Steadfast in Protest

Foreword by Daw Aung San Suu Kyi and Stéphane Hessel

The Observatory
for the Protection
of Human Rights Defenders

ANNUAL REPORT 2011

OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS

FIDH / OMCT

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DAW AUNG SAN SUU KYI

AND

STÉPHANE HESSEL

Drafting, editing and co-ordination:
FIDH: Alexandra Poméon, Hugo Gabbero, Elodie Kergresse, Juliane Falloux and Antoine Bernard
OMCT: Delphine Reculeau, Andrea Meraz Sepulveda, Anne-Laurence Lacroix, Gerald Staberock and Eric Sottas

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Graphic Design: Bruce Pleiser / bruce@kyodo.fr
Photographer: Marco Longari / AFP*
Printing: Éléna Ferran

FIDH – International Federation for Human Rights
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
fidh@fidh.org / www.fidh.org

OMCT – World Organisation Against Torture
8, Rue du Vieux-Billard, Case postale 21
1211 Genève 8 – Switzerland
Tel. + 41 (0) 22 809 49 39
Fax. + 41 (0) 22 809 49 29
omct@omct.org / www.omct.org

* EGYPT, Cairo : Egyptian protestors demonstrate raising their shoes in front of the Egyptian national TV building, which was secured by the Egyptian Army, in central Cairo on February 11, 2011.

FOREWORD

Sidi Bouzid, December 17, 2010: In a desperate move, Mohamed Bouazizi, a young unemployed Tunisian, set himself fire. On January 4, he succumbed to his injuries, and the next day, several thousand people attended his funeral; this was the beginning of a large peaceful protest movement, a movement of hope for change that, against all odds, would lead to the overthrow of corrupt and liberticidal dictatorships in Tunisia and Egypt.

"Get out!" Zine el-Abidine Ben Ali, Hosni Mubarak, Muammar Gaddafi, Ali Abdullah Saleh, Bashar al-Assad ... : This huge popular uprising in the name of dignity, freedom and justice has spread throughout the Arab world - in Libya, Yemen, Bahrain, Syria ... And beyond, as the wind of freedom blew over the capitals of the world, in Paris, London, Rome and Berlin but also in Tehran, Istanbul, Amman and Baku, where demonstrations of solidarity took place. In China, peaceful marches were held, also known as "Jasmine gatherings", a tribute to the Tunisian revolution.

Everywhere, **respect for human rights** was at the heart of the peoples' claims. It is not the predicted "clash of civilizations" that we have seen. Far from it! These movements did not feed on identity or on religious or cultural politics, but were rather founded on the principles enshrined in the Universal Declaration of Human Rights: social justice, fundamental freedoms - expression, association and peaceful assembly - the right to dignity... It was for this reason alone, and using new information technology, a real revolutionary weapon in the hands of a new generation of "outraged" citizens that the message could resonate across borders. Could anyone give a more beautiful lesson of u**niversality**, at a time when cultural particularities are used as pretexts to justify human rights violations, especially against the most vulnerable populations?

These groups thus reversed established convictions. No. Repression does not guarantee a regime's stability.

It is the universality of these claims that has, very quickly, raised fears of **contagion** among all authoritarian regimes, regardless of continent. Many have taken immediate action: in Zimbabwe, on February 19, 2011, 46 people were arrested and charged with treason for viewing, at a meeting,

a video of protests in Egypt and Tunisia. In China, "Jasmine gatherings" sufficiently scared the Government for a massive deployment of security forces; the Chinese authorities went so far as to censor the word "jasmine" on the Internet.

Moreover, fierce repression continues in all Arab countries that have not ousted their tyrants: in Libya, a merciless war is being waged against its people. Yemen is living under the threat of civil war. In Bahrain, opponents of the regime are tortured and sentenced to long sentences after unfair trials. In Syria, President Bashar al-Assad, to quell any claim against him, massacres his people behind closed doors.

Human rights defenders, who were the primary target of the crackdown, were at the vanguard of this tremendous outpouring of freedom. These women and men who, before the events that rocked their countries, were already working tirelessly to uphold fundamental rights. Men and women who, despite censorship, death threats, and imprisonment, have challenged Governments, denounced violations wherever they were committed and carried messages of **indignation** from their populations. Citizen engagement in the current movements shows that the struggle of defenders is universal and the Universal Declaration of Human Rights, a timeless instrument. This commitment calls on us to redouble our efforts to hear and relay the voice of civil society.

In light of the incomplete transitions of countries of the former Soviet Union, where human rights defenders remain threatened today, our support for these women and men must be strong and constant. To preserve the work of defenders we must honour them and, in turn, become indignant on their behalf against all forms of repression aimed at silencing them. The book is an essential tool for defending, protecting and continuing the fight for universal human rights.

Daw Aung San Suu Kyi
Burmese opposition politician and Nobel Peace Prize

Stéphane Hessel
former French diplomat who participated in the drafting of the Universal Declaration of Human Rights and wrote in 2010 the best-selling manifesto "Time for outrage!"

TIME FOR AN EFFECTIVE PROTECTION OF HUMAN RIGHTS DEFENDERS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

The Arab Spring has marked like no other event the period covered by this Annual Report of the Observatory for the Protection of Human Rights Defenders. As Stéphane Hessel and Aung San Suu Kyi set out in the foreword to this report: "(…) *everywhere, the respect for human rights was at the heart of peoples' claims*, (…) *these movements did not feed on identity, religious or cultural politics, but were rather founded on the principles enshrined in the Universal Declaration of Human Rights* (…)".

It would be false to suggest that the peaceful revolutions in *Egypt* and *Tunisia* were the sole making of a handful of human rights defenders. This would also do injustice to the breath and diversity of those who carried the call for freedom and social justice to the streets. Human rights defenders have, however, for long documented the underlying human rights violations and social injustices, thus vindicating aspirations that now came to the fore in North Africa and the Middle East. They suffered threats, harassments and other interferences in return, as illustrated by countless appeals issued by the Observatory over the years. In the Middle East and North Africa – as in other parts of the world – the international community and influential States have too readily (implicitly) accepted forms of repression in exchange for an illusory promise of security and stability. In this frame, little space has been left for freedoms, human rights and their defenders. The expression of the universality of human rights seemingly came sudden and unexpected for many observers and touched regimes with an entrenched system of repression. This – no doubt – is a sign of hope and aspiration to all those upholding dignity and fundamental rights under difficult conditions in authoritarian societies. These developments affect also the way human rights are perceived and shape international relations, diplomacy and the global discourse on human rights and the protection of human rights defenders far beyond the realm of the region.

However, despite all optimism, there have been dramatic backlashes as Governments are wary about challenges to their power and have in many instances sought to nip in the bud any quelling of dissent. This applies also to the appraised role of social networks as Governments were keen to respond by seeking to limit access to social networks, closing or limiting Internet connections, and harassing and prosecuting bloggers and others who have successfully used open media. Moreover, we should not underestimate the challenge still ahead in *Egypt* or *Tunisia* that have yet to fully dismantle the apparatus of repression, ensure accountability for human rights violations committed today and in the past and create an enabling legal and policy framework for civil society and human rights defenders.

Above all, however, the focus on North Africa and the Middle East must not distract our attention from the many dire situations in which human rights defenders operate, such as in Eastern Europe and Central Asia, as well as in Latin America, Asia and Africa. In a good number of countries we have witnessed no wind of change, but a great deal of continuity or even an exacerbation of threats and assaults on human rights defenders, such as *Belarus* or *Kyrgyzstan*, to mention only two examples. The 509 interventions on individual cases issued by the Observatory from January 2010 to April 2011 covering 66 countries provide compelling evidence on continuous urgency of the situation of human rights defenders around the globe. Instead of being recognised as vital actors of change and as guarantors for a free society, Governments continued to follow a "control approach" to civil society and to human rights defenders impeding or even criminalising their legitimate work. This – it appears – remained in many parts of the world the 'Leitmotiv' for the period covered in this report.

The criminalisation and repression of human rights defenders and social protest

The interferences and attempts to criminalise and repress human rights defenders and social protest in many parts of the world were one of the most prominent features of the attempt to control civil society. In Latin America, Africa or many Asian countries, human rights defenders have been attacked, harassed – including at a judicial level – or otherwise threatened, often in a climate of impunity. This has affected in particular those who defend vulnerable or marginalised communities, such as indigenous peoples in their defence of land rights or natural resources. For example, in Latin America, indigenous, afro-descendant and peasant leaders continued to be the constant victims of attacks, particularly when they protested peacefully against a number of projects to exploit natural resources in their territories. On repeated occasions statutory offences were arbitrarily applied in order to criminalise these protests and detain peaceful protesters,

as it occurred in *Guatemala, Ecuador* or *Peru*. In a similar vein, environmental and land rights activists as well as defenders denouncing forced evictions routinely faced violence and arrests in a number of Asian States, such as in *Cambodia*, *India* or *Malaysia*, and authorities frequently used judicial proceedings or the threat thereof to restrict their activities and to intimidate them. It is often those defending economic, social and cultural rights who face not only powerful political interests but also private and economic actors resulting into threats, interferences and attacks emanated from both State and private actors or a combination of the two.

The interferences into the right to peaceful assembly in different regions of the world remained a particularly serious challenge throughout the year. Protest movements and assemblies in North Africa and the Middle East (*Bahrain*, *Egypt*, *Morocco and Western Sahara, Syria*, *Tunisia*, *Yemen*) and in *Iran* were violently repressed. In other countries, such as in some countries of Eastern Europe and Central Asia, demonstrations were prohibited or subject to arbitrary and disproportionate limitations with those participating being subsequently sanctioned by arrest and/or administrative detention. It also confirmed the experience of the Observatory that election periods constitute a heightened risk for human rights defenders. Elections can and have seen in some instances during the last year positive turning points for human rights and the ability of human rights defenders to operate freely, as it occurred in *Niger* during the transition period that followed the coup d'état in February 2010, and the elections held on January 31 and March 12, 2011, where a new legal and institutional framework more favourable for the respect of human rights appeared, civil society was given a new lease of life and no obstruction or intimidation to human rights defenders was observed since then. There have, however, been new incidents in which election cycles triggered restrictive measures to control civil society and human rights defenders. Some States have tightened legislation ahead of elections and sought to control media access and reporting, as in *Burundi*, *Ethiopia* and *Rwanda*. Human rights defenders have been subjected to harassment and direct threats by the Government and/or political parties or fractions in the context of elections in Africa. For example, in the run-up and staging of elections, defenders who worked to promote transparent and fair ballots were often regarded as siding with the opposition and were subjected to threats or even arbitrary arrests and judicial harassment, as occurred in *Djibouti*, *Sudan* and *Uganda*. In countries like *Ethiopia* and *Rwanda*, defenders started to be harassed well before their respective electoral processes were initiated, prompting many of them to flee these countries prior to the elections. In *Belarus*, too, human rights defenders were subjected to arrests and criminalisation following a dramatic clamp down in the backdrop of electoral protests. It is also in the

context of elections that human rights defenders are easily labelled as pro-western, foreign agents, anti-national or as being part of the opposition. This underlines the need for an early warning mechanism in the run-up to elections involving all political parties and ensuring that domestic and international election monitoring schemes effectively integrate a human rights defenders perspective prior, during and following the elections.

Legal frameworks mis-used against human rights defenders

The "control" approach manifests itself in the legal framework and judicial practice in all regions of the world covered by this report. While the notion of the rule of law entails the protection of rights through law ("rule of rights"), more often than not, the reality is far from this. The law is used by those in power to impede and control human rights defenders. It limits the scope of operation of human rights defenders and fails to offer its protective reach in cases of need. Worse than this, it is actively used and turned in many instances as a tool against human rights defenders.

Numerous examples in this report highlight attempts to adopt legislation that limits freedoms of association, assembly and expression, by placing illegitimate conditions or over-bureaucratising the exercise of those rights lending to arbitrary application. In such scenario, legislation carries a chilling shadow for the legitimate work of human rights defenders. Legislation regulating the registration of civil society organisations has also been approved in a sense that it imposes restrictions affecting its autonomy and independence, as it happened in *Ethiopia* and *Uganda*. In addition, the rules on registration for NGOs were sometimes used for purposes of judicial harassment, as in *The Gambia* and *Zimbabwe*, or to refuse or revoke the accreditation of organisations or unions considered as a nuisance, like in *Ethiopia* and *Sudan*. Furthermore, the assets of some organisations were frozen in order to paralyse their activities, as it occurred as well in *Ethiopia* and *Sudan*.

An aspect that has continued to pose concern throughout the year in this context is the increasing control of funding, including international, to civil society organisations. This is particularly problematic when domestic funding is not available because individuals or businesses would expose themselves to potential political or economic reprisals. The funding by international actors or bilateral development assistance for human rights groups is often a lifeline for civil society actors and the international community should have a keen interest to protect the funding of civil society organisations. The receipt of foreign funding by civil society organisations may be used by Governments to discredit and de-legitimise the work of human rights defenders, especially when they are actively

documenting human rights violations and calling for accountability, such as in *Belarus.* In *Israel*, too, new legislation has been introduced impeding the work of Israeli human rights organisations by targeting their foreign funding in relation to the documentation of human rights violations and violations of international humanitarian law.

The effect of repressive legislation is compounded by a lack of an independent and human rights protecting judiciary. In some countries, far from assuming its role as guarantor of rights, the judiciary has allowed itself to be compromised and turned into a weapon against human rights defenders. A telling example, but unfortunately many amongst others, has been the conviction of **Azimjan Askarov**, a *Kyrgyz* human rights defender known for having documented police ill-treatment of detainees and monitored the human rights situation in Jalal-Abad. He was sentenced in appeal to life imprisonment for having allegedly urged ethnic Uzbek to take as a hostage a district official and attacked police officers. In *China*, *Iran* and *Syria*, dozens of human rights defenders were serving long prison terms on vague charges related to the control of society and the safeguard of national security interests. In *Turkey*, some were prosecuted within the framework of anti-terrorist operations and subjected to prolonged pre-trial detention. The effect of such cases is also the discrediting of the human rights defenders accused of criminal offences, as well as the lasting damage to the confidence into the judiciary and its independence. Even in countries that are largely considered to be committed to the rule of law, such as in Western Europe, this report documents cases in which human rights defenders have been subjected to harassment and interferences, including through administrative or judicial proceedings. This has been especially the case in relation to those defending the rights and interests of migrants, asylum seekers or sexual minorities (*Belgium*, *Cyprus*, *France*, *Italy*, *Poland*, *Spain*).

Absence of accountability for attacks on human rights defenders

In 2010-2011, human rights defenders were killed, disappeared or subjected to assaults or threats (censorship by killing). Such killings and assaults were not limited to a particular continent or region. Those documenting serious human rights violations, abuses of law enforcement and security and intelligence services, continued to be at particular risk, as have been human rights defenders, journalists and environmental activists challenging corruption, powerful businesses and economic or environmental exploitation. In 2010-2011, the Observatory saw the assassination of leading human rights defenders in *Burundi*, *Colombia*, the *Democratic Republic of Congo (DRC)*, *Honduras, Mexico, the Philippines* and *Uganda* to mention only a few. These threats can emanate from State authorities or non-State actors often acting with collusion or in the knowledge of

the authorities. They call into question the obligation of states to prevent such attacks but also the responsibility to protect human rights of private actors. Another category of persons at particular risk are those representing minorities, including LGBTI defenders. January 2011 has seen the the killing of **David Kato**, an *Ugandan* LGBTI defender who was brutally beaten by an unknown man, at his home. It underlined the effect of marginalisation of human rights defenders making them more vulnerable to attacks.

These attacks were often embedded in a climate of impunity and are an expression of much needed systemic reforms to ensure full accountability of all elements of the security apparatus. The impact of attacks is exacerbated by the failure of authorities to adequately respond and denounce such violations and to ensure that those responsible, including those who may have planned or authorised such killings, are held investigated and brought to justice. Impunity for the killing of human rights defenders not only violates clear international human rights standards but it entrenches the traumatic sense of vulnerability of human rights defenders and civil society actors. Telling cases in the course of 2010-2011 include the killings of **Floribert Chebeya** and **Fidèle Bazana** in the *DRC*. While some accountability has been achieved, serious concern remains about the masterminds and the role of key suspects that have never been produced to court. In others, such as *Colombia*, *Mexico* or the *Russian Federation*, the authorities have been unwilling or incapable of ensuring accountability for the murder of leading human rights defenders.

Challenges to international protection

Human rights defenders are entitled to an effective protection and to a legal environment that enables them to operate freely without hindrance, harassment or threats. The evidence provided in the present report illustrate an urgent need for a stocktaking process to review laws, policies and practices that affect human rights defenders at the domestic, regional and universal level.

The international community has no doubt invested significantly into their normative protection framework and built mechanisms surrounding them. Equally, individual countries and organisations provide vital protection work, including physical protection or relocation. Those measures remain vital. But they need to be complemented with equal support and interest into the cause that human rights defenders protect. Moreover, those mechanisms continue to face challenges, notably attacks to the scope of their mandate, their functioning and the lack of implementation of their recommendations. There have been needed positive developments

internationally with the appointment of a UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which will be, as this report shows, a crucial addition to the protection machinery for human rights defenders. Equally, an important step has been done with the adoption and entry into force of the UN Disappearances Convention and the resolution adopted in June 2011 by the UN Human Rights Council addressing violence and discrimination on the basis of sexual orientation and gender identity. At a regional level, the establishment of an Office of the Rapporteur on the Situation of Human Rights Defenders at the Inter-American Commission on Human Rights represents as well a step forward. However, more efforts are needed to implement international standards for the protection of human rights defenders. In reality, in many countries, international human rights law and its protection mechanisms do provide the last resort for human rights defenders. It is thus worrisome that there have been a number of reprisals against those cooperating with or implementing decisions and recommendations of international human rights bodies. Such reprisals have been observed in Latin American countries such as *Nicaragua* and *Venezuela* and also in Africa, for example, in relation to those organisations and individuals advocating or participating in the proceedings of the International Criminal Court (ICC) or collaborating with the International Criminal Tribunal for Rwanda (ICTR), as well as those who have provided information to the UN, as in *Kenya* and *Malawi*.

It is time to establish enabling domestic legal frameworks for human rights defenders, to undertake a systematic overhaul and repeal of legislation that unduly limits civil society and human rights defenders and, importantly, guarantee accountability for assaults on human rights defenders. More than that, however, it is vital to strengthen public repudiation of attacks on human rights defenders and move human rights defenders back into the centre of society. Threats to human rights defenders typically occur in environments in which they have been pushed to the margins of society, be it that they defend unpopular causes (such as those of LGBTI) or because they are labelled as unpatriotic, foreign spies, linked to terrorist or extremist groups or are simply labelled as naïve, elitist, and out of touch with reality. These threats usually do not come sudden but are the result of a series of measures that create an environment of risk. We all need to work to pull this environment back.

METHODOLOGY

The 2011 Annual Report of the Observatory for the Protection of Human Rights Defenders presents an analysis by region of the situation in which human rights defenders operated from January 2010 to April 2011. The analyses are followed by country fact-sheets, which provide for the political context that prevailed at the national level during that period, and the most prevalent forms of repression against defenders, which are duly illustrated by concrete cases. However, given the volume of information gathered for the "Western Europe" region, it was decided to treat cases of obstacles for defenders in a regional analysis rather than in separate fact-sheets, with the exception of Turkey.

The cases presented in the regional analyses and country fact-sheets reflect activities of alert, mobilisation and support carried out by the Observatory on the basis of information received from member organisations and partners of OMCT and FIDH[1]. We would like to take this opportunity to express our appreciation and heartfelt thanks for their collaboration and their vital contributions.

This Annual Report is not exhaustive insofar as it relies on information received and addressed by the Observatory in 2010-2011. In some States, systematic repression is such that it renders impossible any independent or organised activity of defence of human rights. In addition, some conflict situations also make it extremely difficult to isolate trends of repression that aim exclusively at human rights defenders. Situations that are not covered by country fact-sheets in this report are nevertheless referenced as much as possible in the regional analyses.

1/ See Annex 1, p. 588.

ACRONYMS MOST FREQUENTLY USED IN THE REPORT

ACHPR ..... African Commission of Human and Peoples' Rights
ASEAN ..... Association of Southeast Asian Nations
AU ..... African Union
ECtHR ..... European Court on Human Rights
EU ..... European Union
FIDH ..... International Federation for Human Rights
IACHR ..... Inter-American Commission on Human Rights
IACtHR ..... Inter-American Court on Human Rights
ICC ..... International Criminal Court
ILO ..... International Labour Organisation
HCR ..... United Nations High Commissioner for Refugees
LGBTI ..... Lesbians, Gays, Bisexuals, Transgenders and Intersex
NGOs ..... Non-Governmental Organisations
OAS ..... Organisation of American States
ODIHR ..... Office for Democratic Institutions and Human Rights
OHCHR ..... Office of the United Nations High Commissioner for Human Rights
OMCT ..... World Organisation Against Torture
OSCE ..... Organisation for Security and Cooperation in Europe
PACE ..... Parliamentary Assembly of the Council of Europe
UN ..... United Nations
UPR ..... Universal Periodic Review

SUB-SAHARAN AFRICA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS

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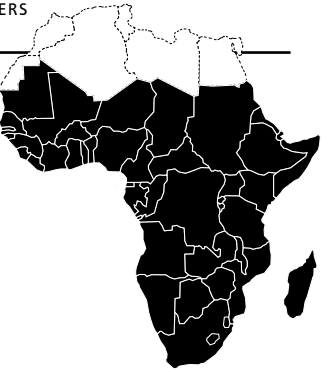

REGIONAL ANALYSIS SUB-SAHARAN AFRICA

In view of the violence and serious violations of human rights perpetrated during the past electoral periods (*Ethiopia, Kenya, Togo, Zimbabwe*), the succession of elections that took place in 2010 which for some countries marked the culmination of transition periods following a coup (*Guinea Conakry, Niger*) or long peace processes (*Burundi, Côte d'Ivoire, Sudan*), gave rise to concern. Indeed, the call by the African Commission on Human and Peoples' Rights (ACHPR)[1] for "free, fair and credible elections" met with a decidedly mixed response. While the presidential election in *Niger* and the referendum on self-determination in *Southern Sudan* went off smoothly, the presidential ballots in *Guinea Conakry* and *Côte d'Ivoire* were marred by serious violence and massive violations of human rights. Furthermore, several serving leaders did not hesitate yet again to restrict freedoms of expression, assembly and association (*Burundi, Djibouti, Ethiopia, Rwanda, Uganda*), to misappropriate State resources (*Chad*), to grant themselves privileged access to public media for their personal campaigns (*Burundi, Central African Republic, Chad, Togo, Uganda*), to silence all dissenting voices (*Burundi, Djibouti, Ethiopia, Rwanda*), or to change the Constitution to enable them to run for another term in office in order to perpetuate their regime (*Djibouti*). Others continued to govern with an iron fist without even considering the organisation of elections (*Eritrea, Swaziland*). Moreover, attacks against journalists covering election processes in many countries, increased in the run-up to the ballots as well as during and after the voting (*Côte d'Ivoire, Nigeria, Rwanda, Sudan, Togo, Uganda*).

While in some States, a more conducive legal framework for freedom of the press, including the decriminalisation of press offences, was either established (*Guinea Conakry, Niger*) or in the process of being adopted (*Senegal*), media restrictions were tightened in a number of other countries in anticipation of elections (*Burundi, Ethiopia, Rwanda*). In addition, in many countries, journalists continued to work under the threat of prison sentences for "seditious publication" (*Gambia*), "defamation"

1/ See ACHPR Resolution on elections in Africa, Res164 (XLVII), May 26, 2010.

(*Angola, Cameroon, Central African Republic, Gabon, Gambia, Senegal, Uganda*), "genocidal ideology" (*Rwanda*) or "glorification of violence" (*Chad*). Several journalists were also killed while working in areas of armed conflicts (*Democratic Republic of Congo – DRC, Somalia*).

Concern about the spread of popular uprisings in Arab countries from late December 2010 onwards, prompted certain leaders to stifle potential protest movements by banning demonstrations (*Djibouti*), restricting people's access to information about these events (*Eritrea, Equatorial Guinea*), impeding freedom of expression (*Ethiopia*) and peaceful assembly on these topics (*Zimbabwe*), and making "preventive" arrests (*Angola, Zimbabwe*). Nascent protest movements were violently repressed (*Djibouti, Sudan*).

The appointment in January 2011 of Mr. Teodoro Obiang Nguema as the new President of the African Union (AU) does not bode well for the initiation of any major action by this institution to consolidate democracy across the African continent. Mr. Nguema seized power in *Equatorial Guin*ea in a coup in 1979 and was re-elected President in 2002 and 2009 with respectively 97 and 95.7% of the vote. Furthermore, the AU has stepped up its efforts to prevent the International Criminal Court (ICC) from prosecuting President Omar Al Beshir of *Sudan* and senior officials in *Kenya* and has called on its member States not to cooperate with the ICC[2].

The year 2010 was also marked by the persistence of numerous armed conflicts. The civilian population in eastern *DRC* remained hostage to clashes between the army, rebel groups and self-defence militias. The fight for control of the Kivu region, which abounds in natural resources that attract widespread illegal exploitation, has meant that severe insecurity still prevails there despite the presence of the largest UN peacekeeping mission deployed anywhere in the world. In *Somalia*, the situation deteriorated with the proliferation of heavy fighting between Al-Shabab insurgents and forces of the Transitional Federal Government. In Darfur (*Sudan*), serious violations of human rights continued to be committed with impunity against the civilian population, with the parties to the conflict unable to agree on the terms of a peace agreement. At the end of 2010, *Côte d'Ivoire* again descended into bloody conflict opposing pro-Gbagbo forces and those of the elected President Alassane Ouattara.

2/ At its conference in Addis Ababa on January 30 and 31, 2011, the AU reiterated its position stated in 2009 whereby it called on the UN Security Council to request the ICC to defer prosecution proceedings against Mr. Omar Al Beshir. It also backed a request by the Kenyan Government asking the Security Council to intercede to defer ICC prosecution proceedings against senior Kenyan officials. See AU decision on the implementation of ICC decisions, document EX.CL/639, January 30-31, 2011.

While human rights defenders were frequently targeted by non-State agents, violence against them was also often tolerated, encouraged or directly perpetrated by State agents, among whom the security forces – ostensibly there to protect them – were the main aggressors. The continued prevailing impunity enjoyed by perpetrators of human rights violations in many countries of sub-Saharan Africa most likely helped to fuel the cycle of violence against defenders.

Obstacles to freedom of association

In 2010-2011, many States continued to restrict freedom of association in order to muzzle civil society. These restrictions notably took the form of legislation regulating the registration of civil society organisations, implementation of which likely affects both their autonomy and independence (*Ethiopia, Uganda*). In addition, the rules on registration for NGOs were sometimes used for purposes of judicial harassment (*Gambia, Zimbabwe*) or to refuse or revoke the accreditation of organisations or unions considered as a nuisance (*Ethiopia, Sudan*). Finally, the assets of some organisations were frozen in order to paralyse their activities (*Ethiopia, Sudan*).

Muzzling defenders working for free and fair electoral processes

In the run-up to and the staging of elections in various countries, defenders who worked to promote transparent and fair ballots and who denounced the poor conditions for their organisation, including violations of the right to freedoms of association, expression and peaceful assembly which accompanied them, were often regarded as siding with the opposition and were subject to threats (*DRC*, *Uganda*) or arbitrary arrest and judicial harassment (*Djibouti, Sudan, Uganda*). In *Ethiopia* and *Rwanda*, defenders started to be harassed well before their respective electoral processes were initiated, prompting many of them to flee these countries prior to the elections there in 2010. In *Djibouti*, in response to an unprecedented popular protest movement in the country against both the non-transparent conditions for organising the presidential elections and constitutional manipulations enabling the President to seek a third term, the Government banned demonstrations and made numerous arrests, including among defenders. In *Burundi*, an international organisation was also accused of siding with the opposition and was expelled. Defenders were also the primary targets during the violence linked to contested election results, particularly in *Côte d'Ivoire* where they were systematically threatened by one side or the other and accused of supporting the "other side", based on the perceived content of their statements. Those who wanted to investigate election-related violence (*Côte d'Ivoire, Kenya*), to intervene to stop the violence (*Guinea Conakry*), or who continued to publicly denounce the violence (*Zimbabwe*), were threatened and intimidated.

Defenders fighting for the truth and against impunity for grave violations of human rights remain preferred targets of repression

In 2010-2011, defenders actively contributing to the fight against impunity and the protection of victims, especially before the ICC, in *Kenya*, the *DRC* and *Sudan*, where high-level civilian and/or military officials are accused of "war crimes", "crimes against humanity" and/or "genocide", were subject to increasing repression. In the *DRC*, for example, defenders calling for the arrest of Mr. Bosco Ntaganda were the target of death threats, harassment and even kidnapping. In *Kenya*, since the opening of an investigation by the ICC in March 2010 into the post-election violence of 2007-2008 and the indictment in March 2011 of six senior Kenyan officials, defenders have had to flee the region because of threats. In *Sudan*, thirteen Darfuri defenders were arrested in late 2010, while others were intercepted and detained at the Darfur airport in June 2010, as they were travelling to Uganda to attend the Review Conference of the Rome Statute. Finally, three human rights defenders were assassinated in the *DRC* in 2010. Journalists who exposed serious human rights violations committed by members of security forces (*Côte d'Ivoire, Somalia, Sudan, Uganda*), in the framework of the fight against terrorism in East Africa (*Burundi, Uganda*), or the use of child soldiers by Government military forces (*Somalia*), were also victims of repression. In addition, defenders who sought to make known the circumstances of assassinations – notably of other defenders – and to ensure that these killings were properly investigated and led to fair trials by national jurisdictions received death threats (*Burundi*), or were subjected to judicial harassment (*Kenya*) to hinder their pursuit of justice. In *Rwanda*, a journalist was killed after denouncing the involvement of intelligence agents in a murder case. Moreover, in several countries, demonstrations denouncing the persistence of impunity or demanding to know the truth about serious human rights violations were violently repressed by the police (*Burkina Faso, Burundi, Togo*). For example, in *Burkina Faso*, in March 2011, police fired live bullets at peaceful demonstrators demanding an end to impunity and the truth about the killings of students in the west-central region. In this context, Mr. **Chrysogone Zougmoré**, President of the Burkinabe Movement for Human and Peoples' Rights (*Mouvement burkinabé des droits de l'Homme et des peuples* – MBDHP), received threats, notably from the gendarmerie in Ouagadougou, which accused him of encouraging the demonstrations and warned him that the MBDHP would be held responsible for any material damage or casualties resulting from them.

Reprisals against defenders cooperating or suspected of cooperating with international institutions for the defence and protection of human rights

In 2010-2011, acts of reprisal again targeted not only defenders working with international tribunals such as the ICC, as already mentioned, but also those collaborating with the International Criminal Tribunal for Rwanda (ICTR), as well as others providing information to the UN (*Kenya, Malawi*). Thus in *Malawi*, after several statements by the President of the Republic – especially those made on March 18 and 20, 2011 – denigrating defenders and alleging *inter alia* that they were working against the national interest, Mr. **Undule Mwakasungula**, Executive Director of the Centre for Human Rights and Rehabilitation (CHRR), received death threats on March 20, 2011. The statements by the Malawi President notably followed a petition submitted to the UN Special Rapporteur on March 9, 2011 by several NGOs, including the CHRR and the Centre for the Development of People (CEDEP), on the human rights situation in Malawi, and the interventions of representatives of these NGOs at the 16th session of the UN Human Rights Council in Geneva in March 2011.

Increase in acts of reprisal against defenders denouncing corruption

As the level of corruption in sub-Saharan Africa continued to increase, defenders denouncing the misappropriation of funds, "bribes" or favouritism involving the authorities or their families, were subjected to death threats (*Gambia, Rwanda*) and arrests and/or prosecution (*Burundi, Cameroon, Central African Republic, Côte d'Ivoire, Gabon, Guinea Bissau, Rwanda, Senegal, Sudan, Togo, Uganda, Zimbabwe*). In *Cameroon*, where legal action against journalists exposing corruption has increased, a newspaper editor died in custody while he and other journalists were being investigated following their inquiry into allegations of misconduct involving a State minister. In *Angola*, Mr. **Armando Chicoca,** an independent journalist, was sentenced to one year in prison on March 3, 2011, for "defamation" after disclosing the testimony of the former housekeeper of Mr. Antonio Vissandula, Judge and President of the Court of Namibe, accusing him of having fired her for refusing his sexual advances. Mr. Chicoca was released on bail on April 7, 2011 pending his appeal[3]. The media were highly active in this domain and were consequently also primary targets of repression. In retaliation for their probes and articles, publications were suspended for varying fixed periods (*Gabon, Rwanda, Togo*), an indefinite period (*Cameroon*), or permanently (*Togo*), and their website blocked (*Rwanda*). Activists combating corruption were also targeted by media smear campaigns (*Burundi, Gabon*). In addition, the

3/ See Reporters Without Borders Press Releases, March 9 and April 12, 2011.

murders of two defenders who denounced corruption in 2009 remained unpunished in *Burundi* and *Kenya*.

Obstacles to and repression of peaceful assembly and demonstrations against poor living and work conditions and the plundering of natural resources

In response to the proliferation of popular protests against price hikes and growing economic difficulties, the authorities in many countries introduced increasingly tight restrictions to impede freedom of expression and peaceful assembly. In several cases, demonstrations were banned and violently repressed by the police. This was the fate of peaceful protest rallies against the poor working conditions of doctors and poor access to health care (*Sudan*), and the austerity measures and rising prices (*Sudan, Togo, Uganda*). The rallies were also calling for improvements in the education sector (*Zimbabwe*) and in the distribution of electricity (*Senegal, Zimbabwe*). In the *DRC*, defenders who denounced the poor working conditions of women faced threats and arbitrary arrest. In *Djibouti* and *Mauritania*, trade union movements demanding improved pay conditions in various sectors, were violently repressed and many trade unionists were arrested, while in Cameroon they faced judicial harassment. The authorities also banned peaceful rallies held in protest against the environmental consequences and human rights violations associated with mining, oil exploitation and real estate activities. Organised demonstrations were violently repressed (*Senegal*), and the participants were arrested and subjected to judicial harassment (*DRC, Senegal*) and threats (*DRC, Zimbabwe*). In addition, in the *DRC*, those who denounced the pillaging of natural resources, arms trafficking and the continued fighting, especially in the east of the country, continued to be harassed and threatened. In *Zimbabwe*, a defender who denounced human rights violations related to the diamond trade was also subjected to judicial harassment.

Obstacles specifically targeting defenders of the rights of sexual minorities

The defenders of the rights of lesbian, gay, bisexual and transgender (LGBT) individuals in many sub-Saharan African States continued to face various forms of prejudice and intimidation (*Cameroon, Kenya, Uganda*) and judicial harassment (*Zimbabwe*). Laws criminalising sexual minorities in many countries hindered the work of defenders. In January 2011, for example, the *Cameroon* Government declared illegal the European Union funding for a project in support of sexual minorities in application of a law criminalising sexual relations between people of the same sex. In Uganda, a bill aiming at criminalising the promotion and protection of LGBT rights was still under consideration in Parliament in late April 2011, and helped

to fuel stigmatisation of human rights defenders; a prominent defender was assassinated in January 2011. In the *DRC*, a similar bill representing the same risks for defenders of LGBT rights was debated in the National Assembly.

Urgent interventions issued by The Observatory from January 2010 to April 2011 on countries of the region for which there is no country fact-sheet

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
MALAWI	Messrs. **Undule Mwakasungula, Levi Mvula** and **Gift Trapence**	Threats / Reprisals	Urgent Appeal MWI 001/0311/OBS 045	March 24, 2011
NIGERIA		International inquiry mission report	Joint Press Release	May 11, 2010

BURUNDI

In 2010-2011, human rights defenders were repeatedly considered as opposition members. Those denouncing acts of corruption and embezzlement were also subjected to judicial harassment and several human rights organisations were threatened, victims of defamation by the media and intimidated because of their fight against impunity.

Political context

General elections held in Burundi between May and September 2010[1], the first ones since the 2000 Arusha Agreement that took place in a context of peace, generated a particularly tense political climate. Indeed, citing electoral fraud, the main opposition political parties rejected the provisional results of the elections of May 24, 2010, the first of five scheduled elections, which devoted a large victory to the ruling party, the National Council for the Defence of Democracy - Forces for the Defence of Democracy (*Conseil national pour la défense de la démocratie – Forces de défense de la démocratie* - CNDD-FDD). Brought together in the framework of the Democrat Alliance for Change in Burundi (*Alliance des démocrates pour le changement au Burundi* - ADC-Ikibiri), the opposition parties, with the exception of the Union for National Progress (*Union pour le progrès national* – UPRONA), chose to boycott the presidential legislative and local elections due, according to them, to a lack of regulation in the electoral process[2]. As a result, this almost single-party context allowed the CNDD-FDD to consolidate its power within the whole Government institutions.

Throughout the electoral process, Government authorities also tried to silence any criticism regarding the ways of governance and the conduct of elections. This led to restrictions on freedom of movement, prohibition of meetings and press conferences[3], the arbitrary arrest and detention of

1/ The election process was made up of five elections, including municipal (May 24), presidential (June 28), legislative (July 23), senatorial (July 28) and local (administrative subdivision - September 7).
2/ See ADC-Ikibiri, *Mémorandum sur les irrégularités et fraudes massives des élections communales du 24 mai 2010*, June 2010.
3/ On June 8, 2010, the Interior Minister, Mr. Edouard Nduwimana, banned all meetings and activities of parties not participating in the presidential elections. After the vote on June 28, he announced that the opposition parties could resume their activities. On September 17, 2010, Mr. Nduwimana said that coalitions are not allowed to operate outside the electoral period.

dissidents and the killing of militants of the ruling party and the opposition. This violence drove many of the main opposition leaders to exile[4].

From September 2010, a wave of violence was also observed in some localities in western areas, especially in the provinces of Bujumbura Rural and Bubanza, former strongholds of the National Forces of Liberation (*Forces nationales de libération* - FNL). Military operations were launched by the Government authorities to try to counter a resurgence of armed groups close to the ADC-Ikibiri[5]. This period was marked by acts of violence and repression against opposition members, as well as against civil society activists and journalists, accused by the authorities of being behind the resurgence of insecurity in the country.

On January 25, 2010, the Burundian Parliament enacted Law No. 1/03 on the Organisation and Functioning of an Ombudsman with a mandate to investigate complaints, conduct investigations into embezzlement and violations of human rights committed by State agents, and to make recommendations to the competent authorities. On November 12, 2010, despite the challenge of parliamentary opposition regarding its lack of neutrality, Mr. Mohamed Khalfan Rukara, a senior leader of CNDD-FDD, was elected unanimously by the National Assembly and approved by the Senate for a term of six years[6]. On January 5, 2011, the Burundian Parliament also enacted a law establishing the Independent National Commission on Human Rights (*Commission nationale indépendante des droits de l'Homme* - CNIDH), arising from a process which began several years ago. The law, which contains the main recommendations made by civil society and fully complies with the Paris Principles, was however challenged in some points, particularly regarding the selection of commissioners and the financial independence of the institution[7]. The CNIDH will have the mandate to

4 / See the Forum for the Strengthening of Civil Society (*Forum pour le renforcement de la société civile* - FORSC) and the Association for the Protection of Human Rights and Detained Persons (*Association pour la protection des droits humains et des personnes détenues* - APRODH).

5 / See FORSC.

6 / The National Assembly is dominated by almost 80% of the CNDD-FDD. The few members of UPRONA and the three representatives of the Batwa minority withdrew before the vote, because they objected to the lack of consultation and consensus before the vote and wanted a candidate who was politically neutral.

7 / Civil society had proposed that the commissioners should be nominated by their peers in their respective electorates. The enacted law however, states that the application is free and that the selection of candidates will be made by an ad hoc committee of the National Assembly. The National Assembly will elect seven members appointed by the then President of the Republic, despite the consultation process that promotes the Paris Principles. This reduces the room for a consultation process with civil society because the law does not force the National Assembly to consult with civil society for the appointment of members of the CNIDH. Neither the bar nor the unions are represented. Funding for the Commission is channeled through the Government, potentially undermining the independent and self-management of the Commission.

receive complaints and investigate human rights violations, to fight against torture, rape and other forms of gender-based violence, to provide legal assistance to victims or to propose concrete measures for the Government to promote the protection of rights.

Human rights defenders considered as opposition members

Civil society, private media and international NGOs were repeatedly considered by the power as members of opposition parties. This phenomenon is particularly worrying for the continuation of the activities of the defenders and their security. In June 2010, in response to the report on pre-election political violence by the NGO Human Rights Watch (HRW), its representative in Burundi was expelled from the country, deemed as politically favourable to the opposition[8]. In October 2010, the *Burundi News* website published an article accusing some leaders of the civil society to be agents of the opposition, including Mr. **Gabriel Rufyiri**, President of the Observatory for the Fight Against Corruption and Economic Embezzlement (*Observatoire de lutte contre la corruption et les malversations économiques* - OLUCOME). On November 5, 2010, following a visit to a leading member of the FNL in the central prison of Mpimba, during which the latter would have provided a list of FNL political prisoners in the prison, Ms. **Elyse Ingabire** and Mr. **Dieudonné Hakizimana**, two journalists from the newspaper *Iwacu*, were arrested without a warrant by the Municipal Commissioner Mr. Parfait Hakizimana and were taken to the Special Bureau of Research (*Bureau spécial de recherche* - BSR), a special investigation unit of the Gendarmerie. There, they were held for 48 hours under the orders of another Municipal Commissioner. During the interrogation, they were accused of collaborating with the FNL and of "undermining the security of the State". During their detention, the newspaper's lawyer was not allowed to see the two journalists, in violation of legal provisions. As of late April 2011, charges of violations of State security were still pending against them[9].

Judicial harassment against defenders denouncing State corruption and embezzlement

In 2010, defenders denouncing acts of corruption and embezzlement within the State were one of the favourite targets of the authorities. Thus, on April 2, 2010, following the publication of a letter from OLUCOME to the President of the Commission on Defence and Security of the National Assembly concerning a draft statute for granting benefits to the

8 / They were not allowed to return to Burundi, but in April 2011, the authorities agreed that HRW could appoint a new representative.
9 / See OLUCOME.

generals of the national police and of the army, the Minister of Public Safety filed a complaint against Mr. Gabriel Rufyiri to the Attorney General of the Republic for "disturbing the public peace", "spreading false news" and "misinformation and intoxication", accusing him of a "breach of trust between institutions and people". On April 8, 2010, the Council of Ministers issued a press release stating that the National Security Council, which was "concerned about the consequences of these allegations, would be meeting shortly to address the issue". On April 14, 2010, Mr. Rufyiri was informed of the issuance of an arrest warrant against him and the next day, plainclothes police were looking for him but without success. However, Mr. Rufyiri was never arrested and the case was finally not brought to court[10]. On August 10, 2010, in response to a complaint filed by the Director of Regideso, a State company for the production and marketing of water and electricity, Mr. **Thierry Ndayishimiye**, the Editor of the weekly newspaper *Arc-en-Ciel*, was arrested by the police for "defamation", in connection with an article published on July 30, 2010 involving the complainant in a case of embezzlement regarding the work done by Regideso in Gitega, Ruyigi and Rutana. After being placed in custody for two days at the Mpimba Central Prison in Bujumbura, Mr. Ndayishimiye was released on bail before the closure of the file[11]. On July 17, 2010, Mr. **Jean-Claude Kavumbagu**, Editor-in-chief of the *Net Press* website, targeted by the power for several years because of his articles denouncing State corruption and embezzlement, was arrested by the General Commissioner of the police in the western region of Burundi, on an arrest warrant issued by the Prosecutor of Bujumbura. Remanded in custody at the Mpimba central prison, the journalist was accused of "treason"[12], "damaging allegations" and "libel", under the pretext of the publication of an article published a few days earlier, expressing reservations about the ability of the army and police forces of Burundi to prevent a possible attack on the Somali Islamist group Al Shabab, who had claimed responsibility for a terrorist attack in Uganda. On April 13, 2011, the Prosecutor of Bujumbura called for a life sentence against Mr. Kavumbagu who, as of the end of April 2011, was still detained at Mpimba central prison, pending the verdict[13].

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10 / *Idem.*

11 / See FORSC.

12 / Under the Criminal Code, the crime of treason is only considered in times of war and is punishable by life imprisonment.

13 / On May 16, 2011, Mr. Kavumbagu was released following the decision of the District Court of Bujumbura to drop the charges of "treason," of "damaging allegations" and of "libel" pending against him. The Court nonetheless decided to sentence him to eight months in prison - a sentence he had already completed - and to a fine of 100,000 Burundian francs (about 58.10 euros) on the grounds of "publishing writing likely to affect the credit of the State and national economy".

Ongoing acts of harassment against defenders fighting impunity

In 2010-2011, several human rights organisations and defenders were subjected to threats, defamation and intimidation, because of their commitment to the fight against impunity. Thus, on October 20, 2010, during a press conference held at the General Direction of the police, the Spokesman of the National Police charged Mr. **Pierre Claver Mbonimpa**, Head of the Association for the Protection of Human Rights and Detained Persons (*Association pour la protection des droits humains et des personnes détenues* - APRODH), with "support[ing] armed bandits" because of his denunciations of extrajudicial killings of FNL members. In addition, during a meeting held on October 20, 2010 in his office with representatives of several NGOs, the Interior Minister, Mr. Edouard Nduwimana, threatened to withdraw approval of APRODH or remove Mr. Pierre Claver Mbonimpa from his post.

Moreover, while the legal proceedings initiated in response to the killing on April 9, 2009 of Mr. **Ernest Manirumva**, Vice-President of OLUCOME, had still not determined the exact circumstances of his death nor the responsibilities of the individuals involved in the operation due to deficiencies in the conduct of the investigation of the case[14], human rights defenders who mobilised to demand an independent and impartial justice were subjected to threats, intimidation, obstruction and surveillance, particularly from the Government authorities. Thus, on March 20, 2010, Mr. Pierre Claver Mbonimpa received an anonymous call threatening him with death if he kept working on the case of Mr. Manirumva. On the evening of April 1, 2010, a group of armed men went to the house of Mr. Gabriel Rufyiri while he was out. A few days earlier, his wife had received an anonymous call to warn her husband to "pay attention to the issues he was dealing with". Mr. Mbonimpa and Mr. Rufyiri did not file a new complaint as the complaints previously filed by both organisations were not pursued. On November 1 and 2, Mr. Rufyiri and his wife again received death threats by phone. A week before, a man presented himself at the OLUCOME premises and uttered insults against Mr. Rufyiri and his wife. Following these incidents, OLUCOME filed a complaint on November 9, 2010 requesting the identification of the owners of the phone numbers. The police managed to identify the numbers and forwarded them

14 / Twelve people were prosecuted in connection with the case, but no leading figure among them. On January 26, 2011, the Bujumbura Court of Appeals declined jurisdiction and referred the case to the High Court which, in late April 2011, had not yet received the said file. On June 22, 2011, at the request of the Prosecution, the Criminal Division of the High Court of Bujumbura requested that additional instructions should be carried out, including DNA samples and interrogations of some senior officials, before further consideration of the case.

to the judiciary in late April 2011, which had not yet acted on this information. In 2010-2011, Mr. **Pacifique Nininahazwe**, Chairman of the Forum for the Strengthening of Civil Society (*Forum pour le renforcement de la société civile* - FORSC), a platform of 146 civil society organisations[15] particularly active in campaigning for justice in the murder of Mr. Manirumva and for the release of the journalist Mr. Jean-Claude Kavumbagu, was regularly subjected to death threats, stalking and defamatory statements on Internet websites close to the ruling party. His phone was also tapped and he observed some National Intelligence Service (*Service national de renseignements* - SNR) vehicles, parked outside his residence[16]. On April 8, 2011, just before the second anniversary of the assassination of Mr. Manirumva, a peaceful march organised by NGOs in Bujumbura as part of the campaign calling for shedding light on the assassination and for pursuing and prosecuting those responsible, was prevented from advancing by a group of policemen, twenty yards after leaving the headquarters of the Burundian League of Human Rights (*Ligue burundaise des droits de l'Homme* - ITEKA). The police then tore the posters and banners of the demonstrators. At the scene, Mr. David Nikiza[17], Commissioner of the western region for the Burundian national police, ordered the arrest of Mr. Gabriel Rufyiri and Mr. **Claver Irambona**, a member of OLUCOME. The two men were detained at the BSR and then released without charge a few hours later. The event was legally declared in a letter sent on April 4 to the Mayor of Bujumbura, who responded through a letter dated April 5, that he was shocked that OLUCOME had organised an event and that the OLUCOME should go to the relevant court. The organisers of the march received no notification of the prohibition. In addition, on April 22, 2011, *Radio sans frontières Bonesha FM* reported the circulation of a pamphlet containing a list of forty people who had to die by the end of 2011, including Mr. Rufyiri, Mr. Nininahazwe, Mr. Mbonimpa and Ms. **Eulalie Nibizi**, President of the STEB teachers union and Vice-President of the Confederation of Trade Unions of Burundi (*Confédération des syndicats du Burundi* - COSYBU), one of the main leaders of the union movements. Finally, on April 26, 2011, during a march supported by the ruling party, protesters were carrying placards bearing the words "Pacifique Nininahazwe: stop this divisionism. Not only Ernest died in Burundi". Mr. Rufyiri informed the police before

15 / On January 28, 2011, the Interior Minister reinstated the legal status of the FORSC, revoking the decree of November 2009 which had set aside the order approving it.

16 / On August 25, 2010, for example, he was followed by a police car. When he arrived at his home, he found two jeeps parked outside his house and two others arrived later, before leaving the scene together. Mr. Nininahazwe, who has been protected by two police officers since November 2009, did not press charges after the death threats were made against him.

17 / Mr. Nikiza would be involved in the operation that led to the assassination of Mr. Ernest Manirumva.

speaking in the media but no legal proceedings had been opened at the end of April 2011[18].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Pierre Claver Mbonimpa**, **Gabriel Rufyiri** and **Ernest Manirumva**	Death threats / Acts of intimidation / Impunity	Urgent Appeal BDI 001/0409/OBS 061.1	April 7, 2010
Ms. **Prudence Bararunyetse** and Messrs. Gabriel Rufyiri, Pierre Claver Mponimpa and Ernest Manirumva	Death threats / Harassment / Impunity	Urgent Appeal BUR 003/1110/OBS 134	November 12, 2010
Messrs. Gabriel Rufyiri, Pierre Claver Mponimpa and Ernest Manirumva	Death threats / Impunity	Press Release / International Mission of Inquiry	November 29, 2010
Mr. Ernest Manirumva	Impunity	Press Release / Mission Report	April 7, 2011
Messrs. Gabriel Rufyiri, **Claver Irambona** and Ernest Manirumva and Ms. **Pacifique Nininahazwe**	Obstacles to freedom of assembly / Detention / Liberation / Impunity	Urgent Appeal BUR 001/0411/OBS 060	April 8, 2011
Mr. Ernest Manirumva	Impunity	Joint Press Release	April 9, 2011
Ms. **Neela Ghoshal**	Expulsion	Urgent Appeal BDI 001/0510/OBS 064	May 21, 2010
		Joint Press Release	May 28, 2010
Mr. Pierre Claver Mbonimpa / Association for the Protection of Human Rights and Detained Persons (APRODH)	Threats / Risk of obstacles to the freedom of association	Urgent Appeal BDI 002/1110/OBS 131	November 4, 2010
Forum for the Strengthening of Civil Society (FORSC)	Rehabilitation	Press Release	February 10, 2011
Mr. **Jean-Claude Kavumbagu**	Arbitrary detention / Judicial harassment	Press Release	April 21, 2011

18 / See FORSC.

CAMEROON

In 2010-2011, human rights defenders fighting against corruption and in favour of economic and social rights were subjected to harassment while defenders of the rights of the LGBTI community continued to suffer various forms of prejudice and acts of intimidation from the religious authorities, as well as from the hostility of the authorities. Moreover, a human rights defender was placed under close surveillance following her participation in a meeting on the protection of defenders and because of her activities.

Political context

When in 2008, President Biya amended Article 6.2 of the Constitution allowing him to seek a third term in presidential elections set for October 2011, he also appointed by decree the twelve members of the electoral commission (Elecam) which mandate is to organise and supervise the elections in an independent manner. All twelve Elecam appointees were either members or close allies of the ruling Cameroon People's Democratic Movement (*Rassemblement démocratique du peuple camerounais* - RDPC). This total control of Elecam by the Executive was reinforced even further on March 26, 2010, when an amendment to Law No. 2006/11 on the establishment, organisation and functioning of Elecam formally authorised the return of the Ministry of Administration and Decentralisation within the organisation of the electoral process and eliminated the requirement for consultation with civil society in this regard[1]. Moreover, despite calls by the opposition parties and civil society, the country still lacks a single electoral code allowing for the harmonisation of the different and sometimes contradictory texts which regulate the normative election framework.

The fight against corruption in Cameroon was also a dominant topic throughout 2010. "Operation Sparrow Hawk", launched in 2004 to investigate a large number of allegations of embezzlement involving public officials and former ministers of State, led to further arrests of former members of Government and heads of public enterprises, and to the holding of several trials of persons remanded in custody since 2008. Described by some as a means to settle scores through the courts, the anti-corruption

1/ The new text stipulates that Elecam "organises its consultations with the administration, the judiciary, political parties and *possibly* with civil society in the framework of management of the electoral process", while the former text simply stated that Elecam "organises its consultations with the administration, the judiciary, political parties and civil society".

operation was also seen as an opportunity for the Head of State to eliminate potential political rivals[2]. In addition, the UN Committee Against Torture and the UN Commission on Human Rights expressed deep concern about the various allegations of human rights violations and the prevailing climate of impunity in the country. In their respective reports of May 19 and August 4, 2010, they regretted in particular the fact that two years after the events of February 2008[3], the State is still not able to provide an exhaustive report on the allegations of serious human rights violations committed by its security forces. These two bodies have therefore recommended the initiation of "prompt, impartial and exhaustive forensic" investigations following allegations of extrajudicial killings and other acts of torture and cruel, inhuman or degrading treatments in order to ensure that those responsible are brought to justice. The UN Committee Against Torture also expressed concerns about allegations of harassment, arbitrary detention, torture or cruel, inhuman or degrading treatments and death threats against journalists and human rights defenders and about the fact that such acts remain unpunished[4]. The Human Rights Committee also expressed its deep concern about Article 347 bis of the Cameroon Criminal Code, which punishes "any individual having sexual relations with a person of the same sex" with a fine ranging from 20,000 to 200,000 CFA francs (about 30 to 305 euros) and six months to five years imprisonment. The Commission noted that this discriminates and violates the right to privacy of individuals, and called on the State to take steps to make it clear that it does not tolerate any form of harassment, discrimination and violence against the sexual orientation of individuals[5], in conformity with the International Covenant on Civil and Political Rights.

Intimidation and judicial harassment of journalists who denounce corruption

In 2010, investigative journalists covering stories related to the management of public finances and the conduct of criminal investigations as part of "Operation Sparrow Hawk" were subjected to judicial prosecution. Thus, on February 5, 2010, the correspondent of the weekly *Bebela,* Mr. **Simon Hervé Nko'o**, and Messrs. **Serge Yen Sabouang**, **Harrys Robert Mintya Meka** and **Germain Cyrille Ngota**, alias **Bibi Ngota**, respectively Editors

2/ See Home for Human Rights (*Maison des droits de l'Homme* - MDH).

3/ See Annual Report 2009.

4/ See UN Committee against Torture, *Concluding Observations of the Committee against Torture - Cameroon*, UN Document CAT/C/CMR/CO/4, May 19, 2010, and UN Human Rights Committee, *Concluding Observations of the Human Rights Committee - Cameroon,* UN Document CCPR/C/CMR/CO/4, August 4, 2010.

5/ See UN Human Rights Committee, *Concluding Observations of the Human Rights Committee - Cameroon*, UN Document CCPR/C/CMR/CO/4, August 4, 2010.

of the bimonthly *La Nation*, the weekly *Le Devoir* and the *Cameroun Express*, were arrested by the Directorate General of External Research (*Direction Générale de la Recherche Extérieure* - DGRE) for "possession of documents compromising" State dignitaries. The journalists were investigating allegations of embezzlement in connection with the acquisition of a boat-hotel by the National Hydrocarbons Corporation (*Société nationale des hydrocarbures* - SNH) in 2008, and were in possession of a note dated June 20, 2008 signed by Mr. Laurent Esso, Minister of State, Secretary General at the Presidency of the Republic and Chairman of the Board of SNH, ordering the payment of substantial commissions to intermediaries in connection with this acquisition. Mr. Ngota was released on February 8, 2010, while Messrs. Nko'o, Yen Sabouang and Mintya Meka were freed on February 12. During their detention, they were allegedly subjected to interrogation and ill-treatment aiming at forcing them to reveal the source of the confidential note[6]. On February 26, 2010, Messrs. Serge Yen Sabouang Yen, Bibi Ngota and Harrys Robert Mintya Meka were again arrested and brought before the Prosecutor of the High Court of Mfoundi. All three were held in custody under order of an Investigating Judge on March 10, 2010, and then incarcerated at Kondengui central prison in Yaounde for "co-action of forgery" and "imitation of the seals of the Republic". They were accused of being the authors of the note dated June 20, 2008, which the investigation purportedly revealed was in fact a fake. On November 24, 2010, Mr. Mintya Meka and Mr. Yen Sabouang were released and the charges against them were dropped, with no official reasons given for their release. As for Mr. Bidi Ngota, he died in prison on April 22, 2010 from "abandonment", "bad treatment" and "non-assistance" of the authorities, according to the initial death certificate of the prison doctor, even though the authorities had been informed that he suffered from asthma and hypertension. On April 27, 2010, President Biya ordered a police investigation but two days later the Minister of Communication, Mr. Issa Bakary Tchiroma, stated that according to an official medical report provided by the prison authorities on April 29, 2010, the journalist was believed to have "succumbed to HIV/AIDS"[7]. In addition, on February 3, 2011, Mr. **Jean-**

6 / Thus, Mr. Nko'o, who had been held in solitary confinement, said security agents subjected him to waterboarding, sleep deprivation, nudity and prolonged exposure to cold. Upon his release, the Director of his newspaper denounced a series of acts of torture and cruel, inhuman and degrading treatments, including the use of iron bars to beat the soles of the feet. A medical certificate dated February 22, 2010 noted there were lacerations on the soles of his feet.

7 / See MDH. The Minister said the report's conclusions were based on the results of an autopsy performed by a physician at the University Hospital in the presence of the family, which was denied by the victim's brother. On September 14, 2010, the Deputy Minister of Justice, Mr Amadou Ali, presented the results of the criminal investigation, dismissing the hypothesis that Mr. Ngota reportedly died as a result of mistreatment during his successive periods of detention.

Marie Tchatchouang, Editor of the weekly journal *Paroles*, was arrested by the police and held in detention until the following day. On February 4, he was accused of "defamation" by the Douala Public Prosecutor on the basis of a complaint lodged by Mr. Jean Ernest Ngallé Bibéhé, Director General of the Cameroon urban transport company (*Société camerounaise de transport urbain* - SOCATUR), following a series of articles published between September and December 2010 related to the alleged embezzlement of public funds by Mr. Bibéhé and his wife. On March 28, 2011, the Court of First Instance of Douala-Ndokoti found him guilty of the charge and condemned him to a six-month suspended prison sentence and to a fine of 185,200 CFA francs (about 282 euros) and one million CFA francs (about 1,524 euros) in damages. The court also decided to suspend the newspaper for an indefinite period. Mr. Tchatchouang was then held in custody and taken to Douala prison. He appealed the court decision[8]. On January 12, 2011, Mr. **Thierry Ngogang**, Editor-in-chief of the private television channel *STV2*, Mr. **Alex Gustave Azebaze**, an independent journalist and the Second Secretary of the National Union of Journalists of Cameroon (*Syndicat national des journalistes du Cameroun* - SNJC), Mr. **Anani Rabier Bindzi**, a journalist working for the private TV channel *Canal2 International,* and Mr. **Manassé Aboya Endong** a political scientist and professor at the University of Douala, were cited to appear before the Criminal Court of Douala to face criminal proceedings based on Articles 74, 96, 169 and 310 of the Criminal Procedural Code[9]. On June 1, 2009, they had disclosed and discussed a report during an STV2 televised debate on police investigations in connection with "Operation Sparrow Hawk" involving former managers of public funds suspected of corruption. The trial was adjourned several times in 2010 and no substantive discussions to move the process forward had been initiated by the end of April 2011[10].

