, Mr. Kanku Kabengela, who was first to arrive at the place, three human rights activists, who had come to ensure that correct procedures were followed by the police, were arrested on the orders of Major Israel Kantu, Commander of the special police. They were released without charge several hours later, but remain subjected to pressure from the local authorities.

Mr. Mpoyi Ngongo had frequently denounced the increasing lack of security and violations of human rights in the province of Eastern Kasai and had had an informal meeting on this issue with Mr. Kanku Kabengela on the plane back from Kinshasa on November 6, 2005.

#### **DEMOCRATIC REPUBLIC OF CONGO – Serious threats December 20, 2005 – RDC 008 / 1205 / OBS 128**

On December 10, 2005, Mr. **Donat M'Baya Tshimanga**, President of the association Journalists in Danger (*Journalistes en danger* - JED), Mr. **Tshivis Tshivuadi**, Secretary General, Mr. **Charles Mushizi**, Programme Manager for Central Africa, and Mrs. **Esther Banakayi**, Programme Manager for DRC, received a message on their mobile phones, threatening them and their families if they did not stop their activities. The telephone company could not identify the sender of these messages, although the number had only recently been set up.

The day before, JED had published its 8<sup>th</sup> annual report, in which the organisation had stressed the increase of the number of violations of human rights and fundamental freedoms in DRC, in particular the freedom of the press. The report also called for the creation of an independent Commission of inquiry, in order to identify the murderers of Mr. Franck Ngyke, a journalist, and his wife, who were killed during the night of November 2 to 3, 2005 by several armed men.

#### **DJIBOUTI – Judicial proceedings December 22, 2005 – Press Release**

On October 3, 2005, the State Prosecutor lodged an appeal against Messrs. **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 Union of Port Workers (*Union des travailleurs du port* - UTP), who had been acquitted on October 2, 2005 by the Penal Court of Djibouti of charges of “threatening to commit a crime, these threats having materialised through repeated public gatherings” and of “participating in assemblies on the public highway that may disrupt the public order”.

The prosecutor also appealed the decision of the Penal Court to acquit Messrs. **Kamil Mohamed Ali, Ibrahim Moussa Sultan**, also UTP leaders, and **Ali Ahmed Aras**, UTP Secretary General, of the charges of “criminal participation in a gathering” and “incitement to rebellion”.

These trade union leaders were prosecuted because of their participation in a general strike by the port workers of Djibouti from September 14 to 17, 2005. They were arrested and detained for several days at the end of September 2005 and were all fired for “hindrance to the freedom to work”, except for Mr. Ali Ahmed Aras, who was given early retirement.

The hearing in the Appeal Court of Djibouti, scheduled for December 7, 2005, was postponed to December 14, 21 then to 28, 2005. On this date, the decision was adjourned for deliberation until January 4, 2006, the date on which the twelve trade unionists were given a suspended prison sentence of one to two months.

#### **ECUADOR - Harassment / Threats November 15, 2005 - ECU 005 / 1105 / OBS 111**

In October 2005, Messrs. **Ermel Chávez Parra, Pablo Fajardo Mendoza, Alejandro Ponce Villacís and Luis Yanza**, lawyers working on cases initiated by the Siona, Secoya, Cofán and Waorani indigenous communities against the Texaco oil company (now called Chevron Corporation) regarding this company's exploitation of the oil resources on their land over the last 26 years, were subjected to acts of harassment and threats.

On October 13, 2005, an agent from the intelligence services of the Special Forces Battalion “Ray 24”, based in Lago Agrio, province of Sucumbíos, went to Mr. Chávez Parra's house and asked his family about his situation and his professional activities.

On October 14, 2005, the human rights office of Shushufindi, where Mr. Fajardo Mendoza works, received an anonymous phone call saying that there was going to be a “clean-up of politically undesirable elements” in the region, and that the speaker knew who worked in that office.

On October 28, 2005, Mr. Ponce Villacís' office was searched and computers and documents concerning the Texaco case were stolen.

Finally, Mr. Luis Yanza would remain under close surveillance and his phone calls would be recorded by the information services of the battalion.

**GUATEMALA - Break-in / Harassment**  
**November 24, 2005 - GTM 013 / 1105 / OBS 117**

On October 27, 2005, the Ixqik Women's Association organised a demonstration in Santa Elena, department of Petén, concerning judicial proceedings initiated for rape against a man named Walter Castellanos.

