

*Human Rights  
Defenders  
on the front line*

**ANNUAL REPORT  
1997-1998**

**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*

**fidh**

International Federation  
of Human Rights Leagues

**OMCT**  
OPERATING THE SOS-TORTURE NETWORK

World Organisation  
Against Torture

Human Rights Defenders on the front line

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## **SUMMARY**

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## *Foreword:*

### *Human Rights Defenders on the Front Line*

This first Annual Report of the Observatory for the Protection of Human Rights Defenders, is the result of the joint efforts of the World Organisation Against Torture (OMCT) and the International Federation of Human Rights (FIDH), working with dozens of national and international non governmental organisations. The aim is to provide better protection and assistance to human rights defenders whose rights are threatened.

The report reflects the appalling reality for human rights defenders in too many countries, but equally demonstrates that human rights defenders bringing their skills together across the world can make a difference ; this publication is also an expression of hope.

Since the proclamation of the Universal Declaration of Human Rights in Paris on December 10, 1948, as "a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society..... shall strive by teaching and education to promote respect for these rights and freedoms.....secure their universal and effective recognition and observance...", the advances in human rights at the international level have been considerable.

There has been a progressive elaboration of regional and universal legal instruments, recognising "new rights", reaffirming the universal and indivisible character of human rights, establishing regional and international supervisory mechanisms and creating national supervisory institutions, etc.

Human rights defenders and their organisations have been at the heart of these developments: they represent the hopes for peace, justice, freedom and welfare of all societies. Increasingly they are playing a leading role at both national and international level.

This work has been strengthened with the creation of hundreds of organisations, above all in Africa, East Europe, the Middle East and Asia. This phenomenon of the nineties has been marked by enormous political transition, but equally by the negative consequences of





globalisation, economic liberalisation and the increasing reluctance of States to fulfil their social obligations.

Today, human rights defenders are assuming ever growing responsibilities in the defence and promotion of civil and political rights, and are also the engine of change in the defence of economic, social and cultural rights.

In addition to their work denouncing human rights violations and the fight against impunity, their work has developed in areas like education, health, professional training, the environment, development and humanitarian action, etc., all activities previously the exclusive domain of the State. At the same time their work in the normative field in the creation of promotional and fiscal in mechanisms human rights, at national and international level, including in the framework of bilateral and multilateral economic agreements, have increased.

If the action of the defenders is an essential component at the national level, and is increasingly indispensable for the future development of societies, their activities at the international level are equally vital.

Many international instruments, if not the majority of them, were created or are being discussed thanks to the initiatives of human rights defenders. They have contributed, and continue to contribute, to the strengthening of international co-operation and peace, through the elaboration of conventional compromises among States, the creation and strengthening of monitoring mechanisms, agreements for the peaceful settlement of international disputes and national conflicts, etc.

Their role in contemporary society was recognised by the World Conference on Human Rights, celebrated in Vienna, Austria, June 1993, when it was affirmed that organisations and their members should *“free to exercise their activities related to human rights without any interference...”*<sup>1</sup>.

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1 World Conference on Human Rights : Vienna Declaration and Program of Action, 1st part, paragraph 38.



In the year of the 50th anniversary of the Universal Declaration of Human Rights defenders should be proud of their efforts, because their labour and sacrifice has established a base for the construction of a culture of peace, based on human dignity as the supreme value of the society and the State, and on the respect of individual and collective human rights and liberties.

This year, three events are of particular importance:

- a) The adoption, by the UN Commission of Human Rights, of the draft Declaration on the protection of human rights defenders<sup>2</sup>. This project has been approved by ECOSOC, through resolution 1998 / 33, and its approval by the General Assembly has been scheduled for its next session on December 10th, 1998.
- b) The creation of a Permanent International Criminal Court in Rome, on July 17th 1998, whose mandate provides it with the capacity to judge the most serious violations of human rights.
- c) The approval, for the first time in history, by a body of the United Nations (the Sub-commission on human rights), of a resolution condemning violations perpetrated against human rights defenders, who are named in the text. Furthermore, the resolution urges States to fulfil their obligations by respecting the rights and liberties of defenders, and it recommends the close follow-up of particular cases by the UN High Commissioner of Human Rights.

Nevertheless, this development is not sufficient enough for the effective protection of human rights, nor is it sufficient to provide human rights defenders with real recognition and respect for the freedom and security necessary to do their job.

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2 The text of the Declaration appears in the present report under the chapter "Strengthening International Protection".



## **The Defence of Human Rights: a Constant Challenge**

Today more than ever, the achievement of the universal ideal of human rights remains a major challenge.

However, while in all nations human rights have a major meaning for society, since the World Conference, an offensive on the part of certain States has questioned and attempted to cloud the spirit, universality and validity of the Declaration. Some use the argument of their religious, cultural or social specificity in order to reduce human rights to so-called "western values". Others employ notions of public order, national security, right to sovereignty, etc. as excuses ; these seem to be the arguments of those who want to justify their poor human rights records, or those of their allies.

It is by no means accidental that in many countries, in all regions of the world, human rights defenders and their organisations face repression.

Over the last fifteen years, hundreds of human rights defenders have been victims of serious violations : harassment, detention, torture, forced disappearance, summary or extra-judicial executions, trials or condemnations on the base of false charges or invented evidence, different forms of harassment, job discrimination, pressure and threats on their families, etc.

Even if the Declaration on Human Rights Defenders, which should be adopted by the General Assembly, represents an important step for the protection of defenders at the international level, it cannot be considered as a guarantee in itself. It should be translated, at the national level, by the adoption of concrete and effective measures which guarantee defenders' security and freedom when exercising their activities.

### **Responding to Repression**

Responding to repression of defenders, and answering the requests of their members around the world, the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in July 1997 established, a protection mechanism based on their past work : The Observatory for the Protection of Human Rights Defenders.



The Observatory is an action programme, based on the conviction that strengthened co-operation and solidarity among defenders and their organisations, will contribute to break the isolation of the victims of violations. It is also based on the necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

With this aim, the priorities of the Observatory are:

- a) a system of systematic alert on violations of rights and freedoms of human rights defenders, particularly when they require an urgent intervention;
- b) the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- c) personalised and direct assistance, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- d) the preparation, publication and diffusion at a world-wide level of reports on violations of human rights and of individuals, or their organisations, that work for human rights around the world.
- e) sustained lobby with different regional and international intergovernmental institutions, particularly the United Nations, the Organisation of American States, the Organisation of African Unity, the Council of Europe and the European Union.

With efficiency as its primary objective, the Observatory has adopted flexible criteria for the examination and admissibility of cases that are communicated to it. It also targets action based interpretation of the definition of "Human Rights Defenders" applied by OMCT and FIDH<sup>4</sup>.

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4 OMCT considers as a defender "every person who acts in favour of fundamental rights of an individual, a group of persons, a community or an entire population". FIDH considers as defensible "those persons who individually or collectively compromise themselves and act in favour of the application of the Universal Declaration of Human Rights and other international instruments of human rights, and in conformity with these instruments".



The competence of the Observatory embraces the cases which correspond to the “operational definition” established during the Lund seminar<sup>4</sup> of April 1997 – organised by FIDH and the Raoul Wallenberg Institute, with the active participation of OMCT, Amnesty International, the International Commission of Jurists, as well as international and national NGOs and human rights Institutes working in this field. This definition<sup>5</sup> is: “Each person victim or risking to be the victim of reprisals, harassment or violations, due to its compromise exercised individually or in association with others, in conformity with international instruments of protection of human rights, in favour of the promotion and realisation of rights recognised by the Universal Declaration of Human Rights and guaranteed by several international instruments”.

The Observatory has a unique system of communication devoted to defenders in danger.

This system, is accessible through:

**E-mail : observatoire@iprolink.ch**

**Fax : + 33 [0] 1 40 39 22 42**

**Tel. : + 33 [0] 1 48 05 82 46 (FIDH)**

**+ 41 22 733 31 40 (OMCT)**

### **The Observatory in Action : First Annual Report**

In its first year of work, the Observatory for the Protection of Human Rights Defenders has become a reference for hundreds of defenders, as well as for certain States and governmental institutions, specially the United Nations, that wished to intervene in individual cases and be kept informed about the general situation of defenders around the world.

4 The Lund’s seminar is the follow-up of the Bogota Conference on Human Rights Defenders (May 1996) organised by Amnesty International.

5 See the Lund Plan of Action and list of participants, in the report “Human Rights Defenders : international partnership” - FIDH and Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 25-27 April 1997, Lund, Sweden. The report is available in Spanish and in English, and soon in French.





The Observatory has fought for the rights of dozens of defenders victims of serious violations in Africa, Latin America, Asia, Europe, Middle East and Asia.

Its interventions are based on information communicated by individuals and non governmental organisations, both national and international, working for the promotion and the defence of human rights. The cases are systematically checked according to verification and analysis methods developed over a long time by both OMCT and the FIDH.

Faced with cases of extreme repression, the Observatory launched 126 urgent appeals, which were directed to nearly 90'000 addressees considered to be "responsive", particularly governmental and non governmental organisations, States and mass media at national and international level. These urgent appeals came from thirty eight (38) States and more than two hundred (200) human rights defenders.

These urgent appeals are equally communicated to the different supervisory organs of international pacts and conventions, and the different special thematic and geographic procedures established by the UN Commission of Human Rights, and to the regional organs of protection.

This is a compilation of those cases. They are either original information or follow up (designated with the title "follow up - new information"), filed in chronological order and in alphabetical order by country. Any further complementary information on a case is designated "Update". In the same section the reaction of the State concerned to the Observatory is appended.

Annexed are the urgent appeals of OMCT between February and July 1997, that is, before the Observatory started its activities, concerning cases that are still pending. There is also a brief synthesis on the situation of the appeals that appeared in the last publication of the World Organisation Against Torture (OMCT), in March 1997, under the title "Into the Eye of the Storm - Gross Violations of Human Rights". Along with each case is complementary information transmitted from NGOs or the State, whenever this is the case.

The report has been written and published in English, Spanish, French, the working languages of the Observatory.

## **Repression**

This report demonstrate the scale of the repression faced by human rights defenders around the world. The violations recorded during the period covered by the report confirm the existence of harassment and repression strategies, that include the following practices:

- forced disappearances;
- summary or extra-judicial executions;
- torture and other cruel, inhuman or degrading treatments;
- arbitrary arrests and detentions;
- illegal police investigations and arbitrary interrogations;
- unfair trials;
- judicial sentences founded on false accusations, invented evidence or statements obtained through torture;
- threats, including death threats, against the defenders and/or their family;
- constant surveillance and persecution of the defenders and/or their family;
- physical violence;
- different kinds of attacks on the life or the belongings (with bombs, fires, etc.);
- interception of telephone calls;
- illegal home searches;
- illegal office searches;
- destruction or seizure of material, files and personal documents;
- defamation campaigns and false accusations
- unfounded dismissals from work;
- suspension of civil and /or political rights;
- annulment, suspension or refutation of the legal status of the NGO;
- seizure of offices or forced expulsion;



- prohibition of the NGO;
- forced exile or obstacle to freedom of movement.

The Observatory demonstrates that these acts are in most cases attributable to armed forces, police and security services, as well as to paramilitary groups frequently acting with the approval, the assistance or the protection of government authorities.

### Support Activities

Besides urgent appeals, the Observatory has developed several other support activities, in particular : missions of trial observation, of investigation and solidarity.

The Observatory carried out missions in Mauritania and Tunisia<sup>6</sup>.

Several organisations also asked the Observatory to carry out observation or support missions: the requests of Colombian organisations deserves particular attention here. They requested an international mission in two stages: a support stage and a technical investigation stage.

The Observatory carried out the first stage, in May 1998, together with Colombian organisations, national organisations from the region, regional organisations and independent experts.

The international mission actively participated in the development of a campaign against impunity in Colombia, prepared by nationals organisations, in commemoration of the first anniversary of the death of Mario Calderón Villegas and Elsa Constanza Alvarado, human rights defenders and members of CINEP, executed on May 19th, 1997.

The members of the mission evaluated with national organisations the situation of human rights defenders in Colombia. They met with the President of the Republic and Members of the Government to express

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6 For more information on the case Ksila in Tunis, see the report "A manifest arbitrary detention", and on case Kamara, M'Baye and others, the report "Mauritania: human rights defenders in danger", published respectively in La Lettre de la FIDH, n° 756-758 and n° 254 and 258.



the concerns of the Observatory, and of the international community, about the levels of violence in Colombia, the serious violations of human rights suffered by human rights defenders, and the impunity enjoyed by the perpetrators of these violations.

In addition to these activities, the Observatory has also addressed the authorities of different States, to draw their attention to particular concerns. For example, it drew the attention of Vietnam to the conditions of detention of certain Buddhist monks condemned in 1995. They were condemned because they had “weakened religious solidarity” and “profited from democratic liberties in order to violate State interests”, after both of them had participated in a humanitarian mission of assistance to victims of floods in 1994.

The Observatory also expressed its concern to Belarussian authorities, over the intimidation and accusations levelled at Mr. Evgeny Novikov, president of the Human Rights League. This went as far as to prohibit him from his work as a medical surgeon<sup>7</sup>.

Similar concerns were put before the authorities of Senegal, because of the holding of Mr. Cheik Bouh Kamara, president of the Mauritania Association of Human Rights (AMDH), in Dakar airport when he was heading for a human rights seminar.

### **International Action**

The Observatory has established a systematic procedure for communication with conventional, extra-conventional mechanisms, thematic and country procedures inside the United Nations. The outcome of this work has been, not only the transmission of cases of violations of defenders' rights and liberties, but also the regular examination and follow up of these cases. Similar work is done with regional supervisory organs - EU, OAS and OAU - that examine the cases that enter their mandate.

In addition during the 54th session of the UN Commission on Human Rights, the Observatory also actively participated in the work of the Working Group charged with the elaboration of a Draft Declaration on

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7 For further information see urgent call BLR 001/9709 / OBS 014.



Human Rights defenders, through the delegates of the FIDH and of OMCT. It contributed to the discussion through input and joint action with other participant organisations putting an end to pressure exerted by some States to disempower the draft.

Similarly, the Observatory presented a preliminary report to the Commission, published in March, which brought together information about human rights violations against more than a hundred (100) defenders in 21 countries. Furthermore it stimulated intense debate and joint action with other non governmental organisations and members of the Commission.

Moreover, the Observatory formulated a demand to the Commission to approve the text of the Draft Declaration that was submitted by the Working Group after 13 years of discussions. The Draft Declaration was finally adopted by the Commission. A similar demand was also addressed to the General Assembly asking it to adopt the text in its next session, during the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, on December 10th, 1998.

In addition, the Observatory urged the Commission to strengthen the mechanisms of protection of human rights defenders, independently of the adoption of the Declaration. It encouraged the Commission to appoint a Special Rapporteur for Human Rights Defenders, to contribute to their international protection, or failing that, that the High Commissioner on Human Rights should assume this responsibility. Similarly, it also requested that all the special procedures of the Commission, both thematic and geographic, contribute systematically to that protection.

It should be underlined that the Commission welcomed these suggestions and in various recommendations asked the various protection mechanisms to accord particular attention to the violations that affect human rights defenders<sup>8</sup>.

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8 See "Strengthening International Protection".





**Finally, the Observatory paid special attention to the work of the Sub Commission on the Prevention of Discrimination and Protection of Minorities, during its 50th session, in August 1998.**

The work of the Observatory, through delegates of the FIDH and the OMCT and the support of many other organisations, resulted in the adoption of Resolution 1998 / 3, on Violation of the rights of human rights defenders in all countries.

This resolution is considered to be the first of its kind : for the first time an organ of the United Nations has adopted a resolution citing individual cases of “violations of the rights of human rights defenders” (see annex). The resolution also urges States to investigate and clarify those violations, as well as to carry out their obligations by respecting the rights and liberties of the defenders. Similarly it requires that the Office of the High Commissioner of Human Rights of the United Nations follow individual cases.

When evaluating its work, the Observatory has been very effective, both through the communication of urgent appeals as well as trial observation and support missions, and through the pressure exerted before international institutions. These results have been possible above all thanks to the co-operation of hundreds of organisations and individuals around the world.

The immediate reaction of individuals and associations answering urgent appeals has freed human rights defenders that were illegally or arbitrarily detained, or had been judged and condemned. In other cases it has contributed to reducing the harassment of human rights defenders.

However, as the present report underlines the progress is insufficient. After one year of operation there is an enormous amount to be done if we want to fight systematic repression of human rights defenders.

The first task is to reinforce and strengthen the capacity of reaction, denunciation and pressure at national, regional and international level as well as the possibilities of support and assistance of the defenders in danger.

It is particularly important to ensure that the General Assembly of the United Nations adopts, during its session period of December 10th



1998, the Declaration on Human Rights Defenders and, on the other hand, that its contents be translated into concrete measures on the part of States in order to guarantee the respect and the protection of defenders.

It is also vital that greater efforts are made to ensure the establishment of the permanent International Criminal Court, urging those States that have not signed the statutes, to reach the required number for its entry into force in the shortest possible time.

1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights, had to be the year of the establishment of an effective international protection of human rights defenders. However, in many States the daily repression suffered by human rights defenders continues unabated. We have a long way to go in the fight.

In spite of this, we hope this year awareness of the plight of human rights defenders has increased. The Observatory is convinced, today more than ever, that mobilisation is imperative and calls on all NGOs individuals and other social actors to come together, so that their own freedom of action and the security of the defenders will be reinforced and guaranteed.

Geneva - Paris, October 1998



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**The Observatory  
for the Protection of Human  
Rights Defenders**

*Testimonies*

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## *The Protection of Human Rights: A Universal Task*

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The following lines summarise my 25 years experience of work in the defence and promotion of human rights, in three different ways: first of all as a lawyer and defender of my own country, in the spaces allowed to the Church, since the dictator Pinochet came to power on the 11th of September 1973.<sup>1</sup> When the tyranny came to an end, President Aylwin appointed me as Ambassador to the International human rights bodies. When I left that position I was appointed Special Rapporteur of the UN Commission of Human Rights for what is currently the Democratic Republic of Congo, and at the time was called Zaire.

We have several reasons to celebrate the 50th anniversary of the Universal Declaration of Human Rights: first of all because, after more than ten years of effort, the UN Commission of Human Rights approved a Declaration that proclaims the human right to promote the protection of human rights, both at national and international level. In spite of its limitations, which are the consequence of the necessary – and often irritating – consensus among States, the Declaration makes important contributions. Secondly, because after nearly fifty years, the creation of a Permanent International Criminal Court became a reality, and its mandate includes the judgement of grave violations of human rights. I will limit my discussion to the first subject.

In several other occasions I have underlined that the defence of human rights has two aspects: a humanitarian and a political one. The first aspect is evident and I will not discuss it now. The second aspect is

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1 25 days after Pinochet's military coup, at a time when ecumenism was at its beginnings, the legendary Cardinal Archbishop of Santiago, Mons. Raúl Silva Henríquez, invited all the religious congregations to form the Co-operation Committee for Peace of Chile. The aim was to take over the protection of human rights with no discrimination based on religious belief or political tendency. He was acclaimed by the Roman Catholic Church, Orthodox Church, Lutheran Evangelic, Bautist, Pentecostal Methodist and the Great Rabbinate of Chile. In its first year of functioning the Committee was subject to all kind of persecutions and harassment and one of its presidents, the Lutheran Archbishop Helmut Frenz, was expelled from Chile and several companions were arrested.



usually a reason for criticising governments, who adopt a defensive posture and negate it altogether.

I insist that the defence and promotion of human rights is essentially political, as are most grave violations. It is not about liberating a prisoner, curing a torture victim or finding a missing person, rather it is about abolishing arbitrary detention, eradicating torture and rendering disappearances impossible. The preamble of the new declaration recognises “the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from refusal to recognise the right of every peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources”. Nothing could be more political than the concepts of “effective elimination of violations”, “systematic violations”, “apartheid”, “right to self-determination” and others. Practically all the articles of the declaration are of a political character.

Nonetheless, many times the defending institutions, persons and groups negate the political character of the defence: what defender wants is the establishment of a regime that respects human liberties, and this is purely and simply politics. Human rights are the project of a just society where every human being is free and worthy.

And because it is fundamentally political, the work for human rights is profoundly patriotic, in the temporal and territorial sense of the word. I underline this point because all dictators and oppressive regimes see human right defenders as traitors of the nation. “Agent of international communism”, “servant of imperialism”, “ally of the enemy of the people” are concepts that we have heard for half a century and that we continue to hear in spite of their clumsiness. There is no greater sacrifice to our nation than fighting so that each of our compatriots can enjoy the liberties and rights proclaimed in the Universal Declaration, in the same way as there is nothing more anti-patriotic than humiliating your own people.



A third aspect that must be underlined is the freedom of each individual, group or institution to choose the objective of its work, what is called its mandate. In the discussions about the 1998 Declaration some States insisted on that the defenders have to defend and promote “all” human rights. Behind this noble suggestion lay a perverse purpose, like the de-legitimisation of the work of those institutions that chose to concentrate their action on one or two objectives. The expression “all”, employed in the Declaration, is directed at the State, that has responsibility towards all rights and freedoms, and doesn’t establish an obligation for the defenders that would otherwise have been an excuse for repressing those that choose, according to their vocation, a specific area of work.

It is mandatory, for a good and efficient defender of human rights, to always tell the truth. In the Working Group discussion that led to the Declaration, several States - the same that always insisted that the defence of human rights must always be only humanitarian and never political - proposed safeguards to prevent defenders from lying, exaggerating or having purposes other than humanitarian ones. The head of the Group and a consensus of States respectful of human rights finally obtained that all kinds of “controls” be eliminated. This does not mean that the problem is non-existent: there are many institutions that have taken advantage of their noble cause, feel free to distort the truth, exaggerate and overlook nuances. A good defender of human rights must know that the best weapon is truth, that credibility comes from honesty, and that both of them are lost only once and for all.

As Rapporteur I have had to face the problem of credibility. A Rapporteur is not a judge that can gather just evidence. He must have faith in those that deserve it, and not all non-governmental organisations the main source of information, have the same credibility. Only the experience, transparency, and independence of each organisation from political parties, ethnic groups, etc. can guide him.

Connected to credibility is consistency. “There is never a good reason to kill” should be the motto of all defenders. A defender that justifies the death of an adversary has no authority to condemn the death of his friend. Please note that I am not talking about the means of fighting oppression, but particularly about acts of private terrorism that are



often used to combat state terrorism. The biggest favour that can be done to a State violating the rights of its people is to loose moral authority through double standards policies.

A real human rights group has to be highly independent. Independence from the government, political parties, churches, ethnic groups, associations, and funders. It is not a bad thing that an institution dedicates itself to the defence of its equals, but this should not be hidden from the public. Transparency once again. It must be recognised openly, and the theme of human rights must not be used for hidden aims, even when they are legitimate. In many countries I have had to work with non-governmental organisations, and read their reports and evidence. Sometimes the existence of a different interest under the cover of human rights is so obvious, that all efforts to hide it are useless.

We defenders have our own “sacred texts” that are neither religious, nor economic in nature, nor political manifestos, even if they are often inspired by these. They are the Universal Declaration, the Pacts, the drafts of new declarations and pacts, etc. We owe them fidelity.

In the preliminary sessions of the Declaration on the Defenders it was suggested that defenders should be declared impartial and not selective in their work. Fortunately, nothing came of it. The suggestion only revealed that its authors didn’t understand anything about human rights. A human rights defender is by definition partial. A defender is not and cannot be neutral between the tortured and the torturer.

I do not believe in a non-selectivity. It is a diffused concept, ambiguous, without history or juridical, ethnic or political grounds. It is only used to discriminate the real concerns for human rights: the defenders are accused of being selective. The problem is the other way round: defenders do not “select” anything, they defend all victims. The violators are the ones who have the bad habit of “selecting” their victims: these are always opponents, members of other ethnic groups of beliefs, etc. Very frequently, the “selected” are defenders of human rights, like our dear Eduardo Umaña, to give one example.

A defender of human rights must be, as I see it, a real fighter for democracy. It is true that even under democratic regimes human rights

are sometimes violated, but in a different way, with possibilities for appeal and indemnity for the victims.

I think that dictatorships are by themselves a violation of human rights. The human right to political participation is recognised by the Universal Declaration, and its denial is the essence of every dictatorship. In my reports on Zaire I underlined the existence of a human right to democracy, which resulted in a reprimand on the part of a high ranking government official close to Mobutu, who stated "democracy is not part of the mandate of a human rights Rapporteur".<sup>2</sup>

Under a dictatorship, the effective validity of human rights is impossible, even when there are no concrete violations. What dictators need above all is not to violate human rights, but to be able to violate them with impunity.

A fundamental part of the work of an organisation of defence of human rights is active and passive international solidarity. More than once I have felt the obligation to apologise for the conduct of my own country. Chile, together with South Africa, are the countries that have benefited most from international solidarity. But unfortunately Chile was incapable of responding to such generosity. This was precisely one of the reasons for my resignation as Ambassador. Sadly, this lack of solidarity comes not only from the government but also from civil society.

As defenders we have to realise that, as the great Chilean painter Roberto Matta writes, the nation is more a temporal concept than a territorial one. "My compatriots are the ones who live when I live". Our work is really "without frontiers".

The Declaration on Defenders is clear<sup>3</sup>: articles 5.c, 9.4, 14 and 18 refer expressively to this matter. Giving and receiving solidarity is how we contribute to the "development of friendly relations among nations", which originates in a "common perception" of fundamental

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2 Report on human rights in Zaire E/CN.4/1996/66, paragraph 57.

3 This declaration can be found in the chapter entitled "Strengthen International Protection".



rights and freedoms and will permit the formation of a “common ideal for which all peoples and nations have to make efforts so that both individuals and institutions, constantly inspiring themselves on the Universal declaration, promote its universal and effective recognition and application”.<sup>4</sup>

**Roberto Garretón**

*Lawyer, Defender of human rights in Chile, Ambassador for Chile  
the International Human Rights Institutions 1990-1994  
Special Rapporteur of the United Nations Commission of Human Rights  
for the Democratic Republic of Congo (ex Zaire)*

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4 Preamble of the Universal Declaration of Human Rights.



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## *A Constant Responsibility for both North and South*

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In a country like Canada, human rights defenders are not, for the time being, the object of reprisal, measures such as arbitrary arrests, torture, extrajudicial executions and threats. It seems that the frequency of cases of electronic surveillance, opening of mail, searches of offices and documents or other forms of harassment by security forces, has been decreasing; except perhaps for young activists working towards the alleviation of poverty or defenders of the protection of the environment. Even if activists do not fear for their lives nor their security, it does not mean that their commitment is any less real nor profound. Choosing to commit oneself actively to the human rights movement, be it in a general manner by joining to a human rights league or, more specifically, to an organization for the promotion of the rights of women, indigenous peoples or refugees for example, implies taking on a permanent commitment, in Canada as in any other place in the world, to pursue this democratic ideal for the collective good. Even if activists do not fear for their lives or their security, they remain aware of the importance of world wide solidarity with those who, like themselves, are fighting for the recognition and implementation of human rights, but under more dangerous conditions.

That is why the establishment of networks and the participation of human rights defenders, such as the Observatory, are so important. Keeping this in mind, one must remain very vigilant, in our so-called rich countries, to guarantee the full respect of the right of asylum for activists in danger and ensure that the Geneva Convention relative to the status of refugees be interpreted in such a way that it is adapted to the modern realities of persecution. Since the last decade, the war on immigration has intensified and defenders of the rule of law, asylum seekers or legitimate refugees are the ones who have paid the costs. In this climate of intolerance, there is a serious risk that the principle of "not-expelling" not be respected as well as the principle of protection against prosecution, the right to be heard and the right to non-discrimination.



Western countries have developed various instruments enabling them to stem undesirable migratory flows, whether it be by establishing visa requirements for the nationals of countries which “produce” refugees, by enforcing sanctions against “carriers” and creating “international zones” and the notion of “calm” countries. They also establish such difficult conditions that it is nearly impossible to apply for asylum and there are often very basic procedures for examining requests for asylum. These all international law in terms of refugee protection. The manner in which asylum seekers cases are considered, clearly contradicts the international rights of refugees, which has centred on the protection of each individual, depending on the specificities of their personal situation. Henceforth, this right has developed into a generalised system of “presumption that there is no need for protection”, which greatly resembles a concerted decision to refuse collectively refugee status. The League of rights and freedoms intervened several times during the past decades, to denounce the repression of human rights defenders and help some of them obtain the status of political refugees in Canada and in other countries.

**Lucie Lemonde**

*Professeure*

*Département des Sciences juridiques, Université du Québec, Montréal*

*Présidente de la ligue des droits et libertés, Québec, Canada*





***Human Rights Defenders  
and the Attacks on the Universality  
of Human Rights:  
Asia-Pacific - a central challenge***

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**The Debate on Human Rights**

The significance of the World Conference of Human Rights in Vienna in 1993, forty-five years after the adoption of the Universal Declaration of Human Rights was that it highlighted and brought to the forefront the debate on the universality, indivisibility and interdependence of human rights. Though the historic event was not able to reach consensus on these concepts, the world was made aware of the issues facing the international human rights community.

In the Asia-Pacific region which accounts for almost half of the world's violations of human rights and more than half of the world's poor, the issue of human rights goes beyond the level of debate. The stark reality of gross human rights violations taking place everyday speak for themselves, beyond the rhetoric of governments and other groups responsible for these violations.

Countries like China argue that the rights of an individual are not absolute. They maintain that human rights must be placed in the context of distinct economic and social realities and value systems of each society. Citing a distinct set of Asian values such as stability, consensus and respect for authority - some Asian governments claim an Asian concept of human rights.

Such concept counterpoises universality with cultural specificity and cultural relativism arguments citing Asia's culture and traditions as distinct from what could be considered universal.

Dr. Mahathir Mohamad, prime minister of Malaysia and one of the proponents of this Asian values argues that these concepts of universality and indivisibility of human rights are ideas imposed by Western philosophies. He considers these as an encroachment on national sovereignty and an interference into internal affairs.



Indonesia, Burma, Singapore and Philippines echo the same standpoint on human rights. The economic boom creating tiger economies in the region in the early nineties bolstered this view. Believing that in the prospect of progress and prosperity according to their own development agenda, Asian governments maintained that human rights must be placed in the context of their own economic, social and cultural standards.

The need for a strong state to establish and sustain such economic growth gave rise to dictatorial regimes in the region, the setting up of national security systems and repressive laws and practices. Most, if not all of the governments that questioned universality, indivisibility of human rights are authoritarian regimes with established records of human rights violations. These are governments that deny their peoples their freedoms. These are governments that silence those who stand up for their rights and advocate for the rights of others.

### **The Human Rights Defenders in Asia-Pacific**

To be a human rights defender under such repressive regimes is to literally stake one's life and limb for justice, freedom and democracy. Those who fight for peoples' rights are considered enemies of the state. They are labelled as communists, subversives, insurgents, counter-revolutionaries, criminals, saboteurs and sometimes as terrorists. They are arrested, tortured and detained. Some become victims of summary executions and forced disappearances ; many are subjected to harassment and various forms of intimidation.

In the Philippines, about 90,000 people suffered various forms of violations of human rights during the Marcos rule. These were lawyers, priests and nuns, students, farmers, workers, teachers and people from all walks of life who broke their silence and defied dictatorial rule. To date, despite the changes in the government, some of the repressive laws used by Marcos continue to haunt human rights defenders in the country.

In Indonesia, journalists, trade union leaders, student activists, women and members of different sectors face the daily risk of arrests, torture and detention as they assert their rights under their new government in



the post-Suharto era. Scores of activists linger in jails for indefinite periods of time without the benefit of fair trial and conviction. Last year, the trial and conviction of twelve leaders and members of the People's Democratic Party ranging from 18 months to 13 years imprisonment on anti-subversion charges were declared as 'draconian in the extreme' and the 'harshest ever in the history of the Suharto regime' as they were just picked up from rallies and other non-violent protest actions. To date, there are about two hundred recorded political prisoners in Indonesia. The cases of mass graves found in critical areas as Irian Jaya, Aceh, not to mention East Timor are living testimony to the extent and gravity of the violations taking place in this part of the region.

In Burma and Cambodia, any opposition to the ruling regime is considered a crime and suspects are subject to arbitrary arrest, torture, detention, disappearance and other forms of violations. Expression of mass protests are met with brutal force, harassment and intimidation. Last August, 1998, 18 human rights defenders from six countries in Asia-Pacific and the USA who expressed solidarity with the Burmese in Rangoon in commemorating the anniversary of the 1988 Uprising were all arrested, detained and later deported.

In Malaysia, there was chaos after former deputy prime minister Anwar Ibrahim and scores of his supporters were arrested, tortured and detained under the draconian Internal Security Act (ISA). Human rights organisations were continually harassed, making it extremely difficult for them to operate openly and freely. Last year, the Asia-Pacific Conference on East Timor (APCET) participated in by human rights defenders from various countries throughout the world held in Kuala Lumpur was attacked by police forces and members of a youth political party associated with Mr. Mahathir. All the participants were arrested and detained and later deported to their respective countries.

In China, political dissenters are thrown in jails. The recent signing by the Chinese government of the International Convention on Civil and Political Rights may show good intentions but for as long as tens and hundreds remain in prison for political reasons and scores of others are executed for similar reasons, the intention will remain simply government propaganda.



**Ironically, those countries known for their record of human rights violations are the same as those using all kinds of excuses to justify their acts. Obviously, the attacks on the universality, indivisibility and interdependence of human rights come as they become subject to criticism and pressure from the international community on the gross violations they commit against their people.**

With the economic crisis gripping most of these countries in the region, it debunked the contention that economic development would lead to the promotion and protection of human rights. After 20 years in the Philippines, 32 years in Indonesia, 17 years in Malaysia and long years of repressive rule, the situations in these countries have become more restricted and controlled. It has become more difficult for human rights defenders to operate openly and freely. Except for Philippines and to a certain extent, Thailand, the other countries still experience extreme human rights situations.

The Bangkok NGO Declaration, a landmark document produced by the human rights community in the region preparatory to the Vienna World Conference affirmed its commitment to the principles of indivisibility and interdependence of human rights by recognising an emerging 'new universalism encompassing the richness and wisdom of Asia-Pacific cultures as they affirm the basis of universality of human rights that provide protection to all of humanity, including special groups - women, children, minorities and indigenous peoples, workers, refugees and displaced persons, the disabled and the elderly.

## **The Challenge**

Human rights defenders in the Asia-Pacific region and elsewhere in the world need to link up in order to draw strength and inspiration from each other. Many defenders have fallen from the ranks. Not a few are still nursing their physical, emotional and psychological wounds from torture and incarceration. And not a few families continue to wait for their loved ones who have disappeared or whose fate is unknown.

But we are not daunted. As we have every right to express our views and voice the interests of the people and work for their rights, it is



imperative that we be allowed to work freely, to participate in community life and enjoy the totality of human rights.

We must unite in order to survive the fraternity of repressive regimes. We need to survive to sustain the important work that we are doing. We must continue to struggle and persevere to fight for what is inherently right.

The debate on the universality, indivisibility and interdependence of human rights did not end after the World Conference of Human Rights in Vienna in 1993. And it will continue for as long as governments commit violations. A violation is a violation, whatever name it is called. As human rights defenders, we will not allow any excuses nor any rationalisation for any injustice done. And we commit ourselves to the protection and promotion of “all human rights for all”.

**Evelyn Serrano**

*Vice-president of Philippine Alliance of Human Rights Advocates  
and Member of The Forum Asian For Human Rights*

**Santos Lamban**

*Secretary general of The Philippine Alliance of Human Rights Advocates*



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## *Solidarity: Challenging the Determination of the Authorities*

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On 29th of September 1998, Khémaïs Ksila, vice President of the Tunisian League of Defence of Human Rights (Ligue Tunisienne de Défense des droits de l'Homme, LTDE) and member of the administrative Council of the Arab Institute of Human Rights, began his second year of detention in appalling conditions in the civil prison of Tunis.

He was sentenced to a three years prison sentence on 11 th of February 1998. This verdict was confirmed in appeal on 25th of April 1998. The unanimous view of his Tunisian lawyers and of nine international observers who attended the trial, is that Khémaïs Ksila is a victim of a miscarriage of justice, aggravated by the determination of the authorities to act against him and his family.

On 29th of January 1996, he was sacked because of his human rights work and his passport was taken. On 29th of September 1997, Khémaïs Ksila announced in a press statement his intention to start a hunger strike to protest his harassment and victimisation because of his work as a human rights defender. It is on the base of this press statement that he was then charged with "slander against public order and authorities, diffusion of false information to disturb public order and inciting citizens to infringe the country's laws". These are the reasons behind his prison sentence and equally an enormous fine.

Since the time he was sentenced for what only seem to be "his beliefs", the campaign for Khémaïs Ksila and his family has gone from strength to strength including a number of observation missions, during his successive appearances in front of the courts.

From Copenhagen to Cairo, passing by Paris, Washington, Geneva, Brussels and Rabat, urgent appeals, petitions, and other demonstrations of solidarity have punctuated the last 13 months which have been a great personal trial, in difficult conditions of detention for not only Khémaïs but equally his courageous wife Fatma.



There is no coincidence that Khémaïs Ksila's name appears second in the list of the ten cases cited in the 50th session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1998/3 entitled "violations of human rights' defenders in all countries". This resolution, adopted by 21 votes to 3, constitutes a first since the adoption of the "project of Declaration on the right and responsibilities of individuals and society's organs to promote and protect Human rights and fundamental freedoms universally acknowledged" by the Human Rights Commission at its 53rd session in spring 1998. The Sub-Commission "begs the United Nations High Commissioner for Human Rights to lead investigations on the security of the persons whose names are written on the list in appendix (...) and to inform the Sub-Commission, at its 51 st session, of the results of these investigations".

The explicit reference made to Khémaïs Ksila in this text and the appeal sent to The United Nations High Commissioner for Human Rights aim to give increased vigour to the movement for LTDH and its Vice President. Kémaïs, his wife Fatina, his friends and those who work with him at the League know that the work of the Observatory is having an impact.

**Khemaïs Chammari**

*Prize-winner of the 1997 Nuremberg Human Rights Prize*





## ***A message from Fatma Ksila***

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“As a leading member of LTDH, Khémaïs has worked unendingly since 1989 against rights’ violations and for democratic values in our country. He has fought on every front the attempts by the authorities to weaken and marginalise the League. Although gagged the League continues to try to resist and its leaders pay the price.

My husband was deprived of his only source of income after he was sacked in January 1996. From that time for him, and for us, has only seen growing problems and provocation: seizure of his passport, systematic police surveillance, bugging of our telephone, and interception of our mail.

One must have lived through these long months of trial and deprivations (aggravated by a six-months detention following a car accident) to understand that Khémaïs had no other choice but (at the start of the new school year) to begin a hunger strike on the 29th of September to draw attention to our plight. That same evening he was given solace by other activists of the league. Indeed they have always been a constant source of comfort for us.

The National Council of the LTDH meeting on 15 February 1998 stated that the judgement pronounced against my husband was “one of the events weakening of the league, as part of the acts of harassment and of its marginalisation, taken to prevent it from working effectively”. Citing all the ordeals we had faced the National Council of the LTDH stated that it was an illustration of “the dangers that human rights defenders face in our country”.

Echoing these sentiments the international campaign for my husband and the other victims in the country grew and offered yet more comfort. It helps us to face the daily trials the uncertainty and the worries over the health of the victims - Khémaïs’s health, diabetic and with a heart condition, is more than worrying. Solidarity from our friends both inside the country and all over the world has enabled us to carry this burden, this painful ordeal which, despite our best efforts has not spared our children.



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In this the year of the fiftieth anniversary of the Universal Declaration of Human Rights, I would like to express all my gratitude to everyone but equally my deep concern for the future of both my husband and the League.

In the face of trials to come I keep faith with the hope that the sacrifices we are undergoing won't have been vain.

**Fatma Ksila**

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*“ I defend Human Rights  
while my organisation is banned”*

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On the 3rd of April 1998, the Minister of Justice banned ASADHO and asked local police stations to close all ASADHO offices across the country.

Our representation in the province of North Kivu heard the news on the radio and television like everybody else. We immediately gathered in Goma to see what we could do. We decided unanimously to ignore the government's decision: if we kept silent, it would have been another voice less to defend those without rights. Between choosing to play the game of the dictator Kabila and pursuing our work, we chose the latter, all of us aware that that we would become a target of repression.

In the beginning, we had a great deal of public support, both from the national and international community. It was encouraging... however, little by little, all that faded away. At the local level, some began to be afraid to testify, even to work with a banned organisation, for fear of undergoing the same fate. The government succeeded in its strategy of intimidation. Furthermore, some funders thought twice about supporting us to avoid problems with Kabila.

Moreover, after the ban, the government opened a second front: denigration. At the beginning, we were accused of working for a dictator, then, working for western powers, and now, working for a rebellion. The campaign, relayed by organisations close to Kabila's government, didn't totally pay off. But nonetheless some groups are now saying that “ASADHO puts too much emphasis on denouncing instead of collaborating with the government”.

Following instructions from our national office, we decided to start working as an underground organisation. It is not easy to change from being a well known organisation to a clandestine... It took us one month of readaptation. Now all the sections work all over the country with the same fervour as the past... The risk of being arrested, killed and imprisoned is constant ...Every time ASADHO publishes a press release, the cycle of threats starts again... However, we don't feel we



have any other choice than to fight for the rights of those whose rights are violated.

In the region occupied by the rebellion and those controlled by the government, ASADHO continues its work. We have refused to remain silent about the violations of human rights committed by the government in exchange for the authorisation to work : acting like this would have put lives at risk and would have meant turning our backs on the principles governing our work: defending and promoting human rights. Even if our lot is always uncertain, we must continue our work to help build a democratic Congo where everybody can express themselves without being taken away to a military court, beaten, even executed... We continue and will continue our mission.

**Chingove**

*Human Rights Defender of ASADHO of Goma (North Kivu),  
Democratic Republic of Congo*



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*"I am a man made for service and not to be served",*

**Mgr Juan Gerardi Conedera**

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Mgr Gerardi was brutally murdered in April 1998, two days after publicly presenting the results of the "Proyecto de Recuperación de la Memoria Historica" (Project for the Recuperation of Historic Memory) which drew attention to the responsibility of the State and in particular the armed forces in over 90% of the political crimes committed in Guatemala in three decades of internal armed conflict.

Let us hope that his sacrifice will not have been in vain whether for the people of Guatemala or humanity as a whole. This text brings a together some of the significant events of his work and are the result of a number of conversations in November 1995, in March and August 1996, in Munster, Geneva and Guatemala.

At fourteen I entered a seminary. On August 12th 1967 I was appointed to the diocese of Verapaz, a diocese with a purely indigenous congregation. In Verapaz there was no armed conflict. But there was enormous social injustice. You could feel the weight of oppression and utter poverty.

The best lands of the indigenous population attracted the greed of a few landowners who forced the people off the land assisted by the authorities. The indigenous population resisted, refusing to abandon their property and the police beat them and burned their holdings. In my diocese other evangelical pastors and I appealed to the then president and managed to put a brake on the arbitrary eviction of indigenous lands.

I remember in 1976, estate guards arrived at a cardamom co-operative to evict the peasants who tried to defend themselves and four indigenous men were murdered, among them two catechists from my diocese. We decided to make our denunciation public at the national level, demanding that those responsible be punished. This was the first denunciation of its kind on the part of the church in Guatemala. To my great surprise I was summoned by the Minister for the Interior,



General Bazo Martinez, who demanded that we stop meddling in matters that were of no concern of ours and that we should keep quiet.

I left, indignant, and told him that we did what we did to stop State abuses and that this was our pastoral mission. From then onwards I was branded as a “red bishop” or a “communist” although, if truth be told, I have been fairly conservative.

From 74 to 80 I was in the Quiché. The Quiché diocese was very divided, with a great numbers of guerrillas as well as counter guerrilla forces. We wanted to help people, to contribute to a humanisation of the situation, but it proved impossible.

In January 1980 a group from the Quiché travelled to Guatemala City in order to protest the massive violations of human rights. The press and the authorities began accusing priests and nuns of instigating the mobilisation of the indigenous population. This group, which included the father of Rigoberta Menchú, decided to occupy the Spanish Embassy in order to attract the attention of the international community.

This marked the beginning of a long period of suffering, an increase in confrontations and repression and a growing number of victims. My diocese tried to help by giving assistance to widows, orphans and displaced persons. This humanitarian work was considered by the army as helping the guerrilla forces and in retaliation decided to increase the attacks aimed at my diocese.

In April 1980 two grenades were thrown at the homes of two Spanish priests in Uxpantam as a warning but as they weren't intimidated the house was machine gunned two days later.

There were fourteen priests in my diocese. At the end only five were left, all of them of the same community. I received a message that I was being sought in order that they could kill me and together with the priests who accompanied me we decided that it would be best to leave the Quiché. This was the most difficult decision of my life, but I preferred to leave to publicise what was happening here. I went to Rome to speak to the Pope and I was in Europe for three months.

Two days before I returned from my trip to Europe, a letter from the Pope was published in Guatemala, in which he expressed his concern



at the repression in Guatemala and the problems which my diocese had had to face. The then president said that I had gone to Rome to misinform them and that the letter was the result of my complaints to the Pope. On November 20th, when I returned to Guatemala I was not allowed back in. My death sentence had been commuted to one of exile.

That afternoon there was no other flight available except to El Salvador and as I was about to go through customs I was detained. I asked for an explanation and was told that they had nothing against me, but that there were agreements between the governments of Guatemala and El Salvador. The Nuncio spoke with the President and I was allowed entry but only for 48 hours.

With the Nuncio I travelled to Costa Rica and in fact, I lived in exile there for two years. When I returned the Archbishop asked me to help an auxiliary bishop.

The Episcopal conference realised the need for institutional work in human rights, but it was put off for several years as it was certain that whoever was appointed to do the work would be assassinated.

The debate to establish the institution was not easy because of ideological polarisation both within and without the Church. When it became feasible a Human Rights Office was created within the archbishopric and I was asked to assume the task of co-ordination.

We started out by raising awareness, drawing attention to the plight of victims and reporting human rights violations. Diplomatic contacts enabled us to get many threatened persons out of the country. The credibility of our activities gave the Office a high profile, and we became a reference point, not only because of our publications but also because the work we did defending the rights of defenceless Guatemalans.

We helped the most needy according to the humanitarian principle of "I was hungry and you gave me food, I was thirsty and you gave me water, I was naked and you gave me clothes to wear." We also provided educational facilities, training in human rights and other communal projects.

We also have a documentary centre and a legal assistance centre. The first is linked to the need to remember the past. If we do not know



where we came from, nor the reason for our present suffering, we will not know where we are going or how to avoid future suffering. That is why we established the REMHI project (Recuperation of the Historic Memory).

Legal assistance followed denunciations aiming to promote justice. If we do not overcome impunity, the perpetrators of criminal acts within the authorities will feel safe.

Our aim is, as far as possible, to determine the why and wherefore of the violence of the last few decades and determine responsibility for the criminal acts that have so shocked human conscience.

Our contribution to truth has to be a contribution to justice. The reign of impunity is the reign of darkness. Impunity has been a contributory factor to the terror and its defeat is a duty we owe not only to the tens of thousands of victims, but also to future generations of Guatemalans.

Little by little the chains of terror and impunity are being broken. A landmark was the agreement on Human Rights between the URNG<sup>1</sup> and the government which has been the target of some criticism; however in my opinion it is better to have a bad agreement that is well implemented, than a good agreement that will never be implemented at all.

We have had to go beyond the national framework in the fight. We have taken cases to the Interamerican Commission on Human Rights, which resulted in the condemnation of the State of Guatemala. We have also begun to regularly attend the meetings of the United Nations Human Rights Commission. Finally as a result of our efforts and those of other instances the international community decided to act. In time a Special Rapporteur was appointed. There is also additional cause for hope in the presence of the UN mission in Guatemala-Minugua which will doubtless contribute to peace.

For our part in the Church, for a great number of years we have targeted our work at the poor. Consequently we highlight all action against the social well being of the people. Our role vis a vis the government

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1 The Guatemala Revolutionary Union.





must always be critical to be able to protect the most vulnerable of our society. Our responsibility is to be the conscience of Christian philosophy and work. Defending human life will always be one of the primary commandments.

We do, however, have to be realistic when it comes to attempts to bring peace : we have to reach consensus between sections of society ; nobody wants to loose in a peace process. At the same time we cannot ignore geopolitical and economic interests - we sometimes believe that we decide for ourselves but its really just an illusion ; in reality we depend on important outside interests. The World Bank and the International Monetary Fund bypass the sovereignty of states.

Constructing peace is more difficult than ending the war. Bringing peace is a heavy burden that each of us must take upon ourselves to the best of our abilities.