Obstacles to the organisation of demonstration in support of economic and social rights

Although freedom of peaceful assembly is enshrined in Law No. 990/055 of December 19, 1990 on meetings and demonstrations, a rally held in Yaoundé on November 11, 2010 advocating for economic and social

8 / See Network of Human Rights Defenders in Central Africa (*Réseau des défenseurs des droits humains en Afrique centrale* - REDHAC).

9 / They are being prosecuted for having "related publicly a judicial procedure that was not finalised in conditions that even intentionally sought to influence the opinion of others for or against the parties" and for having "revealed without authorisation" confidential information that was entrusted to them in view of their profession or function. They are facing up to three years in prison and a five million CFA francs (about 7,622 euros) fine.

10 / See REDHAC.

rights was ordered to be dispersed by the Deputy Prefect of Yaoundé III district, despite being officially notified to the authorities, in accordance with Article 6 of that law. The rally was called by the Public Sector Central Trade Union (*Centrale syndicale du secteur public* - CSP) outside the Prime Minister's office, in order to present him with a memorandum from public service workers addressed to the Head of State calling in particular for improved working conditions in the country. It was banned by the Deputy Prefect on the grounds that "public demonstrations of a vindictive and/or protest nature are and shall remain prohibited throughout the entire department of Mfoundi" (Yaoundé). However, only the Prefect – not the Deputy Prefect – has the authority to impose such a ban[11]. Officers from the central police station in Yaounde were subsequently dispatched to the scene and arrested Mr. **Jean-Marc Bikoko**, President of the CSP, Mr. **Eric Nla'a**, the CSP accountant, Mr. **Maurice Angelo Phouet Foe**, Secretary General of the Autonomous National Education and Training Trade Union (*Syndicat national autonome de l'éducation et la formation* - SNAEF), Mr. **Joseph Ze**, Secretary General of the Unitary National Union of Teachers and Professors (*Syndicat national unitaire des instituteurs et professeurs des écoles normales* - SNUIPEN), Mr. **Theodore Mbassi Ondoa**, Executive Secretary of the Federation of Education Trade Unions of Cameroon (*Fédération camerounaise des syndicats de l'éducation* - FECASE), and Messrs. **Nkili Effoa** and **Claude Charles Felein**, SNUIPEN members. Accused of holding an "illegal demonstration" and "disturbing public order", they were brought before the Public Prosecutor the next morning without having an opportunity to consult a lawyer. That evening, the Public Prosecutor ordered their provisional release, informing them that they were to appear before the Court of First Instance of Yaounde on November 15, 2010. The trial was subsequently postponed several times, and had not resumed by late April 2011.

Harassment against defenders of the rights of sexual minorities

In 2010-2011, the lesbian, gay, bisexual, transgender and intergender (LGBTI) community and the defenders of their rights, remained subject to various prejudices and acts of intimidation by the religious authorities, and to the hostility of the authorities. On January 13, 2011, for example, following the decision of the European Union (EU) to finance the Project to Provide Assistance and Guidance to Sexual Minorities (*Projet*

11/ In addition, the trade unionists only became aware of the existence of a letter banning their demonstration during the interrogation at the police station on the day of their arrest.

d'assistance et d'encadrement des minorités homosexuelles - PAEMH)[12], proposed jointly by the Association for the Defence of Homosexuality (*Association de défense de l'homosexualité* - ADEFHO), the Collective of Families with Homosexual Children (*Collectif des familles d'enfants homosexuels* - COFENHO) and Youth Against AIDS (*Adolescents contre le sida* - Sid'ado), the Minister of External Relations, Mr. Henri Eyebe Ayissi, summoned Mr. Raoul Mateus Paula, Head of the EU Delegation in Cameroon, to convey the Government's opposition to this decision on the grounds that the Cameroon Criminal Code criminalises homosexuality. Moreover, following the project launch on December 22, 2010, Ms. **Alice Nkom**, ADEFHO President, as well as a human rights lawyer and one of the chief officials of PAEMH, received death or rape threats on several occasions.

Harassment and intimidation of a defender who participated in a meeting on the protection of defenders

Since February 2010, a human rights activist has been subjected to close surveillance and repeated acts of intimidation after she attended a meeting on the protection of human rights defenders. Thus, having participated in the fifth Dublin (Ireland) platform for human rights defenders organised by the international NGO Frontline on February 10 to 12, 2010 and during which she presented a report on the human rights situation in Cameroon, Ms. **Maximilienne Ngo Mbe**, Secretary General of the organisation Solidarity for the Promotion of Human Rights and Peoples (*Solidarité pour la promotion des droits de l'Homme et des peuples* - PRODHOP) and Executive Director of the Network of Human Rights Defenders of Central Africa (*Réseau des défenseurs des droits humains en Afrique Centrale* - REDHAC), received an anonymous threat by letter at her workplace, accusing her of "tarnishing the image of the President of the Republic". No complaint was made to the authorities[13]. Following her return from Dublin, Ms. Ngo Mbe was also the victim of repeated thefts. On July 6, 2010, on the eve of the REDHAC General Assembly in Douala bringing together representatives of all REDHAC human rights NGO members, her computer and mobile phone as well as various computer accessories and documents related to the meeting were stolen. The victim complained to the police, but the perpetrators remained unidentified as of mid-April

12 / The PAEMH was responding to a call for proposals from the EU that includes a section on legal and medical assistance to persons arrested and detained because of their sexual orientation, some of whom have HIV/AIDS, and a component for advocacy with the Cameroon authorities, notably to persuade the Cameroon Supreme Court to take a stand on the legality of Article 347 bis, which criminalises homosexuality. Universal access to health care for homosexuals is also part of the advocacy component.
13 / See MDH and REDHAC.

2011. In addition, since March 7, 2011, her telephone has been wiretapped and she has been followed by a car with no registration plates. At a press conference at REDHAC headquarters on March 10, 2011, Ms. Ngo Mbe, accompanied by Ms. Alice Nkom, publicly denounced the conditions of arrest and incommunicado detention of eight association and political leaders, and notably deplored the violation of their right to defence. On March 22, 2011, on the eve of a seminar on the protection of human rights defenders organised by REDHAC at its headquarters in Douala, Ms. Ngo Mbe's wallet, containing her identity papers, driver's license and other documents, were stolen. On April 3, 2011, on her return from the Douala first district police station, where she had gone to obtain a new identity card, she noticed that her new wallet containing only the provisional receipt for the latter had disappeared along with other working papers, while the money in her handbag was intact.

Urgent interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Jean-Marc Bikoko**, **Maurice Angelo Phouet Foe**, **Eric Nla'a**, **Joseph Ze**, **Théodore Mbassi Ondoa**, **Nkili Effoa** and **Claude Charles Felein**	Arrests / Obstacle to the right to peaceful assembly	Urgent Appeal CAM 001/1110/OBS 135	November 12, 2010
	Judicial harassment	Urgent Appeal CAM 001/1110/OBS 135.1	December 17, 2010
		Urgent Appeal CAM 001/1110/OBS 135.2	February 11, 2011
Association for the Defence of Homosexuality (ADEFHO), Collective of Families with Homosexual Children (COFENHO) and Youth Against AIDS (Sid'ado) / Ms. **Alice Nkom**	Obstacles to freedom of association / Death threats	Joint Press Release	February 10, 2011
Ms. **Maximilienne Ngo Mbe**	Theft / Harassment	Urgent Appeal CAM 001/0411/OBS/063	April 15, 2011

CENTRAL AFRICAN REPUBLIC

In the Central African Republic, several cases of judicial harassment against journalists working on corruption cases involving members of the Government were reported in 2010 and early 2011, in a context of acts of intimidation in the run-up to the elections.

Political context

Despite the hopes placed in the electoral process and the prospect of a new era of dialogue between the ruling regime and the opposition, President François Bozize, former Chief of Defence Staff who took power by force in 2003, was re-elected in the first round of the presidential election on January 23, 2011[1] with 64% of the votes cast. In addition, 26 of the 35 deputies elected in the first round of legislative elections, were belonging to his party, the "Kwa Na Kwa" (*Work Just Work* - KNK), including President Bozize himself[2] and several family members. The opposition quickly denounced irregularities[3] and demanded the cancellation of the election. The European Union (EU), in a report published in March 2011, also noted many irregularities and concluded that "under the criteria of fairness and equity governing democratic elections, the election of January 23 is subject to question"[4].

The election period was marked by acts of intimidation, arrests and restrictions on freedom of movement against the opponents of the regime[5]. Following the decision of the Constitutional Council on February 12, 2011 to reject the appeals that were filed by three candidates in the presidential election, the opposition decided to boycott the second round of parliamentary elections scheduled for March 27, which saw the election of 36 new KNK candidates, allowing the ruling party to win an absolute

1/ His main opponent, Mr. Patassé, received only 21% of the vote.
2/ In violation of Article 23 of the Constitution.
3/ The opposition denounced in particular the fact that the Electoral Commission had failed to account for 1,262 polling stations of the existing 4,618, the equivalent of about 27% of the vote. See Chadian League of Human Rights (*Ligue tchadienne des droits de l'Homme* - LTDH) and *Radio France internationale* (RFI) Press Release, February 5, 2011.
4/ The expert report of the EU has not been published, but extracts were reported by *RFI* in a press release on March 25, 2011.
5/ Opponents were subject to bans from leaving the country, which were lifted after the elections.

majority in the Assembly. The death of Mr. Patassé on April 5, 2011 ended the electoral process in a somber tone, leaving the country deeply divided.

Moreover, despite the 2008 cease-fire and peace agreement, the fighting continued in the north-east where armed militias continued to benefit from diamond mining and to commit abuses against local populations. The withdrawal of UN troops in November 2010 exacerbated the vulnerability of these populations. In the south-east, incursions of the Lord's Resistance Army (LRA) were also particularly bloody in the year 2010.

On November 22, 2010, after months of uncertainty, the trial of Mr. Jean-Pierre Bemba, former Vice-President of the Democratic Republic of Congo, began before the International Criminal Court (ICC) for "crimes against humanity" and "war crimes" because of the actions perpetrated by rebel forces of the Movement for the Liberation of Congo (MLC) in the Central African Republic[6]. In addition, on December 1, 2010, Sudanese President Omar al-Bashir was invited by President Bozize to attend the ceremony of the 50th anniversary of the independence of the Central African Republic while Mr. al-Bashir was the subject of an ICC arrest warrant. The Central African Republic is party to the Rome Statute and the ICC has an office in Bangui.

Judicial harassment against journalists who expose corruption

In 2010, journalists interested in corruption cases involving members of the Government were often exposed to reprisals. Thus, from September 3 to 6, 2010, the journalist of the private daily newspaper *Le Confident*, Mr. **Alexis Remangaï**, was taken into custody at the Research and Investigation Section (*Section de recherche et d'investigation* - SRI) of the Gendarmerie in Bangui with regard to a complaint for "defamation" brought by an official of the Ministry of Mines. In response to an official summons that was addressed to the newspaper by Dr. Obed Namsio, the Chief Secretary to the Minister of State for Mines, Mr. Remangaï went again to the ministerial office on September 3, 2010. He was then accused of being the author of a letter signed by the Presidents of the Central African mining cooperatives and published the day before, accusing the Minister of Mines of embezzling 20 million CFA francs (about 30,500 euros). Mr. Obed Namsio was then arrested by officials of the Central Office of Repression and Banditry (*Office central de la répression et du banditisme* – OCRB). On September 6, the reporter was referred to the Prosecutor, who

6 / In 2002, former President Patassé asked Mr. Jean-Pierre Bemba and his troops to intervene in his country to support its attempts to miscarry a coup d'état.

granted him provisional release. As of late April 2011, no trial date was set[7]. In addition, on March 18, 2010, Mr. **Ferdinand Samba**, Publication Director of *Le Démocrate*, was arrested and detained at the SRI by order of the Prosecutor, who accused him of reprinting an article published on February 9, 2010 by another newspaper, *L'Indépendant*, which he says defamed him by questioning the origin of his fortune. The article reported the purchase by the Prosecutor of an apartment in France worth 100,000 euros, well above the means afforded to him by his official salary. On March 19, 2010, Mr. Samba was released upon paying bail of 400,000 CFA francs (about 800 euros). As of late April 2011, no further information were obtained on the trial against him before the High Court of Bangui[8]. Moreover, on March 18, 2010, the Prosecutor also summoned the Managing Editor of *L'Indépendant*, Mr. **Adrian Poussou**, to appear before the Criminal Court of Tours, France[9]. On February 28, 2011, this court dismissed the Prosecutor's request for libel, thus ending the process. On March 24, 2010, a new summon was issued to Mr. Adrien Poussou to appear in court, this time before the High Court of Tours, which also requested the President of the Court "to order the deletion of the articles in question on the website of the *Indépendant* newspaper". On March 30, the High Court of Tours rejected the Prosecutor's request to withdraw the articles in question from the website, marking the end of the proceedings[10].

7 / See LTDH and Press Releases of International Freedom of Expression Exchange (IFEX), September 9, 2010 and Reporters Without Borders (RSF), September 7 and 17, 2010.
8 / See LTDH and *RFI* Press Release, March 29, 2010.
9 / Court jurisdiction in which is located the apartment mentioned in the article in question.
10 / See LTDH and *L'Indépendant* Press Release, March 31, 2010.

CHAD

In Chad, 2010-2011 was marked by the obstruction of activities organised by civil society bodies to promote transparent management of public property, as well as by acts of intimidation against a newspaper which denounced the poor redistribution of wealth in the country.

Political context

Since the 1990 coup d'état which brought to power Mr. Idriss Deby Itno, who was then re-elected in 1996, 2001 and 2006, the legality of the election procedures has been regularly contested by the opposition and by the civil society. The parliamentary elections on February 13, 2011, the first vote of the election calendar provided under the Agreement for the Reinforcement of the Democratic Process concluded in 2007 and which saw the victory of the political alliance of President Idriss Deby Itno confirming his absolute majority in the National Assembly, were not an exception[1]. Initially planned for April 3, 2011, the presidential election was held on April 25, 2011 in spite of the withdrawal of the three main opposition candidates who denounced a "huge election masquerade". President Idriss Deby was re-elected with 88.26% of the votes, according to the results announced on May 9 by the National Independent Election Commission (*Commission électorale nationale indépendante* - CENI).

In response to the recommendations issued in 2009 by the United Nations Human Rights Committee on lifting restrictions related to attacks on freedom of the press[2], on August 18, 2010, the National Assembly adopted a draft law on the press regime, which had previously been rejected on June 2, 2010, and that abolishes prison sentences for press offences as well as for the crime of insulting the Head of State, whilst introducing new offences punishable with prison sentences of six months to one year and

1/ The eleven opposition parties making up the Coalition of Political Parties for the Defence of the Constitution (*Coalition des partis politiques pour la défense de la Constitution* - CPDC) and the National Independent Electoral Commission (*Commission électorale nationale indépendante* - CENI), which confirmed the results of the parliamentary elections on February 27, 2010, pointed to a number of irregularities. See also Monitoring and Support Committee for the Agreement for the Reinforcement of the Democratic Process in Chad, *Mémorandum relatif aux irrégularités de nature à entacher la sincérité et affecter les résultats d'ensemble du scrutin du 13 février 2011,* March 4, 2011.

2/ See Annual Report 2010.

fines of 100,000 to one million CFA francs (about 150 to 1,500 euros), as well as suspension of publication from six months for "crimes" of incitement of racial or ethnic hatred and the praise of violence[3]. In addition, from March 9 to 11, 2010, the Ministry responsible for Human Rights and the Promotion of Freedoms organised in N'Djamena the first National Forum on Human Rights, which aim was to report on human rights situation in the country. This initiative was welcomed by human rights defenders, who regretted however, the lack of involvement of civil society in its organisation and in drawing up the agenda[4].

Furthermore, during the 14th session of the United Nations Human Rights Council held from May 31 to June 18, 2010, the Minister for Human Rights announced that his Government agreed that international experts should participate in the monitoring committee in charge of the investigation into the disappearance of Mr. Ibni Oumar Mahamat Saleh, one of the main Chadian opponents who was arrested by the army in February 2008, since when he disappeared[5]. However, as of the end of April 2011, this case was still not solved. In addition, although as of the end of April 2011, the Government of Senegal where the former Head of State Hissène Habré took refuge, had still not taken concrete measures to arrange his trial, the Chadian Government for its part, neither took action to bring to justice the other political officials of the previous regime, currently holding positions in important bodies such as security, defence and administration[6]. Finally, on July 21, 2010, the Sudanese President, Mr. Omar Hassan al Bashir, travelled to Chad to take part in a meeting of the region's leaders[7], and although he is subject to two arrest warrants issued by the International Criminal Court (ICC) for "genocide", "crimes against humanity" and "war crimes" committed in the Darfur region and although Chad is a State Party signatory to the Rome Statute, the Chadian authorities refused to arrest him. This violation of international obligations occurred several months after the start of a new diplomatic dialogue between the two countries, who signed an agreement normalising their

3/ See International Freedom of Expression Exchange (IFEX) Press Release, 24 August 2010.

4/ See Chadian Association for the Defence and Promotion of Human Rights (*Association tchadienne pour la promotion et la défense des droits de l'Homme* - ATPDH).

5/ Postponed for almost two years, the National Commission's investigation report had not led to any judicial proceedings and, in the name of national sovereignty, the Chadian President had always rejected foreign collaboration in local judicial affairs.

6/ See ATPDH.

7/ This was the 12th ordinary session of the Conference of Leaders and Heads of State of the Community of Sahel-Saharan States (*Conférence des leaders et des chefs d'Etat de la Communauté des Etats sahélo-sahariens* - CEN-SAD) that took place in N'Djamena from July 22 to August 23, 2010.

relations on January 15, 2010, after five years of conflict by proxy through rebel groups[8].

Obstruction of defenders who promote transparent management of public property

Whilst in the recent years the issue of transparency in the exploitation of natural resources has become essential to the action of Chadian civil society in its work to achieve good governance and respect for the people's economic and social rights, especially in the field of petroleum extraction, the Government authorities did not have any hesitation in placing obstacles in the way of their actions. The Local Permanent Petrol Commission (*Commission permanente pétrole locale* - CPPL), a local civil society organisation that has been working for several years for the transparent management of revenue from petroleum activities in compliance with human rights and with the environment, was refused permission on March 22, 2010, to hold a workshop planned for March 23 to 26, 2010 that would have brought together representatives of the Doba oilfield. The refusal was justified by a decision of the Interior Ministry, although the Prefect, the Governor of the region and the district chiefs had permitted this event to be held. No information about the reason for this ban could be obtained. The workshop was organised to validate a study on the best way to allocate part of the income from petroleum extraction, attributed by the law to the producing region in order to better respond to the needs of local people. Following this ban, the Chadian League of Human Rights (*Ligue tchadienne des droits de l'Homme* - LTDH) organised on April 16, 2010, a workshop in N'Djamena to publish this study at the Centre for Study and Training for Development (*Centre d'études et de formation pour le développement* - CEFOD) in cooperation with the Monitoring Committee of the Appeal for Peace and Reconciliation (*Comité de suivi de l'appel à la paix et à la réconciliation* - CSAPR)[9].

Similarly, the Chadian authorities made accusations against a newspaper that reported the incorrect redistribution of wealth within the country.

8 / This agreement led to a reciprocal undertaking to end all support for rebel movements and to deploy a joint security force responsible for surveillance in the light of the withdrawal of the United Nations peace-keeping forces in eastern Chad. On May 25, 2010, the United Nations Security Council reconsidered the mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT) and authorised the end of escort and security operations in the east of the country and the gradual reduction of its military component until its final withdrawal. Since then, the Chadian Government has officially taken over responsibility for the security and protection of the civilian population, including refugees, displaced persons and host communities. See United Nations Security Council Resolution 1923, S/RES/1923, May 25, 2010.

9 / See LTDH and ATPDH.

On October 18, 2010, during a press conference held at his office, the Prime Minister issued a warning to the weekly newspaper *N'Djaména Bi-Hebdo*, accusing it of publishing "untruths calling for tribal hatred and division of the country". In an article in the edition number 1316 (October 14 to 17, 2010) called "The Lessons of South Sudan", the newspaper compared the development of the human rights situation in Sudan with the one in Chad and made a particular mention on the lack of fairness in the distribution of resources to Chadian people. During his press conference, the Prime Minister requested the intervention of the media regulation body, the High Communication Council (*Haut conseil de la communication* - HCC) and the Observatory for Ethics and Professional Conduct in the Media (*Observatoire de la déontologie et de l'éthique des médias* - ODEMET). The following day, on October 19, 2010, the HCC, in a press release broadcast on radio, considered that the newspaper "put unproven acts on the record" and proceeded to "an abusive general use in the comparison of no current facts", while lacking "moderation in the used tone". No complaint was filed[10].

10 / See ATPDH and CEFOD.

CÔTE D'IVOIRE

While human rights defenders - with the exception of journalists covering sensitive topics - were able to work for the promotion and protection of human rights without any major obstacles in 2010, they were the first to be targeted by media smear campaigns and death threats during the political crisis which accompanied the protests against the election results from December 2010 to April 2011. This prevented them from carrying out their activities and forced many to flee the country.

Political context

On October 31 and November 28, 2010, the Ivorian electorate massively came out to elect the President of the Republic. The elections were viewed as a step towards pulling this deeply divided country out of a protracted politico-military crisis[1]. While the results of the first round were largely uncontested, the second round opposing Mr. Laurent Gbagbo, the candidate of the Presidential Majority (*La majorité présidentielle* - LMP), and Mr. Alassane Ouattara representing the Rally of Houphouetists for Democracy and Peace party (*Rassemblement des Houphouétistes pour la démocratie et la paix* - RHDP), witnessed a radicalisation of the discourse. This development followed the refusal by Mr. Gbagbo's camp to accept his loss to Mr. Ouattara, proclaimed winner by the Independent Electoral Commission (*Commission électorale indépendante* - CEI)[2] and recognised as such by the international community[3]. All attempts under the aegis of the international community to mediate the crisis failed one after the other. After several weeks of stalemate, accompanied by a reprisal campaign by the defence and security forces (*Forces de défense et de sécurité* - FDS) backed by pro-Gbagbo clan militias against RHDP supporters or people suspected of being so because of their origin or place of residence, the

1/ In addition, the restoration of State authority throughout the territory and the dismantling of the New Forces combatants and militias especially in the west had still not been completed.

2/ On December 2, 2010, the CEI proclaimed him winner with 54.10% of the vote against 45.90% for Mr. Laurent Gbagbo. The following day, the Constitutional Council invalidated the results of seven departments located in the north and declared Mr. Gbagbo the winner.

3/ On December 3, 2010, the Special Representative of the United Nations Secretary-General, charged with a mandate to certify the elections based on the provisions of the Pretoria Agreement of April 6, 2005 and United Nations Security Council Resolution 1765 of July 2007, certified the results of the CEI. The victory of Mr. Ouattara was subsequently endorsed, notably on December 7, 2010 by the Heads of State of the Economic Community of West African States (ECOWAS) and on December 9 by the African Union's Peace and Security Council.

violence escalated into armed clashes in several locations in the west and south of the country. While pro-Gbagbo forces multiplied abuses against the civilian population and used heavy weapons in Abidjan, violations were also committed by pro-Ouattara forces against civilians suspected of being favourable to Mr. Gbagbo[4]. In mid-March 2011, the Republican Forces of Côte d'Ivoire (*Forces républicaines de Côte d'Ivoire* – FRCI), the new name of New Forces (*Forces nouvelles*), launched a military offensive, which was accompanied by extrajudicial executions, rape, looting and acts of retaliation against civilians by the armed forces of both sides[5]. Despite the arrest of Mr. Laurent Gbagbo and a number of his supporters on April 11, 2011 after several days of clashes in Abidjan, the violence had still not ended by late April, notably in Abidjan's Yopougon district and in the west of the country. On April 12, 2011, President Ouattara announced the opening of legal proceedings against Mr. Gbagbo, members of his family and his entourage, as well as the creation of a commission of inquiry into the crimes committed during the pre-election crisis. For its part, the Human Rights Council decided on March 25, 2011 to establish an independent international commission of inquiry to investigate the post-election violence[6].

In parallel, while independent journalists such as those close to one of the rival camps or suspected of being so, were subjected to arbitrary arrest, acts of intimidation and threats from the beginning of the crisis[7], some of Cote d'Ivoire's highly polarised media contributed largely to the disinformation, fuelling hatred between communities. Foreign media were also attacked by both sides as of December 2010 and during the last days of fighting in Abidjan.

In addition, following controversy over the establishment of the electoral list and the dissolution of the Government and the CEI, the police violently suppressed demonstrations organised by the RHDP in several cities in 2010. According to the United Nations Operation in Côte d'Ivoire (UNOCI), several people were summarily executed or victims

4 / See Statement of the Ivorian Human Rights League (*Ligue ivoirienne des droits de l'Homme* - LIDHO), March 19, 2011.

5 / By mid-April 2011, more than 163,000 people had fled the country and devastated areas. See High Commission for Refugees (HCR) Press Release, April 8, 2011.

6 / See Human Rights Council Resolution related to the human rights situation in Côte d'Ivoire, UN Document A/HRC/16/L.33 amended March 25, 2011.

7 / See LIDHO Statement, March 19, 2011. Furthermore, newspapers ceased publication on March 31, 2011 when the fighting intensified with the arrival of the FRCI in Abidjan. The independent and pro-Ouattara newspapers resumed publication on April 16, 2011, while the pro-Gbagbo dailies did not reappear and were even attacked and vandalised. The houses of journalists working for these dailies were also broken into. See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Releases, April 6 and 19, 2011.

of ill-treatment and arbitrary arrest by the police, while protesters looted and destroyed public and private buildings such as police stations, courts and the premises of the Ivorian Popular Front (*Front populaire ivoirien - FPI)*[8]. Most of the perpetrators of these acts, as well as people responsible for serious human rights abuses committed over several years - including those involved in violent communal and land disputes in the west of the country that continued to take a heavy toll in 2010 and 2011 - had still not been punished as of late April 2011.

Threats and intimidation against human rights defenders calling for the safeguard of democracy and respect for the election results

In this extremely polarised context, human rights defenders were the target of threats and intimidation by both sides, which systematically reproached them – according to the content of their interventions – for supporting their rivals. For example, several members of the Ivorian Civil Society Convention (*Convention de la société civile ivoirienne* - CSCI), a coalition of Ivorian organisations that monitored the elections, had to leave the country in March 2011 for fear of reprisals. On February 8, 2011, Mr. **Patrick N'Gouan**, National Coordinator of the CSCI, was subjected to verbal abuse by telephone and media attacks, particularly in the *Patriote*, a pro-Ouattara newspaper, alleging that he had joined the "side of those who encourage Gbagbo and his clan in their attempt to confiscate the State power". This followed comments by Mr. N'Gouan in a UNOCI radio broadcast on February 7 and 8, 2011, regarding the African Union panel mandated to resolve the Ivorian crisis. The threats intensified when the CSCI issued its report on the elections on February 24, 2011, concluding that the irregularities noted during election monitoring were "not likely to significantly tarnish the integrity and credibility of the ballot". Mr. N'Gouan received threats and insults by SMS from supporters of Mr. Gbagbo. Consequently, and in the view of the increasing insecurity in Abidjan, Mr. N'Gouan left the country on March 20, 2011[9]. Similarly, Mr. **Jean Bosson**, a project chief with the CSCI monitoring mission, received anonymous threats by telephone accusing him of being an "enemy of the nation". In view of these threats and after the CSCI headquarters office was burgled on March 22, Mr. Bosson left the country on March 26[10]. Prior to this, Mr. **Traoré Wodjo Fini**, General Coordinator of the Civil Society Coalition for Peace and Democratic Development in Côte d'Ivoire (*Coalition de la société civile pour la paix et le développement démocratique en Côte d'Ivoire* - COSOPCI) and Chairman of the African Union

8 / See UNOCI, *Report on human rights violations linked to the events of February 2010,* August 26, 2010.
9 / See CSCI.
10 / *Idem.*

Club of Côte d'Ivoire (*Club Union africaine Côte d'Ivoire* - Club UACI), received anonymous death threats by telephone after returning from the World Social Forum (WSF) on February 14, 2011. At the WSF, Mr. Traoré had called on all sides to respect the outcome of the elections as proclaimed by the CEI. Faced with increasing threats, Mr. Traoré fled the country on February 29, 2011. After his departure, the Club UACI in Abidjan continued to receive threatening telephone calls[11]. In another instance, Mr. **Armand Behibro Kouadio**, a member of Amnesty International Côte d'Ivoire, started to receive death threats from the Student and School Federation of Côte d'Ivoire (*Fédération estudiantine et scolaire de Côte d'Ivoire* - FESCI) following the second round of the election because of his views on the degree of regularity in the electoral process. Following these threats, he left the country on January 9, 2011[12].

Harassment and smear campaigns against defenders aiming at muzzling their denunciation of human rights violations

Although civil society denounced the increase and severity of human rights violations during the weeks following the elections, human rights defenders subjected to intimidation, threats and a regular media campaign aiming at discrediting them in the eyes of Ivorian public opinion, subsequently moderated their remarks. The majority even stopped taking public positions on the issue, imposing self-censorship for fear of reprisals.

Arrests and acts of intimidation aiming at dissuading defenders from investigating human rights violations[13]

Defenders were thus subjected to arrests and intimidation to dissuade them from investigating violations of human rights. Members of the Ivorian Human Rights Movement (*Mouvement ivoirien des droits humains* - MIDH) were particularly targeted. Its President, Mr. **Drissa Traoré**, received telephone threats and his house was surveyed by the FDS on December 2, 2010. He left his home the next day after being informed by various sources of the risks he was facing. On February 28, 2011, Mr. Traoré was arrested by gendarmes, and armed militiamen who searched the house of one of his colleagues. Mr. Traoré's telephone contact numbers were copied and he received verbal threats before being released three hours later after the intervention of several international organisations. In view of these events and the intensifying fighting in Abidjan, Mr. Traoré, who was on a trip to France, decided in mid-March 2011 not

11/ See LIDHO, MIDH and the Ivorian Coalition for the Defence of Human Rights (*Coalition ivoirienne des défenseurs des droits humains* - CIDDH).
12 / *Idem.*
13 / *Idem.*

to return to Côte d'Ivoire. At the beginning of February 2011, Messrs. Drissa Traoré and **André Kamaté**, President of the Ivorian Human Rights League (*Ligue ivoirienne des droits de l'Homme* - LIDHO), were accused of bias and threatened by a senior police officer when they went to the Research Brigade of Missing Persons in Abidjan in search of two journalists from the Notre patrie TV station arrested by the FDS, who they were eventually able to meet. On February 17, 2011, Mr. **Nahouala Soro**, Secretary General of the MIDH and Head of its investigation unit, received two death threats by SMS targeting him and members of his family. Previously, on February 6 and 7, 2011, Mr. Soro had received two anonymous telephone calls informing him that both he and the MIDH were being monitored. Because of these threats, Mr. Soro ceased investigative operations in the field and had to go into hiding. On February 27, 2011, Mr. **Moussa Daouda Diarrassouba**, President of the MIDH Gagnoa section, received an anonymous threat by telephone. A few days later, Mr. Diarrassouba was informed by a friend that a militia group housed in the Ajavon high school had brought up his case. The friend advised him to take security precautions, which he did. Earlier, the car of Mr. **Dopali Coulibaly**, Deputy Treasurer of the MIDH, who was actively involved in advocacy and election monitoring, was vandalised outside his home. Mr. Coulibaly filed a complaint on December 7, 2010 at the Cocody 12th district police station, which has so far remained unanswered. Because of the increasing threats it has received, the MIDH closed its offices in the Deux plateaux district on March 7, 2011. Furthermore, the houses of Messrs. **Doumbia Yacouba** and **Bamba Mamadou**, respectively Senior Vice-President and Head of Finance of the MIDH, were looted on March 31, 2011. While looting has affected all inhabitants of Abidjan, it would appear that in these two particular cases MIDH members were targeted specifically since no other looting incidents were reported in the same neighbourhoods. Similarly, on December 4, 2010, a day after the election results were certified by the United Nations Secretary-General's Special Representative in Côte d'Ivoire, the Coordinator of the Ivorian Coalition for the International Criminal Court (ICC), Mr. **Ali Ouattara**, who was also the COSOPCI observer in Abidjan during the elections and a former President of Amnesty International, was accused by one of his neighbours, an LMP representative, of "selling out" and "supporting foreigners". The neighbour vowed to "settle up" with him at an "appropriate time". The same person had previously threatened Mr. Ouattara at a public meeting in Abidjan on October 12, 2010. On March 7, 2011, after the ICC Deputy Prosecutor had announced on March 5, that the ICC was collecting information and would act quickly if necessary, Mr. Ouattara received a phone call warning him not to continue "to provide information [...] to [his] justice of imperialism". Following a press release by Amnesty

International relating to the bombing of Abobo by pro-Gbagbo forces, Mr. Ouattara was again threatened on March 18, 2011 in these terms: "You Mr. Amnesty, you continue to make false reports about us. Stop. Otherwise ...". Following these threats, Mr. Ouattara decided to leave Côte d'Ivoire.

Media smear campaign against human rights defenders

The media hate campaign conducted by Mr. Laurent Gbagbo, which basically aimed to demonise anyone who did not support him, did not spare human rights defenders. The primary aim was to discredit the latter by accusing them of turning a blind eye to violations of human rights committed by supporters of his rival, and thus try to minimise the impact of the numerous damning reports that many organisations were publishing about atrocities perpetrated by his supporters, and stir up feelings of hatred among the population. For example, on January 27, 2011, Ms. **Salimata Porquet**, Ms. **Edwige Sanogo** and Ms. **Genevieve Diallo**, respectively Regional Coordinator, member and National Coordinator of the Women's Network for Peace and Security in the ECOWAS region (*Réseau paix et sécurité des femmes de l'espace CEDEAO* - RPFESCO), were accused in the pro-Gbagbo daily *Notre voie* of supporting the rival RHDP during their participation in a seminar on negotiations and mediation to resolve conflicts organised by Women Africa Solidary (*Femmes Africa Solidarité* - FAS) in Addis Ababa from January 23 to 29, 2011[14]. Similarly, on March 14, 2011, the same *Notre voie* newspaper accused a number of international and Ivorian organisations, including the United Nations, the European Union, ECOWAS, Reporters Without Borders (RSF), MIDH and the African Human Rights League, of deliberately ignoring the atrocities committed against pro-Gbagbo supporters. Following the publication of a report by the international organisation Human Rights Watch (HRW) about abuses committed by security forces and militias under the control of Mr. Gbagbo, *Notre voie* headlined in its January 27 edition: "HRW flies to the rescue of Alassane Ouattara"[15]. Members of the LIDHO and MIDH were systematically denied access to the Ivorian Radio and Television (*Radiodiffusion télévision ivoirienne* - RTI), close to Mr. Gbagbo, after the second round of voting[16].

Obstacles and attacks against members of UN organisations

Following the political crisis triggered by the contested election results, UN organisations were the target of various acts of harassment. Thus,

14 / See CIDDH.
15 / See LIDHO and MIDH.
16 / *Idem.*

after certifying the election results as announced by the EI, UNOCI was subjected both to numerous attacks by Laurent Gbagbo supporters, who accused it of bias, and an aggressive media campaign orchestrated mainly through RTI. Investigators from the UNOCI human rights division repeatedly denounced the obstacles they faced in trying to carry out their protection and investigative work in the field. The UN High Commissioner for Human Rights reported that UNOCI investigators trying to verify allegations received by the organisation of the existence of mass graves in many parts of the country, were systematically turned back by the FDS. Thus, "a team led by the Special Representative had already tried to conduct an investigation on December 20. In both cases, soldiers loyal to Mr. Gbagbo had prevented UNOCI investigators' access to the building where bodies were believed to be located. The Special Representative was obliged to stop and leave the premises under threat of a weapon". In addition, a senior member of the UNOCI human rights division who was returning to Côte d'Ivoire was brutalised by police forces loyal to Laurent Gbagbo on his arrival at the Abidjan airport, and was not allowed to enter the country[17]. On January 27, 2011, the *Notre voie* daily accused the United Nations Development Programme (UNDP) of supporting certain civil society organisations in order to conduct a smear campaign against the candidate of the Presidential Majority[18]. Meanwhile, international organisations had to work in an extremely difficult environment. The fighting and insecurity was compounded by restrictions of movement with the proliferation of roadblocks, attacks and looting. For example, the High Commission for Refugees (UNHCR) had to interrupt its activities in the west of the country from mid-March to April 8, 2011 because of the security conditions. In one security incident on March 23, 2011, its offices in Guiglo were looted by armed elements who took away various materials and several vehicles[19].

Harassment against journalists who denounced human rights violations unrelated to the political crisis

In 2010, journalists who denounced human rights abuses were also harassed prior to the political crisis. For example, the daily *L'Expression* was subjected to harassment because of its coverage of the RHDP demonstrations in the central region of Gagnoa in late February 2010, especially following its publication of an article on February 20 related to the violence

17 / See Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, UN Document A/HRC/16/79, February 25, 2011.
18 / Cf. LIDHO et MIDH.
19 / See United Nations Security Council, *27th Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, UN Document S/2011/211, March 30, 2011 and UNHCR Article, April 7, 2011.

committed there by the police during an opposition rally on February 19. The authorities also accused the daily of sending images of the violence to the French news channel *France 24*, which then had its signal suspended by decision of the National Council of Audiovisual Communication (*Conseil national de la communication audiovisuelle* - CNCA) from February 22 to March 3, 2010. On May 7, 2010, Mr. **David Gnahoré**, the correspondent of the daily in Gagnoa, was summoned to police headquarters, where he was questioned by members of the Directorate of Territorial Surveillance (*Direction de la surveillance du territoire* - DST), who forced him to disclose the password of his email. His house was searched, and his laptop was confiscated and not returned. On the same day the DST in Abidjan questioned him about the article published on February 20. Then, on May 25, 2010, Mr. Gnahoré was summoned along with Mr. **Dembélé Al Séni**, the Managing Editor of *L'Expression*, and both were interrogated throughout the day by the DST Director about the same article. Messrs. Al Séni and Gnahoré were again summoned for further questioning by the DST on the following day, after which they were not interrogated or the target of accusations again[20]. In another case, on July 26, 2010, Mr. **Traoré Médandjé**, a journalist with the daily *L'intelligent d'Abidjan*, was sentenced to a twelve-month imprisonment term and a fine of five million CFA francs (about 7,600 euros) by the Criminal Court of Abidjan for "defamation" and "extortion", following a complaint filed by Dr. André Tia, the Departmental Director of Health, related to an article in which he notably denounced the illicit enrichment of Dr. Tia. The facts reported by Mr. Médandjé in an article published on September 4, 2009, revealing the illegal training of clandestine health actors by Dr. Tia and his creation of a string of private clinics without authorisation from the Ministry of Health, were confirmed by the latter following an inspection at the scene, causing the doctor to lose his position as director, although he was retained in the public service. The verdict was not accompanied by a warrant and Mr. Médandjé has not been arrested or asked to pay the fine. On July 28, 2010, Mr. Médandjé appealed against the verdict but no date had been set for a court hearing by the end of April 2011. Although Mr. Médandjé has resumed his work, he no longer engages in investigative journalism for fear of similar reprisals[21].

20 / See RSF Press Release, May 26, 2010, MIDH and LIDHO.
21 / See MIDH and LIDHO.

DEMOCRATIC REPUBLIC OF CONGO

The murder of several human rights defenders in 2010, caused a shock wave in the human rights community and demonstrated once again the climate of insecurity in which they work. Women defenders who denounce sexual violence, defenders who fight against impunity for international crimes, who denounce women's poor working conditions or who work on issues linked to the management of natural resources, continued to be especially vulnerable. In addition, as of the end of April 2011, a proposal for a law aiming at criminalising homosexuality and defenders who work in defence of the rights of sexual minorities, remained pending before the National Assembly.

Political context

In the run-up to the presidential and parliamentary elections due to be held in the Democratic Republic of the Congo (DRC) in November 2011, violations of the rights of people who criticise the regime in power increased, whilst civilian population continued to be subjected to grave atrocities by the regular army and armed rebel groups that clashed in several regions in the east and the north of the country[1]. Operation Amani Leo, launched on January 1, 2010 in the Kivu provinces and led by the Armed Forces of the DRC (*Forces armées de la RDC* - FARDC) to fight against the Democratic Forces for the Liberation of Rwanda (*Forces démocratiques de libération du Rwanda* - FDLR), led to a deterioration in the security of civilians, who are victims of the atrocities committed by both FDLR and FARDC. Other operations carried out by the FARDC against armed groups, such as the "Rwenzori" Operation led in Beni against an Ugandan armed group, the Alliance of Democratic Forces – National Army for the Liberation of Uganda (ADF-NALU), resulted in serious human rights violations and population displacement[2]. In the eastern province, on the Ugandan border, operations by the FARDC and the Uganda People's Defence Forces (*Forces de défense populaires de l'Ouganda* - FDPO) were

1/ In November 2010, the United Nations Security Council also recalled that these conflicts were fuelled by pillaging of the country's natural resources. See United Nations Security Council Resolution, United Nations document S/RES/1952 (2010), November 29, 2010.

2/ See Security Council, *Report of the Secretary General on the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo*, United Nations document S/2010/512, October 8, 2010.

unable to stop the attacks, the pillaging and the recruitment of child soldiers by the Lord's Resistance Army (LRA)[3].

In this context, impunity continued to prevail. General Bosco Ntaganda, despite being sought by the International Criminal Court (ICC) since 2006, accused of war crimes committed in Ituri in 2002-2003, was still active within the FARDC. In addition, several officers suspected of war crimes remained in positions of command, in particular of the Operation Amani Leo. However, some symbolic progress may be noted, especially towards the adoption of a draft law to incorporate the provisions of the ICC statute[4] into national legislation, as well as to hold the trials of several high-ranking officials. Furthermore, following the publication in October 2010, by the Office of the United Nations High Commissioner for Human Rights, of a Mapping Report of serious human rights violations perpetrated in Zaire and then in DRC between March 1993 and June 2003 against the civilian population by various armed rebel groups that could be termed as international crimes, a draft law on the creation of a specialised mixed court within the Congolese judicial system to try the authors of the most serious crimes committed since 1990 was in the course of being adopted by Parliament as of the end of April 2011. At international level, positive developments were also to be noted, particularly with the arrest by the French authorities of Mr. Callixte Mbarushimana on October 11, 2010, in accordance with an arrest warrant issued by ICC for "war crimes" and "crimes against humanity" committed by the FDLR in the Kivu provinces between the end of 2008 and 2009[5].

Finally, journalists continued to work in a context not auspicious for them. Although *Radio France international* (RFI), whose signal had been interrupted since July 2009, was able to resume broadcasts in October 2010, other media were the subject of suspension measures for having criticised the authorities. Journalists in Danger (*Journalistes en danger* - JED) noted

3/ See Security Council, *Report of the Secretary General on the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo*, United Nations document S/2011/20, January 17, 2011.
4/ On November 4, 2010, parliamentarians voted in favour of the admissibility of the draft law. However, the Political, Administrative and Legal Commission of the National Assembly must examine it before it is proposed for adoption to the parliamentarian in plenary session.
5/ However, on October 25, 2010, the ICC Pre-Trial Chamber I rejected the request of Congolese victims to question the prosecutor on the decision not to prosecute Mr. Jean-Pierre Bemba, President of the Movement for the Liberation of Congo (*Mouvement pour la libération du Congo* - MLC), for crimes he is alleged to have committed in the Congolese province of Ituri during the 2002-2003 conflict. On November 22, 2010, therefore, his trial began solely for crimes committed in the Central African Republic, and continued until April 2011.

87 cases of attacks on freedom of the press in 2010, including arrests, threats and administrative, economic or judicial pressure[6].

Lack of any operational mechanism to guarantee the protection of defenders at national level

Although the United Nations Organisation Stabilisation Mission in DRC (MONUSCO)[7] was renewed and its mandate extended specifically to cover the protection of civilians and human rights defenders, and although at the end of April 2011, a draft law on the promotion and protection of human rights defenders was being prepared at the level of the Government Legislation Subcommittee, defenders continued to work without any operational mechanism to guarantee their protection. Furthermore, although during the United Nations Human Rights Council's Universal Periodic Review in December 2009, the Government had encouraged human rights defenders to refer their complaints to the courts[8], these had rarely been the subject of investigation or fair trial. Finally, in her report presented during the Human Rights Council session in March 2011, the United Nations Special Rapporteur on the situation of human rights defenders noted that 57 of the 58 communications sent to the Government since 2004, had remained unanswered, and she considered that "the situation of human rights defenders working in the Democratic Republic of the Congo remains very worrying"[9].

Assassination of several human rights defenders

While persistent impunity for the murder of several human rights defenders, especially in 2005, of Mr. **Pascal Kabungulu Kimembi**, Executive Secretary of the Congolese NGO Inheritors of Justice (*Héritiers de la justice*), and in 2007, of Mr. **Serge Maheshe**, a journalist with *Radio Okapi* which plays a key role in the fight against violence particularly in eastern DRC, probably contributed to the cycle of violence against defenders that intensified in 2010[10], the murder of three of them caused a shock wave within the human rights community and once again demonstrated the great climate of insecurity in which defenders work. As an example, on June 1,

6 / See JED Annual Report, *L'état de la liberté de la presse en RDC*, December 2010.

7 / The United Nations Mission in DRC (MONUC) was replaced by a similar mission called MONUSCO in July 2010. See Security Council Resolution, United Nations document S/RES/1925 (2010), May 28, 2010.

8 / See Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Democratic Republic of the Congo,* United Nations document A/HRC/13/8, January 4, 2010.

9 / See Human Rights Council, *Report of the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, United Nations document A/HRC/16/44/Add.1, February 28, 2011.

10 / On May 4, 2010, the Bukavu Military Court sentenced two soldiers and a civilian to death for the murder of Mr. **Didace Namujimbo**, a journalist with *Radio Okapi*, in 2008. However, this trial shed no light on the facts and the responsibilities in this case.

2010, Mr. **Floribert Chebeya Bahizire**, Executive Director of the Voice of the Voiceless (*Voix des sans voix* - VSV), National Executive Secretary of the National Network of Human Rights NGOs of the DRC (*Réseau national des ONG des droits de l'Homme de la RDC* - RENADHOC) and a member of the OMCT General Assembly, disappeared after going to the offices of the Inspector General of the Congolese National Police (IG/PNC), General John Numbi Banza Tambo, in the company of Mr. **Fidèle Bazana Edadi**, a member of VSV and one of its drivers. The next day, the police found the lifeless body of Mr. Chebeya in his car on a road on the way out of Kinshasa. Furthermore, Mr. Bazana was declared dead on March 14, 2011, as his body had not been found[11]. Irregularities that were noted as soon as the body of Mr. Chebeya was discovered – problems for his family in getting access to the body, contradictory statements concerning the cause of death – gave rise to serious concerns about the willingness of the authorities to investigate the case. In spite of appeals by Congolese civil society and the international community to set up an independent commission of enquiry, the investigation was carried out by the Military Justice Department. A trial against eight officers of the PNC for the murder of the two defenders opened on November 12, 2010 before the Kinshasa / Gombe Military Prosecutor's Department[12]. However, the main suspect, General John Numbi was not charged and was only heard as a witness, although he was suspended from office on June 7, 2010[13]. Furthermore, the families of the two defenders were subjected to intimidation and pressure, forcing them to leave the DRC. During the night of June 29 to 30, 2010, unidentified men wearing military clothing killed Mr. **Salvator Muhindo**, leader of the human rights NGO The Good Samaritan (*Bon samaritain*) at his home in Kalunguta, in North Kivu province. Mr. Muhindo was very active and was known for his work to denounce the human rights violations committed by the military in the Beni and Lubero territories. Shortly before his death, he was organising a peaceful demonstration in protest against the murder of Mr. Chebeya and the disappearance of Mr. Bazana, planned for June 30, on the occasion of the 50th anniversary of the independence of the DRC. An investigation was opened, with no result by April 2011[14].

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11 / Congolese legislation provides for a disappeared person to be declared dead six months after disappearing. The families' lawyers consequently obtained the requalification of the disappearance of Mr. Bazana as a murder during the trial.

12 / Three of them were on the run as at the end of April 2011, and were tried *in absentia*. After the trial opened, two of them were promoted to the respective grades of major and lieutenant colonel.

13 / On June 23, 2011, the Court issued its verdict, sentencing four of the accused to capital punishment, one to life imprisonment, and discharging the other three defendants.

14 / See Committee on Human Rights and Development (*Comité des droits de l'Homme et de développement* - CODHOD), African Association for the Defence of Human Rights (*Association africaine de défense des droits de l'Homme* - ASADHO), the Lotus Group (*Groupe Lotus*) and the League of Electors (*Ligue des électeurs*).

Harassment of women defenders who denounce sexual violence

In 2010, women defenders who denounce sexual violence continued to be particularly exposed. As an example, the members of the Women's Association for Solidarity, Peace and Integral Development (*Solidarité féminine pour la paix et le développement intégral* - SOFEPADI), an organisation involved in the fight against impunity for sexual violence in the east of the country, were on several occasions the target of threats and harassment, in particular its President, Ms. **Julienne Lusenge**, in February and May 2010. Similarly, on September 19, 2010, Ms. **Zawadi Leviane Musike**, SOFEPADI Programme Officer, was stopped and threatened by a group of military whom she presumed belonged to FARDC. SOFEPADI had also had to close its offices in Bunia in December 2009, because of the threats they received. During the night of October 4, 2010, six armed men dressed in military clothing, burst into the home in Beni of Ms. **Clémence Bakatuseka**, Coordinator of the Great Lakes Human Rights Program (GLHRP), an NGO that had succeeded in obtaining the sentencing of civilians and military belonging to FARDC for sexual violence. They fired two shots at the lock of her bedroom door and ordered her to give them the money received from an international NGO to finance her legal aid work. When the victim refused, the attackers fired a third shot and then ran off. Ms. Bakatuseka filed a complaint with the Military Prosecutor at Beni Garrison but this has not been acted on. On December 27, 2010, a magistrate from the Goma Military Prosecutor's Department called Ms. **Justine Masika Bihamba**, Coordinator of Women's Synergy for Victims of Sexual Violence (*Synergie des femmes pour les victimes des violences sexuelles* - SFVS), to warn her that she might be arrested if she continued to denounce the human rights violations committed in eastern DRC. He said that he had received the order to arrest her, following her appearance on November 28, 2010 during the *TV5* programme "And what if you told me the whole truth" ("*Et si vous me disiez toute la vérité*"), during which Ms. Masika had spoken in particular about the impunity, sexual violence and human rights violations perpetrated by General Bosco Ntaganda.

Reprisals of defenders who fight against impunity for international crimes

Although the trials of Messrs. Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui for crimes committed in Ituri in 2002 and 2003 continued before the ICC and General Bosco Ntaganda was still in post in the region, defenders involved in the fight against impunity for international crimes were once again the subject of reprisals in 2010. Several of them were the target of death threats and had to leave the country, stopping consequently their activities. Mr. **Gilbert Angwandia**, President of the Association for the Protection of the Rights

and Dignity of Victims in Ituri (*Association pour la protection des droits et dignité des victimes en Ituri* - APROVIDI) and the Focal Point in the region for the DRC Coalition for the ICC (*Coalition de la RDC pour la CPI* - CN-CPI/RDC), and Mr. **André Kito**, the CN-CPI/RDC National Coordinator, received death threats by text message on April 17 and May 3, respectively. During the week of April 26, 2010, Mr. Kito appeared on the *Digital Congo* TV channel and on the Congolese National Radio and Television station (RTNC) to call on the Congolese authorities to carry out their obligations in terms of international justice. On May 24, 2010, Mr. Angwandia received threats in a text message from Uganda, referring to his work with the "*Haki ya Amani*" network, a group of NGOs for which he had identified land conflicts in Ituri, and to his work with the Network of Human Rights Associations in Ituri (*Réseau des associations des droits de l'Homme en Ituri* - RADHIT) to promote human rights. Mr. Angwandia left DRC in July 2010, following these threats. Other defenders received similar threats, as Mr. **Simon Angoyo**, Programme Officer with the association Hope for All (*Espoir pour tous*), a development organisation working with the most disadvantaged populations, on May 13. Mr. **Sylvestre Bwira Kyahi**, Chairman of the Civil Society of Masisi (*Société civile de Masisi*), in North Kivu, was abducted in Goma on August 24, 2010 by armed men wearing FARDC uniforms. He was found six days later near Sake, about thirty kilometres from Goma. Mr. Bwira was the target of death threats by the security services and had been living in hiding since July 30, 2010, date when civil society had sent an open letter to President Joseph Kabila requesting the withdrawal of troops from General Bosco Ntaganda's National Congress for the Defence of the People from Masisi territory, denouncing the atrocities committed by this group and demanding implementation of the ICC arrest warrant against the General. After his release, Mr. Bwira Kyahi filed a complaint against unknown persons with the Goma Military Prosecutor's Department, which had not been followed up as of April 2011. He left the country in December 2010.

Threats and judicial harassment against human rights lawyers

In 2010-2011, several lawyers were the target of threats and intimidation because of their work to defend human rights. As an example, on September 30, 2010, Mr. **André Marie Mwila Kayembe**, Secretary General of the association Black Gowns (*Toges noires*), was arrested by the General Directorate of Special Intelligence Services (DGRSS), while he was visiting Ms. **Nicole Bondo Muaka**, in detention after her arrest on the previous day[15].

15 / Accused by the DGRSS of having filmed President Joseph Kabila's bodyguards beating up a person suspected of throwing a stone at the presidential motorcade in Kinshasa, Ms. Bondo Muaka was released without charge after eight days in detention.

His laptop computer, his memory stick and his telephone were violently snatched from him. His lawyer was not allowed to meet him. He was released without charge at the end of the afternoon and his personal belongings were returned to him. In addition, on February 15, 2010, Mr. **Peter Ngomo**, who was defending a former election candidate who was sentenced to death in March 2010, was arrested at nightfall by agents of the National Intelligence Agency (ANR), who made him get into a vehicle and searched him on the way, without the slightest explanation. He was released near Gombe cemetery.

Threats and stigmatisation of human rights activities by the authorities

In February 2011, two human rights defenders were the target of acts of harassment following a statement by the Minister of Communication stigmatising their activities. Messrs. **Jean-Claude Katende** and **Georges Kapiamba**, respectively National President and Vice-President of the African Association for the Defence of Human Rights (*Association africaine de défense des droits de l'Homme* – ASADHO), had in fact received threats following a press conference and a press release on February 1, 2011, denouncing the revised Constitution adopted by the Congolese Parliament and the political intolerance of political opponents that was encouraged by the Government in the run-up to the presidential elections in November 2011. Following this press conference, the Minister of Communication, Mr. Lambert Mendé, publicly stated that ASADHO was an organisation in the pay of foreign powers that were trying to destabilise the country. Threats were subsequently made against the two defenders by telephone. In mid-February, Mr. Georges Kapiamba filed a complaint before the Court of the Republic in Kinshasa, which one had still not been acted on as of the end of April 2011.

Judicial harassment and threats against defenders of economic and social rights

Defenders of economic and social rights who denounce the activities of Congolese and foreign mining and petroleum corporations that contravene the national legal framework and the international instruments, as well as the environmental effects of their activities and the working conditions in DRC, continued to be vulnerable to threats and obstacles to their work. As an example, at the end of April 2011, sixteen small farmers from the villages of Kongo and Tshiende who denounced the pollution of their lands by the PERENCO-MIOC petroleum corporation after toxic waste was buried near their villages, were still being prosecuted for "rebellion", although they had received no summon since their release in January

2010[16]. Furthermore, on February 25, 2010, two policemen arrested Messrs. **Papy Avugara**, **Josep Likonga** and **Didier Nzau**, members of the Committee on Human Rights and Development (*Comité des droits de l'Homme et de développement* - CODHOD), in the commune of Barumbu in Kinshasa, while they were filming the testimony of Ms. **Elise Lokoku** on the working conditions of women in DRC. They were all taken to the Epolo village sub-police station, where they were held in a container until 2 p.m., before being referred to the cells of the main police station. They were all released at around 5 p.m. on the same day. While they were in detention, the police seized the defenders' camera in order to look at the films, and questioned them about CODHOD activities and the sources of their funding. When he returned their camera, the police officer warned them that they should be careful, as they were making "false accusations against the Government". On March 10, 2011, Ms. Justine Masika Bihamba received threats during a press conference organised in Goma by the Congo Business Federation (*Fédération des entreprises du Congo* - FEC). On the same day, two unknown persons were waiting for her daughter in front of her home. Mistaking her for Ms. Bihamba, they snatched her passport and her digital camera before running away. Ms. Masika filed a complaint with the Goma police on March 15, 2011, but no action had been taken as of the end of April 2011. On March 14, 2011, a Senator from North Kivu province also publicly attacked Ms. Bihamba and the SFVS in these words: "Civil society organisations don't know what they are doing; the story behind minerals is none of their business". These threats came after a letter from SFVS, dated March 7, 2011, was sent to Ms. Hillary Clinton, the US Secretary of State, asking the American State Department to support the rapid and effective implementation of an American law aiming at regulating the American financial markets to prevent American companies from procuring minerals from Congolese armed groups.

Proposal to criminalise homosexuality and the defenders of the rights of sexual minorities

On October 21, 2010, a legislative proposal to criminalise homosexuality and defenders of the rights of sexual minorities was debated in the National Assembly. The proposed legislation, entitled "Proposed law on unnatural sexual practices", filed on October 13, 2010, describes homosexuality as a "threat to the family, the foundation of society, and

16 / Messrs. **Loka Makuiza, Kuebo Edouard, Mabedo Mabedo, Diangu Kakudu, Tshikokolo Sibu, Tshikokolo Njimbi, Nzau Mateka, Phoba Mayuma Pablo, Mualangu Phaka, Nsamvu Sasulu, Kadioto Nsamu, Nzinga Tshitunda, Bendo Balu, Nzau Njimbi, Buela Bembe** and **Lakula Bueya** had been arrested on December 15, 2009 before being released on bail on January 7, 2010.

a serious attack on Congolese culture. It is nothing other than a deviation of the human race to unnatural relations". If this proposal were approved, homosexuality would be punished with three to five years of prison and a fine of 500,000 Congolese francs (about 382 euros), and any association that defends the right of sexual minorities would be banned. In fact, it is proposed to ban "on DRC territory any association that promotes or defends unnatural sexual relations. A punishment of six months to one year of prison and a fine of 1,000,000 Congolese francs (about 760 euros) will apply to whoever creates, finances, sets up and establishes any association or any structure to promote unnatural sexual relations in DRC". Furthermore, it forbids "all publications, posters, pamphlets or films that highlight or are likely to provoke or encourage unnatural sexual practices". As the United Nations Special Rapporteur on the situation of human rights defenders stressed, this draft legislation would make defenders who work on these issues very vulnerable and have a damaging effect on the country's efforts in the fight against HIV/AIDS[17]. As of the end of April 2011, the draft law was still before the National Assembly.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Loka Makuiza, Kuebo Edouard, Mabedo Mabedo, Diangu Kakudu, Tshikokolo Sibu, Tshikokolo Njimbi, Nzau Mateka, Phoba Mayuma Pablo, Mualangu Phaka, Nsamvu Sasulu, Kadioto Nsamu, Nzinga Tshitunda, Bendo Balu, Nzau Njimbi, Buela Bembe** and **Lakula Bueya**	Arbitrary detention / Judicial harassment	Urgent Appeal COD 001/0110/OBS 007	January 13, 2010
	Provisional release / Judicial harassment	Urgent Appeal COD 001/0110/OBS 007.1	January 21, 2010
Messrs. **Firmin Yangambi** and **Olivier Marcel Amisi Madjuto**	Arbitrary detention / Judicial harassment / Torture and ill-treatment / Release	Urgent Appeal COD 002/0110/OBS 011	January 20, 2010
	Death penalty / Torture and ill-treatment	Urgent Appeal COD 002/0110/OBS 011.1	March 5, 2010
Messrs. **Papy Avugara, Josep Likonga** and **Didier Nzau**	Arrest / Intimidation	Urgent Appeal COD 002/0310/OBS 031	March 5, 2010

17 / See Human Rights Council, *Report of the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, United Nations document A/HRC/16/44/Add.1, February 28, 2011.