Following the demonstration, on October, 31 and November 7 and 10, 2005, unknown persons broke into the organisation's headquarters in Santa Elena and searched through all the documents. They also stole a camera containing pictures of the demonstration, two tape recorders and all the personal details of the members of the association. Despite complaints lodged by the organisation after these three break-ins, the police did not take any security measures.

Moreover, in November 2005, several members of the organisation had to change their phone numbers due to acts of intimidation. In particular, Ms. **Juana Botzoc**, Project Manager, received death threats from several persons against whom judicial proceedings had been initiated.

**IRAN - Sentencing**  
**November 16, 2005 - IRN 003 / 0805 / OBS 074.1**

On November 9, 2005, Mr. **Mahmoud Salehi**, Spokesman for the Organisational Committee to Establish Trades Unions, former President of the Saqez Bakery Workers' Union and co-founder of the Coordinating Committee For Workers' Organisations, was sentenced by the Revolutionary Court of Saqez to five years' imprisonment and three years of exile in the town of Ghorveh. Moreover, the same court sentenced Mr. **Jalal Hosseini**, member of the Saqez Bakery Workers' Union, to three years in prison. Mr. **Hadi Tanomand** and Mr. **Esmail Khodkam**, two other members of the same union, were acquitted.

On the same or subsequent days, the Revolutionary Court of Saqez sentenced Mr. **Mohsen Hakimi**, member of the Iranian Writers' Association, Mr. **Borhan Divangar** and Mr. **Mohammad Abdipoor**, members of the Saqez Bakery Workers' Union, to two years of imprisonment.

All seven had been arrested and then released after having participated in peaceful May Day 2004 celebrations, and were subsequently charged with "association with the banned political association Komala".

Mr. Mahmoud Salehi was allegedly found not guilty with regards to the charges pertaining to association with Komala. He was, nonetheless, sentenced on the basis of Article 610 of the Islamic Punishment Act, prescribing penalties from two to five years of imprisonment for "conspiracy to commit crimes against national security".

**IRAN - Arbitrary detention**  
**December 12, 2005 - IRN 002 / 0705 / OBS 055.2**

On December 3, 2005, Mr. Saïd Mortazavi, Prosecutor of Teheran, decided to replace the judge leading the investigation into the case against Mr. **Abdolfattah Soltani**, lawyer at the Teheran Bar and a member of the Defenders of Human Rights Centre (DHRC). This judge had just told Mr. Soltani's lawyers that he was going to recommend his release on bail.

On the same day, the newly appointed judge decided that Mr. Soltani should remain in custody for a further period of three months.

Mr. Soltani was arrested on July 30, 2005, while taking part in a sit-in in the offices of the Teheran Bar, in order to protest against the warrant arrest issued against him by Mr. Saïd Mortazavi, on July 27, 2005. Since this date, Mr. Soltani, charged with espionage, has been detained in the Evin prison in Teheran.

This arrest is probably linked to the declaration by Mr. Soltani on July 25, 2005, at a hearing *in camera* in the Kazemi case, an Iranian-Canadian photographer who died in July 2003 after suffering torture and cruel treatment during her detention, during which he called into question the independence and fairness of the trial, stressing that the officials involved in these acts of torture had not been prosecuted by the court.

**ISRAEL - Arbitrary detention**  
**November 21, 2005 - ISR 001/ 0605 / OBS 039.3**

On November 14, 2005, the Israeli authorities informed Mr. **Zyad Muhammed Shehadeh Hmeidani**, fieldworker of the Palestinian NGO Al-Haq, that his administrative detention, which was due to be completed on November 23, 2005, had been renewed for another six months. Since his arrest on May 23, 2005, no formal charges have neither been brought against him, nor has he been informed of the reasons of his detention.

**LEBANON - Defamation and intimidation**

**December 27, 2005 - LBN 001 / 1205 / OBS 131**

Since November 15, 2005, Mr. **Ghassan Abdallah**, Executive Director of the Palestinian Human Rights Organisation (PHRO), has been subjected to harassment following a meeting with Mr. Samir Geagea, former militiaman and leader of the Lebanese Forces (political party). This meeting took place as part of a PHRO programme aiming at establishing a Lebanese-Palestinian dialogue.