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**The Observatory  
for the Protection of Human  
Rights Defenders**

*Human Rights  
Defenders in the front  
line: Urgent Appeals*

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# ALGERIA

URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Liamine Zeroual	Gross Domestic Product per person - 1995 (in \$ de 1987)	2 389											
Regime	Presidential. The army plays an important role	Agricultural- 1995 (% of GDP)	13											
Capital	Algiers	Industrial Production - 1995 (% of GDP)	47											
Land Surface (km <sup>2</sup> )	2 381 741	Tertiary Sector - 1995 (% of GDP)	41											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	27,1											
Total Population - 1995 (in millions)	28,1	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)												
Life Expectancy - 1995 (years)	68,1	Gross National Product per person - 1995 (in \$)	1 600											
Infant Mortality - 1996 (for 1000 births)	34	Rate of Growth of the Gross National Product-1980/1995 (%)	1,8											
Fertility Rate - 1995	4,1	Total External debt - 1995 (in Billions of \$)	32,6											
Rate of Population Growth -1995/2015 (%)	2	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	61,6	Public Health Expenditure - 1990 (% of GDP)	5,4											
Gross Education Rate - 1995 (%)	66	Public Education Expenditure - 1995 (% of GNP)	/											
Population deprived of Access to Health Services - 1990/1995 (%)	2	Military Spending - 1996 (% of GDP)	4											
Daily Calorie Intake per person 1995	3035	Military Spending - 1990/1991 (% of combined health and education spending)	11											
<b>Ratification of major international and regional Human Rights Instruments<sup>*</sup></b>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPTP	ICFDP
X	X	X	X	X	X	X	X				X			
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

DZA 001 / 9710 / OBS 018

Arbitrary Arrest

October 20th 1997

On 20th October, the Observatory was informed of the arrest of the lawyer **Mohamed Tahri** and approximately 20 women and girls in Algeria.

The Observatory for the Protection of Human Rights Defenders was informed of the arrest of the lawyer Mohamed Tahri, while he was participating in a peaceful demonstration organised by women of families of missing persons, in Alger, Algeria, on the morning of 20th October, 1997.



Lawyer Mohamed Tahri is a prominent member of the national Algerian lawyers Union (an independent organ) and is internationally known for his commitment to human rights, in particular for his activities in defending families of missing persons.

He was arrested together with approximately 20 women and young girls, between 9:30 and 10 am by uniformed policemen, when the demonstration, which had started at the main post office, reached the headquarters of the National Assembly .

The Observatory has had serious grounds for its belief that the arrest of Lawyer Mohamed Tahri was only motivated by the work he does to defend human rights in Algeria, and in particular his work for missing persons.

Moreover, in the night of 12th to 13th June, 1997, a burglary occurred in the office of Mohamed Tahri : dossiers as well as personal documents were opened or stolen. This burglary took place some days after the publication of the report of the international inquiry mission of FIDH, the international mission who had met with Mohamed Tahri previously.

The Observatory feared for the physical and psychological integrity of Mohamed Tahri, particularly since Mohamed Tahri has serious health problems.

The Observatory considered the arrest and detention of Mohamed Tahri arbitrary.

**FOLLOW UP**  
**DZA 001 / 9710 / OBS 018 . 01**  
**New information**  
**October 22nd 1998**

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The Observatory has been informed of the release of Mohamed Tahri on the same day of his arrest. Most of the women and girls who were arrested during the demonstration have also been released. Three women are still in detention and they were last seen in the interrogation centre of Al Muhafaza Al Markayya, on 20th October, 1997.

Although the Observatory welcomes the release of Mohamed Tahri and some of the women, it must express concern for the physical and psychological integrity of the three women still detained.

**DZA 001 / 9802 / OBS 008**

**Arrest / Torture**

**Harassment**

**February 5th 1998**

The Observatory for the Protection of Human Rights Defenders has been informed of the arrest, in Alger, on 4th February, 1998, at around 9:00 p.m., of the sons – **Karim** and **Farid** – of the lawyer **Mahmoud Khelili**, President of the National Union of Algerian Lawyers (Independent). Mr Khelili is a respected and internationally well known human rights defender.

Members of the security service severely beat **Karim Khelili**, 35 years old, who is mentally disabled. They threatened and insulted the members of the family who were present. They also searched the house. **Karim** and **Farid Khelili** were both taken away. Mr **Farid Khelili** was released around midnight, having been subjected to threats of torture. **Karim Khelili**, who bled profusely during his arrest, is still detained in an unknown location. It is feared that he has been detained at the **Chateaufort Centre** - recorded as a place where torture is systematically practised.

The Observatory has every reason to believe that these actions have been taken with a single objective: to harass, threaten and put pressure on **Mahmoud Khelili** because of his work in the defence of human rights. Moreover, this is the third time in less than two years that **Mr Khelili** and his family have been made victims of such action, by the Security Services, both at his law practice and his home.

The Observatory fears that the life of **Karim Khelili** is under serious threat.



**FOLLOW UP**  
**DZA 001 / 9802 / OBS 008 . 01**  
**New information**  
**February 12th 1998**

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The Observatory has been informed of the release of **Karim Khelili**, on Saturday 7th February at 17:30. The authorities denied that he was held in detention despite proof that he was held in the Commissariat "des cinq maisons" in the South of Alger. Karim Khelili was not subjected to ill treatment during his detention, but he and members of his family are in a state of shock.

The Observatory welcomes his release and would like to extend its thanks to the groups, individuals and institutions for their enormous efforts on its behalf.

**UPDATE**

Concerning this case, the Observatory has received 2 briefings: one was sent by the Permanent Mission of the Algerian Republic in Geneva, on 24th February, 1998, stating that Farid and **Karim Khelili** had been released; the other was from the National Observatory of Human Rights sent, on 16th February, 1998, also announcing the release of Karim Khelili. According to these two sources, the arrest of those persons was placed "on the grounds of information stating that they had made contact with people suspected of illegal activities".





# ARGENTINA

URGENT ACTION - THE OBSERVATORY

<b>General information<sup>1</sup></b>		<b>Economic and Social Indicators</b>												
Head of State	Carlos Saul Menem	Gross Domestic Product per person - 1995 (in \$ de 1987)	3 793											
Regime	Presidential	Agricultural - 1995 ( % of GDP)	6											
Capital	Buenos Aires	Industrial Production - 1995 ( % of GDP)	31											
Land Surface (km <sup>2</sup> )	2 766 889	Tertiary Sector - 1995 ( % of GDP)	63											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 ( % of the Population)	/											
Total Population - 1995 (in millions)	34,8	Monetary Poverty - 1989/1994 ( % - (population living under the national poverty line)	26											
Life Expectancy - 1995 (years)	72,6	Gross National Product per person - 1995 ( in \$)	8 030											
Infant Mortality - 1996 (for 1000 births)	22	Rate of Growth of the Gross National Product-1980/1995 ( %)	1											
Fertility Rate - 1995	2,7	Total External debt - 1995 (in Billions of \$)	89,8											
Rate of Population Growth -1995/2015 ( %)	1,1	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 ( %)	96,2	Public Health Expenditure - 1990 ( % of GDP)	2,5											
Gross Education Rate - 1995 ( %)	79	Public Education Expenditure - 1995 ( % of GNP)	4,5											
Population deprived of Access to Health Services - 1990/1995 ( %)	29 <sup>3</sup>	Military Spending - 1996 ( % of GDP)	1,5											
Daily Calorie Intake per person 1995	3097	Military Spending - 1990/1991 ( % of combined health and education spending )	51											
<b>Ratification of major international and regional Human Rights Instruments<sup>3</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH <sup>c</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X	X	X		X					X	X	X
<p>1 - Indicators under the head " General information " are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, this data refers to a year or to a period other than the one indicated in this head. It does not correspond to a standard definition or only applies to an area of a country under study.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**ARG 001/ 9803/ OBS 016**  
**Illegal searches / Removal**  
**of information and equipment**  
**March 17th 1998**

The Observatory has received information which raises concern for the Association of Families of Persons Detained and Disappeared for Political Reasons in Argentina.

According to information received through Equipo Nizkor, both Serpaj-Argentina, and the Argentine section of Amnesty International as well as the Association of Families of Detained and Disappeared Persons have reported that the offices of the latter organisation were broken into during the weekend of 7th - 8th March 1998.



This is the eighth break-in perpetrated against the Association. On this occasion the existing documentation was stolen, including the archives referring to the case of the III Army Corps (Cordoba). The stolen equipment also includes the computers which the Association had acquired the week before in order to replace those stolen at the end of August 1997.

The Association of Families of the Detained and Disappeared is the depository of information which it has been collecting for over 21 years. It co-operates with the League for the Rights and Liberation of Peoples (LIDLIP) in the lawsuit against Argentine military personnel initiated in Italy. The Association is engaged in similar collaboration with Equipo Nizkor and other organizations which initiated the lawsuit in Spain.

This attack took place against premises situated in front of the Chamber of Deputies which has an important security system including a police station.

In view of the work carried out by the Association, including the lawsuits against Argentine military personnel now taking place in Spain, Italy and shortly also in Germany, there is a feeling that the "robberies" are the work of agents belonging to various intelligence services (including Intelligence Battalion 601 and the Naval Intelligence Service) in order to obtain information available in the archives and the elements of proof referring to the lawsuit to be initiated in Germany.

The reports recall that two weeks ago the President of Argentina appointed a team of ministers who were to put an end to the lawsuit in Spain.

The Observatory shares the concern expressed by Equipo Nizkor and the other organisations and their conviction that the sole purpose of the actions perpetrated against the Association and those which might be taken against other organisations, is to prevent collaboration and the submission of proof at the lawsuits against the Argentine military personnel.

The Observatory considers that there are reasons to suspect the involvement of State agents every time that attacks have taken place against the Association, since, because of the location of its



headquarters as such acts could not have been carried out without neutralising the electronic surveillance system and the agents of the police station situated in the Chamber of Deputies.

ARG 002 / 9807 / OBS 015

Threats

July 3th 1998

The Observatory has been informed by the "Asociación Derechos Human Rights" of the existence of serious threats directed against Dr. Sergio Smietniansky, lawyer and member of the "Coordinadora Contra la Represión Policial e Institucional" (CORREPI).

According to the information received, on 3rd July, an unidentified person telephoned the office of Dr. Sergio Smietniansky and proceeded to leave a message, (which was recorded), saying such things as: "you will be coughing up blood, Jew,... We are going to wait for you when you leave your office and we will see if you continue to act as a fool".

A few hours before receiving this threat, Dr. Smietniansky had been providing assistance to poor families who had been brutally forced out of their homes in the neighbourhood of Flores, in the Buenos Aires province. Dr. Smietniansky represents victims of police repression, particularly in the case of homicides resulting from the police's "trigger-happy" ("gatillo fácil") behaviour.

He is currently working on the case of the "Ingeniero Budge" massacre, that took place in 1987, along with other lawyers of the CORREPI. Three police officials, who had been sentenced to eleven years' imprisonment for the homicide of three people in this case, remain free after having escaped. The CORREPI has been pressuring State authorities to undertake an investigation into the circumstances of this escape in order to arrest and incarcerate the three police agents.

The Observatory would like to underline its preoccupation with such threats which threaten the safety and freedom of lawyer Sergio Smietniansky as well as the other members of the "Coordinadora Contra la Represión Policial e Institucional".



# BANGLADESH

URGENT ACTION - THE OBSERVATORY

<b>General information<sup>1</sup></b>		<b>Economic and Social Indicators</b>	
Head of State	Shahabuddin Ahmed	Gross Domestic Product per person - 1995 (in \$ de 1987)	202
Regime	Parliamentary	Agricultural - 1995 (% of GDP)	31
Capital	Dhaka	Industrial Production - 1995 (% of GDP)	18
Land Surface (km <sup>2</sup> )	143 998	Tertiary Sector - 1995 (% of GDP)	52
		Human Poverty Indicator 1995 (% of the Population)	46,5
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	48
Total Population - 1995 (in millions)	118,2	Gross National Product per person - 1995 (in \$)	240
Life Expectancy - 1995 (years)	56,9	Rate of Growth of the Gross National Product-1980/1995 (%)	4,5
Infant Mortality - 1996 (for 1000 births)	83	Total External debt - 1995 (in Billions of \$)	16,4
Fertility Rate - 1995	3,3		
Rate of Population Growth - 1995/2015 (%)	1,6	<b>Social and Military Expenditure</b>	
Adult Literacy Rate - 1995 (%)	38,1	Public Health Expenditure - 1990 (% of GDP)	1,4
Gross Education Rate - 1995 (%)	37	Public Education Expenditure - 1995 (% of GNP)	2,3
Population deprived of Access to Health Services - 1990/1995 (%)	55	Military Spending - 1996 (% of GDP)	1,7
Daily Calorie Intake per person 1995	2 001	Military Spending - 1990/1991	41
		(% of combined health and education spending)	

### Ratification of major international and regional Human Rights Instruments\*

ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD <sup>a</sup>	CEDAW	CEDH	CEDH <sup>b</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFPD
					X		X							

1 - Indicators under the head "General information" are extracted from l'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.

2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.

\* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.

**BGD 001/ 9803/ OBS 019**  
**Fear of Torture / Arrest / Harassment**  
**March 21th 1998**

The Observatory has received information concerning grave violations against human rights defenders and continuing violations of indigenous peoples human rights in the Chittacong Hill Tracts of Bangladesh - a disputed territory in Bangladesh which has seen the influx of a great many settlers onto what were previously indigenous peoples lands.

According to information received, on 9th March, 1998, Mr Sanchay Chakma, former President of the Hill Students Council and Mr Dhruvajyoti Chakma, a member of the Hill Students Council at



Khagrachari, were arrested by members of the Bangladesh Police, during a meeting of the same organisation. The Hill Students Council works to defend the human rights of the indigenous peoples of the CHT.

They were apparently arrested on charges filed by the Bangladesh National Party Government in 1993. Up to the date of this appeal, they have been denied access to their lawyers and, given the circumstances of their arrest, there are grave fears for their physical and psychological integrity.

Mr Sanchay Chakma regularly attends the United Nations Working Group on Indigenous Populations and is a respected human rights defender.

These recent arrests come just after the arrest of other members of the Hills Peoples Council. Mr Sachib Chakma, a leader of the Hill Peoples Council, was arrested on 11th February, 1998, at Naniachar Bazar, along with two colleagues, Mr Jyotimoy Chakma and Mr Tapan Jyoti Chakma. They were arrested for their alleged involvement in what has become known as the Naniachar riot on 17th November, 1993. They remain in detention and there are grave fears for their physical and psychological integrity.

During the Naniachar riot more than 40 Indigenous peoples of the CHT were allegedly killed by the Bangladesh army and settlers. The Government's Judicial Inquiry Commission report inquiring Naniachar killings submitted its report on 26 May 1994, but the Government has so far failed to publish the report.

These acts come within the context of other acts of harassment. On the 15th February, the offices of the Hill Peoples Council, Hill Students Council and Hill Women's Federation at 470, Jagannath Hall, Dhaka University were raided by the authorities without warrant.

Despite the signing of a peace accord on 2nd December, 1997, apparently resolving the status of the CHT, the continuing arrest and detention of the indigenous peoples of the CHT, by the Bangladesh security forces, demonstrate continuing concern over violations of human rights in the CHT.



# BELARUS

URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Alexander Loukachenko	Gross Domestic Product per person - 1995 (in \$ de 1987)	1712											
Regime	Presidential	Agricultural - 1995 (% of GDP)	13											
Capital	Minsk	Industry - 1995 (% of GDP)	35											
Land Surface (km <sup>2</sup> )	207 600	Tertiary Sector - 1995 (% of GDP)	52											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	/											
Total Population - 1995 (in millions)	10,4	Population living under the poverty line (4 \$ [in PPA 1990] per day and per person) - 1989/1994 (% of the population)	23											
Life Expectancy - 1995 (years)	69,3	Gross National Product per person - 1995 (in \$)	2 070											
Infant Mortality - 1996 (for 1000 births)	18	Rate of Growth of the Gross National Product-1980/1995 (%)	/											
Fertility Rate - 1995	1,5	Total External debt - 1995 (in millions of \$)	1648											
Rate of Population Growth -1995/2015 (%)	-0,2	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	97,9	Total Health Expenditure - 1991 (% of GDP)	3,2											
Gross Education Rate - 1995 (%)	80	Public Education Expenditure - 1995 (% of GNP)	5,6											
		Military Spending - 1996 (% of GDP)	4,2											
		Military Spending - 1990/1991 (% of combined health and education spending)	/											
Ratification of major international and regional Human Rights Instruments <sup>3</sup>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-PT	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X		X		X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

BLR 001 / 9709 / OBS 011  
 Forcible Eviction / Confiscation  
 of Equipment/files  
 September 30th 1997

The Observatory for the Protection of Human Rights Defenders has been informed by Article 19 and Penal Reform International of the grave concern for the freedom and security of the staff and members of the Belarus League for Human Rights in Minsk.

According to the information received, on 25th September, 1997 at around 1pm, a group of about 12 persons entered the offices of the League and took possession of the premises, equipment and evicted the staff.

The intruders apparently used a key to enter the premises. The only keys of the office were held by the Chairperson, his deputy, and the police security unit responsible for monitoring the electronic intruder alarms. When the staff attempted to re-set the intruder alarms, they discovered that they had apparently been switched off at the central monitoring station.

The staff recognised four of the intruders: one had taken part in some of the League's activities, and another had for some time herself been a member of the staff. It is feared that these persons may have links with the authorities.

When the League's staff asked the intruders what they were doing, they replied that there had been a change in control of the League, and that they had come to the premises to take possession of their property. They showed an official document of registration dating from the previous day, registering the Belarus League for Human Rights in the name and address of one of the intruders. That registration was apparently irregular : it had been granted by the Ministry of Justice, despite the fact that, since 1992, the Belarus League for Human Rights has been officially registered in the name of the Chairperson.

The Chairperson of the League, Evgeny Novikov, is currently abroad. His deputy was in charge of the office at the time of the intrusion, along with four or five of the staff. The legal title to the premises is held by the Chairperson of the League, with official authorisation to use the premises as an office.

When one of the staff, a middle-aged man, remonstrated with the intruders, one of them physically assaulted him. In response to protests by another member of staff, one of the intruders allegedly threatened that the Chairperson could be sent to prison for 15 years as a result of his activities with the League for Human Rights (fifteen years is the penalty set out in the Belarus Criminal Code for "anti-state activity"). The staff tried to call the police, but the intruders prevented them from making calls. Eventually the police were called but they refused to get involved, on the pretext that the owner of the apartment -- the Chairperson of the League -- was not present.



The intruders took financial and other papers, copied material from the computer files, and changed the locks on the doors and forced the staff to leave. They remain unable to access the League's office.

The Belarus League for Human Rights is an independent non-governmental organisation established in 1992. It aims to protect and promote human rights and, specifically, works for the implementation in Belarus of international human rights standards. In recent months, the League has been working in association with many prominent international NGOs. In August, the Article 19 and the group presented a submission to the United Nations Human Rights Committee, which at the end of October is due to examine Belarus' state report. The Chairperson of the League was present in Geneva during the session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. He made an oral statement on the situation of human rights in Belarus.

The Observatory for the Protection of Human Rights Defenders is gravely concerned by these developments particularly as they appear to reveal the presumed involvement of the authorities in seriously hampering the freedom of action of human rights defenders.

#### UPDATE

To date, the headquarters of the Belarus League of Human Rights, located in the apartment of Mr. Evgeny Novikov, are still occupied.

When he returned to Minsk in November 1997, Mr. Novikov was accused by the authorities of using the League's money for his own purposes. He was interrogated many times during which he was subjected to ill-treatment; he was called an "American agent" and accused of insulting the Belarus State because he reported on the human rights situation in the country. Since then, he has been the object of strict surveillance.

On 5th December, 1997, the local section of the Administration of the Struggle against Crime (from the Ministry of Internal Affairs) finally concluded that the activities of Mr. Novikov were not against the law.





Although the District Court ordered on 17th December, 1997 the expulsion of the people illegally occupying the League's office and the apartment of Mr. Novikov, on 29th January, 1998, the Court of Appeal quashed this decision. It ordered a new trial at the District Court with new judges.

Institut kurde de Paris



# BOLIVIA

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Hugo Banzer	Gross Domestic Product per person - 1995 (in \$ de 1987)	790											
Regime	Presidential	Agricultural - 1995 ( % of GDP)	/											
Capital	Sucre (the Government has its headquarters at La Paz)	Industrial Production - 1995 ( % of GDP)	/											
Land Surface (km <sup>2</sup> )	1 098 581	Tertiary Sector - 1995 ( % of GDP)	/											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	21,6											
Total Population - 1995 (in millions)	7,4	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Life Expectancy - 1995 (years)	60,5	Gross National Product per person - 1995 ( in \$)	800											
Infant Mortality - 1996 (for 1000 births)	71	Rate of Growth of the Gross National Product-1980/1995 (%)	1,7											
Fertility Rate - 1995	4,6	Total External debt - 1995 (in Billions of \$)	5,3											
Rate of Population Growth -1995/2015 (%)	2,1	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	83,1	Public Health Expenditure - 1990 (% of GDP)	2,4											
Gross Education Rate - 1995 (%)	69	Public Education Expenditure - 1995 (% of GNP)	6,6											
Population deprived of Access to Health Services - 1990/1995 (%)	33	Military Spending - 1996 (% of GDP)	2,1											
Daily Calorie Intake per person 1995	2 189	Military Spending - 1990/1991 (% of combined health and education spending )	57											
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH <sup>c</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X			X		X					X		
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**BOL 001 / 9709/OBS 011**  
**Harassment / Threats**  
**September 24th 1997**

The Observatory for the Protection of Human Rights Defenders has to express grave concern at the systematic harassment of Mr **Waldo Albarracin Sanchez**, since the beginning of 1997. Mr Albarracin Sanchez is the President of the Permanent Human Rights Assembly of Bolivia (APDHB), a member organisation of both FIDH and OMCT.

On 25th January, 1997, Mr Albarracin Sanchez was abducted by a group of eight persons who subjected him to torture over a period of

about three hours before leaving him in a cell of the Technical Judicial Police (see appeal BOL 290197 dispatched by OMCT). Numerous Human Rights organisations then took up the case: the FIDH sent a mission to Bolivia in order to inquire about the events, identify those responsible and request the authorities to ensure the physical and psychological integrity of Mr Albarracin Sanchez. Mr Albarracin Sanchez was later released.

Apparently certain officers belonging to the Technical Judicial Police have been implicated in this affair ; yet only General Willy Arriaza, Commander of the Bolivian National Police, has been removed from his post. No result has been published from the inquiry carried out by the Chamber of Deputies' Commission on the Constitution Justice and Judicial Police, nor has it been examined by the Chamber of Deputies.

According to information received from the Bolivian Permanent Human Rights Assembly, since his abduction Mr Waldo Albarracin Sanchez and his family have received repeated death threats over the telephone at their home and also at the college attended by his children. In March of 1997, he was forced to move as the Bolivian authorities had neither taken measures to protect him, nor to investigate the threats made against him.

On 1st September, 1997, a woman telephoned the headquarters of the APDHB to inform Mr Waldo Albarracin Sanchez that his youngest son had been run over by a car, in the centre of La Paz. After investigation, it turned out that his son was at the dentist. Nevertheless, the event demonstrates that the members of the Albarracin family are being followed, since the son was actually in the area where the alleged accident was supposed to have taken place. Following this, Mr Waldo Albarracin Sanchez filed a complaint to the Bolivian Government against the actions of extreme psychological harassment aimed at him, his family and his organisation.

#### UPDATE

Concerning the OMCT's urgent appeal, the Permanent Mission of Bolivia in Geneva indicated in a letter dated 12th May 1997, that an inquiry had been opened by the Chamber of Deputies' Commission on



the Constitution of Justice and the Judicial Policy. Its report should soon be examined by this Chamber. It is the same report mentioned in the Observatory appeal.

To this day, the Observatory, FIDH and OMCT have not received any new information on this case, nor on the results of the Commission's inquiry. We do not know if this report was examined by the Chamber.

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# BRAZIL

## URGENT ACTION – THE OBSERVATORY

<p><b>General information<sup>1</sup></b></p> <p>Head of State: Fernando Henrique Cardoso</p> <p>Regime: Presidential</p> <p>Capital: Brasilia</p> <p>Land Surface (km<sup>2</sup>): 8 511 965</p> <p><b>Population<sup>2</sup></b></p> <p>Total Population - 1995 (in millions): 159</p> <p>Life Expectancy - 1995 (years): 66,6</p> <p>Infant Mortality - 1996 (for 1000 births): 44</p> <p>Fertility Rate - 1995: 2,3</p> <p>Rate of Population Growth - 1995/2015 (%): 1,1</p> <p>Adult Literacy Rate - 1995 (%): 83,3</p> <p>Gross Education Rate - 1995 (%): 72</p> <p>Population deprived of Access to Health Services - 1990/1995 (%): /</p> <p>Daily Calorie Intake per person 1995: 2 824</p>	<p><b>Economic and Social Indicators</b></p> <p>Gross Domestic Product per person - 1995 (in \$ de 1987): 2 051</p> <p>Agricultural- 1995 (% of GDP): 14</p> <p>Industrial Production - 1995 (% of GDP): 37</p> <p>Tertiary Sector - 1995 (% of GDP): 49</p> <p>Human Poverty Indicator 1995 (% of the Population): /</p> <p>Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line): 17</p> <p>Gross National Product per person - 1995 (in \$): 3 640</p> <p>Rate of Growth of the Gross National Product-1980/1995 (%): 1,4</p> <p>Total External debt - 1995 (in Billions of \$): 159,1</p> <p><b>Social and Military Expenditure</b></p> <p>Public Health Expenditure - 1990 (% of GDP): 2,8</p> <p>Public Education Expenditure - 1995 (% of GNP): /</p> <p>Military Spending - 1996 (% of GDP): 2,1</p> <p>Military Spending - 1990/1991 (% of combined health and education spending): 23</p>													
<p><b>Ratification of major international and regional Human Rights Instruments<sup>3</sup></b></p>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X		X		X		X					X	X	
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**BRA 001 / 9803 / OBS 018**  
**Illegal Detention**  
**Risk of Expulsion**  
**March 20th 1998**

The Observatory has received information from the Conselho Indigenista Missionario (CIMI) concerning the temporary illegal detention, intimidation and threat of expulsion of Winfridus Overbeek, a missionary.

The detention took place on 18th March at 5:30 a.m. in front of the CIMI offices of the Organisation in the city of Aracruz, state of Espiritu Santo.



**Winifridus Overbeek**, aged 32, Dutch, and an environmental engineer, works for CIMI evaluating the productive programmes of the Indigenous Tupinikim and Guarani peoples in the state of Espiritu Santo. He was detained by three agents of the Federal police (two men and one woman) and taken to the Superintendency of the Federal Police in Vitoria, capital of the state of Espiritu Santo, where he underwent seven hours of interrogation.

At the end of the interrogation the delegate Fernando Queiroz informed him that he had received orders from the Ministry of Justice saying that he had failed to comply with laws governing foreigners' status - article 21 of the Decree 86.715/81 and article 26 of Act 6.815/80 (Statute of Foreigners) - that he would be fined and that the validity of his residence visa (originally provided for 2 years), would be reduced to 8 days. Following the expiry of the eight days he would be expelled.

The Conselho Indigenista Missionario, an organisation which has for several years been actively working for human rights and fundamental liberties, including the delimitation of lands of the indigenous population in Brazil, believes that these are repressive measures taken by the judicial authorities and are related to the action being taken against the indigenous Tupinikim and Guarani peoples. These peoples have recently begun a demarcation of their traditional lands which were taken over by the transnational undertaking "Aracaruz Celulose".

The Observatory fears for the safety of Winifridus Overbeek and other members of the CIMI or others working to defend the rights of indigenous peoples and there are grounds for concern for their integrity.

**FOLLOW UP**  
**BRA 001 / 9803 / OBS 018 . 01**  
**New Information**  
**March 31th 1998**

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The Observatory has been informed by the Conselho Indigenista Missionario, that the Judge Maria Claudia de Garcia from the 3rd



Chamber of the Federal Justice from the State of Espiritu Santo, invalidated the decision taken by the Federal Police, reducing the duration of the residence visa of Winfridus Overbeek.

The Court decision re-established the visa formerly accorded to **Winfridus Overbeek**, that is to say for a duration of 2 years (until 1999).

The Observatory is happy to learn of the decision of the court and thanks all the groups, individuals and institutions for their efforts and their support, which have contributed to the positive completion of this case.

Nevertheless, because of the situation prevailing in this country, the Observatory remains alert to prevent any new action committed against human rights.

BRA 002 / 9803 / OBS 023  
Homicide  
April 9th 1998

The Observatory has been informed of the murder of Mr. **Onalicio Araujo Barros** (nicknamed Fusquinha) and **Valentin Serra** (nicknamed Doutor), leaders of the MST ( Movimento dos Trabalhadores Rurais Sem Terra - Movement of Landless Rural Workers -) an organisation which has for several years promoted and defended the rights of landless peasants in Brazil.

According to information received from the MST (a member of the OMCT network) on March 26th Onalicio Araujo Barros and Valentin Serra were executed by "fazendeiros" - local land owners - identified as Donizete and Carlos Antonio da Costa, when they were negotiating the temporary settlement of a group of approximately 500 families in Vila Cedere 1, of the Carajas III settlement project, in Pará.

The families referred to had recently abandoned a plot of land: "fazenda Goiás II" located in the Carajas III settlement project. They had occupied the land on March 14th. Ownership of the land was claimed by Carlos Antonio da Costa.



On 26th March, following an agreement with the judicial authorities, the families evacuated the land accompanied by agents of the Military Police, followed by a group of “pistoleiros” (hired armed men) and local landholders (fazendeiros) including the above-mentioned Donizete and Carlos Antonio da Costa.

According to information received from the MST, after the attack on Valentin -Serra and Onalicio Araujo Barros, the bodies were placed in a vehicle and taken approximately 4 kms away, where they were later found half buried and showing signs of blows.

The Observatory emphasizes its grave concern over the events and recalls that in the past various members of the MST have been victims of similar acts and other grave violations of their fundamental rights. The repetition of such acts is a cause of particular concern because of the climate of impunity which those responsible have enjoyed, including police agents, a good example being the massacre of 19 peasants in Eldorado do Carajás on 17th April 1996, which was witnessed by the two executed leaders, Valentin Serra and Onalicio Arauj Barros.

#### UPDATE

In July 1998 the Observatory received information from the Government of Brazil, communicated to the Scottish's Centre for Human Rights, indicating that nine landholders and eight military police personnel detained in connection with these events had been released, the tribunals having admitted the Habeas Corpus proceedings.

It was also claimed that the agents had been disciplined with 30 days of arrest and the Governor of Pará ordered them to be removed from office.

The Government thereby indicated that the case continued to be examined by the Federal Prosecutor and that a mission from the Chamber of Deputies' Human Rights Commission would undertake a visit in situ in order to assess the progress of the investigations.

Since then the Observatory has received no other information concerning the case and to this date is unaware of the result of the investigations referred to.





BRA 003 / 9805 / OBS 036  
Arbitrary or illegal arrest  
May 29th 1998

The Observatory for the Protection of Human Rights Defenders has just been informed by the Catholic Committee against Hunger and for Development (CCFD) of the arrest, on 27th May, 1998 in Maraba, of Luiz Bressan, member of the FASE (Maraba), a partner organization of the CCFD and of Maria de Jesus, one of the leaders of the Mouvement des Sans Toit (Roofless).

FASE is a Brazilian NGO dealing mainly with the defence of economic and social rights.

These events occurred when a CCFD team had come to inspect in the company of Mr Bressan, a camp for the Roofless, regrouping over 1,200 families at the edge of the Transamazonian highway.

A few minutes after their arrival, members of the Federal and Military police appeared and asked to speak to the leaders of the Movement. Luiz Bressan intervened seeking to prevent the police from resorting to violence. The police then asked him and Maria de Jesus to accompany them to their car. On reaching the vehicle they were forcibly pushed into the vehicle and immediately taken away by the federal police. In view of the circumstances of their arrest, the Observatory has serious reasons for fearing for the physical and psychological integrity of Luiz Bressan and Maria de Jesus.

#### UPDATE

The Observatory was informed that Mr. Luiz Bressan from FASE and Maria de Jesus, from the Movement of Roofless, were released on the same evening of their arrest. An enquiry was launched into the acts of intimidation by the Federal Police Sergeant responsible.



BRA 001 / 9806 / OBS 041

Harassment / Death threats

June 25th 1998

The Observatory has been informed by several sources, among which the Movimento Nacional de Direitos Humanos (affiliate of the FIDH) that, on June 13th and 14th, the lawyers of the "Centro de Defesa dos Direitos Humanos Antônio Porfirio dos Santos", Mrs. **Edna Flor** and Mr. **Donizeti Flor**, (brother and sister) received death threats by telephone, from an unidentified man. He threatened them with reprisal if they didn't leave the city of Araçatuba within the next 15 days. Furthermore, two handmade bombs were thrown in front of their office. The threats have been recorded which has enabled the authorities to begin an investigation.

The neighbours of Mrs. Edna Flor and Mr. Donizeti Flor noted the presence of cars with different number plates parked in front of the office, their occupants exchanging arms.

It is feared that these death threats are a retaliation for their denunciations of cases of torture, perpetrated by members of the civilian and military police. Mrs. Edna Flor and Mr. Donizeti Flor notably intervened in the case of Antonio Porfirio dos Santos, who had been the victim of torture by police officers and had died by drowning.

The cases of torture denounced by Mrs. Edna Flor and Mr. Donizeti Flor include inflicting death by drowning the victims and urinating in their mouths. In one of these cases, two policemen were convicted to five years and four months of imprisonment. Another case involving twenty persons is still pending.

The Observatory has also been informed of another similar case of harassment, tied to previous denunciations of corruption, concerning Mr. Vereador Orlando Fantazine, member of the Centro de defesa dos direitos humanos "Pe. Joao Bosco Burnier", and his daughter. The Observatory reiterates its grave concern for this situation and urges the authorities to adopt the necessary measures to enable human rights organisations and their members to freely pursue their activities in favour of human rights.



# CHAD

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Gal Idriss Déby	Gross Domestic Product per person - 1995 (in \$ de 1987)	178											
Regime	Presidential	Agricultural- 1995 (% of GDP)	44 <sup>2</sup>											
Capital	N'Djamena	Industrial Production - 1995 (% of GDP)	22											
Land Surface (km <sup>2</sup> )	1 284 000	Tertiary Sector - 1995 (% of GDP)	35											
		Human Poverty Indicator 1995 (% of the Population)	/											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - [population living under the national poverty line]	/											
Total Population - 1995 (in millions)	6,3	Gross National Product per person - 1995 (in \$)	180											
Life Expectancy - 1995 (years)	47,2	Rate of Growth of the Gross National Product-1980/1995 (%)	4,9											
Infant Mortality - 1996 (for 1000 births)	92	Total External debt - 1995 (in Billions of \$)	0,9											
Fertility Rate - 1995	5,7													
Rate of Population Growth -1995/2015 (%)	2,5	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	48,1	Public Health Expenditure - 1990 (% of GDP)	4,7											
Gross Education Rate - 1995 (%)	27	Public Education Expenditure - 1995 (% of GNP)	2,2											
Population deprived of Access to Health Services - 1990/1995 (%)	70	Military Spending - 1998 (% of GDP)	2,7											
Daily Calorie Intake per person 1995	1917	Military Spending - 1990/1991 (% of combined health and education spending)	74											
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD <sup>3</sup>	CEDAW	CEDH	CEDH <sup>3</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICDP
X	X	X	X		X		X				X			
<p>1 - Indicators under the head " General information " are extracted from "Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical yearbook.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, data regarding the Agricultural Production, Industrial Production as well as the Tertiary sector relate to a year or to a previous period to those indicated under the head.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

TCD 001 / 9803 / OBS 021

Harassment / Death threats

Ill treatment

March 27th 1998

The Observatory has been informed that during the night of Sunday 22nd March 1998 Mr. Dobian Assingar, a human rights activist (known for his role in the peace accords between the armed opposition group known as the "Forces armées pour la République fédérale" (FARF) and the authorities of Chad) was forced, with his family, to leave his home after members of the military broke down the door.



Mr. Dobian Assingar was previously the object of telephoned death threats following an appeal launched by human rights groups to protest the civilian massacres by both the FARF and the Security Forces. Over the course of the last six months the security forces of Chad have executed, without trial, many civilians in the south of the country. These massacres and other violations, including arbitrary detention and torture, have been perpetrated by the security forces in revenge for actions taken by the FARF, including the taking of French hostages last February.

Since September 1997, human rights activists and certain journalists have been subjected to threats from the security forces. On 25th September, 1997, Mr. Sosthène Ngargoune, President of the Chadian Union of Journalists was subjected to a serious beating by members of the security forces during an interview that he was conducting in the Police Station of Moundou. They threatened to kill him, along with another human rights activist, Mr. Julien Beassembda.

Given the deteriorating situation, several human rights organisations from Tchad formed a collective to denounce and condemn the violence. Following the action, the authorities accused the organisations of calling for insurrection, and have subsequently suspended all the groups in the collective.

The Observatory unconditionally condemns the threats, violence and ill treatment of all human rights defenders and considers that these actions violate international instruments that guarantee freedom of action for human rights defenders and human rights generally.

#### UPDATE

The Observatory was informed by the Chadian League for Human Rights, affiliate of FIDH, that the harassment of Mr. Dobian Assingar continues. He has been a victim of different forms of administrative harassment and his current job is at risk. He continues to be under tight surveillance.

Moreover, the suspension of the organisations that gathered as a network to report on human rights violations perpetrated in Chad was lifted following a decision by the Minister of the Interior on 3rd April 1998.



# CHINA

## URGENT ACTION – THE OBSERVATORY

<b>General information<sup>1</sup></b>		<b>Economic and Social Indicators</b>	
Head of State	Jiang Zemin	Gross Domestic Product per person - 1995 (in \$ de 1987)	481
Regime	Popular democracy with one party	Agricultural - 1995 (% of GDP)	21
Capital	Peking	Industrial Production - 1995 (% of GDP)	48
Land Surface (km <sup>2</sup> )	9 596 961	Tertiary Sector - 1995 (% of GDP)	31
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	17,1
Total Population - 1995 (in millions)	1220,2	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	11
Life Expectancy - 1995 (years)	69,2	Gross National Product per person - 1995 (in \$)	620
Infant Mortality - 1996 (for 1000 births)	38	Rate of Growth of the Gross National Product-1980/1995 (%)	10,1
Fertility Rate - 1995	1,9	Total External debt - 1995 (in Billions of \$)	118,1
Rate of Population Growth -1995/2015 (%)	0,7	<b>Social and Military Expenditure</b>	
Adult Literacy Rate - 1995 (%)	81,5	Public Health Expenditure - 1990 (% of GDP)	2,1
Gross Education Rate - 1995 (%)	64	Public Education Expenditure - 1995 (% of GNP)	2,3
Population deprived of Access to Health Services - 1990/1995 (%)	12	Military Spending - 1996 (% of GDP)	5,7
Daily Calorie Intake per person 1995	2 708	Military Spending - 1990/1991 (% of combined health and education spending)	114

### Ratification of major international and regional Human Rights Instruments\*

ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH <sup>c</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
			X		X		X							

1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.

2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.

\* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.

**CHN 001 / 9802 / OBS 012**

**Persecution/Detention/**

**Risk of forced exile**

**February 19th 1998**

The Observatory for the protection of Human Rights Defenders is particularly concerned that all those who try to defend and promote human rights in China are systematically victims of violations.

The Observatory has been informed by Human Rights in China of the case of **Mr Li Bifeng**. He is a dissident who spent five years in jail because of his support for and involvement in the 1989 democratic movement. Since July 1997, the police have been searching for him, for



having published information regarding social conflict and demonstrations held in the province of Sechouan in Mianyang during the last two weeks of June 1997.

Indeed, during this period, several thousand dismissed workers demonstrated demanding that the government give them the unemployment benefit that was legally theirs. These funds had been misappropriated by the authorities after the bankruptcy of a state-owned textile factory. In the end, the police suppressed this social uprising and apprehended numerous demonstrators. The local authorities imposed a curfew.

Since then, Li Bifeng has been forced into hiding with his wife and some of his friends, in particular Mrs Zhang Jian, who have been interrogated by the police on several occasions. In December 1997, Li Bifeng wrote to the Central Committee of the Communist Party, demanding the release of all political prisoners and an end to the persecution of dissidents and the single party system. He also denounced the policy of forcing dissidents into exile.

The Observatory would like to stress that, according to the information received, these proceedings are common. The policy mentioned above has the sole aim of "getting rid" of people who have done nothing more than exercise their right to the freedom of association, opinion and demonstration. There is a recent example, from November 1997, of Wei Jingsheng, who spent a total of 19 years in prison as a result of his peaceful involvement in "The Wall of Democracy Movement" at the end of the 1970's. Several hundred dissidents have been forced into exile.

Moreover, the Observatory has received information on the arrests of a number of prominent dissidents. All of these arrests took place between the 6th and 9th February, 1998; these people are involved in the fight to defend democracy and human rights. Among them were notably Mr Xu Shuiling from Jiangsu, Wang Dong from Hangzhou, Yang Qinheng from Shanghai, Zhang Rujuan from Shanghai and Wang Tingjin from Bengbu (Province of Anhui).

All were taken by the security forces for interrogation. On 9th February, policemen ransacked Yang Qinheng's house, confiscating numerous documents including personal letters. Following this, he

was placed on 24 hour guard – the lawful procedure was not respected.

All of these people have now been released, with the exception of Mr Wang Tingjin, an active member of the Anhui dissident community. According to our information, these arrests are linked to the fact that Wang Bingzhang was in China at the same time. He was the founder and former President of the Alliance for Democratic China and has lived in the USA and Canada since the end of the 1970's. All of the arrested would have been in contact with him without necessarily being aware of the way in which Wang Bingzhang had organised his stay. He was arrested by the Chinese authorities and deported to the United States on 9th February, 1998.

FOLLOW UP  
CHN 001 / 9802 / OBS 012 . 01  
New Information  
August 26th 1998

The Observatory has just been informed by Human Rights in China that Mr Li Bifeng was sentenced, on August 24th, 1998, to seven years imprisonment by the popular court of Mianmyang (province of Sichuan). He was arrested last April.

According to the information received, he was found guilty of economic fraud although no real evidence has been brought against him. During the trial, which took place without any witnesses, Mr Li Bifeng declared that the charges against him are part of a strategy of harassment and political persecution, linked to his activity in favour of democracy and human rights defenders.

Moreover, Mr Li Bifeng's lawyer has previously been victim of police pressure, who told him that this case was "complicated" and that he should moderate his defence.

The Observatory condemns the repression and systematic harassment of human rights defenders in China and underlines that these acts represent a violation of international covenants relative to the freedom of thought and expression.



**UPDATE**

Among the dissidents released after a few hours of interrogations, the Observatory was informed that **Mr. Yang Qinheng**, from Shanghai, was arrested again and condemned in April 1998, to an administrative sentence of three years of reeducation through work.

**Mr. Xu Shuliang**, from Jiangu, left China ; he is now in the United States.

**Mr. Wang Tingjin**, from Bengbu, who had been held in detention was condemned in April 1998 to an administrative sentence of two years of reeducation through work for having "disturbed public order".

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# COLOMBIA

URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Andrés Pastrana	Gross Domestic Product per person - 1995 (in \$ de 1987)	1377											
Regime	Presidential	Agricultural - 1995 (% of GDP)	14 <sup>3</sup>											
Capital	Bogota	Industrial Production - 1995 (% of GDP)	32											
Land Surface (km <sup>2</sup> )	1 138 914	Tertiary Sector - 1995 (% of GDP)	54											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	11,1											
Total Population - 1995 (in millions)	35,8	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	19											
Life Expectancy - 1995 (years)	70,3	Gross National Product per person - 1995 (in \$)	1 970											
Infant Mortality - 1996 (for 1000 births)	26	Rate of Growth of the Gross National Product-1980/1995 (%)	3,5											
Fertility Rate - 1995	2,8	Total External debt - 1995 (in Billions of \$)	20,8											
Rate of Population Growth-1995/2015 (%)	1,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	91,3	Public Health Expenditure - 1990 (% of GDP)	1,8											
Gross Education Rate - 1995 (%)	69	Public Education Expenditure - 1995 (% of GNP)	3,5											
Population deprived of Access to Health Services - 1990/1995 (%)	19	Military Spending - 1986 (% of GDP)	2,6											
Daily Calorie Intake per person 1995	2 749	Military Spending - 1990/1991 (% of combined health and education spending)	57											
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X		X		X					X		
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, data regarding the Agricultural Production, Industrial Production as well as the Tertiary sector relate to a year or to a previous period to those indicated under the head.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**COL 001 / 9709 / OBS 015**  
**Attacks / Threats / Persecution**  
**Judicial proceedings**  
**September 29th 1997**

The Observatory is gravely concerned for the safety and freedom of human rights defenders in Colombia. Between May 1996 and August 1997 numerous cases have been reported of attacks, threats, harassment and judicial accusations. According to some organisations, these events are part of a strategy of persecution on the part of the military, judicial and civil authorities, particularly in the department of Antioquia.



According to the Ad Hoc non governmental Committee for Action and Protection of Human Rights Defenders of Colombia, (a network of various human rights organisations) various judicial proceedings and investigations are currently in progress against members of CODEHSEL (Colectivo de Derechos Humanos "Semillas de Libertad"), an association of 15 organisations of the department of Antioquia.

The proceedings have been initiated on the basis of a military intelligence report submitted by No. 6 Battalion of Brigade XX. The report accuses CODEHSEL of being "a front for subversive organisations" and claims that member organisations act as "observers who follow the development of various penal proceedings of persons connected with subversion...which is why it is usual to see a member of "semillas de libertad" (seeds of freedom - CODEHSEL) (sic) obstructing the development of legal proceedings by means of expedients and other fraudulent strategies." CODEHSEL and its members are also accused of organising a campaign "against the public order" by levelling charges "of alleged violations of human rights" in order to present the State with numerous demands and promote these accusations through international organisations including the United Nations. The report claims that the Colectivo "...has assumed the task of exercising pressure on the civil and military authorities in the interests of extremist movements, promoting meetings, marches and slanderous investigations, in addition to a certain degree of militancy at the trade-union and worker level."

A similar report from the commander of the XVII Brigade, General Rito Alejo del Rio, maintains that the subversive elements include a political section "supported by various bodies... such as human rights offices which are in turn backed by national and international non governmental organisations".

In this context the governor of Antioquia, Alvaro Uribe Velez, has described the work of human rights organisations as "guerrilla or parallel diplomacy" (see for instance "El Tiempo", August 2nd, page 3 A).

Last August, four trials started before the Fiscalias Delegadas (The Regional Prosecutor's Service). The following were detained in

connection with the trials: Mrs Ana **Herminta Rengifo Durango**, Vice President of the National Association of Solidarity Assistance -ANDAS- and Mr **Jorge León Giraldo Osorio**, former leader of SINTRAINAGRO. Detention orders were issued against **Martha Inés Zapata**, **Gustavo Arenas Quintero** and **Gerardo Nieto Yanten**, leaders of ANDAS.

Investigation proceedings have also started against: **Bayron Ricardo Gongora Arango**, lawyer, human rights defender, member of Corporacion Juridica Libertad and defender of political prisoners, and the Coordinator of the Human Rights Committee of the municipality of Segovia, **Jesus Ramiro Zapata**; **William García Cartagena**, lawyer and defender of political prisoners; the President of the Corporación Servicios Profesionales Comunitarios (SEMBRAR), **Blanca Lucía Valencia**; and the members of the 15 human rights bodies which make up the CODEHSEL.

In addition to the deteriorating situation in Antioquia, human rights defenders in the rest of the country continue to suffer constant and grave violations. For instance, on 24th September, 1997 in Cartagena, **Teodulo Ignacio Sibaja Martinez**, aged 32, from Mutata (Antioquia), father of 5 children and president of the Cartagena section of ANDAS, was murdered by two men in civilian clothes. He had been repeatedly threatened and was compelled to leave the municipality of Rio Sucio (Choco) and settle in Cartagena.

Members of the NGOs which carry out the Social and Economic Reconstruction Programme for the Displaced Populations in the North East of Colombia with EU funds, have suffered attacks, harassment, been followed and had their premises broken into. This was the case of the REDES corporation in Bucaramanga and the Central Services Cooperative CENCOOSER in the province of Ocaña.

Moreover, members of the Lawyers' Association "Jose Alvear Restrepo" have been repeatedly threatened, harassed and accused in military intelligence reports because of their activity in the defence of human rights and for representing political prisoners. Recently **Miguel Puerto**, a lawyer, was threatened in the department of Arauca, where he is following various proceedings against military authorities for violation of human rights.



This situation facing human rights defenders persists despite a Presidential Order (No. 011 of July 1997) which recognises “the legitimacy of non governmental human rights organisations”. This Order is clearly being deliberately ignored by the authorities of various departments, particularly in Antioquia.

The Observatory notes that the “Fiscalías delegadas” (regional prosecutor’s services) whose task is to try the above-mentioned human rights defenders, constitute what is known as “regional justice” or “faceless judges”. This is a judicial system characterised by the denial or grave obstruction of the procedural rights of the accused, the formulation of accusations based on alleged anonymous witnesses generally agents and the impossibility for the accused to bring proof for the defence.

#### UPDATE

In April 1998 the Observatory was informed of the release of some of the persons mentioned in the case, including Mrs **Ana Herminta Rengifo Durango**, Vice-president of the National Association for Solidarity Assistance (ANDAS).

However, the Observatory does not know whether the legal charges brought against these persons have been dismissed.

COL 002 / 9711 / OBS 017

Harassment/ Threats

Forced Disappearance

October 17th 1997

The Observatory is gravely concerned for the life and safety of the following lawyers: **Alirio Uribe Muñoz**, **Rafael Barrios Mendivil** and **Miguel Puerto Barrera**, members of the “José Alvear Restrepo” lawyers’ corporation and **Carlos Enrique Díaz Hernández**, member of the Students’ Human Rights Committee of the Faculty of Law and of Political and Social Sciences of the National University of Colombia.