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **André Kito** and **Gilbert Angwandia**	Death threats	Urgent Appeal COD 004/0510/OBS 054	May 5, 2010
Messrs. Gilbert Angwandia, **Simon Angoyo** and Ms. **Sylvie Laissi**	Death threats	Urgent Appeal COD 004/0510/OBS 054.1	June 1, 2010
Messrs. **Floribert Chebeya Bahizire** and **Fidele Bazana Edadi**	Enforced disappearance	Urgent Appeal COD 005/0610/OBS 069	June 2, 2010
	Murder / Enforced disappearance	Press Release	June 2, 2010
		Press Release	3 June 2010
		Joint Open Letter to the authorities	June 5, 2010
		Open Letter to the authorities	June 10, 2010
		Open Letter to the authorities	June 22, 2010
Messrs. Floribert Chebeya Bahizire, Fidele Bazana Edadi, **Pascal Kabungulu Kibembi, Frank Ngyke, Serge Maheshe, Didace Namujimbo, Bill Omar** and Ms. **Hélène Mpaka**	Impunity / Kidnapping / Threats	Joint Closed Letter to the authorities	July 29, 2010
		Press Release	August 3, 2010
		Press Release	November 11, 2010
		Press Release	January 26, 2011
Mr. **Sylvestre Bwira Kyahi**	Disappearance	Urgent Appeal COD 006/0810/OBS 105	August 26, 2010
	Abduction / Ill-treatment	Joint Press Release	September 8, 2010
Ms. **Zawadi Leviane Musike**	Threats / Acts of intimidation	Urgent Appeal COD 007/910/OBS 117	September 24, 2010
Messrs. **André Marie Mwila Kayembe** and **Nicole Bondo Muaka**	Arbitrary arrest	Urgent Appeal COD 008/1010/OBS 119	October 1, 2010
	Release	Urgent Appeal COD 008/0710/OBS 119.1	October 7, 2010
Ms. **Clémence Bakatuseka**	Attack	Joint Press Release	November 1, 2010
Messrs. **Jean-Claude Katende** and **Georges Kapiamba**	Death threats	Urgent Appeal COD 001/0211/OBS 013	February 2, 2011
Ms. **Justine Masika Bihamba**	Threats / Intimidation	Urgent Appeal COD 002/0311/OBS 047	March 24, 2011

DJIBOUTI

In 2010-2011, the field of action of civil society remained restricted by almost constant repression by the authorities in the run-up to the presidential election in April 2011. Several hundreds of union members were arrested, including two members of the Djibouti League of Human Rights (*Ligue djiboutienne des droits humains* - LDDH). An international organisation working for the proper functioning of the election process was also expelled.

Political context

Not surprisingly, the Djiboutian President Ismaïl Oumar Guelleh, in power since 1999, won the presidential elections on April 8, 2011. This candidature for a third term, which was possible due to the modification of Article 23 of the Constitution, amended by Parliament on April 19, 2010 to lift the restriction on presidential terms, sparked strong reactions from the opposition and civil society, creating a violent and tense pre-election climate. In 2010-2011, popular demonstrations that were unprecedented in the country's history, were organised to contest the opaque conditions of the organisation of the vote and the legality of the constitutional amendments. The Government responded to the protests by banning all demonstrations and with arrests, detentions and arbitrary criminal proceedings against peaceful demonstrators. On February 5 and 18, 2011, the security forces used violence to break up two demonstrations using tear gas, rubber bullets and live bullets, and causing at least nine deaths and hundreds of injured and arrests[1]. This situation drove the opposition parties to boycott the presidential election once again.

In this context, the field of action of civil society representatives, including the one of international organisations, remained restricted in 2010-2011.

1/ On February 5, 2011, several demonstrators were arrested and taken to the Gabode prison and the Nagad detention centre, whose official function is for holding persons who are due to be escorted to the border but which is regularly used for the arbitrary detention of people who are critical of the Government. Around one hundred people were also arrested the day after the demonstrations on February 18, including three opposition leaders. On February 27, 2011, forty defendants were acquitted and, on May 6, 2011, 39 other defendants were released. At the end of April 2011, 45 people were still being held in the context of these two demonstrations. See LDDH.

Attacks on freedom of peaceful assembly and judicial harassment of two human rights defenders who supported imprisoned demonstrators

In 2010, the Government illustrated its refusal to implement the recommendations of the Human Rights Council relating to guarantees of trade union freedom[2] by repressing social protest movements. For example, on March 7, 2010, during a peaceful demonstration organised in front of the Ministry of Transport in the city of Djibouti by the Djiboutian Labour Union (*Union djiboutienne du travail* - UDT) and the General Union of Djiboutian Workers (*Union générale des travailleurs djiboutiens* - UGDT) to claim payment of three months' wage arrears due to railway workers by the authorities, ninety union members were arrested by the police force of the Interior Ministry. They were all taken to the Nagad detention centre before being released the same day without charge. In the morning of March 6, a demonstration making similar demands had already been held around Djibouti station and had also ended with police arresting over one hundred union members. The latter were jailed at the Nagad detention centre and released the same day without charge.

Furthermore, in the context of the muzzling of any dissident voice that accompanied the election campaign, two members of LDDH were the target of judicial harassment for having supported protesters arrested during the demonstration by school and college students against the education policy of the Government on February 5, 2011. Mr. **Jean-Paul Noël Abdi**, the President of LDDH, who has for several years been subjected to constant harassment by the Government[3], was prevented by the authorities from visiting people held at the Gabode prison following the arrests that took place during the demonstration on February 5, 2011. He had also denounced the arrest on the same day of his colleague, Mr. **Farah Abadid Heldid**[4]. On February 9, 2011, after visiting the Prosecutor to enquire about his colleague's situation, Mr. Noël Abdi was in turn arrested, without any arrest warrant being presented to him by the agents of the Gendarmerie who were acting under the orders of the same Prosecutor. On the same day, Messrs. Noël Abdi and Abadid Heldid were brought

2/ See Annual Report 2010.

3/ As of the end of April 2011, legal proceedings for "defamation" were pending against Mr. Noël Abdi after he stated in 2007 that the security forces were accomplices in the murders of seven people in 1994. Further proceedings remained pending against him for "public insult to the judiciary authorities", for having criticised in 2009 the lack of independence of the judiciary.

4/ Members of the Gendarmerie arrested Mr. Abadid Heldid without a warrant when he was at the headquarters of the Movement for Democratic Renewal and Development (*Mouvement pour le renouveau démocratique et le développement* - MRD), a party member of the main opposition coalition. Taken to the premises of the investigation division of the Gendarmerie in the city of Djibouti, he was the victim of acts of torture and ill-treatment for four days without access to his lawyer nor a doctor.

before the Court of Djibouti and accused of "participating in an insurgency movement" under Articles 145 and 146.4 of the Criminal Code, which provides up to fifteen years of imprisonment and a fine of 7,000,000 Djiboutian francs (about 27,222 euros)[5]. They were then placed under a committal order and imprisoned at the Gabode prison. After a malaise on February 17, Mr. Nöel Abdi, who suffers from diabetes and heart problems, was released on probation on February 21, on grounds of ill health. On March 22, 2011, the Examining Magistrate agreed to his lawyer's request to lift probation. On March 27, the Prosecutor appealed against this ruling, compromising then Mr. Nöel Abdi's participation in the work of the General Assembly of the East and Horn of Africa Human Rights Defenders Network held from March 29 to 30, 2011 in Kampala, Uganda. On March 31, 2011, the Court of Appeal finally confirmed the lifting of his probation. However, Mr. Farah Abadid Heldid was still detained in the Gabode prison at the end of April 2011, since the indictment Chamber of the Court of Appeal had rejected his application for provisional release.

Expulsion of an international organisation working for the proper functioning of the election process

In the run-up to the election, an international organisation that was working for the proper functioning of the election process was expelled from Djibouti. On March 4, 2011, after sending several pre-election observation missions and publishing several reports, Democracy International (DI), an organisation financed by the United States Agency for International Development (USAID), which had provided the Djiboutian administration with experts to help with preparing the election, was accused by the Government of Djibouti of partiality and of being an "illegal organisation" supporting "seditious" opposition activities as it had called on the Government to respect the rights of its citizens, including the right to freedom of peaceful assembly and freedom of expression and the opportunity of taking part in a free and fair election. On March 5, 2011, the Djiboutian Government expelled DI, which was obliged to leave the country one month before the presidential election[6].

5 / These accusations were apparently mainly due to unreliable and contradictory evidence that tried to prove their support for the demonstration on February 5, 2011.

6 / See LDDH.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Jean-Paul Noël Abdi**	Judicial harassment	Open Letter to the authorities	January 15, 2010
	Arbitrary detention	Urgent Appeal DJI 001/0211/OBS 016	February 9, 2011
Messrs. Jean-Paul Noël Abdi and **Farah Abadid Heldid**	Arbitrary detention / Judicial harassment	Urgent Appeal DJI 001/0211/OBS016.1	February 10, 2011
	Arbitrary detention / Deterioration of health	Urgent Appeal DJI 001/0211/OBS 016.2	February 18, 2011
	Provisional release / Arbitrary detention / Judicial harassment	Urgent Appeal DJI 001/0211/OBS 016.3	February 22, 2011
Djiboutian Labour Union (UDT) and General Union of Djiboutian Workers (UGDT)	Obstacles to freedom of peaceful assembly	Urgent Appeal DJI 001/0310/OBS 039	March 16, 2010

ERITREA

In 2010-2011, denouncing and reporting about the widespread and massive human rights violations remained impossible inside Eritrea. In particular, no independent human rights organisations or unions were able to operate in the country. Journalists willing to cover issues perceived as sensitive by the regime were obliged to, as in the past years, practice self-censorship or to flee the country as issues perceived as sensitive for the regime survival – such as human rights and democracy – continued to be censored. 2010-2011 was also marked by severe restrictions to the activities of the few international organisations still present in the country.

Political context

Since independence in 1993, the unelected President Isaias Afewerki has continued to repeat that "this is not the right time" for elections and as of April 2011, none were planned[1]. Under his highly authoritarian regime, the 1997 Constitution was never implemented and Mr. Isaias Afewerki acts as the Head of State as well as the Chairman of the sole political party, the Popular Front for Democracy and Justice (PFDJ). No dissenting opinion is tolerated and publicly questioning Government policy continued to be a reason for suspicion, arrest and endless incommunicado detention. As of April 2011, eleven of the fifteen senior officials who were arrested in September 2001 after publicly calling for democratic changes and the implementation of the Constitution, including the holding of multi-party elections, remained in incommunicado and arbitrary detention – without access to a court – though some of them reportedly died in jail due to horrendous conditions of detention[2]. Many others arrested during and after the 2001 crackdown on dissenting voices, including journalists, were facing the same fate and new arrests were regularly reported.

Since the closure of all independent media outlets in September 2001 and the consecutive arrest of numerous journalists and editors[3], newspapers, radio stations and TV channels are all State run and there is no

1/ See International Crisis Group Report, Eritrea: *The Siege State*, Africa Report No. 163, September 21, 2010.
2/ See Declaration by the European Union High Representative, Ms. Catherine Ashton, on behalf of the European Union on political prisoners in Eritrea, September 17, 2010.
3/ According to Reporters Without Borders (RSF), in 2010, there were at least 29 journalists detained incommunicado and without trial or charges being brought against them, for some of them, for up to almost ten years.

independent or private media. As a consequence, information perceived as sensitive for the regime survival and particularly the ones linked to human rights and democracy continued to be censored[4]. Internet, in addition to being one of the sole means to obtain independent information, was also a vector of expression for the few people who could access it. It was consequently closely monitored[5].

Despite the ban to leave the country opposed to many, particularly the youth, and the shoot-to-kill policy for attempt escapees, around 3,000 people continued to flee the country to Sudan and Ethiopia each month[6]. In addition to oppression, many attempted to escape endless mandatory national service. Those caught were sent to the multiple secret places of detention across the country which are full of citizens perceived as critical toward the Government, religious minorities and conscription evaders[7]. In those places of detention, torture and other cruel, inhuman or degrading treatment was commonplace[8].

Impossibility to report on human rights violations

Denouncing and reporting about the widespread and massive human rights violations remained impossible inside Eritrea. In particular, no independent human rights organisations or independent unions were able to operate in the country[9]. Thus, organisations representing women, youth and workers that were mentioned by the Government during its Universal Periodic Review (UPR) by the United Nations Human Rights Council in 2009[10] are controlled by the Government, headed by the President's closed allies and merely aim at promoting Government policies and ensure that its propaganda is conveyed to all groups of the society. In such a context, the exercise of the legitimate right to peaceful assembly is also impossible. Eritrean journalists willing to cover issues perceived as sensitive by the regime were obliged to, as in the past years, practice self-censorship or to

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4 / There was for instance an almost complete blackout about the January 2011 referendum on the independence in Southern Sudan, or the protests for democracy launched at the beginning of 2011 in several countries including neighbouring countries like Yemen and Sudan. See Human Rights Concern - Eritrea.

5 / See RSF Report, *Internet Enemies 2011: Countries under surveillance - Eritrea*, March 11, 2011.

6 / See United Nations High Commissioner for Refugees (UNHCR), *2011 Regional Operations Profile - East and Horn of Africa.*

7 / It is impossible to know the exact number of people held since the Government never provided any information on the reasons for arrest, their place of detention and their fate.

8 / See Human Rights Watch (HRW), *2010 Annual Report, January 24, 2011 and Report, Service for Life State Repression and Indefinite Conscription in Eritrea*, April 2009.

9 / According to Human Rights Concern Eritrea, the last NGO working on human rights that operated in the country, the Regional Centre for Human Rights and Development, was closed down in 1993.

10 / See UN Human Rights Council, *Working Group on the Universal Periodic Review, National Report of Eritrea,* UN Document A/HRC/WG.6/6/ERI/1, November 26, 2009.

flee the country. For instance, Mr. **Eyob Kessete**, a journalist for the radio *Dimtsi Hafash*, was arrested in July 2010 as he was trying to escape the country for the second time. As of the end of April 2011, his fate remained unknown[11]. Several were reportedly released but others were still detained as of April 2011, without charge, including one of the few female journalist in the country, Ms. **Yirgalem Fisseha Mebrahtu**, who was arrested in February 2009[12].

Severe restrictions to activities of the few international organisations still present in the country

Likewise, international human rights organisations continued to face restrictions to their activities. In order to fully isolate the population and to prevent an outside look on its policy, the Government progressively reduced the number of humanitarian NGOs entitled to work in the country and in the meantime imposed more and more restrictions to the ones still present, thereby preventing most of them from carrying out any effective activities. As a result, in 2010, only four international humanitarian NGOs were still carrying out operation in Eritrea though their operations were severely restricted[13]. Arrests of Eritrean staffs, denial of entry visa for foreign staffs, restrictions on diesel fuel as well as obligation to obtain Governmental authorisation to travel outside Asmara were among the tactics used to incite international organisations to restrict, if not stop, their activities. In addition, though still present in the country, the activities of the International Committee of the Red Cross (ICRC) were severely restricted in 2010. It has been, for instance, denied since 2009 authorisation to continue its visit of detainees of Ethiopian origin, including prisoners of war, and as of October 2010 was still seeking to regain access[14]. The United Nations agencies still present in the country faced similar restrictions, as did the United Nations Office for the Coordination of Humanitarian Affairs (OCHA)[15]. On January 26, 2011, the Ministry of Finance, relying on self reliance, informed the United Nations Humanitarian Coordinator that, starting from June 2011, the Government will deal only with a few selected UN agencies, thereby, probably, paving the way for a reduction of the UN agencies entitled to work in the country[16].

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11 / See RSF Press Release, September 17, 2010, and RSF 2011 Freedom of the Press Barometer - Journalists Imprisoned.

12 / See RSF and IFEX Joint Urgent Appeals, February 19 and May 13, 2010.

13 / See Internal Displacement Monitoring Centre Report, *Internal Displacement: Global Overview of Trends and Developments in 2010 - Eritrea*, March 23, 2011.

14 / Since 2009 the Government has denied travel authorisation to ICRC expatriate staff. See ICRC, Annual Report 2009, May 2010 and ICRC, *The ICRC in Eritrea: Overview*, October 29, 2010.

15 / See OCHA website, *www.unocha.org/where-we-work/eritrea.*

16 / See Letter from the State of Eritrea Ministry of Finance, January 26, 2011.

ETHIOPIA

In 2010 and until April 2011, drastic restrictions continued to affect the activities of civil society in Ethiopia, confronted with funding restrictions undermining their very existence, but also with hindrances as regards the monitoring of the elections. Human rights activities were further hampered by a prevailing climate of fear, surveillance and denial of access to zones of rebellion. Early 2011, a journalist reporting on democracy and human rights developments in Egypt was also arrested and warned about possible repercussions he could face because of his activities.

Political context

Mr. Meles Zenawi's Ethiopian People's Revolutionary Democratic Front (EPRDF) and its allied parties won with 99,6% of the votes the May 23, 2010 parliamentary elections. The electoral process was qualified by the European Union observers as falling "short of international commitments for elections, notably regarding the transparency of the process and the lack of a level playing field for all contesting parties"[1]. Indeed, in the run-up to the May 2010 general elections[2], the first since the contested 2005 elections that were followed by violence and a severe repression, the Ethiopian Government sought to muzzle all dissenting opinions, particularly political opponents, journalists and human rights defenders. Voters were reportedly threatened to lose their jobs or other resources if they did not vote for the EPRDF[3], numerous opposition members were arrested before the elections and some were still in jail when the election took place, and access to independent information before the elections was restricted.

Moreover, recently enacted laws – such as the 2009 Anti Terrorism Proclamation and the 2009 Charities and Societies Proclamation Law – were successfully used to intimidate and dismantle the independent media and civil society critical of the Government's actions. Although as of April 2011 no journalist had been prosecuted under the Anti-Terrorism Proclamation, the law increased fears and self-censorship. As a consequence, several journalists fled the country for fear of reprisals.

1/ See European Union (EU) Election Observation Mission to Ethiopia, *Final Report*, November 8, 2010.
2/ The elections for the State Councils also took place on May 23, 2010. The EPRDF and affiliated parties won all but four of the 1,904 seats for the State Councils.
3/ See Human Rights Watch (HRW) Statement, May 24, 2010.

In the areas where ethnic federalism remained artificial, particularly in the Oromia and Ogaden regions, the rebellion maintained its operations. At the end of 2010, an estimated 300,000 people remained internally displaced due to fighting between the Government forces and rebellion groups for instance in the Somali region, but also ethnic clashes such as among Nuer in the Gambella region as well as communal violence across the country[4]. In March 2011, around 200 ethnic Oromo opposition members were arrested, including at least 68 people from the Oromo Federalist Democratic Movement (OFDM). On March 30, 2011, the Government reportedly confirmed that 121 were detained without charge and alleged that they were members of the Oromo Liberation Front (OLF), an armed group that is banned in Ethiopia[5].

Drastic restrictions of civil society activities as a result of the implementation of the 2009 Proclamation on Societies and Charities

Use of the CSO Law to restrict funding of human rights organisations and thereby their activities

In March 2010, the Government rejected recommendations made at the Human Rights Council's Universal Periodic Review (UPR) in December 2009 to modify the Law No. 621/2009 (CSO Law), which was adopted by the Parliament in 2009 and created a very restrictive environment for human rights defenders and forced them to sharply restrict their activities, in particular due to draconian restrictions on their funding sources[6]. As a consequence, NGOs such as the Human Rights Council (HRC), the Ethiopian Women Lawyers Association (EWLA) and the Ethiopian Lawyer Association (ELA)[7], were almost totally incapacitated to keep pursuing their human rights activities. In August 2010, HRC appealed to the board of the Government-appointed "Charities and Societies Agency" (ChSA), which has wide-ranging discretionary powers related to the registration, functioning and dissolution of NGOs, after its bank account was frozen by the ChSA on December 8, 2009, which alleged that HRC fund was from foreign sources in violation of the CSO Law. Yet, the funds were from pre-existing grants received before the issuance of the law and

4 / See Internal Displacement Monitoring Centre (IDMC) Report, *Internal Displacement: Global Overview of Trends and Developments in 2010 - Ethiopia*, March 23, 2011.

5 / See HRW Press Release, April 6, 2011.

6 / See Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Ethiopia*, UN Document A/HRC/13/17/Add.1, March 18, 2010.

7 / HRC was named the Ethiopian Human Rights Council (EHRCO) and ELA the Ethiopian Bar Association until 2009, when the Charities and Societies Agency (ChSA), created by the CSO Law, forced them to change their name. In addition, the original name of ELA was given to a pro-Government lawyers group by the ChSA.

part of it had been generated locally. On February 7, 2011, HRC learned by an article published in the *Addis Fortune* that ChSA Appeal Board had upheld the decision to freeze its account as well as EWLA's one. The HRC was only formally notified of the Board's decision on April 19, 2011, after repeated requests. The Board, in its decision, stated that HRC had attempted to delay the implementation of the Proclamation and failed to deliver documents showing that any money generated from local sources had been blocked although HRC had submitted extracts from its annual audit reports for the past eighteen years, showing how much had been collected from local sources and deposited on its account. HRC decided to bring the case before Federal Courts. Moreover, while as a result of the freezing of its bank accounts, HRC had to close nine of its twelve field offices in December 2009, as of April 2011 its office in Nekemet was to close down soon due to lack of funding. Besides, the ChSA prevented HRC from selling the assets from its closed branches and maintained that it should distribute these assets to other organisations having the same aim. Similarly, ELA had to scale down its activities since it was unable to access foreign funds and therefore to reduce its staff from fourteen to five. As its attempts to raise funds locally were unsuccessful, it accepted to operate a legal aid centre within the premises of the Federal High Court in Addis Ababa. At the beginning of 2011, it signed an agreement with the Ethiopian Human Rights Commission for a grant of 10,000 US dollars (about 7,024 euros) to run the legal aid centre and publish articles on human rights in its journal. However, as the Ethiopian Human Rights Commission is a Government creation, ELA independence for carrying out such activities might be questioned in the future. Furthermore, it is worth mentioning that after examining the initial report of Ethiopia in November 2010, the United Nations Committee Against Torture (CAT) noted with concern that "local human rights NGOs previously active in [carrying out prison visits and providing legal aid and other assistance or rehabilitation to victims of torture and ill-treatment], including the Ethiopian Human Rights Council, the Ethiopian Women Lawyers Association, the Ethiopian Bar Association and the Rehabilitation Centre for Victims of Torture in Ethiopia, are no longer fully operational"[8].

Use of the CSO Law to prevent independent organisations from monitoring the elections

In addition, a number of organisations were prevented from monitoring the 2010 elections as a result of the enforcement of the CSO Law. Indeed, in order to be involved in elections monitoring, NGOs had to obtain a

8 / See CAT, *Concluding Observations of the Committee Against Torture - Ethiopia*, UN Document CAT/C/ETH/CO/1, January 20, 2011.

licence from the National Electoral Board of Ethiopia (NEBE). Yet, eligibility to obtain it was depending on the statute of the organisation. NGOs that had been obliged to abandon their activities on democracy issues when they re-registered in 2009 in order to continue receiving foreign funding were consequently prevented from taking part in the monitoring of the electoral process. Furthermore, as HRC was forced by the ChSA to amend provisions of its statute relating to elections monitoring when it applied for registration in 2009, it was consequently prevented from obtaining a licence from NEBE. As a result, local NGOs that finally obtained the licence had limited "technical ability and freedom to make critical assessments" while the other "made no tangible contribution to the electoral process"[9]. In addition, no NGO could be involved in voters education since NEBE decided to carry out all voters education activities itself[10].

Human rights activities further hampered by a prevailing climate of fear, surveillance and denial of access to zones of rebellion

Other obstacles faced by human rights defenders were the continuous climate of fear prevailing in the country because of the intimidation and arrests conducted in the past years. While several human rights defenders had no other options than to restrict their activities or to flee the country in 2009 and early 2010[11], the few who stayed continued to face constant threats. For instance, Mr. **Ato Habtamu**, a member of HRC but also a well-known writer in the field of governance and human rights, was threatened by telephone and by undercover security agents who regularly stopped him in the street and threatened him by saying that "he is an opponent of the regime and a member of Ginbot 7 Party [a banned opposition party] and that his writings reflect his anti-Government stance"[12].

Furthermore, in this climate and as a result of the restrictions on movement in armed conflict zones such as Ogaden and Oromia where identity is checked at checkpoints and anyone coming from another area without permission risks arrest and detention, NGO monitoring activities were seriously hampered.

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9 / See EU Election Observation Mission to Ethiopia, *Final Report*, November 8, 2010.

10 / See HRC.

11 / Including Ms. **Elsabet Gizaw**, an HRC investigator and former journalist, and Messrs. **Yoseph Mulugeta**, HRC Secretary General, **Abiy Tekle Mariam**, **Mesfin Negash**, Editor of *Addis Neger*, **Manyawkal Mekonnen**, Director of the Organisation for Social Justice (OSJE), and **Kassahun**, Programme Officer of the Peace and Development Committee. See Annual Report 2010.

12 / See HRC Report, *The State of Human Rights in Ethiopia 34th Regular Report*, November 8, 2010.

Harassment of a journalist reporting on democracy and human rights issues

Early 2011, a journalist reporting on democracy and human rights developments in Egypt was also arrested and warned about possible repercussions he could face because of his activities. On February 11, 2011, Mr. **Eskinder Nega**, a journalist and former owner of several newspapers, was briefly arrested by the police as he was going out of a cyber café in Addis Ababa. He was reportedly warned by the police that his Internet writing were perceived as an incentive to protest in Ethiopia similar to those taking place in Egypt and Tunisia and that if such protest ever starts in Ethiopia he will be held responsible. Mr. Eskinder Nega wrote several articles about the uprising in Tunisia and Egypt and, on February 4, 2011, he had posted an article on *Ethiomedia News* titled "Egypt's and General Tsadkan's lesson to Ethiopian Generals", analysing the role of Egyptian peaceful pro-democracy activists and the non-intervention of the army against them throughout the Egyptian revolution, and analysing to what extent such a scenario could be possible in Ethiopia[13].

13 / See CPJ Report, *Sub-Saharan Africa censors Mideast protests*, February 2011 and RSF Press Release, March 21, 2011.

GABON

While corruption remained endemic in Gabon in 2010, civil society engaged in promoting good governance and financial transparency, including the media and journalists, faced hostility from the Government and its supporters.

Political context

Since the election of Mr. Ali Bongo Ondimba in August 2009 at the presidency of the Republic[1], his opponents have repeatedly denounced the electoral fraud that marred the voting, as well as renewed fraud during the partial legislative and senatorial elections on June 6, 2010, which resulted in the victory of the ruling party, the Gabonese Democratic Party (*Parti démocratique gabonais* - PDG). Electoral disputes in 2009 were also reflected in the controversy over the constitutional reform, which ended on December 28, 2010 with the adoption by Parliament of a new draft revision of the Constitution, providing more rights to the President of the Republic, particularly in terms of national defense[2]. In addition, on January 25, 2011, the Executive Secretary of the National Union opposition party (*Union nationale* - UN), Mr. André Mba Obame, who came in third in the presidential election of 2009, unexpectedly proclaimed himself President of the Republic and formed his own "Government", before taking refuge in the premises of the United Nations Development Programme (UNDP) office, in Libreville, by asking the international community to recognise him as the legitimate Head of State[3]. The next day, his party was dissolved with immediate effect for violating the Constitution, and the main private television station *TV+*, owned by Mr. Mba Obame, was suspended for a three-month period[4].

1/ During the single-tour presidential election on August 30, 2009, Mr. Ali Bongo Ondimba succeeded his father, Omar Bongo Ondimba, who died in June 2009 after 41 years as Head of State.

2/ The new text provides for example, that in order to ensure the continuity of public service upon the occurrence of a force majeure, natural disaster or a declaration of open war against Gabon, it would be possible to postpone any election without convening the Electoral College, resulting in an extension of the term in question. Return to the limitation of presidential terms and two rounds of voting, claimed by the opposition, were not included in the new provisions.

3/ Mr. Obame did not emerge from the United Nations until February 27, 2011. In the beginning of May 2011, the National Assembly voted to lift his immunity, opening the door to possible legal action against him.

4/ On April 18, 2011, the National Council for Communication (*Conseil national de la communication* - CNC) decided to lift this sanction "in an effort to restore calm in the national media landscape".

Moreover, whereas at an internal scale the National Commission for the Fight Against Corruption and Illicit Enrichment (*Commission nationale de lutte contre la corruption et l'enrichissement illicite* - CNLCEI) kept refraining, since its inception in 2003, from ruling on actual cases of illicit enrichment or from punishing those responsible[5], some progress were nonetheless reported internationally. Thus, on November 9, 2010, the Paris Court of Appeals approved the opening of an investigation in the case of the so-called "ill-gotten gains", responding positively to the complaint filed by the French section of the Association "Transparency International" France (TI-France), denouncing the setting up of movable and immovable assets in France by former President Omar Bongo Ondimba and some of his relatives, which were acquired by "concealing embezzlement of public funds". On November 10, 2010, the CEO strongly criticised this decision, stating the "reserve[d] right to initiate any action to ensure the failure" of such proceedings.

Finally, the year 2010 was marked on February 15, by the President of the Republic's promulgation of Law No. 3/2010 to abolish the death penalty, information that was not revealed until April 2011[6].

Harassment against defenders denouncing corruption

In 2010, representatives of civil society engaged in promoting good governance and financial transparency faced hostility from the Government and its supporters. Thus, Mr. **Marc Ona Essangui**, National Coordinator of the Publish What You Pay (PWYP) coalition and Executive Secretary of the organisation of environmental protection, "Brainforest", was subjected to a stigma campaign orchestrated by pro-Government media for supporting the said trial of "ill-gotten gains"[7]. Since November 9, 2010, the date of the decision of the French Supreme Court, many media including *Radio-Television Gabon* (RTG1), the TV show *Pluriel*, the newspaper *L'Ombre* and the daily newspaper *Gabon Matin*, organised a stigma campaign to discredit Mr. Essangui. As an example, in its issue of December 8, 2010, *Gabon Matin*, who devoted six pages to the trial of "ill-gotten gains", presented Mr. Essangui as an agent seeking to destabilise the State and as working for a group of foreign organisations, comprising the Extractive Industries Transparency Initiative (EITI), Global Witness, PWYP, the Revenue Watch Institute of Open Society, TI, Survival and Sherpa. During the same period, the *Pluriel* issue presented Mr. Marc Ona

5/ See Transparency International Report, *Rapport sur la corruption*, October 28, 2010.
6/ See World Coalition Against the Death Penalty and Amnesty International.
7/ See Frontline.

Essangui as "exploited by Sherpa, Survival and Transparency International, an accomplice of carnage and secret wars among the great powers in Africa, who award prizes to fellow countrymen", presumably referring to the Goldman Prize awarded in 2008 to the latter and the Transparency International Integrity Prize 2009-2010, awarded to Mr. Gregory Ngbwa-Minsta, complainant in the case of "ill-gotten gains". In addition, the RTG1 re-broadcasted for several days in December 2008 a press conference delivered by the Interior Minister at that time, which justified the arrest and imprisonment of Mr. Marc Ona Essangui and other defenders, including extracts in which the Minister claimed to have evidence that these defenders were exploited by French NGOs that financially supported them to destabilise the State, and that they were at the head of a vast conspiracy that was to begin by encouraging the Gabonese to revolt and by recruiting compatriots from the country's nine provinces, but also from South Africa, France and Canada. Since his release on bail on January 12, 2009, Mr. Marc Ona Essangui was also charged with "possession of a document for distribution for purposes of propaganda" and "oral and written propaganda for the incitement to revolt against the authority of the State".

Similarly, the media and the journalists who exposed corruption within the administration were sanctioned by the National Communication Council (*Conseil national de la communication* - CNC). Thus, on May 21, 2010, the CNC suspended the publication of the newspaper *Ezombolo* for six months for "repeatedly insulting the Head of State" following the publication of an article deemed critical of President Ali Bongo in relation with expenditures made on some of his travels. The newspaper resumed operations after the suspension period ended on November 21, 2010[8]. Furthermore, on March 29, 2010, Mr. **Albert Yangari** and Mr. **Jonas Moulenda**, respectively Editor and journalist of the newspaper *L'Union*, were summoned for the third time before the Court of First Instance in Libreville, following a complaint for "defamation" filed on March 24, 2010 by Mr. Ngui Alfred Banda, former Director General of the Gabonese Shippers' Council (*Conseil gabonais des chargeurs* - CGC), a national institution responsible for shipping. This complaint was filed following an article published on November 28 and 29, 2009 relating to the unsolved murder of the new CEO of CGC, Mr. René Ziza, who was stabbed on November 25, 2009. The article suggests that this crime could be linked to the consequences of an internal audit ordered by Mr. Ziza, which would have revealed the misappropriation of over one billion CFA francs

8/ See RSF Press Releases, March 25 and June 22, 2010.

(about 1,52 million euros) within the CGC. While Mr. Yangari was released on June 9, 2010, the Libreville Criminal Court sentenced Mr. Jonas Moulenda on the same day to a three-months suspended prison sentence and a 500,000 CFA francs (about 760 euros) fine for "defamation"[9].

9 / See RSF Press Releases, March 25 and June 22, 2010.

THE GAMBIA

In The Gambia, a general climate of fear remained amongst human rights defenders, notably following the unsolved assassination and enforced disappearance of two journalists who covered human rights issues. While defenders still operated in a restricting legal and institutional environment, journalists faced a continuing campaign of harassment by the National Intelligence Agency (NIA), and members of human rights NGOs and lawyers were victims of judicial harassment.

Political context

Since the alleged 2006 failed coup d'état, allegations of conspiracy plots against President Yahya Jammeh have become a regular excuse to hamper the enjoyment of civil and political rights, as well as to launch waves of mass arrests of high-ranking officials in 2010[1]. Members of the National Intelligence Agency (NIA), the army and the police arbitrarily arrested and detained Government opponents, human rights defenders, journalists and former security personnel. Torture and other ill-treatment in custody were reported but were never investigated by the police.

In 2010-2011, the environment for independent and opposition media remained hostile, with numerous obstacles to freedom of expression, including administrative hurdles, arbitrary arrest and detention, intimidation and judicial harassment against journalists and the closure of media outlets, leading to self-censorship. Although Section 25 of the 1997 Constitution guarantees freedom of expression, according to the Gambian authorities, this right is subject to "restrictions necessary for the promotion of national security, morality and the rights of other persons"[2]. A hope's glimmer for possible future improvement of this situation came on November 12, 2010, when alongside the 48th Ordinary Session of the African Commission on Human and Peoples' Rights, the first ever formal meeting between the African Union (AU), the African Peer Review Mechanism (APRM) Secretariat and key freedom of expression experts

1/ See African Assembly for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO) and Amnesty International-Senegal.

2/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Gambia*, UN Document A/HRC/14/6, March 24, 2010. In particular, The Newspaper Amendment Act 2004, the Criminal Code Amendment Bill 2004, the Official Secrets Amendment Act and the Communications Bill 2009 form the legal framework for judicial prosecution against "sedition", "libel", "false publication" and "defamation", which makes it practically impossible for journalists to work without breaching the law.

from across the continent took place in Banjul to discuss freedom of expression[3]. Minister Gomez promised to look into current hostile laws and their provisions to press freedom in line with international standards of free expression[4]. However, this positive momentum was chilled down on March 16, 2011, when the Gambian President, during a rare meeting with select members of the media corporation, accused some journalists of being "mouthpiece of opposition parties" and declared that "one freedom I will never give you is the freedom, the liberty to write whatever you want (…)"[5].

Legal and institutional framework restricting the environment for human rights activities

In 2010-2011, the legal and institutional environment continued to limit the development of human rights monitoring activities by civil society groups, which led human rights organisations to apply self-censorship, to focus on non-sensitive issues and not to carry out human rights monitoring activities. This was mainly due to the stifling climate in which they operated, as well as the absence of public institutions that offer them effective protection and the obstacles imposed through the registration process. Indeed, the operation of a non-governmental organisation (NGO) is regulated by 1996 Decree No. 81 (NGO Decree). Since then, the system has not been amended. In 2010, the supervision of NGOs activities was placed under the authority of the office of the President, through the NGO Affairs Agency (NGOAA), thus demonstrating an attempt by the President himself to exercise a closer scrutiny over the existence and activities of civil society organisations. In addition, the NGOs are bound by an NGO Code of Conduct and a Protocol of Accord, signed with the relevant ministries, departments or agencies. The NGOAA is responsible for ensuring their compliance with both documents, for monitoring and evaluating their activities, for implementing the National Policy on NGOs as well as for preparing and implementing institutional and human resources development programmes for NGOs. As a consequence, their activities are strictly monitored and must be in line with the national development policy. Furthermore, NGO registration with NGOAA obliges an NGO to participate in development activities that are in consonance with the policies and priorities of the Government. NGOs are therefore seen by the Government as bodies to implement The Gambia's development

3 / See Article 19. Within this framework, a delegation of journalists' rights advocacy organisations met with Minister for Justice and Attorney General Mr. Edward Gomez in his office, to discuss about the oppressing media environment.

4 / See IFEX Press Release, November 16, 2010.

5 / See CPJ Press Release, March 23, 2011.

programme and not as independent entities. Moreover, the NGOAA has the authority to revoke the Protocol of Accord granted to an NGO without judicial review. As a result, NGOs choose to focus on issues which are deemed not sensitive and on which the Government is making progress such as women and children's rights in order to avoid reprisals from State authorities. In this context, no NGO can carry out any monitoring of human rights violations. But NGOs working on issues that are not deemed "politically sensitive" nonetheless face acts of harassment if the authorities feel threatened by their growing reputation or activities.

In addition, the Gambian authorities continued to make aggressive and denigrating public statements intended to intimidate any one from conducting human rights activities. For example, in an interview given to *The Daily News* published on January 10, 2011, Justice Minister Edward Anthony Gomez warned that Gambians abroad engaged in "painting a grim picture" about The Gambia's human rights record would be prosecuted if they returned in the country. He added that "these are unfortunately evil members of the Gambian society who took refuge abroad putting every nonsensical story on papers and on radios to tarnish the good image of The Gambia Government"[6].

Acts of reprisals against journalists who denounce human rights violations and corruption

A general climate of fear remained amongst journalists covering human rights issues, notably following the unsolved assassination of Mr. **Deyda Hydara**, Editor and co-founder of the private newspaper *The Point* and also a correspondent in The Gambia for *Agence France-Presse* and Reporters Without Borders (RSF), in 2004[7], the ongoing enforced disappearance of Mr. **Ebrima Manneh**, a journalist at the *Daily Observer* newspaper, in 2006, and the continuing campaign of harassment by the NIA against journalists. In 2010, journalists who promoted the respect of human rights and denounced corruption indeed continued to face acts of intimidation. For instance, on February 16, 2010, two journalists of the *Daily News,* Messrs. **Saikou Ceesay** and **Lamin Njie**, were requested to go to the office of Mr. Ensa Badjie, Inspector General of Police (IGP), at the police headquarters in Banjul. Once arrived, both journalists, who

6 / The Justice Minister was reacting to *The Daily News* story about 24 British MPs who signed an Early Day Motion the month before calling for international pressure on the Gambian Government for human rights violations.

7 / The Government claimed that the disappearance of Mr. Deyda Hydara was still being investigated, but faced challenges as the two key witnesses are outside the jurisdiction and several attempts to reach them were unsuccessful. See Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Gambia*, UN Document A/HRC/14/6, March 24, 2010.

reported in company of Messrs. **Madi Ceesay**, Publisher and Editor of *Daily News*, and **Ahmed Alota**, Executive Director of The Gambia Press Union (GPU), were questioned in relation to an article published on February 15, 2010 on the deploring conditions of the new police barracks in the capital. The IGP warned the journalists to refrain from reporting on the police if they did not want to face consequences. He also informed them that they would have been killed if the publications had concerned the military barracks. The IGP subsequently told journalists that he would send his thugs to terrorise Mr. Ceesay, for granting interview with *BBC* on the threats made by Mr. Badjie against him. On March 31 and April 1, 2010, another Gambian journalist who resided in the United Kingdom at the time, Mr. **Yusupha Cham**, received death threats by email from persons suspected to be agents of the NIA who reproached him of attacking the administration of President Jammeh in articles he contributed to publish on Gambian news websites. Mr. Cham wrote a number of critical articles about Government's bad administrative policies, excessive power abuses and human rights violations perpetrated in the country[8]. On December 16, 2010, the Court of Justice of the Economic Community of West African States (ECOWAS) confirmed that Mr. **Musa Saidykhan**, former Editor of the banned private newspaper *The Independent* who is now living in exile, was tortured by members of the President's security guard during a 22-day detention without charge in 2006. He had been arrested upon his return from South Africa, where he attended a human rights forum and granted an interview to the media about the deteriorating human rights situation in The Gambia, particularly the murder of Mr. Deyda Hydara, his paper's reports on the killing of fifty West African nationals in The Gambia, including 44 Ghanaians in 2005, and the publication of a list of alleged coup plotters in the aftermath of the alleged 2006 coup d'état in The Gambia. The ECOWAS Court stated that his arrest and subsequent detention by the authorities were illegal and that they violated his right to personal liberty and a fair trial as guaranteed by Articles 6 and 7 of the African Charter on Human and Peoples' Rights. Mr. Musa Saidykhan will receive 200,000 US dollars (about 140,000 euros) as damages. The ruling is final without possibility of appeal.

Judicial harassment against members of human rights NGOs

In 2010-2011, several members of human rights NGOs were victim of judicial harassment as reprisals to their activities. On February 22, 2010, Mr. **Edwin Nebolisa Nwakaeme**, the founder and Programme Director of Africa for Democracy and Good Governance (ADG), an organisation

8/ See IFEX Press Release, April 8, 2010.

that promotes human rights, democracy and good governance in Africa, was arrested by the Immigration Department for allegedly lying about the category of his organisation for registration purposes and released three days later. On March 1, he was summoned by the Serious Crimes Unit of the police headquarters in Banjul and rearrested. When he appeared before the Banjul Magistrate Court on March 8, Mr. Nwakaeme was charged with "giving false information to public officials" for having written, in a letter sent to the daughter of the Gambian President in November 2009 nominating her as an ADG ambassador at the occasion of the celebration of the World Day for the prevention of child abuse, that ADG was a NGO despite the fact that it was registered as a charity. When he was taken to court again on March 10, Mr. Nwakaeme pleaded not guilty and his lawyer applied for bail, which was denied by the Judge. On September 6, he was sentenced to a mandatory six-month prison term with hard labour and a fine of 10,000 dalasis (about 262 euros). The court also banned him from running ADG in the country and ordered him to surrender all the documents and licence pertaining to the organisation. On December 17, 2010, the Banjul High Court upheld his conviction in appeal. On January 14, 2011, Mr. Edwin Nebolisa Nwakaeme was released from jail, following completion of his six-month prison sentence, and he was deported from The Gambia to Nigeria, his native country. No court order was reportedly issued for his deportation. On October 11, 2010, Dr. **Isatou Touray** and Ms. **Amie Bojang-Sissoho**, Executive Director and Programme Coordinator of The Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP), an organisation working on sexual and reproductive health and rights of women and children, were called by an agent of the NIA for a meeting with the Public Relations Officer of the National Drug Enforcement Agency. Once arrived, they were arrested and held in custody for a day before being transferred to Mile 2 central prison. They were charged with "theft" for the alleged embezzlement of 30,000 euros received in 2009 from "Yolocamba Solidaridad", a Spanish development NGO providing support to local civil society organisations. On October 12, their application to be released on bail was rejected by the court. After nine days of detention, on October 20, following wide national and international pressure, both human rights defenders were released on bail for the sum of 1,5 million dalasis (about 39,323 euros) and two sureties with a landed property by the Banjul Magistrates' Court. On November 3, 2010, the trial opened before the Banjul Magistrates' Court, but the principal witnesses who are Spanish citizens representing Yolocamba Solidaridad were absent. On January 31, 2011, Ms. Begoña Ballestros Sanchez, Director of the Spanish NGO, denied accusing anyone associated with GAMCOTRAP

of theft during a hearing at Banjul Magistrate's Court[9]. As of the end of April 2011, the trial was still ongoing.

Harassment against human rights lawyers

In 2010-2011, lawyers were also subjected to acts of harassment and intimidation. Indeed, two prominent lawyers known for their commitment towards human rights were prosecuted under spurious charges. On January 26, 2011, lawyer **Lamin K. Mboge**, a senior member of The Gambia Bar Association (GBA) and former magistrate, who is also the leading counsel in the case involving the two officials of the GAMCOTRAP, was remanded at the Mile 2 central prison by the Banjul Magistrates' Court. Mr. Mboge was charged with "making false documents without authority", coupled with "false swearing" and "uttering false documents", following a criminal complaint lodged by one of his clients over a landed property he allegedly sold to another prospective buyer without formal paperwork. Mr. Mboge denied the charges. On January 31, 2011, he was released on a bail of 200,000 dalasis (about 5,243 euros) with two Gambian sureties who must have landed properties within the greater Banjul area and should deposit their national identity cards at the office of the registrar. As of the end of April 2011, the trial was still ongoing. Similarly, on December 30, 2010, lawyer **Moses Richards**, former High Court Judge at the Special Criminal Division, who is now practising as a lawyer, was arrested and detained at the NIA headquarters in Banjul. On the next day, he was charged with "giving false information" and "sedition" to public officer, after writing and addressing a letter on behalf of a client to the Honourable Sheriff of The Gambia. Acting as a legal counsel and following expressed instructions and information of his client, Mr. Richards addressed to the latter a letter dated December 6, 2010, which content was acknowledged by the Sheriff himself on the same day. However, on December 15, 2010, he wrote to Mr. Richards copying the office of the President, among others, and accused him of blackmail, showing disrespect to the office of the President, and giving false information to a public servant. On December 31, 2010, Mr. Richards, who denied both charges, was denied bail and returned to police custody. During the night of January 2, 2011, he was taken to the Mile 2 central prison without any court order. On January 3, 2011, Banjul Lower Court released him on a bail of 500 dalasis (about 13 euros)

9 / Although minor tensions had arisen between the European and the local NGO concerning receipt of invoices and other materials relating to funds donated, the Director of Yolocamba Solidaridad specified that she had not brought any kind of legal action against its implementing partner but rather had merely provided information to the Gambian authorities about their work in the country. She added that she had only been made aware of the detention of Dr. Isatou Touray and Ms. Amie Bojang-Sissoho through coverage in the media.

and also asked to deposit his travel documents to the Registrar of the Court. As of the end of April 2011, the trial was still ongoing.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
		Press Release / International Fact-Finding Mission	May 18, 2010
Ms. **Isatou Touray** and Ms. **Amie Bojang-Sissoho**	Arbitrary detention / Judicial harassment	Joint Press Release	October 15, 2010
Mr. **Saikou Ceesay**	Threats	Urgent Appeal GMB 001/0211/OBS 015	February 9, 2011

GUINEA BISSAU

In 2010-2011, in a context of military-sponsored political instability, violence and drug trafficking, those who denounced human rights violations exposed themselves to retaliatory measures and failed to get protection from law enforcement bodies.

Political context

In 2010-2011, the new President, Mr. Malam Bacai Sanhá, of the African Party for the Independence of Guinea and Cape Verde (*Partido Africano da Independência da Guiné e Cabo Verde* - PAIGC), elected in July 2009 to replace former President João Bernardo Vieira who was killed by soldiers in March 2009, was unable to restore political stability and the rule of law in the country. In particular, the predominance of military over civilian rule, military rivalries as well as the increasing presence of drug trafficking interests and violence, continued to characterise the political situation in the country[1]. On April 1, 2010, troops led by the Deputy Chief of General Staff, Major General Antonio Indjai, took control of the armed forces headquarters and detained Prime Minister Carlos Gomes Junior, Army Chief of General Staff Zamora Induta, the Head of the Intelligence Service Colonel Samba Djaló and other officers. The Prime Minister was released a few hours later, after civilian crowds converged in front of his office to denounce the military actions. Following a complaint that was lodged on April 12, 2010 by Major General Antonio Indjai against Mr. Zamora Induta accusing him, among other, of "embezzlement" and "involvement in drug trafficking", the latter was arrested. He was kept in detention until December 2010[2]. In August 2010, the European Union (EU), citing among other reasons the nomination in June 2010 of Major General Indjai as Chief of General Staff after Mr. Induta was dismissed from his post, the political instability and the lack of respect for the rule

1/ See UN Security Council Resolution 1949, UN Document S/RES/1949 (2010), November 23, 2010.

2/ Shortly before his arrest, Mr. Induta had launched a military investigation into drug related activities involving high-ranking military officers and had reiterated his commitment to combating drug trafficking within the armed forces. The Military High Court ordered his release in October 2010 due to a lack of evidence to substantiate charges, but he was kept in detention until December upon order of Major General Indjai for alleged security and safety concerns. See UN Security Council, *Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Integrated Peace-building Office in that country*, UN Document S/2010/335, June 24, 2010 and *Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Integrated Peace-building Office in that country*, UN Document S/2011/73, February 15, 2011.

of law, announced that it will not continue its activities to provide advice and assistance to the local authorities on the Security Sector Reform (SSR) after September 2010[3].

Moreover, impunity, especially among the military and for 2009 political assassinations, continued to prevail. For instance, despite assertion by the Prosecutor General that the investigation into Mr. João Bernardo Vieira's assassination had progressed, it was not completed and no one had been charged as of April 2011[4]. Similarly, the assassination in June 2009 of the presidential candidate Mr. Baciro Dabó remained unpunished. In addition, in June 2010, the Government rejected recommendations made at the Universal Periodic Review of the UN Human Rights Council to improve the human rights records of armed forces and reinforce the fight against impunity in the military[5].

The ratification in November 2010 of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, both signed in 2001, was nevertheless a positive step.

Intimidation of journalists reporting on human rights violations

In 2010-2011, journalists reporting on human rights violations continued to face reprisals. On May 15, 2010, Mr. **João de Barros**, owner and publisher of the newspaper *Diário de Bissau*, was attacked inside the newspaper's office by a businessman, Mr. Armando Dias Gomes, accompanied by his driver. Mr. João de Barros was threatened of death and warned not to report about drug trafficking. Two other journalists present in the office were also threatened. The newspaper's equipment was vandalised and as a result the newspaper could not continue publishing. The newspaper had published several articles on drug trafficking in the past including a recent one titled "Guinea-Bissau, a supposed narco-State". Mr. João de Barros filed a complaint and the two aggressors were briefly arrested on the same day but released a few hours later. As of April 2011, the criminal investigation remained pending[6]. In addition, in 2010, at least one journalist was

3/ In January 2011, the EU took an additional step when the Council invited the authorities of Guinea-Bissau to hold consultations under Article 96 of the Cotonou Agreement and notified the authorities that parts of the EU development cooperation will be suspended pending results of the consultation. See Council of the EU Press Releases 12740/10 and 5750/11, August 2, 2010 and January 31, 2011.

4/ See Guinean Organisation for Human Rights (*Liga Guineense dos Direitos Humanos* - LGDH) Press Statement, March 2, 2011.

5/ See UN General Assembly, *Report of the Working Group on the Universal Periodic Review Guinea-Bissau*, UN Document A/HRC/15/10, June 16, 2010.

6/ See LGDH and Reporters Without Borders (RSF) Press Release, May 21, 2010.

forced to flee abroad after reporting on drug trafficking following threats he received[7]. On April 15, 2011, the Government reportedly threatened to suspend the newspaper *Última Hora* after it published on April 8 an article quoting the US State Department of States *2010 Country Reports on Human Rights Practices in Guinea Bissau*, in which the US Department of States wrote that President João Bernardo Vieira had been murdered by soldiers led by Major General Antonio Indjai. On April 20, 2011, the Presidency Minister, Ms. Maria Adiatu Djaló Nandigna, further warned to use her legal powers to definitely cancel licences if the media, especially the newspaper *Última Hora*, were not bringing their editorial policies "in line with the higher interests of Guinea-Bissau"[8].

7/ His name is not disclosed for security reasons. See RSF Press Release, May 21, 2010.
8/ See RSF Press Release, April 22, 2011.

GUINEA CONAKRY

In 2010, several human rights defenders were subjected to acts of harassment and threats in a context of ethnic tensions, notably during the electoral period, which was marred by fraud and human rights violations.

Political context

After the massacre on September 28, 2009 in the stadium of Conakry of tens of opposition supporters and civil society representatives protesting against the intention of Captain Moussa Dadis Camara, President of the National Council for Democracy and Development (*Conseil national pour la démocratie et le développement* - CNDD), to run in the 2010 presidential elections[1], none of the mainly responsible, including the perpetrators, were arrested or tried, despite a United Nations International Inquiry Commission report which demonstrated the responsibility of both the Head of the State at that time and several members of his direct inner circle[2]. The report presented on February 2, 2010 by the National Inquiry Commission, set up in October 2009 by the Guinean authorities, noted the violent repression of the event but considered that the responsibility was shared between the "over-excited demonstrators" and the under-equipped security forces which also lacked coordination. It also concluded that political leaders were partially responsible because they refused to cancel the event after it had been banned, and accused among others, Lieutenant Aboubacar Diakité, the man who attempted to assassinate President Camara in December 2009, of being responsible for the violence.

On April 19, 2010, the National Transitional Council set up under the Ouagadougou Agreement signed on January 15, 2010 following the

1/ The demonstration was violently repressed by the military and certain security services presumed to be responsible for the death or disappearance of at least 156 people, as well as for rape and other sexual crimes. See United Nations Security Council, *Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of September 28, 2009 in Guinea*, UN Document S/2009/693, December 18, 2009.

2/ On February 19, 2010, Ms. Fatou Bensouda, Deputy Prosecutor of the International Criminal Court (ICC), following her mission to Conakry, also qualified the exactions committed by security forces as "in the range of crimes against humanity." See Press Release from *Radio France Internationale* (RFI), February 20, 2010.

forced exile of President Camara[3] adopted a new Constitution, which was promulgated on May 7. The latter represents major progress and notably provides for the creation of the first independent national human rights institution and a Court of Auditors responsible for conducting annual financial audits of public institutions. It also strengthens the independence of the Judicial Council and acknowledges the freedom of the press as a constitutional value. Two laws, both promulgated on June 22, 2010, also contributed to improvements in this area, in particular by partially decriminalising press offences, making them liable to fines rather than prison sentences, ensuring the creative freedom of newspapers, and establishing a new media regulatory body, the High Authority for Communication (*Haute autorité de la communication*).

The first round of presidential elections held on June 27, 2010 qualified Mr. Alpha Condé, leader of the Rally of the Guinean People party (*Rassemblement du peuple de Guinée* - RPG), and Mr. Cellou Dalein Diallo, President of the Union of the Democratic Forces of Guinea (*Union des forces démocratiques de Guinée* - UFDG), for the second round. Violence between supporters of both candidates marked the period between the two rounds of voting, exacerbated by the decision on September 9, 2010 of the Court of First Instance of Dixin to condemn the two most senior officials of the Independent National Electoral Commission (*Commission électorale nationale indépendante* - CENI) to a one-year prison term for "election fraud" in the first round of voting. Theses clashes witnessed a disproportionate use of force by security forces, resulting in several deaths and injuries as well as arbitrary arrests and detention, assault and forcibly entries[4]. The second round of presidential elections was finally held on November 7, 2010 after being postponed three times, and was won by Mr Alpha Condé, a victory which was confirmed by CENI on November 15. The announcement of the election results triggered further violent clashes between militants of the two candidates, prompting the introduction of

3/ Following the attempt of assassination against President Camara, who was evacuated to Morocco for treatment, the Minister of Defence, General Sékouba Konaté, was appointed acting President. On January 15, 2010, an agreement to form a Unity Government was signed, and on January 21, 2010, Mr Jean-Marie Dore, Spokesman for Forces Vives, a movement composed of opposition political parties and civil society, and Chairman of the opposition party, the Union for the Progress of Guinea (*Union pour le progrès de la Guinée* - UPG), was appointed Prime Minister of the transitional Government. The Government, formed on February 15, brought together civilian and military members of the National Council for Democracy and Development (CNDD), including two members of the junta cited in the United Nations Commission of Inquiry report as being among the presumed perpetrators of the serious violations of human rights committed on September 28, 2009.

4/ Between November 15 and 19, 2010, at least seven people were killed and 220 were injured. See Guinean Organisation for the Defense of Human and Citizen's Rights (*Organisation guinéenne pour la défense des droits de l'Homme et du citoyen* - OGDH).

a state of emergency on November 17 and the imposition of a curfew. On December 10, the state of emergency was lifted and, on December 21, Mr. Conde was sworn in as President of the Republic.

Harassment and threats against several human rights defenders in a context of ethnic tensions

In 2010, during the electoral period, several human rights defenders were subjected to harassment and threats in a context of ethnic tensions, particularly for supporting a policy of appeasement of the tensions between the different political groups, factions and ethnic groups in the country. Thus, on January 15, 2010, at 1 a.m., several trade unionists received a message on their mobile phones inciting them to violence against other trade unionists because they belonged to the Peul ethnic group. Moreover, on October 23, 2010, Dr. **Mamadou Aliou Barry**, President of the National Observatory of Human Rights (*Observatoire national des droits de l'Homme* - ONDH), was violently attacked by the Guinean security forces on his arrival in Hamdalaye, a densely populated neighbourhood of Conakry, to investigate attacks against residents of the neighbourhood by police and members of the presidential guard. When he tried to intervene to stop them from hitting young people and ransacking homes and shops, one of the security force members said: "This is another Peul, and moreover a human rights defender. We are going to work him over". He was then beaten, arrested and taken away in a pick-up truck along with some 75 other people. Those arrested, including Mr. Barry, were again beaten on their arrival at the police station of the mobile squad of the Gendarmerie number four. Mr Barry was released one hour later, after a policeman at the scene recognised him. During the violence, Mr. Barry suffered a broken arm and multiple bruises. In addition, his mobile phone was stolen by the police. However, Mr. Barry did not take legal action and therefore no investigation was opened.

A more welcome development was the release from detention on February 5, 2010 of an ONDH member, Mr. **Muktar Diallo**, following an intervention by Prime Minister Jean-Marie Dore. Mr. Diallo was detained since November 26, 2009 for "endangering State security" through remarks he made to the *Voice of America* on September 29, 2009, condemning the massacre of the previous day in the stadium of Conakry.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Rabiatou Sérah Diallo**, Ms. **Mamadouba Paye Camara**, Ms. **Mariama Kesso Diallo** and Messrs. **Barry Alpha, Kader Azize Camara, Mamadou Mansaré, Sy Savané, Binta Bangoura** and **Amadou Diallo**	Threats	Press Release	January 21, 2010
Mr. **Mouktar Diallo**	Release	Press Release	February 11, 2010

KENYA

In 2010-2011, human rights defenders who exposed and publicised grave violations of human rights as well as facilitated their investigation and prosecution faced heightened risks and reprisals. Defenders of sexual minorities' rights were also victims of harassment because of their activities.

Political context

A referendum held on August 4, 2010 approved a new Kenyan Constitution by 67% of the voters, which provides for a detailed bill of rights and reforms the electoral system, the administration of land as well as the judiciary[1]. The Constitution was officially promulgated by President Kibaki on August 27, 2010 during a ceremony attended by among others, the Sudanese President Omar Al Beshir who is currently subject to two arrest warrants by the International Criminal Court (ICC) for "war crimes", "crimes against humanity" and "genocide" committed in Darfur.

Despite an important judgement of the High Court of Nairobi on July 21, 2010 awarding compensation amounting to about 39 million shillings (about 315,000 euros) to victims of torture under Daniel Arap Moi's Government (1978-2002), impunity for serious violations of human rights remained the rule for the crimes perpetrated during the 2007-2008 post-election violence but also for other crimes such as those perpetrated during the army deployment in the Mount Elgon district (western province of Kenya) in 2008 to clamp down on the activities of the Sabaot Land Defence Forces (SLDF).

Given the failure of the Kenyan Government to address impunity for the crimes perpetrated during the post-election violence, the ICC opened an investigation into these crimes on March 31, 2010. The Government initially showed some willingness to cooperate with the ICC, which transformed into opposition when the ICC Prosecutor revealed its list of six suspects – including senior politicians – in December 2010. When on March 8, 2011, the ICC delivered its decision granting the Prosecutor request for the delivery of summons against the six suspects to appear in April 2011, the Kenyan authorities intensified their efforts to prevent

1/ Constitutional reform was part of the 2008 Agreement on the Principles of Partnership of the Coalition Government reached after the violence that erupted following the 2007 general elections.

the proceedings from continuing, lobbying for the United Nations (UN) Security Council's deferral of the ICC proceedings for one year under Article 16 of the Rome Statute[2]. Moreover, on December 22, 2010, the Parliament passed a motion requesting the executive to take steps to withdraw from the ICC Statute[3]. In addition, a few days before the initial appearance of all suspects before the ICC, on March 31, 2011, the Government filed a request for inadmissibility of the cases on the ground that with the new Constitution it was now in capacity to investigate the case[4].