On November 19, 2005, unknown persons who said they were leaders of PHRO published a press release on the Internet, accusing Mr. Abdallah of “betrayal”, “espionage”, “belonging to certain networks including FIDH, [which would be] financed by the CIA and linked to several Israeli racist groups”, and of “receipt of funds from illegal sources”.

On November 26, 2005, PHRO filed a complaint with the Civil Court of Beyrouth for defamation. An investigation was opened on December 7, 2005.

On December 17, 2005, at a meeting organised by the Pro-Syrian Palestinian Alliance Parties about Mr. Abdallah’s interview with Mr. Geagea and the PHRO complaint, the PHRO representatives were subjected to threats by representatives of the Fateh Movement – Intefada and PFLP – GC, and were not allowed to speak.

**MOROCCO - Arbitrary detention / Judicial proceedings / Ill-treatment  
November 3, 2005 - MAR 001 / 1105 / OBS 105**

In the night of October 30 to 31, 2005, members of the Urban Security Groups (*Groupes urbains de sécurité* - GUS) and other Moroccan security forces violently dispersed participants in a popular rally in support of the rights of Saharawi people. One of the participants, Mr. Hamdi Lambarki, was beaten to death. The police also arrested more than 70 people and held them for several hours at the central police station of Laayoun, including Mr. **Lakhal Mohamed Salem**, member of the Western Saharan Association for Victims of Serious Human Rights Violations Committed by the Moroccan State in Western Sahara. While trying to find out what had happened to him, Mr. **Gaoudi Mohamed Fadel**, member of the Moroccan Truth and Justice Forum (*Forum marocain vérité-justice* - FMVJ), Mr. **Iguilid Hammoud**, President of the Laayounsection of the Moroccan Human Rights Association (*Association marocaine des droits humains* - AMDH), and Mr. **Brahim Sabbar**, Secretary General of the Western Saharan Association for victims of serious human rights violations committed by the Moroccan State in Western Sahara, were severely beaten by GUS officers outside the police station. Ms. **Yaya Manni**, wife of Mr. Gaoudi Mohamed Fadel and member of the aforementioned association, and his sisters, Ms. **Mariam Aicha** and Ms. **Soukaina**, were also attacked when they tried to help them. On October 31, 2005, Mr. Lakhal Mohamed Salem was released without charge.

In the late afternoon of October 31, 2005, Mr. **Brahim Dahane**, President of the Western Saharawi Association for Victims of Serious Human Rights Violations Committed by the Moroccan State in Western Sahara, was arrested by the GUS at a spontaneous gathering outside the family home of Mr. Hamdi Lambarki. He was providing information by phone about the death of the latter to the Spanish press agency *EFE*.

On November 1, 2005, Mr. Brahim Dahane was brought before the Prosecutor General of the LaayounCriminal Court and then to Laayoun’s “Black Prison”, being charged with “setting up a criminal group” and “membership to an unauthorised organisation”.

**MEXICO - Harassment / Threats  
November 9, 2005 - MEX 003 / 1105 / OBS 107**

On October 30, 2005, Ms. **Yesica Sánchez Maya**, President of the Oaxaca section of the Mexican League for the Human Rights Defence (*Liga Mexicana por la Defensa de los Derechos Humanos* – LIMEDDH), along with two members of LIMEDDH, was threatened by security forces when returning by bus from San Juan Lalana, where they had organised a workshop on human rights. Eleven police officers of the Oaxaca State stopped the bus for a “routine check” and, without showing any warrant, tried to force the President of LIMEDDH and her two colleagues to get off the bus. As they refused to do so, they were “advised” to refrain from visiting the region and threatened, being told that their activities were known to the police. The three LIMEDDH members lodged a complaint.

**MEXICO – Assassination attempt / Threats  
November 25, 2005 - MEX 004 / 1105 / OBS 119**

On November 20, 2005, Mr. **Gustavo Jiménez Pérez**, member of the Chiapas Civic Alliance (*Alianza Cívica - Chiapas*), which seeks to promote the citizens’ participation in the democratisation of society, was attacked at his home by six men with knives, who pushed and injured him in the face. Believing him dead, the men left him barely conscious.