1. The members of the “José Alvear Restrepo” lawyers’ corporation, an organisation affiliated to FIDH and OMCT, have been suffering

constant threats and harassment for the past several months. Dr. Alirio Uribe Muñoz, President of the "José Alvear Restrepo" lawyers' corporation and their organisation have been accused of belonging to a network of support for the Union Camilista of the National Liberation Army (a guerrilla movement). This accusation was contained in a report submitted to the Bogota Regional Prosecutor's office by the XIII Brigade of the army. According to the report, the President of the lawyers' corporation "is carrying out a campaign to ensure that the bandits at present under detention be declared political prisoners."

This type of accusation is part of the strategy of the armed forces to make the activities of lawyers and human rights defenders a criminal offence and point to human rights defenders as potential objectives for paramilitary groups or the public forces themselves in undercover actions.

Moreover, another member of this organisation, Miguel Puerto Barrera, has been threatened. On 15th August, 1997, he was part of an Inter-institutional Committee for the investigation of grave violations of human rights in the department of Arauca, and undertook to represent several victims or their families. On 22nd September, 1997, one of the families which he represented was informed by a member of the public forces that he had been declared "a military target" by the XVIII Brigade of the army in that region.

It should also be noted that Dr. Rafael Barrios Mendivil, who since June 1992 has been representing families and survivors of the Caloto case (a massacre of 20 members of the indigenous population in December 1991 in the department of Cauca in the hacienda El Nilo by paramilitary and members of the National Police in the pay of Narcotraffickers) has also been the object of constant tailing, harassment and threats.

On 20th August, 1997 at the Popayan airport, Dr. Rafael Barrios was accosted by a person who gave him a message referring to "cleansing" which concerned the community of the "Nilo", members of the Nasa Kiwi Corporation and the lawyer himself. The same person followed him in the plane as far as the city of Bogota. On 12th September, 1997, the Police Commander of the Department of El Cauca confirmed the



presence in the area of the “el Nilo” hacienda, a squad of paramilitary personnel, heavily armed and wearing national army insignia.

2. On 19th April, 1997, Carlos Enrique Díaz Hernandez, a student at the National University of Colombia and member of the students’ human rights committee of the Faculty of Law and Political and Social Sciences, was accosted by persons who stated they were agents of the B2 (Army intelligence corps), and questioned him about his activity and the activity of the Students’ Committee for Human Rights.

Subsequently, Carlos Enrique Diaz Hernandez and other members of the above-mentioned committee were subjected to harassment. The Committee complained to the competent authorities on 25th April, 1997. Despite the complaint, the harassment continued.

On 16th September, 1997, Carlos Enrique Diaz Hernandez was seen by his fellow-members of the committee and by his family for the last time. His whereabouts are still unknown.

The Observatory considers that these facts constitute a grave infringement of the freedom of action and of the safety of persons involved in the defence of human rights.

**FOLLOW UP**  
**COL 002 / 9711 / OBS 017 . 01**  
**New information**  
**November 3th 1997**

The Observatory was informed that Mr Carlos Enrique Diaz Hernández reappeared alive on 29th October. In his public statements, he declared that he had disappeared voluntarily out of fear of the harassment from unidentified individuals.

The voluntary disappearance of Carlos Enrique Diaz Hernandez is a powerful demonstration of the climate of uncertainty and fear imposed on human rights defenders in Colombia.

The Observatory consequently considers that it is imperative that pressure continue on the Colombian authorities.



COL 003 / 9712 / OBS 022  
Persecution  
Summary execution risk  
December 8th 1997

The Observatory for the Protection of Human Rights is gravely concerned for the personal security of Ms Glen Gonzalez, President of the organisation "Corporacion Sueños de Mujer" (The Dreams of Women Association) and other members of the organisation in Apartado, Uraba Province.

Agir Ensemble pour les Droits de l'Homme (Act Together for Human Rights), member of the OMCT-network informed the Observatory on the basis of information from FEDES (The Foundation for Education and Development) that on the 25th November, 1997, in the City of Apartado, armed members of a Paramilitary group forced their way into the home of Ms Glen Gonzalez in an attempt to kill her. Fortunately, she was not at home.

They then apparently searched the homes of other members of her family declaring that they had "express orders from their superiors" to kill her, on the pretext that Ms Glen Gonzalez had gone to Bogota with photos to denounce the human rights situation in Uraba. Before they left the area, they produced a list of women whom they proposed to execute.

During these events, Ms Glen Gonzalez was travelling to Bogota to participate in a meeting of the National Council of Women for Peace on 24th November. Some 50 other women from Uraba also participated. According to the information received, Ms Glen Gonzalez did not publicly present the denunciation. The photographs of the houses of ex-members of the community council houses, which were destroyed by paramilitary forces, have already been used in a published work on the lives of women from Uraba.

It is important to underline that, in the past, paramilitary forces have tried to assassinate Ms Glen Gonzalez along with other people working with her. Two members of the council were killed and several members of the Dreams of Women Association have been forced to leave the region.



COL 001 / 9802 / OBS 013

Summary execution

February 28th 1998

The Observatory has received reports from various organisations, including the Colombian Commission of Jurists, a member of OMCT, and the Juridical Corporation "Liberta" informing us of the extrajudicial or summary execution of **Jesus Maria Valle Jaramillo**, a lawyer, founder-member and president of the "Hector Abad Gomez" Permanent Committee for the Defence of Human Rights of Antioquia.

According to these reports Jesus Maria Valle Jaramillo was murdered yesterday, February 27th at 14:50 hours in his office in the centre of the city of Medellin, Antioquia. This abominable act was carried out by a group of unidentified armed men.

Jesus Maria Valle Jaramillo had received repeated death threats motivated by his public revelations concerning the joint activities of paramilitary groups and members of the police in the North of Antioquia. Moreover, these revelations led to penal charges against him on the part of members of the armed forces, accusing him of the presumed crime of slander.

The Observatory resolutely condemns these acts which confirm the tragic situation of violence and repression suffered by human rights defenders in Colombia, a phenomenon which is most certainly encouraged by the impunity of those who violate human rights.

SPECIAL APPEAL

April 14th 1998

The Observatory for the Protection of Human Rights Defenders, a joint programme of the FIDH and OMCT, must express its grave concern over the persistent and grave threats to the family of the lawyer and human rights defender, **Luis Guillermo Pérez Casas**, particularly his son **Camilo Ernesto Pérez Niño**.

**Luis Guillermo Pérez Casas**, Colombian Lawyer, member of the Collective Corporation of Lawyers and currently the Assistant Secretary General of the International Federation of Human Rights





Leagues (FIDH), was forced to leave Colombia in 1995. This was prompted by repeated grave threats, made as a result of his active work in the promotion and defence of fundamental rights and freedoms in his country and for his denunciation of the climate of impunity of those responsible for multiple and grave violations of Human Rights.

On the day that this appeal was issued, the Observatory was informed of a telephone call made to the residence of Luis Guillermo Pérez Casas, in Brussels (where he has lived since 1995). The unidentified female voice left a threatening message concerning the security of Camilo Ernesto Pérez Niño, his son, who is 11 years old.

The message said "Hello, it's the Mafia; you know very well that you are political refugees. We have found you. We have followed you. We are not going to be gentle, especially not with your son Camillo".

The Observatory recalls that Luis Guillermo Pérez Casas and his family had to seek refuge in Europe because of the threats against them and in particular those directed at his son, Camilo Ernesto.

The Observatory underlines that despite the geographical or physical distance between the family and Colombia the situation is of grave concern for OMCT, for FIDH, Amnesty International and many other national and international organisations.

This situation did not arise by chance; it coincides with Luis Guillermo Pérez Casas's participation in the 54th UN Commission on Human Rights, currently in session in Geneva, where he spoke denouncing the violence and repression which prevail in Colombia involving systematic violations of human rights on the part of the forces of law and order, and paramilitary groups supported and protected by institutions such as the military police and others.

In view of the involvement of Luis Guillermo Pérez Casas in the defence of human rights there can be no doubt that the new acts of harassment are the work of those responsible for grave violations of human rights in Colombia for decades past suffered by numerous other human rights defenders.

The Observatory for the Protection of Human Rights Defenders strongly condemns the harassment of Luis Guillermo Pérez Casas and his family.



The Observatory demands that the representatives of the Government of Colombia at the Human Rights Commission seriously address the fight against these practices and put an end to all forms of attacks against human rights and those working for the defence of those rights.

COL 002 / 9801 / OBS 025

Summary execution

April 19th 1998

The Observatory for Human Rights Defenders has been informed by various Colombian organisations of the summary or extrajudiciary execution of Doctor José Eduardo Umaña Mendoza, eminent lawyer, professor of Criminal Law, well-known human rights defender, ex-member of the Colectivo de Abogados José Alvear Restrepo and member of the Executive Council of the OMCT from 1988 to 1994.

This terrible act was perpetrated on April 18, 1998 in Bogota, Colombia, by two unidentified men and one unidentified woman, who showed up at the residence of Dr. José Eduardo Umaña Mendoza pretending to be journalists wanting an interview with him.

Since the 1970s, José Eduardo Umaña Mendoza had considerably developed recognised efforts in the defence of human rights, through his participation in various activities organised by diverse Colombian and international non governmental organisations in favour of fundamental rights and liberties, peace, and justice. In this context, he not only denounced numerous assassinations of indigenous, peasant, and union leaders, but also made public the existence of repressive groups and mechanisms within the security forces, the military forces' responsibility in the "dirty war", the role of some civil authorities in the violence and repression affecting the country, the Military Penal Justice's responsibility in human rights violations, the General Prosecutor of the Nation's responsibility in the judicial persecution of social organisations and unions, (based on false accusations issued by the Public Forces) and the situation of impunity.



Umaña Mendoza also dedicated his time to the legal defence of numerous persons prosecuted for political reasons, and to the clarification of hundreds of cases of forced disappearances, including the disappearances of at least 12 people during the assault, by military forces, of the Court House in November 1985, for which State responsibility was finally established.

His commitment in favour of human rights earned José Eduardo Umaña Mendoza both recognition from the international community and his nomination as a Judge of the People's Permanent Tribunal.

The tragic death of José Eduardo Umaña Mendoza could be related to his recent professional activities. He notably requested, before the General Prosecutor of the Nation, the reopening of the investigation of the death of Jorge Eliecer Gaitán, Liberal leader and presidential candidate assassinated in 1948, a case for which he had recently ensured legal representation. Umaña Mendoza had also recently introduced a petition to exhume the bodies of various victims of the assault on the Court House.

The death of Umaña Mendoza occurred a few hours after the declaration of the President of the United Nations Human Rights Commission presently in session in Geneva, which recognises the supposed efforts of the Colombian authorities to resolve the grave human rights crisis ; it confirms once again the ignoble intentions of those who ensure impunity of persons responsible for Crimes against humanity and of those who generate intimidation and terror to silence the defenders of truth, justice and dignity.

The Observatory firmly condemns the assassination of Doctor José Eduardo Umaña Mendoza, one of the most distinguished and appreciated human rights defenders. Furthermore, the Observatory manifests its grave preoccupation concerning the continuous persecutions, attempts, disappearances and assassinations which have for several years been targeting human rights defenders in Colombia. This situation has been tolerated, if not encouraged by successive governments whose representatives have continuously accused human rights defenders of being spokespersons for the guerrillas or enemies of the nation.



COL 003 / 9805 / OBS 032  
Breaking and entry/ Grave fears  
May 14th 1998

Colombian organisations belonging to the “Colectivo de Derechos Humanos Semillas de Libertad” (CODEHSEL) have informed the Observatory that yesterday, May 13th 1998 in the afternoon, the offices of the Inter-congregational Commission for Justice and Peace and of the Minga corporation were broken into and searched.

The organisations in question devote their activities to the defence, promotion and protection of human rights and had resolutely supported the development of the project “Nunca Mas” (Never Again) initiated by various social organisations and human rights NGOs for the purpose of identifying those responsible for crimes against humanity committed in Colombia during the last thirty years. The project referred to has a data bank which records the facts under investigation.

According to information received, the agents who carried out the break-in remained on the premises of the organisations for 5 hours and made photocopies of all the information. It is also reported that such actions are part of a campaign directed against twenty human rights organisations, as yet not identified, and that they are carried out on the strength of reports from the XX Military Intelligence Brigade, alleging that documentation belonging to the rebel organisation ELN will be found in the offices of these organisations.

These measures against human rights organisations are carried out whenever various Generals of the Armed Forces have declared through various media, that the murder of General Fernando Landeazabal was the result of denunciations concerning violations of human rights made at the national and international level.

These actions are also part of a context of grave public statements referring to the involvement of XX Military Intelligence Brigade in acts of dirty war to which various agents of the State have replied pointing to the media and the human rights organisations as “weapons of the guerrilla.” The Observatory considers that these facts are a clear indication of an alarming deterioration of the human rights and fundamental liberties in Colombia and fears that the safety, integrity



and freedom of dozens of human rights defenders may be gravely threatened. During the last few years dozens of human rights defenders in Colombia have been the victims of grave violations including summary execution, as was the case, among others, of **Mario Calderón Villegas** and **Elsa Constanza Alvarado** (see COL 200597 of OMCT), the lawyers **Jesus María Valle Jaramillo** (see COL 001 / 9802 / OBS 013) and **Eduardo Umaña Mendoza** (see COL 002/ 9804/ OBS 025).

The Observatory condemns these acts which, together with others reported in Colombia and other countries of that region-Argentina, Brazil, Guatemala, Honduras and Mexico (see the previous appeals referring to these countries) - lead to the belief that a culture of repression is evolving, the consequences of which are incalculable.

#### UPDATE

Following information which suggested that the authorities had began an inquiry concerning the above-mentioned facts, the Observatory consulted the Intercongregational Commission for Justice and Peace on the question.

On August 3rd the Commission indicated that it did not know whether the authorities had effectively carried out inquiries or whether they intended to do so. The Commission also indicated that the Office of the Prosecutor General of the nation, the State Control body, had begun an investigation of the facts, but the Commission did not know the progress reached in these inquiries because of the refusal on the part of the Prosecutor General's Office to grant access to the files inspite of the fact that a request had been made on two occasions, in accordance with the right of appeal guaranteed by the Constitution.

COL 001/9809 /OBS 061  
Threats / Serious fears  
September 9th, 1998

The Corporation Collective of Lawyers "José Alvear Restrepo", member of the OMCT network and of the FIDH, has informed the Observatory of acts of harassment and of serious threats made to



**Alberto Salas, Mónica Gonzalez, Gloria Jaramillo and Mariela Pantoja**, members of the Committee of Human Rights of the Commune 20 of Santiago de Cali, in the Department del Valle, and members of the Junta de Acción Social of the same commune, amongst them: **Sandra Liliana Ramirez, Ana Cecilia Jiménez, Rafael Uribe and Albanelly Duque.**

The National Police said to be the perpetrators of these acts have apparently taken this action because of the attempts of the above mentioned persons to throw light on the deaths of six young people living in Commune 20 of Cali.

On 5th July of 1998, the above mentioned persons alerted the Junta of Accion Social about the presence of heavily armed men in the commune. This was also reported to the military authorities on three occasions, however, the authorities took no action to investigate the presence of the armed group.

Some days later, on the 9th July 1998, six young people disappeared. On the 10th of July their bodies were found gagged and their throats cut. Multiple fractures and wounds had been inflicted with metal implements.

The Committee of Human Rights of the Commune and the Junta de Acción Social subsequently made very public both the events and publicly denounced the believed perpetrators (both the planners and those who actually physically committed the killings) of the crime. They also called for an investigation into why both the military authorities and the National Police had done nothing despite being made fully aware of the situation.

It is believed that the national police are behind the harassment and the threatening anonymous telephone calls.

COL 005 / 9809 / OBS 066  
Threats / Aggression  
September 25th 1998

The Observatory has been informed by the Corporación Colectivo de Abogados "José Alvear Restrepo", member of the FIDH and OMCT,



that Mr. Rafael Tovar Arrieta, trade union leader of the CUT( Central Unitaria de Trabajadores), received death threats on September 22 1998, that the house of Mr. Jorge Ortega, Vice-president of CUT was illegally searched and that Mr. Jorge Ortega's companion was physically harassed by unidentified men.

According to information received, Mr. Tovar Arrieta received death threats, while waiting for public transport on his way to work. Moreover, on the same day at 15:00, Mr. Jorge Ortega's house was entered and searched by men who beat Mr. Ortega's companion who was in the house at the time, tied her up, forced her to take sleeping pills and gagged her.

Police authorities had not dealt with the complaint of the victims twenty-four hours after the events.

The Corporación Colectivo de Abogados "José Alvear Restrepo" recalls that Mr. Domingo Rafael and Mr. Jorge Ortega have been forced to flee their country several times in the last few years, due to the numerous threats which they have been subjected to.



# CONGO (DEMOCRATIC REPUBLIC)

URGENT ACTION - THE OBSERVATORY

General information*		Economic and Social Indicators												
Head of State	Laurent-Désiré Kabila	Gross Domestic Product per person - 1995 (in \$ de 1987)	/											
Regime	LD Kabila has claimed "full powers until the adoption of a Constitution"	Agricultural - 1995 (% of GDP)	/											
Capital	Kinshasa	Industrial Production - 1995 (% of GDP)	/											
Land Surface (km <sup>2</sup> )	2 345 409	Tertiary Sector - 1995 (% of GDP)	/											
<b>Population*</b>		Human Poverty Indicator 1995 (% of the Population)	41,1											
Total Population - 1995 (in millions)	45,5	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Life Expectancy - 1995 (years)	52,4	Gross National Product per person - 1995 (in \$)	120											
Infant Mortality - 1996 (for 1000 births)	128	Rate of Growth of the Gross National Product-1980/1995 (%)	-2,7											
Fertility Rate - 1995	6,5	Total External debt - 1995 (in Billions of \$)	13,1											
Rate of Population Growth -1995/2015 (%)	2,9	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	77,3	Public Health Expenditure - 1990 (% of GDP)	0,8											
Gross Education Rate - 1995 (%)	41	Public Education Expenditure - 1995 (% of GNP)	/											
Population deprived of Access to Health Services - 1990/1995 (%)	74 <sup>3</sup>	Military Spending - 1996 (% of GDP)	2,8											
Daily Calorie Intake per person 1995	1870	Military Spending - 1990/1991	71											
(% of combined health and education spending)														
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	ÖP1	CAT	CAT*	ICERD	ICERD <sup>3</sup>	CEDAW	CEDH	CEDH <sup>3</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICDP
X	X	X	X		X		X				X			
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, this data refers to a year or to a period other than the one indicated in this head. It does not correspond to a standard definition or only applies to an area of a country under study.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

RDC 001 / 9708 / OBS 007

Harassment/Detention/Torture

August 28th 1997

The Observatory for the Protection of Human Rights Defenders is gravely concerned at the situation of violence and insecurity in Congo-Kinshasa (ex Zaire) and more especially with the fate of human rights defenders, particularly members of the AZADHO (Association for the Defence of Human Rights), CRONGD (Regional Council of Development NGOs) and the Haki Za Binadamu (Association for the Promotion and Defence of Human Rights) in the province of Maniema in the South-East of the country.



Recent reports describe systematic repression on the part of the local authorities of the ADFL (Alliance of Democratic Forces for Liberation of Congo) against members of non governmental organisations involved in the promotion and defence of human rights in the province of Maniema.

Around 15th August, Mr Bertin Lukanda, President of the CRONGD/Maniema and member of the Haki Za Binadamu organisation, was arrested by agents of the AFDI when he was about to visit various organisations in the province as part of the follow-up of the "Meeting of the civilian society of Kinshasa" (June 1997).

Mr Bertin Lukanda was accused of being an agent in the service of "the enemies of the people's liberation" and the agents of the AFDL beat him up on the pretext that he had some hunting rifle cartridges. Apart from the fact that this could not be verified, possession of such cartridges in this wooded area is quite common. Whatever the case, no information was given concerning the charges against Mr Lukanda who has been taken to Kindu where he is being held without being allowed to see a legal representative or, apparently, a doctor in spite of the fact that his health gives grounds for concern.

While Mr Lukanda was being detained, other agents of the AFDL also arrested the Executive Secretary of the CRONGD/Maniema, Mr Ramazani Diomba; the reasons for this are unknown. The Observatory fears that he may have been tortured since he has been passing blood in his urine and had to be hospitalised for a period of 5 days.

In addition to this, agents of the AFDL are reported to have searched the headquarters of the CRONGD/Maniema without a warrant and beaten up an employee of the secretariat whose name has not been revealed.

The information communicated to the Observatory leads to the conclusion that the systematic repression against the managing staff of the NGOs in Maniema is aimed essentially at preventing them from testifying before the United Nations Investigating Committee (which has announced that it would begin its work in the region of Kivu), concerning the allegation of massacres committed within the Eastern part of the country.



This also gives rise to serious fears for the safety of the members of AZADHO and other non governmental organisations in the province of Maniema, there being no news of them since the AFDL took power.

Finally, the Observatory notes with utmost concern that, faced with these events, the authorities have apparently not adopted any measures in spite of the fact that the bureau of the CNONGD in Kinshasa has regularly informed the office of the President of the Republic and the ministries of justice and of the interior of the grave violations of the freedoms of the human rights defenders. This leads the Observatory to believe that such practices may be encouraged by the authorities of the new government.

#### UPDATE

The Observatory has been informed of the release of Mr Bertin Lukanda on 6th September, 1997. The Observatory has also been informed that the AZADHO branch in the province of Maniema has been closed.

RDC 002 / 9712 / OBS 019  
Harassment / Detention  
December 1st 1997

The Observatory for the Protection of Human Rights Defenders is gravely concerned over actions against Human Rights organisations in the Democratic Republic of Congo.

The Observatory has been informed by the Voice of the Voiceless for Human Rights "Voix des Sans Voix pour les Droits de l'Homme", of the arrest of Mr Roger Sala Nzo Badila, Secretary General of the National Centre for Human Rights (CENADHO), at his home, on 23rd November. Three inspectors accompanied by military personnel, made an exhaustive search of his home on the pretext that they were searching for "subversive documents". They confiscated numerous documents, recording them in a record of seizure proceedings.

Mr Roger Sala was initially detained in the private residence of one of the military, situated on the premises of the National Security Council

(CNS) in Kinshasa. On 25th November, he was then transferred to the prison cell of the Naval Information Agency on Avenue 3Z, in Gombe. A member of the Voice of the Voiceless, who was able to visit him the following day, reported that the detention conditions of Mr Roger Sala are extremely worrying (the Prison is extremely overcrowded and there is no light), but that he had not suffered physical violence.

The Voice of the Voiceless for Human Rights states that Mr Roger Sala had on previous occasions been abducted and manhandled by armed military groups. In the face of this repeated harassment, he was forced to flee from his home for several months. It would appear that this recent arrest is connected with the publication in July 1997, of an issue of "le Messenger" - a publication dedicated to the Human Rights situation in the Democratic Republic of Congo.

The Observatory considers that the arrest and detention of Mr Roger Sala are arbitrary. It would appear that no charges have been brought against him up to the issue of this appeal.

Moreover, according to information from Mr N'sii Luanda Shandwe, President of the Committee of Human Rights Observers (CODHO), armed military personnel in civilian clothes turned up in the name of the "Presidential Security Service" and systematically searched the premises of his organisation on 21st November. Fearing for his own safety, Mr N'sii Luanda Shandwe has since been living in hiding.

#### UPDATE

The Observatory has been informed that Mr Roger Sala Nzo Badila has been held in detention in the National Security Council, the National Agency of Intelligence, the Security Court and the Penitentiary Centre of Kinshasa. He was finally released on 12th February, 1998.

Since the issue of the appeal, Mr. Roger Sala has been living in France. Mr. N'sii Luanda Shandwe, President of the Committee of Human Rights Observers, is in hiding. He is wanted by the military, the security services and death threats have been made against him. He is suffering because of the way he has been forced to live and has contracted malaria and typhoid. He was also prevented from studying at University because of his human rights work.



RDC 001 / 9803 / OBS 020  
Armed Attack/ Death Threats  
Defamation Campaign  
March 27th 1998

The Observatory has received information from the Human Rights Defence Association (AZADHO) over an armed attack on Mr **Floribert Chebeya**, President of the Voice of the Voiceless for Human Rights (a Member of OMCT), one of the main Human Rights Defence Organisations in the Congo. Mr Floribert Chebeya was attacked by four soldiers and one civilian. They entered his house through the roof and bound his hands and feet.

They then took him to the edge of a gutter where they threatened to kill him. Mr Floribert Chebeya had already been attacked in December 1997.

These attacks can be placed in context of tension between the state authorities and human rights defence organisations. The Government has recently stepped up its accusations and threats against Human Rights Defenders. The authorities of the Democratic Republic of Congo have staged a campaign of defamation in what appears to be an attempt to incite hatred towards Human Rights activists in the Democratic Republic of Congo.

Likewise, on March 25th and 26th, the government's editorial writer, journalist Katot Ngwesh, began a national hate campaign on television and on radio against the AZADHO and its President, Mr **Guillaume Ngefa**, accusing the AZADHO of "(...) having blackmailed the Government in order to attract western money. This organisation is against reconstruction.....it spreads false information to foreign countries and as a result of statements made by the AZADHO, President Clinton was dissatisfied with President Kabila at the Kampala summit (...) Their president is a Mobutuist who fled the country before the arrival of the AFDL (Alliance of Democratic Forces for the Liberation of Congo-Zaire) at Kinshasa (..). The fact that they have kept the acronym AZADHO speaks for itself".

These accusations came a week after the confiscation of 1,650 copies of the AZADHO's annual report by the security services, the



interrogation of its vice-president, M. Kambale and sending members of the security forces to the organisation's secretariat to intimidate them.

According to the information received, this defamation campaign coincides with the interrogation of individuals who testified before the United Nations Mission of Enquiry, at Mbandaka.

The Observatory supports the AZADHO in its condemnation of the RDC's repressive policy towards Human Rights Defenders and their organisations.

#### UPDATE

The Observatory was informed by Mr. Floribert Chebeya, President of the Voix des Sans Voix (the Voice Without Voices) that the attempt on his life was carried out by armed gangsters, and not members of the authorities.

#### FOLLOW UP

RDC 001 / 9803 / OBS 020 . 01

New information

April 6th 1998

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The Observatory was informed by the AZADHO that on April 3rd 1998 the ministers of Economy and of Justice had announced on national radio and television that the Government had decided to "ban and dissolve" the AZADHO and to close its offices across the country.

The Minister for Justice justified the dissolution of AZADHO by referring to its "illegal" character, the fact that it receives financial assistance from outside which allegedly prevents the government from enjoying similar financial support, the fact that AZADHO is allegedly engaged in political campaigns against the government and that it has retained the word "Zaire" in its acronym.

According to information received, AZADHO filed its statutes with the Ministry of Justice and the Keeper of the Seals on April 30th 1991 with a view to obtaining legal status in accordance with the Decree-Law of September 18th 1965 relating to non-profit making associations. That



same year the Ministry of Justice granted the AZADHO a certificate (n° Just / 20 / 184 / 91) authorising it to exercise its activities and another certificate recognising that it had complied with the formalities involved. Since then the successive Governments of the country have maintained contact with AZADHO. This organisation also enjoys consultative status with the African Commission on Human and Peoples' Rights.

As for the subsidies which it receives from outside, AZADHO stresses that this is merely a matter of internal organisation and that it has obviously no means of influencing those who dispose of international capital.

As for the acronym "AZADHO", all official documents of the organisation bear its new denomination: "Association for the Defence of Human Rights in the Congo-Kinshasa". The acronym AZADHO has been kept only in order to ensure recognition of its identity. The AZADHO finally recalls that it has no political aims; its only terms of reference are to remind the Government of its obligations concerning Human Rights and democratic principles.

The Observatory firmly condemns the resolution on the dissolution of AZADHO which violates international and regional principles. This is yet another manifestation of repressive practices, intimidation and harassment which the authorities of the DRC pursue against human rights organisations and their members and which are a source of grave concern.

#### UPDATE

Up to the date of publication all offices of ASADHO have been closed and the militants are obliged to work in secret.

The defamation of this NGO continues particularly through news items on National Television. On the 19th of July 1998 a strong news item went out the day after ASADHO organised a press conference in Geneva, with the Canadian Center for Human Rights and Democratic Promotion, following the publication of a new report on human rights. More recently, Mr. Guillaume Ngefa, President of ASADHO, was the target of a slanderous campaign orchestrated by the Minister of Health.



**FOLOW UP**  
**RDC 001 / 9803 / OBS 020 . 02**  
**New information**  
**April 27th 1998**

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The Observatory has been informed that on April 10th 1998 agents of the National Security Agency (ANR) arrested a magistrate of the Kalamu prosecutor's service and beat him violently for many hours, first at the Tshatshi camp, then in a place which the victim does not remember. ANR agents believed that he was **Pascal Kambale**, vice president of the AZADHO.

Late at night the agents of the Security Agency realised that they had made a mistake and released the magistrate, ordering him "not to speak of the incident since they had to continue their search for the real Kambale."

As for **Pascal Kambale**, he returned to Kinshasa on April 11th 1998 after having taken part in a session of the United Nations Human Rights Commission in Geneva. Since then he has been living in hiding which restricts his work as lawyer, assistant at the University and Vice-President of the AZADHO.

The Observatory is also greatly concerned for the security of persons who have testified before the inquiry commission of the Secretary General of the UN, foremost among whom are human rights defenders. Indeed, according to information received, the security services possess a list of those involved, as they arrested and searched a member of the mission and photocopied the documents he had in his possession.

It is for the same reasons that **Mr Ngonde Funsu**, head of the inquiry and research of AZADHO and known under the alias "Amigo", is being actively hunted by the ANR. **Kati Kati** of the human rights defence group named Grace of Goma, was recently detained for two weeks and then released. He has to report every day to the ANR. **Mr Ntirivamunda Gallican**, of the group Grand Vision of Goma, has been detained at the ANR since last January under suspicion of having supplied information to the inquiry mission of the United Nations. **Didier Kumundu**, of the APRODEKI group of Goma, was arrested



when he returned from attending the United Nations Human Rights Commission on 11th April. He managed to escape and now lives in hiding in Uganda.

There has been no news, for about a month, of the AZADHO representative in Beni, province of North Kivu ; as for Gilbert Chigove, representative of the AZADHO in Goma, in the province of North Kivu, he is at present in hiding for fear of reprisals.

Finally, the Observatory has just been informed of the kidnapping of Mr Paul Nsapu, the President of the League des Electeurs and Mr Sabin Banza, the Vice President, by six armed persons (three in military uniforms), on 27 April 1998, at about 12:30 pm, on the Boulevard du 30 Juin. They have allegedly been forcibly taken to the office of the ANR in the village of Gombe, where they are allegedly currently being detained incommunicado.

Following the decision to dissolve and harass the AZADHO, the offices of the organization in Goma were closed by order of the mayor and the activists are all in hiding. In Lubumbashi, the offices of the association were closed on April 4th with the support of tanks and armoured cars. The whole team of the Katanga AZADHO are also in hiding.

On the other hand the offices at Kinshasa remain open as. For the time being they continue to operate.

The Observatory condemns most emphatically the repression against the human rights organizations and their members in the DRC. The Observatory deplores the deterioration of the situation and strongly urges the authorities of the DRC to take every possible measure to ensure safety and freedom of action of human rights defenders in the country.

#### UPDATE

Following a period of calm Mr. Ngonde Funsu from ASADHO was once again the target of the security services who accuse him of being one of the main informers of ASADHO. Since August he has been living with his family in hiding. Mr. Didier Kamundu, from APRODEKI, is currently residing in France.





**RDC 002 / 9801 / OBS 021**  
**Summary Execution / Arrest**  
**Harassment**  
**April 9th 1998**

The Observatory has been informed by the Voix des Sans Voix pour les Droits de l'Homme (The Voice of the Voiceless for Human Rights) of the summary execution on March 30th 1998, in Nyamitaba, in the territory of Masisi, of Mr. Oswald Hakorinama, co-founder and director in charge of inquiries and publications of the Grande Vision Association. The execution was carried out by men wearing the uniform of the Congolese Armed Forces.

Information received also refers to the disappearance of Mr. Gallican Ntirivamunda, a member of the Grande Vision staff. He disappeared after having been detained for several days in the cells of the Goma Intelligence Office. Moreover, following grave threats to his personal safety Mr. Pierre Samba, President of the same association, was forced to leave Goma and seek refuge in Kinshasa.

Grande Vision is an active organisation which reports on grave violations of human rights in the region of Goma.

The Observatory is extremely concerned at the increase of acts of repression aimed at human rights defenders in the DRC. The Observatory would underline that other human rights organizations working in that country have been harassed and hampered in their activities over the last few months (see appeals RDC 001 / 9803 / OBS 020 and RDC 001 / 9803 / OBS 020.01)

The Observatory most emphatically condemns the actions perpetrated against members of the Grande Vision association which constitute a flagrant violation of the principles embodied in the Universal Declaration of Human Rights.

**UPDATE**

The Observatory has received a great deal of information on the case of Mr. Oswald Hakorinama, from Grande Vision. It was reported at the time of the events that he was subjected to torture and left for dead. And that was on this basis that local NGOs reported his death. It turns



out that Mr Oswald Hakorinama was in fact able to recover from his injuries and was able to leave the country two months ago and took refuge in a foreign country.

Finally, Mr. Pierre Samba, President of Grande Vision is currently living in a foreign country.

RDC 003 / 9805 / OBS 030  
Arrest / Accusation  
May 12th 1998

The Observatory for the Protection of Human Rights defenders has just been informed by the ASADHO, a member of the FIDH and OMCT, of the arrest in Goma, province of North Kivu, of Mrs. Immaculé Biraheka, member of the PAIF Group of Goma, on 8th May, 1998. PAIF is a non-governmental organisation working for the defence and promotion of human rights, active in the defence of women's rights and the co-ordinator of the actions of several other groups with the same aim.

According to information received, Mrs. Immaculé Biraheka is alleged to have been arrested for having met Mr. Dave Peterson of the American National Endowment for Democracy who was passing through Goma in order to meet NGOs; Dave Peterson has already been in the Democratic Republic of Congo on several occasions and is well-known in NGO circles in DRC. The National Endowment for Democracy helps to finance numerous NGOs throughout the world.

Mrs. Immaculé Biraheka is at present being detained in the cells of the Rapid Intervention Police in Goma.

According to the same information, the President, Mr. Laurent Désiré Kabila allegedly accused Paul Nsapu and Sabin Banza, President and vice President respectively of the Electors' League (a human rights NGO) of being "spies in the service of Belgium, plotting to overthrow him" during a press conference on 11th May 1987, in Kinshasa.

Paul Nsapu and Sabin Banza were abducted on 27th April 1998 by six armed persons, three of whom were in military uniform (see appeal RD



C001 / 9803/OBS 020.02). They were taken to the National Security Agency in the commune of Gombe where they are still being detained.

The Observatory fears that the arrests of Mrs Immaculé Biraheka and Paul Nsapu and Sabin Banza is in retaliation for their work for human rights. The Observatory once again, condemns the systematic repression of human rights defenders by the authorities of the Democratic Republic of Congo. It further stresses the need for the authorities to guarantee the safety and freedom of expression, of opinion and association of all persons engaged in the promotion and defence of human rights.

#### UPDATE

The Observatory was informed of the freeing on the 10th of August 1998, of Mr Paul Nsapu and Sabin Banza, President and Vice President of the Ligue des Electeurs (Electors League).

However, the Observatory was informed that the harassment against the members of this organisation continues. On October 5th armed and uniformed men entered the home of Mr. Jean Marie Mutombo Kabamba', Director of External Relations of the Ligue des Electeurs (located in the commune of Ngiri-ngiri). He is now in hiding

RDC 001/ 9805/ OBS 033

Arrest / Accusation

May 15th 1998

The Observatory for the Protection of Human Rights Defenders has just been informed, by reliable sources, that following a press conference organised by ASADHO May 15th, at least one of their representatives, Mr. Pascal Kambale, Vice-President of this organisation (member of the FIDH and the OMCT), has been arrested. It seems that others were arrested but the Observatory has been unable to confirm this information.

This press conference intended to present the situation of human rights in the country, one year after President Laurent Désiré Kabila came to power Furthermore, the representatives of this organisation



announced publicly the change of name of their association, which is henceforth called ASADHO (the African Association for the Defence of Human Rights), previously known as AZADHO. In short, the office headquarters of ASADHO were searched and their equipment was confiscated.

The Observatory is particularly concerned for the physical well being of the person(s) arrested and requests that they be immediately released.

The Observatory condemns once more the systematic repression that the authorities of the Democratic Republic of Congo of defenders of human rights. The Observatory asks the authorities to commit themselves to guarantee the security and freedom of expression, opinion and association, for all persons involved in the promotion and defence of human rights.

#### FOLLOW UP

RDC 003 - RDC 004 / 9805 / OBS 030 . 01 - OBS 033 . 01

New information

May 19th 1998

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The Observatory has been informed by reliable sources of the release of Mr. Pascal Kambale, at 11 am, as well as that of Mrs. Immaculé Biraheka.

According to information received, Mrs. Véronique Mbwebwe Ntuba, member of the Women and Children organisation, has also been released. She was arrested May 15, 1998, along with Mr. Kambale but her arrest had not been recorded. Mrs. Véronique Mbwebwe Ntuba was released the day of her arrest.

The Observatory welcomes the release of these individuals and would like to thank all of the members of the network as well as all other organisations and individuals who have made it possible for Mr. Pascal Kambale, Mrs. Immaculé Biraheka and Mrs. Véronique Mbwebwe Ntuba to be released.



The Observatory would also like to point out that, according to reliable sources, during the search of ASADHO, computers, documents and diskettes have been taken away. This leads the Observatory to fear that these pieces of information will be used by the authorities as a means to harass defenders of human rights in the Democratic Republic of Congo.

Moreover, the Observatory remains concerned about the frequency of arrests of defenders of human rights during the last few months, that represent a violation of international and regional instruments that bind the Democratic Republic of Congo. These repeated and systematic arrests are part of a harassment and intimidation strategy to impede action in favour of the promotion and protection of human rights.

The Observatory requests the authorities of the Democratic Republic of Congo to immediately release all individuals who have been imprisoned because of their activities in favour of human rights and to allow organisations for the promotion and defence of human rights to act freely.

#### UPDATE

Mr. Pascal Kambale, Vice-President of ASADHO, released on the 16th of May 1998, is now studying in the United States.



# ECUADOR

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Jamil Mahuad	Gross Domestic Product per person - 1995 (in \$ de 1987)	1241											
Regime	Presidential	Agricultural - 1995 (% of GDP)	12											
Capital	Quito	Industrial Production - 1995 (% of GDP)	36											
Land Surface (km <sup>2</sup> )	283 561	Tertiary Sector - 1995 (% of GDP)	52											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	15,3											
Total Population - 1995 (in millions)	11,5	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	35											
Life Expectancy - 1995 (years)	69,5	Gross National Product per person - 1995 (in \$)	1 390											
Infant Mortality - 1996 (for 1000 births)	31	Rate of Growth of the Gross National Product-1980/1995 (%)	2,4											
Fertility Rate - 1995	3,3	Total External debt - 1995 (in Billions of \$)	14											
Rate of Population Growth -1995/2015 (%)	1,7	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	90,1	Public Health Expenditure -1990 (% of GDP)	/											
Gross Education Rate - 1995 (%)	71	Public Education Expenditure - 1995 (% of GNP)	3,4											
Population deprived of Access to Health Services - 1990/1995 (%)	12 <sup>3</sup>	Military Spending - 1996 (% of GDP)	3,4											
Daily Calorie Intake per person 1995	2420	Military Spending - 1990/1991 (% of combined health and education spending)	26											
<b>Ratification of major international and regional Human Rights Instruments<sup>4</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-PT	ACHPR	ACHR	ICPPT	ICDP
X	X	X	X	X	X	X	X					X		
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, this data refers to a year or to a period other than the one indicated in this head. It does not correspond to a standard definition or only applies to an area of a country under study.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

ECU 001 / 9810 / OBS 068

Attack / Harassment

October 6th 1998

The Observatory has just been informed by the CISL - The International Confederation of Free Unions - member of the OMCT network, of concern for the freedom and security of Mr Jose Chavez Chavez, leader of the Confederacion Ecuatoriana de Organizaciones Sindicales Libres, CEOSL (Ecuadorian Confederation of Free Union Organisations).

According to the information received, the Minister of Interior and Police have threatened Mr José Chavez Chavez with legal action,

following his remarks on Ecuadorian television channel "Gamavision", on the general situation of the country. The Minister of Interior and Police consider that his remarks "are rash, discredit the country internationally and furthermore, compromise national security".

Mr Chavez Chavez made these remarks the day before the national strike of October 1st 1998, organised in reaction to economic policies which diminish the already weakened purchasing power of the Ecuadorian people.

The strike was launched by workers, through the intermediary of "Frente Unitario de Trabajadores", FUT, an umbrella organisation of three trade unions, and led by Mr Wilson Becerra Rosero, General Secretary of CEOSL.

On September 4th 1998, Mr José Chavez Chavez was attacked by men in police uniforms, as he was on his way to a meeting of the "Federacion de Trabajadores Libres de Pichincha". The attackers stripped him of his personal possessions and grabbed his car keys. These events were reported to the Minister of Police but until now no follow up of the case has been made. Despite the fact that there is no proof demonstrating that the attackers were effectively police agents, it is feared that these acts have been committed with the intention to intimidate the union's leaders.



# EGYPT

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Hosni Mubarak	Gross Domestic Product per person - 1995 (in \$ de 1987)	726											
Regime	Presidential	Agricultural- 1995 (% of GDP)	20											
Capital	Cairo	Industrial Production - 1995 (% of GDP)	21											
Land Surface (km <sup>2</sup> )	1 001 449	Tertiary Sector - 1995 (% of GDP)	59											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	34											
Total Population - 1995 (in millions)	62,1	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Life Expectancy - 1995 (years)	64,8	Gross National Product per person - 1995 (in \$)	790											
Infant Mortality - 1996 (for 1000 births)	57	Rate of Growth of the Gross National Product-1980/1995 (%)	4,3											
Fertility Rate - 1995	3,6	Total External debt - 1995 (in Billions of \$)	34,1											
Rate of Population Growth -1995/2015 (%)	1,6	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	51,4	Public Health Expenditure -1990 (% of GDP)	1											
Gross Education Rate - 1995 (%)	69	Public Education Expenditure - 1995 (% of GNP)	5,6											
Population deprived of Access to Health Services - 1990/1995 (%)	1	Military Spending - 1996 (% of GDP)	4,5											
Daily Calorie Intake per person 1995	3315	Military Spending - 1990/1991 (% of combined health and education spending)	52											
<b> Ratification of major international and regional Human Rights Instruments<sup>3</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEBRAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X		X		X		X				X			
<p>1 - Indicators under the head " General information " are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**EGY 001 / 9708 / OBS 005**  
**Arrest of a Human Rights Defender**  
*August 15th 1997*

The Observatory for the Protection of Human Rights Defenders has been informed by the Egyptian Organisation for Human Rights (EOHR), a member of the OMCT-network and the FIDH, of the arrest of Mr Sayyed Ahmad Al-Tokhi, lawyer and member of the Egyptian Organisation for Human Rights (EOHR) and a lawyer at the EOHR's Fieldwork Unit.

According to information received, Mr Sayyed Ahmad Al-Tokhi was arrested on Saturday 9th August, 1997 at 11:00 p.m., while boarding a





plane to the United Arab Emirates after having obtained the necessary visa.

Mr Sayyed Ahmad Al-Tokhi was held all night in the office of the State Security Investigations at Cairo airport. The next morning, Sunday 10th August, he was referred to the State Security Prosecution Office, which postponed his interrogation to the following day. No charges were brought against him. Mr Sayyed Ahmad Al-Tokhi was then taken to Al-Nozha police station without being interrogated. On Monday 11th August, he was taken to the State Security Prosecution Office, where he was interrogated in the presence of some lawyers, one of them from the EOHR.

Mr Sayyed Ahmad Al-Tokhi was charged under the provisions of Article 86 (bis) of the Penal Code with verbally promoting ideas which contradict the fundamental principles of the ruling regime, inciting hatred and contempt of the present regime, hindering the implementation of the law and the Constitutional principles and inciting opposition to the authorities.

Mr Sayyed Ahmad Al-Tokhi was transferred to Istikbal Tora Prison after the prosecution ordered his detention for 15 days pending investigations.

On 15th August, 1997, the EOHR was denied, by the Emergency High State Security Prosecution, permission to visit him. Mr Sayyed Ahmad Al-Tokhi has gone on a 24-hour hunger strike after the prison administration of El-Mahkoum Tora Prison, where he was held before being transferred to Mazraat Tora Prison on the night of Tuesday, August 12, shaved his head and locked him up in a cell full of rubbish all night.

Mr Sayyed Ahmad Al-Tokhi is currently imprisoned at Mazraat Tora Prison.

Law 96 which will come into force in October 1997, raises agricultural rent and permits eviction. It replaces the laws put into place by Nasser which protected the rights of tenant farmers. In the context of this change, over the past months, security forces have used violence to disperse meetings and marches organised by farmers, apparently resulting in the death and injury of a number of people. The EOHR



fears that the incidents may be a prelude to further restrictive measures on the part of the authorities against political and popular forces opposing the implementation of Law 96 of 1992. They further express concern that implementation of Law 96 will lead to serious social unrest that may threaten the security and stability of the whole country. It should be noted that last June, Mr Sayyed Ahmad Al-Tokhi attended a conference in the village of Kafr Mowes, Banha, Kalyoubya, to discuss Law 96 of 1992 and it is believed that his arrest may be connected to this.

The Observatory would like to stress that the arrest of a human rights activist is a violation of the freedoms of opinion and expression guaranteed by the Egyptian Constitution, and of Article 19 of the International Covenant on Civil and Political Rights. The Observatory warns against extending the use of Article 86 (bis) of the Penal Code to include all forms of peaceful expression.

**FOLLOW UP**

**EGY 001 / 9708 / OBS 005 . 01**

**New Information**

*October 8th 1997*

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The Egyptian Organisation for Human Rights (EOHR) has recently informed the Observatory that the Higher State Security Prosecution decided on 5th October 1997 to release Mr. Sayyed Al-Tokhi, after 56 days in preventive detention pending investigations.

The Observatory welcomes the release of Mr. Tokhi, and would like to thank all organisations and individuals who intervened on his behalf; it remains concerned that according to information received, over 200 people, including human rights defenders, have been affected by arbitrary measures for opposing Law 96 of 1992 and urges the authorities to ensure their physical and psychological integrity and that all those still in detention are immediately released in the absence of valid legal charges.



**EGY 001 / 9807 / OBS 054**  
**Risk of Extradition**  
**July 27th. 1998**

The Observatory would like to express its concern for the security of **Mr. Farouk Abu Eissa**, Secretary General of the Arab Lawyers Union, member of the Board of Trustees of the Arab Organisation for Human Rights (AOHR) and member of the Executive Council of the World Organisation Against Torture (OMCT).

The Observatory has been informed by the Egyptian Organization for Human Rights (EOHR), member of the OMCT network and the FIDH, that the Sudanese government has submitted an application to the Egyptian Foreign Ministry, asking for the extradition of **Mr. Farouk Abu Eissa** for involvement in a number of explosions that recently took place in Khartoum, Sudan. **Mr. Abu Eissa** has denied these accusations. The Sudanese government's request is grounded in the Arab Convention to Combat Terrorists (which has not yet entered into force).

#### UPDATE

The Observatory was informed by the Egyptian Authorities through the Permanent Mission in Geneva that they had adopted all the necessary measure to ensure the security of **Mr Abu Eissa** and that he would be able to remain in Egypt.

**EGY 002 / 9808 / OBS 059**  
**Arbitrary Temporary Detention**  
**August 18th 1998**

The Observatory has just been informed by the Egyptian Organisation for Human Rights (EOHR), member of the FIDH and OMCT network, of the arbitrary arrest of **Mr. Hafez Abu-Se'da**, attorney and Secretary-General of the EOHR, on August 16, 1998.

According to the information received by the EOHR, **Mr. Abu-Se'da** was arrested at his mother's house, at 4:30 pm, August 16, 1998, by



police forces from the Tora sub-police station, in Maadi who claimed that he was charged with judicial rulings. However, despite Mr. Abu-Se'da demand to see official documents proving the existence of these rulings, the police claimed that they did not have such documents.

According to the EOHR, Mr. Abu-Se'da was placed in a detention room, on the claim that fine rulings of LE 1500 had been issued against him, for two hours. He was then taken to the Maadi police station where he was detained in another room with three other people. After another two hours of detention, he was summoned by a police officer who told him that fine rulings of LE 680 had been issued against him, related to public utility infringements of the owner of a shop, named Mr. Hafez Mohammed Saeed. However, despite the false identification of Mr. Abu-Se'da, he was released at 8:30 pm, August 17th, after having paid the fine,

The Observatory would also like to point out that, four and a half hours prior to his arrest, the EOHR issued a report, entitled "Death in Silence and Seclusion" which monitors and documents the violation of the rights of prisoners in Egyptian prison. In light of this fact, the Observatory fears that the arrest of Mr. Abu-Se'da is a warning to the EOHR and other human rights organisations and represents a violation of their right to freely pursue their activities in favour of the defence and promotion of human rights.