In this context, the protection of witnesses became a key issue. A positive step was taken in May 2010 toward reforming the witness protection system, with the President's signature of the Witness Protection Amendment Act. It stripped witness protection from the Attorney General's control and created a witness protection agency. A Witness Protection Advisory Board, chaired by the Attorney General and composed of the governmental heads of intelligence, police, and prisons and a representative of the Kenya National Commission on Human Rights (KNCHR), was appointed. Nevertheless, concerns about the efficiency of this agency arose. For instance, it is composed of State bodies while some of them were accused of perpetrating violations during the post-election violence. In December 2010, the ICC Prosecutor warned that he was conducting investigation on reported threats against witnesses.

Furthermore, while homosexuality is illegal in Kenya and can be sanctioned by up to fourteen years of imprisonment pursuant to Articles 162 and 163 of the Criminal Code[5], the gay community remained specifically targeted by politicians and religious leaders. For instance, in January 2011, at a rally, Prime Minister Raila Odinga stated that gay couples should be arrested and as a result several members of the gay community were threatened[6].

On June 6, 2010, the Kenya's Broadcasting Content Advisory Council was inaugurated by the Minister of Information and Communications, which is now the one to control content on TV and radio instead of the Government. It includes the Permanent Secretary in the Ministry of

2/ Pursuant to Article 16 of the Rome Statute, the Security Council can request the Court to defer investigation for a year if it deems that there is a threat to international peace and security.
3/ It was feared that a bill, seeking the same effect and repealing the International Criminal Act of 2008, would be tabled. However, as of the end of April 2011, no such bill had been tabled.
4/ As of the end of April 2011 the ICC had not decided yet on the application.
5/ Condemnations are very rare since the police most of the time do not have evidence but it is used by the police to arrest individuals and extract bribes from them.
6/ See Gay and Lesbian Coalition of Kenya (GALCK).

Information and six other members to be appointed by the Information Minister. The creation of the Council resulted from the adoption by the Parliament of the 2009 amendments to the Communications Act[7], which were agreed upon between the media and the Government as interim measures pending a further and more elaborate review of the law governing communications and the media[8].

Ongoing reprisals against human rights defenders who denounced human rights violations by the police forces

While impunity remained the rule for abuses committed by the police and military forces, human rights defenders who denounced such violations continued to face reprisals. Members of "Bunge la Mwananchi", a grass roots movement that aims at fighting social injustice and promoting accountable leadership at all levels in Kenya, were particularly targeted. On April 22, 2010, Mr. **Kenneth Kirimi Mbae**, an active member of Bunge la Mwananchi and a member of Release Political Prisoners (RPP), was arrested near the headquarters of the General Service Unit (GSU) in Nairobi by four persons in civilian clothes. Mr. Kenneth Kirimi Mbae was detained in an isolated house at Suswa market, Narok district, until April 26, 2010, when he was released without charges. While in detention he was subjected to beating and intimidation including threats of sexual violence against his wife. As a result, he had to undergo medical treatment. Mr. Kirimi Mbae was interrogated about the work carried out by Mr. **Stephen Musau**, RPP Executive Coordinator, and the organisation's activities concerning the Mount Elgon military operations, as well as about the work of Mr. Musau and the RPP regarding extrajudicial killings and the subsequent sharing of their report with Professor Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. Furthermore, on April 23, 2010, Mr. **George Nyongesa**, a community organiser who works for Bunge la Mwananchi's website, received an anonymous phone call threatening to silence him "if he did not close it and if he keeps doing noises", and asking him to pull the website down. One of his colleague, Mr. **Lawrence Maina**, web manager of the organisation, received two similar phone calls earlier the same day. On May 4, 2010, the Commanding Officer of the police department came to the Jeevanjee Garden in Nairobi where Bunge la Mwananchi was holding a meeting to discuss current issues in the country and the post-election violence. The officer ordered the 200 persons present at the meeting to leave and arrested four activists of Bunge La Mwananchi, Messrs. **Jacob Odipo**, **Francis**

7/ See The Statute Law (Miscellaneous Amendments) Act, 2009.

8/ See Annual Report 2010.

Wetukha and **Jebtekeny Tariq** as well as Ms. **Ruth Mumbi**. They were subsequently released without charge after arriving at the police station. In addition, Messrs. **Samson Owimba Ojiayo** and **Godwin Kamau Wangoe**, two members of Bunge La Mwananchi who had been arrested and maltreated in September 2009, before being released, after campaigning to end impunity for serious economic crimes and extrajudicial killings, were still awaiting trials as of April 2011 for, respectively, "belonging to an illegal organisation" and "participation in an illegal protest"[9].

Moreover, as of April 2011, the investigation into the assassination of Messrs. **Oscar Kamau King'ara**, a lawyer and Chief Executive Officer of the Oscar Foundation Free Legal Aid Clinic Kenya (OFFLACK), and **John Paul Oulu**, OFFLACK Communications and Advocacy Officer, remained at the preliminary investigation stage, although the Minister for Justice, Mr. Mutula Kilonzo, indicated that the deaths were under investigation during the Universal Periodic Review (UPR) session of Kenya held by the UN Human Rights Council in June 2010[10]. The two defenders, who had been particularly active in reporting on police death squads and had provided information to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions during his mission in February 2009, were murdered in March 2009.

Threats and reprisals against human rights defenders who provided information related to the ICC investigation

Human rights defenders who were instrumental in providing information related to the ICC investigation were also at serious risk[11]. For instance, since December 2010, five human rights defenders have been forced to relocate from their regions after being threatened due to their activities. Another human rights defender was threatened at the beginning of 2011, by receiving anonymous calls as well as having a note pasted in her compound asking her why she was betraying her community. In addition, the human rights organisations that provided information in the framework of the ICC investigation saw their offices broken into in search of information and in some instance computers and hard drives were stolen, as for example in September 2010 in Nairobi and in November 2010 in Eldoret. Moreover, starting from mid-2010, human rights defenders

9 / Their lawyer had requested a postponement of their trials since they were in hiding following numerous threats. As of the end of April 2011, they were back to their normal work and the trial was supposed to start soon.

10 / See Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Kenya,* UN Document A/HRC/15/8, June 17, 2010.

11 / Names of defenders and organisations are withheld for security reasons.

working on other human rights issues were also being targeted and labelled as working for the ICC even if it was not the case.

Intimidations against journalists exposing human rights violations

In 2010, journalists who reported about and exposed human rights violations also remained subjected to acts of intimidation. For instance, on December 17, 2010, Mr. **Sam Owida**, a reporter for the private *Daily Nation*, received two anonymous threatening phone calls warning him that he could "share Nyaruri's fate"[12]. Mr. Sam Owida reported the incident to the police, which would reportedly have launched an investigation. Mr. Sam Owida had reported about and publicised the murder of Mr. **Francis Nyaruri**, a journalist who wrote on corruption cases for the private *Weekly Citizen*, and who was found decapitated on January 29, 2009. Mr. Nyaruri had written a series of articles that exposed financial scams and other malpractice by the local police department. An investigation was immediately opened and one suspect was arrested, but the trial was postponed several times. It started afresh on April 5, 2011, after one additional suspect was added to the case, and the next hearing was scheduled to begin on May 25, 2011. As of April 2011, two civilian suspects were in custody. Furthermore, Mr. **Ken Wafula**, a journalist and the Director of the Centre for Human Rights and Democracy (CHRD), continued to be prosecuted in 2010-2011 for "incitement" to violence and disobedience of the law and "publishing inciting materials" after being charged in October 2009 for reporting on the clandestine re-arming of communities in the Rift Valley with the support of Government officials, partly in anticipation of possible violence during the 2012 parliamentary poll[13].

Climate of fear and harassment of sexual minorities' rights defenders

Sexual rights defenders lived in fear as the gay community in Kenya and their defenders became targets from the community on instigations by politicians and religious leaders. For instance, in February 12, 2010, in Mtwapa, religious leaders issued anti-gay statements and requested the closure of the Kenya Medical Research Institute (KEMRI), a centre that conducts research and provides treatment on HIV/AIDS. On the following days, the centre was attacked by a crowd and one of the centre's volunteer was beaten while others were taken to custody by police reportedly to protect them. All were released without charge. Nevertheless, none of the attackers were arrested[14]. Mr. **Denis Karimi Nzioka**, Public Affairs and Media Relations Officer at the Gay and Lesbian Coalition of

12 / See Kenyan Human Rights Commission (KHRC).

13 / On May 2, 2011, the ruling was delivered and the charges dismissed. See KHRC.

14 / See KHRC.

Kenya (GALCK) but also an extensive writer of Lesbian, Gay, Bisexual and Transgender (LGBT) rights and lifestyle in Kenya who appeared on various occasions on TV and on the radio to advocate for LGBT rights, faced stigmatisation and increasing difficulties in his day-to-day life. As a result, he barely goes out. On November 23, 2010, at around midnight, one of his neighbours, accompanied by two other people, knocked at his door, in Buruburu, Eastlands section of Nairobi, and told him that he had been sent to inform him to leave the premises as soon as possible since they knew from TV and radio that he was an homosexual, adding that Mr. Nzioka was corrupting their children and will rape them. The neighbour further warned him that if he did not move out soon, they will remove him by force. The next day, the neighbour came back, this time accompanied with three people, and delivered a letter to Mr. Nzioka and further warned him that he should move quickly. The letter also mentioned that they had been observing his movements and the persons visiting him. His landlord, informed of his work and orientation by the neighbours, requested him to leave. Mr. Nzioka was therefore forced to move within three days[15]. In May 2010, Mr. Nzioka had already been requested to move out from his apartment, after his photo was published in the *Daily Nation*. Mr. Nzioka was also targeted by unknown persons approaching him on the streets and threatening him with violence or death as well as hate e-mail. In November 2010, he was hit by a small bus driver, and his colleagues insulted him, as he was boarding it. His partner also faced threats and humiliating experiences when he was seen with him and, as a consequence, he had to undergo psychological counselling to assist him deal with the trauma and threats[16]. Similarly, Mr. **Paul Ogendi**, GALCK Deputy General Manager in charge of legal and human rights issues and then GALCK General Manager, also faced stigmatisation in his daily life due to his work and difficulties to carry his function. For instance, on the night of February 25, 2011, he was humiliated and brutally removed from a club in Nairobi city centre, when he introduced himself as a GALCK representative to the club's security officers in order to intervene in favour of members of the gay community who were being discriminated against. His shirt was torn and his arm and legs were bruised and slightly swollen[17].

15 / He did not file a complaint to the police as he was unsure of the police reaction toward a defender of sexual minorities. He contacted a human rights organisation that assisted him but told him to never mention them.

16 / See GALCK.

17 / He did not file a complaint to the police fearing that it could make the situation worst for LGBT people who frequent the Club. See GALCK.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Kenneth Kirimi Mbae** and **Stephen Musau**	Arbitrary arrest / Release / Ill-treatments / Threats / Harassment	Urgent Appeal KEN 001/0410/OBS 053	April 29, 2010
Bunge la Mwananchi / Messrs. **George Nyongesa**, **Jacob Odipo**, **Francis Wetukha** and **Jebtekeny Tariq** and Ms. **Ruth Mumbi**	Threats / Harassment / Intimidation	Urgent Appeal KEN 002/0510/OBS 057	May 7, 2010

MAURITANIA

In 2010-2011, human rights defenders who denounced ongoing slavery practices were again the target of acts of intimidation by the political and religious authorities. In addition, strike movements started by the trade unions from economic sectors led to violent clashes with the anti-riot police and to arrests.

Political context

While there was a persistent lack of dialogue between the Government and the opposition parties despite the first official meeting between the Head of State and opposition representatives in June 2010, which had led to the hope of the start of a truly inclusive dialogue between the various political forces, there was a slight improvement in the often strained relations between the Government and the press in 2010, notably after the release in February of the Director of the website *Taqadoumy*, who was granted a presidential pardon after several months of arbitrary detention[1].

After the series of abductions of humanitarian workers and foreign tourists that took place in November and December 2009[2] and for which Al Qaeda in the Islamic Maghreb (AQIM) claimed responsibility, on January 5, 2010, the National Assembly adopted a draft law comprising several amendments to the 2005 Anti-Terrorist Law as well as draconian provisions[3]. After the motion for review filed by opposition members of Parliament, the Constitutional Council refused to validate the draft law on March 4, 2010, considering that part of its provisions did not comply with the Constitution.

Discrimination against the Negro-African population continued within the Mauritanian society, particularly after the speech on March 1, 2010 by

1/ See Annual Report 2010.

2/ The three humanitarian workers belonging to the Spanish NGO "Solidarity Caravan" (*Caravana Solidaria*), who were kidnapped on November 29, 2009, were released on August 23, 2010, whilst the two Italians kidnapped on December 18, 2009 in the south-eastern Mauritania were released in the north of Mali on July 23, 2010.

3/ Especially those that permit telephone tapping of any person suspected of terrorism and their home to be searched at any time, the ending of the statute of limitations for terrorism and prolongation of the period of custody (from 48 hours to fifteen working days) with possible deportation in certain circumstances. The broader definition of terrorism would also have permitted repression "of simple acts of political opposition". See United Nations Human Rights Council, *Compilation prepared by the Office of the High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for the Ninth Session in November 2010*, UN Document A/HRC/WG.6/9/MRT/2, August 10, 2010.

the Prime Minister and the Minister of Culture, who both announced their desire to promote "generalisation of the Arabic language as the language for work, administrative exchanges and scientific research" and to combat "the propagation of local languages and dialects that are substitutes for it"[4]. Furthermore, no legal proceedings were opened in 2010 after several cases of discrimination. However, following several years of advocacy in the fight against slavery, a first victory was won on March 27, 2011 when for the first time in the contemporary history of the country, the 2007 Law making slavery a criminal practice, was applied by the Prosecutor of the Republic of the Nouakchott Court, who found three people guilty under the flagrant offence procedure for the crime of slavery and two others for complicity[5].

Furthermore, the Government agreed the opening of an office of the United Nations High Commissioner for Human Rights, which was officially opened on December 9, 2010. In addition, during the UN Human Rights Council examination of Mauritania under the Universal Periodic Review on November 10, 2010, the Government agreed to withdraw its general reservation to the Convention on the Rights of the Child and announced the adoption of specific criminal legislation to make torture a crime and the implementation of a national plan to combat human trafficking. On the other hand, the Government rejected the recommendation on the abolition of capital punishment and did not envisage withdrawing its reservation to the International Covenant on Civil and Political Rights concerning freedom of religion and opinion. As for women's rights, the general reservation to the Convention on the Elimination of All Forms of Discrimination against Women should be replaced by specific reservations and the adoption of a law criminalising female genital mutilation should be part of future legislative reform[6].

Continued harassment against defenders who denounce the persistent practice of slavery

Advocacy efforts for real implementation of the 2007 Law criminalising slavery and its practices and the work carried out by human rights defenders to protect victims, were accompanied by continued acts of intimidation by the country's political and religious authorities. In particular, Mr. **Biram Ould Dah Ould Abeid**, President of the Initiative for the Resurgence

4 / See Mauritanian Human Rights Association (*Association mauritanienne des droits de l'Homme* - AMDH).

5 / All the defendants were jailed on the same day in the Nouakchott civil prison. See SOS-Slaves (*SOS-esclaves*) and the Initiative for the Resurgence of the Abolitionist Movement in Mauritania (*Initiative de résurgence du mouvement abolitionniste en Mauritanie* - IRA).

6 / See Human Rights Council, *Report of the Human Rights Council on its 16th Session*, April 6, 2011.

of the Abolitionist Movement in Mauritania (*Initiative de résurgence du mouvement abolitionniste en Mauritanie* - IRA) and a representative of SOS-Slaves (*SOS-esclaves*), continued to be the target of an intimidation campaign. On February 19, 2010, three Imams belonging to three different mosques violently attacked him, accusing him of being a "threat to the Islamic religion" for having denounced the persistence of slavery in Mauritania and saying that he "deserved hanging". On March 31, 2010, articles published on the online Francophone news site Crossroads of the Islamic Republic of Mauritania (*Carrefour de la République islamique de Mauritanie* - CRIDEM) repeated the accusation of "blasphemy" and "racism" against the Muslim religion. Mr. Biram Ould Dah Ould Abeid was returning from a trip to Switzerland where he had taken part in the International Film Festival and Forum on Human Rights (*Festival du film et forum international sur les droits humains* - FIFDH), an event about which he already received a "warning" from the National Security Directorate on February 6 because of his activism, and an initial refusal to renew his passport. In addition, on April 1, 2010, when Mr. Ba Mariam Koita took up his duties as President of the National Human Rights Commission, he relieved Mr. Biram Ould Dah Ould Abeid of his post as advisor to the Commission, a position he had held for three years, and stated that the decision resulted from his activism in the fight against slavery in Mauritania. Two weeks later, Mr. Biram Ould Dah Ould Abeid was summoned by the Director of Public Liberties of the Ministry of the Interior who demanded that he "ceases all declarations and activities to fight against slavery", threatening him with prosecution for "illegal activities" and imprisonment if he did not respect this order. On December 13, 2010, Mr. Biram Ould Dah Ould Abeid was arrested for "disturbance" after an altercation with police at Arafat 1 police station that took place when he informed them about a case of slavery involving two girls aged nine and fourteen years old, and during which Mr. Ould Abeid was beaten with sticks by several police officers. He was taken to hospital with injuries to his head and leg. Messrs. **Djiby Sow**, **Ali Ould Boubarak Vall**, **Sheikh Ould Abidine Ould Salem**, **Mouloud Ould Boubi**, **Bala Touré** and **Dah Ould Boushab**, sympathisers and activists with IRA and the Front for the Fight against Slavery, Racism and Exclusion in Mauritania (*Front de lutte contre l'esclavage, le racisme et l'exclusion en Mauritanie* - FLERE) who had demonstrated in front of the police station in support of Mr. Biram Ould Dah Ould Abeid, were also arrested. On December 15, 2010, on the same day as SOS-Slaves received the French Republic's 2010 Human Rights Prize for its involvement in the fight against slavery in Mauritania and in the sub-region, the Prosecutor of the Republic decided to jail all the suspects, with the exception of Mr. Djiby Sow, in Nouakchott prison for "aggravated assault" against the police, "illegal gathering" and "belonging

to an unlicensed organisation"[7]. Mr. Biram Ould Dah Ould Abeid was not able to meet his lawyer until December 23, 2010. On January 6, 2011, Messrs. Biram Ould Dah Ould Abeid, Ali Ould Boubarak Vall and Sheikh Ould Abidine Ould Salem were sentenced to a one-year prison term, including a six-month suspended sentence, and a fine of 500,000 ouguiyas (about 1,366 euros). Messrs. Mouloud Ould Boubi and Bala Touré were given suspended sentences of six months in prison and a fine of 100,000 ouguiyas (about 267 euros) and Mr. Dah Ould Boushab received a six-month suspended prison sentence and a fine of 10,000 ouguiyas (about 27 euros). On February 15, 2011, the IRA President and the five members were released after a presidential pardon granted on the occasion of Aïd el-Maouloud (the Prophet's Birthday).

Repression of trade union demonstrations

The year 2010 was marked by an increase in the number of strike movements by several trade unions in various business sectors to call for improvements in workers' wages, and which led to several violent clashes with anti-riot police and to arrests. On May 1, 2010, the professional trade union affiliated to the Free Confederation of Mauritanian Workers (*Confédération libre des travailleurs de Mauritanie* - CLTM) filed advance notice of a general strike by dockers in Nouakchott to call for the opening of negotiations to re-evaluate the profession and the application of labour regulations to protect workers against foreign competition. On May 3, 2010, dockers who had rallied to denounce the refusal of the authorities to start talks with the union, were dispersed by the police using tear gas, sticks and belts, causing several injuries and leading to the arrest of seven workers[8] and the CLTM Secretary General, Mr. **Samory Ould Boyer**. After these negotiations failed, dockers organised another demonstration on May 10, 2010 at El Mina II, which was also violently broken up by the police. Seventeen demonstrators were placed in custody[9]. After these arrests, on May 13, 2010, and despite not being authorised to do so, several dockers decided to return to the streets of Nouakchott to demonstrate and

7/ However, the IRA registration declaration was filed with the Interior Ministry on June 15, 2010 and, under the Law of January 17, 2001, the lack of any response from the administration after a period of two months is equivalent to authorisation. The accusation of belonging to an unauthorised organisation therefore violates Article 10 of the 1991 Constitution, which guarantees the right of freedom of association and assembly.

8/ Messrs. **Mohamed Ould Demba, Ahmed Misk Ould Moustapha, Abdallahi Ould Salem, Mohamed Ould Joumouna, Cheikh Ould Ely, Jafar Ould Mohamed** and **Bouna Ould Aleyatt**.

9/ Messrs. **Cheikh Ould Mohamed, Khalifa Ould Dah, Mohamed Ahmed Cheibib, Ahmed Ould Sidi, El Hacen Ould Sid'Ahmed, Cheibany, Abdi O Mohamed, Mohamed Mahmoud Ould MBareck, Sidi Ould Cheikh, Mohamed Lemine Ould Rachid, Malaïnine Ould Kedeichy, Mohamed Ould Merba, Mohamed Vall Ould Moustapha, Mohamed Lémine Ould Amar, El Houssein Ould Teyib, Oumar Ould Ahmed Louly** and **Houssein Ould Ismaïl**.

call for the release of their colleagues and for an increase in their wages. The security forces, made up of anti-riot police squads, agents of the National Guard and the Gendarmerie, again ended this demonstration using tear gas grenades and they arrested seven demonstrators[10]. On the same day, the seven demonstrators arrested on May 3, 2010, were released without charge. On May 17, 2010, all the demonstrators who remained in detention were also released without charge. Similarly, on February 25, 2011, workers – particularly the dockers – organised a peaceful demonstration to call for liberty, social justice, democracy and dignity, which brought together thousands of young Mauritanians. A large number of security forces surrounded the rally location and tried to disperse demonstrators with tear gas bombs and by making arrests. Two trade union officials, Messrs. **Mohamed Abdallahi Ould Mohamed Tfeil**, Secretary General of the National Telecommunications Union (*Syndicat national des télécommunications* - SYNATEL), affiliated to the General Confederation of Mauritanian Workers (*Confédération générale des travailleurs de Mauritanie* - CGTM), and **Mohamed Ould Daha**, President of the National Youth Movement of the National Confederation of Mauritanian Workers (*Mouvement national des jeunes de la Confédération nationale des travailleurs de Mauritanie* - CNTM), were arrested by the legal police, before being released without charge shortly afterwards[11].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Biram Ould Dah Ould Abeid**	Attack on freedom of movement / Threats an defamation	Press Release	February 12, 2010
	Defamation campaign	Press Release	February 25, 2010
	Defamation campaign / Deportation	Press Release	April 8, 2010
	Threat of judicial harassment / Death threat	Press Release	April 19, 2010
	Attacked / Arbitrary detention	Press Release	December 15, 2010
	Continued arbitrary detention	Press Release	December 23, 2010
Messrs. Biram Ould Dah Ould Abeid, **Ali Ould Boubarak Fall**, **Sheikh Ould Abidin Ould Salem**, **Mouloud Ould Boubi**, **Bala Touré** and **Dah Ould Boushab**	Sentencing	Press Release	January 10, 2011
	Presidential pardon	Press Release	February 16, 2011

10 / Messrs. **Moili Ould Mboirick**, **Jouwyid Ould Moilid**,, **Ethmane Ould Moussa Blesse**, **Naima Ould Sidi**, **Md Mhmoud Ould Sidi**, **Hamad Ould Abeid** and **Joumoua Ould Soueilim**.

11 / See AMDH.

NIGER

During the transition period that followed the coup d'état in February 2010, a new legal and institutional framework more favourable for the respect of human rights appeared, civil society was given a new lease of life and no obstruction or intimidation was observed. However, three defenders continued to be subjected to judicial harassment for having denounced corruption or the constitutional reform in 2009.

Political context

On February 18, 2010, the defence and security forces of Niger, combined within the Supreme Council for the Restoration of Democracy (*Conseil suprême pour la restauration de la démocratie* – CSRD) led by Lieutenant General Salou Djibo, overthrew President Mamadou Tandja who since 2009, had established a particularly repressive climate against people, including political opponents and the civil society who had denounced his anti-constitutional manoeuvring to ensure his stay in power. Mr. Tandja was placed in extra-judicial detention before being transferred to the civil prison in Kollo on January 16, 2011, in spite of the ruling on November 8, 2010, of the Court of Justice of the Economic Community of West African States (ECOWAS), confirming the arbitrary nature of the arrest and detention, and calling for his release[1].

Unexpectedly, the military junta subsequently succeeded with the adoption of a new Constitution[2], creating new institutions and organising general elections that permitted the return of a civil regime. In fact, the two-round presidential elections, which took place on January 31 and March 12, 2011, resulted in the victory of the "historic" opposition leader of the Nigerien Party for Democracy and Socialism (*Parti nigérien pour*

1/ Charged with "misappropriation of public funds" and "violation of the Constitution", Mr. Tandja was finally released on May 10, 2011, after Niamey Appeal Court Prosecution Chamber quashed all proceedings against him. Similarly, several officials of the National Movement for the Development of Society (*Mouvement national pour la société de développement* - MNSD), the managing directors of state enterprises and the military officers who had refused to join the authors of the coup, were arrested for "subversive activities" on March 28 and 29, 2010. Since then, they all have been released.

2/ On November 25, 2010, the new Constitution creating the Seventh Republic of Niger was promulgated, after being approved by referendum on October 31, 2010 by over 90% of the electors. The new text reaffirmed the principle of the limitation of the presidential mandate, specifying that the Head of State is elected for five years and may only be re-elected once.

la démocratie et le socialisme – PNDS), Mr. Mahamadou Issoufou, with nearly 58% of the vote[3].

During this phase of political change, a new legal and institutional framework appeared which was more favourable for the respect of human rights. The new Constitution introduced basic standards of respect for economic and social rights, such as the right to safe and adequate food, and the right to drinking water[4]. It also adopted the principle of the elimination of all forms of discrimination against women and the fight against the violence of which they are victims, and provides for the implementation of specific policies to give women access to public institutions. In addition, on June 4, 2010, the Government adopted a preliminary draft text on decriminalisation of press offences, replacing prison sentences with the payment of fines. On June 14, 2010, the main private radio station in Agadez, *Sahara FM*, was re-opened with the approval of the National Communication Observatory (ONC), after a two-year broadcasting ban.

Continued judicial harassment of a journalist who denounced corruption

In 2010-2011, a journalist who denounced corruption continued to be subjected to judicial harassment. At the end of April 2011, Mr. **Ali Soumana**, Director of the weekly newspaper *Le Courrier*, was still under conditional release while he waited for his trial. He had been arrested on August 1, 2009, along with seven other directors of publications, for implicating one of the sons of President Tandja in a case of corruption related to the signing of a mining contract. They had been all released without charge on the same day, with the exception of Mr. Ali Soumana who was released at a later date to wait for his trial, and the director of another publication who had been sentenced to three months in prison on August 18, 2009, for "throwing discredit on a jurisdictional act"[5].

Continued judicial harassment of two defenders who denounced the reform of the Constitution in 2009

In 2010, two defenders who had denounced the constitutional reform in 2009, continued to be subjected to judicial harassment. After he had

3/ The parliamentary elections on January 31, 2011, gave rise to the induction on March 30, 2011, of a new National Assembly made up amongst others, of members representing the PNDS, MNSD and the Nigerien Democratic Movement (*Mouvement démocratique nigérien* - MODEN).

4/ These provisions are very important in a country where most of the population lives in a situation of food insecurity and where there is inadequate access to drinking water to the extent that around 50% of the population has no access to it. See United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, United Nations document A/HRC/WG.6/10/NER/2, October 18, 2010.

5/ See Annual Report 2010.

spoken against the reform of the Constitution in June 2009[6], on January 25, 2010, the Niamey Appeal Court sentenced Mr. **Marou Amadou**, President of the United Front for the Protection of Democracy (*Front uni pour la sauvegarde des acquis démocratiques* – FUSAD) and the Independent Advisory and Orientation Committee for the Defence of Democratic Gains (*Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques* – CROISADE), a member of the national board of the Network of Organisations for Transparency and Budget Analysis – Publish What You Pay (*Réseau des organisations pour la transparence et l'analyse budgétaire – Publiez ce que vous payez* – ROTAB PCQVP Niger), to a suspended three-month prison sentence for "regionalist propaganda". The lawyers of Mr. Amadou, who was accused of "participation in the creation and/or administration of a non-declared association", "inciting the defence and security forces to disobey" and "conspiracy against State authority", filed an appeal before the Supreme Court. The case was subsequently closed. In addition, at the end of April 2011, the case opened against Mr. **Wada Maman**, Secretary General of the Nigerien Association for the Fight against Corruption (*Association nigérienne de lutte contre la corruption* – ANLC), an active member of ROTAB PCQVP and Secretary General of FUSAD, was still pending before the Niamey High Criminal Court. Mr. Maman, who had been arrested in Niamey in 2009 and prosecuted for "participation in an unauthorised demonstration" and "destruction of a bridge, public monuments and an administrative vehicle", consequently remained under provisional release.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Marou Amadou**	Sentencing / Judicial harassment	Urgent Appeal NER 001/0709/ OBS 095.8	January 26, 2010

6 / *Idem.*

RWANDA

In Rwanda, while serious obstacles to freedom of expression and opinion marked the pre-election period, several journalists who denounced cases of human rights violations were subjected to acts of harassment in 2010. Freedom of association also remained restricted in many respects and a lawyer working to defend political opponents barred by the regime was the victim of judicial harassment.

Political context

In a context of tense security and severe repression against all forms of opposition, Mr. Paul Kagame was re-elected as President of the Republic on August 9, 2010 for a second seven-year term after ten years in power, obtaining 93% of the vote. The pre-election period was marked by a clear denial of freedom of expression and opinion with the systematic closure of independent news media and constant harassment against members of the opposition and journalists who were critical of the Government. On July 26, 2010, one week before the presidential election, the High Media Council, the State's press regulatory body, announced the suspension of thirty media bodies, and at the same time invited nineteen radio stations and 22 newspapers not affected by the suspension, since they fulfilled the criteria set out in the August 12, 2009 Law on the Media, to submit an operation permit application. On July 28, the same Council ordered the security forces to close down newspapers and radio stations that were found to be illegally operating[1].

In order to muzzle dissident voices, the authorities also continued to intimidate opponents, journalists and human rights defenders, accusing them of "revisionism", "genocide ideology" or "divisionism", with no regard for the real arguments. Despite an announcement made by the Government in April 2010 that it would re-examine Law No. 18/2008 relating to "repression of the crime of genocide ideology" adopted on July 23, 2008, it was on these grounds that the leaders of the two main opposition parties – the new United Democratic Forces party (*Forces démocratiques unifiées* - FDU-Inkingi) and the Social Party (*Parti Social* - PS-Imberakuri) – were barred from the election process[2].

1/ See International Freedom of Expression Exchange (IFEX) Press Release, August 18, 2010.
2/ Whilst the President of FDU-Inkingi was arrested and place under judicial supervision, the leader of PS-Imberakuri was sentenced in February 2011 to four years in prison. Furthermore, the Vice-President of the Democratic Green Party was murdered in July 2010 and as of the end of April 2011, his murder remained unpunished.

Obstacles to freedom of association

In 2010-2011, the laws in force regarding the activities of non-profit-making organisations – Law No. 20/2000 of July 26, 2000 and Law No. 55/2008 of September 10, 2008 – continued to present obstacles to their activities. Indeed, these texts provide for two levels of registration for NGOs – on one hand with the local authorities, and on the other hand with the Minister of Justice – a procedure that can take up to one year and requiring an excessive number of documents to be transmitted to the administration. These texts also require decisions on NGO statutes to be approved by the Minister of Justice in order to be considered effective, that the legal representatives and their assistants must be subject to the same approval, and that "Government priorities" must be included in their missions[3].

In this context, several attacks on freedom of association were noted in 2010. As an example, as of the end of April 2011, the Horizon Community Association (HOCA), which works to defend the rights of sexual minorities, in spite of several attempts, had still not obtained the approval that would enable it to exist legally[4]. In addition, international non governmental human rights organisations were the subject of criticism and slander in the pro-government press. The organisations Amnesty international, Human Rights Watch, the Commonwealth Human Rights Initiative, Reporters Without Borders (*Reporters sans frontières* - RSF) and the Committee for the Protection of Journalists (CPJ), in an article published on April 16, 2010 in the *New Times* newspaper, were termed as "human rights terrorists" for having condemned Law No. 18/2008[5]. More direct obstacles to the work of Human Rights Watch were also noted. On April 23, 2010, officials of the Directorate of Immigration rejected the application to renew the work visa of Ms. **Carina Tertsakian**, a Human Rights Watch researcher on Rwanda, forcing her to leave the country[6].

Attacks and harassment against journalists who denounce human rights violations

In 2010, several journalists who denounced cases of human rights violations were the target of attacks and harassment. On April 13, 2010, the High Media Council decided to suspend the two main independent Kinyarwanda language weekly newspapers, *Umuseso* and *Umuvugizi*, for

3/ See International Centre for Non-Profit Law (ICNL).

4/ See Rwandan League for the Promotion and Defence of Human Rights (LIPRODHOR).

5/ See Amnesty International Report, *Safer to stay silent: The chilling effect of Rwanda's laws on 'genocide ideology' and 'sectarianism'*, August 31, 2010.

6/ See Human Rights Watch Press Release, August 2, 2011.

six months. Known for their criticism of President Paul Kagame and his administration on political issues or matters relating to human rights and to corruption, these two newspapers were accused of "inciting insubordination in the army and the police to the orders of their chiefs", "publishing information that endangers public order", "spreading rumours", "defamation" and "invasion of privacy". However, no specific article was cited in support of this sanction[7]. In addition, in the evening of June 24, 2010, Mr. **Jean Léonard Rugambage**, the Rwanda correspondent of the regional press freedom organisation Journalists in Danger (*Journalistes en danger* - JED) and Deputy Editor of *Umuvugizi*, was murdered when he was driving to his home in Kigali. Mr. Rugambage was the last *Umuvugizi* journalist still working in the country. Shortly beforehand, he had told his colleagues that he was being tailed and had received death threats. On the same day, Mr. Rugambage had stated in an online article that agents of the Rwandan intelligence services could be involved in the attempted murder of the former chief of staff of the Rwandan army, General Kayumba Nyamwasa, on June 19, 2010 in Johannesburg, South Africa. On June 28, 2010, the Minister of Internal Security announced that the day after the murder, two suspects whose identity was not revealed, had been arrested and that one of them had confessed to be guilty, explaining that it was an act of vengeance against the journalist, whom he held responsible for the death of his brother during the 1994 genocide. On October 29, 2010, the High Court of the Republic sentenced the two defendants to life imprisonment, which, according to the High Media Council in Kigali, removed all suspicion of the authorities' involvement in the death of the journalist[8]. Furthermore, on July 8, 2010, Ms. **Agnès Uwimana Nkusi** and Ms. **Saidath Mukakibibi**, respectively the Editor and journalist with the privately owned bimonthly Kinyarwanda language newspaper *Umurabyo,* were arrested by the police and placed in provisional detention in Remera police station in Kigali for "inciting civil disobedience", "insulting the Head of State", "spreading false rumours" and "denying the Tutsi genocide" after publishing articles analysing and asking questions about several sensitive subjects such as the murder of the journalist Rugambage, government expenditure on the purchase of luxury jets, the attempted murder of General Nyamwasa and justice for the 1994 Hutu victims. On February 4, 2011, the High Court of the Republic found Ms. Agnès Uwimana Nkusi guilty of "threatening state security", "genocide ideology", "divisionism" and "defamation", and Ms. Saidath Mukakibibi guilty of "threatening state security", and sentenced them respectively to seventeen and seven years

7/ See LIPRODHOR and RSF Press Release, April 14, 2010.
8/ See LIPRODHOR and CPJ Press Release, June 29, 2010.

in prison[9]. Finally, on December 14, 2010, during a forum on human rights in Rwanda, General Richard Rutatina publicly accused Mr. **Nelson Gatsimbazi**, Editor of the bimonthly Kinyarwanda language newspaper *Umusingi*, of working with "enemies of the State" stating that he had received funding from abroad to spread "lies and rumours". This accusation was made in response to a question asked by the journalist concerning the practise of prolonged pre-trial detention, referring in particular to the case of Lieutenant-Colonel Rugigana Ngabo, one of the brothers of former General Faustin Kayumba Nyamwasa[10].

Judicial harassment against lawyers

In a particularly repressive and violent pre-election climate, lawyers defending political opponents barred by the regime, were also targets of harassment. As an example, on May 28, 2010, Professor **Peter Erlinder**, an American lawyer and President of the Association of Defence Lawyers (*Association des avocats de la défense* - ADAD) at the International Criminal Tribunal for Rwanda (ICTR), was arrested by the police for "genocide ideology", "revisionism" and "denial of the Tutsi genocide". Mr. Erlinder arrived in Kigali on May 23, 2010 to help in defending the leader of FDU-Inkingi, Ms. Victoire Ingabire Umuhoza, who was standing as presidential candidate in August 2010, and who was accused of "genocide ideology" and of "minimising the genocide", as well as of "ethnic divisionism" and "collaboration with a terrorist organisation". The arrest of Mr. Erlinder occurred three days after the American Government expressed concerns to the Rwandan authorities about "a series of disturbing events" that constituted attempts to restrict freedom of expression in the run-up to the presidential election on August 9, 2010[11]. On June 7, the Kigali Court rejected the request to release Mr. Erlinder. On June 16, ICTR called for his immediate release on the principle of immunity as an associate of this body, since the charges against him related to his work at ICTR's Arusha headquarters. On June 17, 2010, Mr. Erlinder was released on bail for health reasons, with permission to return to the United States, on the sole condition that he should leave an address with the Rwandan authorities so that he could be contacted if required[12].

9 / See Amnesty International Press Release, February 5, 2011.

10 / See CPJ Press Release, December 16, 2010.

11 / Furthermore, on April 30, 2010, he also filed a complaint for "death in suspicious circumstances", on behalf of the two widows of the former Rwandan and Burundian Heads of State before a Federal Court in Oklahoma, USA, against Mr. Paul Kagame, accusing him of having ordered the destruction on April 6, 1994, of the aircraft aboard which were former President Habyarimana and his Burundian counterpart.

12 / See LIPRODHOR.

SENEGAL

In 2010, relations between the regime and civil society became tense given that the latter was more and more considered by the authorities as part of the political opposition and given the attempts of the Government to control the activities of NGOs. Meanwhile, journalists who denounced acts of corruption continued to be subjected to judicial harassment in 2010-2011. Finally, several peaceful demonstrations organised by civil society organisations were banned and repressed in 2010.

Political Context

Civic protest movements against Government management of social issues intensified in 2010-2011, with more frequent and sometimes violent demonstrations taking place both in the capital and across the country[1]. In this time of energy crisis and strong social discontent, on October 4, 2010, President Abdoulaye Wade fired his Minister of Energy and appointed to the position, his son and adviser, Mr. Karim Wade. Mr. Karim Wade had already been appointed Minister of State shortly after the success of the opposition in the March 2009 municipal elections. This cabinet reshuffle, considered by some as a confirmed volition to install a "dynasty" power, came to be seen in an already enlivened political debate over the legality of a new candidature of the President in 2012, as the Constitution does not allow a third term.

In 2010-2011, the reluctance of the Senegalese President to try Mr. Hissène Habré, the former Chadian dictator who has been living in exile in Senegal for over 20 years and who is accused of "war crimes", "crimes against humanity" and "crimes of torture", provoked a strong reaction within the international and African civil society. Indeed, on December 11, 2010, the President publicly stated that he "regretted" having accepted the case and declared his intention to "get rid" of it because of the lack of support[2].

1/ These demonstrations were firstly to protest against the high cost of living, poor living conditions, electrical power outages and inadequate access to clean drinking water, but were also held to press for better disaster preparedness and management in order to reduce the risk of flooding in vulnerable communities.

2 / On November 24, 2010, international donors meeting in Dakar released funds covering the entire provisional budget of the trial estimated at 5,6 billion CFA francs (about 8,6 million euros). At its summit held in Addis Ababa on January 31, 2011, the African Union (AU) confirmed the task of organising the trial that it had entrusted to Senegal five years earlier. On March 24, 2011, Senegal and the AU announced agreement on the creation of an ad hoc international court to try Mr. Habré and fixed another meeting in April to finalise the statutes and regulations of the court. By the end of April, these documents had not been finalised. See Senegalese League for Human Rights (*Ligue sénégalaise des droits de l'Homme* - LSDH) and the African Assembly for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO).

The working conditions of journalists improved following the adoption by the Council of Ministers on September 16, 2010 of a draft law on a new Press Code, which decriminalises press offences – a major innovation[3]. Moreover, the summons of journalists by the Criminal Investigation Division (*Division des investigations criminelles* - DIC) for questioning about their work slightly reduced. However, independent media continued to face acts of intimidation, police violence and judicial harassment[4].

NGOs considered as part of the opposition and State attempts to control their activities

At the end of 2010, relations between the authorities and the civil society became tense in a context in which the latter was increasingly considered as part of the opposition and where the State was trying to control the activities of human rights organisations. On October 1, 2010, at a ceremony to celebrate the 20th anniversary of the African Assembly for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l'Homme* - RADDHO), Prime Minister Ndéné Ndiaye who presided over the event, qualified the RADDHO Secretary General **Alioune Tine** as being close to the opposition. He reiterated this statement several times early in 2011[5]. In addition, by a presidential decree of October 20, 2010, the number of State-appointed members of the Public Procurement Regulatory Council was doubled, while the three members of Civil Forum (*Forum civil*) – the Senegalese section of the NGO Transparency International – were excluded from their seats in the council, on the grounds that they were a disruptive presence because of their systematic denunciations of bad governance practices contrary to the principle of transparency and the fight against corruption. Without the presence of Civil Forum representatives in the council, it became virtually impossible for NGOs to access information on this question[6]. Furthermore, on December 17, 2010, the President signed a new decree modifying Decree No. 96-103 of February 8, 1996, which established the regulatory framework governing NGO activities, by placing NGOs henceforth under the authority of the Interior Ministry rather than the Ministry of Social Development as it was previously the case. This decision was strongly criticised by the NGO Council of Development Support (*Conseil des ONG d'appui au développement* - CONGAD)[7], which fears that this measure aims to place the organisations of the civil society under

3/ This draft legislation, which was still under consideration by the National Assembly at the end of April 2011, stipulates that prison sentences will be replaced by financial sanctions or by the withdrawal of a journalist's press card.

4/ See LSDH and RADDHO.

5/ See RADDHO.

6/ *Ibid*. at 4.

7/ Created in 1982, CONGAD comprises 178 international and national NGOs.

the tutelage of a ministry considered as the police arm of the State, and therefore seeks to muzzle and control them.

Intimidation and judicial harassment against journalists who denounce corruption

While a revision of the Press Code was awaited, journalists who recorded and denounced acts of corruption continued to be subjected to judicial harassment in 2010-2011. Thus, while his appeal against the Director of the Senegalese company Lonase games was still pending as part of a previous conviction for "spreading false news"[8], the investigative journalist Mr. **Abdoulatif Coulibaly**, Editor of the magazine *La Gazette*, a former member of the Council for Ethics and Deontology (*Comité d'observation des règles éthiques et de déontologie* - CORED) Executive Committee, and Director of the Higher Institute of Information and Communication (*Institut supérieur des sciences de l'information et de la communication* - ISSIC), was convicted on November 16, 2010 for "defamation" by the Criminal Court of Dakar, and given a one-month suspended sentence and a 20 million CFA francs (about 30,489 euros) fine. The charges arose from the publication of two articles in *La Gazette* on May 27 and June 3, 2010, in which Mr. Thierno Ousmane Sy, adviser to the Head of State for Information and Communication Technologies, was accused of having received substantial commissions for the sale of the third telephone licence in the country to the private Sudanese telecommunication group Sudatel. In addition, his colleagues, Messrs. **Aliou Niane** and **Alioune Badara Coulibaly**, co-authors of the articles, were sentenced to the same penalties for "complicity in defamation". The three journalists appealed, but as of late April 2011, the Criminal Chamber of the Court of Appeal in Dakar had not yet scheduled a hearing[9]. In relation with this issue, on June 5, 2010, some policemen broke into the publishing premises of the independent daily *Le Populaire*, and confiscated some of its printing equipment. The apparent purpose of this action was to prevent publication of a petition by Mr. Bara Tall, a shareholder of the COM7 group that owns *Le Populaire*, demanding the opening of judicial proceedings in relation to the Sudatel transaction[10]. On October 5, 2010, a number of individuals entered the house of Mr. Abdoulatif Coulibaly and took away his laptop, his two

8 / See Annual Report 2010 of the Observatory.

9 / While the case was still being deliberated, the day after the trial held on September 14, 2010, the Public Ministry sent a confidential note to the Minister of Justice, also father of the complainant, Mr. Cheikh Ousmane Sy, in which it specifically requested that the guilt of Mr. Coulibaly should be recognised. Made public by the Senegalese press, this note was denounced by the defence as an injunction to judges and evidence of interference in the judicial system, seriously undermining the principles of a fair trial. See RADDHO and LSDH.

10 / See International Freedom of Expression Exchange (IFEX) Press Release, June 11, 2010 and LSDH.

phones and his vehicle, which was found later the same day. The phones were not found until later, as was the laptop in which files were found to have been destroyed, including a proposed paper on the human rights situation in Senegal. After Mr. Coulibaly filed a complaint, an investigation was opened and several people were arrested before being released, with the exception of one person who was convicted on November 19, 2010 for "receipt of stolen goods" and sentenced to two years and three months of imprisonment, and ordered to pay 4 million CFA francs (about 6,100 euros) in damages to the plaintiff[11]. On December 9, 2010, Mr. Coulibaly was again summoned to appear before the Criminal Court of Dakar along with two journalists, Messrs. **Bocar Sakho** and **Mbaye Makébé Sarr**, for "defamation" and "complicity". All three were cited in a complaint filed by Mr. Abbas Jaber, a friend of the Head of State and General Manager of Suneor, Senegal's leading food company specialising in oilseeds, who following the publication of two articles in *La Gazette* on May 20 and 27, 2010, claimed 500 million CFA francs (about 762,245 euros) in damages[12]. On February 24, 2011, counsel for the complainant requested 2 billion CFA francs (about 3,048,980 euros) in damages, before the prosecutor asked for a six months suspended prison sentence. On April 14, 2011, Messrs. Coulibaly, Sakho and Sarr were convicted for "defamation, public insults and complicity" by the Criminal Court of Dakar, to the prejudice of the complainant. They each received a three-month suspended prison sentence and were ordered to pay jointly to the plaintiff 10 million CFA francs (about 15,245 euros) in damages[13].

Violations of freedom of peaceful assembly

While peaceful marches are protected by Article 10 of the Constitution as a form of exercising freedom of expression, several marches and peaceful demonstrations organised by various civil society groups were banned and repressed in 2010. For example, the peaceful demonstration organised by the Hann Maristes Collective of Associations (*Collectif des associations de Hann Maristes),* a group defending the rights of local residents of the Hann Marist region and protection of the environment, to protest against

11/ See RADDHO.

12/ These newspaper articles revealed a plan to sell 80% of the land assets of the company, which according to the authors would result in an estimated profit of 65 billion CFA francs (about 251,195,921 euros) while it had only cost 8 billion CFA francs (about 12,195,921 euros), thus constituting a breach of the protocol between the company and the State of Senegal, which does not allow the sale of its land before February 2012. According to the journalists, any regime change following the forthcoming presidential election could result in the State repossessing this land. This is why, Mr. Jaber would like to sell the company, which despite having received a State subsidy of 6 billion CFA francs (about 9,146,941 euros) to ensure the marketing of its peanuts has not recovered from its financial difficulties. See LSDH.

13/ See RADDHO.

the allocation of a portion of the perimeter of the local artificial lakes to real estate developers, was banned by the Prefect of Dakar on May 21, 2010, a day before it was due to take place. On May 22, 2010, the inhabitants of the Hann Marist region gathered to express their dissatisfaction with the proposed destruction and occupation of the site harbouring artificial lakes – a protected natural zone where no building was allowed according to the urban planning directives in force – to construct a gas station. In the view of Hann Marist residents, this project would have harmful consequences for the environment and their health, for example through the release of hazardous substances in lakes, noise and the risk of flooding caused by cutting down trees. National police units were deployed to prevent the march and the crowd was dispersed within a few hours. In addition, on May 25, 2010, the Coordinator of the Hann Marist group, Mr. **Aliou Diakhaté**, was invited to meet the Prefect to discuss their divergences regarding authorisation to hold the demonstration. However, on arrival at his office, Mr Diakhaté was greeted by members of the Hann Marist gendarmerie who arrested him for "disturbing public order". He was detained for 48 hours at the gendarmerie and deferred to the Dakar Prosecutor in Dakar, who decided to release him without charge two days later[14].

14 / See Hann Maristes Collective of Associations Open Letter to the authorities, June 6, 2010, LSDH and RADDHO.

SOMALIA

In 2010-2011, in southern and central Somalia, many humanitarian organisations had to close offices or restrict their activities, and the few human rights defenders who continued to operate, increasingly faced travel restrictions and arrests. Journalists also remained in the frontline and faced arrest and intimidation for reporting on human rights violations.

Political context

Somalia remained highly divided with its territory controlled by different forces. The north of the country was still divided between Puntland, an autonomous region, and Somaliland, a self proclaimed but not internationally recognised Republic. The Transitional Federal Government (TFG), despite support by the African Union Mission in Somalia (AMISOM) troops[1], lost control over further territory in southern and central Somalia to Al-Shabab and other insurgents groups, which now control most of these regions. Key objectives assigned to the TFG, which mandate is due to expire in August 2011[2], such as restoring peace and drafting a Constitution to be adopted by popular referendum, remained to be implemented. On the ground, the fighting intensified between TFG forces and Islamist insurgents. The humanitarian and human rights situation drastically deteriorated. From January to September 2010, at least 908 civilians were killed and 2,905 injured, mostly by shelling in Mogadishu[3]. Indiscriminate violence and frequent attacks against civilians continued, as well as the widespread recruitment of child soldiers and sexual and gender-based violence. It led to the new displacement of more than 300,000 people within Somalia in 2010, with a total of about 1,500,000 internally displaced persons (IDPs)

1/ On December 22, 2010, the Security Council authorised the AMISOM force to maintain its deployment until September 2011 and to increase its strength to 12,000 troops. See Security Council Resolution, UN Document S/RES/1964, December 22, 2010.

2/ On February 3, 2011, the Transitional Parliament, by a vote, unilaterally extended its own mandate for three years "without the required level of discussion and consultation on how to end the transition and on the next political dispensation after August 20, 2011", according to the UN Special Representative for Somalia. See UN Special Representative for Somalia, Augustine P. Mahiga, Statement, February 4, 2011.

3/ See UN High Commissioner for Human Rights Statement, September 29, 2010.

at the end of 2010[4]. In areas under control of Al-Shabab, execution for alleged spies, amputation of suspected thieves, beating or other types of extrajudicial punishment for breaching orders on social behaviour or dress codes such as bans on playing music, were among the violations reported[5]. Due to the threats, restrictions and intimidations faced by human rights defenders, humanitarian workers and journalists, particularly in the area under control of Al-Shabab, there was a clear deficit of information on the human rights situation.

There was a relative stability in the self proclaimed Republic of Somaliland in the north of the country where the incumbent President Dahir Riyale was defeated during elections which, after a number of delays, finally took place in June 2010. The electoral process was considered free and fair by international observers[6]. An opposition candidate, Mr. Ahmed Mohamed Mohamoud "Silanyo", was sworn in on July 27, 2010. Another positive aspect was the promulgation, on October 30, 2010, of the legislation creating a Human Rights Commission[7]. In the autonomous region of Puntland, the situation was more volatile with political violence and recurrent clashes among clans. In both Puntland and Somaliland, growing concerns arose from the creation of new rebels groups, with alleged connections to Al-Shabab[8].

According to the National Union of Somali Journalists (NUSOJ), three journalists were killed and six wounded in 2010, either during fighting or as a result of a targeted attack[9]. Many were arrested and intimidated by Al-Shabab and other insurgent groups but although, to a lesser extent, by TFG forces and Puntland authorities. In addition, media houses were

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4 / See Internal Displacement Monitoring Centre (IDMC) Report, *Internal Displacement: Global Overview of Trends and Developments in 2010 - Somalia*, March 23, 2011. In April 2011, the United Nations High Commissioner (UNHCR) announced that 33,000 persons had been displaced by the fighting in the past six weeks. See UNHCR News Stories, *Fighting in Somalia displaces some 33,000 people over past six weeks,* April 8, 2011. Moreover, at the beginning of March 2011, the UN Independent Expert on the Human Rights Situation in Somalia warned that "the drought is now a cause for displacement in Somalia, in addition to conflict". See UN Independent Expert on the Human Rights Situation in Somalia Press Release, March 2, 2011. Between November 2010 and April 2011, the number of people in Somalia needing humanitarian assistance and livelihood support has reached 2,4 million, an increase of 20%. See Secretary General Report, *Report by the Secretary-General on Somalia*, UN Document S/2011/277, April 28, 2011.

5 / See General Assembly Report, *Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari*, UN Document A/HRC/15/48, September 16, 2010.

6 / See UN Security Council Report, *Report of the Secretary-General on the situation in Somalia*, UN Document S/2010/447, September 9, 2010.

7 / See UN Security Council Report, *Report of the Secretary General on the situation in Somalia*, UN Document S/2010/675, December 30, 2010.

8 / See UNHCR, *UNHCR 2011 country operations profile - Somalia*.

9 / See NUSOJ Annual Report 2010.

forced to implement orders of Islamic groups such as not playing music or broadcasting *BBC* news and broadcast their propaganda. While those which did not comply with the orders were ransacked, the TFG threatened to close down the ones which were complying considering that they were cooperating with the insurgents[10].

Threats and intimidation against human rights defenders in southern and central Somalia

In 2010, humanitarian staff continued to work in a very difficult environment in southern and central Somalia as, in addition to the ongoing armed fighting, they faced restrictions in their movements and activities as well as targeted attacks, particularly in areas controlled by Al-Shabab. As a result, humanitarian organisations had to pull out or to limit their activities in those regions. For instance, in January 2010, the World Food Program (WFP) was forced to suspend the delivery of food assistance in southern Somalia due to increased targeting of its staff and non governmental partners, and unacceptable demands by Islamic militia groups. Indeed, in December 2009, Al-Shabab requested, among other demands, the banning of women from working for the United Nations and the payment of 30,000 US dollars (about 20,742 euros) every six months for the security of United Nations staff. After the United Nations rejections of these conditions, Al-Shabab issued a directive banning, from January 2010, food coming from abroad[11]. In addition, since January 2010, approximately one hundred UN staff members have been relocated from duty stations in southern and central Somalia[12]. Organisations that continued to work there faced different types of assaults. For instance, in July 2010, the compound of WFP and the houses of six of its national staff in Wajid were seized by Al-Shabab, which also attempted to loot non-food items from the WFP compound in Buaale[13]. Furthermore, several international NGOs operating in areas under control of Al-Shabab had to suspend their operation upon order of the militia. For instance, in August 2010, World Vision International (WVI), the Adventist Development and Relief Agency (ADRA) and Diakonia were accused by Al-Shabab of propagating Christianity in Somalia and consequently forced to stop their operations[14].

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10 / See Reporters Without Border (RSF), NUSOJ and CPJ.

11 / See Human Rights Council Report, *Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari*, UN Document A/HRC/13/65, March 23, 2010.

12 / See UN Security Council Report, *Report of the Secretary-General on the situation in Somalia*, UN Document S/2010/234, May 11, 2010.

13 / See UN Security Council Report, *Report of the Secretary-General on the situation in Somalia*, UN Document S/2010/447, September 9, 2010.

14 / See ADRA and World Vision Press Releases, August 9, 2010 and OCHA, Somalia Humanitarian Overview Vol. 4 Issue 2, February 2011.

On September 15, 2010, Mercy Corps, Med-Air and Horn Relief were ordered to close by Al-Shabab Banadir administration, who accused them of having too close ties with the United States[15].

Similarly, the few human rights defenders who continued to operate in southern and central Somalia were in an increasingly difficult situation, their movements being restricting due to the ongoing fighting and the few still operating in militia's controlled area being targeted by all actors involved in the conflict[16]. For instance, on April 16, 2010, Mr. **Alin Hilowle Hassan**, the Director of the Isha Human Rights Organisation, based in Baidoa, was arrested at his house in Baidoa and taken to a local police station by Al-Shabab militiamen. His computer equipment was taken. He was transferred to Mogadishu and then back in Baidoa and reportedly tortured in detention. He managed to escape in October 2010. Al-Shabab had accused the Isha Human Rights Organisation of spying for foreign powers before his arrest and had already seized equipment from their offices in Baidoa[17].

Severe attacks on journalists reporting on human rights violations

Journalists reporting on human rights violations also remained on the front line as they were subjected to a number of attacks that clearly aimed at preventing them from reporting on human rights violations. For instance, on July 1, 2010, Mr. **Mustafa Haji Abdinur**, an *Agence France-Presse* correspondent, and Mr. **Yusuf Jama Abdullahi**, an independent cameraman, were arrested while they were covering shooting between Al-Shabab militia and the TFG forces. They were detained for several hours by the Somali security forces in Mogadishu and forced to erase their photos including those they took of a journalist who was wounded during the clashes[18]. On February 21, 2010, Mr. **Ali Yussuf Adan**, a correspondent of *Radio Somaliweyn*, was arrested by Al-Shabab militiamen in Walnlaweyn district, Lower Shabelle region. He was released on March 2, 2010. A day before his arrest, he had reported about the alleged killing by Al-Shabab of a man for being late at a Saturday prayer[19]. In June 2010, Mr. **Mohammed Ibrahim**, a *New York Times* correspondent in Somalia and Programme Coordinator at NUSOJ, received threats from government security forces following the publication of an article he wrote about the recruitment and

15 / See OCHA, *Protection Cluster Update*, September 17, 2010.
16 / See General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Somalia, Shamsul Bari*, UN Document A/HRC/15/48, September 16, 2010.
17 / See East and Horn of Africa Human Rights Defenders Project (EHAHRDP) and Amnesty International Press Release, April 19, 2010.
18 / See RSF and Committee to Protect Journalists (CPJ).
19 / See NUSOJ Annual Report 2010.

use of children by government forces. He fled the country after attempted arrest by the security forces. However, Mr. Ibrahim returned to Somalia in September 2010 after obtaining guarantee by the Government[20]. In Puntland, Mr. **Mohamed Yasin Isak**, a *Voice of America* correspondent, was arrested at his house in Galkayo by the Puntland Intelligent Services (PIS) on December 21, 2009. He was held in detention at the PIS in the port city of Bossasso until December 22 and then transferred to the PIS headquarters in Galkayo. He was released on January 7, 2010. No charges was pressed against him. Before his arrest, Mr. Mohamed Yasin Isak had reported on the crackdown by the Government against the IDPs from southern Somalia[21].

20 / See International Press Institute and CPJ.

21 / Mr. Mohamed Yasin Isak had already been shot at by a policeman in November 2009 and briefly detained in August 2009 after reporting on allegations that the son of a former Governor was involved in a killing. See *Voice of America* Press Release, January 7, 2010 and NUSOJ.

SUDAN

In 2010-2011, in the run-up to the referendum on Southern Sudan independence, repression intensified against all dissenting voices, largely conducted by the National Intelligence and Security Services (NISS). As in previous years, crackdown on human rights activists aimed at preventing any independent reporting on the human rights situation in Darfur continued, and humanitarian workers working in that region were subjected to further attacks and restrictions on freedom of movement. Journalists reporting on human rights violations also faced censorship and harassment. Human rights defenders promoting fair, transparent and free electoral processes and a number of women's rights defenders were also targeted.

Political context

Although crucial steps for the implementation of the 2005 Comprehensive Peace Agreement (CPA)[1] were undertaken in 2010 and 2011 with the organisation of the first multi-party general elections since 24 years in 2010[2] and the referendum on the independence of Southern Sudan in January 2011, President Omar Al Beshir – who is currently subject to two arrest warrants by the International Criminal Court (ICC) for "war crimes", "crimes against humanity" and "genocide" committed in Darfur[3] – was re-elected on April 26, 2010 in a process marred by widespread irregularities and human rights violations both in the north and in the south[4]. On the same day, Mr. Salva Kir was confirmed as President of the Government of Southern Sudan.

In addition, in the run up to the referendum on Southern Sudan independence, repression intensified against all dissenting voices, largely conducted by the National Intelligence and Security Services (NISS),

1/ The CPA brought an end to twenty years of civil war between the Sudanese Government and the Sudan People's Liberation Army (SPLA).

2/ Elections were held on the same day for the President of the Republic of Sudan, the President of the Government of Southern Sudan, the Governors of the 25 States, the Members of the National Legislative Assembly, the Members of the Southern Sudan Legislative Assembly and Members of State Legislative Assemblies.