On November 22, 2005, at a press conference, Mr. Gustavo Jiménez Pérez denounced this attack and the theft of some personal property. Back home, Mr. Gustavo Jiménez Pérez, accompanied by Mr. Luis Gabriel Ramirez Cuevas,



a member of the Alliance, and a lawyer from the Human Rights Centre “Fray Bartolomé de Las Casas” (*Centro de Derechos Humanos “Fray Bartolomé de Las Casas”*), found a man who had probably been searching the house and had destroyed several objects. Fearing him to be armed or accompanied by others, they quickly left the house. The individual fled, uttering threats.

**MEXICO – Arbitrary detention / Alleged forced disappearance / Harassment**  
**December 15, 2005 - MEX 005 / 1205 / OBS 126**

On September 5, 2005, Mr. **Diego Bahena Armenta**, a member of the Ecological Organisation of Sierra de Petatlán (*Organización ecológica de Sierra de Petatlán - OESP*) and of Coyuca de Catalán, and former member of the Small Farmers’ Organisation of the Southern Sierra (*Organización de Campesinos de la Sierra del Sur - OCSS*), was arrested along with nine other men from several communities of Guerrero by soldiers from the 19<sup>th</sup> Infantry Battalion, based in Petatlán, and charged with possession of firearms exclusively reserved for the army. He appeared before the Federal Prosecutor of Zihuatanejo and was then transferred to the Las Cruces penitentiary in Acapulco, before being released on September 13, 2005.

On November 8, 2005, Mr. Diego Bahena Armenta, who lived in Zihuatanejo, province of Guerrero, disappeared after he was abducted from his place of work by eight unknown armed men.

Subsequently, the Prosecutor General, Mr. Eduardo Murueta Urrutia, asserted that the Ministerial Investigatory Police (*Policía Investigadora Ministerial - PIM*) did not take part in the detention or disappearance of Mr. Diego Bahena Armenta. He also added that Mr. Armenta was connected with the Revolutionary Army of Insurgents (*Ejército Revolucionario del Pueblo Insurgente - ERPI*).

By the end of 2005, Mr. Diego Bahena Armenta was still reported missing, as well as Mr. **Orlando Rebolledo Téllez**, also an OESP member, who disappeared on February 14, 2005.

**MEXICO – Arbitrary detention / Legal proceedings / Harassment**  
**December 20, 2005 - MEX 008 / 1205 / OBS 129**

On December 16, 2005, Mrs. **Lydia Cacho Ribero**, Chairperson of the Victim Crisis Centre - the Integral Centre of Assistance for Women (*Centro de Crisis para Víctimas - Centro Integral de Atención a las Mujeres - CIAM*) in Cancún, Quintana Roo, was arrested by police officers from the State of Puebla, and taken to the prosecutor’s office. She was later transferred to the San Miguel prison, State of Puebla, more than away 1,500 kilometres from Cancún, despite her poor state of health following a pneumonia. Once she arrived in Puebla, Mrs. Cacho learned that her arrest warrant had been issued by the judge from the fifth court of this city, in accordance with the complaint lodged by the textile manufacturer, Mr. Camel Nacif Borges, who had accused her of “defamation”, following the publication of a book denouncing the networks of prostitution entitled “The Demons of Eden”, and in which she mentioned his presumed membership to one of these networks.

After being detained during 30 hours, Mrs. Cacho was released on bail.

On December 23, 2005, the Court of Puebla considered that there was sufficient evidence to judge Mrs. Cacho Ribero for “defamation” and “libel”, two crimes punishable by imprisonment. However, deeming that no serious crime had been committed, the court ruled that Mrs. Cacho Ribero should appear freely. Nevertheless, she had to appear before the judge each month until her trial, for which the date had not been fixed by the end of 2005.