# EL SALVADOR

URGENT ACTION - THE OBSERVATORY

General information*		Economic and Social Indicators												
Head of State	Armando Calderon Sol	Gross Domestic Product per person - 1995 (in \$ de 1987)	1024											
Regime	Presidential	Agricultural - 1995 (% of GDP)	14											
Capital	San Salvador	Industrial Production - 1995 (% of GDP)	22											
Land Surface (km <sup>2</sup> )	21 040	Tertiary Sector - 1995 (% of GDP)	65											
		Human Poverty Indicator 1995 (% of the Population)	27,8											
<b>Population*</b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	38											
Total Population - 1995 (in millions)	5,7	Gross National Product per person - 1995 (in \$)	1 610											
Life Expectancy - 1995 (years)	69,4	Rate of Growth of the Gross National Product 1980/1995 (%)	1,9											
Infant Mortality - 1996 (for 1000 births)	34	Total External debt - 1995 (in Billions of \$)	2,6											
Fertility Rate - 1995	3,3													
Rate of Population Growth - 1995/2015 (%)	1,8	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	71,5	Public Health Expenditure - 1990 (% of GDP)	2,6											
Gross Education Rate - 1995 (%)	58	Public Education Expenditure - 1995 (% of GNP)	2,2											
Population deprived of Access to Health Services - 1990/1995 (%)	60	Military Spending - 1998 (% of GDP)	1,5											
Daily Calorie Intake per person 1995	2571	Military Spending - 1990/1991	66											
		(% of combined health and education spending)												
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X		X		X					X	X	
1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.														
2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.														
* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.														

SIA 001 / 9806 / OBS 037

Illegal Detention

June 4th 1998

The Observatory has been informed by the CLADEHLT Latin American Commission for the Rights and Liberties of Workers and Peoples, a member of the OMCT network, of the illegal detention of the trade union leader Mr. Vicente Ramirez, on Friday May 25th 1998, at 12:15 pm in Salvador.

According to the reports from the CLADEHLT Sr. Vicente Ramirez, Deputy Secretary-General of CATS, (Central Autónoma de Trabajadores Salvadoreños), President of the ANTRAVEPECOS



(Asociación Nacional de Trabajadores, Vendedores y Pequeños Comerciantes) and member of the Executive Committee of the FETRALCOS (Federación Latinoamericana de Trabajadores del Comercio) was detained in an entirely arbitrary manner by the order-keeping unit of the civil police (UMO).

At the time of his detention Sr. Ramirez was opposing the eviction of 300 families working in the Mercado de Mayoreo de la Tiendona, which was being carried out in an arbitrary and violent manner. The CLADEHLT also points out that the informal trade sector has shown a strong increase due to the rise in unemployment rates in El Salvador and that the eviction of these families would increase poverty and social marginalisation, particularly when taking into account the number of indirect workers who earn their living through their activities in that market.

Recalling that the right to work is a fundamental component of human rights, recognised as such in various international and regional instruments, the Observatory considers that the eviction of these families constitutes a breach of the international obligations of El Salvador as well as of the laws in force in that country. It also considers that because of the circumstances in which it took place, the detention of Sr. Ramirez is a violation of the international and regional standards including ILO Convention No. 87

**FOLLOW UP**

**SLV 001 / 9806 / OBS 037 . 01**

**New information**

***June 16th 1998***

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The Observatory has just been informed by the LADEHLT that Mr. Vicente Ramirez has been released, in all likelihood, last week.

The Observatory welcomes the release of Mr. Ramirez and thanks all those individuals and organisations who intervened in his favour.



SLV 002 / 9807 / OBS 017  
Aggression / Threats  
July 9th 1998

The Observatory had been informed by the “Comisión de Derechos Humanos de El Salvador” (CDHES), member of the OMCT and FIDH, that, on Monday June 21st, 1998, in Estanzuelas, Department of Usulután, Mr. José Ricardo Villanueva Zelaya, member of the “Red Nacional de Promotores y Promotoras de derechos humanos de la CDHES” and of the organisation’s National Council, was the victim of a grave attack.

According to the CDHES, Mr. Villanueva Zelaya was attacked by a person who lives nearby (although it has not been possible to identify him) as he was on his way home. The aggressor attacked him with a machete, apparently intending to kill him. One of the colleagues of Mr. Villanueva Zelaya intervened precisely at that moment and managed to save his life. The attacker told him that he should not get involved in other people’s business and left the scene.

According to the information received, Mr. Villanueva Zelaya had been working towards improving the development of the community where he lives. He had denounced the inefficiency of public officials and their inability to fulfil their obligations. In the newsletter, “La Voz de los/as Promotores/as de la CDHES” (edition of March 1998), he denounced the Mayor’s Office of the Municipality for being responsible for the lack of social and economic development in the communities of Estanzuelas. In early June, during an open house of the Town Hall in Estanzuelas, the Mayor brought up Mr. Villanueva Zelaya’s attack and declared that he would bring him to trial for having publicised false information.

Mr. Villanueva Zelaya and the CDHES believe that he was attacked because of his work for the promotion of human rights and his denunciations. Their presumption was confirmed one week after the attack took place, when the lifelong companion of Mr. Villanueva Zelaya came across an employee of the Mayor’s Office who, without being aware of her relationship with him, asked her: “How did it go with that son of a...why didn’t they finish him off? That would have made us happy”.



The CDHES considers that this event is part of a strategy to attempt to intimidate and silence Mr. Villanueva Zelaya and the entire population of Estanzuelas. Furthermore, the CDHES, besides emphasizing its concern for this act, has recalled that several representatives of the “Red Nacional” have recently received threats because of their work in favour of human rights in El Salvador.

Institut kurde de Paris





# GUATEMALA

URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Alvaro Arzu Irigoyen	Gross Domestic Product per person - 1995 (in \$ de 1987)	898											
Regime	Presidential	Agricultural - 1995 (% of GDP)	25 <sup>2</sup>											
Capital	Guatemala	Industrial Production - 1995 (% of GDP)	19											
Land Surface (km <sup>2</sup> )	108 890	Tertiary Sector - 1995 (% of GDP)	56											
<b>Population<sup>1</sup></b>		Human Poverty Indicator 1995 (% of the Population)	29,3											
Total Population - 1995 (in millions)	10,6	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	58											
Life Expectancy - 1995 (years)	66,1	Gross National Product per person - 1995 (in \$)	1340											
Infant Mortality - 1996 (for 1000 births)	43	Rate of Growth of the Gross National Product 1980/1995 (%)	1,6											
Fertility Rate - 1995	5,1	Total External debt - 1995 (in Billions of \$)	3,3											
Rate of Population Growth - 1995/2015 (%)	2,6	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	65	Public Health Expenditure - 1990 (% of GDP)	2,1											
Gross Education Rate - 1995 (%)	46	Public Education Expenditure - 1995 (% of GNP)	1,7											
Population deprived of Access to Health Services - 1990/1995 (%)	43	Military Spending - 1996 (% of GDP)	1,4											
Daily Calorie Intake per person 1995	2298	Military Spending - 1990/1991 (% of combined health and education spending)	31											
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OP1	CAT	CAT <sup>2</sup>	ICERD	ICERD <sup>2</sup>	CEDAW	CEDH	CEDH <sup>2</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X		X		X		X					X	X	
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, data regarding the Agricultural Production, Industrial Production as well as the Tertiary sector relate to a year or to a previous period to those indicated under the head.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

GTM 001 / 9709 / OBS 016

Threats / Attacks

Summary Executions

September 29th 1997

The Observatory for the Protection of Human Rights Defenders is gravely concerned for the life and freedom of human rights defenders in Guatemala, and in particular the activists of the Ethnic Communities Council "Runujel Junam" (CERJ), and among them **Amilcar Méndez**.

According to reports from the CDHG (Guatemalan Commission for Human Rights), a member of OMCT and FIDH, the Council for Ethnic



Communities “Runujel Junam” (CERJ) reported that on the morning of 24th September, 1997, Amilcar Mendez, a member of the CERJ living in Santa Cruz del Quiché, received an anonymous death threat which read: “Dear Sir, we wish to tell you that today (25th September 97) at 1:00 hours we shall be there to kill you. Today is your day, your hour and prepare yourself because there will be a HUGE GANG OR HEAVY SEA...”.

According to the CERJ, the threats against its members are a result of the humanitarian work they do for families who are seeking asylum in their offices, as well as the public statement of Amilcar Mendez concerning actions committed against detained peasants and their families, victims of former chiefs and members of the ex-PAC (Civil self defence patrols) in the cantons of Paxot, municipality of Chichicastenango, department of Quiché.

These actions are not an isolated case: in recent months, numerous violations have been reported involving members or leaders of organisations active in the promotion of human rights and who have been victims of attacks on the part of unidentified individuals.

On 25th June, 1997, unidentified armed men attacked two US citizens, **Francisco Fabián Flores** and **Ms Bredy Pierre Louis**, members of the TUKUM UMAM Organisations Council. As a result of the attack **Francisco Fabian FLORES** was injured. The victims reported the event to the relevant authorities, but up to now the matter has still not been explained. This attack was preceded by other incidents: on 16th June, 1997, they were stopped by agents of the National Police and on 20th June they were followed by three agents. On 24th June, agents of the National Police questioned them on their stay in the country, their activities, their relations with Guatemalans, their addresses, etc. It was also reported that on 17th June 1997, in the department of El Progreso, unidentified persons machine gunned the residence of **Haroldo Evangelino Sánchez Ayala**, a leader of the Peasant and Popular Movement (CAMPO) while on 8th June in the Aldea Carmelita, department of Petén, unidentified armed men murdered **Carlos Fernando Catala**, president of the Committee for the Improvement of the Aldea Carmelita.



The recurrence of similar events contravenes the Peace Agreement on Human Rights, especially in relation to the protection of persons and institutions working for the promotion and defence of Human Rights.

#### UPDATE

The Observatory has received information indicating that the threats against Mr Amilcar Mendez and other members of the CERJ ceased and that they are continuing their normal activities.

Besides, following the abovementioned attack, Ms Bredy Pierre Louis left Guatemala; Mr Francisco Fabián Flores had to be hospitalised in order to undergo a medical operation; he finally left the country.

To this day, the Observatory has not received any information on the follow-up to the complaint filed to the Public Prosecutor concerning this attack.

GTM 001 198011 OBS 023

Murder

April 23th 1998

The Observatory has been informed by various Guatemalan organisations of the shocking death of Monsignor Juan José Gerardi Conedera, Bishop Auxiliary of the Archdiocese of Guatemala since 1984, prominent human rights defender, director of the Human Rights Office of the Archbishopric of Guatemala and Co-ordinator of the Inter-diocesan Project "Preservation of Historic Memory".

According to the various reports received, in the night of April 26th one or several unidentified persons brutally attacked Mgr. Juan José Gerardi Conedera, who died as a result of blows inflicted with a concrete bar which disfigured his face.

This terrible deed was carried out only 48 hours after Mgr. Gerardi Conedera, together with other bishops of the Guatemala Episcopal Conference, had chaired the public presentation of the report "Guatemala, Never Again" which is a compilation and analysis of information concerning thousands of cases of grave violations of human rights during the armed conflict.



Mgr. Juan José Gerardi Conedera was bishop of Las Verapaces from 1967 to 1974, being the forerunner of the Pastoral Indígena. Subsequently he was appointed bishop of El Quiché, where he had to face a period of great violence and repression against the population, which found expression in numerous massacres, forced disappearances and the harassment of priests and as well as an attack against Mgr. Gerardi Conedera. This situation made it necessary to close the Diocese of El Quiché in June 1980. Subsequently, when Mgr. Gerardi Conedera was President of the Episcopal Conference the authorities forbade him to enter the country so that he was forced to remain in exile until 1984. At the beginning of the 90s, Mgr. Gerardi Conedera was appointed by the Episcopal Conference to follow the peace process together with Mgr. Quezada Toruño. He also took part on various occasions in the work of the UN Human Rights Commission and the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities.

The Observatory is convinced, as are the Guatemalan organisations, that the dreadful murder of Mgr. Gerardi Conedera is due to his attempts to clear up the tens of thousands of cases of grave violations of human rights and crimes against humanity committed in Guatemala. Indeed, according to information received, the report which Mgr. Gerardi Conedera submitted a few hours before his death confirms the responsibility of the Guatemalan armed forces in some 90% of the cases.

The death of Mgr. Juan José Gerardi Conedera constitutes without a doubt a grave blow to the struggle of the Guatemalan people for justice, peace and democracy and casts a shadow over the efforts to achieve reconciliation and social reconstruction. This deplorable event, just a few weeks after the decision of the UN Human Rights Commission to suspend examination of the situation in Guatemala, confirms the fears expressed by various organisations, including the Human Rights Procurator of Guatemala, Julio Arango, concerning the deterioration of a situation which, in spite of an improvement by comparison with previous years, still fails to provide real and effective guarantees of respect of human rights.



The Observatory expresses its utter repugnance and indignation at the murder of Mgr. Juan José Gerardi Conedera, which confirms the intention of those responsible for the tens of thousands of violations of human rights and crimes against humanity in Guatemala to ensure their impunity at any cost including through the physical destruction of those who fight for truth, justice, peace and democracy. This situation also gives rise to concern for the life and safety of other human rights defenders, especially the members and collaborators of the Human Rights Office of the Bishopric of Guatemala and the inter-diocesan project "Preservation of Historic Memory".

#### UPDATE

The Observatory received information from various sources, indicating that the Government established a high-level commission to investigate the case. A few hours after the murder of Monsignor **Juan José Gerardi Conedera** the authorities announced the arrest of a person presumed responsible who was subsequently released.

In the course of investigations the priest Mario Orantes was formally accused by the Public Prosecutor of responsibility for the killing and, according to recent reports, the first hearing of the trial has been fixed for November 10th 1998.

However, the information received tends to confirm the fears concerning the partiality of the judicial authorities or, at least, the insufficiency of the evidence. The Episcopal Conference of Guatemala rejected these accusations, against Orantes to reaffirming that the authors of the crime are attempting to present it as a crime under criminal law or even a crime of passion.

CTM 002 / 9805 / OBS 035  
Threats / Harassment  
May 21st 1998

The Observatory has been informed, by the International Council of Indian Treaties (CITI), of the death threats and constant harassment of members of the organisation for the Mayan Defence (Defensoria Maya)



of Guatemala, particularly the following people: the director, **Juan León Alvarado**, the lawyer **Ovidio Paz**, the legal advisor of the organisation, **Mr. Ricardo Sulugi**, the Secretary General, **Mrs. Aura Jiatz** and **Mrs. Leticia Velasquez Zapeta**, the project manager.

According to the information received, May 16th, 1998, in Sololá, two unknown, armed men, approached the lawyer **Ovidio Paz** and threatened him, telling him that they would kill **Mr. Juan León Alvarado** and **Mr. Ricardo Sulugi**, with a shot in the head.

Similar preoccupying incidents had taken place before these threats.

In the middle of February, (no specific date was given), **Aura Jiatz**, 21 year old, was followed by an unidentified, armed man, riding a motorcycle, when she was leaving the University (at approximately 8:00 pm). He followed her for about 200 meters and finally, he told her to "be very careful".

On March 12th, 1998, near the campus of the San Carlos University of Guatemala, unidentified men opened the car of the lawyer, **Ovidio Paz**, without removing anything. It seemed that this incident was a form of harassment.

On March 15th, 1998, at 8:00 pm, in Area 7 of Guatemala City, two unidentified armed men grabbed of **Mrs. Leticia Velasquez Zapeta**, 36 years old, harassed and threatened to kill her and interrogated her on her activities and the leaders of the Mayan Defence. The individuals stole her belongings, including important documents of the organisation and told her to give up all political activities.

Finally, in the middle of January and February 1998, the offices of the Mayan Defence were put under surveillance by several armed men, in cars with dark windows.

The Observatory is very concerned for the safety and freedom of the members of the Mayan Defence, especially for those individuals aforementioned, whose lives are in grave danger. During the last few months, several human rights defenders have been killed; Archbishop **Juan José Conedera** including (see the Appeal GTM 001 / 9804 / OBS 028).



GTM 003 / 9306 / OBS 012

Threats

June 25th 1998

The Observatory has been informed by the Human Rights Commission of Guatemala (CDHG), member of the OMCT and the FIDH, of acts of aggression committed against various women of the Mamá Maquín group in Ixcán, department of Quiché.

The informations received show that on June 17th in the Cari allotment, municipality of Ixcán, men armed with grenades, machetes and firearms beat up several women who had been participating in an assembly of former refugee women and robbed them.

The paper El Gráfico reported that the members of the offices of Mamá Maquín, in Guatemala City, had received threats and intimidation on the part of unidentified men, urging them to give up their struggle on behalf of women.

The Observatory is concerned by the increase of acts of violence and crimes which have occurred lately, mainly because those responsible are not detained and the facts not investigated.

From that point of view, the Observatory recalls that the UN investigation mission in Guatemala stated in a report that although institutional violence as such had decreased, the main obstacle for the State in guaranteeing human rights are institutional deficiencies; thus it is of utmost importance for the effectiveness of the State's action that the law be observed.



# HONDURAS

URGENT ACTION - THE OBSERVATORY

General Information <sup>1</sup>		Economic and Social Indicators												
Head of State	Carlos Flores Focussé	Gross Domestic Product per person - 1995 (in \$ de 1987)	904											
Regime	Presidential	Agricultural - 1995 (% of GDP)	21											
Capital	Tegucigalpa	Industrial Production - 1995 (% of GDP)	33											
Land Surface (km <sup>2</sup> )	112 090	Tertiary Sector - 1995 (% of GDP)	46											
		Human Poverty Indicator 1995 (% of the Population)	21,8											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	53											
Total Population - 1995 (in millions)	5,7	Gross National Product per person - 1995 ( in \$)	600											
Life Expectancy - 1995 (years)	68,8	Rate of Growth of the Gross National Product-1980/1995 (%)	2,7											
Infant Mortality - 1996 (for 1000 births)	29	Total External debt - 1995 (in Billions of \$)	4,6											
Fertility Rate - 1995	4,6													
Rate of Population Growth -1995/2015 (%)	2,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	72,7	Public Health Expenditure - 1990 (% of GDP)	2,9											
Gross Education Rate - 1995 (%)	60	Public Education Expenditure - 1995 (% of GNP)	3,9											
Population deprived of Access to Health Services - 1990/1995 (%)	31	Military Spending - 1996 (% of GDP)	1,3											
Daily Calorie Intake per person 1995	2358	Military Spending - 1990/1991	92											
		(% of combined health and education spending)												
Ratification of major international and regional Human Rights Instruments <sup>3</sup>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X		X				X					X		
<p>1 - Indicators under the head "General information" are extracted from l'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

HND 001 / 9802 / OBS 011

Extrajudicial or Summary Execution

February 13th 1998

The Observatory for the Protection of Human Rights Defenders has been informed of the summary execution of **Ernesto Sandoval Bustillo**, regional president of the CODEH (Committee for the Defence of Human Rights) a member organisation of the OMCT in Santa Rosa de Copán.

According to reports, on 10th February, 1998 at around 7:00 pm, **Ernesto Sandoval Bustillo** was murdered near the CODEH offices in





Santa Rosa de Copán by unidentified armed men driving an unidentified vehicle.

A few weeks earlier, Sandoval Bustillo had given the CODEH's national office a death threat he had received. It was a manuscript letter dated 27th December, 1997 and was from "five highly qualified and heavily armed individuals" who called themselves "Los justicieros de la muerte" (executioners of death). The anonymous letter, stated *inter alia* that the national police and the Department of Public Prosecutions were in a situation where "their hands and feet were tied by human rights". It accused human rights defenders of defending delinquents "both minors and adults" and added "we have the names of 75 individuals, whom, after the publication (of this letter), we shall begin to capture and execute."

Sandoval Bustillo, former Justice of the Peace in the municipality of Macuelizo, Santa Barbara, had been working in the CODEH for approximately one year.

HND 002 / 9801 / OBS 026  
Harassment  
April 22nd 1998

The Observatory for the Protection of Human Rights Defenders has been informed of acts of harassment against Dr. **Ramón Custodio**, President of the Honduras Human Rights Committee (a member of the OMCT) on the part of the Chief of the Honduran armed forces, General Mario Hung Pacheco.

According to reports from various sources, including Amnesty International, at the beginning of April, Gen. Hung Pacheco filed a judicial complaint against Dr. Ramón Custodio, accusing him of falsifying documents.

The accusations against Dr. Custodio are alleged to be the same as those formulated last January before the Criminal Tribunal of the First Instance of Tegucigalpa. On that occasion he was accused of falsifying a memorandum ordering Hung Pacheco, in 1998, to hand over a student, Roger González (detainee, disappeared) to the head of



Battalion 3 - 16 (counter-intelligence unit responsible for numerous grave violations of human rights).

The accusation in question was rejected by the court last February.

The Observatory considers the harassment of Dr. Ramón Custodio as an extremely grave act and part of a climate of persistent threats and grave violations against human rights defenders. This situation led to the summary or extrajudicial execution of the following persons: Ernesto Sandoval Bustillo, regional president of the CODEH in Santa Rosa de Copan (see Observatory appeal HND 001/9802/ OBS 011) and Candido Amador Ortiz, indigenous leader Maya-Chortis (see Appeal case HND 210497 of the OMCT) and to the threats against Liduvina Hernandez and Bertha Oliva de Nativi, leaders of the COFADEH (Committee of Families of Detainees Disappeared in Honduras - see OMCT Case HND 140497).

The Observatory is convinced that these actions are designed to prevent human rights defenders from exercising their legitimate activities, especially in their struggle to elucidate dozens of cases of grave violations and ensure application of sanctions against those responsible.

HND 003 / 9807 / OBS 055  
Presumed Enforced Disappearance  
July 30th, 1998

The Observatory has received information regarding the presumed disappearance of Lic. Rafael Antonio Canelas Díaz, Secretary of the "Junta Directiva del IHDER" (Instituto Hondureño de Desarrollo Rural).

According to the information of the IHDER, since July 13th, the whereabouts of Lic. Rafael Antonio Canelas Díaz has been unknown. On that date, Mr. Canelas Díaz was travelling from the city of La Ceiba, where he resides, to San Pedro Sula. Both cities are located in the northern region of Honduras.

The "Asociación Latinoamericana de Organizaciones de Promoción", affiliated to the IHDER, has indicated that, up until July 29th, there was no news regarding the situation of Lic. Canelas Díaz.



Furthermore, the IHDER has warned that the disappearance of Lic. Canelas Díaz has been communicated to several human rights organisations, to the Dirección de Inteligencia Civil (DIC) and has been disseminated to the media. It also underlines that the reasons for his disappearance are unknown and that Lic. Canelas Díaz does not have any enemies and has not carried out any militancy in opposition to the regime.

The Observatory would like to underline its concern for this situation and recalls that, last February, Mr. Ernesto Sandoval Bustillo, regional President of the CODEH -"Comité de Defensa de los Derechos Humanos"-, was summarily executed in Santa Rosa de Copán, Honduras (see appeal HND 001 / 9802 / OBS 011) and that Dr. Ramón Custodio, national President of CODEH, has been the target of judicial accusations by military authorities (see appeal HND 002 / 9804 / OBS 026).

**FOLLOW UP**  
**HND 003 / 9807 / OBS 055**  
**New information**  
**July 31st 1998**

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The Observatory for the Protection of Human Rights Defenders has just been informed that Mr. Rafael Antonio Canelas Díaz reappeared. There is no further information on this alleged disappearance, his release or the date of his reappearance.

The Observatory thanks all those individuals and organisations who intervened in his favor. No further action is required.



# INDIA

## URGENT ACTION – THE OBSERVATORY

<b>General information*</b>		<b>Economic and Social Indicators</b>												
Head of State	Kocheril Raman Narayanan	Gross Domestic Product per person - 1995 (in \$ de 1987)	425											
Regime	Parliamentary	Agricultural- 1995 (% of GDP)	29											
Capital	New Delhi	Industrial Production - 1995 (% of GDP)	29											
Land Surface (km <sup>2</sup> )	3 287 590	Tertiary Sector - 1995 (% of GDP)	41											
		Human Poverty Indicator 1995 (% of the Population)	35,9											
<b>Population*</b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Total Population - 1995 (in millions)	929	Gross National Product per person - 1995 (in \$)	340											
Life Expectancy - 1995 (years)	61,6	Rate of Growth of the Gross National Product-1980/1995 (%)	5,3											
Infant Mortality - 1996 (for 1000 births)	73	Total External debt - 1995 (in Billions of \$)	93,8											
Fertility Rate - 1995	3,2	<b>Social and Military Expenditure</b>												
Rate of Population Growth -1995/2015 (%)	1,3	Public Health Expenditure - 1990 (% of GDP)	1,3											
Adult Literacy Rate - 1995 (%)	52	Public Education Expenditure - 1995 (% of GNP)	3,5											
Gross Education Rate - 1995 (%)	55	Military Spending - 1996 (% of GDP)	2,8											
Population deprived of Access to Health Services - 1990/1995 (%)	15	Military Spending - 1990/1991	65											
Daily Calorie Intake per person 1995	2382	(% of combined health and education spending)												
<b>Rotification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X				X		X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

IND 001 / 9707 / OBS 002

Harassment

against APCLC members

July 30th 1997

The Observatory for the Protection of Human Rights Defenders has been informed by Human Rights Watch in June 1997 of a directive by the State government of Andhra Pradesh ordering universities to take action to prevent teachers and other faculty members from associating with the respected human rights organisation the Andhra Pradesh Civil Liberties Committee (APCLC).

According to the Human Rights Watch, State universities have responded to the Andhra Pradesh government directive (No. 1s-3336/UEI."/97-1) by issuing letters to teachers who are office holders in APCLC requesting that they dissociate themselves from the organisation. Five academics from Osmania, Krishnadevaraya and Nagarjuna Universities have so far been asked to resign from membership in the organisation. The state apparently based its demand on a rule governing university employee conduct which bars employees from participating in political activities.

The Andhra Pradesh government directive is an attack on academic freedom and is a violation of the right to freedom of association enshrined in the International Covenant on Civil and Political Rights as well as the Indian Constitution.

Furthermore, the directive also represents an attack on a human rights organisations at a time when its members are already facing increased pressure, including death threats, from armed groups with apparent links to the police, in reaction to the APCLC's successful advocacy against a pattern of extra-judicial killings in the State. For decades, the APCLC has led the fight for human rights in the state of Andhra Pradesh.

The Observatory for the Protection of Human Rights Defenders furthermore notes that the attempt of the government to forbid academics from involvement with the APCLC violates the principle enshrined in the Universal Declaration of Human Rights that "education shall be directed to ... strengthen respect for human rights." Educational institutions cannot function effectively as centres of enquiry and innovation, and as leading organs for the advancement of human rights, when the basic rights of educators themselves are not respected.

#### UPDATE

The Observatory has received information from the South Asian Human Rights Documentation Centre (a member of OMCT) that authorities continue to prevent the teachers and other faculty members from associating with the Andhra Pradesh Civil Liberties Committee (APCLC).



IND 002 / 9708 / OBS 001  
Harassment of Rights Defender  
and  
COHR Members  
August 14th 1997

The Observatory for the Protection of Human Rights Defenders has been informed by reliable sources of the grave concern over acts of intimidation and harassment of Mr Chongtham Cha Surjeet (Advocate, member of COHR, founder of Northeast Co-ordination Committee on Human Rights (NECHOR)).

According to the information received, on 5th July 1997, Mr. Chongtham Cha Surjeet was allegedly subjected to intimidation and harassment by a team of Indian army personnel and Rapid Action Police Force when they raided his house on 4th July 1997. The act took place just before Mr Chongtham Cha Surjeet was to leave for Geneva, Switzerland to attend the 60th Session of the United Nations Human Rights Committee. The authorities searched the house thoroughly and confiscated some audio and video cassettes of COHR. It is believed that the authorities suspect the involvement of Chongtham Cha Surjeet in the independence movement.

The presence of the army in the North Eastern States of India has been the subject of considerable criticism from both national and international human rights groups for its frequent abuses of human rights in the North Eastern States. The army appears to operate without the consent of the civil administration and acts with almost total impunity. The army is empowered by many draconian laws including the Armed Forces (Special Powers) Act.

The Constitutionality of the Armed Forces (Special Powers) Act is due to be examined in August and it is hoped that the Supreme Court will examine the Act in terms of compatibility with the Covenant on Civil and Political Rights.

UPDATE

The Observatory has received information suggesting that the harassment of Mr Chongtham Cha Surjeet stopped. However, according to



the same information, the situation of human rights defenders in this region is still worrying.

IND 001 / 9807 / OBS 016

Detention

July 9th 1998

The Observatory has just been informed by the South Asia Human Rights Documentation Centre (SAHRDC), member organisation of the OMCT network, of the arrest and detention of **Mr. Bimal Kanti Chakma**, of the Jyotipur village, in the Diyun Circle of the Changlang district, State of Arunachal Pradesh.

According to the information received from SAHRDC, **Mr. Bimal Kanti Chakma** was arrested on July 6th, 1998, by the Arunachal Pradesh Police. **Mr. Bimal Kanti Chakma** is an assistant "Gaonbura" (Village Headman) and leader of the Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP). He has been providing help to several Chakmas, of the Mpen area under the Miao circle of Changlang district, attempting to obtain bail for them. These Chakmas had been summoned by the Sub-Divisional Officer of Miao for alleged illegal occupation of forest land.

**Mr. Bimal Kanti Chakma** had been arrested in November 1996, by the Arunachal Pradesh police along with five other Chakmas and Hajongs. They were reportedly beaten with sticks and belts and kicked in their stomachs, during their arrest.

In light of past ill-treatment perpetrated by the Arunachal Pradesh police, it is feared that **Mr. Bimal Kanti Chakma** may be subject to torture and ill-treatment during his current detention and the Observatory is concerned for his physical and psychological well being.



# INDONESIA

URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Bacharuddin Yusuf Hobibi	Gross Domestic Product per person - 1995 (in \$ de 1987)	720											
Regime	Authoritarian presidential regime. The army plays an important role	Agricultural- 1995 ( % of GDP)	17											
Capital	Jakarta	Industrial Production - 1995 ( % of GDP)	42											
Land Surface (km <sup>2</sup> )	1 913 000	Tertiary Sector - 1995 ( % of GDP)	41											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	20,2											
Total Population - 1995 (in millions)	197,5	Monetary Poverty - 1989/1994 ( % - (population living under the national poverty line)	8											
Life Expectancy - 1995 (years)	64	Gross National Product per person - 1995 (in \$)	980											
Infant Mortality - 1996 (for 1000 births)	47	Rate of Growth of the Gross National Product-1980/1995 (%)	6,8											
Fertility Rate - 1995	2,8	Total External debt - 1995 (in Billions of \$)	107,8											
Rate of Population Growth -1995/2015 (%)	1,2	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	83,8	Public Health Expenditure - 1990 (% of GDP)	0,7											
Gross Education Rate - 1995 (%)	62	Public Education Expenditure - 1995 (% of GNP)	/											
Population deprived of Access to Health Services - 1990/1995 (%)	7	Military Spending - 1996 (% of GDP)	2,1											
Daily Calorie Intake per person 1995	2699	Military Spending - 1990/1991 (% of combined health and education spending)	49											
Ratification of major international and regional Human Rights Instruments <sup>3</sup>														
ICESCR	ICCPR	OP1	CAT	CAI*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
							X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

IDN 001/9810 / OBS 071

Murder / Harassment

October 14th 1998

The Observatory has just been informed by reliable sources, including Human Rights Watch and Asia Human Rights Alert that on October 9, 1998, Ms. Martadinata Haryono, a young Chinese-Indonesian woman was murdered in Jakarta.

According to the information received, Ms Martadinata Haryono's mother is a member of the Volunteer Team for Humanity, better known by its Indonesian name of Tim Relawan, which is investigating rapes of





ethnic Chinese women in Indonesia. Ms Martadinata Haryono herself had taken part in many of its activities.

Ms. Martadina Haryono's murder has raised concerns among Indonesian human rights groups who believe that it may represent an escalation of a campaign to terrorize the persons and organizations who are carrying an investigation into these rapes. According to information received, the Volunteer Team for Humanity has been carrying out documentary reports on systematic rape, primarily on ethnic Chinese women.

According to information received, it seems that there are several contradictory reports about the murder of Ms. Martadinata Haryono. Police said that there were no indications of rape while some press reports suggested she had been sexually assaulted.

According to Human Rights Watch, three of the most visible members of the Volunteer Team for Humanity, Father Sandyawan, Ms. Karlina Leksono, and Ms. Ita Fathia Nadia have been threatened repeatedly since the issue of the rapes first arose. Furthermore, according to the information, members of the Tim Relawan have been called in the middle of the night and warned to stop investigating the rapes. Their children have also been the target of threats and obscene telephone calls.

According to the sources, senior government officials have been making contradictory remarks about the rapes. Defense Minister and Commander of the Armed Forces General Wiranto has denied that they took place, and Justice Minister Muladi has expressed they are widespread and systematic.



# IRAN

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Ali Khamenei, head of the revolution based on	Gross Domestic Product per person - 1995 (in \$ de 1987)	2 902											
Regime	the ethical principles of Islam as well as parliamentary democracy	Agricultural- 1995 ( % of GDP)	/											
Capital	Teheran	Industrial Production - 1995 ( % of GDP)	/											
Land Surface (km <sup>2</sup> )	1 648 000	Tertiary Sector - 1995 ( % of GDP)	/											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	22,2											
Total Population - 1995 (in millions)	68,4	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Life Expectancy - 1995 (years)	68,5	Gross National Product per person - 1995 ( in \$)	/											
Infant Mortality - 1996 (for 1000 births)	33	Rate of Growth of the Gross National Product-1980/1995 (%)	3,1											
Fertility Rate - 1995	5	Total External debt - 1995 (in Billions of \$)	21,9											
Rate of Population Growth-1995/2015 (%)	2,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	69	Public Health Expenditure - 1990 (% of GDP)	1,5											
Gross Education Rate - 1995 (%)	67	Public Education Expenditure - 1995 (% of GNP)	4											
Population deprived of Access to Health Services - 1990/1995 (%)	12	Military Spending - 1996 (% of GDP)	5											
Daily Calorie Intake per person 1995	2945	Military Spending - 1990/1991	38											
		(% of combined health and education spending)												
Ratification of major international and regional Human Rights Instruments <sup>3</sup>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X				X									
<p>1 - Indicators under the head " General information " are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

IRN 001 / 9807 / OBS 013

Arbitrary Detention

July 1st 1998

The Observatory has been informed by the League for the Defence of Human Rights in Iran, LDDHI, member organisation of the FIDH and Human Rights Watch, of the arrest of Mr. Mohsen Saidzadeh, an independent intellectual and well-known Iranian theologian, in Teheran, on June 30th.

Author of numerous essays, books and articles on the compatibility of Islam with modernity, notably on the question of discrimination against women in Iran, Mr. Saidzadeh has furthermore been the leader of a

popular movement calling for the reform of the family law in Iran. In November 1997, he was one of the speakers at a conference organised jointly by the UNICEF and the National Association to protect Children's Rights based in Teheran.

Mr. Mohsen Saidzadeh was arrested yesterday, at his home, by agents of the Ministry of Information and taken to an unknown destination.

The Observatory considers that Mr. Saidzadeh was arrested because of his intellectual activities and his militancy in favour of the rights of Iranian women.

#### UPDATE

Mr Mohsen Saidzaeh remains in detention. Up to the date of publication, no information is available on his place of detention, the charges against him or the date of his trial.



# ISRAEL

## URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Ezer Weizmann	Gross Domestic Product per person - 1995 (in \$ de 1987)	10 551											
Regime	Parliamentary Democracy combined with a military administration in the Occupied Territories	Agricultural- 1995 (% of GDP)	/											
Capital	Jerusalem	Industrial Production - 1995 (% of GDP)	/											
Land Surface (km <sup>2</sup> )	20 325	Tertiary Sector - 1995 (% of GDP)	/											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	/											
Total Population - 1995 (in millions)	5,5	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Life Expectancy - 1995 (years)	77,5	Gross National Product per person - 1995 (in \$)	15 920											
Infant Mortality - 1996 (for 1000 births)	8	Rate of Growth of the Gross National Product 1980/1995 (%)	4,8											
Fertility Rate - 1995	2,8	Total External debt - 1995 (in millions of \$)	/											
Rate of Population Growth -1995/2015 (%)	1,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	95	Public Health Expenditure - 1990 (% of GDP)	4,2											
Gross Education Rate - 1995 (%)	75	Public Education Expenditure - 1995 (% of GNP)	6,6											
		Military Spending - 1996 (% of GDP)	12,1											
		Military Spending - 1990/1991	106											
		(% of combined health and education spending)												
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFPD
X	X		X		X		X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

ISR 001 / 9807 / OBS 051

Threats / Harassment

July 17th 1998

The Observatory has been informed by LAW, the Palestinian Society for the protection of Human Rights and the Environment, member organisation of the FIDH, of threats and harassment against its General Director, Mr. Khader Shkirat.

Mr Khader Shkirat was stopped in his car by a military jeep stationed outside LAW's Jerusalem office on 12 July 1998 ; he was interrogated by soldiers and Israeli intelligence agents about his activities at LAW and threatened with arrest. His car was partially dismantled and searched. Later, the same soldiers and agents went back and stationed

their jeep at the same place. They stopped and questioned one of the LAW employees outside the office premises. On 14th July, the agents returned to this area and questioned people and shop-owners about the LAW office.

Mr Khader Shkirat had already been questioned at the end of the LAW's international conference "50 Years of Human Rights Violations-Palestinian Dispossessed - 7/10 June 1998", following the assault by Israeli soldiers of a peaceful assembly of conference participants who were visiting the site of a take-over of Palestinian homes by Jewish settlers in Silwan village in Jerusalem. On this occasion, some international participants (Canadians Americans and French) had been temporary detained and questioned about LAW and its General Director.

The Observatory considers that the sole reason for Mr. Khader Shkirat's harassment is to punish his activities in defending human rights, and the Observatory has serious grounds to believe that these events are part of an intimidation campaign against Palestinian NGOs in Jerusalem.



# KOREA (REPUBLIC OF)

URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Kim Doe-jeung	Gross Domestic Product per person - 1995 (in \$ de 1987)	5 663											
Regime	Presidential	Agricultural- 1995 (% of GDP)	7 <sup>2</sup>											
Capital	Seoul	Industrial Production - 1995 (% of GDP)	43											
Land Surface (km <sup>2</sup> )	99 484	Tertiary Sector - 1995 (% of GDP)	50											
		Human Poverty Indicator 1995 (% of the Population)	/											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Total Population - 1995 (in millions)	44,9	Gross National Product per person - 1995 (in \$)	9 700											
Life Expectancy - 1995 (years)	71,7	Rate of Growth of the Gross National Product/1980/1995 (%)	8,7											
Infant Mortality - 1996 (for 1000 births)	6	Total External debt - 1995 (in Billions of \$)	/											
Fertility Rate - 1995	1,7													
Rate of Population Growth -1995/2015 (%)	0,7	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	98	Public Health Expenditure - 1990 (% of GDP)	2,7											
Gross Education Rate - 1995 (%)	83	Public Education Expenditure - 1995 (% of GNP)	3,7											
Population deprived of Access to Health Services - 1990/1995 (%)	0	Military Spending - 1996 (% of GDP)	3,3											
Daily Calorie Intake per person 1995	3 159	Military Spending - 1990/1991 (% of combined health and education spending)	60											
<b>Ratification of major international and regional Human Rights Instruments<sup>3</sup></b>														
ICESCR	ICCPR	OPT	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFPD
X	X	X	X		X	X	X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, data regarding the Agricultural Production, Industrial Production as well as the Tertiary sector relate to a year or to a previous period to those indicated under the head.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**KOR 001 / 0198 / OBS 005**

**Prison Sentence**

**for Human Rights Defender**

**January 29th 1998**

The Observatory for the Protection of Human Rights Defenders is gravely concerned over deteriorating freedoms of human rights defenders in South Korea. On 26th December, 1997, **Jin-kwan** (age 49) a Buddhist monk was sentenced to a 3 and a half years in prison by the Supreme Court. The well-known human rights advocate from the Buddhist Committee for Human Rights in South Korea was convicted



under the National Security Law (NSL) under charges of divulging state secrets to anti-state personnel of North Korea.

Jin-kwan was arrested on 1st October 1996, by some 20 officers of the Agency for National Security Planning (ANSP-formerly known as the KCIA) under charges of violating the NSL. The same night, the office of the Buddhist Committee for Human Rights and Meereukjung Temple, and the main residence of Jin-kwan were searched.

The court has convicted him on the basis of allegations that during a visit to Beijing, China, he divulged State secrets to North Korean agents. Jin-kwan was convicted of meeting and communicating with anti-state figures from North Korea (NSL Article 8), infiltrating from or escaping to territories under anti-state control (NSL Article 6), and divulging state secrets to them (NSL Article 4). He was also convicted of producing and distributing anti-state materials (NSL Article 7, Clause 5), praising the enemy (NSL Article 7, Clause 1) and aiding an "enemy benefiting" organisation (NSL Article 7, Clause 3).

The information in question was treated in the trial as if it were a State secret; it was in fact, a list of long-term prisoners and other prisoners of conscience (compiled by the prominent Korean human rights group Minkyup), a list of the leadership in the Korea Telecom Trade Union, and an activity report of the Buddhist Committee for Human Rights. Newspaper articles and personal comments on the current trend in South Korean politics and social movements were not considered to be State secrets by the Supreme Court, somewhat limiting what traditionally has been regarded as a State secret.

The Observatory shares the view of Minkyup that the arrest and conviction of Jin-kwan appear to be politically motivated. During ANSP investigation, the ANSP claimed that Jin-kwan had continuously carried out anti-government activities in support of the position held by North Korea by participating in the establishment of the anti-state organisation 'Pomminnyon', demanding the repeal of the National Security Law, and by pursuing the return of the former long-term prisoners to North Korea.

The ANSP claimed that his activities in favour of the withdrawal of U.S. troops and nuclear weapons from the Korean peninsula, the institution of a peace treaty between North Korea and the U.S., the reuni-



fication of Korea under a federal system, the reduction of military spending, and the formation of 'Pomminnyon' were supporting the position of North Korea, which is an 'anti-state organisation'. North Korea is considered as an 'anti-state organisation' in domestic South Korean affairs.

These actions were denounced during the trial as "threatening the fundamental democratic order of the state in support of the revolutionary offensive strategy of North Korea, an 'anti-state organisation'".

The ANSP further claimed that Jin-kwan had infiltrated various levels of society including the reunification and labour movement activists, students, intellectuals, religious and opposition figures, relaying orders for further acts of espionage from North Korea, collecting and divulging State secrets by communicating with anti-state figures, and aiding and abetting the enemy.

The arrest and conviction of Jin-kwan was followed by further suppression of human rights activities as other human rights activists including **Suh Joon-shik** (arrested and indicted in November 1997) under charges of violating the NSL in connection with the Human Rights Film Festival held for the second time in September 1997. Such trends give rise to serious concern regarding the appropriate protection of human rights and human rights defenders.

There appears to be no substantive evidence supporting the contention that Jin-kwan has undertaken espionage activities. Information dealing with human rights activities cannot be under any circumstances considered State secrets.

#### UPDATE

The Observatory was informed of the Amnesty by President of the Republic of South Korea, on March 13th 1998 with than seventy prisoners released, including **Mr. Jin-kwan**, but equally students, writers and artists. This amnesty also reduced the prison sentence for about fifteen detainees.





# KIRGYZSTAN

URGENT ACTION - THE OBSERVATORY

<b>General Information<sup>1</sup></b>		<b>Economic and Social Indicators</b>												
Head of State	Askar Akaiev	Gross Domestic Product per person - 1995 (in \$ de 1987)	501											
Regime	Presidential	Agricultural- 1995 (% of GDP)	44											
Capital	Bishkek	Industrial Production - 1995 (% of GDP)	24											
Land Surface (km <sup>2</sup> )	198 500	Tertiary Sector - 1995 (% of GDP)	32											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	/											
Total Population - 1995 (in millions)	4,5	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	76											
Life Expectancy - 1995 (years)	67,9	Gross National Product per person - 1995 (in \$)	700											
Infant Mortality - 1996 (for 1000 births)	39	Rate of Growth of the Gross National Product-1980/1995 (%)	/											
Fertility Rate - 1995	3,4	Total External debt - 1995 (in millions of \$)	610											
Rate of Population Growth -1995/2015 (%)	0,9	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	97	Public Health Expenditure - 1990 (% of GDP)	5											
Gross Education Rate - 1995 (%)	73	Public Education Expenditure - 1995 (% of GDP)	6,8											
		Military Spending - 1996 (% of GDP)	2,6											
		Military Spending - 1990/1991 (% of combined health and education spending)	/											
<b>Ratification of major international and regional Human Rights Instruments<sup>*</sup></b>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH <sup>1</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X		X		X							
<p>1 - Indicators under the head " General information " are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

KGZ 001 / 9810/ OBS 070

Harassment of Activists

October 8th 1998

The Observatory for Human Rights Defenders has been informed by reliable sources including Human Rights Watch, of increasing acts of harassment against a Kyrgyz human rights group, The Kyrgyz Committee for Human Rights (KCHR).

According to information received, on Thursday 1st October, pro-governmental newspapers reported that the registration of the Kyrgyz Committee for Human Rights had been revoked by the authorities ("by



the decision of the Chamber of the Ministry of Justice of the Kyrgyz Republic a decree No 755 on approval of the charter of the KCHR was annulled"). The articles stated that the reason behind the move had been taken for failing to follow administrative procedures during the assembly of the KCHR. Although the newspaper suggested that the action taken was not related to the human rights group's activities in favour of human rights, the Observatory for the Protection for Human Rights Defenders feels that the evidence strongly suggests that this is not the case. KCHR has been given no formal notice of the removal of their registration.

This act comes within the context of a number of acts of previous harassment. These acts have included accusations of financial mismanagement of funds donated by foreign donors and verbal threats allegedly issued on numerous occasions by members of the secret services, to the Director of the Kyrgyz Committee for Human Rights, Ramazan Dyrlydaev. It is further alleged that people who live and work near the offices of the organisation are regularly questioned on the movements of the workers of the Committee.

The Observatory for the Protection of Human Rights Defenders is particularly concerned over the timing of this act: the Kyrgyz Committee for Human Rights was planning to monitor the upcoming referendum, tentatively scheduled for October 17th. This is not the first time that this action has been carried out: in 1995 the organisation, known at the time as the Kyrgyz Rights Protecting Movement, was similarly banned before the presidential elections. Clearly removal of an independent monitoring body represents a serious concern.

The rights of human rights groups are enshrined in Article 5 of the Law on Public Institutions which states that "State institutions are not entitled to interfere into the internal affairs of a public organisation" The Constitution further states in Article 8 that "In Kyrgyz Republic political parties, trade unions and other public associations can be formed on ground of free will and community of interests".



**FOLLOW UP**  
**KGZ 001 / 9810/ OBS 070 . 01**  
**New Information**  
**October 8th 1998**

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The Observatory for the Protection of Human Rights Defenders has just been informed of further acts of intimidation against members of the KCHR and further serious limitations on their freedom to carry out their work promoting and defending human rights.

According to the information received, on October 8, 1998, at about 8 p.m. Niyazbekova Azimhan, an activist of the KCHR was approached on the street by a man wearing militia uniform. The man (later identified as Bolot B. Taabaldiev) warned her to stop her human rights activities. The officer insulted and intimidated her and said that if she did not stop she would be physically harmed. Officer Taabaldiev allegedly works in department 7 of Ministry of Interior, in the department established to maintain surveillance on Kyrgyz citizens. Apparently Ms Azimhan has had to be given medical assistance as a result of the threats.

The KCHR has continued to protest its deregistration. On October 6, 1998 a delegation of (15) activists of KCHR went to the Ministry of Justice to get an explanation for the de registration. Apparently the authorities refused to speak to them saying that they would speak only to Mr Dyrlydaev the chairman of the organisation.

On October 7, 1998 Mr Dyrlydaev, and other senior figures of the KCHR met with the vice-Minister of Justice Arabaev. However, Mr Arabaev apparently failed to provide a satisfactory explanation that in the view of KCHR, was contradictory and that suggested that the de registration process had failed to comply with Kyrgyz law.

As a result of the de registration the KCHR is facing serious restrictions on its activities : on October 8 the head of the regional branch of KCHR in Naryn oblast (region) reported that the local authorities will not grant permission to KCHR activists to observe the Presidential referendum on October 17.



On October 9, 1998 Judge Omorova of the Pervomaisky district court prohibited Ramazan Dyrlydaev the Chairman of the KHCR from defending Bermet Bukasheva (chief-editor) of the "Litsa" newspaper. Bermet Bukasheva is accused of defaming Mr Talaibek Koichumanov, the Minister of Finance. The Judge stated that KHCR could not represent the defendant as it is not a legal entity.

The Observatory would like to stress that these threats and these acts of harassment violate the freedoms of opinion, expression and association guaranteed by the International Covenant on Civil and Political Rights. Furthermore, the rights of human rights groups are enshrined in Article 5 of the Law on Public Institutions which states that "State institutions are not entitled to interfere into the internal affairs of a public organisation". The Constitution further states in Article 8 that "In Kyrgyz Republic political parties, trade unions and other public associations can be formed on ground of free will and community of interests".