3/ On July 12, 2010, the ICC Pre Trial Chamber issued a second arrest warrant for Mr. Omar Al Beshir on charges of "genocide" committed in Darfur.

4/ See African Centre for Justice and Peace Studies (ACJPS) Report, *Sifting through Shattered Hopes: Assessing the Electoral Process in Sudan*, May 2010. In addition there was little competition, since a few days before the elections several opposition political parties withdrew from the presidential elections including the Sudan Peoples' Liberation Movement (SPLM), Umma Party, and the Sudan Communist Party.

which retain the power of arrest and detention under the 2010 National Security Act. In May 2010, the NISS resumed pre-print censorship, a practice that President Al Beshir had lifted through decree in September 2009[5]. Repression culminated when, following popular revolts in Tunisia and Egypt, youth activists started organising peaceful protests across Northern Sudan calling for President Al Beshir to abdicate power and for the National Congress Party (NCP) to rescind austerity measures imposed to combat the economic effects of southern secession[6]. National security forces used pipes, tear gas and sticks against protesters in Khartoum, Omdurman, El Obeid, Wad Medani and Kosti. More than one hundred people were arrested on the first day of protest on January 30, 2011 and several were severely injured. Many of the detainees were tortured and released at different dates afterwards. More were arrested on the following days, including journalists and human rights defenders, before being subsequently released[7]. In addition, gender-based violence was used as a new tool to repress women demonstrators as several cases of protesters being raped were reported[8].

From January 9 to 15, 2011, the referendum on the independence of Southern Sudan took place in a mostly peaceful environment and on February 7, 2011, the Electoral Commission announced that 98.83% of the voters had backed independence[9]. However, unresolved issues such as border demarcation, resource-sharing, citizenship and particularly the future status of Abyei area[10] could still "derail Sudan's north-south peace process" as stated by the United Nations (UN) Expert on Human Rights in Sudan following the violent clashes that erupted there after the referendum[11]. Stability in Southern Sudan was also jeopardised by recurrent clashes in Jonglei between the Sudan People's Liberation Army (SPLA) and a rebel group led by George Athor Den, a former SPLA member, which led in February 2011 to the displacement of 20,000 people and the killing of over 200 people, mostly civilians[12].

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5 / See ACJPS.

6 / The protests were led by the "Youth of 30 January for Change Alliance", a coalition of student movements such as Girifna, Nahoa Alshari and Aid ala Aid.

7 / An unknown number were charged by the police for "rioting" and released on bail, but the charges were still pending as of April 2011. See ACJPS.

8 / See No to Women Oppression Coalition Press Release, March 1, 2011 and ACJPS.

9 / See European Union Election Observation Mission Press Release, January 17, 2011.

10 / Abyei self-determination referendum to join either Northern or Southern Sudan was supposed to take place on January 9, 2011 but was postponed due to disagreement over voter eligibility.

11 / See UN News Service Statement, March 14, 2011. At least one hundred people were reportedly killed during violence at the beginning of March and up to 25,000 displaced. See Integrated Regional Information Networks (IRIN) Press Release, March 8, 2011.

12 / See Internal Displacement Monitoring Centre (IDMC) Statement, February 25, 2011.

While attention was focused on the referendum, the situation in Darfur was deteriorating, with intensified fighting between the Government and armed opposition movements, as well as among rebel factions. In September 2010, the Government, while highlighting its concern about the implications in Darfur of the referendum on the south independence and its new strategy on Darfur aiming at the return of internally displaced persons (IDPs) to their place of origin, launched large scale attacks in West Darfur[13]. The civilian population was increasingly victim of widespread human rights violations such as looting, destruction of property and villages, rape, arbitrary arrests, and killings and at the end of November 2010, 268,500 people were estimated to be newly displaced[14].

Continued crackdown on human rights activists aimed at preventing any independent reporting on the human rights situation in Darfur

In this context, and following several ICC decisions putting pressure on the Sudanese authorities regarding the situation in Darfur[15], the Government took drastic measures to prevent any independent reporting on the region. Indeed, the attacks on human rights defenders aimed at paralysing the human rights movements in Darfur, which started in 2009 when the ICC began its proceedings against President Al Beshir, continued in 2010-2011. In particular, the Khartoum Centre for Human Rights and Environmental Development (KCHRED), the Amal Centre for the Rehabilitation of Victims of Torture and the Sudan Social Development Organisation (SUDO), NGOs that were dismantled by the authorities in 2009, could still not resume their activities in 2010-2011. On January 13, 2010, the Governor of Khartoum State rejected the appeal filed by KCHRED against its dismantlement, and KCHRED's appeal against this decision before the Administrative Court was still pending at the beginning of 2011. The Amal Centre did not file an appeal. On April 21, 2010, a Khartoum court reversed the 2009 Khartoum State's Humanitarian Aid Commissioner decision to cancel the registration and dissolve the SUDO. However, as of the end of April 2011, the Government was still refusing to return SUDO's assets, which meant it could not resume its activities. Moreover, on December 22, 2010, Dr. **Ibrahim Adam Mudawi**, former Chairperson of SUDO, was found guilty on appeal of "embezzlement"

13 / See ACJPS.

14 / See OCHA Press Release, November 2, 2010. For more details on the human rights violations committed in Darfur see ACJPS Report, *Rendered Invisible: Darfur Deteriorates as International Pressure Shifts to the Referendum Process*, February 2011.

15 / The Decision informing the UN Security Council about the lack of cooperation by the Republic of the Sudan issued in May 2010, the issuance of a second arrest warrant against the President Al Beshir in July 2010 as well as two decisions issued on August 27, 2010 informing the UN Security Council and the Assembly of the States Parties to the Rome Statute about President Al Beshir's visit in Chad and Kenya.

and sentenced to a one year suspended prison term and a fine of 3,000 Sudanese pounds (about 770 euros) by the judge who had acquitted him based on the same evidence in March 2009. Dr. Ibrahim Adam Mudawi was immediately taken to Kober prison, and transferred the following day to Soba prison. On January 25, 2011, the same court that sentenced him on December 22, 2010 upheld the conviction but decided that he should not serve his sentence. Neither Mr. Mudawi, who was consequently released, nor his lawyer were present at the hearing.

Furthermore, several human rights defenders working on Darfur were forced to flee the country after being arbitrarily arrested and receiving threatening messages. On January 16, 2010, Mr. **Abdel Amajeed Salih**, a human rights defender employed by the Khartoum office of the Darfur Transitional Authority, involved in the monitoring of human rights violations, was released after spending six months and fifteen days in Kober prison's political security section. During these six months of detention, Mr. Abdel Amajeed Salih was tortured. He was not charged with any crime. Upon release, the NISS ordered him to report weekly to their offices and he reported receiving threatening phone calls. On March 28, 2010, he was arrested again by NISS while working with the Carter Centre on elections observation and detained for several hours. He consequently fled the country in June 2010. On February 22, 2010, Mr. **Taj Albanan Taj Alasfya**, the Coordinator of the South Darfur section of the Justice Africa organisation[16], was arrested at his office in the Imtedad area in Nyala by NISS agents and kept in detention until February 24, 2010. He was threatened with being re-arrested should he reveal the circumstances of his arrest and requested to cooperate with NISS on providing information on activities of NGOs in Nyala. He received several threatening messages after his release and finally fled the country at the end of September 2010[17].

In an effort to completely stop any reporting on the region and the human rights violations taking place on a daily basis, in October and November 2010, the NISS conducted a crackdown on Darfurian human rights defenders and journalists. On October 30, 2010, Mr. **Abdelrahman Mohamed Al-Gasim**, the Legal Aid and Training Coordinator of the Darfur Bar Association, was the first one to be arrested in Suq al Arabia in Khartoum by NISS agents. The same day, the NISS conducted a raid

16 / Justice Africa is an international NGO based in London and advocating for justice in Africa which runs a programme in Sudan and particularly about Darfur.

17 / See ACJPS.

at the Human Rights and Advocacy Network for Democracy (HAND)[18]. They confiscated the organisation's equipment and arrested Messrs. **Abdelrahman Adam Abdelrahman** and **Dirar Adam Dirar**, respectively Deputy Director and Administrative Officer of HAND, as well as Ms. **Manal Mohamed Ahmed**, Ms. **Aisha Sardo Sharif**, Ms. **Aziza Ali Edris**, Ms. **Kuwather Abdelhag Mohamed**, and Messrs. **Abu Ghassim El Din**, **Zacharia Yacoub**, **Ibrahim Adam**, **Adam Alnour Aldam Momen Abdelrahman Adam** and **Khalid Ishag Mohamed Yosuf**, all members of the HAND network. On November 3, 2010, Mr. **Jaafar Alsabki Ibrahim**, a Darfuri journalist working for *Al Sahafa*, was arrested in a NISS raid on the newspaper's offices. All men were detained at Kober prison and the women at Omdurman women's prison. They were all released without charge on January 13 and 23, 2011, except for Messrs. Jaafar Alsabki Ibrahim and Abdelrahman Adam Abdelrahman, who remained in detention without charge as of the end of April 2011. The repression went so far as to harass individuals who had not yet published their writing, as happened to Ms. **Fatima Mohamed Alhassan**, a Darfurian employee of the Nyala tourism authority who was writing a book about accountability and justice in Darfur and was arrested by the Nyala's police in South Darfur on December 5, 2010. The police seized her notes including testimonies she had collected. On December 7, 2010, her relative and room-mate was also arrested. Both of them were taken to the central police station in Nyala and charged by the Military Intelligence of South Darfur of "undermining the constitutional system" and "waging war against the State", an offence that could be punished by the death penalty. On December 12, 2010, Ms. Fatima Mohamed Alhassan was interrogated by NISS for three hours before being returned to police custody. The following day, she was transferred to Nyala women's prison along with her relative. On January 25, 2011, the charges were modified to "participation in a terrorist or criminal organisation" pursuant to Article 65 of the Criminal Code and punishable by a sentence of a maximum of ten years[19]. Ms. Fatima Mohamed Alhassan and her relative were released on bail on January 16, 2011. As of April 2011, the case had not been referred to the court. In addition, as of April 2011, the case filed in 2009 by the NISS against Mr. **Abu Talib Hassan Emam**, a lawyer from El Geneina and a member of the Darfur Bar Association, under Article 53 of the Sudanese Criminal Act 1991 for "espionage against the country", was still pending without referral to the court.

18 / HAND is a coalition of nine grass roots Darfuri organisations that publicises monitoring reports about the situation of human rights in Darfur.

19 / See ACJPS.

Ongoing attacks and restriction on freedom of movement of humanitarian workers in Darfur

The crackdown on human rights defenders was coupled with grave restrictions on humanitarian actions in the region. Humanitarian aid never fully recovered from the expulsion of thirteen international aid NGOs in March 2009 following an order of the Sudanese authorities as none of them were able to resume their activities. In addition, the Organisation of Voluntary and Humanitarian Act of 2006 remains in force and continued to be used to restrict the work of humanitarian groups. For instance, on January 22, 2010, the Humanitarian Act Commission revoked the licences of 26 relief groups[20] operating in Darfur while warning thirteen to conform to the law within thirty days[21]. In addition, in August 2010, two international staff members of the International Organisation for Migration (IOM) were ordered to leave the country by the authorities without explanation[22]. On February 22, 2011, the Governor of South Darfur ordered the NGO Doctors of the World France (*Médecins du monde* - MDM) to leave the country. As a result, the NGO stopped all its activities in Darfur[23]. Moreover, humanitarian staff who continued their activities in the region worked in a very difficult environment, facing attacks and abductions. African Union-United Nations Hybrid Operation in Darfur (UNAMID) staff members were particularly targeted. For instance "on October 7, 2010, the house of UNAMID staff was broken into. Three staff members were taken hostage, two of whom managed to escape within a few hours of being kidnapped. The other hostage was held for ninety days and finally released on January 5, 2011. On November 4, three aviation staff contracted by the World Food Programme, were kidnapped in Nyala, Southern Darfur. They escaped after 35 days in captivity"[24]. Humanitarians also faced increased restrictions to their freedom of movement and access to beneficiaries. For instance, in August 2010, after fighting started in Kalma IDPs camps, humanitarian workers were prevented from accessing the camp for two weeks[25].

20 / The 26 NGOs are Prospect Sudan, Counterpart International, Feed the Children, Food for the Hungry, Safe Harbour, The Halo Trust, Right to Play, Air Serve, Mercy International, Global Peace Mission, Population Media Centre, Sudanese International Development & Relief Association, Royal Dutch Aid, Canadian Association for African Development, Stichting Projectkoppeling Eindhoven Gedaref (SPEG) - Holland, Norwegian League for the Disabled, African Association for Development, Health Assistance for Children, Nabata Charitable Foundation, Impact, Cins-Italy, Ulfa Aid, Joint Projects Organization, Arabic Centre for Immigrant Labours, Tomp/Germany and Human Relief and Peace.

21 / See ACJPS.

22 / See IOM Sudan Press Briefing Note, July 15, 2010.

23 / See MDM.

24 / See UN Security Council, *Report of the Secretary-General on the UNAMID*, UN Document S/2011/22, January 18, 2011.

25 / See ACJPS.

Humanitarian agencies as well as UNAMID were also constantly denied access since February 2010 to a certain portion of East Jebel Marra[26].

Crackdown on human rights defenders promoting fair, transparent and free electoral processes

In 2010-2011, the authorities systematically repressed any attempts by civil society to advocate in favour of democracy and transparent elections since the beginning of 2010. Members of "Girifna"[27], a youth group created before the general elections to encourage civic participation as well as voter education and promotion of social change and democracy through peaceful actions, were particularly targeted. For instance, on March 6, 2010, police and NISS in Khartoum broke up a peaceful election campaign denouncing corruption held by Girifna at a bus stop in central Khartoum. Three students and members of Girifna, Messrs. **Taj Alsir Jafar Taj lsir**, **Abdallah Mahadi Badawi** and **Hisham Mohamed Alhaj Omer**, were taken to Khartoum Shimal police station, and the police filed a complaint against them for "public nuisance". They were all released on bail the following day and at the end of April 2011, the complaint was still pending. In addition, on March 15, 2010, Mr. Abdallah Mahadi Badawi was abducted by two armed men in Khartoum and taken to a room in an unknown location, where he was severely beaten by thirteen men with sticks, hoses, and electric wires, and interrogated about Girifna's activities and sources of funding. After being released, Mr. Abdallah Mahadi Badawi held a press conference on March 18 in Khartoum, during which he talked about his arrest and detention condition. He consequently received death threats by NISS and fled the country on April 31, 2010. On August 7, 2010, the police arrested Messrs. **Hassan Ishag**, **Azzi Eldine Al-Anssari** and **Hassan Mohamed**, three students members of the Girifna movement, in Khartoum while they were distributing the Girifna magazine. They were taken to police station five in Alhaj Yousif area. The police filed a complaint against them for "breach of public peace" and "calling for opposition to the public authority by violence or criminal force". Late at night, NISS agents took the detainees from police custody to NISS offices, where they were questioned extensively about the movement and tortured. They were taken back to police and released on bail on August 9, 2010. As of the end of April 2011, the police complaint was still pending. On January 22, 2011, Mr. Taj Alsir Jafar was arrested again together with Messrs **Osman Al Jamery** and **Taj Al Sir Mahjoub** by the NISS in Khartoum Bahri after distributing the Girifna magazine. They were all released after a few days, without charge[28].

26 / See Security Council, *Report of the Secretary-General on the UNAMID*, UN Document S/2011/22, January 18, 2011.
27 / "Girifna" literally means "we are fed up".
28 / See ACJPS.

Targeting of women's rights defenders

Women's rights activists initiatives in Sudan were also targeted. On December 14, 2010, a peaceful demonstration organised by the "No to Women's Oppression Coalition" in front of the Ministry of Justice in Khartoum, was dispersed by the police. The demonstration was to denounce the use of public order laws in Sudan and their discriminatory application towards women[29], and call for amendments of such laws. Before the demonstration began, the NISS and police reportedly cordoned off the area and forcefully disbanded the group. Forty-three persons including members of NGOs, lawyers, members of Girifna and journalists were arrested and taken to Alshmali police station before being released on bail a few hours later. Another group of seven persons was taken by the police to Alemtidad police station in Khartoum and released on bail at the end of the day. All of them were charged with "publication of false news", "rioting" and "public nuisance" and were awaiting trials as of April 2011. In addition, the *BBC* Correspondent in Khartoum, Mr. **James Copnall**, was attacked by the NISS while he was covering the demonstration and his recording equipment was confiscated[30]. On the same day, Dr. **Abdelbasit Murgany**, Director of the Al Finar Psychosocial Support Centre, was arrested in Khartoum by the NISS after hosting a meeting of the "No to Women's Oppression Coalition" at the Centre in Khartoum. Mr. Abdelbasit Murgany was detained incommunicado and without charge until his release on December 20, 2010. Moreover, the case filed by the Public Order Police (POP) in Khartoum on July 20, 2009 against Ms. **Ammal Habani**, a journalist for *Ajras Al-Hureya* newspaper and a defender of women rights, for "defaming the POP" under Article 159 of the Criminal Code was still pending as of April 2011. She was charged following the publication on July 12, 2009 of an article she wrote in defence of Ms. Lubna Ahmad Hussein, who was condemned for wearing "indecent clothing" to forty lashes. The first court session was expected in mid-2011.

Repression of doctors denouncing poor working conditions

In 2010, several doctors protesting over poor working conditions and difficulties to access medical treatment were subjected to judicial harassment. On June 1, 2010, Dr. **Walaa Alden Ibrahim** and Dr. **Alhadi Bakhiet**, leaders of the Sudanese Doctor's Strike Committee, were arrested by NISS agents immediately after announcing the Committee's decision to hold a strike. Both doctors were released later that day, but arrested again after they made public statements about the torture they sustained

29 / For instance, Article 152 of the 1991 Criminal Code, which incriminates "obscene and indecent acts", is regularly used to sanction women's behaviour.

30 / See ACJPS.

in detention. On the same day, in the evening, the Head of the Doctor's Strike Committee, Dr. **Ahmed Alabwabi**, was arrested at his house in Khartoum. On June 2, 2010, a demonstration organised by students of the Khartoum University's School of Medicine in solidarity with the detained doctors, was violently dispersed by the police with tear gas. As a result, twelve people were injured and six students were arrested, taken to Khartoum north police station and charged for "public nuisance". The students were released on bail in the evening, without charge. Three other doctors were arrested on the following days, Dr. **Mahmoud Khairallah**, Dr. **Abdelaziz Ali Jame**, Vice-President of the Strike Committee, and Dr. **Ahmed Abdulla Khalaf Allah**. All doctors were detained in Kober prison and released without charge on June 25, 2010 after an agreement was reached between the Doctors' Strike Committee, the Federal Ministry of Health, and the Sudanese Medical Society[31].

Censorship and harassment of journalists reporting on human rights violations

When the NISS resumed censorship in May 2010, the coverage of certain topics linked to human rights such as violations of civil liberties, the situation in Darfur and the ICC, was regularly censored. For instance, on May 26, 2010, the newspapers *Al Sudani*, *Al Sahafa* and *Ajras Alhurria* reported that the NISS had called their editors late in the evening and threatened them in order to prevent them from publishing articles related to, among other topics, the arrest of Mr. **Salih Mahmoud Osman**, a human rights lawyer, along with Ms. **Mariam Alsadig Almahadi**, an opposition politician and activist, and Mr. **Albukhari Abdalla**, an international lawyer, at the Khartoum airport to prevent them from attending the ICC Review Conference in Kampala, scheduled from May 31 to June 11, 2010. On June 3, 2010, due to the number of articles censored by the NISS, *Ajras Alhurria* newspaper could not be published. *Ajras Alhurria* resumed publication afterwards but was prohibited from publishing any news regarding the doctors' strike, the ICC, or the arrest and trial of journalists[32]. Journalists who reported on the rape of a demonstrator by NISS agents on February 13, 2011 faced judicial harassment upon NISS request. Ms. Ammal Habani and Mr. **Faisal Mohamed Salih**, a journalist for *Al-Akhbar* newspaper, were interrogated on March 13, 2011 by the Media and Publication Prosecutor and an investigation opened for "defamation" (Article 159) and "propagation of false news" (Article 66 of the

31/ See ACJPS. Doctors in all Sudan went on strike on June 2 to protest against the arrest and detention of their colleagues. The authorities allegedly promised to release the six detained doctors if they gave up the strike, which they did on June 24.

32/ See ACJPS.

Criminal Code). They were both released on bail on the same day and as of April 2011, the investigation was still continuing. In addition, Ms. Ammal Habani was dismissed from her work with *Ajras Al-Hurey*a newspaper in March 2011 as a result of pressure by the NISS on the newspaper's owner.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
13 human rights defenders, including Messrs. **Abdelrahman Mohamed Al-Gasim**, **Dirar Adam Dirar Abdelrahman Adam Abdelrahman**	Arbitrary detention / Ill-treatments	Urgent Appeal SDN 001/1110/ OBS 129	November 2, 2010
		Open Letter to the authorities	January 14, 2011
Dr. **Abdul Basit Margani**	Arrest / Incommunicado detention / Risk of torture	Urgent Appeal SDN 002/1210/ OBS 146	December 17, 2010
	Release	Open Letter to the authorities	January 14, 2011
Dr. **Mudawi Ibrahim Adam**	Ongoing arbitrary detention / Judicial harassment	Open Letter to the authorities	January 14, 2011
Messrs. **Abdelazim Mohamed Ahmed** and **Ahmed Mahmoud Ahmed**	Arbitrary detention / Acts of torture	Urgent Appeal SDN 001/0211/ OBS 020	February 15, 2011

TOGO

In 2010-2011, independent print media and private radio stations that denounced corruption and human rights violations were subjected to judicial pressure. In addition, several peaceful demonstrations organised by civil society were banned and repressed. However, at the end of April 2011, the National Assembly was about to adopt a draft law which was welcomed by civil society as a progress towards freedom of peaceful assembly.

Political context

On March 4, 2010, Mr. Faure Essozimna Gnassingbé, the son of former President Gnassingbé Eyadima and candidate for the Rally of the Togolese People (*Rassemblement du peuple togolais* - RPT), the party that had been in power for over forty years, was re-elected as President of the Republic of Togo with 60.9% of the votes. The hope of a fair, credible and transparent election, on the contrary to the one of 2005 which was marred by massive fraud and bloody repression and which allegedly caused between 400 and 500 deaths[1], did not fulfil. Without contesting the re-election of the outgoing President, international observers noted many irregularities before and during the vote[2]. The day after the ballot, Mr. Jean-Pierre Fabre, the principal opponent and candidate of the Union of Forces for Change (*Union des forces du changement* - UFC), contested the results and called upon the outgoing President to resign.

In this context of controversial political legitimacy, the exercise of the civil and political rights of opposition activists and civil society representatives critical of the Government was restricted. In particular, throughout the year, obstacles were put in the way of freedom of expression, peaceful assembly and association. As an example, demonstrations of the opposition were banned or severely repressed, making arisen a new wave of arrests and arbitrary detentions[3]. In addition, the tendency to repress the private press that had started in 2009, was reinforced and intensified throughout the

1/ See Report by the United Nations Fact-Finding Mission to investigate the violence and allegations of human rights violations that took place in Togo before, during and after the presidential elections on April 24, 2005, August 29, 2005.
2/ See Preliminary Statement by the European Union Election Observation Mission to Togo, March 6, 2010.
3/ See Togolese League of Human Rights (*Ligue togolaise des droits de l'Homme* - LTDH).

post-election period, with judicial harassment of newspapers considered to be critical and acts of intimidation which affected several journalists. In August 2010, it was reported the existence of a list of names of journalists and presenters of some programmes dealing with political issues[4]. In parallel, several of the international media obtained a visa only on the same day as the presidential election, allowing only a partial coverage of the election process[5].

Although it is appropriate to welcome the ratification by Togo on July 20, 2010, of the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the signature on October 27, 2010, of the International Convention for the Protection of All Persons from Enforced Disappearances[6], acts of torture and ill-treatment continued to be carried out with a complete impunity, especially in places of detention. On April 1, 2011, the UN Human Rights Committee expressed its own concerns regarding allegations of torture and ill-treatment in detention, especially in the premises of the National Intelligence Agency (*Agence nationale de renseignements* - ANR), by allegations of deaths resulting from ill-treatment in detention, by the lack of response from the State concerning the number of complaints submitted for torture, ill-treatment or death in detention and by the lack of follow-up to these complaints[7].

Judicial harassment of the media and journalists who denounce corruption and human rights violations

In 2010-2011, the Government of Togo clearly demonstrated its will to muzzle and punish the media considered as critical, through judicial pressure, particularly against media that denounced corruption and human rights violations. As an example, the daily newspapers *Freedom*, *L'Indépendant Express* and the weekly *La Lanterne*, three press

4 / See LTDH and the Union of Independent Journalists of Togo (*Union des journalistes indépendants du Togo* - UJIT) Press Release, August 10, 2010.

5 / See Reporters Without Borders (RSF) Press Release, March 8, 2010.

6 / However, as of the end of April 2011, this Convention had not been ratified.

7 / See Human Rights Committee, *Concluding observations of the Human Rights Committee,* UN Document CCPR/C/TGO/CO/4, April 18, 2011 and Joint Open Letter to the authorities from Christian Action for the Abolition of Torture - Togo (*Action des chrétiens pour l'abolition de la torture-Togo* - ACAT-Togo), the Togolese Human Rights Association (*Association togolaise des droits de l'Homme* - ATDH), the Togolese Association for the Defence and Promotion of Human Rights (*Association togolaise pour la défense et la promotion des droits de l'Homme* - ATDPDH), the Collective of Associations Against Impunity in Togo (*Collectif des associations contre l'impunité au Togo* - CACIT), the Togolese Coalition of Human Rights Defenders (*Coalition togolaise des défenseurs des droits de l'Homme* - CTDDH), Amnesty International-Togo (AI-Togo), LTDH, Journalists for Human Rights (*Journalistes pour les droits de l'Homme* - JDHO) and New Human Rights (*Nouveaux droits de l'Homme* - NDH-Togo), May 13, 2011.

publications that denounce corruption within the State's leading bodies, faced legal proceedings in various cases in which the plaintiff was the President of the Republic. Complaints filed by the Head of State in August and September 2010 for "spreading false news", "defamation", "insults" and "attacks on honour", offences under the Press and Communication Code and the Criminal Code, targeted these three newspapers, which in July and August had published articles denouncing the State's poor governance, the influence of the executive government in the legal domain and the corruption of the administration. All these complaints were finally withdrawn by the Head of State and the cases were closed[8]. On November 19, 2010, *X-Solaire*[9], *Metropolys* and *Providence*, three independent radio stations based in Lomé, and which especially deal with human rights, were shut down on the grounds that they did not possess association licences for the frequencies they were assigned to and for "equipment and premises that do not comply with standards in force". This decision was taken by the Director General of the Post and Telecommunications Regulatory Authority (*Autorité de réglementation des secteurs de postes et de télécommunications* - ART&P), and justified under the provisions of Law No. 98-005 of February 11, 1998 on telecommunications, after two check-up visits on November 8 and 18, 2010 carried out in collaboration with the High Authority of Audiovisual and Communication (*Haute autorité de l'audiovisuel et de la communication* - HAAC). Following their closure, the three radio stations took steps to obtain the required documents before the Ministry of Territorial Administration, Decentralisation and Local Communities, without success. As of the end of April 2011, the radios were still not allowed to broadcast and their studios remained sealed off[10].

Attacks on freedom of peaceful assembly

In 2010-2011, there were many obstacles to the freedom of peaceful assembly though guaranteed under Article 30 of the Constitution. As an example, on March 8, 2010, the Spokesperson of the Government noted during a press conference, that the ban on demonstrating during working days "because of the disturbance to traffic they cause on those working days" remained in force, referring to the Letter of February 6, 2007 No. 0087/MS/Cab from the Minister of Security. In addition, on March 2,

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8 / See CACIT, LTDH and IFEX Press Release, September 3, 2010.

9 / An attempt to bring judicial proceedings against this radio was already made. On July 15, 2010, HAAC seized the Court of First Instance of Lomé to apply for a ban on two popular interactive programmes that were broadcast on *X-Solaire* and *Victoire FM* radio stations, on the grounds of inappropriate content. However, after the angry reaction of the civil society, HAAC did not take any further action.

10 / See LTDH, CACIT and the Letter from SOS Journalists in Danger (*SOS journalists en danger*) addressed to the Director General of ART&P, January 9, 2011. It should be noted that under Articles 58, 60, 61 and 62 of the Organic Law relating to HAAC, only a legal ruling can close down a radio station.

2011, the Council of Ministers adopted a draft law setting out the conditions for the exercise of freedom of assembly and freedom to demonstrate on the public highway or in public places which amongst other things, provides that any demonstration or meeting is subject to prior declaration to the competent authorities who have the power to ban the event for reasons of public order. Furthermore, prison sentences and fines would apply in a case where violence, assaults, destruction or degradation of public property took place during the activity. Following protests by civil society organisations, the draft law was revised in April 2011 on the basis of the recommendations of an *ad hoc* committee in which civil society organisations took part. The latest draft, by which the exercise of the constitutional right to demonstrate freely on the public highway is subject only to the prior provision of information or declaration to the competent authority[11], was welcomed by the civil society as a progress for freedom of peaceful assembly[12].

In 2010, several demonstrations calling for the reinforcement of the rule of law and an improvement in living conditions, were banned and repressed by the government authorities. On June 22 and 23, 2010, members of the national police force brutally repressed spontaneous demonstrations where people living in some districts of Lomé were protesting against the increase of the cost of petrol products. One person was shot dead and several people were injured. Ninety-seven people were arrested before being released without charge on July 22, 2010 from the civil prison of Lomé[13]. In addition, on October 30, 2010, a peaceful protest march organised in front of the headquarters of the Network for the Development of the Masses Without Resources (*Réseau pour le développement des masses sans ressources* - ReDéMaRe)[14] by the Christian Action for the Abolition of Torture – Togo (*Action des chrétiens pour l'abolition de la torture* - ACAT-Togo), the Togolese Human Rights Association (*Association togolaise des droits de l'Homme* - ATDH), the Togolese Association for the Defence and Promotion of Human Rights (*Association togolaise pour la défense et la promotion des droits humains* - ATDPDH), the Collective of Associations Against Impunity in Togo (*Collectif des associations contre l'impunité au*

11 / The competent administrative authority may only postpone or ban a demonstration on the grounds of a justified decision demonstrating the existence of a risk of serious disturbance of public order.

12 / The draft was adopted by the National Assembly on May 13, 2011. See LTDH.

13 / On June 23, the Minister of Security and Civil Protection published a press release stating that the demonstrator who died after a shot was accidentally fired by an agent who was guarding a bank and who was trying to break up the crowd that was coming towards the bank. The Minister subsequently called on the organisers to be more responsible in raising their members' awareness. See LTDH.

14 / ReDéMaRe is an economic interest group created in 2008, based on a new financial system that brings together members rather than savers and which mission is to reduce poverty.

Togo - CACIT), the Togolese Coalition of Human Rights Defenders (*Coalition togolaise des défenseurs des droits humains* - CTDDH) and the Togolese Human Rights League (*Ligue togolaise des droits de l'Homme* – LTDH), to demonstrate against the deterioration of the situation of human rights and fundamental freedoms in the country[15], was brutally dispersed by the national security forces of the Togolese national police force, who used tear gas and beat up demonstrators, injuring many people. In accordance with the administrative provisions in force, on October 25, 2010, the organisers had notified the Ministers of Territorial Administration and Security, the competent authorities, about the event. However, when the demonstrators arrived at the rally location, they were surrounded by a large group of police agents. The organisers went up to the troop commander to request his supervision, but the latter informed him that the march had been banned and that he had been instructed to break it up. On November 5, 2010, a group of representatives of various organisations met Ms. Leonardina Rita de Souza, the Minister of Human Rights, Consolidation of Democracy and Civic Education, at her office. They presented their grievances and gave her a document gathering the demands that were at the time of the abortive march, so that she could pass them on to the highest authorities in the country. However, no favourable response was given to this initiative.

Urgent Intervention issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
	Obstacles to freedom of peaceful assembly	Urgent Appeal TGO 001/1110/OBS 132	November 4, 2010

15/ In the light of the general and permanent ban on demonstrating on working days and in towns in the interior of the country, the regular repression of peaceful demonstrations, the cases of arrest and arbitrary detention, the interference of the executive power in judiciary functions, the persistence of impunity, the high cost of living in Togo and the revisionist statements of Mr. Abass Bonfoh, the President of the National Assembly. In fact, on September 16, 2010, in an interview with the fortnightly publication *Tribune d'Afrique*, the latter denied that deaths resulted from the events relating to the 2005 presidential election period and stated that he was unaware that a national fact-finding commission had acknowledged that there were hundreds of deaths.

UGANDA

While freedoms of expression, association and peaceful assembly were severely challenged in Uganda in the run-up to the general elections that took place in February 2011, NGOs and journalists who tried to expose irregularities and allegations of corruption by Government as well as human rights violations by the security forces faced acts of intimidation and attacks. Several defenders were also targeted by the authorities to hinder the legitimate exercise of their human rights activities against the background of the fight against terrorism in East Africa. Finally, in a context of increasing stigmatisation and criminalisation of homosexuality and defenders of sexual rights, a defender of LGBTI rights was assassinated.

Political context

Presidential, parliamentary as well as local[1] elections were held in February 2011. On February 18, 2011, President Museveni, candidate of the National Resistance Movement (NRM) who has been in power for 25 years, was re-elected with 68,38% of the votes. The NRM also won the majority of the parliamentary seats[2]. Presidential and parliamentary elections took place in a generally peaceful atmosphere but were marred by irregularities and widespread allegations of voters bribing, as well as some acts of violence and intimidation[3]. They were also held under high security forces presence and preceded by acts of intimidation of political opposition members and civil society.

In the run-up to the general elections, freedoms of expression, association and peaceful assembly were severely challenged. Following the terrorist attacks in Kampala on July 11, 2010, which killed more than seventy people and for which Al-Shabaab, an Islamic group based in Somalia, claimed responsibility[4], terrorist security threat was sometimes

1/ Ugandans were voting for Local Council Chairpersons, District Councillors and Mayors for municipalities.

2/ 279 seats out of a total of 375.

3/ See Citizen's Coalition for Electoral Democracy in Uganda Press Release, February 22, 2011. See also European Union Election Observation Mission to Uganda Preliminary Statement, February 20, 2011. Local elections held on February 23, 2011 were marred by irregularities and violence. As a result, the Electoral Commission suspended the polls for Kampala at mid-day. The local elections in Kampala took place again on March 14, 2011.

4/ Uganda has become a target because it supplies a large number of troops to the African Union Mission In Somalia (AMISOM).

used to justify curbs on those rights. The Government's will to restrict these fundamental freedoms was clearly reflected in the 2009 draft Public Order Management Bill, which was made public in September 2010 and seeks to re-introduce police permission for public meetings, grants the Inspector General of Police (IGP) and the Minister of Internal Affairs wide discretionary powers to regulate the conduct of public meetings but also to regulate the content of the discussion at such meetings[5]. In that context, several demonstrations aiming at protesting against the composition of the Electoral Commission were violently repressed, in particular after the general elections, when "walk to work" protests across the country to demonstrate against prices rise, were violently repressed by the police and the army, using tear gas and live ammunition[6]. The re-emergence of paramilitary groups known as the "kiboko squad" assaulting demonstrators was also worrying.

The working environment for journalists seriously deteriorated in 2010-2011, as illustrated by the killing of two of them. Intimidation and increased assaults and attacks by political actors and security forces, which remained most of the time unpunished, led some to practice self-censorship to avoid trouble. A March 2010 draft Amendment to the 2001 Press and Journalist Act further reveals the Government's will to restrict freedom of expression. According to this draft law, newspapers would need to register and obtain a licence annually from the Media Council, which would be empowered to prohibit newspapers from publishing material considered to be prejudicial to national security, economic progress and Uganda's relations with its neighbours. In the meantime, a number of criminal laws, including the Criminal Code Act and the Anti-Terrorist Act of 2002, were still used to silence journalists critical of the Government despite a positive step taken by the Constitutional Court on August 25, 2010, which declared the law as a violation of freedom of expression[7].

5/ As of the end of April 2011, the bill had not been tabled in Parliament. Similar provisions contained in the Police Act (known as "Chapter 303") were declared unconstitutional by the Constitutional Court in May 2008, although Section 35 of the Police Act, which gives the Interior Minister the power to prohibit a rally of more than 25 persons without a permit in a certain area, remained in place. However, the Ministry of Justice and Constitutional Affairs appealed the court's decision (as of April 2011 the appeal was still pending), and in the meantime security forces continued to use the Police Act to disrupt opposition party activities.

6/ At the end of April 2011, protests were still ongoing and at least eight people had been killed and 250 injured. In addition many protesters were arrested and some charged with "inciting violence" or "unlawful assembly" including the leader of the opposition Mr. Kizza Besigye who was arrested four times and successively released. Furthermore, the Uganda Communications Commission (UCC) reportedly tried to block websites such as *Facebook* and *Twitter* on April 14, 2011 and journalists coverage of the protests was restricted by different means.

7/ See Foundation for Human Rights Initiative (FHRI).

Impunity continued to be a crucial issue in the country. In particular, grave human rights violations committed during the unresolved long lasting conflict with the Lord's Resistance Army (LRA) remained unpunished[8]. Besides, arrest warrants against top five LRA leaders issued by the International Criminal Court (ICC) in 2005 on charges of "crimes against humanity" and "war crimes" remained unimplemented[9]. Allegations of involvement of security forces in serious human rights violations did not lead to any prosecution of security forces[10]. However, the adoption of the ICC Act allowing Ugandan courts to try crimes against humanity, war crimes and genocide defined under the Roma Statute in June 25, 2010, constituted a positive step.

Furthermore, homosexuality remained illegal in Uganda and can be sanctioned by up to fourteen years imprisonment. In addition, as of April 2011, an Anti-Homosexuality Bill that was proposed in October 2009 by a parliamentarian, member of President Yoweri Museveni's ruling party, was still pending before the Parliament. The Bill, which would be punishing homosexuality up to life detention and death penalty for persistent offenders, also contains provision punishing failure to report acts of homosexuality and prohibiting advocacy on sexual minority rights, thereby preventing human rights defenders to work on the issue.

Legal obstacles that might restrict human rights activities

In 2010-2011, the Amendment to the NGO Registration Act, which was adopted by the Parliament in 2006, continued to have the potency to severely hinder human rights NGO activities and silence the most critical ones, as it could directly threaten NGO autonomy and independence. Yet, since 2006, the law could not be implemented pending the adoption of the NGO Registration Regulations, which were finally adopted on March 26, 2009, as well as pending the decision by the Constitutional Court following the petition filed in April 2009 by a group of NGOs led by the Human Right Network - Uganda (HURINET), challenging the constitutionality of the Act on the ground that it violates a number of rights enshrined in the Constitution such as the freedom of association. Hearings scheduled

8 / If there was no LRA attack reported in the country since 2006, the final peace agreement was never signed by the leader of LRA Joseph Kony and the armed group is still operating in the DRC, South Sudan and the Central African Republic. The Ugandan army is still tracking the remaining LRA fighters in those countries. For a detailed analysis see International Crisis Group Report, *LRA: A Regional Strategy Beyond Killing Kony*, Africa Report No. 157, April 28, 2010.

9 / Yet, the War Crimes Division of Uganda High Court created in 2008 issued on July 17, 2009 an indictment against an LRA fighter, Mr. Thomas Kwoyelo, and the trial was expected to start in 2011.

10 / See Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, Philip Alston, Addendum - Communications to and from Government*, UN Document A/HRC/14/24/Add.1, June 18, 2010.

were regularly postponed by the Constitutional Court and no decision had been issued as of the end of April 2011. Under the terms of this Law and the 2009 Regulations, NGOs have to obtain, annually, a renewal of their licences by a NGO registration board composed of a limited number of NGO representatives and different ministry representatives, including the Internal and External Security ones. Among many other restrictions to the activities of NGOs it contains, it would prevent NGOs from making direct contact with local people in rural areas without giving a seven-day written notice to the district authorities which would obviously affect human rights monitoring in the field. It also expands the powers of the board to regulate the dissolution of NGOs by adding grounds for which the Board could order dissolution. An attempt of the NGO Board to implement the Act by requiring NGOs to proceed with registration before August 30, 2010, was dismissed by the High Court, which on August 20, 2010 granted a temporary injunction against the NGO Board prohibiting it from implementing the Act pending decision of the Constitutional Court.

Intimidation and arrest of human rights defenders promoting free and fair elections and denouncing corruption

NGOs faced acts of intimidation when trying to expose irregularities and allegations of corruption by Government during pre-election times. For instance, on November 23, 2010, Mr. Ofwono Opondo, the Deputy Spokesperson of President Museveni's ruling party, threatened the Democracy Monitoring Group (DEMgroup)[11] that he would use his influence to cancel the registration and accreditation of this group as an election observer following reports that some NRM candidates had not resigned from their posts in Government before contesting as prescribed by electoral laws[12]. On January 26, 2011, a coalition of NGOs led by the Ugandan National NGO Forum (UNNGOF)[13] launched a campaign called "Respect your Honour and Return our Money Campaign" aiming at denouncing allegations of corruption[14]. On February 5, 2011, the police

11 / DEMGroup is a consortium of four NGOs - the Uganda Joint Christian Council, Action for Development, Transparency International Uganda and the Centre for Democratic Governance - that have come together to contribute to a freer, fairer, transparent and credible elections landscape in Uganda. It notably monitored the 2011 elections.

12 / See Human Rights Network - Uganda (HURINET).

13 / The coalition is composed of UNNGOF, the Anti Corruption Coalition Uganda (ACCU), the Forum for Women in Democracy (FOWODE), the Ugandan Debt Network (UDN), Actionaid Uganda and Uganda Monitoring Platform.

14 / In January 2011, Parliament had approved the payment of 20 million Uganda shilling (about 5,800 euros), to each Member of Parliament as a supplementary budget allocation to facilitate their monitoring of Government programmes in their constituencies. The NGOs campaign questioned the appropriateness of such payment just a few weeks before the elections and called on Parliament Members to return the money and to voters not to vote for those who did not return it.

arrested an employee of UNNGOF, Mr. **Job Kiija**, and a volunteer for the coalition, Mr. **Dennis Muwonge**, while they were distributing leaflets against corruption and mismanagement. They were taken to Kampala central police station and ultimately released after being interrogated for four hours. The following day, nine other persons were arrested including Mr. **Andrew Dushime**, a member of UNNGOF, and volunteers who were distributing the statements as well as individuals carrying it. Messrs. **Patrick Nyakoojo**, **Joel Nyakahuma** and Andrew Dushime were detained at Wandegeya police station while Ms. **Esther Namubiru** and two others were detained at the Old Kampala police station. All were released without charge on the same day after a few hours, except three others, including Ms. **Betty Nakitende**, who were detained at Kasangati police station until the next day. Subsequently, the defenders sent a letter to the IGP informing him of their illegal arrests. Although a team of officers belonging to the Professional Standards Unit took the victims' testimonies, there was no development afterwards[15]. In Lira, in the northern part of Uganda, on February 8, 2011, Ms. **Eunice Apio**, the Executive Director of Facilitation for Peace and Development (FAPAD), was summoned for interrogation and intimidated by the Lira district police Commander and the Lira District Resident Commissioner, after a member of her organisation had read the coalition statement during a talk show on *Radio Rhino* on February 7[16].

Multiplication of violent attacks against journalists reporting on human rights violations by security forces and electoral irregularities

Journalists faced numerous violent attacks aiming at preventing them from documenting and reporting on violence and irregularities linked to elections as well as human rights violations by the security forces. For instance, on February 18, 2011, while he was covering the presidential and parliamentary polls in Mbale district in eastern Uganda, Mr. **Julius Odeke**, a journalist from the *Red Pepper* and the *Razor Newspaper*, was shot in the knee by the bodyguard of the Minister of the Presidency Beatrice Wabudeya, who was trying to confiscate Mr. Odeke's photos of electoral violence in the area[17]. On February 23, 2011, during election day at Kakeeka polling station in Rubaga division in Kampala, supporters of NRM ruling party candidate Peter Ssematimba, who were reportedly angry with the

15 / See FHRI.

16 / She was not charged and did not file a complaint. In addition, the district police Commissioner reportedly threatened some Lira based journalists, including the moderator of the talk show, who for instance had to explain in writing to the police in which circumstances it was decided to read the Coalition statement during the show. See FHRI.

17 / As of the end of April 2011, the police investigation was still ongoing. See FHRI.

media coverage of the polls irregularities, attacked the journalists present at the polling station with sticks. Thus, Ms. **Lydia Nabazziwa**, a reporter from *Bukedde TV*, was injured at her ear, Mr. **Nixon Bbaale**, a cameraman for *Channel 44 TV*, was injured at his head, Mr. **Brian Nsimbe**, a reporter for *Channel 44 TV*, was injured at his arm, the equipment of Ms. **Florence Nabukeera**, a reporter with *Bukedde* newspaper, was stolen, Ms. **Christine Namatumbwe**, a reporter for *Metro FM*, had her radio recorder, mobile phone and hand bag stolen and Ms. **Jane Anyango**, a reporter with *UBC TV*, sustained blows at her face and leg. The six journalists filed a complaint and an investigation was ongoing with no results at the end of April 2011[18]. In April 2011, at least eight journalists were injured by security forces during a "walk to work" protest. For instance, Mr. **Ali Mabule**, a correspondent of the *New Vision* newspaper, was beaten by an Ugandan People's Defence Forces (UPDF) soldier to prevent him from taking a photo of a soldier beating a protester in Masaka on April 14, 2011. Mr. **Norman Kabugu**, a journalist for *Kamunye* newspaper, was then beaten by an UPDF soldier as he was taking photos of his colleague being beaten. Messrs. **Ronald Muhinda**, a journalist with *Radio One*, **Stuart Yiga**, a reporter with the *Red Pepper* newspaper, and **Francis Mukasa**, a cameraman of *Wavah Broadcasting Service* (WBS) television, were assaulted by security forces as they were covering the April 14 protests in Kampala, including human rights violations that occurred in that context. Furthermore, journalists were denied access to places where the riots were taking place and to Kiasangati hospital where a demonstrator reportedly died following security forces beatings and inhalation of tear gas[19].

Intimidation and criminalisation of human rights defenders known for denouncing Government abuses perpetrated in the name of the fight against terrorism in East Africa

Against the background of the fight against terrorism, defenders were targeted by the authorities to hinder the legitimate exercise of their human rights activities. On September 15, 2010, Mr. **Mbugua Mureithi**, a Kenyan human rights lawyer, and Mr. **Al-Amin Kimathi**, Executive Coordinator of the Kenyan Muslim Human Rights Forum (MHRF), were arrested upon arrival in Uganda by Government agents, as they were coming to Kampala to observe the proceedings against Kenyan civilian suspects unlawfully transferred to Uganda on allegations of involvement in the

18 / See FHRI.

19 / See Human Rights Network for Journalists - Uganda Report, *Press Freedom Index Report*, April 2011.

July 11 terrorist bombings[20]. They were subsequently detained at the headquarters of the Ugandan police rapid response unit in Kireka, a suburb of Kampala. They were questioned about alleged contacts with Al-Shabaab operatives. After spending three days in detention without any access to a lawyer or a phone, Mr. Mureithi was finally released on September 18 and deported back to Kenya. Yet, Mr. Al-Amin Kimathi remained in detention with no access to a lawyer or a phone and his laptop was confiscated. On September 20, he was charged with "terrorism", "attempted murder" and 89 counts of murder in relation to the July 11 bombings and remanded to Luzira maximum security prison. On November 30, 2010, his case was transferred to the Ugandan High Court for trial with sixteen other defendants in relation to the July bombings in Kampala. Mr. Kimathi's application for release on bail was rejected on December 17, 2010 and no hearing had been scheduled as of April 2011. Furthermore, four Kenyan human rights activists coming to Kampala to meet with the Chief Justice of Uganda in order to discuss the case of Mr. Al-Amin Kimathi were arrested by immigration officers upon their arrival at Entebbe airport on April 13, 2011. Messrs. **Samuel Mohochi**, Trustee of the Kenya National Coalition of Human Rights Defenders and a member of OMCT General Assembly, Mr. **Hussain Khalid**, a member of Muslims for Human Rights (MUHURI), Mr. **Muhdhar Khitamy**, Chairman of the Coast province branch of the Supreme Council of Kenya Muslims (SUPKEM), and Mr. **Hassan Omar Hassan**, member of the Kenya National Commission on Human Rights (KNCHR), were detained at the airport during six hours, before being deported back to Kenya. They were not interrogated, and no reasons for their detention were provided by the Ugandan authorities. No charges were brought against them but their passports were given back to them along with a notice from the Ugandan Government stating that they were "prohibited immigrants".

Killing of a sexual rights defender in a context of stigmatisation and criminalisation of homosexuality

In a context of increasing stigmatisation and criminalisation of homosexuality and defenders of sexual rights, a defender of LGBTI rights was assassinated. On January 26, 2011, Mr. **David Kato**, advocacy officer for the organisation Sexual Minorities Uganda (SMUG), was brutally beaten by an unknown man at his home, in the area of Mukono, near Kampala. He died on his way to Kawolo hospital. A suspect arrested a few days after

20 / MHRF has been very active in denouncing past abuses by the Kenyan Government on terrorist suspects as well as the illegal transfer of several Kenyan suspects from Kenya to Uganda. On November 30, 2010, the High Court of Kenya considered that the suspects' arrest, detention and transfer from Kenya to Uganda was illegal.

the murder, Mr. Sydney Nsubuga, was brought to the Magistrate Court on February 17, 2011. On March 17, 2011, the Magistrate Court charged Mr. Nsubuga with "murder". The case was transferred to the High Court, which is competent for such a charge. Yet, no hearing had been scheduled as of the end of April 2011. Mr. David Kato had been receiving death threats following publication in the Ugandan newspaper *Rolling Stone* in October 2010 of pictures, names and addresses of several people it said were homosexuals. Mr. Kato's picture appeared on the front page of the newspaper with the head line "Hang them!". Together with three other people, Mr. Kato had filed a lawsuit against *Rolling Stone*. On December 30, 2010, a Judge in the High Court ordered the newspaper to stop publishing identities and addresses of people labelled homosexuals and ordered compensation on the grounds that the publications violated their right to privacy. Moreover, in December 2010, the Minister of Ethics and Integrity, Mr. Hon Nsaba Buturo, prevented the Uganda Human Rights Commission to broadcast a documentary about the work of human rights defenders supposed to be played at the National Theatre on December 13, 2010, for the commemoration of the December 10 World Human Rights Day. The Minister alleged, among other arguments, that the documentary was promoting homosexuality[21].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Mbugua Mureithi** and **Al-Amin Kimathi**	Arbitrary detention / Release / Harassment and intimidation	Urgent Appeal UGA 001/0910/OBS 114	September 22, 2010
Mr. **David Kato**	Assassination	Joint Press Release	January 28, 2011
Messrs. **Samuel Mohochi**, **Hussain Khalid**, **Muhdhar Khitamy** and **Hassan Omar Hassan**	Arbitrary detention / Deportation	Urgent Appeal UGA 002/0411/OBS 062	April 14, 2011

21/ See Uganda Human Rights Commission Press Release, December 14, 2010.

ZIMBABWE

In 2010-2011, impunity and lack of justice for past abuses remained of serious concern, the media remained gagged and journalists exposed to severe acts of reprisal. In that context, two years after the entry into force of a power-sharing Government (the Government of National Unity) between the former ruling party, President Mugabe's Zimbabwe African National Union – Patriotic Front (ZANU-PF), and the former opposition party, Prime Minister Tsvangirai's Movement for Democratic Change (MDC), human rights defenders involved in the reconciliation process continued to be harassed. In addition, several human rights defenders who organised or participated in peaceful protests on human right issues were arrested in a context where the notorious Public Order and Security Act (POSA) remained in force. Defenders of sexual minorities and journalists denouncing corruption also continued to be privileged targets of repression.

Political context

Two years after the entry into force of a power-sharing Government (the Government of National Unity) between the former ruling party, President Mugabe's Zimbabwe African National Union – Patriotic Front (ZANU-PF), and the former opposition party, Prime Minister Tsvangirai's Movement for Democratic Change (MDC), political violence, lack of respect for the rule of law and human rights violations remained of serious concerns in Zimbabwe. MDC members and supporters, as well as journalists and human rights defenders, were intimidated and arrested as part of an increased harassment campaign against the Prime Minister's party, and by extension any dissenting voice, in the run-up to the possible presidential election in 2011.

Indeed, President Mugabe, who continued to show his willingness to exert close control over the country by unilaterally appointing several officials at key political and administrative positions including Ambassadors, Provincial Governors and Judges, pushed for the elections to be held in 2011, before a referendum on a new Constitution, arguing that the Government of National Unity was not working well[1]. On the other hand, MDC continuously disagreed to participate in elections until the reforms

1/ However, according to the Global Political Agreement (GPA) signed in 2008, future elections should be organised after the establishment of a new Constitution, adopted by referendum, likely to guarantee the holding of free and fair elections.

stipulated in the GPA were in place[2]. On February 15, 2011, due to the absence of a favourable environment for elections, the European Union (EU) decided to extend sanctions for a another year[3].

Impunity and lack of justice for past abuses also remained of serious concern. In particular, the authorities have failed to discipline, remove from their posts or charge with criminal offences leaders of the security forces who were involved in serious human rights violations during the 2008 elections as well as those who abducted and tortured over forty MDC officials and human rights defenders in November and December 2008, despite court rulings that recognised that acts of torture were committed, and despite the identification of some of the responsible by the victims.

Furthermore, the media remained gagged and journalists exposed to severe acts of reprisal. Although on May 26, 2010 the Zimbabwe Media Council (ZMC) – the new autonomous entity replacing the Media and Information Commission – announced its decision to issue for the first time licences to three independent dailies[4], allowing them to restart publishing after a seven-year ban, privately-owned newspapers continued not to operate in a favourable climate. The legislation remained repressive allowing close surveillance of journalists and constant control of the media. The Government confirmed the unwillingness to reverse this tendency on October 22, 2010, through the proposal of a General Law Amendment Bill, which includes a clause allowing the authorities to block public access to official documents including judicial decisions, new legislation and public records[5].

Harassment of human rights defenders involved in the reconciliation process

In 2010-2011, human rights defenders involved in activities related to awareness raising on political violence and civic education were systematically harassed. For example, on February 16, 2010, Mr. **Okay Machisa**, Executive Director of the Zimbabwe Human Rights Association

2/ The detention of the co-Chairman of the Parliamentary Committee supervising the process of drafting a new Constitution, as well as a MDC parliamentarian, from February 15 to March 11, 2011 also set within this conflicting political framework.

3/ See European Union Council Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe, February 15, 2011.

4/ *The Daily News*, *NewsDay* and *The Daily Gazette*.

5/ This bill intends, among other issues, to subject such public information to copyright protection, which means that no one will be able to publish or disseminate an official document without permission from the Government. On March 15, 2011, the Parliament Legal Committee and the Minister of Justice reached a compromise over the Bill and the copyright clause will be withdrawn.

(ZimRights), an organisation that carries out intensive civic education in the communities and campaigns on the right of people to be involved in the drafting of the new Constitution, received by e-mail an anonymous message warning him to be careful with his work. On February 25, 2010, he received another threatening message suggesting him to stay out of the country. The same day, Messrs. **Nunurai Jena**, **Netsai Kaitano** and **Jabilusa Tshuma**, respectively Regional Chairperson for Mashonaland West, Regional Chairperson for Chitungwiza and Treasurer of ZimRights, also received different anonymous messages on their cell phones ordering them to put an end to their work on the Constitution making process and threatening them with death. Additionally, the message asked them about their motives to work within the association. On March 2, 2010, ZimRights filed a police report but no investigation was carried out and no protection measures granted. However, the threats stopped after the report was filed. In addition, on March 23, 2010, Mr. Okay Machisa, who was preparing in Harare a photo exhibition authorised by the Harare High Court as part of a programme to incite reflections on the 2008 political violence and scheduled for the following day, was arrested by a group of twenty officers of the Zimbabwe Republic Police (ZRP), who also removed, without any warrant, 65 pictures showing the use of violence to disperse demonstrations. Mr. Machisa was brought to the Harare central police station, until his release a few hours later following the intervention of the Zimbabwe Lawyers for Human Rights (ZLHR). The officer commanding Harare central district informed him that he had "not approved" the exhibition and gave Mr. Machisa seven days to provide "letters of consent from individuals and organisations" appearing in the photographs. He threatened to launch unspecified criminal charges against Mr. Machisa if he failed to provide those documents. On March 24, 2010, the police returned the photos to ZimRights following an order of the High Court issued on the same day. Again, on April 26, 2010, a group of police officers arrested Mr. **Joel Hita**, Ms. **Olivia Gumbo**, Ms. **Cynthia Manjoro** and Ms. **Lio Chamahwinya,** respectively Regional Chairperson in Masvingo, National Programme Manager and members of ZimRights, while they were preparing the launch of the same photo exhibition in Masvingo. Once more, the police confiscated all the pictures and took the defenders to the Masvingo police station. Everyone was released a few hours later, except Mr. Hita who was released on April 27, 2010. On April 28, he appeared before the Masvingo Magistrate Court on the charge of "holding a public meeting without notifying the authorities". On August 5, 2010, the Attorney General's office also decided to prosecute ZimRights itself as an organisation for the same charges within the same criminal case. At the end of April 2011, the trial was still ongoing and the next hearing was scheduled on July 18, 2011. On March 8, 2011, Messrs. **Bamusi**

Kasembe, Focal Point in the Maramba community for ZimRights, and his assistant known as **Tongai**, **Dzikamai Bere** from the Zimbabwe Human Rights NGO Forum (the Forum), **Admire Munava**, a ZimRights member, and nine other researchers were stopped in the Mashonaland east province by supposed ZANU-PF militants who were armed with stones, canes and logs, and questioned the group of human rights activists about their motives and threatened them that they will take action if they misbehave. The thirteen defenders, who were working on a research in Mashonaland east province on the national healing and reconciliation process and civic education, finally managed to escape from the scene using a different route. Similarly, Mr. **Abel Chikomo**, Executive Director of the Zimbabwe Human Rights NGO Forum (the Forum), was interrogated and asked to report to the police on several occasions in November 2010, February and March 2011 in relation to his activities, and in particular the Forum's public campaign against torture. On March 30, 2011, he was formally charged with "managing and controlling the operations of an illegal Private Voluntary Organisation (PVO)", under Section 6(3) as read with subsection 1 of the PVO Act. At the end of April 2011, Mr. Chikomo had not received any notification to appear before a court and remained free.

Obstacles to peaceful assembly

In 2010-2011, several human rights defenders who organised or participated in peaceful protests on human right issues were arrested in a context where the notorious Public Order and Security Act (POSA), a widely used law to ban public meetings or rallies by those opposed to President Mugabe and his party, remained in force. In particular, demonstrations organised by Women of Zimbabwe Arise (WOZA) led to systematic arrests by the police. For example, on January 18, 2010, Ms. **Thabita Taona**, a WOZA member, was arrested by the riot police armed with baton sticks, while she was participating in one of three peaceful demonstrations organised in Harare by WOZA to protest about the state of education in Zimbabwe. Ms. Taona was detained until the next day at the Harare central police station for interrogation about other participants in the demonstration, before being released without charge or explanation[6]. Likewise, on April 15, 2010, 65 WOZA members were arrested by police officers from the Harare central police station while participating in a peaceful procession in Harare, outside the Zimbabwe Electricity Supply Authority (ZESA) headquarters, asking for a more efficient electricity service delivery and an appropriate and fair billing system. After four hours, 61 WOZA members were released without charge. However, the

6/ See WOZA.