**NEPAL - Arbitrary arrests / Releases**  
**November 30, 2005 - NPL 006 / 1105 / OBS 120**

On November 11, 2005, ten human rights defenders were arrested during a peaceful demonstration against the Code of conduct of NGOs that was adopted the previous day by the Social Welfare Council. These defenders were: two members of the Executive Committee of the NGO Federation of Nepal (NFN), Mr. **Bhagawati Chowdhary**, also President of the Forum for Rural Welfare and Agricultural Reform for Development (FORWARD – Nepal), Mr. **Durga Kumar Thapa**, President of the Human Rights and Environment Development Centre (HURENDEC), Mr. **Binod Dev**, NFN Secretary, Mr. **Jung Bahadur Singh**, member of the Setu Community Development Forum, Saptari, Mr. **Dhruv Dev** and Mr. **Sameer Jha**, members of the NGO Save the Saptari, Mr. **Hem Shankar Singh**, a local journalist, Mr. **Dinesh Yadav** and Mr. **Prakash Khatiwada**, members of the Human Rights and Social Service Centre (HUSEC) and Mr. **Ghanshyam Jha**, member of the NGO Save the Nepal, based in the district of Saptari. Being detained at the District Police Office of Rajbiraj, district of Saptari, all of them were released five hours later without charge.

**PERU - Threats/ Harassment**  
**November 9, 2005 - PER 003 / 1105 / OBS 106**

On November 3, 2005, the Ecumenical Foundation for Development and Peace (*Fundación Ecuménica para el Desarrollo y la Paz* - FEDEPAZ) received an anonymous call threatening Messrs. **Francisco Soberón** and **Alejandro Silva**, respectively Executive Secretary and Deputy Executive Secretary of the National Coordination of Human Rights (*Coordinadora Nacional de Derechos Humanos* – CNDDHH).

These events occurred after 17 October 2005, when the CNDDHH presented a report in Washington (USA) on the existence of threats against human rights defenders, witnesses, victims, victims' relatives, judges and Peruvian prosecutors, on account of their involvement in enquiries into the crimes and human rights violations committed in Peru over the past two decades.

**RUSSIAN FEDERATION - Legal harassment**  
**November 7, 2005 - RUS 003 / 0805 / OBS 069.2**  
**November 18, 2005 - RUS 003 / 0805 / OBS 069.3**  
**December 5, 2005 - RUS 003 / 0805 / OBS 069.4**

On November 3, 2005, the preliminary hearing in the case against Mr. **Stanislav Dmitrievsky**, editor-in-chief of the *Pravozaschita* newspaper and Executive Manager of the Russian-Chechen Friendship Society (RCFS), who was accused of “incitement to hate or animosity”, took place at the court of Nizhny Novogorod Sovetsky district. The court rejected the requests of Mr. Dmitrievsky's lawyers to exclude evidence collected during the inquiry.

On November 16, 2005, the first main hearing in this criminal case took place before the court. On the previous day, Mr. **Bill Bowring**, a British lawyer and academic Coordinator of the European Human Rights Advocacy Centre (EHRAC) in London, was refused entry into the Russian Federation by agents of the Federal Security Service (FSB), without being informed of the reasons for this decision. He had come to observe the hearing on November 16, 2005. He was detained during over four hours at the Sheremetyevo-2 international airport.

During the next hearing, on November 28, 2005, the court building was picketed by some thirty members of the “Nashi” Youth Movement, a pro-governmental movement. The group was holding a slogan stating that “there are no human rights defenders among terrorists”. On the same day, some unidentified people penetrated into and searched Mr. Stanislav Dmitrievsky's flat. The case of intrusion was reported to the prosecutor's office.

On December 15, 2005, Mr. Dmitrievsky appeared as a witness, who once again refused to plead guilty. At the hearing on December 21, 2005, Mrs. Anna Politkovskaya, journalist at the *Novaya Gazeta*, and Mrs. Elena Karmazina, architect, argued in favour of Mr. Dmitrievsky. The next hearing was scheduled for January 18, 2006.

**RUSSIAN FEDERATION – Bill of amendments to the Federal Law on Civil Associations**  
**December 16, 2005 – Press release**

On November 18, 2005, a bill of amendments was presented to the Lower House of Parliament (*Duma*) by the Parliamentary Committee on Religious and Associative Organisations, presided by Mr. Popov, a member of the United Russia party (ruling party). On November 23, 2005, the Parliament adopted the text in first reading, despite the criticisms of Mrs. Pamfilova, president of the Civil Society Institutions and Human Rights Council under the President of the Republic, and of Mr. Vladimir Lukin, human rights Commissioner in Russia.