# MAURITANIA

URGENT ACTION - THE OBSERVATORY

General information*		Economic and Social Indicators												
Head of State	Cel Maouya Ould Sid'Ahmed Taya	Gross Domestic Product per person - 1995 (in S de 1987)	503											
Regime	Officially civilian following the dissolution of the Military Committee for national «salut» and the organisation of the presidential elections	Agricultural- 1995 (% of GDP)	27*											
Capital	Nouakchott	Industrial Production - 1995 (% of GDP)	30											
Land Surface (km <sup>2</sup> )	1 030 700	Tertiary Sector - 1995 (% of GDP)	43											
<b>Population*</b>		Human Poverty Indicator 1995 (% of the Population)	45,9											
Total Population - 1995 (in millions)	2,3	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	57											
Life Expectancy - 1995 (years)	52,5	Gross National Product per person - 1995 (in S)	460											
Infant Mortality - 1996 (for 1000 births)	124	Rate of Growth of the Gross National Product-1980/1995 (%)	2,3											
Fertility Rate - 1995	5,2	Total External debt - 1995 (in Billions of \$)	2,5											
Rate of Population Growth -1995/2015 (%)	2,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	37,7	Public Health Expenditure - 1990 (% of GDP)	/											
Gross Education Rate - 1995 (%)	38	Public Education Expenditure - 1995 (% of GNP)	5											
Population deprived of Access to Health Services - 1990/1995 (%)	37	Military Spending - 1996 (% of GDP)	2,9											
Daily Caloria Intake per person 1995	2568	Military Spending - 1990/1991 (% of combined health and education spending)	40											
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
					X						X			
<p>1 - Indicators under the head " General information " are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, data regarding the Agricultural Production, Industrial Production as well as the Tertiary sector relate to a year or to a previous period to those indicated under the head.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

MRT 001 / 9801 / OBS 003

Arrest / Detention

January 19th 1998

The Observatory for the Protection of Human Rights Defenders has been informed by the Mauritanian Human Rights Association, an organisation affiliated to FIDH, of the arrest of Professor **Cheikh Saad Bouh Kamara**, president of the Mauritanian Association for Human Rights, Mr. **Boubacar Ould Messaoud**, President of the SOS Slaves Association and Vice president of the Action for Change party, and Mr. **Brahim Ould Ebetty**, Secretary General of the National Order of



Lawyers and member of the Union of Democratic Forces, by the police on Saturday 17th January, 1998 at 15:30 pm.

To date, all three have been detained at the headquarters of the National Security Services and neither their families nor their lawyers have been allowed to visit them.

According to information received, the arrest and detention of these three persons, who are internationally known for their work against slavery and in favour of human rights, are most certainly connected with the broadcast over Canal France International on Thursday 15th January, 1998 of a programme dealing with the practice of slavery in Mauritania in which Mr Boubacar Ould Messaoud had taken part.

The Observatory has every reason to believe that the arrest and detention of Messaoud, Kamara and Ebetty are solely in reprisal for their active involvement in human rights and against slavery. No charge has been brought against them.

The Observatory consequently considers their arrest and detention arbitrary and in violation of the international instruments guaranteeing freedom of action for the defenders of human rights and particularly freedom of expression and opinion.

MRT 002/ 9802 /OBS 009

Arrest / Prison

February 6th 1998

The Observatory for Human Rights Defenders has been informed by the Mauritanian Association of Human Rights, an organisation affiliated with FIDH, of the arrest on Thursday, 5 February, at approximately 4 p.m. of the lawyer **Fatimata M'Baye**, Vice-president of the Mauritanian Association of Human Rights. Ms **Fatimata M'Baye** was allegedly arrested by two men, dressed in civilian clothes and wearing turbans while leaving her home to go to her office. The men appeared to belong to the police force, but arrested her without a warrant. The place of her detention is still unknown.



At the same time Mr **Ladji Traore**, who is believed to be one of the co-ordinators of a collective of eleven human rights organisations, and four other persons who are members of the Executive Office of the opposition party "Action for Change" were arrested. Moreover, the police seriously injured an activist of this same party after a protest demonstration was stopped by the police. This person is currently in the hospital.

These recent events come only days after the arrest of Professor **Cheikh Bouh Kamara**, President of the Mauritanian Association of Human Rights, Mr. **Boubacar Ould Messaoud**, President of the SOS Slaves Association, and Mr. **Brahim Ould Ebetty**, Secretary General of the National Order of Lawyers and member of the Democratic Forces Union, whose trial is supposed to begin next Sunday, 8th February (see the urgent action of the Observatory MRT 001/9801/OBS 003).

These developments constitute a threat by the authorities to freedom of expression, opinion and association, and the freedom of action of human rights defenders.

Ms. **Fatimata M'Baye** is one of the most active and internationally respected human rights defenders. The Observatory believes that the events described above violate the international instruments guaranteeing freedom of action of human rights defenders and particularly freedom of expression and opinion.

**FOLLOW UP**

**MRT 001 - MRT 002 / 9801 / OBS 003 . 01 - OBS 009 . 01**

**New Information**

**February 13th 1998**

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The Observatory has just been informed that Professor **Cheikh Bouh Kamara**, sociologist and President of the AMDH, Lawyer **Fatimata M'baye**, Vice-president of the AMDH, Lawyer **Brahim Ould Ebetty**, Secretary of the National Order of Mauritanian Lawyers and Mr **Boubacar Ould Messaoud**, President of SOS Slaves, have each been sentenced to 13 months in prison and have been fined



30,000 ouguiya - an exorbitant sum of money for Mauritania. These sanctions were imposed because they “belong to an unauthorised organisation”, as well as because of their “forgery, usage of forged instruments and swindling” concerning Mr. Boubacar Ould Messaoud.

The AMDH, the GERDESS (an organisation which promotes development and democracy), and SOS Slaves, have been declared unlawful, despite the fact that these three associations have observer status with the African Commission of Human Rights and the People’s Rights.

The Observatory is dismayed at this decision, which marks a particularly worrying step backwards in the freedom of opinion, expression and association. These liberties had been recognised by the 1991 Constitution of the Islamic Republic of Mauritania.

#### TRIAL OBSERVATION : CONCLUSIONS

The Observatory was mandated an international observer at the trial of Professor Kamara, Lawyer Brahim Ebetty, Boubacar Messaoud and Lawyer Fatimata M’Baye.

Following this observation, we can conclude that, even if the defence rights were globally respected, the Parquet tried constantly to interrupt the defence lawyers during the four days of the hearing.

While this trial is described as ordinary law, it was dealt with politically by the authorities. There were other irregularities : the accused were heard by the National Security Forces ; their detention was irregularly prolonged; the security forces were a dominant presence in the hearing room, etc.

The sentences applied to all four human rights defenders. The extreme severity of the sentences, the banning of the three organisation and the confiscation of their goods raise concerns about the freedom of association and of opinion, and the respect and the defence of human rights in Mauritania.

The Observatory wishes the Court of Appeal to apply the law independently and with impartiality, with the respect due to the liberties included in the Mauritanian Constitution of 1991 and in the Universal





**Declaration of Human Rights, to which the Constitution refers.  
(Mauritanie : Les militants des droits de l'Homme en danger. Rapport  
FIDH n° 254, février 1998)**

**FOLLOW UP  
MRT 001 - MRT 002 / 9801/ OBS 003 . 02 - OBS 009 . 02  
New Information  
March 25th 1998**

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The Observatory has been informed of the verdict of the Court of Appeals of Nouskchott and made public on 24 March 1998, around 12:00 pm, which confirmed a punishment of 13 months of prison of these four prominent defenders of human rights in Mauritania.

However, on the afternoon of the same day, the President of the Islamic Republic of Mauritania delivered a decree of grace in favor of the four. They were able to return to their homes by the end of the afternoon.

The Observatory is happy to learn of their liberation and thanks all the groups, individuals and institutions for their efforts made on behalf of this liberation.

The Observatory remains concerned by the restrictions applied to Defenders of Human Rights in Mauritania.

# MEXICO

URGENT ACTION - THE OBSERVATORY

General information*		Economic and Social Indicators												
Head of State	Ernesto Zedillo	Gross Domestic Product per person - 1995 (in \$ de 1987)	1724											
Regime	Presidential	Agricultural - 1995 (% of GDP)	8											
Capital	Mexico	Industrial Production - 1995 (% of GDP)	26											
Land Surface (km <sup>2</sup> )	1 967 183	Tertiary Sector - 1995 (% of GDP)	67											
<b>Population*</b>		Human Poverty Indicator 1995 (% of the Population)	10,7											
Total Population - 1995 (in millions)	91,1	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	34											
Life Expectancy - 1995 (years)	72,1	Gross National Product per person - 1995 (in \$)	3320											
Infant Mortality - 1996 (for 1000 births)	27	Rate of Growth of the Gross National Product-1980/1995 (%)	1,2											
Fertility Rate - 1995	2,9	Total External debt - 1995 (in Billions of \$)	165,7											
Rate of Population Growth -1995/2015 (%)	1,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	89,6	Public Health Expenditure - 1990 (% of GDP)	1,6											
Gross Education Rate - 1995 (%)	67	Public Education Expenditure - 1995 (% of GNP)	5,3											
Population deprived of Access to Health Services - 1990/1995 (%)	7	Military Spending - 1996 (% of GDP)	0,8											
Daily Calorie Intake per person 1995	3116	Military Spending - 1990/1991	5											
		(% of combined health and education spending)												
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OP1	CAT	CAT	ICERD	ICERD	CEDAW	CEDH	CEDH	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X		X		X		X					X	X	
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

MEX 001 / 9708 / OBS 003

Defamation / harassment

August 6th 1997

The Observatory for the Protection of Human Rights Defenders has been informed by the Centre for Human Rights (PRODH) that there is reason to fear for the personal security and freedom of Ms. **Graciela Zavaleta Sánchez**, President of the Mahatma Ghandi Regional Centre for Human Rights, in Tuxtepec, Oaxaca, and **Arturo Solís Gómez**, President of the Centre for Cross-Border Studies and the Promotion of Human Rights (CEFPRODHAC), in Tamaulipas, and ex-director of the Migration Studies and Information Centre.

1. According to the information, Ms. Graciela Zavaleta Sanchez was the object of defamatory remarks in the publication of an article entitled "Graciela Zavaleta's links with the Tuxtepec Mafia". This article, unsigned and devoid of any sources, was published on July 26, 1997 in the daily paper "El Grafico". It accuses Ms. Zavaleta of protecting delinquents and of "intimidating the authorities of the Assistant Prosecution in order to obtain the liberation" (sic) of a taxi driver known as "El Capulinita", supposedly a member of "the taxi gang responsible for thefts, harassment/aggression and other illicit acts which operates in Tuxtepec" (sic).

The "Bartolome Carrasco" Regional Centre and the PRODH - Centre for Human Rights "Miguel Agustín Pro Juárez", have refuted the accusations against Ms. Zavaleta, recognising the allegations of the "Gráfico" article to be entirely unfounded on both a legal and ethical basis. They also underlined that this is not the first time that human rights defenders activities, particularly those of the Mahatma Ghandi Regional Centre, are attacked by false accusations in the media, most of which are of an anonymous nature.

2. The information received also indicates that there are risks of arbitrary actions against Mr. Arturo Solís Gómez, who is said to have been the object of police investigations, according to public statements of the Sub-Delegate of the PJJ (Federal Judicial Police), Lieutenant Colonel Alfredo Aponte Carranza, in Tamaulipas.

In a newspaper interview, the Sub-Delegate declared that an investigation on Mr. Arturo Solís Gómez's activities had been undertaken and that the results had been sent to the General Prosecutor of the Republic. According to the Lieutenant Colonel, this investigation was motivated by the fact that Mr. Solís Gómez had been the object of an arrest warrant, dating back to 1980, for trafficking migrants; that one of his sons was arrested three years ago when traces of narcotics were found in his vehicle, and that Mr. Solís Gómez requested and obtained his liberation as a favour from the ex-major of the PJJ; and that he used to be friends with the ex- Sub-Delegate of the PJJ, Mr. Rodolfo Manzano Peredo.

Recalling that Mr Solís Gómez was illegally detained by agents of the PJJ in 1989 while defending a victim of abuses committed by agents of



this same organisation, the CEFPRODHAC considers the declarations of the Sub-Delegate of the PJF to be motivated by other factors. These include a letter that was sent to Mr Jorge Madrazo Cuellar, the General Prosecutor of the Republic on 16th May, 1997 concerning several cases of torture and other crimes, arbitrary detentions, abuse of authority, participation of informers in PJF activities and use of foreign stolen vehicles. These activities occurred after members of the army were converted into agents of the Federal Judicial Police. Despite several requests for an investigation, the authorities have not yet responded.

CEFPRODHAC has refuted these allegations as totally untrue and adds that if such a detention order existed for Solís Gómez, it could very well be one of vengeance, destined to discredit the organisation, following their reports which have led the CNDH (National Commission of Human Rights) to issue 15 recommendations, affecting 25 agents, 13 group leaders, 5 majors, 4 agents of the public ministry, and 4 legal doctors, some of whom were given detention orders.

It has also been notified that such declarations coincide with publicly made comments in early July 1997 by the Major of the Eighth Military Zone, Ricardo Andriano Morales, from Tampico headquarters, who, having already accused news reporters and editors of exaggerating military wrong-doings, also stated "let it be known publicly that human rights defenders like Arturo Solís are openly against everything military".

#### UPDATE

According to the reports received by the Observatory in November 1997, no information was available on the progress of the investigation and the Observatory doesn't even know if an investigation has been opened.

**MEX 001 / 9802/ OBS 006**  
**Harassment and baseless accusations**  
**February 3th 1998**

The Observatory for the Protection of Human Rights Defenders has been informed of recent developments which raise fears for the

freedom of members of the Oaxaca Section (Southern Mexico) of LIMEDDH - The Mexican League for the Defence of Human Rights in the State of Oaxaca.

The Observatory was informed by LIMEDDH - member of both FIDH and OMCT, that Roberto Pedro Martínez Ortíz the representative of Procurer General of Oaxaca State, issued a statement, on behalf of the Procurer General, containing baseless accusations against the Oaxaca LIMEDDH section. The statement, aimed at denigrating the work of the organisation, accused the section of having links with the Popular Revolutionary Army (EPR).

The situation has deteriorated since Mr. Evencio Nicolás Martínez was appointed to the position of President of the Commission of Human Rights in the State of Oaxaca. Statements have been issued by his office against LIMEDDH, in what would seem to be moves designed to tarnish the reputation of the organisation.

On 25th January, 1998, during an interview with two Spanish journalists, the Governor of the State of Oaxaca, Mr. Diodoro Carrasco Altamirano, stated that LIMEDDH was a member of the EPR. He also stated that foreign organisations were stirring up conflict in various communities. He equally ignored international efforts to ensure that human rights violations would not go unpunished.

LIMEDDH has pointed out that the Governor, the Procurer General, and the President of the Human Rights Commission of the State have adopted a common stand declaring "The Authorities always respect the law without ever violating human rights". The facts prove otherwise; amongst others, the rights of indigenous communities are not recognised and the State imposes its own representatives on the population.

LIMEDDH, in addition, points out that this is by no means an exception, being largely replicated with regard to social political and civil organisations. Given these statements, the risk of repressive action, which would in likelihood go unpunished, has risen considerably. By consequence it is clear that the authorities of Oaxaca and Mexico must guarantee the physical and psychological integrity of members of LIMEDDH.



Moreover, in accusing LIMEDDH of links with the EPR, the authorities have demonstrated their unease with the numerous recommendations of Non Governmental Organisations and the United Nations regarding the Indigenous Zapotec peoples of the region of Loxicha who have been the victim of summary execution, torture, ill-treatment and arbitrary detention. The Observatory has serious grounds for believing that the authorities are seeking to tarnish the reputation of LIMEDDH because of its active involvement in this cause.

MEX 002 / 9803 / OBS 017  
Harassment / Unfounded accusations  
Detention  
March 20th 1998

The Observatory has been informed of the concerns for the safety and liberty of human rights defenders in the Chiapas, particularly Bishop Samuel Ruiz Garcia, president of the National Committee for Intermediation (CONAD) and Mr. César Estrada Aguilar, member of the Centre for Indigenous Rights (CEDIAC).

Reports received from the Human Rights Centre "Miguel Agustín Pro Juárez", A.C. (PRODH), member of the OMCT network, have expressed concern over the development of a new campaign of defamation directed against Bishop Ruiz Garcia by a group calling itself the "Movement for Iberoamerican Solidarity". Posters accusing him of "high treason" have appeared in several streets in the historical centre of Mexico City.

The Observatory recalls that Bishop Samuel Ruiz Garcia has been the target of repeated threats and unfounded accusations. In November 1997, the "Paz y Justicia" (Peace and Justice) group, affiliated with the PRI, even carried out an attempt on his life and that of Bishop Raúl Vera López when they were passing through the community of El Crucero, in Chiapas. The attempt followed speeches that they made in the community of Guadalupe Jolnapá, municipality of Tila. During the events three other people accompanying them were injured.

In a second case, reports from the PRODH also indicate that according to the Centre for Indigenous Rights (CEDIAC) and the National Network of Civil Organs for Human Rights “Todos los Derechos para Todos” (“All the Rights for All the People”) Mr. César Estrada Aguilar, member of the CEDIAC was illegally detained on Tuesday the 17th of March at about 6:00 pm by members of the public security forces.

Mr. Aguilar was detained in the county town of Sitala, state of Chiapas (one of the areas where the CEDIAC works on community development programmes). As he was on his way to Chilón after work, he drove his white Nissan van past the public security post of the State of Chiapas. Three agents, apparently drunk, intercepted him, one of them firing three shots in the air, while another pointed his gun at him. They forced him to stop, shouting “If you don’t stop, we shall break you.” They threatened him with arms and forced him to take them towards Chilón. He was subsequently taken to the State Public Security post, where he was detained incommunicado for almost three hours. During this time he was subjected to psychological intimidation and threats. He later managed to escape and took refuge in the municipal Presidency.

MEX 003 / 9806 / OBS 010

Harassment

June 22th 1998

The Observatory for the Protection of Human Rights Defenders has been informed of events which leads it to fear for the safety and freedom of members of the Asociación Jalisciense de Apoyo a los Grupos Indigenas (AJAGI, A.C.), a civil organisation which, since 1991, has been supporting the Wixa’rika nation through projects in education, territorial defence and sustainable production.

Reports received from the National Network of Civil Human Rights Organisations, “Todos los Derechos para Todos” (All the rights for everybody), of which the AJAGI is a member, refer to declarations made by Sr. Rigoberto Ochoa Zaragoza, Governor of Nayarit, who made public accusations against the AJAGI.



According to these reports, the Governor accused the AJAGI of being a representative of the Ejército zapatista de liberación nacional EZLN (Zapatista Army of National Liberation); of inciting the Huichole community to prevent the exploitation of a timber concession, of seizing equipment, wood and “abducting” persons working in the concession. He also claimed to have instructed the judicial police to prevent members of the AJAGI from having access to the Huichole range.

The National Network of Civil Human Rights Organisations “Todos los Derechos para Todos” has condemned the statements and accusations made by Governor Ochoa Zaragoza against the AJAGI, considering them to be devoid of truth and constituting grounds for concern, at a time when the civil population is demanding an end to the climate of violence which is being created throughout the country by various State agencies.

MEX 004 / 9807 / OBS 019  
Presumed extra-judicial  
or summary execution  
July 15th 1998

The Observatory had been informed by the Mexican League for the Defence of Human Rights (LIMEDHH), member of the FIDH and OMCT, of the presumed execution, on July 9th, 1998, of Mr. Eusebio Vázquez Juárez, 27 years old, leader of the Organización Campesina de la Sierra del Sur (OCSS).

According to the information received, on July 9th, 1998, at 10:00 pm, Mr. Vázquez Juárez was ambushed near his home in Tepetitla, in the Municipality of Coyuca de Benitez, State of Guerrero, by eight men who shot eight bullets at him.

Mr. Vázquez Juárez had denounced paramilitary groups, members of the military and the police - Federal and State - of perpetrating human rights violations, particularly in regards to farmers. The information received confirms that his name figured in the “black list” of members of the OCSS who have been threatened with death.





The LIMEDDH notes that on April 26th, 1998, Mr. Vázquez Juárez had been detained by Mr. José Vargas, commander of the group of the Policía Judicial Estatal en Tepetixtla and by the agent Mr. Arturo Reyes, who hit him with their weapons, and they released him 52 hours later on the condition that he pay a fine (5000 pesos). It also indicates that, last May, he had received two anonymous threats, warning him that he had to abandon his activities in the OCSS or they would kill him.

As for the OCSS, it spread information that members of the PRI (Partido Revolucionario Institucional) had threatened Mr. Vázquez Juárez and other members of the organisation. It has furthermore underlined that, in 1998, numerous activists of the OCSS have been assassinated, four of whom were killed in the mountains of Tepetixtla.

MEX 005 / 9807 / OBS 050  
Presumed forced disappearance  
July 16th 1998

The Observatory has been informed of the presumed forced disappearance since, July 11th, of Mr. Antonio Aguilar Hernández, member of the Committee of the Families and Friends of Political and Social Prisoners, in Mexico.

According to the above-mentioned organisation and to the LIMEDDH (Mexican League for the -Defence of Human Rights), a member of the FIDH and the OMCT, and FEDEFAM (Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos), member of the OMCT, Mr. Antonio Aguilar Hernández took part in a permanent demonstration (picket line) which members of the Committee of Families had been staging for several weeks on the Plaza de la Constitución in Mexico City. On July 11th 1998, at 6:00pm, Mr. Antonio Aguilar Hernández left the demonstration and since then, there is no news of his whereabouts in spite of inquiries made at police stations, hospitals, and the forensic medicine service. All three organisations reject the explanation that this must be due to an accident.



All three organisations maintain that Mr. Antonio Aguilar Hernández does not engage in any political activity and that he merely took part in the struggle for the freedom of political prisoners, including his own brother, Delfino de Jesus Aguilar Hernández, detained in June 1991 and who is currently held in the Reclusorio Preventivo Norte in the Distrito Federal.

It has also been recalled that in 1997, from the 1st of September to the 30th of October, Mr. Antonio Aguilar Hernández was the victim of forced disappearance and torture in a “clandestine prison”, on account of his peaceful activities in favour of freedom for political prisoners in Mexico. The case was filed without any progress.

**FOLLOW UP**  
**MEX 005 / 9807 / OBS 050 . 01**  
**New information**  
**July 27th 1998**

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The Observatory has been informed by the “Comité de Familiares y Amigos de Presos Políticos y Sociales” in Mexico, the LIMEDDH and FEDEFAM, that Mr. Antonio Aguilar Hernández reappeared alive. The information received indicates that Mr. Aguilar Hernández had not been detained by authorities of any kind.

The Observatory welcomes the actions undertaken in favour of Mr. Aguilar Hernández and requests that all messages, regarding this case, be suspended.

**MEX 006 / 9807 / OBS 053**  
**Detention and judicial accusation**  
**July 21st 1998**

The Observatory has been informed by the LIMEDDH (Mexican League for the Defence of Human Rights), member of the FIDH and the OMCT, of the arbitrary detention of Mr. Venancio Hernández Hernández, President of the LIMEDDH branch in Minatitlan, State of Veracruz, who was arrested on 18th July 1998.



Mr. Venancio Hernández Hernández stated that he had been arrested, while walking in the street of Carranza y Amelia Riverol, around 1:00 p.m., by policemen of the 2nd patrol, at the instigation of the Municipal Trade Inspector, Mr. Miguel Angel Gómez Santiago.

Mr. Venancio Hernández Hernández asserts that in the police car, Mr. Miguel Angel Gómez Santiago and Mr. Gilbio Cruz Ereickson, police inspector, tried to force him to sign a blank sheet of paper. Ill treatment and death threats followed his refusal. Afterwards, he was brought before the State of Veracruz's Public Ministry's representative in Minatitlan. The Lawyer Pedro Carrión opened an investigation (la Averiguacion Previa 580/98). Mr. Venancio Hernández Hernández is accused of insulting authority and injury to the policeman Robert Presa Herrera.

Mr. Venancio Hernández Hernández also asserted that, after his appearance before the Public Minister, a policeman threatened him with death during his transfer to the police-station.

The LIMEDDH notes that Mr. Venancio Hernández Hernández has injuries which, according to the medical expert require attention. The organisation also specifies that the aggression perpetrated against Mr. Venancio Hernández Hernández is due to his activity for the defence of the municipal market's merchants.

The LIMMEDH notes that in 1995, Mr. Venancio Hernández Hernández was victim of persecutions and that, thanks to the urgent action conducted at national and international level, he was able to continue his work.

#### UPDATE

The Permanent Mission of Mexico in Geneva informed the Observatory on 16th October that the National Commission for Human Rights has received a complaint. The complaint was transmitted to the Human Rights Commission of Veracruz which opened an investigation under the file number n° Q-8269/98. The information also states that Mr. Hernandez Hernandez was released on bail on June 20th 1998.



MEX 007 / 9808 / OBS 058  
Defamation campaign  
Grave threats / Presumed execution  
August 13th 1998

The Observatory has been informed, by several Mexican organisations, that the climate of harrassment and the pressure exerted against human rights defenders continues to deteriorate.

According to the information received, in a book that has recently been published, there are false and damaging accusations, directed against various institutions and individuals, including the PRODH ("Centre de Derechos Humanos Miguel Agustín Juárez") and Mr. David Fernández, former director of the PRODH and the current principal of the "Instituto Tecnológico de Estudios Superiores de Occidente". The book in question, was written by an author with a pseudonym. It accuses Mr. David Fernández of "training guerrillas" and of being responsible for the "social uprising" in the country. The PRODH is also accused of belonging to a "financial and political network that manipulates the poor as 'cannon fodder' in order to gain political power".

Moreover, on August 10, 1998, the newspaper "Mexico Hoy" published an article on the EPR ("Ejército Popular Revolucionario"), in the State of Oaxaca, in which it accused several individuals, including Mrs. Angélica Ayala Ortíz, Vice-President of the LIMEDDH ("Liga Mexicana de Defensa de los Derechos Humanos"), affiliated to the FIDH and OMCT. According to the article "police and military" sources consider Mrs. Ayala Ortíz to be part of the political wing of this armed group.

The Observatory has also been informed that, on August 7th, in Iztapalapa, Mexico City, the corpse of Mrs. Libertad Hernández Landa was found. She was the Director of the "Programa Estatal de la Mujer en Veracruz" and an activist for the promotion of the rights of women, children and indigenous communities. According to the information received, a few hours before her death, Mrs. Hernández participated in a seminar at the "Secretaría de Relaciones Exteriores", after which she headed to the airport to meet her daughter. Her body was found with signs of strangulation.

The Observatory underlines its concern over these facts which have raised the climate of insecurity for human rights activists.

MEX 008 / 9808 / OBS 060  
Threats / Grave risks  
August 21st 1998

The Observatory has received information which leads to fear for the life and safety of Mr. Benjamin Santamaria, Director of the Children's Ombudsman mission in the state of Durango.

According to information received from the PRODH - Centro de Derechos Humanos "Miguel Agustin Pro Juarez", a member of the OMCT, an extensive campaign of defamation has been waged over the local media against the Ombudsman during the last few months.

On August 14th after announcing the forthcoming presentation of the report on the Ombudsman's mission concerning the human rights of minors, Mr. Santamaria was threatened with death by an unidentified person who called through a window of his house, saying: "We don't like what you are doing ; you have to stop publication of your report ; and this is the last warning for you to go away, for you know that we don't like strangers". That same day it was learned that his offices had been burgled.

In view of these threats Mr. Benjamin Santamaria transferred to Mexico D.F. where he was again threatened yesterday, August 19th by an unidentified person who rang him over the telephone: "Don't read that report, you swine!". Reports moreover state that since August 10th Mr. Benjamin Santamaria has been persistently followed by a new olive green van without number plates.

In the light of these events the PRODH filed a complaint before the Interamerican Human Rights Commission requesting it to adopt measures to guarantee and protect the life and safety of Benjamin Santamaria.

The report of the children's Ombudsman was to be presented on August 20th. The report recalls that the organisation has dealt with various cases of grave violations of the human rights of children of both



sexes. These cases included that of the minor, Yesica Yadira Díaz Cázares, who suffered multiple abuses (and subsequently committed suicide, see cases MEX 150897.CC and MEX 150897.1.CC of the OMCT). This case involved members of the state's judicial police including, Gabriela Aramburu, former agent of the Prosecutor's office of the Agency specializing in Sexual Crimes and highly placed officials of the state, close to the Governor Maximiliano Silerio Esparza.

The Observatory notes that on August 20th, the Subcommittee for the Prevention of Discrimination and the Protection of Minorities has requested the Mexican authorities to give high priority "to the protection of the human rights defenders" and "guarantee their safety".

MEX 008/ 9809 /OBS 062  
Harassment / Defamation  
September 9th 1998

The Observatory has continued to receive extremely worrying information over developments in Mexico in particular, the persistence of the campaign of defamation and harassment against people's organisations committed to the defence of human rights.

On 27 August, Adriana Carmona and Balbina Flores, co workers of the Legal service of the Center of Human Rights "Fray Francisco de Vitoria O.P." received a summons from the Attorney General of Military Justice in the context of investigations related to the forced disappearance of a person. Both defenders reported this case to the National Commission for Human Rights (CNDH) in march 1997.

In this case CNDH issued Recommendation 100/97, which was addressed to Procurator's Office of Military Justice, instead of being addressed to the corresponding civilian body, that is, the Attorney General's Office as stated in article 13 of the Constitution.

The CNDH has not only infringed the Constitution but it has infringed confidentiality and given military justice the documents handed over by the Center of Human Rights "Fray Francisco de Vitoria O.P.".

The Observatory shares the preoccupation of the different organisations, that summons addressed to the defenders of human rights by the military justice are a way of harassing them into not reporting other human rights violations.

The Observatory is also concerned over the application of such procedures. The Constitution states that the competence of the military justice applies only and exclusively to the members of the Mexican army. That is to say that the military justice must not extend its jurisdiction to civilians.

In the opinion of the Observatory these events are part of a increasing campaign of defamation and calumny against human rights organisations. This campaign has been developed with the acquiescence, if not with the explicit participation, of the authorities.

The 23 July for instance, shortly after the interview between Mr. Kofi Annan, Secretary General of the United Nations and representatives of the National Net of Civil Organizations "Todos los derechos para todos" ("All Rights for Everybody"), General Alvaro Vallarta, President of the Commission of Defence of the Senate of the Republic made a statement to the press that the human rights organisations had lied to Mr. Annan and accused the organisations of working for foreign interests and taking money from drug dealers. This accusation is just one of the many levelled against different persons and organisations (see the calls MEX 001 / 9892 / OBAS 006, MEX 002 / 9893 / OBS 017, MEX 003 / 9896 / OBS 040 and MEX 007 / 9808 / OBS 058 among others).

**MEX 009 / 9809 / OBS 065**  
Enforced disappearance  
September 29th 1998

The Observatory has just been informed by the "Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos" (FEDEFAM), member of the OMCT network, of the enforced disappearance of Mr. Arturo Rios Morales, President of the Committee of the Families of the Disappeared and Victims of



**Human Rights Violations (Comite de Familiares de Desaparecidos y Victimas de Violaciones a los Derechos Humanos) of the El Quemado community, municipality of Atoyac de Alvarez, Guerrero. He is also the Secretary of the “Village Commission” and member of the Democratic Revolutionary Party, PRD).**

According to FEDEFAM, on September 23, 1998, around 3:00 PM, in Puerto de Acapulco, as he was on his way to the cemetery with his family, Mr. Rios Morales was taken by force by two unidentified men, dressed in civilian clothing, who called him by his name, grabbed him and took him away in a van.

On the same day, his family looked for him at hospitals, delegations, and all other places where he might have been held, but they failed to find any trace of him.

According to the same information, on September 24th, 8 pick-up trucks, belonging to the Judicial Police of the State, arrived at the community of El Quemado, followed by a group of Federal judicial police and military men and went to Arroyo Grande where exewitnesses confirmed that Mr. Rios Morales was with them handcuffed and blindfolded. They then proceeded to fire gunshots for five minutes, pushed him in the van, and left with him.

On the same day, Mrs. C. Olga Arroyo, member of the “Comite de Familiares y Victimas de Violaciones a los Derechos Humanos” and two other members, went to the “Colegio de Policia” in Atoyac, asking for information on the whereabouts of Mr. Rios Morales. They allowed Mrs. Arroyo to visit the detention cells to prove to her that he was not there.

Up until the date of this appeal, the authorities have given no information on his whereabouts.

MEX 010 / 9810/ OBS 067  
Death threats / Harassment  
October 1st 1998

The Observatory for Human Rights Defenders has been informed of a situation that raises fears for the life and security of Ana Valadez





**Ortega**, co-ordinator for Médicos Del Mundo in Mexico in the Area of Mental Health.

According to reports of Human Rights Centre Fray Bartolomé de las Casas, on 27th of September Ana Valadez Ortega received a telephone call at her home in the town of San Cristobal de las Casas. When she answered, a male voice said: "good afternoon, how are you Anita?...you do not recognise me? I am the one who is going to kill you...you don't know who I am.....come to the park and you will know who I am....you don't know what I am capable of, blonde..."

It is not the first time that Ana Valadez Ortega is victim of threats. During the last four months she has received an average of three calls per month with the aim of intimidating her. Moreover, on September 17th, unknown individuals inserted nails in one of the back tires of the car she usually uses (property of Médicos Del Mundo) and on June 9th several objects were removed from that same vehicle.

The Observatory shares the opinion of the Human Rights Centre Fray Bartolomé de las Casas, in that the harassment and menaces of Ana Valadez Ortega is due to her work with indigenous communities in the municipalities of Chenalhó, Sabanilla and Tila.

MEX 011 / 9810 / OBS 069  
Harassment / Defamation  
October 5th, 1998

The Observatory for the Protection of Human Rights Defenders has been informed about serious harassment and false accusations by the judicial authorities against the jesuit priest **Francisco Goitia Prieto**, president of the Committee of Human Rights of Tabasco A.C (CODEHUTAB), in the State of Tabasco.

According to the information given by the CODEHUTAB, members of the General Procurator's Office (PGJ) of the State of Tabasco are trying to accuse the priest Goitia Prieto of involuntary homicide.

In this context, the 28 September, at 8.45 am, in the town of Villahermosa, Francisco Goitia Prieto was intercepted by 10 agents of



the judicial police of Tabasco, when he was making his way to the office of the CODEHUTAB.

The agents were in three cars of the PGJ and acted as if they were arresting a dangerous criminal, when they only had an order that the car owned by Francisco Goitia Prieto should be presented at the Direction of the Penitencial Services for an inspection.

The car has been already inspected on two occasions by members of the PGJ. These inspections were carried out in the context of a previous investigation aiming to incriminate the priest Goitia Prieto for the death of a person. This death happened during a car accident, in November 1997, in a community of the parish attended by jesuit priests in Tabasco.

During this investigation, Both Francisco Goitia Prieto and Javier Peña, superior priest of the parish, have cooperated fully with the investigation.

Notwithstanding the PGJ has tried different means to accuse the priest Francisco Goitia Prieto, even trying to get the parents of the accused to incriminate him. This situation has been denounced by the three brothers of the deceased person the 17 September in a letter addressed to the General Procurator of Justice, Patricia Pedrero Iduarte. The letter stated that agents of the Judicial Police have been putting pressure on them to accuse the priest. In the letter they also warn that they will not modify their previous statement since the priest is not responsible for the accident and they deny the newspaper's versions about the facts which blame Father Prieto for the accident.

Given the fact that they lack proof, the Procurator's Office has provided information to the medias and this has given rise to a defamatory campaign aiming at discrediting the priest Francisco Goitia Prieto.

The CODEHUTAB considers that these events are due to the fact that Francisco Goitia Prieto was one of the persons which promoted a political process against the governor Roberto Madrazo Pintado who is accused of having used public funds for his electoral campaign in October 1997.

According to the information, these events are part of a campaign of harassment, judicial accusations and so on against persons who have



criticized the management of the governor Roberto Madrazo Pintado and of his party. As a consequence several persons have been forced to abandon their residences or to leave the State of Tabasco, such as the reporter Verónica Danell Monter and the social leaders Mario Adolfo Peña Urquieta, Indalesio Pérez Pascual and Aquiles Magaña García.

In the flat roof of the headquarters of the CODEHUTAB a poster with the following text has been installed:

“Let us be honest! Human rights is for everybody and not only for criminals!”. This poster is signed by the Commission of Human Rights of the Deputy Chamber of Tabasco, an institution which has never played a serious role concerning the situation of human rights and public insecurity in the State.



# MOROCCO

URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Hassan II	Gross Domestic Product per person - 1995 (in \$ de 1987)	871											
Regime	Constitutional Monarchy by divine right	Agricultural- 1995 (% of GDP)	14											
Capital	Rabat	Industrial Production - 1995 (% of GDP)	33											
Land Surface (km <sup>2</sup> )	450 000	Tertiary Sector - 1995 (% of GDP)	53											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	40,2											
Total Population - 1995 (in millions)	26,5	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	13											
Life Expectancy - 1995 (years)	65,7	Gross National Product per person - 1995 (in \$)	1 110											
Infant Mortality - 1996 (for 1000 births)	64	Rate of Growth of the Gross National Product-1980/1995 (%)	2,8											
Fertility Rate - 1995	3,4	Total External debt - 1995 (in Billions of \$)	22,2											
Rate of Population Growth -1995/2015 (%)	1,5	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	43,7	Public Health Expenditure - 1990 (% of GDP)	0,9											
Gross Education Rate - 1995 (%)	48	Public Education Expenditure - 1995 (% of GNP)	5,6											
Population deprived of Access to Health Services - 1990/1995 (%)	30 <sup>3</sup>	Military Spending - 1996 (% of GDP)	4,3											
Daily Calorie Intake per person 1995	3140	Military Spending - 1990/1991	72											
		(% of combined health and education spending)												
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFPD
X	X		X		X		X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, this data refers to a year or to a period other than the one indicated in this head. It does not correspond to a standard definition or only applies to an area of a country under study.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

MAR 001 / 9709 / OBS 012  
 Detention / Ill-treatment / Trial  
 September 26th 1997

The Observatory for the Protection of Human Rights Defenders has just received a request from the Moroccan Association of Human Rights (AMDH) a member organisation of the FIDH, for its intervention in the cases of the following persons : Mr. Al Hali Bouchta, Mr. Fekak Mohamed and Mr. Al Allali Abderr Ahman, members of the Khouribga section of the AMDH, arrested on 11th September as they were investigating a peaceful sit-in at the headquarters of the

Moroccan Union of Workers at Khouribga. The meeting was attended by a number of representatives from trade unions, human rights organisations and political parties.

On 11th September the police attempted to disperse the sit-in. Violence was used against many of the demonstrators including members of the Khouribga section of the AMDH. They were struck with batons and kicked. Mr. Chair Mohamed, a member of the section, was struck and insulted by the police.

During the raid nearly 300 people were arrested. Of the 75 brought before the court, 63 were released provisionally and 12 were placed in detention. All others were released. All those arrested were charged with the intention to hold an unauthorised public demonstration. They were further accused of provoking the police forces with, amongst others, stone throwing.

The AMDH has stated that at the hearings arranged by the Prosecutor General, all the accused denied the facts and stated that their confessions had been obtained under duress. They further complained that their families had not been informed of their arrest within the legally specified time. The AMDH also notes that although the court had examined the injuries of the accused persons it refused to allow them to be taken to an appropriate medical centre for examination or where needed, transfer to hospital. The AMDH claims this is equivalent to the crime of non-assistance to persons in danger, punishable under article 432 of the Penal Code.

Among those arrested were 3 members of the Khouribga section of the AMDH: Mr. Al Hali Bouchta, President of the section, Khouribga section member of the National Administrative Commission of the AMDH and a lawyer; Mr. Fekak Mohamed, Khouribga section and Mr. Al Allalil Abderr Ahman, lawyer and member of the Bureau of Khouribga section.

Mr. Al Allali Abderr Ahman was released immediately. Mr. Al Hali Bouchta was provisionally released. Examination of his case was set apart from the others and his trial, which was to have been held on the 22nd September, was postponed until September 29th. He is accused of involvement in instigating the events.



Mr. Fekak Mohamed was held in detention and was brought before a court on the 17th of September 1997 with the other accused. All face charges of participation in an unauthorised demonstration and damaging state property.

The trial itself was apparently held in an atmosphere of extreme tension. The court was surrounded by the security forces, who prevented people from entering the court.

The AMDH who were present at the trial, noted that the witnesses hearings were delayed and the injuries of the accused were examined but no expert medical opinion was given. Furthermore, the Prosecutor refused to consider the case of Mr. Al Hali Bouchta with the other persons accused.

The defence argued that the proceedings should be annulled given that the accused had denied the allegations, that their confessions had been obtained under duress, that procedure was not respected and that no formal proof had been submitted. Despite this, the Prosecutor General refused to accede.

The accused were sentenced to various terms of imprisonment. Mr. Fekak Mohamed was sentenced to 4 months imprisonment and a fine of 3000 Dirhams.

According to AMDH these events are part of the systematic harassment of the Khouribga section of AMDH. The harassment began when the section began looking into the case of Mr. Saman Bouchti who died in a police station in 1994.

The Observatory is gravely concerned that those responsible for the application of laws failed to take the necessary measures to provide appropriate medical care. It is further deeply concerned that the authorities may have accepted confessions obtained under duress as admissible evidence. This contravenes the Convention against Torture as well as the Code of Conduct for those responsible for the application of the law.

Finally, the Observatory is concerned by the fact that these events appear to reveal a specific intention on the part of the authorities to seriously hamper the freedom of action of human rights defenders.



**UPDATE**

The Observatory was informed that Mr. **Al Hali Bouchta** was brought to trial on 22nd September, 1997 and condemned to a fine of 300 Dirhams. However, the defence was not allowed to present witnesses. Mr. Bouchta had to appear once again before the Appeal Court on the 5th of May 1998 following the appeal of the public prosecutor's department. The audience was postponed to the 3rd of November 1998.

Institut kurde de Paris



# NAMIBIA

URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Samuel Nujoma	Gross Domestic Product per person - 1995 (in S de 1987)	1577											
Regime	Parliamentary democracy; several parties with a dominating party	Agricultural - 1995 (% of GDP)	14 <sup>2</sup>											
Capital	Windhoek	Industrial Production - 1995 (% of GDP)	29											
Land Surface (km <sup>2</sup> )	824 790	Tertiary Sector - 1995 (% of GDP)	56											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	30											
Total Population - 1995 (in millions)	1,5	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Life Expectancy - 1995 (years)	55,8	Gross National Product per person - 1995 (in \$)	2000											
Infant Mortality - 1996 (for 1000 births)	60	Rate of Growth of the Gross National Product 1980/1995 (%)	/											
Fertility Rate - 1995	5,1	Total External debt - 1995 (in Billions of \$)	/											
Rate of Population Growth - 1995/2015 (%)	2,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	76	Public Health Expenditure - 1990 (% of GDP)	/											
Gross Education Rate - 1995 (%)	83	Public Education Expenditure - 1995 (% of GNP)	9,4											
Population deprived of Access to Health Services - 1990/1995 (%)	41	Military Spending - 1996 (% of GDP)	3											
Daily Calorie Intake per person 1995	2093	Military Spending - 1990/1991 (% of combined health and education spending)	23											
<b>Ratification of major international and regional Human Rights Instruments<sup>3</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X		X		X				X			
<p>1 - Indicators under the head " General information " are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, data regarding the Agricultural Production, Industrial Production as well as the Tertiary sector relate to a year or to a previous period to those indicated under the head.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

NAM 001/9805/OBS 034

Arrest / Accusation

May 19th 1998

The Observatory for the Protection of Human Rights Defenders has just been informed by the National Society for Human Rights (NSHR), in Windhoek, Nigeria, that **Dr. Manuel Neto**, Executive Director of the newly-formed Angolan Human Rights League (LADH), was arrested by Namibian immigration authorities on May 18, 1998, at approximately 2:00 pm. Dr Neto's present whereabouts are unknown. Other members of the LADH are also being sought to be arrested. The LADH is lawfully registered under Namibian law as a non-profit association.





According to the information we have received, last week, barely a few days after the launch of the LADH, Dr. Neto was verbally told by the Ministry of Home Affairs to give up his human rights activities in the LADH and remain a refugee.

Otherwise, he would risk being deported from Namibia because the Namibian Government would “not tolerate” attacks upon the Angolan Government from Namibian soil. Dr. Neto, citing his right to freedom of expression and association guaranteed to all in the Namibian Constitution, declined to give up both his refugee status as well as his activities in the name of the LADH.

The arrest of Dr. Neto took place a day before he was scheduled to travel to South Africa to represent his organisation at an international meeting on land mines, to be held in Johannesburg on May 20, 1998.

FOLLOW UP  
NAM 001 / 9805 / OBS 034.01  
New information  
May 29th 1998

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The Observatory has just been informed by Human Rights Watch and the National Society for Human Rights that, according to a statement issued by the Namibian Interior Ministry on May 27th, 1998, Dr. Manuel Neto was deported on May 19th, 1998, the day following his arrest. The Namibian authorities had claimed that Dr. Neto's activities constituted a threat to national security.

According to the information received, Dr. Manuel Neto has not been seen since May 18th, 1998. The Observatory remains therefore very concerned for the physical and psychological integrity of Dr. Manuel Neto.

The Observatory strongly condemns the Namibian authorities' decision of deportation. It considers that the expulsion of Dr. Manuel Neto to Angola threatens his security and his personal freedom; in addition, this expulsion constitutes a violation of the international and regional obligations of Namibia, and notably of the Convention relating to the Status of Refugee of 1951.



# NEPAL

## URGENT ACTION - THE OBSERVATORY

<b>General information<sup>1</sup></b>		<b>Economic and Social Indicators</b>												
Head of State	Birendra Shah	Gross Domestic Product per person - 1995 (in \$ de 1987)	206											
Regime	Parliamentary Monarchy	Agricultural- 1995 (% of GDP)	42											
Capital	Kathmandu	Industrial Production - 1995 (% of GDP)	22											
Land Surface (km <sup>2</sup> )	140 797	Tertiary Sector - 1995 (% of GDP)	36											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	/											
Total Population - 1995 (in millions)	21,5	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Life Expectancy - 1995 (years)	55,9	Gross National Product per person - 1995 (in \$)	200											
Infant Mortality - 1996 (for 1000 births)	82	Rate of Growth of the Gross National Product-1980/1995 (%)	4,9											
Fertility Rate - 1995	5,2	Total External debt - 1995 (in Billions of \$)	2,4											
Rate of Population Growth-1995/2015 (%)	2,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	27,5	Public Health Expenditure - 1990 (% of GDP)	2,2											
Gross Education Rate - 1995 (%)	56	Public Education Expenditure - 1995 (% of GNP)	2,9											
Population deprived of Access to Health Services - 1990/1995 (%)	/	Military Spending - 1996 (% of GDP)	0,9											
Daily Calorie Intake per person 1995	2367	Military Spending - 1990/1991 (% of combined health and education spending)	35											
<b>Ratification of major international and regional Human Rights Instruments<sup>*</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFPD
X	X	X	X		X		X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

NPL 001 / 9806 / OBS 039

Arbitrary Detention

June 24th 1998

The Observatory has been informed by reliable sources of the arbitrary arrest of Mr. Gopal Siwakoti "Chintan", a Nepali human rights activist, on June 14th, at 3:30 pm in Kathmandu. It is believed that he is currently being detained at the Hanuman Dhoka police station in Kathmandu and that he has been denied a visit from his wife and access to his lawyer. On this day, June 24th, the Observatory has just been informed that Mr. Gopal Siwakoti "Chintan" is being tried today before the District Court.

On June 15th, 1998, he was presented to the Kathmandu District Court where he was charged with anti-state crimes for disturbing the public order and peace and for being involved in pro-Maoist activities, prejudicial to national integrity and sovereignty. He has been in custody for 72 hours pending further investigation.

Mr. Siwakoti's arrest took place immediately before the beginning of a discussion programme on the "Suppression of Maoists' People's War, Adherence of the Law and Dissemination of Information", organised by the National Concern Society. Several Nepali human rights organisations, members of parliament, jurists and academics take part in these weekly discussion programmes.

According to the first investigation report, Mr. Siwakoti was searched prior to his arrest on June 14th at which time they found seven copies of the programme's agenda. It is believed that the police was particularly offended by the fourth item on the agenda which called for examining the possibility of taking legal action against police officials who have allegedly committed human rights violations.

The Observatory recalls that the arbitrary arrest of Mr. Gopal Siwakoti is a transgression of the Nepali Constitution adopted by the government eight years ago. It would also like to express its concern for the human rights situation in Nepal which is being threatened by the governmental repression of human rights activists, justified as a means to fight against the Maoist insurgency.

**FOLLOW UP**  
NPL 001 / 9806 / OBS 39 . 01  
New Information  
June 25th 1998

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The Observatory has just been informed by a reliable source of the release of Mr. Gopal Siwakoti "Chintan", on June 24th, 1998, following his hearing at the District Court. His release is conditional upon his obligation to report to the police whenever they so desire.

The Observatory welcomes his release and extends its thanks to all those organisations and individuals who intervened on his behalf.