WOZA National Coordinator Ms. **Jennifer Williams** and three other members, Ms. **Magodonga Mahlangu**, Ms. **Clara Manjengwa** and Ms. **Celina Madukani**, spent five nights in police custody, subjected to bad conditions of detention, before being released without charge on April 20, 2010. On September 20, 2010, while commemorating the International Peace Day, 83 WOZA members who were participating in a peaceful protest on crime prevention safety were arrested and accused of "criminal nuisance". On September 22, they were all granted bail without surety and remanded out of custody until October 6. Ms. Jennifer Williams, who attended the hearing, was arrested outside the courthouse when speaking with the group of released defenders. She was accused of "addressing a gathering" and pressured to sign a caution admitting to as such, before being released the same day. On January 3, 2011, the Harare Magistrate's Court removed all 83 human rights defenders from further remand out of custody. At the end of April 2011, the trial was still ongoing[7]. WOZA members were not the only ones to face judicial harassment. On February 19, 2011, a few days after the Defence Minister Emmerson Munangagwa threatened to crack down on any dissent inspired by the North Africa street protests, 45 people including union leaders, students and human rights activists, were arrested by the police as they were attending a meeting to discuss the social protest movements in Egypt and Tunisia and their impact for these countries. All people were charged either with "treason", which carries a penalty of life imprisonment or death, or with "attempting to overthrow the Government by unconstitutional means", punishable by a penalty of up to twenty years in prison. On March 7, 2011, 39 activists were released after a magistrate court in Harare dismissed the charges against them. However, labour activists Messrs. **Munyaradzi Gwisai**, **Antonetar Choto**, **Tatenda Mombeyarara**, **Edison Chakuma**, **Hopewell Gumbo** and **Welcome Zimuto** remained in custody until March 16, 2011, due to their link with the International Socialist Organisation, which convened the meeting, or because they intervened as speakers. They were released on a 2,000 US dollars (about 1,370 euros) bail each, with condition to report three times a week to the police by the High Court, and then relaxed in April to once a week[8]. On March 12, 2011, Mr. **MacDonald Lewanika**, Director of the Crisis in Zimbabwe Coalition (CZC), was arrested in Zengeza as he was on his way to a concert and brought to the police station where he was detained for several hours, before being released. On March 14, he was informed that he was charged with "behaving in a way

7 / *Idem.*

8 / On March 20, the State dropped the charge of "treason" for the lesser charge of "attempting to subvert a constitutionally elected Government" punishable of up to twenty years imprisonment, and indicated that the trial would be held before a regional magistrate court on July 18, 2011. See ZimRights.

that can disrupt peace" under the Criminal Law Codification Act, after some t-shirts bearing the slogan "Abasha Posa" ("Down with POSA") were found in his car. He was accused of attempting to turn a concert into a political gathering. The day after, four police officers from Harare central police station, in possession of a search warrant, visited his organisation's offices in order to search any possible subversive material, such as t-shirts, documents and flyers. They confiscated several copies of CZC's reports and manuals. As of the end of April 2011, the preliminary investigation was still ongoing and the material was not yet returned[9].

Harassment against human rights defenders of sexual minorities

During 2010-2011, human rights defenders working on sexual orientation were systematically persecuted and subjected to interrogations led by the Central Intelligence Organisation (CIO) of the ZRP. For example, on May 21, 2010, nine police officers from this division arrested Ms. **Ellen Chademana** and Mr. **Ignatius Muhambi**, respectively receptionist and accountant of the organisation Gays and Lesbians of Zimbabwe (GALZ), which defends the rights of sexual minorities in the country. The police entered GALZ offices in Harare, with a warrant to search for dangerous drugs and pornographic material. They confiscated computers, records and banners, and they claimed to have seized pornographic material as evidence for the case. On May 22, 2010, GALZ employees were denied access to their lawyers and, on May 24, 2010, they were formally accused of "possessing pornographic material" and "undermining the office of the President". This second charge was reportedly added after the police noticed, in GALZ office, a plaque of former San Francisco Mayor Willie Lewis Brown in which he denounced the alleged President Robert Mugabe's homophobia against gays and lesbians. On May 27, 2010, Ms. Ellen Chademana and Mr. Ignatius Muhambi were released on bail with the obligation to report at the police station every Monday and Friday, and to stay in Harare until their next hearing scheduled on June 10, 2010. The charges against Mr. Muhambi were dropped in July 2010, while Ms. Chademana was acquitted on December 16, 2010. Meanwhile, on May 26, 2010, the house of Mr. **Chesterfield Samba**, Director of GALZ, was searched by police officers, who confiscated his birth certificate, his passport picture, his magazines and personal business cards. Mr. Samba was not present during the raid, but the family members who were at home reported that the police asked Mr. Samba's location and when he was expected to be back. Despite several requests, at the end of April 2011, the documents had still not been returned to Mr. Samba. In February 2011, Ms. Chademana

9/ See CZC.

was followed on several occasions from her home by four unidentified men in a car.

Judicial harassment of a human rights defender who denounced human rights violations in the context of diamond mining

In 2010, a human rights defender who denounced human rights violations in the context of diamond mining faced judicial harassment. On June 3, 2010, Mr. **Farai Maguwu,** Director of the Centre for Research and Development (CRD), an organisation that carries out research and advocacy work on human rights issues, particularly with respect to diamond mining and violations or abuses committed by State security forces, was arrested in Mutare on charges of "communicating and publishing falsehoods against the State with the intention to cause prejudice to the security or economic interests of the country", subjected to a penalty of up to twenty years' imprisonment pursuant to Section 31 of the Criminal Law (Codification and Reform) Act. Mr. Maguwu was accused of having handed over to the Kimberley Process Monitor[10] a CRD report on human rights violations in the diamond-mining area of Chiadzwa, Marange region in Mutare west during a meeting held on May 25, 2010[11]. He was released on July 12 by the Harare High Court, which granted him bail on condition that he pays a 1,500 US dollars (about 1,060 euros) bail deposit, daily reports to the Mutare central police station, resides in his home in Mutare and refrains from travelling more than 40 km away from Mutare, except for the purpose of court hearing in Harare. During his detention, Mr. Maguwu encountered several obstacles to obtain access to medical treatment and was subjected to ill-treatments. On August 6, 2010, bail conditions were eased. On October 21, 2010, charges were dropped by the Rotten Row Courts pursuant to instructions from the Attorney's General office. Mr. Maguwu was then released from all bail conditions.

Harassment of journalists denouncing corruption

Independent newspapers reporting on corruption cases regularly faced judicial harassment and intimidation along 2010-2011. For example, on November 17, 2010, Mr. **Nqobani Ndlovu**, reporter for the independent weekly *The Standard*, was arrested in Bulawayo. On November 14, 2010, the weekly had published an article signed by Mr. Ndlovu about the

10 / The Kimberley Process (KP) is a joint Government, industry and civil society initiative to stem the flow of diamonds used by rebel movements to finance wars against legitimate Governments. On July 19, 2010, the KP agreed to renew Zimbabwe's diamond-exporting licence. According to this agreement, the country was allowed to carry out two supervised exports of rough diamond from the Marange production.
11 / The report includes cases of unlawful arrests and detentions, torture and extrajudicial executions allegedly perpetrated by the police, the army and security agents, in connection with diamond mining, whether legal or not.

recruiting by the police of war veterans loyal to the ZANU-PF to take over senior posts ahead of next presidential elections[12]. On November 19, a Bulawayo magistrate ordered his release on a bail of 100 US dollars (about 69 euros). Yet, the police asked the extension of his period of custody by seven days. On November 26, 2010, he was finally released from Khami prison by Judge Nicholas Mathonsi, who rejected the police's new appeal. On November 30, 2010, Mr. **Nevanji Madanhire**, Editor of *The Standard*, was arrested by members of the law and order section of the Criminal Investigation Department at the Rhodesville police station in Harare. He was detained for 24 hours and then released on a bail of 100 US dollars. Harare Magistrate Don Ndirowei, who allowed his release on bail, also ordered an investigation into power abuses committed by the police forces that tended to make arbitrary arrests. Messrs. Ndlovu and Madanhire were charged with "publishing and communicating false statements prejudicial to the State" under Section 31 of the Criminal Law (Codification and Reform) Act, for having allegedly defamed the Police Chief General Augustine Chihuri and the police force in general. On February 28, 2011, Magistrate Don Ndirowei removed them from remand and granted the defendants' application for the case to be referred to the Supreme Court since they are contesting the constitutionality of the above-mentioned section of the Criminal Law (Codification and Reform) Act, which has been widely used to arrest media practitioners. He further ruled that the case would proceed by way of summons[13].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Okay Machisa**	Threats	Urgent Appeal ZWE 001/0210/OBS 023	February 19, 2010
Messrs. Okay Machisa, **Nunurai Jena**, **Netsai Kaitano** and **Jabilusa Tshuma**	Death threats/Continued intimidation	Urgent Appeal ZWE 001/0210/OBS 023.1	March 2, 2010
Mr. Okay Machisa and Ms. **Olivia Gumbo**	Arbitrary arrest / Release / Confiscation of property / Threats and intimidation	Urgent Appeal ZWE 001/0210/OBS 023.2	March 24, 2010
Mr. **Joel Hita**, Ms. **Lio Chamahwinya**, Ms. Olivia Gumbo and Ms. **Cynthia Manjoro**	Arbitrary arrest / Confiscation of property / Judicial harassment	Urgent Appeal ZWE 001/0210/OBS 023.3	April 27, 2010

12 / In the article, he said the police had cancelled the annual promotion process and instead recruited war veterans and retired police officers, allegedly to help President Mugabe's party win elections in 2011.
13 / See ZimRights.

Names	Violations / Follow-up	Reference	Date of Issuance
Women of Zimbabwe Arise (WOZA) / Ms. **Jennifer Williams**, Ms. **Magodonga Mahlangu**, Ms. **Clara Manjengwa** and Ms. **Celina Madukani**	Arbitrary arrest / Release/Harassment	Urgent Appeal ZWE 002/0410/OBS 050	April 23, 2010
Ms. **Ellen Chademana** and Messrs. **Ignatius Muhambi** and **Chesterfield Samba**	Arbitrary arrest / Release on bail / Judicial harassment / Confiscation of property	Urgent Appeal ZWE 003/0510/OBS 066	May 28, 2010
Mr. **Farai Maguwu**	Arbitrary detention / Judicial harassment / Ill-treatment	Urgent Appeal ZWE 004/0610/OBS 079	June 22, 2010
		Urgent Appeal ZWE 004/0610/OBS 079.1	July 5, 2010
	Release on bail / Judicial harassment	Urgent Appeal ZWE 004/0610/OBS 079.2	July 15, 2010
	Acquittal	Urgent Appeal ZWE 004/0610/OBS 079.3	October 28, 2010
Mr. **Abel Chikomo**	Intimidation / Harassment	Urgent Appeal ZWE 001/0311/OBS 035	March 15, 2011
	Judicial harassment	Urgent Appeal ZWE 001/0311/OBS 035.1	March 31, 2011
13 human rights defenders, including Messrs. **Bamusi Kasembe**, **Dzikamai Bere**, **Admire Munava** and "**Tongai**"	Acts of intimidation / Death threats	Urgent Appeal ZWE 002/0311/OBS 046	March 24, 2011

AMERICAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

REGIONAL ANALYSIS AMERICAS

In 2010 and early 2011, several countries in the region celebrated 200 years of independence and of efforts to build independent and strong democracies. These celebrations took place simultaneously with a number of elections and presidential inaugurations in several countries in the region (*Bolivia*, *Brazil*, *Chile*, *Colombia*, *Costa Rica*, *Haiti*, *Honduras*, *Peru*, *Uruguay*), a popular referendum in *Ecuador* and the start of campaigns for the presidential elections scheduled for the second half of 2011 in *Argentina*, *Guatemala* and *Nicaragua*. While it is true that for several decades, most Latin American countries have held presidential elections on a regular basis, in 2010 and 2011, it has become clear that this is not enough to consolidate these still fragile democracies. The devastation left over from the *Honduran* coup d'état which occurred in 2009 and the persistent impunity of human rights violations committed during and after the coup, are proof of that. Additionally, in several countries in the region, there was a tendency to push through constitutional reforms to seek the re-election of incumbent presidents, often affecting the control and balance mechanisms within Governments.

Several countries continued to hold ambiguous positions regarding the fight against impunity. Some countries maintained general amnesty laws that prevent investigations of serious human rights violations and crimes against humanity committed by dictatorial Governments or during internal armed conflicts. Such was the case in *Brazil* where in 2010 the High Court refused to amend the Amnesty Law, which has been in force since 1979. Similarly, in *Uruguay,* a bill that had sought to nullify the Amnesty Law in force since 1986, which prevents from investigating those responsible for abuses committed during the last military Government (1973-1985), was rejected[1]. In addition, in 2010 and 2011, there were further attempts to grant amnesty for human rights violations (*Chile*, *Peru*). Despite these major challenges, there were significant advances in the fight against impunity in the region, including the trials of perpetrators of serious human rights violations in several countries which lived under

1/ After being approved by the Senate, the project was rejected on May 20, 2011 in the House of Representatives.

military regimes (*Argentina*, *Chile*, *Guatemala*); the establishment of truth commissions in countries such as *Ecuador*, *El Salvador* and *Honduras*; and the creation in *El Salvador* of the National Commission to Search for Children Disappeared during the Internal Armed Conflict (*Comisión Nacional de Búsqueda de Niños y Niñas Desaparecidos durante el Conflicto Armado Interno*) and the National Commission of Reparation for Victims of Human Rights Violations that occurred during the Internal Armed Conflict (*Comisión Nacional de Reparación a las Víctimas de Violaciones a los Derechos Humanos ocurridas durante el conflicto armado interno*). Similarly, in June 2010, in *Bolivia*, a trial began into the Porvenir massacre (otherwise known as the Pando massacre), which occurred on September 11 and 12, 2008[2]. However, there was concern over the lack of security for witnesses and those who foster trials and truth commissions (*Argentina*, *Bolivia*, *Chile*, *El Salvador*, *Guatemala*, *Honduras*).

Furthermore, during 2010 and 2011, indigenous, afro-descendant and peasant communities continued to be the constant victims of attacks, particularly when they protested peacefully against the harmful effects of a number of projects to exploit natural resources. On repeated occasions statutory offences were manipulated in order to criminalise social protest and arbitrarily detain peaceful protesters (*Brazil*, *Chile*, *Colombia*, *Ecuador*, *El Salvador*, *Guatemala*, *Honduras*, *Mexico*, *Nicaragua*, *Panama*, *Paraguay, Peru*, *Venezuela*). Similarly, Lesbian, Gay, Bisexual, Transgender and Intersexual (LGBTI) people continued to be openly stigmatised, discriminated and often violently attacked (*Bolivia*, *Colombia*, *El Salvador*, *Honduras*, *Mexico*, *Peru*), despite some legislative progress in countries like *Argentina*, *Brazil*, *El Salvador* and *Mexico*. Women also continued to suffer constant attacks and killings carried out for reasons associated with their gender (feminicide), crimes which remained in impunity. While many cases of feminicide continued to be reported in *Mexico* and *Guatemala*, they expanded throughout the region. In 2010, there were 72 murders of women in *Panama*, 51 of them considered as feminicide and in 2011 as of April, 19 murders had been committed against women, including thirteen cases of feminicide[3].

In addition, prison conditions remained of concern in several countries in the region. Persons deprived of freedom continued to be victims of

2/ This massacre is considered to be the most serious act of violence occurring during the presidency of Mr. Evo Morales, in which at least nineteen people were killed and 53 wounded, mostly peasants. As of April 2011, the trial was at the preliminary stage.

3/ Statistics of the Panamanian Observatory Against Gender Violence (*Observatorio Panameño contra la Violencia de Género* - OPVG), a body within the Ombudsman's Office. See *www.defensoriadelpueblo.gob.pa.*

abuse, violence and inhumane conditions of detention and overcrowding (*Argentina*, *Brazil*, *Chile*, *Colombia, Cuba*, *Ecuador*, *El Salvador*, *Haiti*, *Nicaragua*, *Venezuela*). Often these conditions were especially demeaning to particularly vulnerable people such as migrants undocumented (*Mexico*, *Panama*, *United States of America*) or minors (*Argentina*, *Haiti*).

Thus, during 2010 and 2011, the situation of human rights defenders in the Americas continued to be serious. Many were victims of threats or intimidation, judicial harassment, attacks on freedoms of association, assembly and peaceful demonstration, increasing restrictions on freedom of expression, defamation and smear campaigns, arbitrary arrests and even murders.

Assassination and threats against defenders who fight against impunity

In 2010 and 2011, defenders fighting against impunity were victims of constant threats and attacks. In *Honduras*, people who fight against impunity for human rights violations committed during and after the coup d'état, continued to be severely threatened and harassed. Similarly, lawyers, trial witnesses, prosecutors and victims' defenders (*Argentina*, *Chile, Colombia*, *Guatemala*, *Mexico*), as well as members of truth commissions (*Honduras*) were harassed, intimidated and threatened. In some countries judges who made the presiding Governments uncomfortable with their decisions were removed from office, detained or prosecuted (*Peru*, *Venezuela*).

Assassinations, violent repression and criminalisation against defenders of indigenous peoples, peasants and Afro-descendents defending their land rights and the environment

Environmentalists and indigenous leaders who denounced the adverse effects on communities and the environment of the actions of mining companies and the exploitation of natural resources were subjected to numerous threats and judicial harassment (*Brazil*, *Chile*, *Colombia*, *Ecuador*, *Guatemala*, *Mexico*, *Peru*), and in some cases killed (*Colombia*, *El Salvador*, *Honduras*, *Mexico*). Particularly in *Brazil*, *Guatemala* and *Ecuador*, the large number of such conflicts and the lack of attention that Governments have given to the demands of communities created a climate of hostility which was a growing cause for concern. Several countries also continued to repress the demands of indigenous peoples to live in their ancestral territories, which resulted in violent clashes and forced evictions in *Argentina*, *Brazil*, *Chile* and *Guatemala*. Similarly, in *Paraguay*, on September 5, 2010, two community leaders received death threats after accompanying the Kelyenmagategma community during a visit of the Special Rapporteur on the Rights of Indigenous Peoples from the

Inter-American Commission on Human Rights (IACHR)[4]. Furthermore, in *Colombia,* it was a particularly violent year for peasant, indigenous and afro-Colombians leaders displaced by violence and struggling to return to their lands, many of whom were killed or suffered death threats.

Assassinations and continuing obstacles against trade unionists and labour rights defenders

Trade unionism remained a dangerous and stigmatised activity in many countries of the Americas. *Colombia* continued to be the country where the most trade unionists were killed in the region and one of the most dangerous places for trade unionists in the world. Killings were also committed against persons for reasons related to their union membership in *Brazil*, *El Salvador*, *Guatemala*, *Honduras*, *Mexico* and *Venezuela* or for defending labour rights (*Argentina*). In *El Salvador*, on January 15, 2010, Mr. **Victoriano Abel Vega**, Secretary General of the Union of Municipal Workers and Employees of the Mayor's office in Santa Ana (*Sindicato de Trabajadores y Empleados Municipales de la Alcaldía de Santa Ana* - SITRAMSA), was killed on his way to a meeting for the organisation of actions to denounce dismissals of municipal workers from the Mayor's office in Santa Ana. Similarly, on July 8, 2010 in *Panama*, Mr. **Antonio Smith**, leader from the Union of Independent Banana Workers in Changuinola (*Sindicato de Trabajadores Bananeros Independientes de Changuinola* - SITRAPBI), was murdered. Meanwhile, trade unionists continued to be judicially harassed (*Peru*) or stigmatised, as occurred in May 2011 in *Panama* when 33 workers were dismissed after they requested the right to form a union[5], or in *Paraguay*, where, although legislation exists to protect trade union practice, in reality there continued to be constant cases of anti-union discrimination and harassment reported against union members[6]. Moreover, in *Costa Rica* acts of undue interference were committed by the Government and the Board of the Institutional Management Company of the Port Administration and Economic Development of the Atlantic Region (*Empresa Institucional Junta de Administración Portuaria y Desarrollo Económica de la Vertiente Atlántica* - JAPDEVA). After the Board of the Union of Workers of JAPDEVA (*Sindicato de Trabajadores de la JAPDEVA* - SINTRAJAP) opposed the Government's decision to privatise the Limón ports in the Caribbean, their work was discredited and a new Board was appointed.

4 / See IACHR Press Releases, September 7 and 10, 2010.
5 / See International Trade Union Confederation (ITUC) Press Release, May 20, 2011.
6 / See ITUC Report, *Paraguay must redouble efforts towards meeting the ILO conventions on core labour standards*, April 27, 2011.

Killings and reprisals against defenders denouncing abuses by Government forces and para-State armed groups

High rates of violence continued in countries like *Colombia*, *Guatemala* and *Mexico*, and were reflected in the significant number of murders, assaults and threats against defenders who constantly denounced abuses carried out by the armed forces officers and paramilitary groups. In *Brazil*, defenders were also killed or displaced for these reasons. In *Bolivia*, collaborators of the Permanent Assembly for Human Rights in Bolivia (*Asamblea Permanente de Derechos Humanos de Bolivia* - APDHB) were subjected to harassment and smear campaigns in 2010, after they published a report in August 2010 on an investigation into police abuses which led to the deaths of two protesters who blocked a road in the region of Caranavi on May 7 and 8, 2010. Similarly, defenders who denounced abuses and corruption by prison authorities were also victims of smear campaigns, threats and even murder (*Brazil*, *Ecuador*, *Venezuela*).

Assassinations, smear campaigns and judicial harassment against journalists who expose corruption and human rights violations

Freedom of expression remained severely restricted in several countries (*Bolivia*, *Cuba*, *Ecuador*, *Honduras*, *Nicaragua*, *Venezuela*) and journalists and members of the media who dared to denounce corruption and human rights violations continued to suffer a situation of serious vulnerability. Several journalists were killed (*Colombia*, *Honduras*, *Mexico*) or were subjected to threats against their lives (*Ecuador*, *Mexico*, *Nicaragua*, *Venezuela*). In several countries, journalists were victims of smear campaigns (*Ecuador*, *Nicaragua*) or judicial harassment (*Panama*). Indeed, in *Panama*, Mr. **Carlos Jerónimo López Núñez**, a retired newspaper journalist from former daily newspaper *Crítica*, was detained for nineteen days in June and July 2010, convicted of "defamation" for publishing an article twelve years ago in which he defended the environmental rights of communities in the Chiriqui province, in the northeast of Panama. He was finally released on July 14, 2010[7]. Moreover, the Supreme Court of *El Salvador* upheld the possibility of imposing criminal liability on journalists for the dissemination of information that could offend the honour or reputation of public officials[8].

7/ See Committee for the Protection of Journalists (CPJ) and Reporters Without Borders (RSF).

8/ Although it requires proof that the journalist acted in bad faith, this implies a step back with respect to the regulation that was adopted under which the right of public officials to the protection of their honour could only be guaranteed under civil law and not criminal law. See IACHR Special Rapporteur for Freedom of Expression Press Release, October 7, 2010.

Hostility and reprisals against defenders who work with universal and regional mechanisms for the protection of human rights

In 2010 and 2011 some countries in the region maintained a hostile attitude towards international organisations such as the United Nations (UN) and the Organisation of American States (OAS), prohibiting visits of delegates or rapporteurs to their countries (*Cuba, Nicaragua* and *Venezuela*). In addition, defenders who collaborated with universal and regional mechanisms for the protection of human rights were victims of reprisals (*Ecuador*, *Paraguay*, *Venezuela*). In September 2010, *Nicaragua* demanded that the OAS withdraw its in-country representative, Mr. Pedro Vuskovic, arguing that he had "meddled in internal affairs". Additionally, given that the headquarters of the OAS, the IACHR and the UN are based in the *United States of America*, there was concern over the fact that in 2010 the United States once again rejected visas to human rights defenders who had planned to attend sessions of the IACHR to present denouncements, testimonies and expert opinions[9]. In addition, the scandal over U.S. State Department papers brought to light by *wikileaks,* revealed that several diplomatic missions and UN officials, including its Secretary General, Mr. Ban Ki-moon, were victims of illegal spying ordered by the U.S. Department of State during 2008 and 2009.

Killings and constant violence against defenders of LGBTI and women's human rights

Once again, defenders of women's rights and those fighting against gender violence and discrimination were victims of violent attacks (*Guatemala*, *Mexico*). In *Mexico*, the lack of protection for women and defenders fighting against impunity in cases of feminicide remained of particular concern. Similarly, defenders of LGBTI persons continued to suffer discrimination, acts of stigmatisation (*Honduras*, *Mexico*, *Peru*) and were sometimes even killed (*Colombia*, *Honduras*, *Peru*). There was a particularly serious upsurge of violence against LGBTI persons in *Honduras* after the coup d'état in 2009, that continued in 2010 and 2011.

9 / See IACHR Press Release, March 26, 2010.

Urgent Interventions issued by The Observatory from January 2010 to April 2011 on countries of the region for which there is no country fact-sheet

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
BOLIVIA	Permanent Assembly for Human Rights in Bolivia (APDHB)	Abduction / Raid	Press Release	May 21, 2010
COSTA RICA	Board of Directors of the Workers' Union of the Port Administration and Economic Development of the Atlantic Region (SINTRAJAP)	Interference in trade union affairs / Slandering	Open Letter to the authorities	February 1, 2010
EL SALVADOR	Ms. **Dora Alicia Recinos Sorto**	Assassination	Urgent Appeal SLV 001/0110/OBS 002	January 6, 2010
EL SALVADOR	Mr. **Victoriano Abel Vega**	Assassination	Urgent Appeal SLV 002/0110/OBS 012	January 25, 2010
PANAMÁ	Messrs. **Antonio Smith** and **Jaime Caballero**	Assassination / Arbitrary detention	Open Letter to the authorities	August 4, 2010

ARGENTINA

In 2010 and 2011, insecurity, violence and political repression affected diverse groups of human rights defenders, including those involved in trials related to crimes against humanity committed during the last dictatorship, indigenous leaders defending the right to community lands, labour rights defenders and journalists denouncing corruption and drug trafficking.

Political context

The climate of violence and insecurity in Argentina intensified during 2010. This led to the creation of the Ministry of Security on December 10, 2010, in charge of the entire federal security forces. Nevertheless, as of April 2011, there had been no measures for structural change implemented within the security forces, which was cause for concern given that a number of cases of violence and abuse of authority were traced back to the police. One example of this was the strong police repression used to evict families from a public area in the city of Buenos Aires in December 2010, in which three people were killed[1]. Additionally, the UN Human Rights Committee and the UN Committee on the Rights of the Child expressed concern about the killings and torture of adolescents and young people caused by violent police actions[2].

Individuals deprived of their freedom were also victims of this violence and the situation in prisons continued to not comply with the UN Standard Minimum Rules for the Treatment of Prisoners. To that extent, the UN Human Rights Committee, the Inter-American Commission on Human Rights (IACHR) Special Rapporteur on the Rights of Persons Deprived of Liberty and the United Nations Committee on the Rights of the Child, all expressed in 2010 serious concern for the substandard conditions of detention in Argentina and in particular for the numerous denouncements of torture and of cruel, inhumane and degrading treatment carried out by the prison authorities (especially in Buenos Aires and

1/ See Service for Justice and Peace in Argentina (*Servicio Paz y Justicia Argentina* - SERPAJ).
2/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, United Nations Document CCPR/C/ARG/CO/4, March 22, 2010 and Committee on the Rights of the Child, *Concluding Observations: Argentina,* United Nations Document CRC/C/ARG/CO/3-4, June 21, 2010. See also Centre for Legal and Social Studies (*Centro de Estudios Legales y Sociales* - CELS) Press Releases, August 20 and November 12, 2010.

Mendoza)[3]. The abovementioned IAHCR Special Rapporteur stated that he had received statements of frequent beating of prisoners, maltreatment, prolonged punishment in isolation cells, overcrowding and inadequate living conditions.

Regarding the fight against impunity, it is important to highlight the fact that trials continued throughout 2010 in the cases of those responsible for crimes against humanity committed during the last military dictatorship (1976-1983). As of April 2011, there were 366 ongoing cases throughout the country, 45 oral arguments had taken place, another eight were taking place, and 188 people had been convicted[4]. On a particular note, were the life sentences to be served in a civilian prison that were received by former Dictator Jorge Rafael Videla, former General Luciano Benjamín Menéndez and another 28 soldiers[5], and by former Dictator Reynaldo Bignone[6], all for "crimes against humanity". Despite these significant advances and the high number of individuals undergoing trial, the slow progress in many cases continued to be cause for concern.

Meanwhile, in 2010 the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern about the persistent forced evictions, general violence against indigenous peoples and the reigning impunity in these acts[7].

Threats to and insecurity of human rights defenders involved in trials for crimes against humanity committed during the last dictatorship

In 2010, there continued to be reports of thefts and destruction of information related to ongoing trials for crimes against humanity committed during the last dictatorship. On April 8, 2010, there was a break-in at the legal offices of Ms. **María Isabel Caccioppolis**, a lawyer in the case of the violation of the human rights of adolescents in the students centre of the "Escuela Normal de Concepción del Uruguay", in the province of Entre Ríos, in 1976. This was not the first time that such events had occurred, in fact several lawyers' offices working on cases in Paraná, the capital of the Entre Ríos province, suffered similar attacks in which paper or digital

3/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee, op cit*, Inter-American Commission of Human Rights (IACHR) Press Release No. 64/10, June 21, 2010 and Committee on the Rights of the Child, *Concluding Observations: Argentina, op cit.*

4/ See CELS blog on the trials: *http://www.cels.org.ar/wpblogs/.*

5/ See Sentence of the Federal Oral Tribunal 1 of Córdoba, December 22, 2010.

6/ See Sentence of the Federal Oral Tribunal 1 of San Martín, April 15, 2011.

7/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee, op cit*, and CERD, *Concluding Observations*, United Nations Document CERD/C/ARG/CO/19-20, March 29, 2010.

information was stolen and burned[8]. Likewise, on September 27, 2010, the home of Ms. **Alicia Morales** was broken into, searched and some of her personal belongings were stolen[9]. Ms. Morales is a member of the San Rafael section of the Permanent Assembly for Human Rights (*Asamblea Permanente por los Derechos Humanos* - APDH) as well as Prosecutor and witness in the trial hearings in San Rafael, Mendoza province. Moreover, in 2010, during the trial for crimes against humanity committed during the dictatorship in prison No. 9 in the city of La Plata, for which fourteen people were convicted, Ms. **Nilda Eloy**, a human rights defender and Prosecutor representing the Association of Former Detained and Disappeared Persons (*Asociación de Ex Detenidos Desaparecidos*), was threatened, such as Ms. **María Noelia García**, Secretary of the Federal Oral Tribunal No. 1, who was responsible for the case. These threats were linked to one of the convicted individuals in the trial and were formally denounced. As of April 2011, an investigation had been opened at the Federal Prison Service, responsible for transferring the convicted person linked to the threats[10]. At the same time, Mr. **Enrique Fidalgo**, a psychologist and member of the Interdisciplinary Team of the Committee for the Defence of Health, Ethics and Human Rights (*Equipo Interdisciplinario del Comité para la Defensa de la Salud, la Ética y los Derechos Humanos* - CODESEDH), responsible for offering support and accompaniment to the victims in the same trial in the Federal Oral Tribunal No. 1 in La Plata, was the victim of repeated violent acts and threats to his security, both in his home and in public. As of April 2011, an investigation into these events was underway in the Attorney Investigation Unit No. 9, in La Plata[11]. Meanwhile, on March 18, 2010, an attempt was made to hamper the work of Messrs. **Diego Jorge Lavado**, **Alfredo Guevara Escayola**, **Pablo Gabriel Salinas** and Ms. **Viviana Laura Beigel**, all lawyers and members of the Ecumenical Movement for Human Rights in Mendoza (*Movimiento Ecuménico por los Derechos Humanos de Mendoza* - MEDH). On this occasion, the lawyer Eduardo Sinforiano, defender of a number of those accused of crimes against humanity, requested before the Federal Appeals Chamber of Mendoza that the lawyers be arrested and fined for having

8 / For example, as a result of a similar attack, the whereabouts of the computers stolen from the Secretary of Human Rights in the Buenos Aires province on December 30, 2009, are still unknown. The computers contained information about crimes against humanity committed during the dictatorship. The only computer found was the personal computer of Ms. **Sara Derotier de Cobacho**, which contained information on common crimes.

9 / See APDH Press Release, October 4, 2010.

10 / See Committee for the Defence of Health, Ethics and Human Rights (*Comité para la Defensa de la Salud, la Ética y los Derechos Humanos* - CODESEDH).

11 / *Idem.*

demanded the removal of two judges from the Chamber. While it is often difficult to determine the exact source of threats, it is of great concern that defenders and witnesses taking part in ongoing trials have little access to effective protection and are the constant victims of the climate of violence and insecurity that has taken hold throughout the country.

Violence and judicial harassment against indigenous leaders who defend the right to land of their communities

The struggle to defend the right to land continued to lead to harassment, violent acts, arbitrary detentions and killings in a number of indigenous communities. In 2010, the struggle led by the Qom Navogoh community (otherwise known as the community of Toba La Primavera) for a number of years for the defence of their lands, in the south-west of the Formosa province, intensified due to their opposition to the construction of a university institute on their lands. The community reacted with peaceful protests and a road blockade, after which a number of their members received threats, and Mr. **Félix Díaz**, a leader of the community, and his wife Ms. **Amanda Asijak** were charged with the crime of "usurpation". On September 22, 2010, protection measures were granted to the community, which ordered all construction to be suspended on their lands. In spite of this decision, on November 23, 2010, members of the provincial police force, supported by armed individuals from the Celias family[12], attempted to evict the community. Upon leaving, police agents left two firearms in the community, which were later reported before Judge Mouriño as having disappeared. On the same day, the Judge visited the community in person, accompanied, among others, by some seventy armed police officers to recover the weapons that had been declared as disappeared. This situation triggered violent events, which culminated in the death of indigenous leader Mr. **Roberto López** and the death of one police officer. A legal case was opened in Formosa to investigate the killing of Mr. López, yet as of April 2011, none of the police officers who had been present had been arrested, and the armed civilians who supported the violent repression had not been identified. However, the case file states that, according to a police statement, Mr. Félix Díaz was armed on the day in question, in a clear attempt to link him to the death of the police officer. In light of the situation of risk suffered by the Qom Navogoh community, on April 21, 2011, the IACHR granted precautionary measures that had been requested by the community, which include orders to charge the police officers with the

12 / Non indigenous family which, thanks to its links with the Military Government in 1978, remained present in these lands after they were returned to indigenous communities.

crime and identify the responsible authorities. As of the end of April, none of the measures had been implemented[13].

Violence against labour rights defenders during peaceful demonstrations

The exercise of the right to peaceful protest to demand labour rights continued to be stigmatised and dangerous. In 2010 and up to April 2011, there was a tendency to use "agents provocateurs", or the police themselves, against peaceful demonstrators calling for improvements to labour rights. On October 20, 2010, the outsourced workers from the Roca Railway Company were peacefully demonstrating, asking to be employed as permanent payroll staff and protesting against the dismissal of more than one hundred people, when they were violently attacked by trade unionists from the Railway Workers' Union (*Unión Ferroviaria*)[14]. In the skirmish, Mr. **Mariano Ferreyra**, a student and member of the Workers' Party (*Partido Obrero*), was killed, and three people received gunshot wounds, including Ms. **Elsa Rodríguez**. Both Mr. Ferreyra and Ms. Rodríguez were taking part in the demonstration in the defence of the economic, social and cultural rights of the Roca railway workers. Ms. Rodríguez was left at first in a state of coma, and although she later recovered, she is today paralysed on her right side and suffers from speech problems. The other two people who suffered gunshot wounds have also recovered. These events were denounced, the judicial proceedings progressed quickly, and those who carried out the crimes and a number of leaders from the Railway Workers' Union were brought to trial, including Secretary General Mr. José Pedraza, who was accused of planning the attack. As of April 2011, the ten individuals accused of the crime were being held on remand by the Appeals Chamber. It is expected that the oral trial will take place in 2011. The failure of the police officers to intervene during the events was also denounced[15]. In this case, the Judge decided to call seven police officers to present an oral statement[16]. In another case, on April 12, 2011, close to the city of "28 de Noviembre", in the Santa Cruz province, teachers

13 / Protection measures requested with the patronage of the Human Rights Ombudsman's Office (*Defensoría General de la Nación*) and CELS. See Request for Precautionary Measures for the members of La Primavera community, presented by CELS and La Primavera community before the IACHR on November 30, 2010 and CELS Press Release, April 26, 2011.

14 / The outsourced workers from the Roca railway company were working under precarious and unequal labour conditions in comparison to the workers affiliated to the Railway Workers' Union. Their demands were granted after the violent attacks took place. See Committee for Legal Action (*Comité de Acción Jurídica* - CAJ) Press Release, October 22, 2010.

15 / According to information in the legal case, the police officers present suddenly withdrew, minutes before the crime took place. See CAJ Press Release, October 25, 2010.

16 / See CELS, CAJ and SERPAJ.

from the Association of Teachers of Santa Cruz (*Asociación de Docentes de Santa Cruz* - ADOSAC) were peacefully demonstrating, distributing texts in support of their demands for a raise in salary, when more than a dozen individuals identified as members of the Construction Workers' Union of the Argentinean Republic (*Unión Obrera de la Construcción de la República de Argentina* - UOCRA) arrived on the scene. They began to hit the teachers and those who were accompanying them with metal bars, wooden staffs and chains. Mr. **Victor Paredes**, Secretary General of the Association of State Workers (*Asociación de Trabajadores del Estado* - ATE), who was supporting the teachers, was severely beaten. These events were filmed by a number of television channels, and the footage is being held by the justice system. As of April 2011 the aggressors were being identified and the Director of UOCRA, who was present on the day in question, had absconded from the area[17].

Meanwhile, as reported by the UN Human Rights Committee, the United Argentinean Workers' Union (*Central de Trabajadores Argentinos*) has not yet been granted legal trade union status despite the fact that the Argentinean State is a signatory of International Labour Office Convention No. 87 on Trade Union Freedoms, and despite the existence of a ruling from the Supreme Court against trade union monopolies[18].

Murder of a journalist who denounced drug trafficking and corruption

The climate of violence and insecurity throughout the country also had consequences for journalists denouncing drug trafficking and corruption. On September 4, 2010, the Bolivian journalist and community leader Mr. **Adams Ledesma Valenzuela** was killed in Buenos Aires. Mr. Ledesma Valenzuela was Director of the newspaper *Mundo Villa* and of the local television channel *Mundo Villa TV*. Mr. Ledesma, whose community work was closely linked to his journalistic profession, played an active role in the defence of the human rights of the inhabitants of his neighbourhood, and had made public declarations about his intentions to denounce drug purchases made by rich inhabitants in the area. Mr. Ledesma Valenzuela's family had reported being threatened by drug traffickers. The police reported the crime as a quarrel between neighbours and not as a crime related to the defence of human rights in the community. As of April 2011, no one had been arrested in relation to this murder as, according to the police, the individual responsible had gone into hiding. Nevertheless, the lack of investigation into the crime and its impunity reinforce the hypothesis

17 / See CAJ.

18 / See Human Rights Committee, *Concluding Observations of the Human Rights Committee, op. cit.*

that the police and the drug traffickers worked together in order to silence the journalist[19].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Secretary of Human Rights in Buenos Aires / Ms. **Sara Derotier de Cobacho**	Theft / Harassment	Urgent Appeal ARG 001/0110/OBS 006	January 12, 2010
Messrs. **Diego Jorge Lavado**, **Alfredo Guevara Escayola**, **Pablo Gabriel Salinas** and Ms. **Viviana Laura Beigel**	Judicial harassment	Urgent Appeal ARG 002/0310/OBS 041	March 26, 2010
Ms. **María Isabel Caccioppolis**	Attack on offices / Theft	Urgent Appeal ARG 003/0410/OBS 045	April 14, 2010

19 / See CELS and SERPAJ. The IAHCR Special Rapporteur on Freedom of Expression called upon the State to protect the journalist's family, and to bring the perpetrators to justice. See IAHCR Special Rapporteur on Freedom of Expression Press Release No. R91/10, September 10, 2010.

BRAZIL

In Brazil, there have been efforts to improve the situation of human rights defenders through the National Programme for the Protection of Human Rights Defenders. Nevertheless, in 2010 and 2011, defenders who reported police and parapolice violence continued to be victims of murder and violence. Likewise, defenders of the right to land, environmental defenders and indigenous rights defenders continued to be subjected to acts of violence, threats and judicial harassment. Furthermore, defenders of persons deprived of their liberty were threatened and harassed.

Political context

Presidential elections were held in October 2010 and Ms. Dilma Rousseff, the candidate for the Workers' Party – the same party as that of outgoing President Mr. Luiz Inácio Lula da Silva – was elected. Ms. Rousseff took office on January 1, 2011, becoming the first female President of Brazil, a country that continues to reinforce its position as a regional power that can greatly influence other Latin American countries. However, its economic growth has not yet eradicated human rights problems, high levels of social inequality and violence.

In 2010, the UN Special Rapporteur on Contemporary Forms of Slavery, its Causes and Consequences, Ms. Gulnara Shahinian, found that despite efforts and policies implemented by the Government, slave labour still exists in Brazil, and expressed concern over the direct link between this type of slavery, poverty and the concentrated ownership of land[1]. In Brazil, land ownership and natural resources continued to be a significant source of conflict and violence[2], and water-related conflicts saw an increase of 93.3% in 2010[3]. Furthermore, in 2010, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Philip Alston, presented a follow-up report that alerted on the persistence of murders committed by death squads and militia operating with the participation

1/ See Human Rights Council, *Report of the Special Rapporteur on Contemporary Forms of Slavery, its Causes and Consequences, Ms. Gulnara Shahinian*, United Nations Document A/HRC/15/20/Add.4, August 30, 2010.

2/ The number of conflicts in the countryside remains high (1,186 in 2010 vs. 1,184 in 2009) and the violence caused by these conflicts rose between 2009 and 2010 (34 murders in 2010 vs. 26 in 2009). See Land Pastoral Commission (*Comissão Pastoral da Terra* - CPT) Press Release, April 19, 2011.

3/ In 2010, 87 conflicts related to the use, preservation, dam-construction and individual appropriation of water were recorded, as opposed to 45 in 2009. See CPT Press Release, April 19, 2011.

of current and former members of the police, as well as the constant abuse of the number of "resistance" killings[4]. Furthermore, the Special Rapporteur called the attention on the criminal gangs that continue to do as they like in prisons, causing serious acts of violence and deaths, while the Government does not protect and guarantee the rights of persons deprived of their liberty[5]. The critical prison situation was also the subject of reports on cases of torture, as well as serious overcrowding problems[6].

Furthermore, the Brazilian judiciary once again refused to try the crimes against humanity and human rights violations that occurred during the military dictatorship (1964-1985). On April 29, 2010, the Federal Supreme Court of Brazil decided that the Amnesty Law of 1979, which exonerated all those accused of "political offenses and linked to political offenses", including extrajudicial executions, torture and other human rights violations committed by members of the old military regime, was still in effect. In November 2010, the Inter-American Court on Human Rights (IACtHR), reiterating its jurisprudence regarding other dictatorships in the region, found Brazil guilty of serious abuses carried out during the military dictatorship and declared that this Amnesty Law was without "legal effects"[7]. However, as of April 2011, the IACtHR judgement had not yet been enforced, nor had the bill that the Executive presented in December 2009 been adopted in order to create a National Commission on Truth to investigate human rights violations committed during the military dictatorship.

Furthermore, the Brazilian Government openly rejected the precautionary measures issued on April 1, 2011 by the Inter-American Commission on Human Rights (IACHR) for members of the indigenous communities from the Río Xingu basin. These precautionary measures were issued due to the damages that the construction of the Belo Monte Hydroelectric Complex could cause to the indigenous communities in the State of Pará[8].

4 / "Resistance" killings are those in which policemen kill a person, but classify it as an act committed while the person was committing the crime of resisting arrest or disobeying police orders. See Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions,* United Nations Document A/HRC/14/24/Add.4, May 26, 2010.

5 / See Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, *op. cit*., and Inter-American Commission on Human Rights (IACHR) Press Release No. 114/10, November 18, 2010.

6 / See Prison Pastoral (*Pastoral Carcerária*) Report, *Relatório sobre tortura. Uma experiência de monitoramento dos locais de detenção para prevenção da tortura*, 2010 and United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Press Release, April 16, 2010.

7 / See IACtHR Judgement, *Gomes Lund Case et al. ("Guerrilha do Araguaia") vs. Brazil*, November 24, 2010.

8 / See CIDH Precautionary Measures 382/10, April 1, 2011.

As a result of these precautionary measures, in which the IACHR asked the Brazilian Government to immediately stop licensing this hydroelectric complex until the affected communities had been properly consulted and measures had been adopted to protect their life and personal integrity, President Dilma Rousseff announced the suspension of Brazil's relations with the IACHR[9].

Among the positive developments, were efforts to improve the effectiveness of the protection for human rights defenders within the framework of the National Programme for the Protection of Human Rights Defenders (*Programa de Proteção a Defensores dos Direitos Humanos* - PPDDHH). In 2010, this Programme was being implemented in the States of Pará, Pernambuco, Bahia, Espiritu Santo, Rio de Janeiro and Minas Gerais. In March 2011, the Programme was extended to include the States of Maranhão and Sergipe[10].

Killings, threats and harassment against defenders who report police and parapolice violence

Defenders who report human rights abuses and violations by members of the military, policemen or parapolice militias continued to be under constant attack. On February 28, 2011, the body of Mr. **Sebastião Bezerra da Silva**, Coordinator for the central-west region of the National Human Rights Movement (*Movimento Nacional de Direitos Humanos* - MNDH) and member of the Tocantins Human Rights Commission (*Comissão de Direitos Humanos do Tocantins*), was found buried in a farm in the municipality of Dueré, in Tocantins State. Mr. Bezerra da Silva reported summary executions, torture and mistreatment by the police, and had received numerous threats as a result. Mr. Bezerra da Silva was last seen on February 26, 2011, and when his body was found, he appeared to have been tortured. Investigations into the events advanced and, as of April 2011, brothers Ricardo José Gonçalves, Janes Miguel Gonçalves Junior and Rogerio Miguel Gonçalves had been identified as the murderers[11]. Furthermore, Mr. **Josilmar Macário dos Santos**, an activist who had denounced the impunity of extrajudicial executions, including the murder of his brother, Mr. Josenildo Estanislau dos Santos, who was executed by military police officers from the First Battalion on April 2, 2009 in Rio de Janeiro, received threats against him and his family since the death of his

9 / On June 1, 2011, the Brazilian Institute of Environment and Renewable Resources (*Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis* - IBAMA) granted the licence to install the Belo Monte dam.

10 / See Human Rights Secretariat Press Release, March 16, 2011.

11 / See MNDH and Human Rights Secretariat Press Releases, February 28 and April 18, 2011.

brother. On May 7, 2010, Mr. Josilmar Macário dos Santos was injured by a gunshot as he was driving a taxi. Fearing for his life, he was forced to stop his work as a taxi driver and having a fixed address. He was included in the PPDDHH in Rio de Janeiro in May 2010 but, as of April 2011, neither he nor his family had received adequate protection[12].

Furthermore, the offices of Dignitatis, an organisation that has played a key role in federalising the proceedings of the investigation into the killing of Mr. **Manoel Bezerra de Mattos**, a lawyer and human rights defender who was murdered in January 2009 for reporting the actions of illegal militias that operate on the border between the States of Paraíba and Pernambuco, were attacked. On December 13, 2010, the doorway to the offices of Dignitatis was seriously damaged, and traces of bullets were found. Later, on January 30 and 31, 2011, strangers forcefully entered the offices during the night and stole various objects, including a computer and cameras with images and videos related to the organisation's work. These events were reported at the second police station in the city of João Pessoa and an investigation was opened. In April 2011, there were no leads in the investigations and although experts had examined the premises, their findings were not included in the case file. With respect to the request to federalise the proceedings for the murder of Mr. Manoel Bezerra de Mattos, on October 27, 2010, the High Court of Justice agreed to federalise the case. On April 29, 2011, the federal office of the Public Prosecutor had presented its final arguments in the case and was waiting for the defence to present its own.

Judicial harassment, violence and threats against defenders of the right to land, indigenous peoples' rights and environmental rights

In 2010 and 2011, defenders of land rights, indigenous peoples' rights and environmental rights continued to be victims of violence and judicial harassment. Mr. **Rosivaldo Ferreira da Silva** or **Cacique Babau**, leader of the Tupinambá people in the State of Bahia, was repeatedly accused of numerous offenses and threatened for defending the rights of his people to their ancestral lands[13]. For example, on March 10, 2010, after a group of indigenous Tupinambás returned to their ancestral lands in Serra do Padeiro, Mr. Babau was violently beaten, threatened with death, and imprisoned by five hooded federal policemen who did not identify themselves.

12 / See Global Justice (*Justiça Global*).

13 / The Tupinambá community has spent years fighting for its land, and its leaders have been the victims of serious attacks and harassment since the publication of a report in 1996 identifying and delimiting the Tupinambá Indigenous Land, which was written by a working group of experts from the National Indian Foundation (*Fundação Nacional do Índio* - FUNAI).

The next day, an anthropologist from the Federal Public Ministry was able to confirm that he had been beaten, was limping, and had not been provided with any medical attention. Despite this, the Superintendent of the federal police in Bahia claimed that there were no signs of torture or mistreatment. Likewise, on March 20, 2010, Mr. **Gilvaldo Jesus da Silva**, Mr. Babau's brother and another Tupinambá leader, was detained and charged - along with his brother - with "forming a gang", "invading property" and "damaging property". Police argued that as leaders of the Tupinambá community, they organised invasions of haciendas on the lands they claimed to be ancestral. On April 16, 2010, the da Silva brothers were transferred to a federal maximum security prison in Mossoró, Rio Grande do Norte, more than 2,500 km from their lands, in violation of the Indian Statute allowing indigenous peoples involved in legal proceedings to remain at the National Indian Foundation (*Fundação Nacional do Índio* - FUNAI) facility nearest to their homeland. Eventually, a *habeas corpus* request for the da Silva brothers was granted and they were released on August 17, 2010. However, as of April 2011, the proceedings against them were still underway[14]. Moreover, on June 3, 2010, their sister, Ms. **Glicéria Jesus da Silva** or **Glicéria Tupinambá**, another community leader and member of the National Indigenous Policy Commission (*Comissão Nacional de Política Indigenista* - CNPI), was detained along with her two-month-old baby and charged with "robbery". This occurred the day after her meeting with then President Lula, in which they discussed matters on violence against her community. After being held for five days, she was granted a *habeas corpus* and was released but as of April 2011, the proceedings against her were still pending[15]. Furthermore, on July 31, 2010, Mr. **Alexandre Anderson de Souza**, President of the Seamen's Association (*Associação dos Homens do Mar* - AHOMAR)[16], and his wife saw unknown men prowling their home and therefore called the military police. When the strangers saw the policemen, they began shooting and a confrontation ensued in which a policeman and one of the attackers were injured. Mr. de Souza and his wife were forced to leave their home for a few days for security reasons. However, when they returned, they continued to be harassed. On September 1, 2010, police officers tried to arrest them without clearly explaining why, but AHOMAR members who were present at the time stopped them. One of the policemen told

14 / See Landless Rural Workers' Movement (*Movimiento dos Trabalhadores Rurais Sem Terra* - MST) and Global Justice.

15 / *Idem.*

16 / Organisation that fights for the rights of the fishermen in Rio de Janeiro, especially those affected by the construction of the Petrobras gas pipeline, since the pipeline will have a negative impact on the surrounding area and on the livelihoods of the fishermen in that part of Bahia Guanabara.

Mr. Anderson de Souza in a threatening tone that he should not go out to sea anymore "for work or for pleasure". These acts of harassment against Mr. de Souza and his wife were reported but as of April 2011, there were no leads and they still felt unsafe because, although they had police protection under the PPDDHH, it was insufficient and did not meet the needs of the defender and his family[17]. In addition, as of April 2011, the appeal lodged by Mr. **José Batista Gonçalves Afonso**, a member of the Land Pastoral Commission (*Comissão Pastoral da Terra* - CPT) in the city of Marabá in Pará State, against his two years and five months' imprisonment sentence for "kidnapping" was still pending and was due to be decided on June 20, 2011 by the Third Class of the First Federal Regional Court in Brasilia. Mr. Gonçalves Afonso faces the proceedings in liberty. On the other hand, although the Human Rights Secretariat of the Office of the President said it backed the IACtHR judgement of August 6, 2009, which found Brazil guilty of police persecution against the Landless Rural Workers' Movement (*Movimiento dos Trabalhadores Rurais Sem Terra* - MST), as of April 2011, no measures had been taken to implement this judgment.

Threats against and judicial harassment of defenders who report violations of the rights of persons deprived of their liberty and abuse in prisons

Defenders of persons deprived of their liberty who report the difficult prison situation and constant human rights abuses committed against detainees, were also threatened and suffered judicial harassment in 2010 and 2011. For years, Father **Savério Paolillo** (**Father Xavier**), Coordinator of the Pastoral of the Minor in the State of Espiritu Santo, has been monitoring, along with other defenders, the prison system in Espiritu Santo and reporting human rights violations that occur there. Because of his work, Father Xavier was verbally threatened in January 2010 and received anonymous threats on his mobile phone in April 2010. He reported these threats to the authorities but as of April 2011, there were no leads in the investigations and Father Xavier had not received adequate protection, causing him to seriously fear for his life and the life of his co-workers[18]. Furthermore, in March 2011, criminal proceedings were initiated against Mr. **Luis Antônio Câmara Pedrosa**, President of the Human Rights Commission of the Section of the Order of Lawyers of Maranhão (*Comissão de Direitos Humanos da seccional da Ordem dos Advogados do Maranhão* - OAB-MA), for "slander" after he reported that the former Deputy Secretary of the Maranhão penitentiary system, Mr. Carlos James Moreira, had participated in drug trafficking and receiving stolen vehicles

17 / See Global Justice.
18 / *Idem.*

in prisons. The criminal proceedings against Mr. Luis Antônio Câmara Pedrosa were filed on April 18, 2011, in light of a *habeas corpus* made by the Order of Lawyers of Brazil (*Ordem dos Advogados do Brasil*)[19].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Manoel Bezerra de Mattos**	Murder / Federalisation of trial	Press Release	September 3, 2010
Dignitatis / Mr. Manoel Bezerra de Mattos	Robbery / Acts of intimidation	Urgent Appeal BRA 001/0311/OBS 048	March 25, 2011

19 / See Global Justice and MST.

CHILE

In 2010 and 2011, there were some judicial advances for leaders defending the rights of the Mapuche people. However, not all of the Mapuche leaders who were wrongfully convicted were released, and there were still acts of intimidation against lawyers defending the Mapuche who were accused under the Antiterrorist Act. Furthermore, in 2010, defenders and organisations reporting violations in judicial investigations in the country's capital, reported being harassed and monitored.

Political context

On March 11, 2010, Mr. Sebastián Piñera, the candidate of the opposition Coalition for Change (*Coalición por el Cambio*), became President of the Republic. Due to the earthquake on February 27, 2011, which wreaked havoc in the centre and south of the country, killing more than 524 and injuring around two million people[1], the new Government had to confront criticisms of the public emergencies system and housing reconstruction. Then, on August 5, 2010, the San José mine in northern Chile collapsed. Although the 33 miners that were trapped 700 metres below the surface for seventy days were successfully rescued, the accident served as a reminder of the Government's precarious assessment and supervision in mining, as well as the lack of legal instruments protecting the rights of miners[2]. At the end of the year, a fire that occurred on December 8, 2010 in San Miguel prison (Santiago) heightened the crisis due to crowding in prisons.

The hunger strike of 34 Mapuche imprisoned in various criminal facilities in southern Chile that began in July 2010 in protest of the growing criminalisation and violence against their communities managed to break the silence and generated discussion on indigenous peoples. In particular, this strike generated discussion of the competencies of Military Law and the application of the Antiterrorist Act to criminalise the social protest of the Mapuche people[3]. The debate over indigenous peoples became even more significant when images surfaced of police violence against the Rapa Nui people of Easter Island from December 2010, following various occu-

1/ See Interior Ministry and Public Safety.
2/ Although mining is an important activity in Chile, the country has not ratified Convention No. 176 of the International Labour Organisation (ILO) on Safety and Health in Mines.
3/ In 2010, a total of forty Mapuche were detained for engaging in so-called terrorist activity.

pations demanding that the Chilean Government return their lands[4]. There was such excessive use of force against the Rapa Nui that, on February 7, 2011, the Inter-American Commission on Human Rights (IACHR) granted protective measures to this indigenous community, asking the Chilean Government to immediately stop using armed violence against members of the Rapa Nui community[5].

In terms of impunity, Chilean justice continued to make headway on establishing criminal liability for the crimes committed during the Pinochet's dictatorship. Although there were significant improvements, the cases under judicial investigation were less than half of the officially recognised cases[6], and while more than 808 officers involved in the repression appeared before courts, only about sixty of them were carrying out sentences as of April 2011. Many were sentenced to minor penalties despite the seriousness of the crimes committed. One significant event was the decision of the Criminal Court of Paris from December 17, 2010, convicting thirteen individuals, including eleven Chilean ex-military men, for the forced disappearance of four French-Chilean citizens[7]. It is important to note additional improvements in uncovering the truth and the memory of human rights violations. On January 11, 2011, the National Museum of Memory and Human Rights (*Museo Nacional de la Memoria y los Derechos Humanos*) was inaugurated[8], and on February 17, 2010, the Advisory Committee for the Qualification of Disappeared Detainees, Victims of Political Execution, Political Imprisonment and Torture (*Comisión Asesora para la Calificación de Detenidos Desaparecidos, Ejecutados Políticos y Víctimas de Prisión Política y Tortura*), also known as the "Valech Commission" (*Comisión Valech*), was re-launched, which received more than 30,000 new cases and whose new report will be submitted

4 / See Centre for Mental Health and Human Rights (*Centro de Salud Mental y Derechos Humanos* - CINTRAS), Corporation for the Promotion and the Defence of the Rights of the People (*Corporación de Promoción y Defensa de los Derechos del Pueblo* - CODEPU), Human Corporation (*Corporación Humanas*) and Citizen Observatory (*Observatorio Ciudadano*) Report, *Informe Intermedio de Organizaciones No Gubernamentales sobre el Seguimiento de las Observaciones Finales del Comité Contra la Tortura al Estado de Chile (CAT/C/CHL/CO/5)*, June 23, 2009.

5 / See IACHR Precautionary Measures 321/10, February 7, 2011.

6 / According to the statistics provided by the Government, as of September 2010, there were 514 proceedings underway without definitive sentences, representing 1,311 victims, 598 of whom were still missing. See Interior Ministry and Public Safety Official Statistics: *http://www.ddhh.gov.cl/juridica_estadisticas.html*.

7 / The decision will be notified in 2011, demanding that this sentence be carried out in Chile or in France.

8 / This museum was created to "shed light on the human right violations that were committed by the Chilean Government between 1973 and 1990; dignify the victims and their families; and stimulate reflection and debate on the importance of respect and tolerance, so that these events are never repeated ever again".

in August 2011. Furthermore, on July 20, 2010, the National Human Rights Institute (*Instituto Nacional de Derechos Humanos* - INDH), an autonomous Government body, was finally established, which constitutes a significant contribution to the discussion and documentation of human rights in Chile[9].

Surveillance and harassment against defenders of indigenous peoples' rights

Although there were some improvements for leaders and members of the Mapuche community since the hunger strike of 34 Mapuche in July 2010[10], human rights defenders involved in the defence of Mapuche in criminal proceedings continued to be monitored and harassed, including at the judicial level, in 2010 and 2011. For example, in the early months of 2010, the Public Ministry illicitly intercepted phone calls from Mr. **Rodrigo Curipán**, Spokesman for the Mapuche detained at Angol prison. Among the intercepted phone calls were those with Mr. **Jaime Madariaga**, a private defence lawyer of the Mapuche, in which they discussed various judicial strategies for the criminal proceedings against the Mapuche and in particular, the trial against Chilean police for the murder of Mr. Jaime Mendoza Collío, a member of the Mapuche community, on August 12, 2009. On August 18, 2010, Ms. **Karina Riquelme Viveros**, a lawyer and member of the legal team from the organisation Liberate (*Liberar*)[11], who has actively defended the Mapuche, was served a summons from the police in charge of investigations, indicating that she was being investigated for "illegally practicing her profession". This was initiated directly by the Public Prosecutor's office in the region of Araucanía, which accused her of having signed documents when she did not yet have her law degree and began working as a legal advisor with the Office for Protection of Rights in the city of Pucón in 2009. This action by the Public Prosecutor's office was denounced as an act of intimidation. As of late April

9 / The INDH published its first Annual Report on human rights in Chile in December 2010. Its Chairwoman, Ms. Lorena Fries, received this position with the support of the human rights organisations that are part of the Institute, such as CODEPU and Citizen Observatory.

10 / Minor reforms that eliminate double trials (under civil law and military law) were adopted, but there were no substantial changes to the Antiterrorist Act. There will be a comprehensive reform of Military Law in June 2011. Furthermore, the Government promised to reassess the terrorism-related actions brought against the Mapuche. This occurred late in the first trial of seventeen Mapuche community members, which concluded in March 2011 and in which Messrs. Héctor Llaitúl, Ramón Llanquileo, Jonathan Huillical and José Huenuche were convicted in provincial courts, although the judgement was based on evidence obtained under the Antiterrorist Act. Furthermore, this law was still sometimes applied to new cases. See CODEPU and Citizen Observatory.