This bill amends three laws: Federal Law no. 7 of January 12, 1996, regarding non-profit making organisations (Law on NKO – *O Nekommercheskih Organizatsijah*), Federal Law no. 82 of May 19, 1995 on public associations, and the Law of July 14, 1992 on closed territorial administrative entities. It concerns all the non-profit organisations, including human rights organisations.

The second reading of this bill of amendments, initially scheduled for December 6, 2005, was postponed until 16, then to December 21, 2005, following the mobilisation of civil society and the international community. In the second version presented to the Duma, some of the clauses, in particular regarding the registration of foreign and international NGOs, were withdrawn from the bill. Yet, the law, as adopted in third reading on December 23, 2005, still remains in blatant violation of freedom of association.

On January 17, 2006, this law was published in the Official Journal, after being signed by the President of the Republic, and should come into force on April 10, 2006.

**SERBIA-MONTENEGRO - Judicial proceedings / Harassment**  
**November 16, 2005 - SER 001/ 1105/ OBS 113**

On September 9, 2005, the Belgrade district Prosecutor's Office initiated preliminary criminal proceedings against Ms. **Nataša Kandić**, Executive Director of the Humanitarian Law Centre (HLC), for “slander” and “verbal offence”. These proceedings followed a complaint lodged by the Serbian Radical Party (SRS) against her and Mr. **Veran Matic**, editor-in-chief for the *B92* television channel. The complaint was in connection with Ms. Kandić's TV-broadcasted statements on June 13, 2005, on the responsibility of SRS vice-president, Mr. Tomislav Nikolic, in the massacre of civilians in Matic in 1991. The preliminary hearing took place on November 7, 2005.

**SIERRA LEONE - Inquiry / Assassination**  
**November 10, 2005 - SLE 001 / 0805 / OBS 061.2**

At a press conference on November 7, 2005, the Attorney General and Minister of Justice, Mr. Francis M. Carew, was questioned about the progress of the inquiry into the death of Mr. **Harry Yansaneh**, former editor of the independent newspaper *For di people*, and member of the Sierra Leone section of Amnesty International and the National League for Human Rights. Mr. Yansaneh died on July 28, 2005 due to injuries suffered in an attack on May 10, 2005, in which members of the family members of Ms. Fatmata Hassan, Member of Parliament for the ruling party, were involved.

In his reply, the Attorney General read out a letter addressed to him by the Chief Justice, Head of the Judiciary, in which the latter stated that the coroner in charge of the inquiry, Magistrate Adrian Fisher, had not submitted his report to the Office of the Director of Public Prosecution office (Ministry of Justice). The Attorney General then declared that, consequently, he could not charge the suspects to court. However, Mr. Fisher had announced his verdict on August 26, 2005, and ordered the arrest of the suspects.

**SUDAN - Obstacles to freedom of association**  
**November 7, 2005 - Open letter to the authorities**

A provisional Presidential Decree titled "Organisation of Humanitarian Work Act, 2005" was signed by the President of the Republic on August 4, 2005 and was to be brought before Parliament in the middle of November 2005. This Decree is very restrictive with respect to freedom of association, and is aimed at enabling the Sudanese authorities to control NGOs. Suspension of the activities of an organisation, closure or dissolution and expulsion are all possible sanctions that might be imposed at the discretion of the authorities. In addition, the receipt of foreign funds requires their authorisation.

Moreover, international humanitarian organisations are facing increased reluctance from the authorities to grant them work permits, especially in South Darfur. For instance, the Norwegian Refugee Council's (NRC) authorisation to work as coordinator of the Kalma camp expired on August 22, 2005 and the Humanitarian Aid Commission (HAC), which emanates from the Ministry for Humanitarian Affairs, decided to postpone its decision on the renewal of the authorisation. Besides, on September 26, 2005, the NRC received a letter from the HAC stating that two of its members had to leave Darfur within 72 hours, on the grounds that they would allegedly have falsified their travel documents.

Furthermore, at the end of August 2005, judicial proceedings were launched against the Sudan Organisation Against Torture (SOAT), following the publication of a press release on the arrests that took place from August 1 to 3, 2005 in Khartoum, Juba and Malakal. SOAT was charged with "disclosure of military information" (Art. 59 of the 1991 Penal Code), "propagation of false news" (Art. 66), public order offences" (Art. 69) and "public nuisance" (Art. 77). To this date, SOAT has not yet received formal notification of these charges.