# NIGERIA

## URGENT ACTION – THE OBSERVATORY

<p><b>General information<sup>1</sup></b></p> <p>Head of State <span style="float: right;">General Abdulsalam Abubakar</span></p> <p>Regime <span style="float: right;">Military</span></p> <p>Capital <span style="float: right;">Abuja</span></p> <p>Land Surface (km<sup>2</sup>) <span style="float: right;">923 768</span></p> <p><b>Population<sup>2</sup></b></p> <p>Total Population - 1995 (in millions) <span style="float: right;">111,7</span></p> <p>Life Expectancy - 1995 (years) <span style="float: right;">51,4</span></p> <p>Infant Mortality - 1996 (for 1000 births) <span style="float: right;">114</span></p> <p>Fertility Rate - 1995 <span style="float: right;">6,2</span></p> <p>Rate of Population Growth -1995/2015 (%) <span style="float: right;">2,7</span></p> <p>Adult Literacy Rate - 1995 (%) <span style="float: right;">57,1</span></p> <p>Gross Education Rate - 1995 (%) <span style="float: right;">49</span></p> <p>Population deprived of Access to Health Services - 1990/1995 (%) <span style="float: right;">49</span></p> <p>Daily Calorie Intake per person 1995 <span style="float: right;">2497</span></p>	<p><b>Economic and Social Indicators</b></p> <p>Gross Domestic Product per person - 1995 (in \$ de 1987) <span style="float: right;">355</span></p> <p>Agricultural- 1995 (% of GDP) <span style="float: right;">28</span></p> <p>Industrial Production - 1995 (% of GDP) <span style="float: right;">53</span></p> <p>Tertiary Sector - 1995 (% of GDP) <span style="float: right;">18</span></p> <p>Human Poverty Indicator 1995 (% of the Population) <span style="float: right;">40,5</span></p> <p>Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line) <span style="float: right;">21</span></p> <p>Gross National Product per person - 1995 ( in \$) <span style="float: right;">260</span></p> <p>Rate of Growth of the Gross National Product-1980/1995 (%) <span style="float: right;">2,3</span></p> <p>Total External debt - 1995 (in Billions of \$) <span style="float: right;">35</span></p> <p><b>Social and Military Expenditure</b></p> <p>Public Health Expenditure - 1990 (% of GDP) <span style="float: right;">1,2</span></p> <p>Public Education Expenditure - 1995 (% of GNP) <span style="float: right;">/</span></p> <p>Military Spending - 1996 (% of GDP) <span style="float: right;">3,5</span></p> <p>Military Spending - 1990/1991 <span style="float: right;">33</span></p> <p>(% of combined health and education spending)</p>													
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH <sup>c</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X				X		X				X			
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**NGA 001 / 9803 / 015**  
**Arrest / Detention**  
**March 16th 1998**

The Observatory has been informed by the Inter Africa Network for Human Rights and Development (AFRONET) and the International Service for Human Rights, of the arrest, on the 3rd of March of Mr. Olisa Agbakoba, ex President of the Civil Liberties Organisation (CLO), President of AFRONET and President of a pro democracy group (United Action for Democracy - UAD).

On the 3rd of March, Mr. Agbakoba was attacked and then arrested by members of the Nigerian Police when he tried to speak at a

pro-democracy rally, organised by the UAD in Yaba Lagos. During the rally 36 other persons were arrested.

Mr. Agbakoba was detained for 24 hours. During his detention he was beaten up and suffered eye injuries. He was then brought before a magistrate who released him under caution. The arrest was later justified by the Police Commissioner on the grounds that the meeting had not been authorised.

Mr. Agbakoba launched an appeal in the High Federal Court challenging his arrest and requesting that he be awarded damages. The Court will pronounce judgement on the 20th March.

The Observatory condemns the attacks on the physical integrity of Mr. Agbakoba and considers that this arrest constitutes a restriction on the freedom of association, freedom of expression and of opinion all rights guaranteed under the African Charter for the Human Rights and Peoples (which has been incorporated into Nigerian law), the Universal Declaration of Human Rights as well as other international instruments of human rights protection ratified by Nigeria.

#### UPDATE

To date, the court has not ruled on the appeal.

NGA 001 / 9801 / OBS 022  
Arbitrary arrests/ Torture  
Harassment  
April 6th 1998

The Observatory has been informed by the Ogoni People's Survival Movement (MOSOP) of the arrest on March 23rd at Port Harcourt, of Mr. Barileresi Mitee, a brother of Mr. Ledum Mitee, President of the MOSOP, in exile in London since 1996.

Another brother of Mr. Ledum Mitee, Mr. Batom Mitee, was arrested on January 3rd 1998 without any charge having been brought against him to this day. He was kept incommunicado for several weeks without having access to his lawyer, his family or a doctor. He was apparently subjected to torture during his detention. On January 18th Mr. Batom



Mitee is reported to have been brought before a judge who allegedly declared that the case was not within his competence because of its political character. According to the information received Mr. Batom Mitee was transferred last week to a military hospital because of his alarming state of health following the beatings and ill treatment inflicted by the military.

According to the information received the two brothers, Ms. Barileresi and Batom Mitee, are also involved in activities in support of the rights of the Ogoni people.

Since the beginning of the 1990s the MOSOP has been engaged in a campaign to promote a greater degree of autonomy for the Ogoni region and the payment of compensation by the petroleum company Royal Dutch / Shell. Ken Saro Wiwa led this movement before being condemned to death in 1995.

The Observatory considers that these arbitrary arrests affecting members of the family of Mr. Ledum Mitee, who is himself in exile, are aimed at intimidating and exercising pressure on him and are part of the practice of harassment of the Ogoni population in general.

#### UPDATE

The Observatory was informed that Mr Barileresi and Batom Mitee were released this summer.

NGA 003 / 9805 / OBS 031

Arbitrary arrest

May 11th 1998

The Observatory has been informed by the reliable sources of the detention of Mr. **Olisa Agbakoba**, Convenor of the United Action for Democracy, Senior Counsel of HURI-LAWS and founding president of the Civil Liberties Organisation (CLO) affiliated with both FIDH and OMCT.

According to information received Mr. Olisa Agbakoba was arrested at Murtala International Airport, Lagos on the morning of the 8th May.

The arresting persons are believed to be members of the Security Forces. No reason was given for his arrest.

He is currently being detained in an unknown destination. Members of his family and colleagues have attempted unsuccessfully to ascertain his whereabouts.

Given the circumstances of his detention there are grave fears for his physical and psychological integrity.

The Observatory would emphasize that this is not the first time the Mr Olisa Agbakoba has been the subject of harassment restrictions on his work as a human rights defender. On the 3rd of March 1998, Mr. Agbakoba was attacked and then arrested by members of the Nigerian Police when he tried to speak at a pro-democracy rally, organised by the UAD in Yaba Lagos. During the rally, 36 other persons were arrested. Mr. Agbakoba was detained for 24 hours and then released. See appeal NGA 001 / 9803 / 015.

#### UPDATE

The Observatory was informed of the release of Mr. **Olisa Agbakoba** on the 26th of June 1998.



# PAKISTAN

URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Rafiq Tarar	Gross Domestic Product per person - 1995 (in \$ de 1987)	381											
Regime	Semi-Presidential	Agricultural - 1995 (% of GDP)	26											
Capital	Islamabad	Industrial Production - 1995 (% of GDP)	24											
Land Surface (km <sup>2</sup> )	803 943	Tertiary Sector - 1995 (% of GDP)	50											
		Human Poverty Indicator 1995 (% of the Population)	46											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	34											
Total Population - 1995 (in millions)	136,3	Gross National Product per person - 1995 (in \$)	460											
Life Expectancy - 1995 (years)	62,8	Rate of Growth of the Gross National Product-1980/1995 (%)	5,8											
Infant Mortality - 1996 (for 1000 births)	95	Total External debt - 1995 (in Billions of \$)	30,2											
Fertility Rate - 1995	5,3													
Rate of Population Growth -1995/2015 (%)	2,5	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	37,8	Public Health Expenditure - 1990 (% of GDP)	1,8											
Gross Education Rate - 1995 (%)	41	Public Education Expenditure - 1995 (% of GNP)	/											
Population deprived of Access to Health Services - 1990/1995 (%)	45 <sup>3</sup>	Military Spending - 1996 (% of GDP)	5,7											
Daily Calorie Intake per person 1995	2471	Military Spending - 1990/1991	125											
		(% of combined health and education spending)												
Ratification of major international and regional Human Rights Instruments <sup>4</sup>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
					X		X							
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, this data refers to a year or to a period other than the one indicated in this head. It does not correspond to a standard definition or only applies to an area of a country under study.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

PAK 001/9807/ OBS 052

Threats

July 16th 1998

The Observatory has been informed by the Human Rights News Agency International (HRNI) that, Mr. Ansar Burney, a Pakistani human rights activist, advocate, Chairman of the "Ansar Burney Welfare Trust International" and his family members, staff/volunteers of the Trust are receiving death threats from unidentified gunmen groups in Pakistan.





Mr. Burney confirmed that he and members of his family are once again receiving anonymous phone threats, demanding that he stop his work against the violations of human and civil rights and drug dealers in Pakistan.

Other members of the Trust, Mr. Khalid Javed, Mr. Tariq Parvez, Mr. Ashraf Ali, Mrs. Ghazala Ashraf, Mr. Rehan and Mrs. Shazia, reported the death threats they are receiving from an anonymous group, who do not like their involvement in "Ansar Burney Welfare Trust" and in human rights work in general.

This was also the case of Mrs. Shabnam Sani, in charge of the Women's section of the Trust, who wrote a report to the police on 14th July, 1998, stating that she, her husband (spokesman of the Trust and a TV artist), and other staff of the Trust were receiving life threats from anonymous callers, in order to stop them from working for the Burney Trust and human rights in general. A news was also published in "Daily Jang", the largest Urdu newspaper, on July 16, 1998 in this regard.

Mrs. Shabnam Sani also noticed some unidentified gunmen following her and her husband and keeping a watch on their activities. The gunmen were even outside her children's school.

The Observatory fears for their security, especially because a number of members and staff of the Trust have already been attacked before. During the last three years Mr. Ansar Burney's residence, offices and Trust vehicles have been attacked frequently and a number of staff were injured. The unidentified gunmen also tried to kidnap his brothers. Some volunteers and employee were even killed. In February 1995, S.M. Amir was murdered in front of his house in Karachi by unidentified gunmen and on 17th April, 1995, Sajjad Rashid, 22 years old, was also murdered in a fire attack in Karachi. Another active employee of the Trust, Mohammed Zeeshan, 22 years old, was killed in the evening of 9th June, 1997 while he was on his way home. In February, the same year, Aftab Rasheed an advocate of "Ansar Burney Welfare Trust" was killed while he was on his way to the court. Police also failed to arrest his killers. Recently, in March 1998, unidentified gunmen took cars, money, documents of the Trust.



# PERU

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Alberto Fujimori	Gross Domestic Product per person - 1995 (in S de 1987)	1033											
Regime	Presidential	Agricultural- 1995 (% of GDP)	7											
Capital	Lima	Industrial Production - 1995 (% of GDP)	38											
Land Surface (km <sup>2</sup> )	1 285 216	Tertiary Sector - 1995 (% of GDP)	55											
		Human Poverty Indicator 1995 (% of the Population)	23,1											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - [population living under the national poverty line]	32											
Total Population - 1995 (in millions)	23,5	Gross National Product per person - 1995 (in S)	2310											
Life Expectancy - 1995 (years)	67,7	Rate of Growth of the Gross National Product-1980/1995 (%)	1,4											
Infant Mortality - 1996 (for 1000 births)	45	Total External debt - 1995 (in Billions of- \$)	30,8											
Fertility Rate - 1995	3,2													
Rate of Population Growth -1995/2015 (%)	1,5	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	88,7	Public Health Expenditure - 1990 (% of GDP)	1,9											
Gross Education Rate - 1995 (%)	79	Public Education Expenditure - 1995 (% of GNP)	3,8											
Population deprived of Access to Health Services - 1990/1995 (%)	56	Military Spending - 1996 (% of GDP)	1,9											
Daily Calorie Intake per person 1995	2147	Military Spending - 1990/1991 (% of combined health and education spending)	39											
<b>Ratification of major international and regional Human Rights Instruments<sup>*</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X		X	X	X					X	X	
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**PER 001 / 9709 / OBS 008**  
**Judicial persecution of former**  
**magistrates and of a woman judge**  
*September 1st 1997*

The Observatory for the Protection of Human Rights Defenders is gravely concerned over the persistent attacks against human rights defenders, especially the judicial persecution of magistrates and judges.

The Association for Human Rights (APRODEH), a member of OMCT and the FIDH, has informed the Observatory that the Special Chamber of the Supreme Court of Justice of Perú has authorized the Executive Committee of the Public Prosecutor's Office to lodge a penal charge of breach of trust against the following lawyers: Sergio Sala Villalobos, Elizabeth Roxana Mac Rae Thays and Juan Cancio Castillo Vasquez,



ex-Magistrates of the Higher Chamber specializing in Public Law and in charge of hearing *habeas corpus* and appeal cases.

The charge of breach of trust, (which carries a sentence of 3 to 5 years imprisonment according to art. 418 of the Penal Code) is based on the fact that the Higher Chamber Specialized in Public Law, where the above-mentioned magistrates sat, found in favour of various *habeas corpus* actions of persons affected by military law. Among these cases are those of General Rodolfo Robles, Capitan Gustavo Cesti and Dr. José Castro Mora, a lawyer who was being prevented from communicating with one of the persons he was defending.

The three magistrates were removed from office as a result of a decision made by the Constitutional and Social Chamber of the Supreme Court by means of Administrative Resolution no. 001-97-SC and S:CSJ. taken on 26th June.

The case file is in the hands of the Executive Committee of the Public Prosecutor's Office under the authority of Judge Dr. Blanca Nelida Colan Maguiña, whose terms of reference were extended by a special amendment to the law adopted by Congress. The judge in question had recently declared at a press conference that the Prosecutor and Judge who had heard the case of the killing in Barrios Altos had been guilty of a breach of trust in deciding that the law of amnesty was not applicable to that case.

The facts stated above lead us to believe that there is a definite and imminent threat to the individual liberty of Drs. Sergio Sala Villalobos, Elizabeth Roxana Mac Rae Thays and Juan Cancio Castillo Vasquez, arising from their impartial and independent attitude while exercising their judicial functions. This threat is a negative precedent in the hearing of *habeas corpus* cases and appeals, since the magistrates may be afraid to grant the petitions.

The Observatory notes with utmost concern that this situation coincides with the case of Dr. Elba Greta Minaya Calle, judge of the 37th Penal Court of Lima who had been charged with various crimes including terrorism, after she granted a *habeas corpus* suit.

The authorities subsequently abandoned the charges in view of national and international pressure and subsequently decided to present a complaint before the Control Body of the Order of Magistrates to decide what other action they should take against her.



The Observatory considers that these events are a violation of the provisions of international standards on the independence and impartiality of lawyers and threaten the authority of the judicial, which the State is required by the Human Rights Committee of the UN to restore.

#### UPDATE

On 14th November, 1997 the Peruvian authorities gave the Observatory, through the Permanent Mission in Geneva, a copy of the Resolution 795-97-MP-CEMP adopted by the Executive Commission of the Public Ministry.

According to this Resolution, the Commission declared groundless the appeal from the General Prosecutor of the Superior Council of Military Justice against the Resolution 3122, adopted on the 15th July, 1997 by the Prosecutor's Office for the Control of Magistrature. This office also declared groundless the complaint against the Magistrate Sergio Salas Villalobos, Juan Castillo Vasquez, Elizabeth Roxana Mac Rae Thays.

PER 002 / 9712 / OBS 021  
Detention /Criminal charge  
December 3rd 1997

The Association for Human Rights, APRODEH, a member of OMCT and FIDH, has informed the Observatory of the detention of Marina Janampa Vallejos, National Secretary of the peasant women's section of the Peasant Confederation of Peru (CCP) which is part of the Provincial Federation of the Peasant Communities of Angaraes.

She was detained on November 18th 1997 by agents of the National Police at her home in the Peasant Community of Uchcupampa, district of Lircay, province of Angaraes, department of Huancavelica. The same afternoon, she was transferred to the Department Against Terrorism (DECOTE) of the National Police, where she continues to be detained, accused of alleged acts of terrorism.

When detaining her, the Police confiscated documents relating to the VIII Congress of the CCP, reviews on agricultural matters, manuscripts concerning the peasant workshops in which she had participated. They also confiscated manuscripts corresponding to texts drafted by the Shining Path Guerillas.

Ms. Janampa Vallejos admitted that the manuscripts were hers and that she had drafted them under the compulsion and threats of members of the Shining Path, who included Jesus Yuari, a resident of her community who had died during a confrontation. She maintained that, in 1991, members of the Shining Path came to her home and forced her to draft certain documents, saying that they would come back to "examine her" and that if she did not cooperate and failed to participate they would "see what they would do".

The APRODEH notes that the department of Huancavelica has been declared in a state of emergency, under the control of military forces, and that was the reason why Ms. Janampa Vallejos had not reported the threats. Many persons who reported an attack by the Shining Path have ended up being tried for terrorism.

In her statement to the police, made on November 25th in the presence of a lawyer appointed by the APRODEH, Ms. Janampa Vallejos admitted that the manuscripts were hers and that she had drafted them under threat. She denied having ever belonged to the Shining Path and maintained that she would "never belong to it." Nevertheless the Provincial Prosecutor of Huancavelica stated that it would appear that Janampa Vallejos would be tried, meaning that he would bring criminal charges against her.

APRODEH stresses that, according to penal law, only voluntary or fraudulent acts constitute a crime and that actions carried out under threat and coercion entail no responsibility. Marina Janampa Vallejos has committed no crime whatsoever, and has been a victim of armed groups and should consequently be released.

#### UPDATE

The Observatory received a letter dated March 17th 1998 from the Permanent Mission of Peru in Geneva, stating that Mrs. Marina Janampa Vallejos had been neither ill-treated nor tortured and that her case was being examined in accordance with the legislation in force and the Penal Judge was due to submit his final observations.

Subsequently, on March 23rd 1998 the Association for Human Rights in Peru (APRODEH) stated that the provincial prosecutor recognised that Mrs. Vallejos was innocent since there was no proof against her and that



the case should be transferred to the High Court of Junin, in decide whether to continue.

Recent information received from APRODEH states that during examination of the case by the High Court, the Prosecutor formulated no charges. Despite this, on August 12th, by 2 votes to 1 the Upper Chamber declared that “the charges brought against the accused had not been completely rejected”. In other words the court reversed the principle of presumed innocence.

The Magistrate who opposed this decision stated that: neither the police nor the prosecution have brought sufficient proof to show that she took advantage of her post to engage in propandaga for a terrorist organisation.

Given the fact that a Court cannot judge a case without an accusation the case was transmitted to the Supreme Prosecutor in Penal Matters. On September 11th he ordered the High Prosecutor to formulate charges against Mrs Janampa. The date of the trial has been fixed for November 17th 1998.

PER 001 / 9806 / OBS 011

Threats

June 29th 1998

The Observatory has just been informed by the Peruvian Association for Human Rights (APRODEH, a member of the OMCT and the FIDH) that, on June 19th 1998, a message containing threats against Mr. Francisco Soberon, President of the APRODEH and Vice-President of the FIDH, appeared on the association’s fax.

This slanderous letter, drafted, accuses Mr. Francisco Soberon of being the accomplice of numerous terrorists and of being in contact with Mr. Salas and Mrs. Zanata, dubbed “traitors” in the letter and made the subject of degrading comments. Mr. Salas is a captain in the police and Mrs. Zanata is a secret agent. Both are, at present, refugees in the United States because of the threats directed at them. In addition to the threats contained in this letter, the language seems to indicate that Mr. Francisco Soberon is closely watched.

The previous day, a threatening letter was sent to the editorial offices of Channel 13 at the time when it was transmitting the César

Hildebrandt programme; this famous journalist read it out to the viewers during the transmission. The letter used insulting language and contained threats and libel directed at several journalists including Mr. Hildebrandt himself, Mr. José Arrieta, a journalist now a refugee in Miami, who previously worked for Channel 2 and Mr. Luis Iberico, a journalist previously employed by this same station and who now works for Channel 9. Mr. Javier Diez Canseco, a deputy who is active in human rights, is also targeted in the letter.

The Observatory emphatically condemns these letters threatening human rights defenders, journalists involved in the cause and a deputy, with the purpose of discouraging them from pursuing their activities in favour of fundamental liberties.

PER 002/9809 /OBS 063  
Threats  
September 11th 1998

The Observatory has received information from the International Prison Observatory, member of the OMCT, which refers to recent threats against Sofia Macher, Executive Secretary of the National Co-ordinator's of Human Rights.

According to the information's from the National Co-ordinator's of Human Rights, on 30 August 1998 an unknown person called up the person in charge of security of the National Co-ordinator's offices and said: "Say to Sofia that we will kill her", "She should be quiet". The person also referred to the referendum concerning the possibility that the President of the Republic could stand as candidate for a new term. The National Co-ordinator has participated in various expressions of protest.

Given the situation it is presumed that the intelligence services are behind these threats.

The Observatory recalls that in the past the executives of the Co-ordinator and various members of organisations which are part of it, have received similar threats. As a consequence the Observatory fears that acts against the liberty and the personal integrity of human rights defenders could be committed.



# PHILIPPINES

URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Fidel Ramos	Gross Domestic Product per person - 1995 (in \$ de 1987)	630											
Regime	Presidential	Agricultural - 1995 (% of GDP)	22											
Capital	Manila	Industrial Production - 1995 (% of GDP)	32											
Land Surface (km <sup>2</sup> )	300 000	Tertiary Sector - 1995 (% of GDP)	46											
		Human Poverty Indicator 1995 (% of the Population)	17,7											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	41											
Total Population - 1995 (in millions)	67,8	Gross National Product per person <sup>3</sup> 1995 (€ in \$)	1 050											
Life Expectancy - 1995 (years)	67,4	Rate of Growth of the Gross National Product-1980/1995 (%)	2,1											
Infant Mortality - 1996 (for 1000 births)	32	Total External debt - 1995 (in Billions of \$)	39,4											
Fertility Rate - 1995	3,8	<b>Social and Military Expenditure</b>												
Rate of Population Growth -1995/2015 (%)	1,7	Public Health Expenditure - 1990 (% of GDP)	1											
Adult Literacy Rate - 1995 (%)	94,6	Public Education Expenditure - 1995 (% of GNP)	2,2											
Gross Education Rate - 1995 (%)	80	Military Spending - 1996 (% of GDP)	2											
Population deprived of Access to Health Services - 1990/1995 (%)	29	Military Spending - 1990/1991	41											
Daily Calorie Intake per person 1995	2319	(% of combined health and education spending)												
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X	X		X		X							
<p>1 - Indicators under the head "General information" are extracted from <i>L'Etat du Monde 1999 Editions La Découverte, Paris, 1998</i> and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the <i>Rapport Mondial sur le Développement Humain 1998</i>, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**PHIL 001 / 9802/ OBS 007**  
**Theft of Property and Harassment**  
**February 1th 1998**

The Observatory for Human Rights Defenders has been informed by FLAG (The Free Legal Assistance Group, a member of the OMCT network), of grave concerns for the physical and psychological integrity of lawyers Romeo T. Capulong, Marie Yuviengco and Rolando Rico Olalia of the Public Interest Law Centre. All three have been the subject of harassment related to their legal representation of state witnesses in the case against military officers, implicated in the murder and torture of the labour leader Rolando Olalia in 1986.





The information states that about February the 2nd, the office of the Public Interest Law Centre was burglarized. Case files, protected by lawyer-client confidentiality, were forced open, searched and the central processing unit of a computer removed, along with one thousand seven hundred pesos in cash. This incident was preceded by anonymous telephone calls to the homes of all the above mentioned persons. The callers demanded information about their movements. In addition, the office was visited by several suspicious persons purporting to be seeking legal assistance. One of these persons produced an identity card dating from 1967 under the name of a former deceased governor of a province. Attorney Capalong has been subjected to surveillance.

At midnight on 13th January, a van was seen circling his home. This action was repeated at about 9:00 pm on 2nd February. The vehicle in this incident is believed to be a Tamaraw Fx bearing the number plate 347. The tail lights were flashing and three men were seen inside. All these incidents are believed to be connected to the murder charges filed against several ranking former and current military officers on 12th January 1998, by the above-mentioned lawyers.

All these officers are members of the Reform the Armed Forces Movement (RAM) - an organisation who staged a series of coup d'Etat against the Aquino government. Two former soldiers have recently admitted their participation in the murder of Rolando Olalia and his driver Mr Alay-ay and, in written affidavits, identified those who allegedly ordered the torture and murder of Mr Olalia. RAM has issued a public statement claiming that they will do no harm to the witnesses.

PHIL 002 / 9805/ OBS 027

Death threats

May 7th 1998

The Observatory for Human Rights Defenders has been informed by FLAG (The Free Legal Assistance Group, a member of the OMCT network), of the grave concern for the physical and psychological



integrity of the FLAG Vice Chair, Atty. Jose Manuel Diokno, who received a written death threat in connection with his representation of State witnesses in the Kuratong Baleleng case.

The Kuratong Baleleng case involves the murder of eleven persons by elements of the Philippine National Police in May 1995. Although 98 officers and soldiers are believed to have been involved, only 26 were subsequently charged. A police general was originally charged as the principal and the others as accessories after the fact. The charges against the Police general have since been downgraded and he now faces charges as an accessory. The case was brought to the attention of the Special Rapporteur on Summary and Arbitrary Executions in June 1996.

According to the information received, on May 6, 1998, the FLAG National Office received by mail a written letter addressed to Atty. Diokno, sent by the Anti-Kuratong Baleleng Squad. The English translation of the death threat reads as follows: "We will ensure you are killed on All Souls Day (May 11-Death Day! Election)" March 24, 1998... The security guards in your CMC Building are strict, so we shall change the strategy to kill you. You will be followed wherever you go, and you will be killed when you least expect it. You'll be dead and you won't even know. You're dead ! For sure. Dead..."

Additional references in the case make it clear that the death threat is clearly related to Atty. Diokno's free legal services in the Kuratong Baleleng case.

This is not the first time Atty. Diokno was threatened in connection with the case. Since February 1996, he has been under surveillance, and has received threatening phone calls and beeper messages. In February 1997, an anonymous death threat that was sent to the offices of Senator Raul Roco, Justice Francis Garchitorena and Justice Jose Balajadia (also involved in this case), the death threat was clearly intended also for Atty. Diokno. Shortly after receiving the anonymous death threat, Justice Garchitorena received a funeral wreath. In March 1997, Atty. Diokno again received a phone call warning him to "be careful".

The Observatory is gravely concerned for the physical and psychological integrity of Atty. Diokno. The reference to the elections on May 11,



which in the Philippines have been marked by violence, and the forthcoming anniversary of the Kuratong Baleleng incident on May 18, 1998, raise even greater concerns.

Institut kurde de Paris



# SUDAN

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Gal Omar Hassan Ahmed Al Bashir	Gross Domestic Product per person - 1995 (in \$ de 1987)	/											
Regime	Dictatorship	Agricultural- 1995 (% of GDP)	/											
Capital	Khartoum	Industrial Production - 1995 (% of GDP)	/											
Land Surface (km <sup>2</sup> )	2 505 810	Tertiary Sector - 1995 (% of GDP)	/											
		Human Poverty Indicator 1995 (% of the Population)	42,5											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Total Population - 1995 (in millions)	26,7	Gross National Product per person - 1995 <sup>3</sup> (in \$)	/											
Life Expectancy - 1995 (years)	52,2	Rate of Growth of the Gross National Product-1980/1995 (%)	/											
Infant Mortality - 1996 (for 1000 births)	73	Total External debt - 1995 (in Billions of \$)	17,6											
Fertility Rate - 1995	4,8													
Rate of Population Growth -1995/2015 (%)	2,1	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	46,1	Public Health Expenditure - 1990 (% of GDP)	0,5											
Gross Education Rate - 1995 (%)	32	Public Education Expenditure - 1995 (% of GNP)	/											
Population deprived of Access to Health Services - 1990/1995 (%)	30	Military Spending - 1996 (% of GDP)	4,3											
Daily Calorie Intake per person 1995	2310	Military Spending - 1990/1991	44											
		(% of combined health and education spending)												
<b>Ratification of major international and regional Human Rights Instruments<sup>4</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH <sup>c</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X				X						X			
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**SDN 001 / 9301 / OBS 002**

**Arrest, fear of torture  
and harassment**

**January 12th 1998**

The Sudanese Victims of Torture Group, a member of the OMCT network, has informed the Observatory of its grave concern over the arrests and harassment of a great number of lawyers following a peaceful march in favour of human rights on 20th December, 1997.

According to the information received, on 20th December, 1997, between 1000 and 2000 lawyers participated in the march to the High Court and the Ministry of Justice Building in Khartoum. They were



protesting against the violation of human rights, and arrests of and harassment of lawyers. Furthermore, they distributed a memorandum to the Minister of Justice asking for independence of the Judiciary, respect for the rule of law, and the resumption of democracy and civil rights in Sudan.

The lawyers arrested are: **Zaki Mansour** and **El Eden Mohammed Ahmed**, both arrested in Kosti City, 200 miles south of Khartoum on 21st December, 1998; **Yahya El hussain**, **Margani El hibir** and **Mahjoub abd alla Mohamed**, both arrested on 1st January, 1998. Margani El hibir was released on 7th January, 1998, but the other two remain in detention. There are grave fears for their physical and psychological integrity.

Since the demonstration, other lawyers have been apparently asked to report daily to security headquarters and they were forced to stay from 6:00 in the morning until 12:00 at night. Among them are: **El sheikh Mohammed Ahmed**, **Ali Adam**, **Ms. Fatima Abu El Gasim**, **Abd El Hameed Khalaf Alla**.

Moreover, according to the information received, in relation to the demonstration, other persons were asked to report daily to the security forces. Among them are: **Ms. Ihlam Nassir**, civil servant at Omdurman local Council, **Professor Mohamed Osman Maki**, lecturer of Philosophy, and **Mr. Hamid El Nur**, businessman.

SDN 002 / 9801 / OBS 001

Arrests

January 26th 1998

The Observatory is gravely concerned for the freedom of human rights defenders in Sudan, and in particular the defender, **Mr. Gazi Suliman**.

The Sudanese Victims of Torture Group (SVTG), a member of the OMCT network, has expressed its grave concern over the alleged arrest, on Tuesday 20th January, 1998, of **Mr. Gazi Suliman**. He was tried by a public order court two hours after his arrest and was sentenced at 9:00 pm the same day to 5 months' imprisonment and



fined half a million Sudanese pounds. Mr. Gazi Suliman is currently being detained in Omdurman prison.

According to the SVTG, Mr. Gazi Suliman is a prominent lawyer and a human rights activist. He is a candidate for Chairperson of the bar association, and he headed a group called the Lawyers' Alliance for Democracy. In December he organised the lawyers' silent march to the ministry of Justice (see appeal SDN 001/9801/OBS 002 concerning arresting of a number of lawyers). Mr. Gazi Suliman is also a defence lawyer for Dr. Suad Ibrahim Ahmed, a person who organised a women's march to and picketing at the UN headquarters last month.

Kamal el Gizoli, a defence lawyer, appealed against the trial, arguing that the arrest was illegal because Mr. Suliman is a member of the Sudanese bar association which should have been informed in writing. The court rejected the appeal, saying that he was charged with crimes against the security of the State and disobeying Security Order under article 66 and 94.

During his trial Mr. Gazi Suliman made a brief statement admitting that he is a dedicated fighter for democracy and human rights. He further insisted that the government should respect human rights and resume democracy, stop the practice of torture and harassment of political opponents and put an end to the civil war in the south of the country. He also demanded that the Government put an end to the arbitrary actions of the security forces and bring to trial those guilty of corruption and torture.

**FOLLOW UP**  
**SDN 002 / 9801 / OBS 004 . 01**  
**New Information**  
***February 12th 1998***

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The Observatory has just been informed by the Sudanese Victims of Torture Group, a member of the OMCT network, of the release of Mr. Gazi Suliman on the 9th of February 1998, at 1:00pm. His release follows the decision of the appeal court.



The Observatory welcomes his release and would like to thank all those groups, individuals and institutions for their enormous efforts on behalf of Mr Gazi Suliman.

**SDN 003 / 9807 / OBS 013**

**Arrest**

**July 10th 1998**

The Observatory has just been informed by the Arab Program for Human Rights Activists, of the presumed arbitrary arrest on July 7th, 1998, of Mr. Mostafa Abdel Khadir, a prominent human rights lawyer and activist.

The Observatory recalls that, in the past, Mr. Mostafa Abdel Khadir had been arrested and detained for long periods of time, presumably because of his activities in favour of human rights (see reports on Gross Violations Against Human Rights Defenders, 1996 and 1997, OMCT).

It is believed that Mr. Mostafa Abdel Khadir may have been arrested and charged in relation to recent bomb explosions, directed against the Sudanese regime, that have reportedly taken place in Khartoum.

The Observatory is concerned for the safety and life of Mr. Mostafa Abdel Khadir, considering the declaration of the Sudanese authorities in which the President stated that all those involved in these bombing incidents will be sentenced to death.



# SYRIA

URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Hafez al-Assad	Gross Domestic Product per person - 1995 (in \$ de 1987)	1267											
Regime	Presidential and Authoritarian supported by a leading party	Agricultural- 1995 ( % of GDP)	/											
Capital	Damascus	Industrial Production - 1995 ( % of GDP)	/											
Land Surface (km <sup>2</sup> )	185 180	Tertiary Sector - 1995 ( % of GDP)	/											
		Human Poverty Indicator 1995 (% of the Population)	20,9											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Total Population - 1995 (in millions)	14,2	Gross National Product per person - 1995 (in \$)	1 120											
Life Expectancy - 1995 (years)	68,1	Rate of Growth of the Gross National Product-1980/1995 (%)	3,4											
Infant Mortality - 1996 (for 1000 births)	28	Total External debt - 1995 (in Billions of \$)	21,3											
Fertility Rate - 1995	4,4													
Rate of Population Growth -1995/2015 (%)	2,4	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	70,8	Public Health Expenditure - 1990 (% of GDP)	0,4											
Gross Education Rate - 1995 (%)	62	Public Education Expenditure - 1995 (% of GNP)	/											
Population deprived of Access to Health Services - 1990/1995 (%)	10	Military Spending - 1996 (% of GDP)	4,8											
Daily Calorie Intake per person 1995	3295	Military Spending - 1990/1991 (% of combined health and education spending)	373											
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X				X									
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economic Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

SYR 001 / 9709 / OBS 009

Conditions of detention / grave risks

September 14th 1997

The Observatory for the Protection of Human Rights Defenders is gravely concerned by the deterioration in the conditions of detention of human rights defenders imprisoned in Syria.

The Observatory has been informed by the Committees for the Defence of Democratic Liberties and Human Rights in Syria (CDF), a member organisation of the FIDH and OMCT, of the case of Aktham Nouaisseh, a lawyer, spokesman for the CDF, detained in the Sednaya prison near Damascus since 18th December, 1991.



The CDF have obtained a report from the Prison Medical Commission, an official body set up by the Syrian Security Service after the Gulf War, which confirms the justifiable concern expressed by the CDF in connection with the state of health of Aktham Nouaisseh who, according to reports, is suffering from arterial, cardiovascular, renal and ophthalmic problems. It is alleged that he recently lost 25 kilos in weight.

The report, drafted by the above-mentioned Medical Commission after a visit to Aktham Nouaisseh on March 18th last, states that his health has deteriorated considerably since the first visit of the Commission in March 1995 and that the situation is extremely grave. The Commission prescribed a medico-curative treatment for the angina pectoris and the renal problems from which he is suffering. In its report addressed to those responsible for the security services the Commission states that it is not competent to deal with the ophthalmic problems from which Aktham Nouaisseh is suffering and requests that he be put in the care of a specialised centre.

The Observatory recalls that five other members of the CDF are still in prison after having been detained in December 1991 because of their activities and tried together with Aktham Nouaisseh by the Tribunal of State Security Court. These detainees are: Afif Mizher, Muhammed Ali Habib, Bassam al-Shaykh, Thabet Murad and Nizar Nayouf. All of them are reported to have been tortured.

According to information received from the CDF, Nizar Nayouf is apparently being held incommunicado in the prison of Mezze and is suffering from psychological disorders.

The Observatory fears for the life as well as the physical and psychological integrity of Aktham Nouaisseh and considers that there are grounds for doubting the ability and the will of the Syrian authorities to provide the above-mentioned persons with the necessary care, and also that there is reason to believe that the authorities are allowing their state of health to deteriorate further.



**FOLLOW UP**  
**SYR 001 / 9709 / OBS 009 . 01**  
**New Information**  
**June 2nd 1998**

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The Observatory has just learned from the CDF that **Aktham Nouaisseh** was released May 31st at the same time as another 30 prisoners of conscience. The Observatory would like to extend its thanks to all the groups, associations and individuals who intervened and requested the release of Aktham Nouaisseh.

The Observatory welcomes this release and would hope that this gesture will lead to a change of policy of the Syrian Authorities towards a greater respect for freedom of expression, association and opinion.

The Observatory continues to request the release of the five other detained members of CDF.

**FOLLOW UP**  
**SYR 001 / 9709 / OBS 009 . 02**  
**New information**  
**September 11th, 1998**

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The Observatory has just been informed by CDF and Reporters Sans Frontières that the health and the conditions of detention of **Mr. Nizar Nayouf** have seriously deteriorated and that he is suffering from leukaemia.

This disease must be added to his already very precarious health (paralysis of the lower limbs, fracture of his occiput that leads to a progressive blindness, numerous dermatosis), a result of the torture to which he has been subjected.

According to the CDF, **Mr. Nizar Nayouf** has no access to medical care and risks death should no treatment be made available to him.

The Observatory fears for the life of **Mr. Nizar Nayouf** and firmly condemns the conditions of detention that certain political detainees are subjected in Syria.



SYR 002/ 9712 / OBS 020  
Harassment  
December 1st 1997

The Observatory for the Protection of Human Rights Defenders has just been informed that Mr. Youssef Nasser, lawyer and father of the internationally recognised human rights defender Haytham Manna, former Vice-President of the FIDH, in charge of international issues in The Committee for the Defence of Human Rights and Democratic Liberties in Syria, an organisation affiliated with both FIDH and OMCT, has taken into police custody in Daara, on 26th November, 1997.

He was questioned for over 7 hours concerning the activities of his son. He was then released after having been informed that his grandchildren were no longer allowed to leave the country. Mr. Youssef Nasser was imprisoned from 1979 to 1985. Since that time he and all his family have been forbidden to leave Syria.

Both Mr. Youssef Nasser and his wife have already been interrogated concerning the activities of their son in exile, in particular his relations with the OMCT and his contacts in the United Nations.

The Observatory is particularly concerned at these events which fall within the framework of a persistent pattern of repression practised by the Syrian authorities against human rights defenders in Syria (see Urgent Action by the Observatory SYR 001/9709/ OBS 009) and their families.



# TUNISIA

## URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Zine el-Abidine Ben Ali	Gross Domestic Product per person - 1995 (in \$ de 1987)	1436											
Regime	Strong presidential powers	Agricultural - 1995 (% of GDP)	12											
Capital	Tunis	Industrial Production - 1995 (% of GDP)	29											
Land Surface (km <sup>2</sup> )	163 610	Tertiary Sector - 1995 (% of GDP)	59											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	23,3											
Total Population - 1995 (in millions)	9	Monetary Poverty - 1989/1994 (%) - [population living under the national poverty line]	14											
Life Expectancy - 1995 (years)	68,7	Gross National Product per person - 1995 (in \$)	1 820											
Infant Mortality - 1996 (for 1000 births)	28	Rate of Growth of the Gross National Product-1980/1995 (%)	3,6											
Fertility Rate - 1995	3,1	Total External debt - 1995 (in Billions of \$)	9,9											
Rate of Population Growth -1995/2015 (%)	1,5	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	66,7	Public Health Expenditure - 1990 (% of GDP)	3,3											
Gross Education Rate - 1995 (%)	69	Public Education Expenditure - 1995 (% of GNP)	6,8											
Population deprived of Access to Health Services - 1990/1995 (%)	10 <sup>3</sup>	Military Spending - 1996 (% of GDP)	2											
Daily Calorie Intake per person 1995	3173	Military Spending - 1990/1991	31											
		(% of combined health and education spending )												
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-PT	ACHPR	ACHR	ICPPT	ICFDP
X	X		X	X	X		X				X			
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, this data refers to a year or to a period other than the one indicated in this head. It does not correspond to a standard definition or only applies to an area of a country under study.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**TUN 001 / 9709 / OBS 011**  
**Arbitrary Arrest / Harassment**  
**September 26th 1997**

The Observatory for the Protection and Promotion of Human Rights has just been informed of the arrest of Mr. **Khemais Ksila**, Vice President of the Tunisian League for Human Rights - affiliate of FIDH. **Khemais Ksila** was arrested on 29th September, 1997, at his home by the security services and taken to an unknown location.

**Khemais Ksila** had announced the same morning his decision to begin a hunger strike to protest the harassment, discrimination and threats



that he has been subjected to for the last 18 months - a result of his activity in defence of human rights. These acts of harassment have included, among other things:

- The looting and smashing of his car during the night of 4th and 5th December 1995 and his dismissal from the National Train Society on 6th February, 1996;
- The confiscation of his passport on 18th August, 1996, when he was supposed to be part of a delegation from the Tunisian League for Human Rights to the United States. The confiscation was maintained despite an invitation from the European Parliament on 11th June, to participate in a meeting on the human rights situation in Tunisia;
- The persistent and constant surveillance of his movements and the strong belief that his telephone has been monitored.

The Observatory has serious grounds to believe that all these acts have been motivated by the work Khemais Ksila does to defend human rights in Tunisia - work conforming to the Universal Declaration on Human Rights and other international Conventions ratified by Tunisia.

Given the current situation prevailing in Tunisia and the circumstances of his arrest and "incommunicado" detention, the Observatory must express its grave concerns for the physical and psychological integrity of Khemais Ksila.

The Observatory has equally serious health concerns. Khemais Ksila is a diabetic and he has not had his medicine since his arrest. Additionally he had made it very clear to his wife of his determination to carry out his hunger strike whatever happened to him.

**FOLLOW UP**  
**TUN 001 / 9709 / OBS 014 . 01**  
**New Information**  
**February 11th 1998**

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**Mr. Khemais Ksila has just been condemned to a cumulative sentence of three years by the Tunis Correctional Court. The charges, related to**



articles 42 to 51 of the Penal Code: “defamation of law and order and the authorities, distribution of false information which would disrupt law and order and incite members of the public to break the law of the land” [Free Translation]

The Observatory mandated an observer to monitor the trial. While recognising that the trial took place under formally satisfactory conditions, the Observatory, nevertheless, considers that both charges and sentence are intended to punish a crime of opinion which contradicts international human rights instruments that protect human rights.

**FOLLOW UP**  
**TUN 001 / 9709 / OBS 014 . 02**  
**New information**  
**April 27th 1998**

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The hearing of the appeal due for 11 April 1998, has been postponed by the Court of Tunis on the ground that the past records of Mr. Khemais Ksila were not in the file.

The motive for this decision to postpone and the circumstances in which the decision was made tend to reveal its fallacious character. The Observatory, which had delegated a judicial observer to the trial, has serious reasons to believe that this postponement was notably intended, in particular, to discourage international observers at the trial.

The Court of Appeal finally examined the case on 25 April 1998 and confirmed the previous judgement. The Observatory, which has again sent an observer to the trial, noticed that the Court changed its composition without starting the process over from the beginning. It has also been noted that the Court, in its new composition, chose not to hear Mr. Khemais Ksila. Furthermore, the extent of police control of access to the audience hall, as well as the massive presence of policemen in civilian dress in this case, constituted serious obstacles to the public character of the trial.

The Observatory considered consequently that the decision by the Tunisian Court of Appeal was not rendered in conditions conforming to the principles guaranteeing the right to a fair trial. Furthermore, the



decision by the Court of Appeal confirming the judgement of the first trial only aims to sanction the exercise of the freedom of opinion and of expression by a human rights defender, which is in total contradiction with the international engagements of Tunisia.

The Observatory condemns this decision, which confirms systematic repression of human rights defenders because of their work for human rights.

**FOLLOW UP**  
**TUN 001 / 9709 / OBS 014 . 03**  
**New information**  
**June 25th 1998**

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The Observatory has just learned that Mr. Ksila decided to start a hunger strike on June 24th 1998 in spite of his precarious state of health. According to the information received, the conditions in which Mr. Ksila has been held for the past 9 months are such as to prompt the utmost concern. He is held in a cell known by the name of "le bagne" (note: hard labour system), which he shares with over forty convicted criminals, under particularly harsh conditions. He is also prevented from receiving mail. During the weekly visit from his family, he is forced to speak to his wife and children through a double wire netting under the supervision of the warders.

Moreover, since his arrest, Mr. Ksila's family has been subjected to various forms of harassment: systematic police surveillance, intimidation,- also against his neighbours, phone bugging and interception of mail .

The Observatory considers that the detention of Mr. Khemais Ksila is arbitrary.

**FOLLOW UP**  
**TUN 001 / 9709 / OBS 014 . 04**  
**New information**  
**July 24th, 1998**

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The Observatory has just been informed that Mr. Ksila has begun a new hunger strike on July 18th, 1998.



According to the information received, Mr. Ksila's decision is a reaction to the lack of respect of formal agreements taken by the President of the "Comité Supérieur des Droits de l'Homme et des Libertés", regarding the improvement of the conditions of his detention. He was informed of these commitments immediately after starting his previous hunger strike, last June.

Furthermore, his wife, Mrs. Fatma Ksila has also decided to start a hunger strike at their home, on July 19th, to support her husband.

His attorneys have only recently requested authority to visit Mr. Ksila, which they had previously not been allowed to do.

The Observatory considers that the detention of Mr. Khemaïs Ksila is arbitrary.

#### UPDATE

The Observatory has been informed that Mr Ksila, Vice President of the Tunisian League for the defence of Human Rights, and his wife, have ended their hunger strike.

However, the Observatory has received information on the harassment of other members of the Tunisian League, member of FIDH and of OMCT, notably Mr. Sala Zeghidi, Vice-President, Mr. Fadhel Guedmasi, Treasurer, and Mr. Malek Kefik, member of the League.

In March and April 1998, they were followed by the police day and night. These acts of harassment seem to have subsided since that time. The Observatory considers that the pressure on them is simply to restrict their freedom of action and that of the Tunisian League.

TUN 001 / 9301 / OBS 001  
Arrest / Judgement / Harassment  
January 12th 1998

The Observatory for the protection of human rights defenders has received information from various sources concerning the arrest, by the police on Monday 5th January, 1998 of Mr. Ali Bedoui, brother of Dr. Marzouki. This former President of the Tunisian League for





Human Rights, an organisation affiliated with the FIDH, has been the victim of constant harassment and threats since he attempted to run for the presidential elections in April 1994. After 5 months' imprisonment for publication offences, his passport was confiscated and he has since been deprived of the telephone, and he cannot exercise his profession or publish.

Mr Ali Bedoui appeared before a judge the day after his arrest and was sentenced to one month's imprisonment for "rebellion against the forces of order" when he had simply asked to see a written warrant at the time of his arrest. Mr. Ali Bedoui had already been sentenced to two years and three months of imprisonment (without suspension of sentence) in 1994. Since his release he has been constantly harassed by the Tunisian authorities.

The Observatory has serious grounds for believing that the arrest and sentencing of Mr. Bedoui is motivated solely by the fact that he is related to Dr. Marzouki and that such measures are part of the systematic pressures which the authorities exercise on Dr. Marzouki. The Observatory is also convinced that Mr. Bedoui's arrest and sentencing is arbitrary.

TUN 002 / 9802 / OBS 010  
Harassment  
February 12th 1998

The Observatory has just been informed that, in Tunisia, on 12th February, 1998, Lawyer Radhia Nasraoui's office was ransacked. This took place at around 3:00 am, and the vast majority of her files were removed. The Observatory has substantial reason to believe that these events are directly linked to Nasraoui's commitment to the defence of public liberties and that they are part of a consistent pattern of harassment and intimidation which is aimed at restricting her involvement in favour of Human Rights.

Nasraoui has regularly been a victim of such practices: her office was burgled and ransacked in 1994, and again in April 1997; her car was stolen from a guarded parking lot in 1994 and an attempt in 1995 to



burn down her apartment was barely frustrated. Lawyer Nasraoui believes that "these criminal acts aim to punish her, as a lawyer, for having represented the victims of repression, torture and Human Rights violations."

For a number of months, Nasraoui has been actively involved in the case of Khemaïs Ksila. She has undertaken the costs of the defence and has been one of the main forces behind the rallying together of an association of lawyers to this end. The Observatory has serious grounds to fear that this recent action may be connected to her involvement in this case, and Nasraoui's safety may be under threat.

The Observatory believes that the harassment of Nasraoui can be placed in the wider context of the violations of the rights of Human Rights defenders. In its appeals TUN 001/9709/OBS 014 of September 29th, 1997 and TUN 001/9709/OBS 014.01 of 11th February, 1998, the Observatory expressed its grave concern about the arrest of Mr Khemaïs Ksila, Vice - President of the Tunisian League for Human Rights, (an organisation affiliated with the FIDH), on 29th September, 1997 at his home, by the Tunisian security services and also, about his sentencing, on 11th February, 1998, to a combined prison term of three years. With respect to this case, the Observatory believes that the sole reason for Mr. Ksila's prosecution and sentencing was to punish his activities in defending Human Rights.

**TUN 002 / 9802 OBS 10.01**  
**Legal Proceedings Summary Execution**  
**New information**  
**31 March 1998**

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The Observatory was informed that on March 30th 1998 Ms Nasraoui appeared before the dean of investigative judges. She faces eleven charges including: connections with a terrorist organisation, membership of a criminal gang, incitement to rebellion, contempt of court, of public order and of the President of the Republic, spreading of false news, incitement of citizens to break the laws of the land, membership of an organisation liable to harm property and persons and organizing illegal assemblies.



After this first appearance Ms. Nasraoui was freed but forbidden to leave the perimeter of the district of Tunis.

The Observatory considers that the legal charges initiated by the authorities are only meant as a reprisal for Ms. Nasraoui's involvement with human rights. It considers, moreover, that the restrictions placed on her freedom of movement constitute an infringement of the free exercise of her profession as a lawyer and her activities in the defence of Human Rights.

The Observatory is gravely concerned at this situation which bears witness to the aggravation of the repression suffered by human rights defenders in Tunisia as well as the deterioration in the general Human Rights situation in that country.