11 / Liberate is a group of lawyers responsible for the criminal defence of the Mapuche accused under the Antiterrorist Act.

2011, the judicial proceedings were still pending and a trial was expected to take place in 2011[12].

Furthermore, some Mapuche leaders who were convicted several years ago under the Antiterrorist Act, were granted prison benefits and even conditional release in 2010. These leaders included Mr. **José Huenchunao Mariñan**, who as of April 2011, remained detained at the Education and Work Centres in Angol with prison benefits, Messrs. **Jaime Marileo Saravia**, **Juan Patricio Marileo Sarvia** and Ms. **Patricia Troncoso Robles**, who were granted conditional release in December 2010. Likewise, on September 10, 2010, the Mapuche *lonko*, Ms. **Juana Calfunao Paillalef**, whose case demonstrates the Chilean Government's policy of criminalisation against the Mapuche[13], was granted conditional release. In addition, Ms. **Elena Varela**, a documentary maker who was detained on May 7, 2008 while making a documentary on the Mapuche people, and placed on parole in late 2009, was finally declared innocent on April 22, 2010. Some of her filmed material was lost during the proceedings of the Civil Public Prosecutor's office and, of the third that was recovered, one part was damaged.

Intimidation of human rights defenders who report violations in judicial investigations

Defenders whose work involves accompanying victims and family members who report unfounded criminal proceedings, were subject to acts of intimidation in 2010. On August 14, 2010, members of the Special Police Operations Group (*Grupo de Operaciones Policiales Especiales* - GOPE) searched the home of Ms. **Viviana Uribe Tamblay**, Chairwoman of the Corporation for the Promotion and the Defence of the Rights of the People (*Corporación de Defensa y Promoción de los Derechos del Pueblo* - CODEPU), in connection with the so-called "bombs case"[14], in which fourteen youths were charged under the Antiterrorist Act. Ms. Viviana Uribe Tamblay accompanied the accused and their family members

12 / See CODEPU and Citizen Observatory.

13 / Ms. Juana Calfunao Paillalef, of the "Juan Paillalef" community situated in the community of Cunco in the Araucanía region, was accused of committing minor offenses, such as "attacking authority", "threatening policemen on duty" and "public disorder", and was sentenced in November 2006 to six and a half years in prison. While in prison, Ms. Calfunao Paillalef was tortured and harassed by police personnel and other inmates.

14 / The bombs case is a judicial investigation that was launched in 2006 after the explosion of more than 160 handmade explosive devices that were placed in various areas of the capital. The Prosecutor in charge of the case could not find any conclusive evidence to detain those responsible. However, on June 17, 2010, Prosecutor Alejandro Peña was appointed and thus charged fourteen youths with "unlawful terrorist association".

in reporting serious anomalies that occurred in the judicial investigation since Prosecutor Alejandro Peña took over the investigation on June 17, 2010. During the search, GOPE officers interrogated the daughter of Ms. Uribe Tamblay and confiscated CODEPU work material, which was not returned. Furthermore, the group of lawyers of Popular Defence (*Defensoría Popular)*, who is defending some of the accused in the "bombs case", discovered a microphone in its offices.

Acquittal of a journalist fighting against impunity in the crimes committed during the military dictatorship

Finally, on a positive note, on January 22, 2010, the Seventh Court of Guarantee in Santiago acquitted Ms. **Pascale Bonnefoy**, an independent journalist who had been accused of "libel", "slander" and violation of Act No. 19.733 on Freedom of Opinion, Information and Journalistic Practice, after publishing an investigative article in 2006 in which she confirmed the identity of former military officer Edwin Dimter Bianchi as the Chile Stadium[15] repressor, nicknamed the "Prince", in the days following the military coup in 1973.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Pascale Bonnefoy**	Judicial harassment	Urgent Appeal CHL 001/0110/OBS 001	January 5, 2010
	Acquittal / Judicial harassment	Urgent Appeal CHL 001/0110/OBS 001.1	January 21, 2010
		Press Release / Judicial Observation Mission Report	July 2, 2010
Ms. **Juana Calfunao Paillalef**	Arbitrary detention / Judicial harassment	Urgent Appeal CHL 001/0705/OBS 056.10	May 12, 2010
	Conditional release	Press Release	September 17, 2010
Ms. **Viviana Uribe**	Search	Open Letter to the authorities	August 19, 2010

15 / Following the coup d'état on September 11, 1973, the sports facility was used as a detention centre, where officers involved in the coup held political prisoners.

COLOMBIA

In 2010-2011, serious attacks continued against human rights defenders in Colombia, including numerous assassinations. Likewise, the climate of constant intimidation, threats and harassment continued against human rights defenders and their organisations. Among the most affected groups of defenders, were those working for truth, justice and reparation and land restitution, indigenous and peasants leaders, environmental defenders, leaders and members of trade unions, defenders of LGBTI persons, and organisations and journalists who denounced human rights violations.

Political context

On May 30, 2010, presidential elections were held in Colombia, after the Constitutional Court declared unenforceable a referendum to modify the Constitution for a second time, with the aim of permitting President Álvaro Uribe Vélez to stand for re-election. The winner of the election was the U Party (*Partido de la U*) candidate, Mr. Juan Manuel Santos, who took up office as President on August 7, 2010. Mr. Santos was a government Minister during the administration of Mr. Uribe Vélez and is from the same party as the outgoing Government. However, during his administration, he promoted a more respectful climate towards other branches of the State, including the judiciary and the work of the Supreme Court, which had been relentlessly attacked by Mr. Uribe.

In terms of human rights, the numbers of so-called "false positives" – extrajudicial executions attributed mostly to the military in which civilians are presented as killed in battle although in reality they are outside the conflict – have decreased since they came to public light[1]. Furthermore, the presentation and promotion of a Bill on Reparation to Victims and Land Restitution was another important step forward[2]. While this bill has several

1/ During President Uribe's two terms of office, in particular between 2004 and 2008, it is estimated that around 3,000 extrajudicial executions occurred. See Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, UN Document A/HRC/16/22, February 3, 2011.

2/ Bill No. 107 of 2010 (accumulated PL 85/10 - Chamber). The bill passed the debates in the House of Representatives and is expected to be approved during 2011 by the Senate.

flaws[3], it is noteworthy that for the first time, a project is being promoted that will include victims of the guerrillas, the State and paramilitary groups and which aims at restoring land to those who were violently dispossessed. However, despite the importance of this bill, Colombia remained the second country in the world with the largest number of displaced persons[4], and the land restitution policy demonstrated a lack of security guarantees for its beneficiaries, since some victims who attempted to return to their lands were threatened or even killed, as well as human rights defenders accompanying the communities in the process of land restitution.

Moreover, in 2010, proceedings began against several officials of the Department of Administrative Security (*Departamento Administrativo de Seguridad* - DAS) for committing crimes through intelligence activities such as illegal wiretapping, interception of emails, theft of computer files, harassment, unfounded judicial proceedings and even murders against human rights defenders, journalists, trade unionists, political opponents and even judges and members of international organisations[5]. While the initiation of judicial proceedings represented a step forward, as of April 2011, there were still many obstacles in establishing the responsible parties, including insufficient investigation of suspected links between the DAS and the President's office[6], the authority to which the DAS is accountable and which directly appoints its Director.

In general, the number of human rights defenders who continued to face murder, death threats, judicial harassment and other abuses, was

3/ It was criticised, among other things, for not counting on the participation of victims during the drafting of the bill and not differentiating between ethnic groups despite including restitution for indigenous peoples, Afro-descendants and mixed race persons. The exclusion of some significant groups of victims has also been criticised, because of the imposed start date: 1986 for the reparation of victims and 1991 for the restitution of lands. See National Movement of Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes del Estado* - MOVICE).

4/ According to the Consultancy for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento* - CODHES), a total of approximately 280,041 people (56,000 households) were displaced during 2010. The Attorney General's office affirmed the forced displacement of a total of 77,180 communities. According to the United Nations High Commissioner for Refugees (UNHCR), "the internal conflict that has plagued Colombia for four decades has forced more than 3.5 million Colombians to flee their homes and new displacements are recorded almost every day". See CODHES, *Boletín informativo ¿Consolidación de qué?*, No. 77, February 15, 2011 and UNHCR Press Release, December 3, 2010. Unofficial translation.

5/ In particular, on February 1, 2010 began the trial of Mr. Jorge Noguera, former Director of the DAS, for the alleged crimes of "aggravated homicide" and "aggravated criminal association" among others.

6/ On October 12, 2010, the Accusations Committee of the House of Representatives decided to open an investigation into the issue of illegal wiretapping conducted by the DAS, to investigate what responsibility the former President had in these events.

overwhelming. The "We Are Defenders Programme" (*Programa Somos Defensores*) reported that during 2010, there were 174 individual attacks against human rights defenders – including 32 assassinations – and 168 attacks against human rights organisations[7]. In addition, during the first quarter of 2011, there was an alarming increase in acts of aggression against defenders and social leaders in Colombia, with 96 attacks registered against defenders and 64 against social and human rights organisations, including 68 threats, nine murders, seven arbitrary arrests and four enforced disappearances[8].

Assassinations, threats and harassment against defenders working for the rights of displaced people and for the restitution of land

As highlighted by the report of the United Nations High Commissioner for Human Rights, during 2010, the level of murders, threats and harassment against those who work for the rights of displaced persons and land restitution were of particular concern[9]. Several of the cases occurred in the department of Sucre, where members of the Movement of Victims of State Crimes (*Movimiento de Víctimas de Crímenes de Estado* - MOVICE) who work in these areas, were subjected to constant attacks. Such was the case of the murder of Mr. **Rogelio Martínez Mercado**, a peasant leader and member of MOVICE in Sucre, which occurred on May 18, 2010, and the murder of Mr. **Eder Verbel Rocha**, also a member of MOVICE in Sucre, which occurred on March 23, 2011. As of April 2011, both murders remained unpunished. In addition, Ms. **Ingrid Vergara**, leader of a displaced community and Spokeswoman for the MOVICE Sucre chapter, and Mr. **Juan David Díaz Chamorro**, a member of the MOVICE Sucre chapter, continued to receive threats on several occasions during 2010 and 2011 via emails, letters at their homes and telephone calls. In addition, Ms. Ingrid Vergara and her family were the victims of attacks, surveillance and acts of aggression on several occasions during 2010 and 2011. These facts were denounced, yet by April 2011 there had been no progress in the investigations. Mr. Juan David Díaz Chamorro was forced to leave the country with his family because of threats he received on April 9, 2011. Moreover, as of April 2011, Mr. **Carmelo Agámez**, Technical Secretary of the MOVICE Sucre chapter, was still being arbitrarily detained in Sincelejo prison, where he had been held since November 15, 2008, victim

7/ See "We Are Defenders Programme" Report, *Informe 2010, sistema de información sobre agresiones contra defensores y defensoras de derechos humanos en Colombia - SIADDHH*, February 25, 2011.
8/ See "We Are Defenders Programme" Urgent Action, April 8, 2011.
9/ See Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, UN Document A/HRC/16/22, February 3, 2011.

of a judicial set-up in which he was accused of "criminal association"[10]. On May 23, 2010, Mr. **Alexander Quintero** was assassinated. He was President of the Association of Community Action Groups in the Alto Naya region (*Asociación de Juntas de Acción Comunal del Alto Naya*) and Coordinator of the Association of Victims of the Massacre of Alto Naya (*Asociación de Víctimas de la Masacre del Alto Naya*)[11], one of the most visible leaders in the process for truth, justice and reparation for victims of this massacre. As of April 2011, Mr. Quintero's murder remained unpunished. Similarly, on November 24, 2010, Mr. **Óscar Manuel Maussa Contreras** was killed. He was a land restitution leader and a leader of the Cooperative of Agricultural Workers from Blanquicet (*Cooperativa de Trabajadores Agropecuarios de Blanquicet* - Cootragroblan) in the municipality of Turbo, Antioquia department[12]. As of April 2011, his murder remained in impunity. Also, in February 2010, the Sembrar Corporation (*Corporación Sembrar*), an organisation that provides legal advice and accompanies communities who carry out processes to defend their lands and land restitution in different regions of the departments of Sur de Bolivar, the north of Tolima, Nariño and Catatumbo, was subjected to harassment. On April 14, 2011, two unidentified men entered by force the home of Ms. **Zoraida Hernández Pedraza**, President of the Sembrar Corporation and Spokeswoman for MOVICE, while her and her family were present. These events were denounced, but as of April 2011, there was no progress in the investigations. Moreover, on June 9, 2010, members of the guerrilla group, the National Liberation Army (*Ejército de Liberación Nacional* - ELN), kidnapped Ms. **Nohora Guerrero**, Ms. **Lizbeth Jaime** and Ms. **Mónica Duarte**, human rights defenders from the Progress Foundation (*Fundación Progresar*), and Ms. **María Angélica González**, Government official from the Vice-President's Programme for the Attention of Communities at Risk in the department of Norte de Santander. The defenders were in the region carrying out inter-institutional social and community work, to provide attention to people displaced by the armed conflict, who have returned or who are at risk of displacement. The four defenders were released on July 22, 2010.

10 / See Annual Report 2010.

11 / The massacre of Alto Naya began on April 7, 2001 at Timba, Cauca department, with the incursion of approximately 400 paramilitaries from the AUC Bloque Calima paramilitary group with the acquiescence of soldiers assigned to the army's III brigade. The massacre lasted several days and over a hundred people were killed, a further thousand were displaced and sixty remain missing.

12 / Mr. Maussa Contreras had been displaced from his land in 1996 and 1997, and was forced into displacement again in 2007 as a result of death threats made by paramilitary forces. These threats were reported by him at the time, but no progress was made in the investigations.

Assassinations, disappearance and judicial harassment against indigenous leaders and environmental defenders

Defenders of indigenous communities and defenders of natural resources are the victims of systematic violence in Colombia, because their territories and areas of work are often caught in the middle of the actions of armed groups and their work becomes stigmatised by one or another of these groups. The situation for indigenous leaders is of serious concern in various communities in a number of different regions in Colombia. In 2010, within one month, at least four indigenous leaders from different communities were killed. On July 27, 2010 Wayuu indigenous leader Mr. **Luis Alfredo Socarrás Pimienta** was killed in Riohacha. He had led several demonstrations of his people to protest against the situation of their individual and collective human rights, and had participated in two electoral processes as a candidate for Mayor in the municipality of Manaure[13]. On August 13, 2010, Ms. **Carmen Elisa Mora Uncacia** from the U'wa people was murdered. She had served as Coordinator of the Bureau of Indigenous Affairs in the municipality of Saravena, in the department of Arauca[14]. Shortly thereafter, on August 14, 2010, Mr. **Jaime Reyes**, from the Sikuani people, was killed in the municipality of Tame, Arauca department. He was a member of the Parreros indigenous territory and the La Esperanza indigenous council[15]. In addition, on August 26, 2010, Mr. **Ramiro Inampues**, Councillor in the Guachucal municipality, former Governor of the Guachucal indigenous territory and founder of the "Pasto People's Ancestral Law School" (*Escuela de Derecho Propio del Pueblo de los Pastos*) for the promotion and defence of the rights of the Pasto indigenous population, was kidnapped along with his wife, Ms. **Lina Maria Galíndez**, also from the Pasto people. Their lifeless bodies appeared days later in the hamlet of El Corso, Guachucal indigenous territory, department of Nariño. Among their many activities, Mr. Inampues and his wife had reported the presence of paramilitaries operating in the area. Subsequently, on October 14, 2010, Mr. **Rodolfo Maya Aricape**, a member of the Communications Area (*Tejido de Comunicación*) and of the Indigenous Council of López Adentro (*Cabildo Indígena de López Adentro*), was murdered in his home in the department of Cauca. Mr. Maya Aricape had participated in numerous demonstrations against all armed groups operating in indigenous territories[16].

Although the Constitution and laws of Colombia include the right of indigenous communities to their own criminal jurisdiction for crimes

13 / See Inter-American Commission on Human Rights (IACHR) Press Release No. 73/10, August 2, 2010.
14 / See IACHR Press Release No. 89/10, September 1, 2010.
15 / *Idem.*
16 / See IACHR Special Rapporteur on Freedom of Expression Press Release No. R106/10, October 22, 2010.

committed within their territories or by their members, on April 10, 2010, Mr. **Feliciano Valencia** was arrested on charges of "aggravated kidnapping" and "causing personal injuries". Mr. Valencia is Spokesperson of the Group for Social and Community Resistance (*Minga de Resistencia Social y Comunitaria*) and member of the Regional Indigenous Council of Cauca (*Consejo Regional Indígena del Cauca* - CRIC). These allegations were based on the fact that a soldier from the Colombian State army who had infiltrated the "Minga" was captured and judged according to the customs of the indigenous peoples. Although Mr. Valencia was released on April 12, 2010, as of April 2011, the proceedings against him continued and there was a warrant for the same events against Ms. **Aida Quilcué**, former Chief Counsellor of the CRIC, Spokeswoman of the Minga for Social and Community Resistance, and one of four people nominated for the Martin Ennals Award for Human Rights Defenders in 2010. The same charges were also brought against Mr. **Daniel Piñacué**, Governor of the Indigenous Council in the community of Calderas, municipality of Inza, Cauca department, and two members of this indigenous community, Messrs. **José Daniel Ramos Yatacue** and **Mario Yalanda Tombé**. Meanwhile, on February 17, 2011, Ms. **Sandra Viviana Cuéllar Gallego**, an environmental engineer who worked on the protection of watersheds and wetlands, on defending territories threatened by forestry plantations and on promoting the participation of local communities in environmental decisions that affect them, disappeared when travelling from Cali to Palmira. On February 19, some of her belongings were found, but as of April 2011, her whereabouts had not been disclosed. Subsequently, Mr. **Hildebrando Vélez**, an environmental defender who led the search for Ms. Cuéllar Gallego, received several death threats on his cell phone in March 2011. On April 9, 2011, two laptop computers, an external disk drive, and a USB memory stick containing information on the missing defender were stolen from him[17]. These threats and theft were reported, but as of April 2011, there was no progress in the case.

Assassinations of trade union leaders and trade unionists

During 2010 and 2011 trade union activity remained at high risk. 2010 in particular saw a wave of acts of aggression against teacher trade unionists. Of the 46 union members murdered in 2010, 25 were teachers[18]. At least seven teachers from Antioquia were killed, including Mr. **Ibio**

17 / See Colombian Commission of Jurists (*Comisión Colombiana de Juristas* - CCJ) Press Release, April 14, 2011.

18 / See International Trade Union Confederation (ITUC) Press Release, January 24, 2011, and Trade Union Confederation of Workers of the Americas (*Confederación Sindical de Trabajadores y Trabajadoras de las Américas* - CSA) Press Release, November 12, 2010.

Efren Caicedo, an activist from the Association of Teachers in Antioquia (*Asociación de Institutores de Antioquia* - Adida), on June 19, 2010[19]. Also killed on January 10, January 30 and February 5, 2011 respectively were Messrs. **Manuel Esteban Tejada**, professor of the "Palma Soriano" School in the Municipality of Planeta Rica, Cordoba department and member of the Córdoba Teachers' Association (*Asociación de Maestros de Córdoba* - ADEMACOR), **Humberto de Jesús Espinoza Díaz**, a member of the Risaralda Teachers' Union (*Sindicato de Educadores de Risaralda* - SER), who had served since 1994 as Faculty Director of the "Mistrato Agricultural Institute" in the municipality of Mistrato, department of Risaralda, and **Carlos Alberto Ayala**, professor and member of the Association of Teachers of Putumayo (*Asociación de Educadores del Putumayo* - ASEP)[20]. As of April 2011, all these murders remained unpunished.

In addition to the murders of teachers in 2010 and 2011, killings of trade unionists from different sectors also continued. For example, Mr. **Francisco Atonio Abello Rebollo**, a member of the Cienaga regional section of the National Union of Agricultural Industry Workers (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria* - SINTRAINAGRO), was killed after taking part, along with 185 workers, in a strike that took place between December 2009 and January 2010, calling for the recognition of SINTRAINAGRO and the signing of a collective labour agreement[21]. On June 5, 2010, Mr. **Hernán Abdiel Ordoñez Dorado**, Treasurer of the Board of the Employees' Association of the National Prison Institute (*Instituto Nacional Penitenciario y Carcelario* - ASEINPEC) in the city of Cali, was killed, apparently because he had denounced corruption in the management of the women's prison in that city. Mr. Ordoñez Dorado had been threatened before his death, but had not received the protection that the General Confederation of Workers (*Central General de los Trabajadores* - CGT) had insistently requested. In addition, on June 17, 2010, Mr. **Nelson Camacho González**, a member of the Labour Union of the Oil Industry (*Unión Sindical Obrera de la Industria del Petróleo* - USO) was killed[22]. As of April 2011, these killings also remained unpunished.

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19 / See ITUC Press Release, July 7, 2010, and CSA Press Release, May 13, 2010.

20 / See ITUC Press Releases, February 3 and 15, 2011.

21 / See ITUC Press Release, June 3, 2010.

22 / According to ITUC, the murder of Mr. Nelson Camacho González "is another in a series of systematic attacks and threats against members and leaders of the oil workers' union during industrial disputes. The union has been in conflict with the multinational British Petroleum in Casanare, with Ecopetrol-UT on the Andean pipeline, with TGI on the departments of Boyacá y Casanare, and with Ecopetrol over various other labour disputes". See ITUC Press Release, July 7, 2010.

Assassination and threats against defenders of the rights of LGBTI persons

In 2010-2011, acts of violence and stigmatisation continued against defenders of the human rights of lesbian, gay, bisexual, transgender and intersexual persons (LGBTI). On March 17, 2011, transgender person Mr. **John Edison Ramírez Salazar (Gabriela)** was killed in the rural area of the city of Pasto. Gabriela was a human rights activist for the LGBTI population in the city of Pasto, department of Nariño, and a member of the Foundation for Trans Gender People of the South (*Fundación de Género Trans del Sur*), a non-governmental organisation that was part of the Technical Committee for Work with Diverse People because of their Sexual Orientation and Gender Identities (*Mesa Técnica para el Trabajo con Personas Diversas por Orientación Sexual e Identidades de Género*) in Pasto[23]. This murder followed threats of "social cleansing" against the LGBTI community in Pasto, which were received on July 13, 2010 by several human rights organisations that are part of the Technical Committee, including the Diversity Foundation (*Fundación Diversidad*), the Association of Women Who Love Women (*Asociación de Mujeres que Aman Mujeres* - AMAME), Never Homophobia (*Homofobia Nunca*), Conbocas, Pink Polo (*Polo de Rosa*), the Noah's Ark Foundation (*Fundación Arca de Noé*), the Development and Peace Foundation (*Fundación Desarrollo y Paz* - FUNDEPAZ) as well as public bodies such as the Departmental Health Institute of Nariño (*Instituto Departamental de Salud de Nariño* - IDSN) and the Office for Gender and Human Rights of the municipality of Pasto. The threats were sent after the "First Parentheses on LGBTI Cultural Citizenship" was completed, during which various events were held to raise awareness on respect for the rights of LGBTI people. As of April 2011, there was no progress in the investigations into the murder of transgender person Mr. John Edison Salazar Ramírez (Gabriela), or in the case of the threats to LGBTI organisations in Pasto.

Permanent climate of intimidation against defenders and their organisations

During 2010 and 2011, several human rights defenders and organisations were victims on different occasions of collective and individual threats via emails sent en masse, creating a climate of fear within the community of human rights defenders. Many of the messages received were anonymous and some were signed by the paramilitary groups known as the Black Eagles (*Aguilas Negras*) or the Rastrojos-Urban Commandos (*Los Rastrojos-Comandos Urbanos*). For example, both in April 2010 and

23 / The working group is a coordination space between civil society organisations and public institutions to work towards the promotion and protection of the rights of LGBTI persons in Pasto.

February 2011, more than sixty human rights organisations including defenders of women's rights, trade unions, victims' movements, indigenous and Afro-Colombian leaders and their organisations, among others, received threats via email. Many of the messages sought to threaten these defenders with death, and to link their work with the actions of the guerrillas. In addition, several independent journalists were included in these massive email threats, including Ms. **Claudia Julieta Duque** and Messrs. **Hollman Morris**, **Eduardo Marquez**, **Daniel Coronell** and **Marcos Perales Mendoza**, journalists who report human rights violations. The Attorney General's office undertook to investigate these threats. However, as of April 2011 there had been no progress in the investigations.

In addition to these threats, defenders and their organisations were subjected to smear campaigns against their work. For instance, press articles, videos and radio programs were used to accuse the Inter-Church Justice and Peace Commission (*Comisión Intereclesial de Justicia y Paz* - CIJP), and in particular its members, Messrs. **Abilio Peña** and **Danilo Rueda**, of developing a strategy against the Afro-Colombian communities of the Chocó region and of acting in alliance with the guerrillas of the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* - FARC). The priest **Javier Giraldo SJ**, a member of the Centre for Research and Popular Education (*Centro de Investigaciones y Educación Popular* - CINEP) and renowned human rights defender, was also accused of being an ally of the guerrillas and of terrorism. Similarly, the José Alvear Restrepo Lawyers Collective (*Colectivo de Abogados José Alvear Restrepo* - CAJAR) continued to be the victim of smear campaigns. On September 1, 2010, individuals calling themselves the Nationalist Movement and Active Reservists of Colombia (*Movimientos Nacionalistas y Reserva Activa de Colombia*), which included retired politicians and members of the military, held a rally outside the offices of CAJAR in the centre of Bogotá, with the aim of denigrating the work carried out by the organisation on behalf of victims of human rights violations in criminal proceedings in which members of the security forces are implicated[24].

Furthermore, judicial harassment against human rights defenders continued, via the use of criminal proceedings often based on unreliable evidence.

24 / This coincides with the announced criminal charges against former President Uribe for "treason", which CAJAR presented on September 2, 2010 before the Accusations Committee of the House of Representatives, because he had signed an irregular military agreement between U.S. and Colombia that took place during the term of Mr. Álvaro Uribe, which was discontinued by order of the Constitutional Court on August 17, 2010.

For example, on September 14, 2010, Mr. **David Ravelo Crespo**, a member of the Board of the Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos* - CREDHOS) and renowned grassroots leader in the Magdalena Medio region, was deprived of his freedom on charges of "criminal association" and "aggravated murder" of a former Government official in Barrancabermeja, Mr. David Nunez Cala, in 1991[25]. In the months preceeding his arrest, Mr. Ravelo had received constant threats. As of April 2011, Mr. David Ravelo Crespo was still being held in custody and the trial against him remained pending.

In the midst of this climate of judicial harassment, one can welcome the release of human rights defender Mr. **José Samuel Rojas**, in the La Macarena region, in February 2011. Mr. Rojas was acquitted of charges of "rebellion" after more than five months' imprisonment[26]. Similarly, on April 9, 2010, several defenders from the department of Arauca were acquitted, including Messrs. **Evelio José Gutierrez**, a member of the Community Action Committee (*Junta de Acción Comunal*) in the municipality of Arauquita, **José Del Carmen Sánchez**, former Chairman of the Peasants' Association of Arauca (*Asociación Campesina de Arauca* - ACA) in the municipality of Arauquita, **Edinson Palomino Banguero**, affiliate and founding member of the Standing Committee for the Defence of Human Rights (*Comité Permanente por la Defensa de los Derechos Humanos* - CPDH) and President of the Arauca branch of the Skilled Workers' Union (*Sindicato de Trabajadores de Oficios Varios* - SINTRAOVA), a subsidiary of the United Workers' Confederation (*Central Unitaria de Trabajadores* - CUT), and **Omar Alarcón Castillo** and Ms. **Damaris de Jesus Escorcia Lopez**, members of ACA. These five defenders were imprisoned for more than two years accused of the crimes of "rebellion", "criminal association" and "extortion". Mr. Gutierrez was also accused of the crime of "terrorism". The Judge acquitted them due to a lack of sufficient evidence. For his part, Mr. **Winston Gallego Pamplona**, a member of the Sumapaz Foundation (*Fundación Sumapaz*) and of the Seeds of Freedom Human Rights Collective (*Colectivo de Derechos Humanos Semillas de Libertad* - CODEHSEL), who was arrested on June 10, 2009 and charged with "rebellion", was released on March 25, 2011. However, as of April 2011, the case against him was still pending.

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25 / The charges are based on the voluntary statements of paramilitary leader Mario Jaime Mejia, aka "The Baker", who was arrested in March 1999 and sentenced by civil courts as the principal author of several massacres. In order to gain benefits under the justice and peace law, he accused Mr. Ravelo Crespo and former Congressman Mr. Aristides Andrade of masterminding the murder of Mr. Núñez Cala.
26 / See CAJAR.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Inter Church Justice and Peace Commission (CIJP)	Defamation / Intimidation / Threats	Urgent Appeal COL 021/1209/OBS 188.1	January 7, 2010
CIJP / Messrs. **Javier Giraldo S.J.**, **Danilo Rueda** and **Alberto Franco**	Death Threats / Defamation	Urgent Appeal COL 021/1209/OBS 188.2	April 27, 2010
Mr. **Alfredo Correa D'Andreis** and Ms. **Zully Esther Codina**	Trial against former Director of the DAS	Press Release / International Trial Observation Mission	February 1, 2010
Sembrar Corporation / Mr. **Jairo Enríquez**, Mr. **Jorge Eliécer Molano Rodríguez** and Ms. **Zoraida Hernández**	Harassment	Urgent Appeal COL 001/0210/OBS 018	February 17, 2010
Ms. **Ingrid Vergara** and Mr. **Juan David Díaz Chamorro**	Further harassment	Urgent Appeal COL 002/0210/OBS 019	February 18, 2010
Ms. Ingrid Vergara, Mr. Juan David Díaz Chamorro and Mr. **Carmelo Agámez**	Further harassment and intimidation	Urgent Appeal COL 002/0210/OBS 019.1	March 31, 2010
Mr. Juan David Díaz Chamorro	Death threats / Harassment	Urgent Appeal COL 002/0210/OBS 019.2	April 14, 2010
Ms. Ingrid Vergara	Threats / Illegal raid	Urgent Appeal COL 002/0210/OBS 019.3	December 3, 2010
Mr. **Edinson Palomino Banguero** and Ms. **Mercy Tatiana Blanco**	Arbitrary detention / Judicial harassment	Urgent Appeal COL 003/0210/OBS 026	February 26, 2010
Mr. Edinson Palomino Banguero, Mr. **José del Carmen Sánchez**, Ms. Mercy Tatiana Blanco and Ms. **Damaris de Jesús Escorcia López**	Arbitrary detention / Judicial harassment	Urgent Appeal COL 003/0210/OBS 026.1	March 16, 2010
Messrs. **José Evelio Gutiérrez**, José Del Carmen Sánchez, Edinson Palomino Banguero, **Omar Alarcón Castillo**, **Israel Verona**, **Apolinar Herrera** and Ms. Damaris de Jesús Escorcia López	Release/ Concern for physical integrity	Urgent Appeal COL 003/0210/OBS 026.2	April 14, 2010
Mr. **Fernando Navarro**	Assassination attempt	Urgent Appeal COL 004/0410/OBS 043	April 06, 2010
Mr. **Feliciano Valencia**	Arbitrary detention / Judicial harassment	Urgent Appeal COL 014/0609/OBS 083.1	April 13, 2010
60 human rights organisations	Threats	Press Release	April 22, 2010
Mr. **Julián Andrés Montaño** and Ms. **María Eugenia Londoño Ocampo**	Detention / Release / Harassment	Urgent Appeal COL 005/0510/OBS 056	May 06, 2010

Names	Violations / Follow-up	Reference	Date of Issuance
Association for Research and Social Action (NOMADESC), Union of University Workers of Colombia (SINTRAUNICOL), Valle department section of the United Confederation of Workers (CUT), Cauca Regional Indigenous Council (CRIC), Process of Black Communities in Colombia (PCN), Community Council of La Toma, Group for Social and Community Resistance / Messrs. **Plutarco Sandoval Ararat**, **Licifrey Ararat**, **Ives Trujillo**, **Cenen Aponsá** and **Wilson Sáenz**	Threats	Urgent Appeal COL 006/0510/OBS 059	May 11, 2010
CIJP, National Movement for Victims of State Crimes (MOVICE) José Alvear Restrepo Lawyers' Collective (CAJAR), Colombian Commission of Jurists (CCJ), Amnesty International, Front Line, OMCT and FIDH / Messrs. **Enrique Petro Hernández**, Danilo Rueda, **Abilio Peña**, Alberto Franco and Javier Giraldo S.J.	Assassination plan / Smear campaigns	Press Release	May 12, 2010
Mr. **Edwin Legarda** and Ms. **Aída Quilcué**	Trial for the assassination of Mr. Edwin Legarda	Press Release	May 17, 2010
	Sentencing of six soldiers for the assassination of Mr. Edwin Legarda	Press Release	June 14, 2010
Mr. **Rogelio Martínez Mercado**	Assassination	Press Release	May 20, 2010
Mr. **Javier Dorado Rosero**	Threats	Urgent Appeal COL 007/0510/OBS 065	May 27, 2010
Mr. **Alexander Quintero**	Assassination	Urgent Appeal COL 008/0510/OBS 067	May 28, 2010
Valle del Cauca section of the Committee for Solidarity with Political Prisoners (FCSPP), NOMADESC, CUT, Association for Integral Development (ECATE) and Standing Committee for Human Rights (CPDH), Ms. **Cristina Castro** and Ms. Aída Quilcué	Death threat	Urgent Appeal COL 009/0610/OBS 078	June 22, 2010
Foundation for Development and Peace (FUNDEPAZ), Diversity Foundation, Association of Women Who Love Women (AMAME), Never Homophobia, Conbocas, Polo de Rosa, Noah's Ark Foundation, Departmental Health Institute of Nariño (IDSN) and Office for Gender and Human Rights of the Municipality of Pasto	Death threat	Urgent Appeal COL 010/0710/OBS 087	July 16, 2010

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Nohora Guerrero Lizbeth Jaime**, Ms. **Mónica Duarte** and Ms. **María Angélica González**	Kidnapping	Urgent Appeal COL 011/0710/OBS 088	July 20, 2010
Mr. **Domingo Emilio Pérez Cuellar**	Judicial harassment / Stigmatisation	Urgent Appeal COL 012/0710/OBS 092	July 29, 2010
Ms. **Judith Maldonado Mojica** and Ms. **Julia Adriana Figueroa Cortés**	Acts of aggression / Death threats	Urgent Appeal COL 013/0810/OBS 098	August 10, 2010
Messrs. **Alfonso Castillo, Rigoberto Jiménez** and **Iván Cepeda Castro**	Death threats	Urgent Appeal COL 014/0810/OBS 100	August 16, 2010
Mr. **Norma Irene Pérez**	Assassination	Press Release	August 26, 2010
Mr. **Ramiro Inampues**	Assassination	Urgent Appeal COL 015/0910/OBS 106	September 1, 2010
CAJAR	Slander and stigmatisation	Press Release	September 2, 2010
	Possible attack	Urgent Appeal COL 016/0910/OBS 113	September 22, 2010
	Return of security measures	Open Letter to the authorities	April 13, 2011
Mr. **David Ravelo Crespo**	Arbitrary detention / Judicial harassment	Urgent Appeal COL 017/0910/OBS 116	September 23, 2010
		Closed Letter to the authorities	February 23, 2011
Ms. **Carolina Rubio Esguerra**	Arbitrary detention / Fear for physical and psychological integrity	Urgent Appeal COL 018/1110/OBS 136	November 17, 2010
Ms. **Cenelia Serna**	Harassment / Threats	Urgent Appeal COL 019/1110/OBS/137	November 18, 2010
Mr. **Óscar Manuel Maussa Contreras**	Assassination / Presumed torture	Urgent Appeal COL 020/1210/OBS 140	December 02, 2010
MOVICE, CAJAR / Ms. **Claudia Julieta Duque**, Messrs. **Hollman Morris, Eduardo Márquez, Daniel Coronell** and **Marcos Perales Mendoza**	Death Threats	Urgent Appeal COL 001/0211/OBS 022	February 22, 2011
Ms. **Sandra Viviana Cuellar Gallego**	Disappearance	Urgent Appeal COL 002/0211/OBS 025	February 24, 2011
Mr. **John Edison Ramírez Salazar**	Assassination	Urgent Appeal COL 003/0311/OBS 041	March 23, 2011
Ms. **Gloria Constanza Gaona**, Ms. **Olga Silva** and Mr. **Luis Alfonso Ruiz**	Assassination / Acts of intimidation / Fear for security and for personal integrity	Urgent Appeal COL 004/0311/OBS 051	March 25, 2011
Mr. **Eder Verbel Rocha**, Mr. **Rogelio Martínez Mercado**, Mr. Juan David Díaz Chamorro, Mr. Carmelo Agámez, Ms. Ingrid Vegara Chávez and minor Ms. **Cendy Paola Torres Vegara**	Assassination / Threats / Harassment	Urgent Appeal COL 005/0311/OBS 054	March 31, 2011

Names	Violations / Follow-up	Reference	Date of Issuance
CRIC, Association of Indigenous Councils in the North of Cauca (ACIN), Committee for the Integration of the Macizo Region of Colombia (CIMA), Association of Teachers of Cauca (ASOINCA) / Mr. **Miguel Alberto Fernández**	Threats / Raid / Intimidation	Urgent Appeal COL 006/0411/OBS 056	April 1, 2011
Mr. **Teofilo Saravia Badillo**, Mr. **Fransisco Cruz Güiza**, Mr. Alberto Franco, Mr. Abilio Peña, Danilo Rueda, Mr. **Pablo Cala**, Mr. **Javier Giraldo S.J.**, Mr. **Santander Nisperusa** and Ms. **Gisela Cañas**	Threats	Press Release	April 7, 2011
Ms. Zoraida Hernández	Act of intimidation	Urgent Appeal COL 007/0411/OBS 066	April 18, 2011

CUBA

In 2010, the Cuban Government released a number of political prisoners, including human rights defenders who had been in prison since March 2003. Nevertheless, in 2010 and 2011, low profile harassment continued against human rights organisations, as did obstacles to freedom of assembly and police repression of peaceful demonstrations in which human rights defenders participated.

Political context

Three years after Mr. Raúl Castro came to power, the Cuban Government initiated certain economic changes with the aim of improving the difficult situation affecting the Cuban population. However, there were no major reforms agreed during the VI Congress of the Cuban Communist Party (*Partido Comunista Cubano* - PCC), held in April 2011 for the first time in thirteen years, during which Mr. Raúl Castro was elected as First Secretary of the PCC, replacing Mr. Fidel Castro[1].

In 2010 and 2011, the human rights situation in Cuba continued to be worrying and precarious and the Cuban Government remained hostile to any criticism at the national or international level. Within Cuba, political opposition and more generally, freedoms of expression, peaceful assembly and association, continued to be strongly repressed using force, judicial harassment and arbitrary detention[2]. An international *in situ* visit on the human rights situation in the island was once again prevented from taking place. In this respect, Mr. Manfred Nowak, then United Nations Special Rapporteur on Torture, expressed his enormous disappointment that he could not agree on a date with the Cuban Government for his fact-finding mission before the end of his mandate, on October 30, 2010[3]. Added to this, observation of the human rights situation in Cuban prisons continued to be prohibited and was viewed as an act of "treason" or an "attack on Cuban sovereignty".

1/ The PCC is the only political party allowed in Cuba and has been governing the island for five decades. Only PCC members participate in elections. The Congress is its supreme organism, and defines the political orientation of the PCC and its general activities.

2/ For example, during the days before and after the celebration of the VI Congress of the PCC, a number of political opposition members were harshly repressed and detained. See Cuban Democratic Directory (*Directorio Democrático Cubano*) Press Release, April 19, 2011.

3/ See Office of the United Nations High Commissioner for Human Rights Press Release, June 9, 2010.

The above is particularly alarming taking into account the difficult situation in Cuban prisons. Excessive and abusive imprisonment[4] is one of the main reasons for the massive overcrowding which currently exists in around 200 prisons and labour camps on the island, added to ill-treatment, beatings, humiliation and inadequate nutrition to which prisoners are subjected[5]. Political dissidents, human rights defenders and common prisoners all found themselves in this situation without distinction, and the health of some prisoners was badly affected. This situation causes the death of a number of political prisoners every year in Cuba, due to ill-treatment, illnesses which were not treated and suicides[6]. The indifference with which prisoners' protests or illnesses are treated, was demonstrated by the death, on February 23, 2010, of Mr. Orlando Zapata Tamayo, a political dissident who had been incarcerated since March 20, 2003[7].

Release of human rights defenders

In 2010 and 2011, the Cuban Government released a number of political prisoners, including human rights defenders, as part of an agreement with the Catholic Church. This was achieved following media coverage after the death of Mr. Orlando Zapata Tamayo and the actions of Mr. **Guillermo Fariñas**, a journalist and human rights activist, founder of a centre for civil training and an independent press agency. Mr. Fariñas began a hunger strike the day after Mr. Zapata's death, which lasted for 135 days, to demand the release of all political prisoners in a precarious state of health. The agreement with the Cuban Government in 2010 and 2011 included the release of 52 people who were still in prison and who were among the 75 people arrested and sentenced in March 2003 during the "Black Spring", when a large number of defenders and political opposition members were arrested and faced summary trials[8]. Of the 52 people freed between July 7,

4/ For example, all incarcerations typified as "posing a danger to society prior to committing an offence". According to the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* - CCDHRN), there are several thousand people detained under this legal concept. See CCDHRN, *Informe semestral (enero - junio 2010)*, June 5, 2010.

5/ See Cuban Council of Human Rights Rapporteurs (*Consejo de Relatores de Derechos Humanos de Cuba* - CRDHC) Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero a diciembre de 2010*, January 9, 2011.

6/ According to the CRDHC, in 2010 alone, there were reports of more than one hundred deaths in just forty prisons. See CRDHC Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero a diciembre de 2010*, January 9, 2011.

7/ Mr. Zapata Tamayo died after a hunger strike which worsened the effects of the ill-treatment and beatings he had received throughout his years in prison. Despite his delicate health situation, Mr. Zapata did not receive the necessary medical attention on time.

8/ Between March 18 and 20, 2003, around one hundred members of the political opposition were detained and then, some weeks later, 75 of them were given lengthy prison sentences, charged with attacking the independence of the State.

2010 and March 23, 2011, forty were obliged to leave Cuba immediately for Spain and only twelve stayed in Cuba, as they refused to leave the country as a condition to leaving prison. Among these 52 people are Messrs.**Normando Hernández González**, Director of the Camagüey College of Journalism (*Colegio de Periodistas de Camagüey*), and **Oscar Elias Biscet**, Founder and President of the Lawton Foundation (*Fundación Lawton*), a non-governmental organisation that promotes the study, defence and reporting of human rights in Cuba. In addition, throughout 2010 and 2011, other human rights defenders were released, including Messrs. **Juan Bermúdez Toranzo** and **José Luis Rodríguez Chávez**, National Vice-President and Vice-President respectively of the Cuban Foundation for Human Rights (*Fundación Cubana de Derechos Humanos*), imprisoned in 2008, Mr. **Julián Antonio Monés Borrero**, President of the "Miguel Valdés Tamayo" Cuban Movement for Human Rights (*Movimiento Cubano por los Derechos Humanos "Miguel Valdés Tamayo"*), imprisoned in 2008, Mr. **Ramón Velázquez Toranzo**, a journalist from the independent agency *Libertad*, imprisoned in 2007, Dr. **Darsi Ferrer Ramírez**, Director of the "Juan Bruno Sayas" Centre for Health and Human Rights (*Centro de Salud y Derechos Humanos "Juan Bruno Sayas"*), imprisoned in 2009, and Mr. **José Agramonte Leyva**, observer-visitor with the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* - CCDHRN), imprisoned in 2010.

Continuous acts of "low profile" harassment and repression against human rights defenders

Human rights defenders continued to suffer from "low profile" repression, including constant harassment and surveillance, detentions lasting hours, weeks or days, and short interrogations accompanied by ill-treatment, intimidation in defenders' workplaces or meeting places, confiscation of work material and threats. One example of this repression was the harassment against the Cuban Council of Human Rights Rapporteurs (*Consejo de Relatores de Derechos Humanos de Cuba* - CRDHC) in 2010 and 2011. On January 11, 2010, a State security official arrived at the CRDHC building and asked its owner, Mr. **Sergio Díaz Larrastegui**, to appear that same day before the political police force and the chief of police in La Habana, threatening to use force if he did not so. Later, on April 8, 2010, the independent journalists and members of CRDHC, Mr. **Juan Carlos González Leiva**, Ms. **Tania Maceda Guerra** and Ms. **Sara Marta Fonseca Quevedo**, as well as the activist Mr. **Julio Ignacio León Pérez**, were held under arrest for five hours in the seventh unit of the national revolutionary police, in the municipality of La Lisa, and their telephone books were confiscated. Likewise, on July 31, 2010, agents from the political

police force stopped the vehicle that Ms. Tania Maceda Guerra and Mr. Juan Carlos González Leiva and others were travelling in. All of the occupants of the vehicle were threatened and held under arrest for several hours. Finally, on January 19, 2011, a delegate from the local Government, a State security official and a lieutenant colonel from the Interior Ministry entered the offices of CRDHC's information centre, where they found Ms. Maceda Guerra, Ms. **Odalis Sanabria Rodríguez**, and Messrs. Juan Carlos González Leiva, **Pedro Enrique Machado** and **Raúl Borges Álvarez**, members of CRDHC's information centre, and remained there for forty minutes. During this time the State agents threatened the defenders with death, physical aggression and sanctions against themselves and against Mr. Díaz Larrastegui. None of these events were denounced before the authorities for fear of reprisals.

Obstacles to freedom of peaceful assembly

Defenders who attempted to exercise their right to freedom of peaceful assembly were threatened and harassed on a number of occasions. Repression against freedom of assembly even reached the point of disrupting meetings in private houses, arresting and threatening those who attempt to meet there[9]. Within this context, on a number of occasions the Cuban security forces prevented the "Ladies in White" (*Las Damas de Blanco*), a group composed of wives and other family members of prisoners of conscience on the island, from peacefully demonstrating for the release of incarcerated dissidents. Habitually, they do these peaceful demonstrations after mass every Sunday. The Ladies in White were victims on a number of occasions of acts of intolerance, insults and threats[10]. Among these incidents, on October 7, 2010, Ms. **Sonia Garro Alfonso** and Ms. **Mercedes Fresneda Castillo**, part of the support group of the Ladies in White, were held under arrest by police officers in the area of El Vedado and driven to the 21 and C unit of the national revolutionary police, where they were severely beaten for having demonstrated against racism in Cuba[11].

In light of Mr. Zapata Tamayo's delicate health condition, on February 3, 2010, a large protest was organised outside the hospital where he was being treated. The protesters continued with a peaceful, public march through the main streets of the city of Camagüey. The march was repressed by a politi-

9 / See CRDHC *Report, Breve relato anual sobre los Derechos Humanos en Cuba de enero de 2011,* February 2, 2011.
10 / *Idem.*
11 / See CCDHRN.

cal police operation, during which 24 protesters were violently arrested[12]. Some of those arrested were beaten, suffered ill-treatment, were insulted, and crammed into a car which transported them to different detention centres where they were held under arrest in deplorable and overcrowded conditions. Among those imprisoned was Mr. **Rolando Rodríguez Lobaina**, who was taken to an isolation cell in State security operational headquarters. The authorities did not inform his family of his whereabouts until February 7, 2010. Finally, the charges against Mr. Rodríguez Lobaina were not filed and he was released on February 7. However, as of April 2011, the case still remained open. In response to the repression carried out during the demonstration of February 3, 2010, several members of the Camagüey Human Rights Unit (*Unidad Camagüeyana de Derechos Humanos*) responded to the appeal of Mr. Zapata Tamayo's mother to hold a protest on February 4, 2010. The protesters were arrested and transferred to the third unit of the national revolutionary police force in Camagüey[13]. On February 8, 2010, the detainees from both demonstrations were released without charge, except for one person[14]. Additionally, on March 16, 2011, Mr. Rolando Rodríguez Lobaina was arrested again in the province of Guantánamo in order to prevent his participation in the commemoration of eight years since the "Black Spring". He was released without charge on March 21[15].

12 / Rolando Rodríguez Lobaina, **Yordi García Fournier**, **Niober García Fournier**, **Maiky Martorell Mayáns**, **Raudel Ávila Losada**, **Caridad Caballero Batista**, **Idalmis Núñez Reinosa**, **Marta Díaz Rondón**, **Cristián Toranzo Fundicheli**, **Gertrudis Ojeda Suárez**, **Isael Poveda Silva**, **Carlos Manuel Hernández Reyes**, **Francisco Luis Manzanet Ortiz**, **Gabriel Díaz Sánchez**, **Yoandri Montoya Avilés**, **José Antonio Trigueros Mulet**, **Juan Carmelo Bermúdez**, **Julio Romero Muñoz**, **Carlos Artíles Delgado**, **Faustino Calá Rodríguez**, **Mildred Naomi Sánchez Infante**, **Rubén Marín Cárdenas** and **Belkis Bárbara Portal Prado**.

13 / On this day, fourteen protesters were arrested, **Virgilio Mantilla Arango**, Faustino Calá Rodríguez, **Meibi Mulén Díaz**, **Manuel Sardiñas Sañu**, **Nancy García López**, **Fernando Zamora O'Reilly**, **Héctor Nodarse Suárez**, **Teófilo Álvarez Gil**, **Ramón Soto Acosta**, **Rolando Muñoz Arana**, **Raidel Aróstegui Armenteros**, Belkis Bárbara Portal Prado, **Jesús Álvarez Aguado** and Julio Romero Muñoz.

14 / Mr. Faustino Calá Rodríguez had been conditionally released. However this was revoked when he was newly arrested. By April 2011, Mr. Calá Rodríguez was still in prison.

15 / See CCDHRN.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Cuban Council of Human Rights Rapporteurs (CRDHC)	Harassment	Urgent Appeal CUB 002/0809/OBS 124.1	January 14, 2010
CRDHC / Ms. **Tania Maceda Guerra**, Ms. **Lázara Bárbara Cendiña Recarde** and Messrs. **Sergio Díaz Larrastegui, Hugo Damián Prieto Blanco, Carlos Alexander Borrero Galardi** and **Juan Carlos González Leiva**	Harassment / Detention / Release/ Acts of aggression / Threats	Urgent Appeal CUB 001 0810/OBS 096	August 6, 2010
CRDHC / Ms. Tania Maceda Guerra and Ms. **Odalis Sanabria Rodríguez** and Messrs. Sergio Díaz Larrastegui, Juan Carlos González Leiva, **Pedro Enrique Machado** and **Raúl Borges Álvarez**	Threats	Urgent Appeal CUB 001/0111/OBS 010	January 27, 2011
Rolando Rodríguez Lobaina, Yordi García Fournier, Niober García Fournier, Maiky Martorell Mayáns, Raudel Ávila Losada,Caridad Caballero Batista, Idalmis Núñez Reinosa, Marta Díaz Rondón, Cristián Toranzo Fundicheli, Gertrudis Ojeda Suárez, Isael Poveda Silva, Carlos Manuel Hernández Reyes, Francisco Luis Manzanet Ortiz, Gabriel Díaz Sánchez, Yoandri Montoya Avilés, José Antonio Trigueros Mulet, Juan Carmelo Bermúdez, Julio Romero Muñoz, Carlos Artíles Delgado, Faustino Calá Rodríguez, Mildred Naomi Sánchez Infante, Rubén Marín Cárdenas, Belkis Bárbara Portal Prado, Virgilio Mantilla Arango, Faustino Calá Rodríguez, Meibi Mulén Díaz, Manuel Sardiñas Sañu, Nancy García López, Fernando Zamora O'Reilly, Héctor Nodarse Suárez, Teófilo Álvarez Gil, Ramón Soto Acosta, Rolando Muñoz Arana, Raidel Aróstegui Armenteros, Jesús Álvarez Aguado and **Julio Romero Muñoz**	Harassment / Police repression	Open Letter to the authorities	February 15, 2010

ECUADOR

In 2010 and 2011, there was a growing tendency on the part of the Ecuadorean Government to criminalise human rights defenders for their participation in peaceful social protests to defend the rights of indigenous peoples and environmental rights in relation to mining companies. Criminal proceedings against defenders were accompanied by declarations to discredit and threaten them, which hampered their work. Moreover, a defender who denounced corruption and abuses in prisons before national and international mechanisms was assassinated.

Political context

In May 2010, the Truth Commission (*Comisión de la Verdad*), created by President Rafael Correa in 2007, published its final report on crimes against humanity and serious human rights violations which occurred between 1984 and 2008[1]. The Commission registered 456 victims of human rights violations for this period and found that a great majority of the violations committed by members of the armed forces and the national police force remained in impunity. These high levels of impunity were also denounced by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Philip Alston, who visited Ecuador in July 2010. The Special Rapporteur considered that a number of problems that affect security in Ecuador, such as hired killers, acts of mob justice such as lynching and other forms of organised crime, were aggravated by "a widely dysfunctional criminal justice system"[2].

Repression was employed as a response to the demands and criticisms of social groups, organisations and individuals. Acts of stigmatisation and judicial harassment continued against the media and journalists who denounced issues that were controversial for the Government; organised community leaders struggling for the respect of their economic, social and cultural rights were criminalised and had unfounded criminal charges levelled against them, the legal classification "sabotage and terrorism" was abused in order to sanction social protest, and repeated use of force was

1/ Particular emphasis was placed on the period of the Government of Mr. León Febres-Cordero Ribadeneyra (1984-1988), during which 68% of the human rights violations registered in the report occurred. See Truth Commission Report, *Informe final 2010: Sin verdad no hay justicia*, May 2010.

2/ See UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Press Release, July 15, 2010.

employed to repress social demonstrations. A number of social protests that took place in 2010 were against natural resource extraction, their negative impact on indigenous territories and the lands of peasants and on the environment, and in particular against two legislative bills that aimed to regulate this issue. In March 2010, the Constitutional Court declared the Mining Law of January 2009 to be "conditionally constitutional", after it was questioned, because it did not comply with the right to prior consultation of indigenous peoples. In an unusual ruling, the Court established the law as "conditionally constitutional with respect to those articles in which, the rights of communities, peoples and nations have not been incorporated. This implies that, in order for the State to be able to begin mining exploitation in the territories of indigenous, afro-Ecuadorean and Montubian communities, peoples and nations, they must comply with the process for prior consultation established in the Constitution"[3]. Equally, the procedures of discussion and approval of the draft Law on Water Resources (Water Law) has been paralysed since March 2011 in the National Assembly, due to persistent denouncements from peasants and indigenous organisations on the effects of the said law in their lands, and because of demands for a prior consultation process to be implemented[4].

In May 2010, the Special Rapporteur of the Inter-American Commission on Human Rights (IACHR) on the Rights of Persons Deprived of Freedom, Mr. Rodrigo Escobar Gil, visited Ecuador and condemned the use of torture by the police in criminal investigations, the lack of separation of detainees who are awaiting or undergoing trial and those who were convicted, and the persistent problem of overcrowding. He also expressed concern about the scarce resources destined to the daily management of those deprived of their freedom, in particular the small amount spent on food (one dollar per day)[5].

Assassination of a defender who denounced corruption and abuses in prisons before the United Nations and national mechanisms

In 2010, a defender of the human rights of persons deprived of freedom was assassinated after denouncing the situation to national

3/ See Sentence No. 001-10-SIN-CC of the Constitutional Court, March 18, 2010, Press Release of the Constitutional Court, March 18, 2010 and the Ecumenical Commission of Human Rights (*Comisión Ecuménica de Derechos Humanos* - CEDHU).

4/ The communities consider that the Water Law permits the development of mining projects in areas of water sources, ensures the provision of water to mining companies but not to indigenous and peasants communities, and does not resolve the urgent issue of the contamination of water sources. Moreover, it aims at giving power over water systems to a centralised State authority, meaning that the communities will lose their control over this resource. See CEDHU.

5/ See IACHR Press Release No. 56/10, May 28, 2010.

and international mechanisms. On July 6, 2010, Mr. **Germán Antonio Ramírez Herrera**, a forensics expert and member of a national network of independent experts created by the Foundation for the Comprehensive Rehabilitation of Victims of Violence (*Fundación para la Rehabilitación Integral de Víctimas de Violencia* – PRIVA), was assassinated. Mr. Ramirez Herrera was killed after he presented cases of killings, torture, and cruel, inhuman and degrading treatment in the Quevedo prison, during the visit to Ecuador of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. Mr. Ramírez Herrera denounced the presumed complicity of the prison authorities in the cases he presented. These cases had also been presented before national mechanisms such as the Human Rights Ombudsman and the Office of the President. The killing of Mr. Herrera was denounced before the State Attorney General's office and as of April 2011, the case was still in the preliminary investigation stage.

Harassment against environmental rights defenders and defenders of indigenous peoples' rights who participated in peaceful demonstrations

In 2010 and 2011, there was a high incidence of acts of judicial harassment against environmental rights defenders and community leaders who denounced or protested against damages caused by extractive companies, against legislative measures affecting natural resources and in favour of the human rights of indigenous peoples. Defenders who peacefully demonstrated against the draft Water Law were subjected to judicial harassment. On May 4, 2010, environmental defenders Messrs. **Carlos Pérez Guartambel**, President of the Azuay Community Water System (*Sistema Comunitario de Aguas del Azuay*), **Federico Guzmán Paute**, President of the Victoria del Portete Parish Committee (*Junta Parroquial de Victoria del Portete*), **Pablo Quesada**, member of the Tarqui Parish (*Parroquia Tarqui*), and **Efraín Reinaldo Arpi** and **Isaac Lozano**, leaders from the San Joaquín community, were arrested on charges of "sabotage and terrorism" and remanded in custody, for having participated in a demonstration against the draft Water Law. The five defenders were released on May 5, 2010, following a *habeas corpus* hearing before the President of the Provincial Court of Cuenca. The judicial authorities could not prove the criminal responsibility of the accused due to a lack of evidence. However, in place of these charges, criminal proceedings were brought for "obstruction of public roads" against Messrs. Carlos Pérez Guartambel, Federico Guzmán Paute and Efraín Reinaldo Arpi. Mr. Pablo Quezada and Mr. Isaac Lozano were absolved of all charges. On August 24, 2010, the Azuay First Tribunal of Criminal Guarantees declared the accused to be innocent and ordered the case to be closed. The Attorney General's office responded to this decision by

filing an appeal, which was still pending as of April 2011. In a similar case, after Messrs. **Marco Guatemal**, President of the Imbabura Indigenous and Peasants Federation (*Federación Indígena Campesina de Imbabura*), **César Cuascota**, President of the González Suárez Communities Union (*Unión de Comunidades de González Suárez*), and **José Miguel Tocagón**, President of the San Rafael Communities Union (*Unión de Comunidades de San Rafael*), participated in national protests in May 2010 against the draft Water Law, the former Governor of the Province of Imbabura accused them of the crime of "sabotage and terrorism". Mr. César Cuascota was declared innocent and Mr. José Miguel Tocagón gained recourse to a precautionary measure to provisionally suspend the criminal proceedings. In the case of Mr. Marco Guatemal, due to a lack of material evidence, the charges of "sabotage and terrorism" were dismissed. Nevertheless, the Public Ministry continued to press charges of "obstruction of public roads" against him, which were still pending as of April 2011. Similarly, the Shuar indigenous community in the east of Ecuador, continued to be subjected to acts of judicial harassment in 2011, dating back to their participation in a peaceful demonstration on September 30, 2009 in the province of Morona Santiago, to demand the indigenous communities' right to prior consultation in relation to the draft Water Law[6]. Within this context, on February 1, 2011, Messrs. **José Acacho González**, President of the Inter Provincial Federation of Shuar Centres (*Federación Interprovincial de Centros Shuar*), **Pedro Mashiant Chamik** and **Fidel Kanira Taish**, leaders from member organisations of the Shuar Federation, were arrested and charged with "organised terrorism". On February 8, 2011, a *habeas corpus* hearing took place in Quito in favour of the three Shuar leaders, which ordered their release. By April 2011 the trial had been temporarily suspended because the defence requested an annulment and filed for appeal before the Morona Santiago Provincial Court of Justice, which had yet to be resolved.