On September 29, 2005, Mr. **Salah Idris Mohamed**, Coordinator of the Sudan Social Development Organisation (SUDO) in Alfashir, Mr. **Ahmed Akabar Musa**, SUDO Accountant, and Mr. **Salim Mohamed Salim**, SUDO Coordinator in the ZamZam refugee camp in South Darfur, were kidnapped by three members of the Sudanese Liberation Army (SLA) who attacked their vehicle. The kidnappers also stole four millions Sudanese pounds (about 159 Euros) from Mr. Akabar Musa. The three SUDO members were released on October 6, 2005.

Finally, on October 1, 2005, Mr. **Mohamed Ahmed Alarbab**, human rights lawyer, was arrested in Khartoum. At the end of November 2005, he was still being held at the police station in Mayo where he is said to have been beaten. [pour info, dans la lettre on dit "as of November 7, 2005, Mr. Ahmed Alarbab was detained at Kalakla police station", donc je ne sais pas s'il y a une erreur...]

**THAILAND - Judicial proceedings**  
**November 15-18, 2005 - Judicial observation mission**  
**November 24, 2005 - Open letter to the authorities**

From November 15 to 18, 2005, the Observatory mandated Ms. Laurie Berg, independent lawyer, to observe the hearings in the trial of the five police officers suspected of having abducted Mr. **Somchai Neelapaijit** on March 12, 2004, in the district of Bang Kapi. Before his disappearance, Mr. Somchai was Chairman of the Muslim Lawyers Group and vice-Chairman of the Human Rights Committee, and was involved in the fight against the martial law prevailing in the southern provinces. He had also defended Muslims charged with terrorism and revealed that they had been tortured during police interrogation.

During Ms. Berg's period of observation, only one of the five accused was present on all three days of the hearing and several testimonies were heard in the absence of the accused.

**TUNISIA - Violent repression of a demonstration / Harassment**  
**November 9, 2005 - Press release**

On November 8, 2005, about a hundred human rights defenders, activists and trade unionists met in front of the Ibn Khaldoun House of Culture in Tunis, following the appeal from the National Committee for Support of the October 18, 2005 hunger strike. They were violently set upon by police officers. Among them were Mr. **Mokhtar Trifi**, President of the Tunisian Human Rights League (*Ligue tunisienne des droits de l'Homme* - LTDH), Mr. **Mohamed Jmour**, member of the National Council of the Order of Lawyers, and Mr. **Khémaïs Chammari**, former FIDH vice-President.

Mr. Trifi was in particular dragged on the ground by policemen and Mr. Mohamed Jmour was attacked when he tried to help his colleague. Messrs. **Mounir Fallah**, **Chawki Laarif** and **Salah Belhouichet**, three members of the General Union of Tunisian Students (*Union générale des étudiants tunisiens* - UGET), were also subjected to acts of violence before being detained for several hours.

Moreover, a bailiff, Mr. Abderahmane Bouzayyane, went to the office of Mr. **Ayachi Hammami**, President of the Mohamed Abbou Support Committee and Secretary General of the Tunis section of LTDH, to present him with an order from the owners of the premises to leave the place within 24 hours. The reason given was that the premises were being used as the headquarters of the hunger strikers, which was not in conformity with the terms of the lease. This notification also demanded an "immediate cessation of all activity not in conformity with the lease within 24 hours".

### **TUNISIA - Judicial proceedings November 10, 2005 - Press release**

The first hearing in the case against LTDH, brought by 22 persons alleging membership of the LTDH but known to be in fact affiliated to the Constitutional Democratic Rally (RCD, ruling party), initially scheduled for November 26, 2005, was brought forward, with no official explanation, to November 12, 2005. On that date, the hearing was postponed to December 3, 2005, then postponed once again to December 24, 2005.

The aim of these proceedings was to ban the LTDH congress and all preparatory works.

These 22 individuals had already initiated identical summary proceedings, which led on September 5, 2005, to the suspension of the LTDH congress and all preparatory works, until a substantive decision be taken.

### **VIETNAM - Harassment / Intimidations November 24, 2005 - VNM 001 / 1105 / OBS 116**

At the end of August 2005, during a trip to the United States for medical reasons, Mr. **Hoang Minh Chinh**, former Dean of the Hanoi Institute of Marxist-Leninist Philosophy and advocate of democratic reforms, testified before the Congressional International Relations Committee on the lack of democratic freedoms in Vietnam.