TUN 002/9802 /OBS 010.02  
Harassment and Legal Prosecution  
New Information  
*June 8, 1998*

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The Observatory has just learned that, on Saturday June 6th, an attempt had been made to abduct the youngest daughter of Mrs. Nasraoui, aged 9, as she was entering the house in which she lived. She was so traumatised by this aggression that she refused to go to school on Monday June 8th. She was taken to see a doctor at the end of the morning. She was already under treatment for the past three months for a stress-related skin allergy and her condition has deteriorated. She now suffers from bouts of choking and heavy coughing.

According to information received the author of this attack was an agent of the State Security directorate. In addition to this occurrence Mrs. Nasraoui had been the victim of an attempted attack by a motor cyclist on May 24th last, while her eldest daughter, aged 15, is closely watched by policemen.

The Observatory strongly condemns this aggression which marks a further stage in the harassment suffered by Mrs. Nasraoui and her family. The Observatory condemns this escalation in the use of



particularly odious measures against human rights defenders which merely confirms the increased repression of which they are the victims. The facts mentioned above are yet another illustration of general deterioration in the human rights situation, particularly in connection with freedom of opinion and defence rights.

Institut Kurde de Paris



# TURKEY

## URGENT ACTION – THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Süleyman Demirel	Gross Domestic Product per person - 1995 (in \$ de 1987)	1865											
Regime	Parliamentary	Agricultural- 1995 (% of GDP)	16											
Capital	Ankara	Industrial Production - 1995 (% of GDP)	31											
Land Surface (km <sup>2</sup> )	780 576	Tertiary Sector - 1995 (% of GDP)	53											
		Human Poverty Indicator 1995 (% of the Population)	/											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Total Population - 1995 (in millions)	60,8	Gross National Product per person - 1995 (in \$)	2780											
Life Expectancy - 1995 (years)	68,5	Rate of Growth of the Gross National Product-1980/1995 (%)	4,5											
Infant Mortality - 1996 (for 1000 births)	41	Total External debt - 1995 (in Billions of \$)	73,6											
Fertility Rate - 1995	2,6													
Rate of Population Growth -1995/2015 (%)	1,3	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	82,3	Public Health Expenditure - 1990 (% of GDP)	1,5											
Gross Education Rate - 1995 (%)	60	Public Education Expenditure - 1995 (% of GNP)	3,4											
Population deprived of Access to Health Services - 1990/1995 (%)	/	Military Spending - 1996 (% of GDP)	3,9											
Daily Calorie Intake per person 1995	3577	Military Spending - 1990/1991 (% of combined health and education spending)	87											
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH <sup>c</sup>	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
			X	X			X	X	X					
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**TUR 001 / 9703 / OBS 006**  
**Closure of several IHD branches**  
**Judicial proceedings**  
**August 23th 1997**

The Observatory for the Protection of Human Rights Defenders is deeply concerned by the systematic threats received over the last few months by the various branches of the Human Rights Association in Turkey (IHD), affiliated member of the FIDH.

In just a few recent months, Governors of the region have decided to close several IHD branches including: Diyarbakir (23/05/97), Malatya



(4/06/97), Izmir (20/06/97), Konya (24/06/97), Urfa (27/06/97), Balikesir (9/07/97) and recently Mardin (5/08/97).

So far, the judicial authorities have confirmed the closure of four out of seven branches. Only the offices of Izmir, Malatya and of Konya have so far been officially able to resume their activities.

The reasons given by the authorities for closing these offices are unvarying : the possession of illegal publications, which in reality are human rights reports and publications in favour of a peaceful solution to the Kurdish issue. These closures - of a fixed duration - have for the most part been followed by detention of local human rights defenders, including the head of the local branch.

To date, all have been released, except for **Aziz Durban**, head of the Urfa office, who has been placed in preventive detention.

Following the court action which was initiated on 7th July, 1997, the trial of eleven members of the IHD Central Executive Board is scheduled to begin before the Court of First Instance No. 4 of Ankara, on 8th September, 1997. They are:

**Akin Birdal**, President of IHD; **Eren Keskin** and **Mahmut Sakar**, Vice Presidents; **Kamil Atesogullari**, Secretary General; **Nazmi Gur**, Deputy Secretary General; **Lutfi Demirkapi**, Deputy Secretary General; **Sedat Aslantas**, Accountant; **Selahattin Esmer**, Member of the Central Executive Board; **Meral Bekar**, Member of the Central Executive Board; **Gunseli Kaya**, Member of the Central Executive Board; **Ercan Demir**, Member of the Central Executive Board.

They all face charges relating to crimes of separatist propaganda and threat to the integrity of the nation, and risk a prison sentence of between 1 and 3 years based on articles 37/1.2 and 76/1 of the Law on Associations no. 2908. The prosecutor also requested that IHD be closed. The acts of which IHD and its members are being accused, date back to December 1996, during the "Human Rights Week" organised by IHD. According to the prosecutor, several participants gave "separatist speeches" and "incited the people to hatred." In reality, the participants merely recommended a peaceful solution to the conflict in the South-East, and called for a reform of Turkish legislation guaranteeing fundamental freedoms.



This new trial adds to the one initiated by the State Security Court against **Akin Birdal**, President of IHD ; **Mustafa Ekmekci**, Journalist (who died last May); **Haydar Kaya**, Chairperson of the Labor Party, Ankara (EMEP); **Ragip Duran**, Journalist; and **Recep Doganer**, Executive member of the HADEP Party. This trial began on 25 June 1997. They have been accused of the same fallacious charges for “delivering speeches supporting the principles of the PKK”, during the same “Human Rights Week”. In fact they were only calling out for peace in the South-East through dialogue. They also face a prison term of between 1 and 3 years and a fine of 200 000 000 TL.

In any case, if the closure of the IHD was to be ordered, it would lead to the closure of all 50 IHD offices located throughout Turkey, and it would seriously damage the human rights struggle in Turkey.

FOLLOW UP  
TUR 001 / 9708 / 006 . 01  
New information  
February 24th 1998

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The Observatory has just been informed that the eleven accused members of the Executive Board of IDH were released following a judgement passed on 23rd February, 1998. The court ruled that the speeches given over the course of “Human Rights Week”, December, 1996, corresponded to the IHD’s mandate. Because of this, it was inappropriate to prosecute and sentence them. In addition, the court rejected the Public Prosecutor’s demand for the closure of the different IHD offices.

The Observatory welcomes these decisions and would like to thank all the groups, institutions and individuals for their significant efforts in supporting these Turkish Human Rights Defenders.

#### UPDATE

The Observatory was informed concerning second trial initiated on 25th July, 1997 by the State Security Court, Mr. Haydar Kaya was



condemned on 30th December, 1997 to one year of prison and a fine of TL. 600 millions. The other three **Akin Birdal, Ragip Duran and Recep Doganer**, were acquitted on the same date.

TCR 002 / 9709 / OBS 013

Risk of Prison

Freedom of Expression

September 26th 1997

The Observatory is gravely concerned for the freedom and security of **Esber Yagmurdereli**, lawyer and reputed human rights defender who faces an imminent risk of arrest and a 23-year prison sentence.

Esber Yagmurdereli was very active in the legal defence of workers rights during the 70s. Sometime before the military take-over of 1980, he was charged and sentenced to 5 years in prison for "supporting illegal organisations".

In 1982 the military - still in power - decided to reopen his case. Against the most fundamental of rights, his sentence was commuted to life. Having served 15 years, he was conditionally released. The authorities refused, however to return his passport.

After his release, Esber Yagmurdereli, continued his human rights work and was invited to many demonstrations. During one of the many he attended, he spoke on the search for a peaceful solution to the Kurdish issue in the South East of Turkey. For this action he was sentenced by the Security Court on charges relating to separatist propaganda -based on Article 8 of the anti terrorist law- and sentenced to 10 months in prison. The appeal of this sentence was rejected in May 1997. His final appeal in the Supreme Court was finally rejected about a week ago.

In addition to the 10 month sentence, Esber Yagmurdereli faces the life sentence handed down by the Military Court in 1982. Esber Yagmurdereli has left Istanbul as he fears imminent arrest and detention.

Esber Yagmurdereli is a prominent human rights defender. Up to his





departure he was involved in trying to improve the conditions of political prisoners. With the writer Yachar Kemal, he intervened to help end the hunger strike in Turkish prisons which resulted in the death of 12 persons in the summer of 1996. Along with many other Turkish intellectuals he gathered in less than a month more than a million signatures in favour of peace in Turkey.

Esber Yagmurdereli faces a sentence handed down by a special court during a period of martial law ; it runs contrary to international norms, most notably the European Convention on Human Rights.

**FOLLOW UP**  
**TUR 002 / 9709 / 013 . 01**  
**New information**  
**October 20th 1997**

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On 19th October, 1997, when Esber Yagmurdereli was leaving the studios of the television channel KANAL D, where he was participating in a programme, he was arrested by the police. At the time of issue of this urgent action, he is being detained at a police station, and it is feared that he will be transferred to the Bayrampasa prison to serve the 23 year prison sentence .

The Observatory considers the detention of Esber Yagmurdereli arbitrary and a violation of the freedoms of opinion and expression guaranteed by the European Convention on Human Rights ratified by Turkey in 1954.

**FOLLOW UP**  
**TUR 002 / 9709 / 013 . 02**  
**New information**  
**November 18th 1997**

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On 10th November, 1997, Esber Yagmurdereli was pardoned by President Demirel on health grounds. However, the pardon is in fact



only a postponement of the 10 month prison sentence handed down from the State Security Court in 1991 and confirmed by the Supreme Court last September, and equally the 22 year prison sentence corresponding to the sentence handed down in 1982 by the Military Court.

The Observatory fears that Mr. Esber Yagmurdereli's release is being used by the Turkish authorities to signal to the international community, and to the European Union in particular, that the treatment of prisoners has improved, and that Turkey respects its human rights obligations.

FOLLOW UP  
TUR 002 / 9709 / OBS 013 . 03  
New Information  
June 2nd 1998

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Mr. Esber Yagmurdereli was arrested on Monday, June 1st, 1998, in Ankara, while visiting his lawyer. He was detained in the Chankirj prison near Ankara.

This arrest results from his refusal to provide a medical certificate to support the presidential claim that he was pardoned because of his health problems.

Turkish deputies may soon be discussing a legal draft intended to modify the Anti-Terrorist Law that sets down the grounds for the convictions of Mr. Esber Yagmurdereli and many other journalists, writers, intellectuals and human rights defenders.

If this new law is adopted by the Turkish parliament, it should in theory allow several prisoners of conscience to be released, including Mr. Esber Yagmurdereli. The Turkish Parliament should be shortly addressing this matter.

Being one of the most famous prisoners of conscience in Turkey, the release of Mr. Esber Yagmurdereli, as well as other prisoners of conscience, would symbolise the true willingness of Turkish authorities to move towards greater democracy.



TUR 003 / 9712 / OBS 023

Risk of incarceration

Crime of free speech and opinion

December 22nd 1997

The Observatory for the protection of Human Rights Defenders is particularly concerned by the attacks on the right to freedom of speech suffered by human rights defenders in Turkey.

The Observatory was informed by the Human Rights Association, Turkey (IHD) an affiliated member of FIDH and OMCT, and by the International Service for Human Rights, that Mr. **Erol Anar** was sentenced on November 25 last, to 10 months' imprisonment, suspended for 5 years, on the basis of Article 159 of the Penal Code. He is accused of having "insulted the forces of State Security" in a book entitled "Freedom of Thought". Mr. Anar, a former secretary general of the IHD and a well-known writer, had already been previously sentenced on similar charges for the publication of his book "A History for Human Rights" which, incidentally, was seized (See case TUR 281197 circulated by OMCT).

On 16th December, the Observatory was again approached by the IHD with the case of Mr. **Haluk Gerger**, Turkish academic, pacifist and human rights defender. He was sentenced to one year's imprisonment and a fine of \$2 000 for having published an article in the Istanbul Daily "Ozgur Gundem" in December, refuting the allegations that this paper is connected with the PKK. The sentence, which was based on Article 7 of the Anti-Terror law, has just been confirmed by the court of appeals and he is liable to be arrested any moment.

The Observatory considers that these two cases constitute a violation of freedom of speech and of opinion guaranteed by the Universal Declaration of Human Rights, the European Convention on Human Rights ratified by Turkey in 1954 and form part of the framework of persistent threats and harassment suffered by human rights defenders in Turkey.

#### UPDATE

The Observatory was informed that Mr. **Haluk Gerger** gave himself up to the authorities after a press conference held on 26th January,



1998 at the headquarters of the IHD. He was taken to Gdl prison.

**TUR 001 / 9803 / OBS 011**  
**Closure of an IHD Section**  
**March 6th 1998**

The Observatory has been informed by the "Centre Europe-Tiers Monde" (CETIM), a member of OMCT, and the Human Rights Association of Turkey (IHD) affiliate of FIDH and OMCT, of the closure, on the 20th of February, of the Human Rights Association's Section in Balikesir (around 200 Km from Istanbul). The section has been ordered to close for 30 days, on the orders of the Governor of the Region.

The lawyers of the section have appealed against this decision. However, by the time a ruling is made on the appeal, the section will already have been closed for the 30 days stipulated in the original order. According to information received, the decision to close the section was made following the discovery of documents in the offices of the section.

This closure takes place in the context of climate of intimidation and harassment of human rights defenders: see appeals TUR 001/9708/OBS 006, TUR 002/9709/OBS 013, TUR 003/9712/OBS 023).

The Observatory further recalls in this context, the regular closure by the authorities of other sections of the Human Rights Association of Turkey. The Observatory has previously denounced this practice, employed by the authorities, to hinder the activities of human rights defenders and most notably the IHD.

**TUR 002/9805/OBS 029**  
**Attempted Killing**  
**May 12th 1998**

The Observatory has been informed that Mr. Akin Birdal, the President of the Association of Human Rights (IHD member of both



FIDH and OMCT) and Vice President of FIDH, has been the victim of an assassination attempt.

Two persons dressed in dark blue clothes, entered the premises of the IHD offices in Ankara. They said that they had come from Ankara and wanted to speak to Mr. Akin Birdal. As the secretary was going to Mr Birdal's office the two persons burst into his room and opened fire. Having fired 8 times, they ran out of the building.

Mr. Akin Birdal was taken to the private hospital of Ciyigi. He is in a critical condition: he has 2 bullet wounds in the chest, three in the legs and another to the shoulder.

This act is ample demonstration of the vulnerability of human rights defenders. The Observatory condemns this attempt on his life and urges the authorities to take all necessary measures necessary to identify and arrest those responsible as soon as possible.

#### UPDATE

The two persons suspected of the violations and members of the Turkish extreme right, were arrested about one month after the act. Their trial which began in Ankara at the beginning of this summer continues.

TUR 003 / 9807 / OBS 056  
Crime of opinion  
Term of Imprisonment  
July 30th, 1998

The Security Court of Ankara has just condemned Mr. Akin Birdal, Chairman of the Human Rights Association in Turkey (IHD - member organisation of the FIDH and OMCT) and Vice-Chairman of the FIDH, to one year's imprisonment and fined of 420'000 Turkish liras.

This sentence, based on article 312 of the Turkish penal code, that represses incitement to hatred and discrimination on the basis of race, religion or origin, follows declarations made by the President of the IHD on September 1st, 1996, during the World Day for Peace.



Akin Birdal decided to appeal this decision as soon as he became aware of his sentence.

The Observatory condemns the decision taken by the Security Court which illustrates once more the persistence of the Turkish justice to use the legislative apparatus of the Turkish Republic to condemn every individual to heavy terms of imprisonment, whose opinions, speeches or writings bother or displease.

It notes that a draft bill, which aims to liberalise the legislation on crimes of opinion and to grant amnesty to prisoners of opinion (journalists, writers, human rights activists...), must be submitted to the vote of the Turkish parliament, next October.

It is therefore more than ever befitting to severely condemn decisions such as the one the Security Court of Ankara has just adopted and encourage all measures in favour of the liberalisation of the regime.

The Observatory urges you to write to the Turkish authorities to ask them to implement the international conventions ratified by Turkey, particularly the European Convention of Human Rights that guarantees freedom of expression.



# VENEZUELA

URGENT ACTION – THE OBSERVATORY

<b>General information<sup>1</sup></b>		<b>Economic and Social Indicators</b>												
Head of State	Rafael Caldera	Gross Domestic Product per person - 1995 (in \$ de 1987)	2 648											
Regime	Presidential	Agricultural - 1995 (% of GDP)	5											
Capital	Caracas	Industrial Production - 1995 (% of GDP)	38											
Land Surface (km <sup>2</sup> )	912 050	Tertiary Sector - 1995 (% of GDP)	56											
<b>Population<sup>2</sup></b>		Human Poverty Indicator 1995 (% of the Population)	/											
Total Population - 1995 (in millions)	21,8	Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	31											
Life Expectancy - 1995 (years)	72,3	Gross National Product per person - 1995 (in \$)	3020											
Infant Mortality - 1996 (for 1000 births)	24	Rate of Growth of the Gross National Product-1980/1995 (%)	1,4											
Fertility Rate - 1995	3,1	Total External debt - 1995 (in Billions of \$)	35,8											
Rate of Population Growth -1995/2015 (%)	1,8	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	91,1	Public Health Expenditure - 1990 (% of GDP)	2											
Gross Education Rate - 1995 (%)	67	Public Education Expenditure - 1995 (% of GNP)	5,2											
Population deprived of Access to Health Services - 1990/1995 (%)	/	Military Spending - 1996 (% of GDP)	1,2											
Daily Calorie Intake per person 1995	/	Military Spending - 1990/1991 (% of combined health and education spending)	33											
<b>Ratification of major international and regional Human Rights Instruments<sup>3</sup></b>														
ICESCR	ICCPR	OP1	CAT	CAT*	ICERD	ICERD*	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFPD
X	X	X	X	X	X	X	X					X	X	
<p>1 - Indicators under the head "General information" are extracted from "Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

**VEN 001 / 9806 / OBS 038**  
**Temporary Detention**  
**and Intimidation**  
**June 9th 1998**

The Observatory has been informed by reliable sources that, on Friday June 5th, 1998, the lawyer, Mr. Carlos Nieto Palma, a human rights activist in Venezuela, was detained and intimidated for a few hours as he was about to leave for his office, located between the streets of Gradillas and Sociedad, in building No. 19, office 117, in the centre of the city of Caracas. Mr. Carlos Nieto Palma is President of a non-governmental organisation for the defence and promotion of human rights of people detained in Venezuelan jails. Since December 10th, 1997, the



organisation along with twelve others has formed a Coalition of Organisations in favour of the Transformation of Penitentiaries, known as "La Ventana a La Libertad".

Mr. Carlos Nieto Palma was intercepted by three men who told him that they were police officials even though they did not show him any official identification. They asked him to follow them. Mr. Carlos Nieto Palma was taken to a white Mitsubishi car and driven to a house in the suburbs of Caracas, to a well-known ice-cream parlour in the Santa Mónica neighbourhood. The absence of public signs makes it impossible to determine whether this place is the official headquarters of a security group.

The three men proceeded to interrogate him, about his alleged activities - organising a conspiracy in jails and planning a mutiny among detainees - in several prisons in the country. They warned him "to be careful of what he became involved in, told him that they were already keeping an eye on him and that he should keep away from riots in our jails which are causing prisoners to kill one another".

The Observatory would like to express its concern for this human rights violation and recalls that this act also contravenes rights of association and the freedom of expression.





# YEMEN

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Gal Ali Abdallah Saleh	Gross Domestic Product per person - 1995 (in \$ de 1987)	/											
Regime	Presidential	Agricultural - 1995 (% of GDP)	22 <sup>2</sup>											
Capital	Sana'	Industrial Production - 1995 (% of GDP)	27											
Land Surface (km <sup>2</sup> )	527 968	Tertiary Sector - 1995 (% of GDP)	51											
		Human Poverty Indicator 1995 (% of the Population)	48,9											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	/											
Total Population - 1995 (in millions)	15	Gross National Product per person - 1995 (in \$)	260											
Life Expectancy - 1995 (years)	56,7	Rate of Growth of the Gross National Product-1980/1995 (%)	/											
Infant Mortality - 1996 (for 1000 births)	78	Total External debt - 1995 (in Billions of \$)	6,2											
Fertility Rate - 1995	7,6	<b>Social and Military Expenditure</b>												
Rate of Population Growth -1995/2015 (%)	3,5	Public Health Expenditure - 1990 (% of GDP)	1,5											
Adult Literacy Rate - 1995 (%)	38	Public Education Expenditure - 1995 (% of GNP)	7,5											
Gross Education Rate - 1995 (%)	49	Military Spending - 1996 (% of GDP)	3,7											
Population deprived of Access to Health Services - 1990/1995 (%)	62	Military Spending - 1990/1991	197											
Daily Calorie Intake per person 1995	2013	(% of combined health and education spending)												
<b>Ratification of major international and regional Human Rights Instruments*</b>														
ICESCR	ICCPR	OPI	CAT	CAT*	ICERD	ICERD <sup>3</sup>	CEDAW	CEDH	CEDH <sup>3</sup>	CEDH-P7	ACHPR	ACHR	ICPTT	ICFPD
X	X		X		X		X							
<p>1 - Indicators under the head " General information " are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head " Population ", " Economic and social indicators ", " Social and Military Expenditure " are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, data regarding the Agricultural Production, Industrial Production as well as the Tertiary sector relate to a year or to a previous period to those indicated under the head.</p> <p>* Refer to the Annex II for the list of abbreviations of international and regional instruments which appear in the present report.</p>														

YEM 001 / 9709 / OBS 010

Harassment

Confiscation of Materials

September 21th 1997

The Egyptian Organisation for Human Rights, a member of both OMCT and FIDH, and the Regional Program For Human Rights Activists have informed the Observatory of its grave concern over allegations of ill-treatment of Mr. Ahmad Abdalla Al-Sufi, Secretary General of the Yemen Institute for Democratic Development and prominent human rights activist.



According to the information received, Mr Abdalla Al-Sufi, was searched and humiliated when departing for a flight for Cairo at 8:00 pm Wednesday 17th September, 1997. During the search the authorities apparently confiscated papers, documents and files relating to the work of the Yemen Institute for Democratic Development, in addition to a book Mr. Abdalla Al-Sufi had written.

It is believed that the treatment relates to the work of the Election Observing Committee - organised by the Institute - and its criticism of the government and ruling party for malpractice during recent elections.

In addition it has been reported that Yemeni business people who have financially assisted the Institute have been subjected to harassment to prevent further financing.

The Observatory would like to stress that the harassment of Mr. Ahmed Abdallah Al Sufi is a violation of the right to liberty of movement and to security of person guaranteed by the International Covenant on Civil and Political Rights which has been ratified by Yemen and is equally a violation of freedom of action of human rights defenders.





According to the information received, Mr. Destan Rukiqi was sentenced the day of his arrest, on July 23rd, to a maximum of sixty days for disturbing public order (under Article 6, paragraph 3 of the Serbian Law on Public Order). He is the attorney of Mr. Con Bugolli, a political prisoner and victim of the Serbian repression. The morning of his arrest, when Mr. Rukiqi was examining the case of his client, he was prohibited from copying his client's declaration to District Judge Mrs. Marinkovic, which is authorised by law. After quarrelling with the judge, he was immediately brought to trial, sentenced to two months of imprisonment and sent to jail. He was denied the right to appeal this sentence and was imprisoned before the sentence entered into force. Furthermore, Mr. Destan Rukiqi was denied access to all legal counsel and his lawyers have learnt that he has been subject to torture.

On July 30th, Mr. Destan Rukiqi was reportedly taken from the Lipjan prison to the Nephrological Clinic of the Prishtina University Hospital because he was suffering from serious kidney injuries, after having been beaten. According to his wife, he is in serious condition and is on dialysis. On August 6th, Mr. Destan Rukiqi was sent to Belgrade; however, it has not been possible to determine whether he is held at the hospital of the central jail of Belgrade or at another hospital in Belgrade. The administration of the Prishtina jail has refused to communicate any information regarding Mr. Rukiqi's whereabouts. Furthermore, the Observatory would like to recall that the administrations of the Prishtina jail and hospital have prohibited Mr. Rukiqi from receiving visits from his family and lawyers since his imprisonment.

The Observatory is gravely concerned for the physical and psychological integrity of Mr. Destan Rukiqi and recalls that, prior to his detention, he was in perfect health.

Moreover this occurs in the context of a growing pattern of arbitrary arrests in the last weeks in parallel with the armed offensive of the Serbian forces. Among the persons arrested are many human rights defenders, particularly from the Council for the Defence of Human Rights and Freedoms in Prishtina, such as: Mr Xhevat Haziri, President of the Council's section in Vitija, Mr. Besim Zymberi and Mr. Skender Ferizi, members of the Council's section in Ferizaj.



It is now confirmed that the persons arrested are systematically subjected to torture. Mr. Rexhep Bislimi, member of the Council's section in Ferizaj, reportedly died following torture on 21 July last.

Other harassments and threats to defenders such as illegal house searching or ill-treatment of their families, are increasingly being reported.

**FOLLOW UP**  
**YUG 001 / 9808 / OBS 057 . 01**  
**New information**  
**August 26th 1998**

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The Observatory has just been informed by Human Rights Watch and the Council for the Defence of Human Rights and Freedoms in Prishtina, that Mr. Destan Rukiqi was released on August 22, 1998. It has been confirmed that he was subjected to torture and that his kidneys were beaten. His health remains worrying.

The Observatory welcomes the release of Mr. Destan Rukiqi and thanks all those all organisations and individuals who intervened on his behalf.

The Observatory considers it necessary to urge the authorities to carry out a thorough and impartial investigation into the torture of Mr. Rukiqi, bring the responsible person(s) to trial and apply the penal, civil and/or administrative sanctions as provided by law.



# ZAMBIA

## URGENT ACTION - THE OBSERVATORY

General information <sup>1</sup>		Economic and Social Indicators												
Head of State	Frederik Titus Chiluba	Gross Domestic Product per person - 1995 (in S de 1987)	257											
Regime	Presidential	Agricultural - 1995 (% of GDP)	22											
Capital	Lusaka	Industrial Production - 1995 (% of GDP)	40											
Land Surface (km <sup>2</sup> )	752 610	Tertiary Sector - 1995 (% of GDP)	37											
		Human Poverty Indicator 1995 (% of the Population)	36,9											
<b>Population<sup>2</sup></b>		Monetary Poverty - 1989/1994 (%) - (population living under the national poverty line)	86											
Total Population - 1995 (in millions)	8,1	Gross National Product per person - 1995 (in S)	400											
Life Expectancy - 1995 (years)	42,7	Rate of Growth of the Gross National Product-1980/1995 (%)	0,6											
Infant Mortality - 1996 (for 1000 births)	112	Total External debt - 1995 (in Billions of \$)	6,9											
Fertility Rate - 1995	5,7													
Rate of Population Growth -1995/2015 (%)	2,5	<b>Social and Military Expenditure</b>												
Adult Literacy Rate - 1995 (%)	78,2	Public Health Expenditure -1990 (% of GDP)	2,2											
Gross Education Rate - 1995 (%)	52	Public Education Expenditure - 1995 (% of GNP)	1,8											
Population deprived of Access to Health Services - 1990/1995 (%)	25 <sup>3</sup>	Military Spending - 1996 (% of GDP)	1,8											
Daily Calorie Intake per person 1995	1915	Military Spending - 1990/1991	63											
		(% of combined health and education spending )												
Ratification of major international and regional Human Rights Instruments*														
ICESCR	ICCPR	OPT	CAT	CAT*	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH*	CEDH-P7	ACHPR	ACHR	ICPPT	ICFDP
X	X	X			X		X				X			
<p>1 - Indicators under the head "General information" are extracted from L'Etat du Monde 1999 Editions La Découverte, Paris, 1998 and are the responsibility of the editors of that geopolitical year-book.</p> <p>2 - Indicators under the head "Population", "Economic and social indicators", "Social and Military Expenditure" are extracted from the Rapport Mondial sur le Développement Humain 1998, published by the PNUD, Economica Paris, 1998.</p> <p>3 - According to the aforementioned PNUD report, this data refers to a year or to a period other than the one indicated in this head. It does not correspond to a standard definition or only applies to an area of a country under study.</p> <p>* Refer to the Annex II for the list of observations of international and regional instruments which appear in the present report.</p>														

ZMB 001 / 9809/ OBS 061

Fear of arrest

Harassment of activists

September 29th 1998

The Observatory for Human Rights Defenders has been informed by reliable sources including the Zambian Union of Journalists, of statements made by members of the Zambian Government suggesting that activists working for the promotion and protection of the rights of the homosexual community will be arrested. Given the negative attitudes of society toward homosexuality there are fears that should they be

arrested and their physical and psychological integrity could be threatened.

According to the information received, on Tuesday 22nd September, Zambian Vice-President Christon Tembo allegedly threatened that the government will arrest all people agitating for legalisation of homosexuality in the country. "Anybody who promotes homosexual practices after today would be arrested," he said in parliament. "It is of public notoriety that homosexuality goes against the order of nature and morality as understood in Zambian society. The Zambian people have through parliament criminalised acts that go against the order of nature." He was making a policy statement on the current public wrangle following an application for registration by a homosexual and lesbian group in the country.

The group, calling itself the Lesbians, Gays and Transgender Persons Association, had recently submitted an application to the Registrar of Societies seeking recognition as a bona-fide social group. A non-governmental organisation, the Zambia Independent Monitoring Team, has supported the association, saying it would appeal to the courts and, if necessary to the UN Human Rights Commission, should the government refuse to recognise the association.

Homosexuality remains a crime in Zambia, carrying a sentence of up to 5 years.



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**The Observatory  
for the Protection of Human  
Rights Defenders**

*Statistics*

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## The Observatory – Urgent Appeals

Countries	# Appeals	# Defenders	# NGOs and networks	Forced disappearances	Summary executions / Murders	Assassination attempts / aggression	Torture / Ill treatment	Threats	Harassment <sup>1</sup>	Smear campaigns	Interrogations ex-detention	Arrests / Detentions
Algeria	4	4					1	3	1			3
Argentina	2	1	1					1				
Bangladesh	1	5	3									5
Belarus	1	1	1				1	1	1	1	1	
Bolivia	1	1					1	1	1			1
Brazil	5	8			2	1		3	1			3
Chad	1	1	1					1	1			
China	2	8					7	1			1	8
Colombia	10	26	4		3	1		26	9	5	1	2
Congo (Dem.Rep)	9	20	4	1		1	5	2	8	5	1	11
Ecuador	1	1				1		1				
Egypt	4	3						1				2
El Salvador	3	2						1				1
Guatemala	4	11	2		2	4		7	3		1	
Honduras	4	3			1			1				
India	3	2	1					1	1			1
Indonesia	1	4			1			3				
Iran	1	1										1
Israel	1	1							1		1	
Kyrgyzstan	2	2	1					2	2			
Korea (Rep.)	1	2	1									2
Mauritania	4	5	3									5
Mexico	14	16	3	1	2	1		6	5	9	2	2
Morocco	1	4					1					3
Namibia	2	1										1
Nepal	2	1										1
Nigeria	3	3					2					4
Pakistan	1	8						8				
Peru	4	11						6				1
Philippines	2	4	1					4				
Sudan	4	14									7	7
Syria	4	7					6					7
Tunisia	9	4				2			2			2
Turkey	10	19	1			1						4
Venezuela	1	1						1	1			1
Yemen	1	1					1					
Yugoslavia (Fed. Rep)	2	5					2					5
Zambia	1		1						1	1		
<b>TOTAL</b>	<b>126</b>	<b>211</b>	<b>28</b>	<b>2</b>	<b>11</b>	<b>13</b>	<b>21</b>	<b>85</b>	<b>39</b>	<b>21</b>	<b>15</b>	<b>83</b>

<sup>1</sup> The term "harassment" refers to practices such as close surveillance, shadowing, telephone tapping, and other forms of persecutions.



## The Observatory – Urgent Appeals

Countries	Judicial investigations <sup>2</sup>	Illegal searches / Break-in (Offices or homes)	Confiscation / Theft of goods or materials	Prohibition / Suspension / Closure of NGO	Repression in employment	Restriction of freedom of circulation	Forced exile/ Expulsion / Risk of expulsion or of extradition / Forced displacement
Algeria			1				
Argentina		1	1				
Bangladesh		3					
Belarus	1	1	1		1		
Bolivia							
Brazil							1
Chad		1		1	1		
China	4	1	1				1
Colombia	9	4	1				
Congo (Dem.Rep)		4	2	1			2
Ecuador			1				
Egypt	1					1	1
El Salvador							
Guatemala			2				
Honduras	1						
India		1	1				
Indonesia							
Iran							
Israel							
Kyrgyzstan				1			
Korea (Rep.)	2	1					
Mauritania	4			3			
Mexico	1	1	1				
Morocco	2						
Namibia							1
Nepal	1		1				
Nigeria	2						
Pakistan							
Peru	5		1				
Philippines		1	1				
Sudan	1						
Syria							
Tunisia	3	1	1		1	1	
Turkey	20	1		1			
Venezuela							
Yemen			1			1	
Yugoslavia (Fed. Rep)	1						
Zambia							
<b>TOTAL</b>	<b>58</b>	<b>21</b>	<b>17</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>6</b>

<sup>2</sup> To date, some of these people have been condemned to terms of imprisonment and/or fines.





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**The Observatory  
for the Protection of Human  
Rights Defenders**

*Strengthening  
international  
Protection*



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## **Special Procedures of the United Nation's Commission on Human Rights to Human Rights Defenders<sup>1</sup>**

All the procedures mentioned below can be used according to the type of violation perpetrated against the human rights defender.

The communications must be addressed to the Special Rapporteur or Working Group at the following address:

**High Commission of Human Rights,  
United Nations,  
CH - 1211 Geneva 10**

or to the fax number:

**0041 - 22 - 917 00 92.**

The names and e-mail addresses of the Rapporteurs are indicated underneath each section.

### **1 - Special Procedures Reaffirming the Role of Defenders and Organisations Defending Human Rights**

- **Special Rapporteur on the Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (resolution 1998/35)**

The Commission on Human Rights, (...)

Recognising the importance of the role of non-governmental organisations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

*(M. Param Kumaraswamy, e-mail : [aparra.hchr@unog.ch](mailto:aparra.hchr@unog.ch))*

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**1 Up to the end of the 53rd session of the UN Human Rights Commission.**



- **Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance (Resolution 1998/26)**

§ 10 Welcomes the active role played by non-governmental organisations in combating racism and assisting individual victims of racist acts;

(*Mr. Maurice Glèlè Ahanhanzo, e-mail : datchebro.hchr@unog.ch*)

- **Human Rights and Thematic Procedures (Resolution 1998/74)**

The Commission on Human Rights, (...)

§ 9 Suggests that the special Rapporteurs, representatives, experts and working groups of the special procedures of the Commission, acting within their mandates, consider how they can also promote public awareness about human rights and about the particular situation of individuals, groups and organs of society who promote and protect human rights and fundamental freedoms;

## **2 - Special Procedures with Particular Reference to Human Rights Defenders**

### *Thematic Special procedures*

- **Working Group on the question of enforced or involuntary disappearances (resolution 1998/40)**

The Commission on Human Rights, (...)

§ 2 Encourages the Working Group to continue, in execution of its mandate:

- f) To pay particular attention to cases of the disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(*President of the Working Group: Mr. Ivan Tosevski, e-mail : mdelalama.hchr@unog.ch*)





- **Special Rapporteur on Right to Freedom of Opinion and Expression (Resolution 1998/42)**

The Commission on Human Rights, (...),

Deeply concerned at numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information,

§ 3 Expresses its concern at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of threats and acts of violence and of discrimination directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

§ 8 Appeals to all States:

- a) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence or to harassment, including persecution and intimidation even after their release from detention, for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and



Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

- b) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

*(M. Abid Hussain, e-mail : manstett.hchr@unog.ch)*

- Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (Resolution 1998/68)

The Commission on Human Rights, (...)

§8 Requests the Special Rapporteur, in carrying out his mandate:

- a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit his findings on an annual basis, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;
- e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

*(Mrs Asma Jahangir, e-mail: hsterman.hchr@unog.ch)*

### **Country Specific Procedures**

- Representative of the General Secretary of Cambodia (resolution 1998/60)

The Commission on Human Rights, (...)



§ 21 Encourages the Government of Cambodia to include Cambodian human rights non-governmental organisations in the rehabilitation and reconstruction of Cambodia;

*(Mr. Thomas Hammarberg, e-mail : hwu.hchr@unog.ch)*

- Special Rapporteur on the Democratic Republic of Congo (resolution 1998/61)

The Commission on Human Rights, (...)

§2 Expresses its concern:

b) At the continuing violations of human rights and fundamental freedoms, in particular:

i) At the occurrence of the arbitrary arrest and detention without trial of civilians, including journalists and opposition politicians and human rights defenders;

iv) At recent restrictions on the work of non-governmental organisations and, in particular, at the seizure of the report of a human rights organisation and its recent dissolution;

§3 Calls upon the Government of the Democratic Republic of the Congo:

e) To promote human rights awareness, including by strengthening co-operation with civil society including human rights non-governmental organisations;

*(Mr. Roberto Garretón, e-mail : gbawara.unhchr@unog.ch)*

- Special Rapporteur on Nigeria (resolution 1998/64)

The Commission on Human Rights, (...)

§3 Calls upon the Government of Nigeria:

a) To ensure urgently the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners including those detained in connection with the 1993 presidential elections, among them Chief M.K.O. Abiola, trade union leaders, human rights



advocates and journalists currently detained and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

*(Mr. Soli J. Sorabjee, e-mail : [skleine-ahlbrandt.hchr@unog.ch](mailto:skleine-ahlbrandt.hchr@unog.ch))*

- **Special Rapporteur on Situation of Human Rights in Bosnia and Herzegovina, Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (resolution 1998/79)**

**Partie III :**

§ 14. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles and to continue its efforts to attain the highest level of compliance with international norms and standards of human rights and fundamental freedoms and:

- f) To respect the right of non-governmental organisations to operate without restrictions;

*(Mr. Jiri Diensdier, e-mail : [eflynn.hchr@unog.ch](mailto:eflynn.hchr@unog.ch))*



**Draft declaration on Human Rights Defenders  
Adopted by the Human Rights Commission  
(54th session, 16 March - 24 April 1998)**

*Annex to the Resolution 1998 / 7*

*Draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms*

**PREAMBLE**

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming the importance of the Universal Declaration of Human Rights and the international Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately their solemn obligation to promote and encourage respect for all without distinction of any kind including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international co-operation to fulfil this obligation according to the Charter of the United Nations,

Acknowledging the importance role of international co-operation for and the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in



relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from refusal to recognise the right of every peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated, and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of these rights and freedoms,

Stressing that the primary responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national and international level,

Declares:

### **Article 1**

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.

### **Article 2**

1. Each state has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political as well as other fields and the legal guarantees required to ensure that all persons



under its jurisdiction, individually and in association with others, are able to enjoy all these rights and freedoms practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in this declaration are effectively guaranteed.

### **Article 3**

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms, is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed, and within which all activities referred to in this Declaration for the promotion, protection and effective realisation of those rights and freedoms should be conducted.

### **Article 4**

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations nor as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

### **Article 5**

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at national and international levels:

- a) To meet or assemble peacefully;
- b) To form, join and participate in non-governmental organisations, associations, or groups;
- c) To communicate with non-governmental or intergovernmental organisations.

### **Article 6**

Everyone has the right, individually and in association with others,



- a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how these rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- b) As provided in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge or all human rights and fundamental freedoms;
- c) To study, discuss, form and hold opinions on the observance, both in law and practice, of all human rights and fundamentals freedoms, and, through these and other appropriate means, to draw public attention on these matters.

#### **Article 7**

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles, and to advocate their acceptance.

#### **Article 8**

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the Government of one's country and in the conduct of public affairs.
2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs, criticism and proposals for improving their functioning and to draw attention to any aspect of their work which may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms.

#### **Article 9**

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in this Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of violation of these rights.





2. To this end, everyone whose rights or freedoms are allegedly violated, has the right, either in person or through legally authorised representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms ; as well as enforcement of the eventual decision and award ; all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, *inter alia*:
  - a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms by petitions or other appropriate means to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
  - b) To attend public hearings, proceedings and trials, to form and an opinion on their compliance with national law and applicable international obligations and commitments;
  - c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.
5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.



## **Article 10**

No one shall participate, by act or failure to act where required, in violating human rights and fundamental freedoms, and no one shall be subjected to punishment or adverse of any kind for refusing to do so.

## **Article 11**

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

## **Article 12**

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in this declaration.

In this connection, everyone is entitled, individually and in association with others, to be effectively protected under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States which result in violations of human rights and fundamental freedoms as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

## **Article 13**

Everyone has the right, individually and in association with others, to solicit, receive and utilise resources for the express purpose of promoting and protecting human rights and fundamental freedoms, through peaceful means, in accordance with Article 3 of this Declaration.



## **Article 14**

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, *inter alia*:
  - a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
  - b) Full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institutions.

## **Article 15**

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education, and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

## **Article 16**

Individuals, non-governmental organisations and relevant institutions have an important role in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to further strengthen, *inter alia*, understanding, tolerance, peace, and friendly relations among nations and amongst all racial and



religious groups, bearing in mind the various backgrounds of societies and communities, in which they carry out their activities.

#### **Article 17**

In the exercise of the rights and freedoms referred to in this Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

#### **Article 18**

1. Everyone has duties towards and within the community in which alone the free and full development of his personality is possible.
2. Individuals, groups, institutions and non-governmental organisations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Likewise, they have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realised.

#### **Article 19**

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in this declaration.

#### **Article 20**

Nor shall anything in the present Declaration be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organisations contrary to the provisions of the Charter of the United Nations.



**Resolution on Human Rights Defenders  
Adopted by the Sub-Commission on Prevention of  
Discrimination and Protection of Minorities  
(Fiftieth session - 3 - 28 August 1998)**

*Resolution 1998/3 :*

*Violations of the rights of human rights defenders in all countries*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its task to report to the Commission on Human Rights on situations of grave violations of human rights,

Aware of the importance to be given to the fiftieth anniversary of the Universal Declaration of Human Rights and considering that effective measures should be taken in order to ensure respect for the Declaration,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights and endorsed by the General Assembly in its resolution 48/121 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1998/66 of 21 April 1998 regarding cooperation with representatives of United Nations human rights bodies,

Recalling further its resolution 1995/25 of 24 August 1995 regarding the protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action in the context of the legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights,



Noting with deep concern that in many countries, in contradiction to the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights are facing threat, harassment and insecurity,

Deeply concerned at the increasing number of cases of which it has been informed concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, have been persecuted, either by being arrested, convicted or imprisoned, or by being the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or by threat of suppression or actual suppression of the legal personality of the organization to which they belong,

Noting with satisfaction the adoption of Economic and Social Council resolution 1998/33 by which the Council approved the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7 of 3 April 1998, and recommended it to the General Assembly for adoption at its fifty-third session,

Recalling that, in the context of the legitimate exercise of the rights to which it relates, the draft declaration states that each State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure discrimination, pressure or any other arbitrary action, and that individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes,

Noting Commission resolution 1998/28 of 17 April 1998 in which the Commission called upon the Sub-Commission and on its members to focus on its primary role as an advisory body of the Commission on Human Rights,



1. Urges each State to take any measures necessary within its own jurisdiction to ensure the effective respect of their obligations in the field of human rights, in accordance with the provisions of the various international instruments, and to guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights;
2. Firmly condemns the murders of Mr. José Eduardo Umaña Mendoza, lawyer, professor of criminal law and former member of the Lawyers Collective “José Alvear Restrepo” and member of the executive council of the World Organisation against Torture, on 18 April 1998 in Bogota; Msr. Juan Geradi, President of the Commission of Peace and Justice in Guatemala, in April 1998; Mr. Rexhep Bislimi, member of the Council for the Defence of Human Rights and Freedoms, on 22 July 1998 in Pristina, Kosovo, Federal Republic of Yugoslavia; Mr. Ernesto Sandoval Bustillo, President of a local branch of the Human Rights Committee of Honduras; Mr. Youssef Fethellah, lawyer, human rights activist and President of the Algerian League of Human Rights, on 18 June 1994 in Algeria; Ms. Luiz Amparo Jiménez Pallares, journalist, Director of the regional office of the Reintegration Programme and Coordinator of the Redepaz peace network, on 11 August 1998 in Valledupar, Colombia; and Mr. Patrick Finucane, lawyer and human rights defender in Belfast, Northern Ireland, in 1989, mentioned in the report of the Special Rapporteur on the independence of judges and lawyers on his visit to the United Kingdom of Great Britain and Northern Ireland (E/CN. 4/1998/Add. 4);
3. Calls upon the Governments concerned not to leave crimes committed against human rights defenders unpunished, to allow and facilitate all necessary inquiry, and to ensure judgement by a civil tribunal and punishment of the perpetrators as well as compensation of the families of the victims, including for killings which occurred a long time ago, as recommended by the Special Rapporteur on the independence of judges and lawyers;
4. Urges each State to take any measures necessary within its own jurisdiction to ensure the security of all persons covered by the draft declaration on the right and responsibility of individuals,



groups and organs of society to promote and protect universally recognized human rights who are being repressed, harassed or threatened throughout the world;

5. Requests the United Nations High Commissioner for Human Rights to undertake inquiries about the security situation of the persons listed in the annex to the present resolution and to inform the Sub-Commission, at its fifty-first session, of the results of her inquiries;
6. Requests the Government of Myanmar, in view of recent events, to ensure the security of Aung San Suu Kyi and of the members of the National League for Democracy, in particular to guarantee their freedom of movement and expression, and urges the Government to extend to the Special Rapporteur on the situation of human rights in Myanmar of the Commission on Human Rights an invitation to visit the country;
7. Requests the United Nations High Commissioner for Human Rights to transmit the present resolution to all States;
8. Invites the General Assembly to adopt the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7, at its fifty-third session;
9. Decides to remain seized of the question of violations of the rights of human rights defenders at its fifty-first session under the same agenda item.





## ANNEX

### List of persons whose security situation the High Commissioner is requested to make inquiries

- Mr. Akin Birdal, President of the Turkish Human Rights Association and Vice-President of the International Federation of Human Rights Leagues
- Mr. Khemaïs Ksila, Vice-President of the Tunisian League of Human Rights
- Mr. Ramón Custodio, President of the Human Rights Committee of Honduras
- Fr. Javier Giraldo, Executive Director of the Intercongregational Commission of Justice and Peace of Colombia
- Mr. Clement Nwankwo, Director of the Constitutional Rights Project of Nigeria
- Mr. Destan Rukichi, Lawyer and member of the Council for the Defence of Human Rights and Freedoms in Pristina, Kosovo, Federal Republic of Yugoslavia
- Mr. Viktor Kaisiepo, Human rights activist and spokesperson of the West Papua Peoples' Front of Indonesia
- Mr. Pierre Samba, President of the human rights non-governmental organization Grande Vision in the Democratic Republic of the Congo
- The lawyers of the Judicial Center of Public Interest of the Philippines.



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**The Observatory  
for the Protection of Human  
Rights Defenders**

*Appendices*

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*Non Resolved Cases  
dealt with by OMCT in 1997  
before the creation of the Observatory*

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Preliminary Note

This annex sets out the information on the urgent appeals published by the OMCT in March 1997 in the report entitled "Report on Gross Violation Against Human Rights Defenders" including appeals sent out by the organisation up to February 1997.

This annex also contains a summary of urgent appeals sent out by the organisation since February 1997, which were not dealt with by the Observatory for the Protection of Human Rights Defenders.

*The appeals are published in the official language of the country or in English. In each case a synthesis of the information received up to now is added.*

About the cases published

Since publication of the "Report on Gross Violation Against Human Rights Defenders 1997" the great majority, if not all, of the cases recorded are considered as unresolved. Especially numerous are cases of illegal or arbitrary detention, torture, forced disappearances and summary executions where it is not known whether or not they have been investigated by the respective authorities.

The authorities of Yugoslavia (Serbia and Montenegro) reported that the detention in February 1995 of **Karascelimovic Nijas, Filipovic Becir, Ibrahimbegovic Enver, Bajric Mehmend and Mehmed Ali**, members of the humanitarian organization Merharnet, did not occur in the territory under their jurisdiction.

The OMCT also received information concerning various cases in Syria and Turkey.



In Syria the CDF (Committee for the Defence of Democratic Freedoms and Human Rights in Syria (member of the network) reported the release of various persons mentioned in appeals SYR 210192 and SYR 050393- The Committee also reported that various others mentioned in appeal SYR 210193 had been released but that Naif Al-Hamoui, Darwish El-Roumi, Nash'at Tu'Ma, Mahmoud Khalili Younes and Riad Turk remained imprisoned. This information was confirmed during the preparation of the present report.

Concerning the cases of defenders in Turkey, "Rehabilitation and Research Centre for Torture Victims / International Rehabilitation Council for Torture Victims (RCT/IRCT)" reported in May 1997 that **Mustafa Cinkilic** was acquitted by the court and that **Tufan Kose** had to pay a fine of LT 18,000,787 (see case TUR 100596 and TUR 100596.5. of May 5th 1997.)

Various defenders whose situation gave rise to urgent appeals by the OMCT before the Observatory began operating and whose cases were published in the report for 1997, have continued suffering harassment, threats, detentions and other forms of violation of their rights and liberties. Among them are the following:

**Bolivia :** **Waldo Albarracin Sanchez** (case BOL 290197);

**Colombia :** **Rafael Barrios Mendivil** and **Alirio Uribe Munoz** (cases Col 300893 and COL 160594), **Ana Herminta Rengifo Durango** and **Martha Inés Zapata Zapata** (cases COL 250197 y COL 250197.1, of 18 February 1997);

**Mauritania :** **Cheikh Saïd Bouh Camara** (bilateral action, 21 of January 1994);

**Syria :** **Aktham Nouaisseh**, **Afif Mizher**, **Muhammed Ali Habib**, **Bassam Al-Shaykh**, **Nizar Nayouf** et **Thabet Murad** (cas SYR 130195).