Returning to Vietnam on November 13, 2005, Mr. Minh Chinh and his wife went to their daughter's house in Saigon, where they intended to stay for some time because of Mr. Minh Chinh's health.

On November 19, 2005, a security officer warned Mr. Minh Chinh's daughter that her father's presence was disrupting the neighbourhood, as he was a "traitor and an enemy of the people". This officer allegedly also declared that the police would not protect him in case of trouble.

Two days later, a crowd of 50 persons gathered outside Mr. Minh Chinh's daughter's house, threatening him and committing acts of vandalism. The police reported the incident but did not take further action.

Mr. Hoang Chinh Minh found himself in an illegal situation as his temporary residence permit, granted for health reasons, was not renewed (Vietnamese law requires a residence permit when a person spends a night in a place other than his official residence). Moreover, he was still being targeted by the official Vietnamese media because of his statements. On October 31, 2005, he filed a formal libel suit against seven official newspapers in Vietnam.

### **ZIMBABWE - Arbitrary detentions / Ill-treatments / Fear for safety / Judicial proceedings November 10, 2005 - ZWE 004 / 1105/ OBS 108**

On November 8, 2005, almost 200 trade unionists, including Mr. **Lovemore Matombo**, President of the Zimbabwean Congress of Trade Unions (ZCTU), and Mr. **Wellington Chibebe**, ZCTU Secretary General, were arrested during peaceful demonstrations organised by ZCTU at Harare, Bulawayo, Gweru, Mutare, Masvingo and Chinhoyi. These demonstrations were aimed at raising awareness on the plight of the workers, unprecedented levels of poverty in the country, good governance and democracy issues.

On November 9, 2005, members of the Central Intelligence Organisation (CIO) assisted to some interrogations to which the prisoners' lawyers had not been admitted. Some hours later, 119 defenders were charged with violating Article 19 (1) (b) of the Public Order and Security Act (POSA), which stipulates that "any person who, acting together with one or more other persons present with him in any place or at any meeting, performs any action, utters any words or distributes or displays any writing, sign or other visible representation that is obscene, threatening,

abusive or insulting, intending thereby to provoke a breach of the peace or realising that there is a risk or possibility that a breach of the peace may be provoked shall be guilty of an offence”.

Four other ZCTU members were arrested on the same day and held for several hours at Harare, for having photographed an army truck patrolling the streets ahead of the protests. These were Mr. **Mlamleli Sibanda**, ZCTU Spokesman, Mr. **Last Tarabuku**, journalist at *The Worker*, a ZCTU monthly publication, Ms. **Thabitha Khumalo**, Secretary for Women’s advisory council, and Mr. **Leonard Gwenzi**, Head of the organisation department.

Two ZCTU members in Bulawayo, Mr. **Reason Ngwenya**, regional union official, and Mr. **Dzavamwe Shambari**, regional vice-president, were arrested on November 7, 2005, and Mr. **Percy Mcijo**, ZCTU regional representative, was arrested the next day.

Finally, on November 9, 2005, four members of the Students’ Executive Council (SEC), Mr. **Garikai Kajauro**, Secretary General, Mr. **Colleen Chibango**, Vice-President, Mr. **Mfundo Mlilo**, Information and Publicity Secretary, and Mr. **Wellington Mahohoma**, Legal Secretary, along with two other students leaders, were arrested and taken to St. Mary police station, for having called upon students to take part in these demonstrations.

**ZIMBABWE - Arbitrary detention / Release / Judicial proceedings  
November 14, 2005 - ZWE 005 / 1105 / OBS 109**

On November 8, 2005, Ms. **Netsai Mushonga**, Coordinator of the Women’s Coalition, an umbrella body of women’s rights groups in Zimbabwe, was arrested for having organised a training session on the use of peaceful means for conflict resolution in a local hotel, under the banner of the NGO Women Peacemakers International.

On November 10, 2005, Ms. Mushonga was charged with violating section 24 (6) of the POSA, which criminalises the “organisation of a political meeting without informing regulatory authority”. She was released the same day but judicial proceedings remain pending.

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Geneva - Paris, 2006

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