The Observatory was also called upon to intervene in favour of all those defenders.



## URGENT APPEALS 1997

### CAMEROON Case CMR 050397

The International Secretariat has been informed, by a reliable source, of the arrest of Mr Abdoulaye Math, lawyer and President of the Movement for the Defence of Human Rights - "Mouvement pour la Défense des Droits de l'Homme", a human rights group based in Maroua, the Far North Province of Cameroon.

According to information received, Mr Abdoulaye Math was arrested on 27 February 1997 after he had boarded a plane for Yaoundé. He was travelling to the United States to attend a human rights training program. He had just returned from Garoua, where earlier that week he had organised a conference on human rights abuses in Northern Cameroon. Mr Abdoulaye Math was charged with fraud ("escroquerie") and selling pharmaceutical products without a licence. He is currently being detained in the Central Prison in Maroua, pending review of his case.

The International Secretariat is concerned that Mr Abdoulaye Math may have been targeted by the government on account of his active work as a lawyer and human rights activist.

### COLOMBIA Case COL 010797

Reports from FEDEFAM (Federation of Latin American Associations of Families of Disappeared Detainees), member of the network, and ASFADDES (Association of Families of Disappeared Detainees) has given rise to grave concern on the part of the International Secretariat for the safety and integrity of members and leaders of ASFADDES.

According to these reports on June 24th 1997 at 10.15 p.m, a 5 kilo dynamite bomb destroyed the offices of the ASFADDES section in Medellin. Fortunately there were no victims but all the documentation relating to the cases of victims investigated by the section was destroyed.



Before the attack, unidentified persons made telephone calls to various members of the victims' families, claiming to have news of the disappeared persons or asking about them. They include Ms Adriana Diosa, member of the Section Directorate of Medellin, who received two telephone calls, one of them asking for her husband and daughter and the other asking for information about a theatrical performance by a group which she co-ordinates jointly with her husband.

The events are believed to be acts of reprisal for the work of ASFADES, its work for victims, the right to justice, truth and reparation, as well as their struggle against the impunity of Military Penal Justice. The attack of June 24th took place a few days after a widespread campaign to commemorate The International Disappeared Detainees' Week ( May 25th to June 1st 1997) which dealt with the issues of the disappeared and the Colombian State's handling of the problem.

The International Secretariat recalls that during the last few months there have been numerous cases of threats and harassment of human rights defenders including the assassination of Mario Calderón Villegas and Elsa Constanza Alvarado Chacón, members of the CINEP, and Carlos Alvarado Pantoja, father of the last named (see inter alia, appeals COL 051296, COL 061296, COL 281196, COL 250197, COL 200597).

**Case COL 260597**

The Lawyers' Association "José Alvear Restrepo" (CCA) member of the network, has expressed its concern for the safety and liberty of the trade union leader and educationalist **Jhon Jairo Ocampo Franco** in view of his arrest and the accusations levelled at him. There are also fears for his lawyer's **Dr José Luis Marulanda Acosta** and **Dr. Augusto Zapata Rojas**.

On April 22nd 1997 in the city of Armenia, **Jhon Jairo Ocampo Franco** was detained by agents of the Quindío Regional Prosecutor's Office, on the grounds of being an ideologist of the National Liberation Army (ENL).

Since the date of **Ocampo Franco's** detention **Dr José Luis Marulanda Acosta** took charge of his legal defence. Soon after the initial investigations began and following the refusal of **Mr Marulanda Acosta** to allow his client to be photographed together with allegedly confiscated material which was to be presented to the national press problems began with members of the Eighth Brigade of the National Army.





Members of the Eighth Brigade submitted a military intelligence report which indicated that José Luis Marulanda Acosta and Augusto Zapata Rojas, who share an office, were active members of the Headquarters of the Martha Elena Baron cell of the ELN in Quindio. Marulanda Acosta was cleared of similar charges in 1995, when defending a presumed member of the FARC (another armed group) to which it was claimed he also belonged.

The Lawyers' Association stresses its concern, both because of the identification of lawyers with the causes they are defending, -which endangers the exercise of the profession,- and the grave threat which it involves to the life and liberty of lawyers, and in particular of Marulanda Acosta and Zapata Rojas.

The International Secretariat notes that according to reports received, the charges against Marulanda Acosta do not appear to be based on reasons other than to prevent the defence of the human rights of his client.

Case COL 200597

The International Secretariat has been informed by the Colombian Commission of Jurists and the Centre for Popular Investigation and Education (CINEP), members of the network, of the shocking murder of Mario Calderón Villegas, Elsa Constanza Alvarado Chacón, members of the CINEP and Carlos Alvarado Pantoja, father of Elsa Constanza.

On May 19th 1997 at 2 a.m. five individuals dressed in black and carrying submachine guns approached the guards of the building where Mario Calderón and Elsa Constanza Alvarado lived, saying they were members of the Prosecutors Office. They went to their apartment and murdered them together with Carlos Alvarado. The mother of Elsa, Mrs. Elvira Chacón de Alvarado, who was in the apartment was gravely injured, but the two-year old son of Elsa and Mario was luckily unhurt.

Elsa Constanza Alvarado Chacón worked for 6 years as a social worker in the field of human rights and peace.

Mario Calderón Villegas was a Jesuit priest for more than 15 years in the CINEP and the Programme for Peace of the Company of Jesus. He acted as investigator and educator for the CINEP in then Project for Ecology



and Environment and was also adviser to the District Institute of Culture and Tourism in the locality of Sumapaz.

Certain media announced the "death of three guerrilla's members in Surnapaz", referring to the murder of the members of the CINEP.

The International Secretariat emphatically condemns these events and the risk which they represent for human rights defenders, especially the other members of the Centre for Popular Investigation and Education.

Case COL 210197

The National Federation of United Agropecuarian Trade Unions of Colombia (FENSUAGRO-CUT), a member of the network, has expressed its grave concern over the disappearance on April 15th in Medellin of the National Secretary for Education of the FENSUAGRO, Mr **Ramón Osorio** and his 5-year old son who turned up on the 17th of this month in a State family Welfare Centre in Carmen de Bigoral (Antioquia).

FENSUAGRO, a peasant organisation whose Secretary General, Mr **Victor Julio Garzón** was assassinated on March 7th at the headquarters of the Organisation, expresses its concern at the wave of violations of human rights of agrarian leaders throughout the country on the part of paramilitary groups and agents of the state who repress popular protests.

CONGO (Democratic Republic)

Case ZAR\* 010797

Working Together for Human Rights, a member of the network, has expressed its grave concern over the arrest of Mr **Kalume Lualaba William's**, a member of the organisation "la Voix de Sans-Voix" in the Democratic Republic of Congo.

According to the information received, Mr **Kalume Lualaba William's**, who is in charge of inquiries and investigations in the field of human rights at the "la Voix de Sans-Voix", was arrested by agents of the National



Intelligence Service (ANR) in the evening of 28 June 1997. At the moment of his arrest, Mr Kalume Lualaba William's was apparently trying to ascertain the conditions of arrest and detention at different locations in Kinshasa of former members of the Mobutu regime.

On 29 June 1997, the directors of the organisation were informed that Mr Kalume Lualaba William's had spent the night in a place of the ANR located at Avenue des Trois Z in Kinshasa-Gombe. However they were not authorised to visit Mr Kalume Lualaba William's.

Given the circumstances of his arrest, the International Secretariat has grave fears for the physical and psychological integrity of Mr Kalume Lualaba William's.

**GUATEMALA**  
**Case GTM 040197**

The International Secretariat has been informed by the Commission for the Defence of Human Rights in Central America, CODEHUCA, a member of the network, of the recent extrajudicial execution of **Tomás Alonzo Sequeny Roque** and **Jacinto Alonzo Quisque**, leaders of the Organization "Union del Pueblo Maya de Guatemala." (UPMAG)

Tomas Alonzo Sequeny Roque and Jacinto Alonzo Quisque are alleged to have been executed on 21 March 1997 at 21:30 hours in the community of San Rafael Sumatan, a municipality of San Pedro Yepocapa, of Chimaltenango. It is believed that the act was carried out by two unidentified armed men, one of whom is alleged to have been wearing the uniform of the Guatemalan army.

According to information received, the two men are also believed to have been defenders of the rights of indigenous peoples, and are reported to have been members of the National permanent committee on the rights to the land of indigenous populations, promoted by the UPMAG within the framework of the Agreement on the Identity and Rights of Indigenous Peoples. Jacinto Alonzo Quisque was also reported to have been a member of the Board of the "Frente Solidario", an organization participating in civil initiative for Central American Integration.



Case GTM 020797

The Federation of Latin American Associations of Families of Disappeared Detainees (FEDEFAM), a member of the network, has expressed concern for the safety and the physical and psychological integrity of **Francisco Fabián Flores** and **Bredy Pierre Louis**, working with the Council of the Tukum Umam Organisations.

According to reports received from FEDEFAM, on 25 June 1997 at 17:15 hours, between 19 and 20 street, 3rd Avenue, Zone 1, Guatemala City, unidentified persons fired shots at Francisco Fabian Flores and Bredy Pierre Louis, (a US Citizen). This is apparently only part of a series of acts of harassment targeting these persons. On 16th June 1997 both men were interrogated by agents of the Mobile Police in the neighbourhood of the National Palace (the seat of the government). Four days later, on June 20th they were again questioned by three agents of the National Police and on June 24th in 17 Street and 1st Avenue they were stopped by agents of the National Police.

FEDEFAM stresses its concern over the persecution and political harassment of persons working within the framework of international solidarity, with the Maya social and popular movement. This situation contradicts the process of consolidation of the Peace accords.

UPDATE

The OMCT has been informed that both persons reported the facts to the authorities and subsequently leave Guatemala. It is not known whether the authorities have investigated the affair.

Case GTM 230197

The Latin American Commission for the Rights and Freedoms of Workers and Populations, (CLADEHLT), a member of the network, has expressed particular concern over continued threats made to **Ruben Escalante Bonaños**, Secretary for conflicts and labour in the Social Communication and Journalism Workers' Union of the Radio paper El Debate.

On April 11th, after covering a demonstration by the Teachers' Union, he was approached by an unknown person who warned him that April 25th



would be "a key date" for him. That same day his wife was stopped at the Santa Luis market in zone 6 of the capital by 4 armed individuals who inquired about Mr. ESCALANTE but who went away because of the presence of many people. She also received other intimidating messages by telephone.

On March 7th last **Jose Pedro López Rosales**, belonging to the Social Communication Union and the Parliamentary Chroniclers Union, disappeared in unexplained circumstances. After a long search his body was found on April 4th at the Verbena Cemetery in Zone 7 of the capital. He was shot in the chest. The body showed signs of torture inflicted.

**HONDURAS**  
**Case HND210197**

CODEHUCA, a member of the network, has expressed its grave concern at the assassination of the indigenous leader of the Maya Chortis People, **Cándido Amador Recinos**. This indigenous leader belonged to the Maya Chortis nation which is engaged in a struggle to reclaim its territory and as with other leaders, he was the subject of persecution and threats from cattle breeders and landholders in the Copan and Ocotepeque zone.

At the time of his death, he held the offices of Executive Secretary of the Honduran Advisory Council for the development of autonomous peoples, CAHDEA, the technical organ of the Confederation of Honduran Indigenous peoples, CONPAH, which is a member of the CICA, the indigenous Council of Central America.

**Case HND 110197**

CODEHUCA, a member of the network, has expressed grave concern at the death threats received by Liduvina Hernández and Bertha Oliva de Nativí, respectively President and Co-ordinator General of COFADEH - Committee of Families of Detainees and Disappeared in Honduras.

According to COFADEH, a member of the CODEHUCA, on March 20th 1997, Mrs. Bertha Oliva de Nativí received information from a man who



claimed to have been contacted with a view to killing Mrs. Liduvina Hernández in exchange for a large sum of money. This person gave a convincing description of Liduvina as well as her daily movements and her address. He indicated that he knew that four other persons had received the same offer.

According to the informant the plan to execute Liduvina was conceived by deserters from the army (COFADEH had obtained a warrant of arrest against Raymundo Alexander Hernández Santos, Billy Joya Améndola and Manuel de Jesús Trejo Rosa, who had deserted about eighteen months earlier) everything seems to point to Major (retired) Manuel de Jesus Trejo Rosa as the man who contacted him.

In addition to this, on April 2nd Bertha Oliva de Nativi received a telephone call threatening her with death.

**INDONESIA**  
**Case IDN 230797**

The International Secretariat has been informed by a reliable source of the grave concern that exists for the physical and psychological integrity of **Andreas Harsono** who was involved with the establishment of an Independent Journalists Association in Indonesia (although he is not currently active). He works as a freelance journalist for the Nation, a Bangkok based daily and the daily Internet newspaper, «The American Reporter».

According to the information received, Mr Harsono was driving home on the 21<sup>st</sup> July 1997, after attending an opening of an exhibition. The incident apparently occurred around 8:45 p.m. While Mr Harsono was driving home on the Jalan Utan Kayu (a major road) he turned on to a by pass to a toll road. A white car began to drive slowly in front of Mr Harsono's car and prevented him from overtaking. At about 20 meters from the toll the white car stopped and two men on a motorbike appeared, dismounted and ran towards Mr Harsano's car armed with hammers.

The information states that as they approached they shouted "here he is" [literal translation] in Indonesian. They broke the windshield and then apparently began to try to force the doors open. Mr Harsano managed to drive to the toll booth and informed a police officer who was standing



guard. The perpetrators had disappeared by the time the officer was able to react.

According to the information the reasons behind the incident are unknown, however it is feared that the action may be related to his earlier union activity or his writing.

**MALAYSIA**  
**Case MYS 270197**

Aliran, a member of the network, has expressed its grave concern over the growing atmosphere of harassment of Non-Governmental Organisations in Malaysia.

Following the aborted Second Asia Pacific Conference on East Timor «APCET II» and the proposed tribunal on certain police abuses in Malaysia organised by NGO's the government would appear to have started to employ harassment as a tool to stop negative portrayals of the government.

On 11 January the Prime Minister publicly raised several questions about the finances and motives of certain NGO's. He also questioned their status as bodies representing the interests of the people because some of them were registered under the Company's Act rather than the Society's Act. Furthermore, Deputy Home Minister Megat Junid stated the following day that the government would be conducting a comprehensive study on NGO's in the country. He said evidence indicated that the NGO's had "been exploited for the benefit of a few individuals in criticising the police force and disgracing the country's sovereignty."

On January 14, 1997, officers of the Registrar of Companies raided the NGO offices of Tenaganita, Insan, and the Selangor Chinese Assembly Hall. The premeditation involved would appear to be demonstrated when a newspaper (Berita Harian) ran a story on the raid before the event had happened.

Aliran is concerned that other NGO's involved with the Tribunal to investigate certain police abuses and/or APCET II will soon be subjected to similar raids or other forms of harassment.

The International Secretariat stresses its grave concern over the recent and possible future events of harassment of NGO's in Malaysia.



**MEXICO**  
Case MEX 080897

The International Secretariat has been informed, by reliable sources, of various events which have given rise to fears for the life and safety of **Dr. María Luisa Mussot**, representative of the Women's Co-ordination in Defence of Social Security.

According to reports received, **Dr. María Luisa Mussot** has received death threats. The last of these was on August 6th 1997 during the night, after she had taken part in the radio programme "Plaza Publica" where she proposed the introduction of appeals as a measure of defence against the Social Security Act, recently approved in Mexico and which seriously imperils social rights.

The "Fray Francisco de Vitoria O.I.P." centre for Human Rights has expressed its concern for the safety of **Dr. María Luisa Mussot**, recalling that in February 1997, as the result of previous threats, a complaint was lodged with the office of the prosecutor general of the Federal District under the number of: Previous Verification SC/1871/97.02, However, up to the date of this appeal there is no indication that the authorities have taken any action.

**UPDATE**

The OMCT received a letter dated the 21st of October 1997 from the Procurator's office of the Federal District stating that an investigation had been started and that **Mrs María Luisa Mussot** had not accepted the police protection she was offered.

Since then, the OMCT has received no new information about this affair.

**Case MEX 020797**

The Secretariat has been informed of the presumed forced disappearance of the following persons: **Ignacio García Muñoz**, professor and president of the Communal Council of Abasto de Chilapa, and **José Pacheco Pineda**, indigenous peasant leader and member of the Independent Organisation of Indigenous Communities (OICICI).





Reports from the Latin American Federation of Associations of Families of Disappeared Detainees, FEDEFAM, a member of the network, indicate that Ignacio García Muñiz was detained on the 20th of June in Atlixnac, State of Guerrero, by members of the Mexican Army, apparently on the pretext that he was in possession of drugs (one and a half kilos of Amapola). At the time of his arrest, a sum of 58,100 pesos was confiscated from him. This money was meant to be used to cover the daily expense allowance of members of the Brigadas del Sol in the sixth district (Brigadas del Sol is an organisation which carries out social work and is co-ordinated by García Muñoz).

FEDEFAM stresses that Professor Ignacio García Muñiz is an educational leader, the mayor of the Apango municipality and is currently president of the Community Council of Abasto de Chilapa. It was also reported that he was detained while trying to secure the participation of citizens in the electoral process which is due to terminate on July 6th.

José Pacheco Pineda was allegedly arrested on Friday 27th June 1997 in Chilapa, State of Guerrero, by four armed individuals driving a white Tsuru. Although the facts were reported to the Office of the General Prosecutor of the State Justice Department during an interview of local organisations' representatives with the Secretary general of the Guerrero government, Humberto Salgado Gomez, the latter stated that Pacheco Pineda was neither being detained at the office of the General Prosecutor of the department of justice, nor at the Office of the General Prosecutor of the Republic. According to the same reports, an article published two weeks earlier in the Mexican magazine "Proceso" connected José Pacheco Pineda with the Popular Revolutionary Army (EPR).

The Secretariat stresses its concern for the life and safety, both physical and psychological, of Ignacio García Muñiz and Jose Pacheco Pineda. It also recalls that certain persons detained in the past in Mexico and accused by the police authorities of criminal offences under similar circumstances, were subsequently cleared of charges (see inter alia cases MEX 080896.1, MEX 090896, and MEX 220796.2).

#### UPDATE

The 21st of July 1997 the OMCT was informed about the release of Professor Pacheco Pineda who had been tortured physically and



psychologically during detention, probably in military installations. It was stated that he was released on condition that he and his family “disappear”. (Appeal MEX 020797.1, July 28th, 1997).

Concerning this case the OMCT received several letters from the Permanent Mexican Mission in Geneva, which informed about the undertakings of the National Human Rights Commission and of the General Procurators’ Office of Guerrero. According to the last one dated the 26th of February 1998, the General Procurator’s Office concluded that there was no evidence to support the hypothesis that the kidnappers be “federal or State public servants”. Nonetheless, the representation of the Federal Public Ministry in Guerrero continues its enquiries.

With regard to Mr. Ignacio García Muñiz, the Permanent Mission issued a notice in September 1997, indicating that the National Human rights Commission had received a complaint about this facts and that it had opened a proceeding.

Since then, the OMCT has not received any other information about the results of the investigations that the National Human Rights Commission and the judicial authorities carried out in both cases.

#### Case MEX 250697

The Mexican Commission for the Defence and Promotion of Human Rights A.C. (CMDPDH), member of the network, has expressed its concern over acts of intimidation directed at members of the non-governmental organisation Equipo Pueblo and the recent abduction, death threats and physical ill-treatment suffered by Victor Manuel Quintana Silveyra, assistant director of Equipo Pueblo, adviser of the Democratic Peasant Front of Chihuahua and Federal Deputy for the State of Chihuahua.

According to reports, on June 18th 1997, at approximately 4 a.m. at Fragonart no. 29, Colony of in the Colony of San Juan Mixcoac, Mexico D.F. four unidentified men abducted Victor Manuel Quintana Silveyra at the entrance of the building in which he lived. They put him into a taxi and took him to the hotel “Nueva Estacion” in the Colony Guerrero where he remained bound and gagged for eight hours. During that time he was repeatedly beaten and threatened with death. Those responsible for this also forced him to sign blank cheques (some of which have been cashed) took his credit cards and his brief case with his working documents.



The OMCT recalls that on June 13th 1997, an attack took place on the offices of the Equipo Pueblo organisation (see Appeal MEX 160697).

#### UPDATE

The Permanent Mission of Mexico in Geneva communicated to the OMCT in August 1997 that the Human Rights Commission of the Federal District (CDHDF) had received a complaint and had opened a proceeding. The case had also been denounced to the Public Ministry. **Mr. Victor Manuel Quintana Silveyra** had been offered protection which he didn't accept, arguing that the Deputy Chamber had already assigned him protection.

The results of the investigation by the Public Ministry are unknown.

#### Case MEX 160697

The Mexican Commission for the Defence and Promotion of Human Rights (CMDPDH) and the Mexican League for the Defence of Human Rights (LIMEDDH), members of the SOS-Torture network, have, in various communications, expressed their concern over persistent acts of aggression directed at various human rights organisations.

According to these reports, on the morning of Friday June 13th 1997, the offices of the organisation "Equipo Pueblo" situated in Francisco Field Jurado 51, Colony of Independencia, Mexico City were found to have been attacked during the night of Thursday June 12th.

According to LIMEDDH the windows, doors and padlocks had been broken, six computers, three fax modems, three printers and a fax machine were removed as well as some cash and various damage had been caused to the property of "Equipo Pueblo", an organisation which has been working in Mexico for over three decades.

The CMDPDH believes that, although in the current climate of public insecurity in the country, this attack may be simply one of many like crimes which the population has to endure daily, yet it is not possible to discount the possibility that they are part of the harassment campaign to which the "Equipo Pueblo" and dozens of other non governmental organisations are being subjected.

Both the CMDPDH and the LIMEDDH recall that recently there have been various attacks against non governmental organisations, among



which they stress acts taken against the Co-ordination for Non Governmental Organisations in favour of peace (CONPAZ) in San Cristobal de las Casas, Chiapas. Moreover, both organisations draw attention to the persistence of threats against defenders of human rights throughout the whole country.

The International Secretariat stresses its own grave concern over the events mentioned above and recalls that during the last few years there have been numerous grave acts of aggressions against organisations defending human rights, their members and leaders (see the OMCT report "In the Eye of the Storm: Report on gross violation against Human Rights Defenders, 1997" p.65 - 80, and various appeals including inter alia MEX 120597, MEX 130597 and MEX 090697).

#### UPDATE

The authorities have informed the OMCT through the Permanent Mission of Mexico in Geneva, that in response to a demand from the Human Rights Commission of the Federal District measures had been adopted to protect the members of Equipo Pueblo and to survey the office of the organisation.

#### Case MEX 090697

The Human Rights Centre "Miguel Agustín Pro Juárez" A.C. member of the network, has expressed concern over the persistent threats against Dr. Gerardo González Figueroa, of the CONPAZ organisation and members of his family.

On Tuesday June 3rd at 11:30 p.m., what was identified as a woman's voice telephoned the home of Dr. Gerardo González Figueroa, leader of the Co-ordinator of Non-Governmental Organisations for Peace (CONPAZ) and said: "I am going to cut one of your daughter to pieces and we shall see what the human rights people will have to say".

This threat is only part of a series of acts harassment and intimidation which have included thefts, break-ins and attempted arson (on October 7th 1996, November 4th 1996 and February 9th 1997) of the premises of the CONPAZ, as well as abductions and telephone death threats made to members of CONPAZ.

The International Secretariat also recalls inter alia that on May 7th 1997 a few minutes after the announcement of a CONPAZ communiqué



condemning the expulsion of international observers in the Chiapas, Dr. Gerardo González Figueroa received four telephone calls all threatening to his life and his daughters (see Case MEX 130597).

Between the 4th and 6th of November 1996 Mr **Javier López Montoya**, Administrator of the CONPAZ, his wife, Eva Lara and his two children were abducted by unidentified persons. During their 48 hours of captivity, the abductors tortured Mr. López Montoya both physically and mentally. They sexually molested his wife and shaved off part of the hair of Mr López Montoya and his daughter. All of them were threatened with death if they reported the acts. (see case MEX 121196).

In the light of these events, the Mexican government was approached by the Inter American Commission for Human Rights (on February 27th 1997) and the National Commission for Human Rights (on November 5th 1996 and May 16th 1997) with a request to take protective measures to safeguard the life of members of the CONPAZ and to investigate the facts and identify those responsible. Despite the fact that the events have been reported to the Public Prosecutor and previous investigations had already begun, up to now those responsible have not been identified.

#### Case MEX130597

The National Independent Committee, affiliated to the FEDEFAM, an organisation which is a member of the network, has expressed its grave concern over the life and safety of Dr. **Gerardo González Figueroa**, a physician, member of the Co-ordination of Non governmental Organisations for Peace (CONPAZ).

On May 7th 1997, WM radio read a communiqué from CONPAZ signed by Dr. Gerardo González Figueroa concerning the recent expulsion of international observers of the human rights situation in Mexico.

A few minutes after the end of the reading of the communiqué, Dr. Gerardo González Figueroa received several telephone calls threatening him and his children.

#### UPDATE

With regard to this case and to the one registered as MEX 090697, the Permanent Mission of Mexico in Geneva informed the OMCT in June 1997



that the National Human Rights Commission held a meeting with the representatives of CONPAZ, including Mr. **Gerardo González Figueroa** and that police protection was given to him because of the menaces he had received. The OMCT has received no new information since then.

Case MEX120597

The PRODH centre (**Centro Miguel Agustín Pro Juárez**) member of the network has expressed its concern for the safety of the PRODH members, particularly **David Fernández, Rafael Alvarez, Alfredo Castillo, Víctor Brenes and Aldo Rabiela** as well as various international observers.

Recently the National Migration Institute (Secretariat of the Ministry for Home Affairs) ordered various foreign observers from different European countries to leave the country claiming that they were engaging in activities incompatible with their tourist status.

On May 5th eight of the 12 European tourists arrived at the PRODH centre from San Cristobal de Las Casas de Chiapas who were in the process of expulsion from the country for participating as observers in peace activities.

Since that time members of the PRODH have been subjected to constant surveillance on the part of some 20 armed persons belonging to a non-identified police or security unit. They maintain their watch in the vicinity of the offices of the above mentioned organisation and move about in seven vehicles.

On May 6th the surveillance was intensified and extended to **Aldo Rabiela**, from the Visitadurias area who was followed in the street. He is under permanent surveillance. The same night three members of PRODH were followed in leaving the office and during their journey on the underground metro.

On May 7th surveillance was reinforced and an individual was spotted filming with a camera directed at the offices of the Centre.

On May 8th 20 individuals making no attempt to hide, observed, recorded and surveyed the movements of persons entering and leaving the centre. This has become even more evident after the arrival at the centre of **Riccardo Vitale**, an Italian and one of the expelled international observers. The PRODH then asked the Italian Embassy for support in



connection with the protection of Sr. VITALE and his transfer to the international airport.

In view of this situation David Fernández, director of the centre communicated with the Attorney General's office for the Federal District, Dr. Carlos Quintana, assistant legal procurator who told him that the matter did not fall within the competence of his office and that he feared a confrontation and therefore could not offer him help.

On the 9th of May, in spite of continuous surveillance no police corporation had admitted responsibility for this operation which is constantly directed at the members of the PRODH centre. A complaint has been lodged with the Human Rights Commission of the FD and the matter has been brought to the attention of the public.

Up to this dated of this appeal surveillance is continuing of the offices of the PRODH and of its members: David Fernández director, Rafael Alvarez, Alfredo Castillo and Aldo Rabiela, all three from Vistaduria and Victor Brenes co-ordinator for the juridical area.

The foreign observers in the process of expulsion include: Pia Rudolph (Germany), Proske Heike (Germany), Gabriele Ulrike (Germany), Riccardo Vitale (Italy), Daniel Revillas (Spain), Juan Manuel Grado (Spain), Frederic Bedu (France), Natalie Vuerth (France). Three other persons, non-identified, are in San Cristobal de las Casas, Chiapas.

#### UPDATE

The OMCT received information from the authorities through the Permanent Mission in Geneva as well as from the Human Rights Commission of the Federal District indicating that measures had been adopted to protect the concerned persons and that representatives of PRODH informed OMCT that the acts of harassment against them had stopped. This evolution was confirmed by the PRODH.

Case MEX 210297

The Mexican League for the Defence of Human Rights (LIMEDDH), a member of the network, has expressed its grave concern over the recent acts of aggression and threats committed against human rights defenders in Chiapas.



According to information received, the social association "Estacion Norte de Distención y Reconciliacion" constituted by Chiapas NGOs - CEDIAC, CDHFBC, SIPASZ, CONPAZ - and the student organisation GLOBAL EXCHANGE sent a mission of inquiry in Chiapas to observe the situation of conflict between members of the Institutional Revolutionary Party ("Partido Revolucionario Institucional" - PRI) and the Democratic Revolutionary Party ("Partido Revolucionario Democratico" - PRD).

On 15 February, in the Paraiso community, municipality of Sabanilla, Chiapas, the 12 members of the mission were surrounded and threatened by armed men, members of the paramilitary group Peace and Justice ("Paz y Justicia"). This paramilitary group has alleged links with the PRI. The 12 people were forced to get out of their vehicle and had their cameras, clothes and a clock stolen. The other members of the mission of inquiry tried to request assistance from the deputy officer of the public security, Nicolas García Mantufar. However, they were stopped by the aggressors who shot at the vehicle. A lawyer José Montero Solano was injured, as well as another member of the mission, whose name is unknown, who is suffering from a head injury caused by a hunting knife.

The facts were reported to the Federal Public Ministry which refused to initiate the preliminary investigation and only agreed to treat the facts as circumstantial events. The persons who reported the facts, Jose Antonio Montero Solano, Guillermo Godines and María Patricia Jiménez "identified the PRI deputy, Samuel Sanchez, as the leader of the paramilitary group "Peace and Justice" and amongst the organisers of the acts described above.

**PHILIPPINES**  
Case PHIL 070597

The Task Force Detainees of the Philippines, a member of the network, has expressed its grave concern for the physical and psychological integrity of Romeo Cortez, 48, and peasant organiser, who is feared forcibly disappeared.

According to information received, on 1 April, at around 6.30 pm, Romeo Cortez, an active peasant organiser was illegally arrested by three unidentified men in white T shirt and Jeans, driving a white L200 pick up.





Witness Wencislao David, said that while he and the victim were riding a three wheeler motor bike on their way home from San Roque, they noticed three unidentified men in a L200 pick-up parked in front of Tonyong Bulag's house (The information does not disclose who of Tonyong Bulag is). The three men appeared to be waiting for someone. Mr. David also said that the place appeared unusual that day. Usually, he said, the light post in front of Tonyong Bulag's house has been switched on by that time and many people normally gather outside.

As soon as they reached the parked L200 pick-up, the three armed men got out of the pick-up and approached Mr. David and the victim. Mr. David said he overheard one of the armed men saying "iyan si Embot" ("that's Embot" - referring to Romeo), then the other two forced the victim into the parked L200 pick-up. The witness said he was not able to ask for assistance, as there was no one in the vicinity.

According to other witnesses a pick-up truck of the same description was seen heading towards Sto. Domingo, Mexico, Pampanga. Mr. David then went to the victim's family and told them about the incident. At around 8:00 p.m. the same day, the father of the victim sought assistance from Vice Mayor Espino of Sta. Ana, Mexico. He was advised to go to the municipal hall to have the incident reported. At around 9:00 p.m., the victim's brother, Salvador Cortez, went to the municipal hall and had the incident registered. During the interview with the Chief of Police, Salvador said the motive for his brother's arrest was not clear.

However, data gathered from people of nearby barrios point that the strongest probable motive of the illegal arrest was the victim's active participation in organizing peasants in the barrio. The victim's family has sought the assistance of Mayor Punzalan of Mexico, and have searched in Camp Olivas. The whereabouts of Romeo Cortez remains unknown.

Given the circumstances of the forcible disappearance of Romeo Cortez, the International Secretariat is gravely concerned for his physical and psychological integrity.

#### SYRIA

Follow-up (Case SYR 210193 . 1)

Recent reports received from the CDF - Committees for the Defence of Democratic Freedoms and Human Rights in Syria, state that **Riad Turk**,



Abdallah Qabara and Naif Al-Hamoui continue to be detained, the second being detained in the Plamyra Prison and the latter in the Sedanya prison.

The same reports indicate that Riad Turk is still subjected to il-treatment.

#### UPDATE

The OMCT has been informed that Mr. Abdallah Qabara is free.

#### TUNISIA Case TUN 060597

The Tunisian Committee for the defence of Human Rights, a member of the network, has expressed grave concern at the harassment and intimidation directed at Mrs Radhia Nassraoui, a lawyer and defender of human rights.

During the night of April 29<sup>th</sup> 1997 unidentified persons broke into and searched the office of Mrs Nassraoui, pulling out telephones, searching and scattering files and removing the computer.

This is not an isolated case. In 1994, her office was burgled and various files removed as well as the fax. Soon afterwards her car was "stolen in broad daylight from the reserved and guarded parking lot of a hotel." In February 1995, the door of her apartment was set alight, apparently with the intention of burning her home. None of these events has been investigated in spite of having been reported to the authorities.

There is every reason to think that these acts are motivated by the professional activities of Mrs. Nassraoui who provides legal assistance to victims of torture and other grave violations of human rights.

OMCT wishes to stress its concern for the safety as well as the physical and psychological integrity of Mrs Nassraoui and her family.

#### TURKEY Case TUR 281197

The International Secretariat of OMCT has been informed of the grave concern over the imposition of a ten month suspended sentence of



**Mr Erol Anar**, former Deputy Secretary General of the Human Rights Association of Turkey and writer of a great number of works on human rights.

According to the information communicated from the International Service for Human Rights through its working partner the Human Rights Association of Turkey (IHD), on 25 November 1997, Mr Erol Anar, was sentenced to ten months imprisonment under article 159 of the Turkish Penal Code on charges stating that he «insulted the states security forces» in a book entitled “Freedom of Thought”. Although the sentence has been suspended for 5 years, should he commit a similar act, then he would face the prison sentence.

Mr Erol Anar has been charged for similar acts in the past including charges relating to a book entitled «A History of Human Rights» which was confiscated.

**Case TUR 260697**

The Association for the Prevention of Torture (APT), member of the network, has once again expressed its grave concern over the use of repressive measures by the authorities against the IHD (Association for Human Rights) in Turkey.

According to the information received, between May and June 1997 IHD sections in Diyarbakir, Malatya, Izmir and Konia have been closed by order of the Governors on various pretexts.

The Diyarbakir section was closed on May 23<sup>rd</sup> in connection with the presumed confiscation on its premises of some copies of the publication «Demokrasi», a publication that was banned some time ago. The Malatya section was closed on June 4<sup>th</sup> when it was alleged that there was a delay in the submission of the annual report. The Izmir section was closed on June 19<sup>th</sup> after confiscation of a book on human rights violations in Turkey published by the Ankara section. The Konia section was closed on June 24<sup>th</sup>, apparently because of a press conference organised on its premises by students.

The Secretariat also recalls the temporary detention at the end of May, of various members and leaders of the Diyarbakir section of the Association for Human Rights (see Appeal TUR 230597).



### Follow up ( Case TUR 260697 . 2)

According to new information just received, a court action was initiated on 7th July 1997 against the HRA Executive Board which could result in the imprisonment of the executives of HRA (1 to 3 years) and for the closure of HRA under Articles 37/1-2 and 76/1 of the Law on Association number 2908.

This is not the only court action faced by senior members of the HRA. Currently Mr Akin Birdal (as above), Mustafa Ekmekci, Haydar Kaya, Recep Doganer and Mehmet Ragip Duran all senior members of HRA are all facing charges relating to speeches that they made during a Human Rights Week held in Turkey.

### Case TUR 230597

The Association for the Prevention of Torture (APT), a member of the network, has expressed its grave concern for the physical and psychological integrity of nine arrested Turkish human rights defenders.

The names of the persons are as follows: **Mahmut Sakar** Lawyer, Chairman of IHD Diyarbakir Branch and Vice-Chairman of National Branch of the Human Rights Association (IHD), **Sinan Tanrikulu**, Lawyer, member of IHD; **Vedat Cetin**, Editor, Human Rights Association Bulletin; **Pirozhan Dogrul**; Member of the Board of IHD; **Ozlem Cetin**, Member of the Board of IHD; **Nebahat Akkoc**; Member of the Executive Branch, IHD; **Haydar Kilicoglu**, President of the Education Union. Diyarbakir Branch; **Ahmed M Altindag**, Treasurer of the Education Union Diyarbakir Branch, and **Yusuf Akgun**, Secretary of Education Union Diyarbakir Branch.

On 22 May, the offices of the Human Rights Association of Turkey (Diyarbakir Branch) were raided by police and members of Anti-Terror teams, documents and files in the office were seized and the homes of the families of the Board of Management's members were also searched. The above listed members from the Board of the Human Rights Association were taken into custody.

Earlier the same day, between 9.30 and 10.00 am Advocate Sinan Tanrikulu was taken into custody while attending cases in the Diyarbakir State Security Courts (DGM). Around 11.00 am Mahmut Sakar was taken



into custody in the same building. At about 11.30 am, Nehebat Akkoc was taken from her home in what has been described as a forceful manner, by the members of the security forces.

Further reports state that the Education Union, Diyarbakir Branch, was also the subject of a raid and Haydar Kilicoglu, Ahmed M Altindag and Yusuf Akgun were taken into custody. There were no reasons given for any of the arrests. According to the information received all those taken into custody are being held in Diyarbakir Security Directorate, Anti-Terror Branch.

**Follow up (Case TUR 230597 . 1)**

According to the new information received, the above-mentioned lawyers from the Diyarbakir Branch of the IHD have all been released. Allegedly, none of them have been charged with any crimes.

Mr Sakar stated that he was not treated badly and he stated furthermore that none of the other lawyers were tortured, although some of them were handcuffed to their cell doors for a couple of hours and blindfolded.

The International Secretariat has received no further information on Haydar Kilicoglu, Ahmed M Altindag and Yusuf Akgun.

**UP DATE**

In August 1998 the Observatory sent urgent appeal in favour of these people. They was acquitted on February 1998 (see appeal TUR 001 / 9708 / OBS 006).



## Annex II

### **Ratification of the Principal regional and international Human Rights Instruments<sup>1</sup>**

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1 Source columns 1-14: The Universal Declaration on Human Rights, 50th Anniversary - Human Rights - Principal International Instruments, 31 may, 1998, UNESCO. Source for column 15, the internet site of the OAS.

STATES	ICESCR	ICCP	OP1	CAT	CAT <sup>a</sup>	ICERD	ICERD <sup>b</sup>	CEDAW	CEDH	CEDH <sup>c</sup>	CEDH - P 7	ACHPR	ACHR	ICPPT	ICFDP
ALGERIA	X	X	X	X	X	X	X	X				X			
ARGENTINA	X	X	X	X	X	X		X					X	X	X
BANGLADESH						X		X							
BELARUS	X	X	X	X		X		X							
BOLIVIA	X	X	X			X		X					X		X
BRAZIL	X	X		X		X		X					X	X	X
CHAD	X	X	X	X		X		X				X			
CHINA				X		X		X							
COLOMBIA	X	X	X	X		X		X					X		X
CONGO (Dem. Rep.)	X	X	X	X		X		X				X			
COREA (Rep.)	X	X	X	X		X	X	X							
ECUADOR	X	X	X	X	X	X	X	X					X		
EGYPT	X	X		X		X		X				X			
EL SALVADOR	X	X	X	X		X		X					X	X	
PHILIPPINES	X	X	X	X		X		X							
GUATEMALA	X	X		X		X		X					X	X	X
HONDURAS	X	X		X				X					X		X
INDIA	X	X				X		X							
INDONESIA								X							
IRAN	X	X				X									
ISRAEL	X	X		X		X		X							
KYRGYZSTAN	X	X	X	X		X		X							
MOROCCO	X	X		X		X		X							
MAURITANIA						X						X			
MEXICO	X	X		X		X		X					X	X	
NAMIBIA	X	X	X	X		X		X				X			
NEPAL	X	X	X	X		X		X							
NIIGERIA	X	X				X		X				X			
PAKISTAN						X		X							
PERU	X	X	X	X		X	X	X					X	X	
SUDAN	X	X				X		X				X			
SYRIA	X	X				X		X							
TUNISIA	X	X		X	X	X		X				X			
TURKEY				X	X			X	X	X					
VENEZUELA	X	X	X	X	X	X		X					X	X	X
YEMEN	X	X		X		X		X							
YUGOSLAVIA (Fed. Rep.)	X	X		X	X	X		X							
ZAMBIA	X	X	X			X		X				X			



## Instrumentos internacionales - Instruments internationaux - International instruments

ICESCR	Pacto Internacional de Derechos Económicos, Sociales y Culturales Pacte international relatif aux droits économiques, sociaux et culturels International Covenant on Economic, Social and Cultural Rights
ICCPR	Pacto Internacional de Derechos Civiles y Políticos Pacte international relatif aux droits civils et politiques International Covenant on Civil and Political Rights
OPI	Protocolo Facultativo del Pacto Internacional de Derechos Civiles y Políticos Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques Optional Protocol to the International Covenant on Civil and Political Rights
CAT	Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CAT <sup>a</sup>	Declaración sobre la competencia del Comité contra la Tortura para recibir y examinar comunicaciones de particulares (art. 21 - 22 CAT) Déclaration reconnaissant la compétence du Comité contre la Torture pour recevoir et examiner des communications individuelles (art. 21 - 22 CAT) Declaration recognizing the competence of the Committee against Torture to receive and consider communications of individuals (art.21 - 22 CAT)
ICERD	Convención Internacional sobre la Eliminación de Todas las Formas de Discriminación Racial Convention internationale sur l'élimination de tous les formes de discrimination raciale International Convention on the Elimination of all Forms of Racial Discrimination
ICERD <sup>b</sup>	Declaración sobre la competencia del Comité sobre la Eliminación de Todas las Formas de Discriminación Racial para recibir y examinar comunicaciones de particulares (art. 14 ICERD) Déclaration reconnaissant la compétence du Comité d'élimination de tous les formes de discrimination raciale pour recevoir et examiner des communications individuelles (art 14 ICERD) Declaration recognizing the competence of the Committee on the Elimination of all Forms of Racial Discrimination to receive and consider communications of individuals (art 14 ICERD)
CEDAW	Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes Convention on the Elimination of all Forms of Discrimination against Women





**Instrumentos regionales - Instruments régionaux - Regional instruments**

**Consejo de Europa**

**Conseil de l'Europe**

**Council of Europe**

<b>CEDH</b>	Convención Europea de Derechos Humanos Convention européenne des droits de l'homme European Convention on Human Rights
<b>CEDH<sup>f</sup></b>	Declaración relativa al artículo 25 de la Convención Europea (derecho a recurso individual) Déclaration relative à l'article 25 de la Convention européenne (droit de recours individuel) Declaration regarding article 25 of the European Convention (rights of individual recourses)
<b>CEDH P 7</b>	Protocolo N° 7 relativo a la Convención Europea (reconocimiento de nuevos derechos) Protocole N° 7 à la Convention européenne (reconnaissance de nouveaux droits) Protocol N° 7 to the European Convention (recognition of news rights)

**Organización de la  
Unidad Africana**

**Organisation de  
l'Unité Africaine**

**Organisation of  
African Unity**

<b>ACHPR</b>	Carta Africana de Derechos Humanos y de los Pueblos Charte africaine des droits de l'homme et des peuples African Charter on Human and Peoples' Rights
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**Organización de  
Estados Americanos**

**Organisation des  
Etats Américains**

**Organisation of  
American States**

<b>ACHR</b>	Convención Americana sobre Derechos Humanos Convention américaine relative aux Droits de l'Homme American Convention on Human Rights
<b>ICPPT</b>	Convención Interamericana para Prevenir y Sancionar la Tortura Convention interaméricaine pour la prévention et la répression de la torture Inter-American Convention to Prevent and Punish Torture
<b>ICFDP</b>	Convención Interamericana sobre Desaparición Forzada de Personas Convention interaméricaine sur la disparition forcée de personnes Inter-American Convention on Forced Disappearance of Persons

**Principal International and Regional Human Rights Instruments – List of abbreviations**





## ORGANISATIONS BEHIND THE OBSERVATORY

### *FIDH*

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The International Federation of Human Rights Leagues (FIDH) is an international non governmental organization for the defense of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 105 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in some one hundred countries. FIDH enjoys consultative status with the United Nations, UNESCO, the Council of Europe and observer status with the African Commission of Human and Peoples' Rights. The International Board is comprised of: Patrick Baudouin, president; Desanka Raspopovitch, Odile Sidem Poulain, William Bourdon, Claude Katz, and François-Xavier Nsanzuwera, general secretaries; Philippe Vallet, treasurer; and of Pascuale Bandiera (Italy), Abdellaziz Bennani (Morocco), Akin Birdal (Turkey), Michael Ellman (Great Britain), Fernando Gomes (Guinea-Bissau), Cecilia Jimenez (Philippines), Sidiki Kaba (Senegal), Karim Abdol Lahidji (Iran), Lucie Lemonde (Canada), Adrian Ramirez Lopez (Mexico), Francisco Soberon Garrido (Peru), Michel Tubiana (France), Alirio Uribe (Colombia), Vo Van Ai (Vietnam) and Saadeddine Zmerli (Tunisia), vice presidents.

### *OMCT*

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Created in 1986, the World Organisation Against Torture (OMCT) is currently the largest international coalition of NGOs fighting against torture, summary executions, disappearances and all other types of cruel, inhuman or degrading treatment. It co-ordinates the SOS-Torture network that is made up of more than 200 non-governmental organisations which act as information sources. On a daily basis, its urgent appeals reach more than 90'000 governmental institutions, non-governmental institutions, associations as well as other pressure and interest groups. This urgent information is dispatched, in the name of the information source, using the fastest and most appropriate means possible.

Its Executive Council is composed of: Pierre de Senarclens, President (Switzerland), Denis von der Weid, Vice-President (Switzerland), Olivier



Mach, Vice-President (Switzerland), Anne-Marie La Rosa (Canada), Domingo Dougan Beaka (Equatorial Guinee), Dan Cunniah (Maurice), Elisabeth Reusse-Decrey (Switzerland), and Anselmo Lee (South Korea). The Delegates Assembly is composed of twenty four members representing each of the geographic regions. A consultative bureau made up of people specialising in the field of law and international relations advise the management bodies.

Two delegations of the Secretariat have been appointed to promote activities in North America and Europe.

OMCT has either consultative or observer status at l'ECOSOC (United Nations), International Labour Organisation (ILO), the African Commission for Human Rights and Peoples and the Council of Europe.

### ***THE OBSERVATORY***

From the headquarters of FIDH (Paris) and OMCT (Geneva), the Observatory's Programme is managed by Antoine Bernard (Director of FIDH), Eric Sottas (Director of OMCT), Fernando Mejia (Deputy Director of OMCT), and Juliane Falloux (Head of the FIDH's Desk for Eastern Europe, in charge of the Observatory's Programme) with the assistance of Benjamin Schonveld, Anne-Laurence Lacroix, Carin Benninger-Budel, Annik Malburet, Kifle Araia, Kitty Leibobitch, Margherite Palau, Nadine Osseiran and Cristina Pastoriza of OMCT as well as Emmanuelle Robineau Duverger, Isabelle Plissonneau, Alexa LeBlanc and Isabelle Brachet of FIDH.

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the people, organisations both  
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vernmental and media, who  
have reacted to the appeals  
launched by the Observatory  
and supported its activities.**

Every day, all over the world, human rights defenders are harassed, threatened, and arbitrarily detained simply because they are working to promote and defend fundamental rights and liberties.

This annual report, the first of its kind, gives an indication of the scale and sophistication, of the repression suffered by these men and women from all over the world who have chosen to defend human rights.

In 1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights, defending these same rights means, in many cases, risking your life. We must pay tribute to these activists and plead for international protection proportionate to the risks they run in trying to defend the victims of human rights violations.

The Observatory, a joint programme of the FIDH and OMCT, was set up in July 1997, to respond as systematically as possible to these grave violations and help ensure improved protection at both the national and international level for human rights defenders.

This is the Observatory's first annual report. It contains 126 urgent appeals sent out between July 1997 and October 1998 and refers to over 200 human rights defenders in 38 countries. It also outlines the work done at the international level towards improving protection for them.

In this report defenders have, through their testimony, enabled us to share their work, their determination to carry on, regardless of the risks, the daily struggle for "all human rights for all". Their fight is our fight and in 1998, more than ever, the implementation of the Universal Declaration of Human Rights must be everybody's concern.

**fidh**

International Federation  
of Human Rights Leagues

17, Passage de la Main d'Or  
75011 Paris - France

Tel. +33 (0) 1 43 55 25 18

Fax +33 (0) 1 43 55 18 80

E. Mail: [fidh@csi.com](mailto:fidh@csi.com)

Web: [www.fidh.imaginet.fr](http://www.fidh.imaginet.fr)



World Organisation Against Torture

37-39, rue de Vermont

P.O. BOX 119

CH 1211 Geneva 20 CIC - Switzerland

Tel. +41 22 733 31 40

Fax +41 22 733 10 51

E. Mail: [omct@omct.org](mailto:omct@omct.org)

Internet: <http://www.omct.org>