Defenders who participated in peaceful demonstrations to demand respect for the rights of indigenous peoples were also victims of judicial harassment. Mr. **Marlon Santí**, President of the Confederation of Indigenous Nations of Ecuador (*Confederación de Nacionalidades Indígenas del Ecuador* - CONAIE), and Mr. **Delfín Tenesaca**, President of the Confederation of Kishwa Peoples of the Sierra (*Confederación de los Pueblos Kishwas de la Sierra* - ECURRUNAR), continued to be victims of judicial harassment for taking part in protests to demand respect for

6/ On this day, indigenous peoples were repressed by elite groups from the national police force sent from Quito. As a result of this repression, the indigenous leader Mr. Bosco Wisuma was killed, and the community's radio station was closed for some time, charged with "instigating the uprising".

the rights of indigenous peoples. Due to their participation in a peaceful demonstration of the Indigenous Movement (*Movimiento Indígena*) held on June 24, 2010 during the Summit of the Bolivarian Alliance for the Americas (*Alianza Bolivariana para las Américas* - ALBA) in Otavalo, with the aim of demanding the fulfilment of the rights of indigenous peoples established in Article 57 of the Ecuadorean Political Charter, and denouncing the lack of attention on the part of the Ecuadorean authorities including the right to water, to a healthy environment, to intercultural education and health, the Attorney's office in Imbabura began judicial proceedings against Mr. Santí and Mr. Tenesaca for "sabotage and terrorism". A hearing took place on March 3, 2011, yet by the end of April 2011, the case was still ongoing.

Moreover, defenders who opposed mining projects were also victims of harassment, including at the judicial level. On April 27, 2010, one of the concession holders in the region of Piedra Azul, in the province of Azuay, arrived at the offices of the Women's Front for the Defence of Pachamama (*Frente de Mujeres Defensoras de la Pachamama* - el Frente), an organisation opposed to large scale mining projects and so-called "small-scale mining" due to its impacts on the environment and on communities. The concession holder stated that judicial proceedings had been brought against Ms. **Rosío Pérez**, President of el Frente, because of her work denouncing illegal mining in the Piedra Azul area, which was affecting water sources in the region[7]. Subsequently, it was proven that there were no such proceedings against Ms. Rosío Pérez, but that she had in fact been threatened. Moreover, judicial proceedings have been ongoing since 2009 against Ms. **Yolanda Gutama**, Ms. **Virginia Chuñir** and Ms. **Etelvina Miscango**, peasants from Molleturo and leaders of el Frente, who were charged with "obstruction of public roads" for their participation in a national community protest against the approval of the draft Mining Law. These women were forced into hiding during some time because they lacked the resources to pay the amount fixed as bail to avoid being taken into custody. As of April 2011, the three defenders had returned to their normal activities, after charges were suspended. Despite this, the bail charge had not been cancelled and the case remained open, with the intention of harassing the women.

Additionally, organisations who work with indigenous peoples and who are opposed to the exploitation of natural resources continued in 2010

7/ El Frente had effectively denounced these acts before the Decentralised Agency for the Regulation of Mining (*Agencia Desconcentrada de Regulación Minera* - ADRCM) in Cuenca and to the Provisional Office of the Environment Ministry in Azuay.

to be publicly discredited and threatened with expulsion. For instance, President Correa, in the radio programme "Diálogos con el Presidente", threatened in July 2010 to expel from Ecuador non-governmental organisations (NGOs) that intervene in "politics" and he condemned the actions of international NGOs who work with indigenous peoples against certain projects for oil and mineral extraction. The President declared: "These little gringos come with their full bellies to convince indigenous peoples that oil should not be extracted, and that mines should not operate. They give money to indigenous peoples, when they get what they want they leave, and the indigenous peoples are left poorer than ever"[8].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Carlos Pérez Guartambel, Federico Guzmán Paute, Efraín Reinaldo Arpi, Pablo Quesada, Isaac Lozano,** Ms. **Rosio Pérez** and Ms. **Rosa Gutama**	Arbitrary detention / Release / Harassment / Threats	Open Letter to the authorities	May 10, 2010
Mr. **Germán Antonio Ramírez Herrera**	Assassination	Urgent Appeal ECU 001/0710/OBS 085	July 15, 2010
Messrs. **José Acacho González, Pedro Mashiant Chamik, Fidel Kanira Taish, Santiago Bosco Sharup Wachapa, Sharian Pedro Narankas Mashiant, Andrés Juan Vizuma Shimbiu, Ernesto Washikta Chiriap, Francisco Washikiat Saant Tsenjush, Luis Alberto Catan Shinqui, Rufino Antonio Marian Kasent** and Ms. **Clara Elena Chuncho Juanga**	Arbitrary detention / Judicial harassment	Urgent Appeal ECU 001/0211/OBS 014	February 4, 2011
	Release / Judicial harassment	Urgent Appeal ECU 001/0211/OBS 014.1	February 10, 2011
Messrs. **Marlon Santí** and **Delfín Tenesaca**	Judicial harassment	Urgent Appeal ECU 002/0311/OBS 030	March 8, 2011

8/ It should be mentioned that this kind of intimidation is not new. In March 2009, the legal status of Ecological Action (*Acción Ecológica*) was taken away for "lack of fulfilment of the aims for which it was created", after the organisation supported indigenous protests against a law promoted by the Government, authorising the activities of transnational mining companies. This decision was not implemented and on August 31, 2009, the association recovered its legal registration.

GUATEMALA

In 2010 and 2011, human rights defenders in Guatemala were the victims of numerous aggressions, including killings and other attacks against their life and personal integrity. Violence against defenders of economic, social, cultural and environmental rights in relation to extractive industry companies, which exploit natural resources of indigenous and peasant communities, was particularly alarming. Trade union leaders and defenders denouncing violations against other defenders and those fighting against impunity, were also targeted.

Political context

In 2010 and 2011, levels of violence, insecurity and human rights violations continued to be alarming. Although the figures for killings in 2010 decreased in comparison with 2009[1], violence intensified in the first three months of 2011 and it is feared that figures could rise to similar or even higher levels than in 2009, considered to be the most violent year of the decade[2]. High levels of violence directly affected human rights defenders. In 2010, 304 acts of aggression were registered against defenders, including 27 killings and 21 attempted killings[3]. From January to April 2011, 236 acts of aggression were registered against human rights defenders, including ten killings[4].

Within this context, of particular concern are the alarming levels of impunity which fuel the general climate of violence and hamper

1/ The Human Rights Ombudsman's office (*Procuraduría de Derechos Humanos* - PDH) reported 5,960 cases of violent killings in 2010, that is to say a decrease of 538 killings compared to 2009. Even with this improvement in 2010, the Group for Mutual Support (*Grupo de Apoyo Mutuo* - GAM) expressed concern over the increase in cruel killings and the increase in the number of massacres. See PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala*, January 2011, and GAM Report, *Informe sobre situación de derechos humanos y violencia en Guatemala. Enero 2011*, February 10, 2011.

2/ The GAM drew attention to the violence and increase in massacres, which continues in 2011. See GAM Report, *Informe sobre situación de derechos humanos en Guatemala y hechos de violencia al mes de marzo de 2011,* April 2011.

3/ See Unit for the Protection of Human Rights Defenders in Guatemala (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala* - UDEFEGUA) Press Release, January 13, 2011, and PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala,* January 2011.

4/ See UDEFEGUA.

the defence of human rights[5]. The level of impunity is a deeply rooted structural problem, and stands at 99.75% in cases of both common crime[6] and also crimes against human rights defenders[7]. One example of the far reaching effects of this institutional problem was the appointment of Mr. Conrado Reyes, who has a history of corruption and links to drug trafficking, as Guatemalan Attorney General. Although the Constitutional Court dismissed Mr. Reyes from office, the situation clearly shows the persistent problem of impunity linked to corruption. Within the dark panorama of impunity, it is important to highlight progress in the area. Since the end of 2009 there have been several convictions against the perpetrators of crimes committed during the genocide in the 1980s[8].

Furthermore, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Mr. James Anaya, visited Guatemala in June 2010, and reported on the climate of instability and social conflict caused by extractive industry companies operating in the traditional lands of Guatemalan indigenous peoples[9]. One of the main problems detected by the Rapporteur was the dispute caused by the lack of a legislative and institutional framework which would permit effective consultation processes with indigenous peoples in relation to projects in their lands. The Rapporteur also expressed concern over the criminal proceedings brought against members of indigenous communities who participate in acts of social protest against the

5/ As the PDH stated, "the eradication of impunity is the most direct way of putting a stop to violent acts against human rights defenders, whether they are carried out by State or non-State actors". See PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala*, January 2011. Unofficial translation.

6/ According to the PDH, "estimates of impunity had tended to be in the order of 98%, but in April 2010 the International Commission Against Impunity in Guatemala (CICIG), based on data provided by the President of the Criminal Chamber of the Supreme Court, stated its real dimensions in the order of 99.75%". Unofficial translation. See PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala*, January 2011, and CICIG Report, *Tercer año de labores*, 2010.

7/ This high level of impunity, combined with the wave of acts of harassment and criminalisation against them, has produced an increase in disinterest in denouncing crimes. This is reflected in the decrease in denouncements of attacks against defenders presented before the PDH or the Public Ministry. See UDEFEGUA Annual Report, *Agresiones, el precio que debemos pagar. Informe sobre situación de Defensoras y Defensores de Derechos Humanos. Enero a Diciembre de 2010*, February 2011.

8/ Some of this progress includes: the sentencing in appeal in February 2011 of Army Commissioner Felipe Cusanero Coj for enforced disappearance; the sentencing in 2010 of Coronel Marco Antonio Sánchez Samayoa and three former soldiers to 53 years for the enforced disappearance of a number of farmers in the village of El Jute, with only the appeal outstanding. See GAM and UDEFEGUA.

9/ See UN Human Rights Council, *Informe del Relator Especial de Naciones Unidas sobre los derechos de los pueblos indígenas, James Anaya, Observaciones sobre la situación de los derechos de los pueblos indígenas de Guatemala en relación con los proyectos extractivos, y otro tipo de proyectos, en sus territorios tradicionales*, UN Document unedited version A/HRC/16/xx, 4 March 2011.

activities of these companies[10]. Equally, the Rapporteur emphasised that one of the defining factors in the social conflict was the high level of legal uncertainty over land ownership; the almost total absence of collective land titles, and the still tangible consequences of the dispossession of lands that occurred during the internal armed conflict. The precarious situation and the violence that indigenous and peasants communities suffer when they oppose the activities of certain mining companies continued into 2011, especially in the departments of Guatemala (mainly in the municipality of San Juan de Sacatepéquez), San Marcos[11] and Alta Verapaz[12].

In spite of the fact that in Guatemala all human rights defenders carry out their work in situations of extreme vulnerability, the Institution for the Analysis of Attacks Against Human Rights Defenders, a mixed governmental and civil society institution established in 2008 as a coordination mechanism to investigate reports of acts of aggression against defenders and to analyse trends in order to support investigations by the Public Ministry and the national police force, was not officially recognised.

Serious violations against environmental rights defenders and defenders of indigenous and peasants communities

Environmental rights defenders and defenders of indigenous and peasants communities were again seriously affected, in particular those who denounced threats and human rights violations carried out by extractive industry companies.

In particular, in the department of San Marcos, a number of defenders were assassinated or injured and in general carried out their work in the midst of a permanent climate of harassment and intimidation. An example of this is the situation of the environmental activists who oppose mining activities in San Miguel Ixtahuacan. On July 7, 2010 Ms. **Deodora Antonia Hernández Cinto**, a member of the Association for

10 / See Human Rights Council, *Observaciones preliminares del Relator Especial de Naciones Unidas sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, Sr. James Anaya, sobre su visita a Guatemala (13 a 18 de junio de 2010)*, June 18, 2010.

11 / The difficult situation caused the Inter-American Commission on Human Rights (IACHR) to grant on May 20, 2010, precautionary measures, including the temporary closure of the mining operations, to eighteen communities close to the "Marlin" mine, in the municipality of San Marcos. Finally the Government decreed the suspension of the Marlin mine operations in July 2010. In spite of this, as of April 2011 the activities of the mine were still continuing.

12 / Between March 15 and 17, 2011, hundreds of members of the public and private security forces and the army forcibly evicted around 800 families from fourteen q'eqchí indigenous communities in the Valle del Polochic, municipality of Panzós, in the region of Alta Verapaz. The abusive use of force caused the death of one farmer and a number of people were injured. See OMCT Urgent Appeal GTM 230311/GTM 230311.DESC, March 23, 2011.

the Development of San Miguel Ixtahuacan (*Asociación para el Desarrollo de San Miguel Ixtahuacan* - ADISMI)[13], was shot and killed by unknown assailants in the village of Agel. Despite the fact that several of her neighbours temporarily detained two suspects, the agents of the national police force who arrived at the scene decided to let them go without asking their names or registering their vehicle. As of April 2011, those responsible for the murder of Ms. Hernández Cinto had been identified, but there had been no arrest warrants issued against them. Similarly, in July 2010 there was an attempt to run over Mr. **Juan Méndez**, also a member of ADISMI. For her part, Ms. **Carmen Mejía**, a member of the Board of Directors of ADISMI, received several threatening text messages. As of April 2011, there had been no progress made in the investigations into these threats. More recently, on February 28, 2011, members of ADISMI, of the Miguelense Front of Defence Against Mining (*Frente de Defensa Miguelense contra la Minería* - FREDEMI) and a number of other individuals from the municipality were arbitrarily detained, beaten and threatened for participating in a demonstration organised by FREDEMI in which protesters asked the Guatemalan Government to apply the precautionary measures granted by the Inter-American Commission on Human Rights (IACHR) against the mining activities of the Goldcorp company (the Marlin mine), including the temporary suspension of mining operations. In particular, Mr. **Miguel Bámaca**, a member of FREDEMI, was violently attacked, robbed and threatened by a local family. Moreover, Mr. **Aniceto López,** also a member of FREDEMI, was detained by the same local family, and assaulted, robbed, and threatened by them. They later forced him to publicly state that they had not been involved in these events. Mr. **Carlos Loarca**, a lawyer who represents FREDEMI before the IACHR, was also threatened. These events were formally denounced and investigations were in progress as of April 2011[14]. In addition, during the months of June and July 2010, members of the Centre for Legal, Social and Environmental Action in Guatemala (*Centro de Acción Legal - Ambiental y Social de Guatemala* - CALAS)[15], including its Director, Mr. **Yuri Melini**, and Ms. **Miroslava García**, a lawyer and notary of CALAS, also suffered threats and intimidation. In 2010, CALAS made

13 / This association has assumed the defence of the territories of communities against mining activities carried out by the Montana de Goldcorp company, in the municipality of San Marcos, documenting the effects of the mining activity on health, infrastructure and the contamination of water supplies with the mercury used in the process of gold extraction. In this area, harassment of the communities and members of ADISMI increased following the visit of the UN Special Rapporteur on the Rights of Indigenous Peoples.

14 / See UDEFEGUA.

15 / An organisation that works to strengthen environmental management, citizens' participation and the respect for the collective rights of indigenous peoples related to the environment.

significant efforts to denounce the actions of several projects, including the Marlin mine in San Marcos and the oil project of the PERENCO company in the Petén region, and also to compile threats received by environmental defenders, and to contribute to a new proposal for a Law on Mining and the Extractive Industry. Also in the department of San Marcos, members of the Resistance Front for the Defence of Natural Resources (*Frente de Resistencia en Defensa de los Recursos Naturales* - FRENA)[16] were the object of attacks in 2010. On January 13, 2010, Ms. **Evelinda Ramírez Reyes**, the President of FRENA in Retalhuleu Chiquirines, and Messrs. **Leonel de León** and **Fredy Rodas**, members of FRENA in Malacatán, were assaulted by unknown assailants in a car, after attending several meetings with national Government authorities. The attack caused the death of Ms. Ramírez Reyes, while Messrs. Leonel de León and Fredy Rodas were injured. On February 17, 2010, Mr. **Octavio Roblero**, a leader from FRENA, was murdered in Malacatán. He had been denouncing the murder of his brother-in-law, Mr. **Víctor Gálvez**, in October 2009, also a leader of FRENA in Malacatán. All of these cases were formally denounced. As of April 2011, the International Commission Against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala* - CICIG) had assumed the investigations into the murder cases and had identified and arrested those responsible for the killing of Mr. Víctor Gálvez.

In the municipality of San Juan de Sacatepéquez, department of Guatemala, there was also a continuous climate of violence which seriously affected the human rights defenders working there. For instance, community leaders opposed to a project to install a cement works belonging to the Progreso company in this municipality, were victims of constant attacks. On February 11, 2010, Mr. **Germán Antonio Curup**, a member of the movement opposing the installation of the cement works in San Juan Sacatepéquez, was kidnapped by unknown assailants and his body was found three days later with his throat slit and signs of torture, in the Bárcenas area. On June 5, 2010, Messrs. **Alberto Diaz Zet**, **Cornelio Subuyuj Camey**, **Juan Marcelo Coztojay Tubac**, **Lázaro Raxon Cotzojay** and **Gregorio Cotzajay Tubac**, community leaders opposed to the installation of the aforementioned cement works in San Juan de Sacatepéquez, were subjected to several death threats by a number of workers from the Progreso company. These events occurred after the said workers had already assaulted a group of people in the community of San Antonio de las Trojes, cutting off the electricity supply, causing damage to community goods,

16 / Resistance front against abuses committed in the department of San Marcos by the Western Electricity Company (*Distribuidora de Electricidad de Occidente SA* - DEOCSA), a subsidiary of the Spanish company Unión FENOSA.

and firing off shots. In spite of the emergency calls made by members of the community, it was not until the afternoon of June 6 that a contingent of anti-riot police, officials from neighbouring communities, and several organisations were able to enter the area to assist the community. Moreover, on the night of February 26 to 27, 2011, eight workers from the Progreso company violently attacked several members of the Pilar 1 community, in the municipality of San Juan Sacatepéquez, using firearms, machetes and wooden staffs. Messrs. **Carlos Enrique Subuyuj Boch** and **Rosalio Subuyuj Raxón**, members of the movement against the cement works, were injured[17].

Moreover, members of the Association for the Protection of the Las Granadillas Mountain (*Asociación para la Protección de la Montaña de Las Granadillas* - APMG) and of the Camoteca Peasants' Association (*Asociación Campesina Camoteca* - ACC)[18] were the victims of judicial harassment related to their activities in the defence of the environment. Messrs. **Carlos Hernández** and **Santos Vásquez**, members of the ACC, were arrested on November 15, 2010, accused of the crimes of "acting against national security" and attending "illicit meetings and demonstrations" after they participated in a demonstration which was held in Chiquimula from March 31 to April 2, 2010. On March 2, 2011, the Presiding Judge decided to drop the charges, as he considered that the two defenders had not placed the public interest and the safety of citizens under threat. Nevertheless, they had to pay a fine and promise not to participate in "illicit" demonstrations[19]. Similarly, Ms. **Glenda Cecilia Antón Antón** and Messrs. **Rubén Aldana Guzmán**, **Rolando Meléndez**, **Alfredo Mejía Gregorio**, **José Martín Cabrera Antón**, **Melvin Antonio Palacios** and **Bayron Galdámez Franco**, members of the APMG[20], and Mr. **José Pilar Álvarez Cabrera**, Reverend of the Lutheran Church of Guatemala who accompanies the APMG, were accused of "illegal detention" and "making threats" because of events on September 26, 2010, when a confrontation occurred in La Trementina, municipality of Zacapa. This case involved individuals who wanted to fell wood from the forests of the Las Granadillas Mountain, and who had removed two walls which had been constructed to restrict access to heavy vehicles for the transportation of wood. On April 13,

17 / See UDEFEGUA.

18 / The Camoteca Peasants' Association aims at protecting life, the environment and the right to consultation related to hydroelectric projects and the Technological Corridor in eastern Guatemala.

19 / See Peace Brigades International - Guatemala, March 2011.

20 / The APMG is formed of 22 communities living near the Mountain who protect and conserve the area to maintain the water sources. The communities have been working on reforestation projects over the past years, and in a process of dialogue to gain the prohibition of tree felling which places at risk the water in Las Granadillas, a source which supplies water to the city of Zacapa and its surrounding villages.

2011, the Presiding Judge declared the case inadmissible and dropped the charges. Nevertheless, on the same day, the Reverend Álvarez Cabrera received a new threat via text message to his mobile phone.

In the case of the murder of Mr. **Adolfo Ich Chamán**, leader and human rights defender of the Las Nubes community, in the department of Itzabal, committed on September 28, 2009 by members of the security corps of the Guatemalan nickel company, as of April 2011, the person responsible for carrying out the murder had been identified, but had evaded arrest.

Attacks and harassment against trade union leaders

Throughout 2010, the exercise of trade union rights continued to be a dangerous activity. The largest number of cases received by the Human Rights Ombudsman's office (*Procuraduría de Derechos Humanos* - PDH) related to acts of aggression against human rights defenders were directed towards trade unionists and social organisations[21]. For its part, the Unit for the Protection of Human Rights Defenders in Guatemala (*Unidad de Protección de Defensoras y Defensores de Derechos Humanos - Guatemala* - UDEFEGUA) registered 36 acts of aggression against trade unionists in 2010[22]. For example, on October 28, 2010, in the municipality of Catarina, department of San Marcos, two individuals shot and seriously injured Mr. **Mateo Bernabé López Pérez**, Secretary General of the Trade Union of Health Workers in Malacatán (*Sindicato de Trabajadores de Salud de Malacatán*), member of the National Trade Union of Health Workers in Guatemala (*Sindicato Nacional de Trabajadores de la Salud de Guatemala* - SNTSG) and the National Resistance Front (*Frente Nacional de Lucha* - FNL). Mr. López Pérez was on his way to the general assembly of the SNTSG to discuss internal trade union matters, including, among other issues, the situation of the Director of the San Marcos hospital[23]. These events were denounced, yet there had been no result as of April 2011. For their part, the Trade Union of the Sae A International Company Workers (*Sindicato de Trabajadores de la empresa Sae A International* - SITRASAE A) suffered threats and intimidation carried out by the

21/ The PDH opened 76 investigation files related to this kind of aggression in 2010. See PDH report cited above.

22/ See UDEFEGUA Annual Report, *Agresiones, el precio que debemos pagar. Informe sobre situación de Defensoras y Defensores de Derechos Humanos. Enero a Diciembre de 2010*, February 2011.

23/ Mr. Mateo Bernabé López Pérez is well known for his work to defend the rights of the population to access public services at reasonable cost, and for his denouncements of irregularities in the health sector. At the beginning of 2010, he denounced several cases of corruption in which the director of the hospital in Malacatán was implicated, and he also joined complaints made by FRENA. On October 20, 2010, he participated in the commemoration of the assassination of Mr. Víctor Gálvez and during his speech, he encouraged the participants to continue claiming their rights.

company, which led to a number of leaders and affiliates to be dismissed or even to resign from their posts. For instance, on April 21, 2010, Ms. **Delfina Vicente**, a leader from SITRASAE A, was approached by Mr. Teleyón, head of operations in the company, who tried to persuade her to leave the company or resign from the trade union. Subsequently, on May 12, 2010, a press conference was held at the offices of the consultancy company "Consultora C&N", which offers legal advice to SITRASAE A, with the aim of denouncing the ill-treatment of pregnant workers in the factory. This denouncement included the statements of Ms. Vicente and other trade union organisations. On the same day, individuals raided the offices of C&N, reinforcing the increasingly intimidating climate. These events were formally denounced, yet as of April 2011, there had been no progress in the investigations.

Meanwhile, the January 2009 murder of Mr. **Amado Corazón Monzón**, independent lawyer and Advisor to the Committee for Peasants' Unity (*Comité de Unidad Campesina*) and to the Coatepeque Movement of United Street Traders (*Movimiento de Comerciantes Unidos de las Calles de Coatepeque*), remained in impunity as of April 2011, as did the murder of Mr. **Miguel Chacaj Jax**, founding member of the Coatepeque Trade Workers' Union (*Sindicato de Trabajadores del Comercio de Coatepeque*), which took place in October 2009. The trial in the case of the murder of Mr. **Pedro Ramírez de la Cruz**, a member of the Indigenous, Peasant and Popular National Council (*Consejo Nacional Indígena, Campesino y Popular* - CNAICP), which occurred in November 2009, was ongoing.

Harassment against defenders who denounce attacks against other defenders and who fight against impunity

In 2010, defenders who accompany, document, and denounce acts of aggression against other human rights defenders and those who struggle against impunity, were victims of threats and harassment. Members of the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA), an organisation that accompanies defenders at risk in Guatemala, were subjected to harassment. On February 2, 2010, the personal car belonging to Ms. **Claudia Samayoa**, Coordinator of UDEFEGUA and member of OMCT General Assembly, was sabotaged when oil was placed underneath the carpet in the driver's seat, causing the pedals to become slippery. As Ms. Samayoa was not travelling at high speed, she managed to avoid an accident. She had been on her way to attend a meeting of the Institution for the Analysis of Attacks Against Human Right Defenders. Subsequently, on March 5, 2010, a group of unknown men entered the home of Ms. **Erenia Vanegas**, a researcher from UDEFEGUA, while she was absent. The individuals forced the locks on the front door, and rifled

through a box of documents, and through the cupboards of the rooms near the entrance, although they apparently did not take anything. These events were denounced before the Human Rights Attorney's office of the Public Ministry and the Human Rights Unit of the Specialist Division for Criminal Investigation of the national police force. However, as of April 2011, no progress had been reported in the case. Throughout 2010, Ms. **Norma Cruz**, Director of the Foundation for Survivors in Guatemala (*Fundación Sobrevivientes en Guatemala*)[24], received 96 death threats and intimidating harassment related to her work[25]. This severe attack against her work started at the beginning of the year, when on January 5, 2010, she suffered death threats aimed at stopping her from giving evidence in the trial against Mr. Juan José Santos, accused of the murder of Ms. Francisca Ayala Pinto and Mr. Carlos Cruz Pineda, in 2008, in which the Foundation for Survivors in Guatemala is a plaintiff. Subsequently, from June 11 to 18, 2010, Ms. Cruz received numerous text messages to her mobile phone, in which she was intimidated and threatened with death. These events were denounced, yet as of April 2011, there had been no progress in the investigations.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Evelinda Ramírez Reyes**, Mr. **Jorge Lorenzo**, **Leonel de León** and Mr. **Fredy Rodas**	Assassination / Assassination attempt	Urgent Appeal GTM 001/0110/OBS 010	January 20, 2010
Defenders of economic, social and cultural rights, including Mr. **Víctor Gálvez** and Ms. Evelinda Ramírez Reyes	Attacks	Joint Open Letter to the authorities	February 5, 2010
Mr. **Santiago Gamboa**		Joint Open Letter to the authorities	March 31, 2010
Mr. **Germán Antonio Curup**, Mr. **Octavio Robiero**, Mr. Víctor Gálvez, **Juan Antonio Chen**, Mr. Jorge Lorenzo, Mr. Leonel de León, and Mr. Fredy Rodas and Ms. Evelinda Ramírez Reyes	Assassinations	Open Letter to the authorities	February 22, 2010

24 / The Foundation for Survivors in Guatemala is an organisation of women survivors of violence and offers legal and psychological support, primary healthcare, and advice to women victims of violence. The Foundation also works on human trafficking and the illegal theft of minors, and over past years has taken on important cases.

25 / In addition to her work in the defence of women's rights, Ms. Norma Cruz promoted, together with the organisations that make up Convergence for Human Rights (*Convergencia por los Derechos Humanos*), a process for transparency in the election of the position of Attorney General, and promoted public actions to call for the dismissal of the Attorney General, and presented a series of demands for constitutional rights to the Constitutional Court against the appointment process for this position.

Names	Violations / Follow-up	Reference	Date of Issuance
Defenders of economic, social and cultural rights		Joint Press Release / International Mission Report	March 9, 2010
Ms. **Erenia Vanegas**, Ms. **Claudia Samayoa** and Ms. **Luisa Pineda**	Harassment / Fear for safety	Urgent Appeal GTM 002/0310/OBS 032	March 10, 2010
Mr. **Samuel Ramírez Paredes** and Mr. **Luis Felipe Cho**	Assassinations	Urgent Appeal GTM 003/0410/OBS 042	April 1, 2010
Consultancy C&N and Trade Union of Workers from SISTEASE A. / Ms. **Delfina Vicente Yac**	Raid / Theft / Threats	Urgent Appeal GTM 004/0510/OBS 063	May 19, 2010
Messrs. **Alberto Diaz Zet**, **Cornelio Subuyuj Camey**, **Juan Marcelo Coztojay Tubac**, **Lázaro Raxon Cotzojay** and **Gregorio Cotzojay Tubac**	Death threats / Aggression	Urgent Appeal GTM 005/0610/OBS 073	June 10, 2010
Ms. **Norma Cruz** and Foundation for Survivors	Death threats	Urgent Appeal GTM 006/0610/OBS 076	June 15, 2010
Ms. **Iduvina Estalina Hernández Batres** and Ms. **Dora Ruth del Valle Cobar**	Judicial harassment	Closed Letter to the authorities	July 2, 2010
Ms. **Miroslava García**, Ms. **Lidia Vásquez**, Ms. **Deodora Antonia Hernández Cinto** and Ms. **Carmen Mejía**, Mr. **Yuri Melini**, **Rafael Maldonado**, Mr. **Juan Méndez**, Mr. Alberto Diaz Zet, Mr. Cornelio Subuyuj Camey, Mr. Juan Marcelo Coztojay Tubac, Mr. Lázaro Raxon Cotzojay and Mr. Gregorio Cotzajay Tubac	Threats	Open Letter to the authorities	July 15, 2010
Mr. **Jean Marie Eugen Buxos**	Judicial harassment	Closed Letter to the authorities	October 26, 2010
Mr. **Mateo Bernabé López Pérez**	Assassination attempt	Urgent Appeal GTM 007/1110/OBS 130	November 4, 2010
Messrs. **Jose Gabriel Cubur**, **Abelino Choc** and **Carlos Paredes**	Harassment / Aggression	Urgent Appeal GTM 001/0311/OBS 040	March 23, 2011
Mr. **Rubén Aldana Guzmán**, Ms. **Glenda Cecilia Antón Antón**, Mr. **Rolando Meléndez**, Mr. **Alfredo Mejía Gregorio**, Mr. **José Martín Cabrera Antón**, Mr. **Melvin Antonio Palacios**, Mr. **Bayron Galdámez Franco** and Mr. **José Pilar Álvarez Cabrera**	Judicial harassment	Open Letter to the authorities	April 13, 2011
	Charges dropped	Press Release	April 15, 2011

HONDURAS

In 2010 and 2011, repression continued against human rights defenders and journalists who reported human rights committed violations in Honduras after the coup d'état on June 28, 2009. Moreover, the security situation for defenders of sexual minority rights, environmentalists and peasant leaders was of particular concern due to the high number of killings and attacks against them.

Political context

On January 27, 2010, seven months after the military coup that deposed constitutionally elected President Manuel Zelaya, Mr. Porfirio Lobo took up presidential office as the result of an electoral process that was highly polemical both nationally and internationally[1]. As of April 2011, Honduras continued to be suspended from the Organisation of American States (OAS) and a number of major issues were not resolved under the new Government, such as respect for peaceful and democratic political opposition, freedom of expression and bringing to justice those responsible for the human rights violations that occurred during and after the coup d'état. Additionally, on January 26, 2010, the day before the President took up office, the National Congress of Honduras approved an amnesty decree for the events that occurred between January 1, 2008 and January 27, 2010. Although this decree states that human rights violations are exempt from the amnesty, the ambiguous language used and the lack of precise criteria for the decree's application have caused concern that it could be applied in an abusive manner[2]. This, coupled with the slow progress in current judicial processes, and the lack of resources for the Special Attorney for Human Rights, mean that the great majority of human rights violations committed after the coup d'état remain in impunity. Indeed, by April 2011, only one person had been deprived of one's freedom for human rights violations, and a definitive stay of proceedings had been declared in a

1/ Due to obstacles for the return to Honduras of deposed President Zelaya, by April 2011, a number of countries in the region did not recognise the Government of Mr. Lobo: Argentina, Bolivia, Brazil, Ecuador, Paraguay, Uruguay and Venezuela.

2/ See Inter-American Commission on Human Rights (IACHR) Press Release No. 14/10, February 3, 2010.

number of important cases[3]. Since the beginning of President Lobo's term of office, progress has been made in establishing the Commission for Truth and Reconciliation (*Comisión de la Verdad y la Reconciliación* - CVR) in order to investigate events occurring before, during and after the coup. Nevertheless, the independence and legitimacy of this commission were questioned to such a point that civil society created an alternative mechanism called the Truth Commission (*Comisión de Verdad* - CDV). It is expected that both commissions will produce their reports in the second half of 2011.

Another cause for concern was the widespread lack of judicial independence, in particular in relation to the Supreme Court of Justice. On June 1, 2010, the Supreme Court of Justice ratified the decision to dismiss four judges who publicly opposed the coup d'état. This caused particular concern and rejection by the international community. For the follow-up mission of the Inter American Commission on Human Rights (IACHR), held in May 2010, it was clear that the causes leading to this process and the decisions against judges and magistrates were linked to their opposition to the coup d'état. The mission found it unacceptable that persons responsible for administering justice were charged because they opposed the breakdown of democracy[4].

On the other hand, violence against Lesbian, Gay, Bisexual, Transgender and Intersexual (LGBTI) persons has worsened since the coup d'état in June 2009, as it is estimated that 43 members of this community have been murdered since the coup including human rights defenders of LGBTI persons[5]. In February 2011, the Security Secretary agreed to grant protection measures in favour of several LGBTI persons based on precautionary measures granted by the IACHR in January 2010[6]. Nevertheless, as of April 2011, they had still not been effectively implemented.

Also cause for serious concern was the violence which was used to repress

3/ As of April 2011 a stay of proceedings had been declared in cases against seventeen officials and five civilians, several of which were linked to massive human rights violations in several cities throughout the country, and criminal proceedings had been suspended against a further six individuals. Moreover, the charges proffered by the Attorney's office are against low ranking police officers for crimes against the public administration and not for crimes such as torture, injury, attacks, or illegal detentions. See Honduras Committee of Family Members of the Detained-Disappeared (*Comité de Familiares de Detenidos Desaparecidos en Honduras* - COFADEH).

4/ See IACHR, *Preliminary Observations of the Inter American Commission on Human Rights on its visit to Honduras, May 15-18, 2010*, June 3, 2010.

5/ See LGBTI Rainbow Association (*Asociación Arcoiris*).

6/ See IACHR Precautionary Measures 18/10, January 29, 2010.

peaceful demonstrations organised by the resistance to the coup d'état, as well as violence against journalists who openly expressed opposition to the coup. By April 2011, at least ten such journalists had been murdered since the possession of the new Government and none of the cases had been totally resolved[7]. Moreover, during its visit in May 2010, the IACHR confirmed that the Government had not implemented precautionary measures granted to 28 journalists, or in some cases had implemented these measures in an insufficient or tardy manner[8].

These concerns were highlighted by the United Nations Human Rights Council during the Universal Periodic Review (UPR) of Honduras in 2010. A number of the UN Council recommendations focused on the need to reinforce mechanisms and effective means to duly protect human rights defenders, journalists and judges, and on the importance of taking appropriate measures to strengthen the independence of the judicial power, and on the need to investigate human rights violations that occurred during the coup, and on bringing to justice those responsible for these acts. The UN Human Rights Council also made a number of recommendations on the importance of guaranteeing freedom of expression and protecting journalists. The recommendations also emphasised the importance of carrying out independent, impartial and effective investigations into violence against the LGBTI population and of taking effective measures to improve conditions of detention, in particular to reduce overcrowding and violent incidents in prisons[9].

Killings of peasant leaders and environmental defenders

The climate of insecurity worsened against environmentalists and peasant leaders. On May 8, 2010, Mr. **Adalberto Figueroa** was assassinated in the municipality of Guata. He was a board member of the Environmentalist Movement of Olancho (*Movimiento Ambientalista de Olancho* - MAO), Coordinator of the Environmentalist Movement of Guata (*Movimiento Ambientalista de Guata*) and an alderman in the Guata municipal corporation. Mr. Figueroa had worked for many years to protect the forests in the region against the operations of logging companies. Mr. Figueroa is the ninth activist from the MAO to be assassinated since 2001[10]. Only two of these nine cases, namely those of Mr. **Heraldo Zúñiga** and Mr. **Roger**

7 / See Inter-American Press Society Press Release, May 19, 2011 and IACHR Press Release No. R45/11, May 13, 2011.

8 / See IACHR, *Preliminary Observations of the Inter American Commission on Human Rights on its visit to Honduras..., op. cit.*

9 / See Human Rights Council, *Report of the Universal Periodic Review Working Group*, UN Document A/HRC/16/10, February 4, 2011.

10 / See COFADEH.

Murillo, were brought to justice, leading to the conviction of members of the police. However, two of those found guilty escaped and as of April 2011, they had not been apprehended. The other seven cases remain in impunity. Meanwhile, Ms. **Teresa Flores**, a peasant leader and member of the Coordinating Council of Peasant Organisations of Honduras (*Consejo Coordinador de Organizaciones Campesinas de Honduras* - COCOCH), disappeared on August 7, 2010. On August 11, her body was found bering signs of torture some 35 km from the city of Siguatepeque. Ms. Flores was the coordinator of a number of peasant groups in the area where she resided, in the department of Comayagua, and she disappeared while travelling towards her home on a bus. The Unit of Femicide in Comayagua investigated the case, yet as of April 2011 no request for indictment had been presented[11]. In another case, on March 14, 2010, Mr. **Nahúm Palacios**, Director of News on the *Televisora Canal 5* television station in Aguán, was assassinated as he travelled to his home in the city of Tocoa. In the weeks preceding his death, Mr. Palacios had been covering the agrarian conflict in Aguán between the Unified Peasant Movement (*Movimiento Campesino Unificado* - MUCA) and businessmen in the area. The precautionary measures he had been granted on July 24, 2009 by the IACHR, had not been implemented. Despite having begun investigative proceedings for this case, by April 2011, the Public Ministry had not presented a request for indictment and did not have any clear leads as to the authors of the crime[12].

Killings, threats, surveillance and violence against defenders of LGBTI people

Violence against defenders of LGBTI persons has worsened since the coup d'état in June 2009. On August 31, 2010, Ms. **Neraldys Perdomo** and Ms. **Imperia Gamaniel Parson**, respectively President and Vice-President of the Pink Unity Collective (*Colectivo Unidad Color Rosa*), were assassinated. This organisation provides a space for transvestites, transgender persons and transsexuals to freely express themselves and to gain access to health and education services[13]. In another case, in spite of the protection measures agreed for Mr. **Donny Reyes**, General Coordinator of the LGBTI Rainbow Association (*Asociación LGBTI Arcoiris*) who has been a beneficiary of precautionary measures from the IACHR since July 2, 2009, he continued to receive death threats through text messages and was followed by unknown individuals near his home, on several occasions throughout 2010. This situation caused him to leave the country on two

11 / *Idem.*
12 / *Idem.*
13 / See IACHR Press Release No. 4/11, January 20, 2011.

occasions (from October to December 2010 and in January 2011), in fear for his life[14]. Equally, in spite of police patrols ordered by the Government as protection measures for the House of Rebirth (*Casa Renacer*)[15], these were only implemented sporadically and the organisation had to continue using self-protection measures[16]. Acts of harassment, surveillance and intimidation also continued throughout 2010 and 2011 against members of the Association for a Better Life (*Asociación Por Una Vida Mejor* - APUVIMEH)[17]. Several members were forced to leave the country in December 2009, after the killing of Mr. **Walter Tróchez**, founding member of APUVIMEH and Secretary of House of Rebirth. As of April 2011, investigations into the murder of Mr. Tróchez had not advanced. In August 2010, a number of armed individuals were seen watching the home of Ms. **Sandra Zambrano**, Head of Projects at APUVIMEH, and others were seen watching the offices of APUVIMEH. Subsequently, on April 26, 2011, several armed men arrived at Ms. Zambrano's home and asked questions about her. These events were reported to the Special Attorney for Human Rights and by April 2011, the investigation continued to be in the preliminary stages[18]. In addition, Mr. **Alex David Sánchez Álvarez**, a volunteer in several organisations defending the rights of LGBTI people and a nurse in the Centre for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Families (*Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de Tortura y sus Familiares* - CPTRT), was followed from January 14 to 19, 2011 by unknown individuals. On January 14, 2011, Mr. Sánchez Álvarez and another LGBTI activist he was with, outside the offices of the Purple Collective (*Colectivo Violeta*) were threatened with death by an armed man who said "you're the ones we haven't got yet", and on January 19, 2011, when he was travelling to the CPTRT, he was beaten by a man who was travelling on a motorcycle[19]. These events were denounced before the Public Ministry. Mowever, investigations were not initiated. Finally, as of April 2011, the assassination of Ms. **Cynthia Nicole**, an activist for the rights of transgender people and a leader of the Purple Collective who was shot dead by unknown individuals on January 9, 2009, remained unpunished.

14 / See LGBTI Rainbow Association.
15 / Casa Renacer is a refuge that houses HIV positive persons and offers advice to LGBTI persons.
16 / *Ibid*. at 10.
17 / Association that works for the human rights of LGBTI persons and persons affected by HIV-AIDS.
18 / *Ibid*. at 10.
19 / See CPTRT Press Release, January 19, 2011.

Threats, intimidation and murder attempts against human rights defenders who investigate and denounce illegal activities committed during the coup d'état

A number of defenders who participate in public fora to denounce and raise awareness of the human rights situation in Honduras lived in a continuous state of fear and intimidation throughout 2010 and 2011. The members of the Truth Commission (CDV) were the victims of numerous threats, surveillance, intimidation, theft and even murder attempts. Throughout 2010 unknown individuals were seen watching the offices of the CDV and several members received written death threats. In October 2010, unknown individuals entered the offices of the CDV and stole a computer and a mobile phone. On March 22 and 30, 2011, Mr. **Eddy Ramón Guifarro Mejía**, a member of the CDV, suffered police harassment and was the object of a murder attempt by unknown assailants who attempted to detain him and then fired shots at him. The CDV offices in San Pedro Sula were also attacked on March 28, 2011, when the Coordinator of the office Ms. **Brenda Mejía** was inside the building with two others and an explosive artefact was launched at the offices causing material damage. Subsequently, on March 31, 2011, unknown individuals threw stones at the CDV offices for the attention of victims in Tegucigalpa. All of these events were reported to different institutions, including to the Special Attorney for Human Rights in the Public Ministry, however by April 2011, there was no progress in the investigations. Furthermore, Mr. **Leo Valladares Lanza**, Director of the Association for Participative Citizenship (*Asociación para una Ciudadanía Participativa* - ACI-Participa)[20], was victim of acts of harassment since February 2011, when he spoke on television about the resurgence of militarism after the coup d'état, and its incorporation into the executive power structures. He was subjected to anonymous calls to his home and two raids on the offices of ACI-Participa on March 28 and April 10, 2011. These events were denounced before the Special Attorney for Human Rights in the Public Ministry, who visited the scene where the events had taken place, however there had been no progress made in the case by April 2011. Earlier, in February and March 2010, Mr. Valladares Lanza had been followed on repeated occasions by the same taxi and after police investigations into these events, it was recommended that he takes additional security measures for himself and his family. The precautionary measures granted by the IACHR on July 24, 2009 in favour of Ms. **Gladys Lanza**, Coordinator of the Visitación Padilla Women's Movement for Peace (*Movimiento de Mujeres por la Paz Visitación Padilla*), were not implemented and she continued to be the victim of threats. In June 2010,

20 / Organisation that promotes the respect of human rights in Honduras, and encourages citizen participation in decision-making processes.

she began once again to receive intimidating telephone calls against her, which had been constant throughout 2009. In addition, on March 8, 2010, during International Women's Day, the tyres of the organisation's car were knifed, and on July 17, 2010, hours after she participated in the radio programme "Voces Contra el Olvido", broadcast by the Honduras Committee of Family Members of the Detained-Disappeared (*Comité de Familiares de Detenidos Desaparecidos en Honduras* - COFADEH), in which she analysed military resurgence in Honduras and Latin America, she received threats by email. These threats were denounced before the Special Attorney for Human Rights. However, there was no progress in the case as of April 2011. Ms. Lanza's delicate situation led the Inter-American Court on Human Rights (IACtHR) to decree provisional protection measures in her favour on September 10, 2010, under which police patrols were ordered in the areas near her office and home. Nevertheless, on December 22, 2010, unknown individuals evaded the surveillance cameras and broke into the administration office, where they rifled though written information. Moreover, on March 21, 2011, a tear gas bomb was launched in the entrance to her home, affecting bystanders who happened to be there at the time. These events were denounced, however by April 2011 no progress had been made in the case.

In 2010 and 2011, threats, surveillance and attacks were also registered against journalists who reported human rights abuses after the coup d'état. Several members of *Radio Progreso*, a radio station in the north of Honduras that reported human rights violations committed after the coup, were threatened and harassed. Its Director, Father **Ismael Moreno**, and journalist **Gerardo Chévez** received threatening messages on their mobile phones, in March and April 2010. Likewise, Ms. **Leticia Castellanos**, a journalist with *Radio Progreso*, in addition to receiving threats, was followed and watched on several occasions[21]. In a similar case, on July 31, 2010, Ms. **Mayka Antúnez**, a journalist with the *Radio Globo* news programme, was informed by a trustworthy source that several military officers had stated that even if they could not do anything against her, "others" could do her damage. These threats were made after she interrogated Mr. Roberto Micheletti[22] about the state of human rights, impunity, and his responsibility in the deaths that occurred during the coup d'état.

21/ See CPTRT and IACHR, *Preliminary Observations of the Inter American Commission on Human Rights on its visit to Honduras ..., op. cit.* For these threats and acts of surveillance the IACHR granted precautionary measures to Father Ismael Moreno, Mr. Gerardo Chévez, Ms. Leticia Castellanos and to other journalists from *Radio Progreso*. See IACHR, Amplification of Precautionary Measures 196/09, July 2, 2009, May 3, 2010 and June 2, 2010.

22/ Mr. Micheletti was named *de facto* President after the coup d'état until Mr. Lobo came to office.

According to the same sources, after the interview Mr. Micheletti had ordered the journalist to be followed.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Radio station *Faluma Bimetu*	Attack / Acts of intimidation	Urgent Appeal HDN 001/0110/OBS 005	January 8, 2010
Ms. **Gladys Lanza**	Death threat	Urgent Appeal HDN 002/0710/OBS 090	July 22, 2010
Ms. **Mayka Antúnez**	Threats	Urgent Appeal HDN 003/0810/OBS 095	August 6, 2010
Mr. **Leo Valladares Lanza**	Acts of aggression and intimidation	Urgent Appeal HDN 001/0311/OBS 031	March 8, 2011
Truth Commission (CDV) / Ms. **Brenda Mejía**	Attack	Urgent Appeal HND 002/0411/OBS 055	April 1, 2011
Mr. **Eddy Ramón Guifarro Mejía**	Aggression / Harassment / Threats	Urgent Appeal HND 003/0411/OBS 069	April 21, 2011

MEXICO

In 2010 and 2011, frequent attacks continued against human rights defenders in Mexico. Killings, constant threats and harassment were reported against defenders who denounced human rights violations committed by the armed forces, and against defenders of women's rights, defenders of indigenous peoples' rights and peasants' rights and environmental rights defenders. Defenders of migrant rights and journalists who denounced corruption and impunity also suffered a constant climate of risk.

Political context

In 2010 and 2011, the Government of President Felipe Calderón continued to concentrate its efforts on combating organised crime and drug trafficking, through the deployment of the army in tasks that legally correspond to the police. This strategy led to an increase in the number of human rights violations committed by the army without effective controls by civil State institutions. The use of military jurisdiction to try cases of human rights violations not only led to impunity being maintained, but also contradicted the Mexican State's international obligations, as in 2010, the Inter-American Court of Human Rights (IACtHR) condemned the State of Mexico on three occasions for human rights violations against civilians committed by members of the army who were tried by the military justice system. The IACtHR asked the Mexican State to reform the Military Justice Code so that it does not continue to try this kind of crimes[1]. Moreover, levels of violence and insecurity continued to be alarming. According to official figures, in 2010, 15,273 murders were committed related to organised crime, which was an increase of 59% compared to 2009[2].

Furthermore, serious violations of the human rights of migrants passing through Mexico were not adequately prevented. In 2010 and 2011, mass

1/ See IACtHR Sentences, *Case of Fernández Ortega and others vs. Mexico*, August 30, 2010, *Case of Rosendo Cantú and other vs. Mexico*, August 31, 2010, and *Case of Cabrera García and Montiel Flores vs. Mexico*, November 26, 2010. Nevertheless, as of April 2011, the Mexican State had not reformed the military justice system.

2/ See Database of the President's Office at *http://www.presidencia.gob.mx/base-de-datos-de-fallecimientos/*.

kidnappings of migrants continued[3]. In August 2010, in Tamaulipas State, a mass grave was discovered containing the bodies of 72 migrants from Central and South America. As of April 2011, other mass graves had been discovered in Tamaulipas and Durango. The United Nations (UN) Committee for the Protection of the Rights of All Migrant Workers and their Families expressed its deep concern at "the alarming number of cases of kidnapping and extortion of undocumented migrant workers and […] the acts of torture and cruel, inhuman and degrading treatment, disappearances and killings of these migrants". Although many of the reported crimes were perpetrated by organised criminal groups, the Committee also expressed its concern about the multiple cases in which public officials had participated[4].

In terms of freedom of expression, despite the under-registering of cases, it is estimated that in 2010, there were 139 acts of aggression carried out against journalists and 21 against the media throughout 25 States within the country[5]. Dr. Catalina Botero and Mr. Frank La Rue, Inter-American Commission on Human Rights (IACHR) and UN Special Rapporteurs on Freedom of Expression, held a joint visit to Mexico from August 9 to 24, 2010, during which they concluded that Mexico is the most dangerous country to be a journalist in the Americas, and highlighted the number of killings of journalists and other serious acts of violence against those who disseminate information and opinion, and the generalised impunity in these cases[6].

Meanwhile, the Office in Mexico of the United Nations High Commissioner for Human Rights (OHCHR) presented a report to update the situation of human rights defenders in Mexico, in which they identified

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3/ The National Commission of Human Rights (*Comisión Nacional de los Derechos Humanos* - CNDH) observed that between April and September 2010, at least 11,333 migrants were kidnapped in 214 mass kidnappings (67.4% of the kidnappings occurred in the south-east of the country, 29.2% in the north and 2.2% in the centre). See CNDH Report, *Informe Especial sobre secuestro en perjuicio de migrantes en México*, February 22, 2011.

4/ See Committee for the Protection of the Rights of All Migrant Workers and their Families, *Concluding Observations of the Committee for the Protection of the Rights of All Migrant Workers and their Families* - Mexico, UN Document CMW/C/MEX/CO/2, May 3, 2011.

5/ See Centre for Journalism and Public Ethics (*Centro de Periodismo y Ética Pública*) Report, *De la autocensura a la interlocución con los victimarios. Situación de la libertad de expresión en México 2010*, March 2011.

6/ See IACHR Special Rapporteur for Freedom of Expression and UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Joint Official Visit to Mexico. Preliminary Observations*, August 24, 2010; IACHR, *Report of the Office of the Special Rapporteur for Freedom of Expression, Dr. Catalina Botero*, Organisation of American States Document OAS/Ser.L/V/II Doc 5, March 7, 2011 and Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue - Addendum, Mission to Mexico*, UN Document A/HRC/17/27/Add.3, May 19, 2011.

Chihuahua, Chiapas, Guerrero and Oaxaca as the States with the highest number of acts of aggression against defenders in the country. OHCHR also drew attention to the "lack of or poor progress in revealing the authors […] of these aggressions". Equally, OHCHR highlighted a new element for concern, namely the fact that many defenders are forced to abandon their places of living because of hostility to their work in the defence of human rights[7]. In light of this, and thanks to the efforts of civil society, at the end of 2010, a dialogue with the Government was initiated for the implementation of a governmental protection mechanism for human rights defenders. Nevertheless, by April 2011, this had not been agreed upon and the dialogue had been suspended.

On a more favourable note, during 2010 and 2011, important legislative progress was made. It is important to highlight the constitutional reform on human rights which among other things, establishes constitutional status to international human rights treaties[8]. Also, on May 27, 2010, the Mexican Supreme Court approved a norm in favour of women's rights, under which all Mexican States must provide victims of sexual violence with emergency contraception and access to abortion. In August 2010, the same Court also approved a law granting the right of same sex couples to get married in the Federal District, which must be recognised by all States within the country.

Assassinations and harassment against defenders who denounce violations carried out by the armed forces

Serious attacks continued throughout 2010 and 2011 against defenders who denounce human rights violations carried out by the armed forces. On January 3, 2010, human rights defender Ms. **Josefina Reyes** was assassinated, after denouncing abuses committed by the Mexican army in Ciudad Juárez, Chihuahua State. As of April 2011, this murder remained in impunity. Also in Ciudad Juárez, Ms. **Emilia González Tercero**, Co-founder of the Commission for Solidarity and Human Rights Defence (*Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C.* - COSYDDHAC), once again suffered acts of harassment and intimidation after she made a number of public declarations about military abuses and reported this to the IACHR[9]. On July 27, 2010, ten uniformed, armed soldiers arrived at her home and handed her a summons to make a statement about a report

7 / See OHCHR, *Actualización 2010. Informe sobre la situación de las y los defensores de derechos humanos en México,* November 2010.

8 / The reform was approved by the Chamber of Deputies on December 15, 2010, by the Chamber of Senate on March 8, 2011 and by the State Legislatures on May 18, 2011.

9 / Since January 2010, Ms. González Tercero has been the legal representative in the case of the enforced disappearance of Ms. Nitza Paola Alvarado, Ms. Rocío Alvarado and Mr. José Ángel Alvarado. Due to the risk she faces as legal representative in the case, the IACHR granted her precautionary measures on March 4, 2010.

that she had supposedly made against the military[10]. In a similar case, on September 14, 2010, six armed men took by force Mr. **Víctor Ayala Tapia**, President of the Hermenegildo Galeana Freedom Front (*Frente Libre Hermenegildo Galeana* - FLHG), a peasant organisation that promotes small agricultural projects in Tecpan, Guerrero State. Mr. Ayala had on a number of occasions denounced acts of corruption committed by public officials and abuses by the military[11]. On September 23, 2010, Mr. Ayala Tapia's family reported this crime officially before the Public Ministry in Tecpan, and on September 26, 2010, filed an official complaint before the Human Rights Commission in Guerrero State. As of April 2011, Mr. Ayala Tapia's whereabouts were still unknown. Also subjected to threats and harassment on repeated occasions were Ms. **Silvia Vázquez Camacho**, a member of the Mexican Commission for the Defence and Promotion of Human Rights (*Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C.* - CMDPDH), and Ms. **Blanca Margarita Mesina Nevarez**, representative in the case of 25 police officers who were submitted to cruel, inhuman and degrading treatment by soldiers in the city of Tijuana, Baja California State. In February 2010, both defenders received telephone death threats. In March and April 2010, Ms. Vázquez was followed on two occasions and threatened by a masked man. In May 2010, Ms. Mesina Nevarez was threatened when a firearm was placed to her head. These events were denounced before the federal and State authorities, who granted precautionary measures in favour of Ms. Mesina Nevarez and Ms. Vázquez Camacho. Nevertheless, these measures were not implemented effectively, forcing the two defenders to move to Mexico City on May, 31 2010. After six months, Ms. Mesina Nevarez returned to the city of Tijuana. However, as of April 2011, Ms. Vázquez Camacho was still living in Mexico City because she considered that security measures were not favourable to enable her return to Tijuana.

Furthermore, no progress was made in the investigations into two attacks that occurred in August and November 2009, against Ms. **Mercedes Murillo Monge**, President of the Sinaloa Civic Front (*Frente Cívico Sinaloense*), and Mr. **Salomón Monárrez Meraz**, Director of the same organisation. which has over recent years denounced abuses committed by the military during "operations" against organised crime. For his part,

10 / Ms. González Tercero had not made any formal denouncement, however the soldiers referred to an article published by the news agency *CIMAC* about events that occurred on June 17, 2009, when a group of soldiers arrived at her home to interrogate her on suspicion of possessing explosives, weapons or rocket launchers, tried to enter her home without a warrant and threatened her.

11 / For example, on April 13, 2010, he denounced that officers from the Mexican navy violently burst into the community of La Ola, wearing hoods and with the number plates of their vehicles covered. They then carried out a search to look for weapons, but did not find any, and they beat two minors.

Mr. **Gustavo de la Rosa Hickerson**, an Inspector for the Chihuahua Human Rights Commission (*Comisión de Derechos Humanos de Chihuahua*), who had been obliged to leave Ciudad Juárez in 2009 due to risks he suffered because of his investigations into abuses committed by the military, continued to live in el Paso, Texas, and to cross the border every day to carry out his work in Ciudad Juárez.

Assassinations, attacks and threats against women's rights defenders

In 2010 and 2011, violence continued against women human rights defenders, in particular against those who denounced disappearances and killings of women in Chihuahua State. On December 16, 2010, Ms. **Marisela Escobedo Ortiz** was assassinated. Ms. Ortiz was a defender working with the support of "Justice for Our Daughters" (*Justicia para Nuestras Hijas*), an organisation that fights against impunity in cases of feminicide in Chihuahua. Ms. Marisela Escobedo Ortiz was struggling to achieve justice in the case of her daughter, who was killed in August 2008 by Mr. Sergio Rafael Barraza, who confessed to the crime and who was still at large as of April 2011, meaning that the crime remained unpunished. Similarly, several members of "May Our Daughters Return Home" (*Nuestras Hijas de Regreso a Casa* - NHRC), an organisation that accompanies the families of disappeared women in the area of Ciudad Juárez, continued to be subjected to threats and attacks. On February 16, 2011, an arson attempt was carried out against a property owned by Ms. **María Luisa Andrade**, NHRC Director of Legal Affairs. The fire did not spread thanks to the intervention of fire fighters. Due to the climate of insecurity, on February 18, 2011, Ms. María Luisa Andrade abandoned her home and moved to Mexico City, where she was still living as of April 2011. Likewise, the Founder and Director General of NHRC, Ms. **Marisela Ortiz Rivera**, received death threats against her and her family in March 2011, after which she decided to move with her family. Both Ms. Marisela Ortiz Rivera and Ms. María Luisa Andrade were granted precautionary measures by the IACHR in June 2008. The attempted arson attack and threats were denounced before the Special Attorney for Crimes Against Women and before the Human Rights Commission in Chihuahua State. Yet, as of April 2011, no results had been reported in the investigations. For her part, by April 2011, Ms. **Rosa Isela Pérez Torres**, a journalist who had published a number of reports on feminicide in Ciudad Juárez and an expert witness in the "Campo Algodonero" case[12], was still living in exile

12 / In this case, the IACtHR condemned the Mexican State, on November 16, 2009, for the disappearance and subsequent death of the young women Ms. Claudia Ivette González, Ms. Esmeralda Herrera Monreal and Ms. Laura Berenice Ramos Monárrez, whose bodies were found in a cotton field in Ciudad Juárez on November 6, 2001.

in Spain together with her family, after having been forced to leave Ciudad Juárez in August 2009, because of serious threats against her.

Assassinations, threats and harassment against defenders of indigenous peoples and peasants communities

In 2010 and 2011, indigenous leaders and defenders of indigenous peoples' rights continued to suffer attacks related to their work. On April 27, 2010, a human rights observation mission, composed of fifty people in support of the population of San Juan Copala, in the Triqui region of Oaxaca State, was violently attacked by armed men belonging to the paramilitary group calling themselves "Unity and Social Wellbeing in the Triqui Region" (*Unidad y Bienestar Social de la Región Triqui* - UBISORT). During the attack, Ms. **Beatriz Alberta Cariño Trujillo**, a member of Working Together - Centre for Community Support (*Centro de Apoyo Comunitario Trabajando Unidos* - CACTUS)[13], and Mr. **Jyry Antero Jaakkola**, a Finnish international observer, were assassinated, and another seven people were injured. Investigations were initiated by the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos* - CNDH), and the Public Prosecutor's office. However, by April 2011, there were no results in these investigations.

Meanwhile, on February 12, 2010, in Guerrero State, legal proceedings were finally closed against Messrs. **Cuauhtémoc Ramírez Rodríguez**, **Braulio Manzanares Lorenzo**, **José Eugenio Cruz**, **Félix Ortega Dolores** and **Merced Santiago Lorenzo**. These members of the Me'phaa Indigenous People's Organisation (*Organización del Pueblo Indígena Me'phaa* - OPIM), had been accused of having planned the murder of an army informer, in Ayutla de los Libres. However, although OPIM member, Mr. **Raúl Hernández Abundio**, had been arrested for the events described above, it was not until August 27, 2010 that the Mixed Court of First Instance issued its sentence acquitting him, after two years and four months spent in arbitrary detention. Threats and attacks against OPIM members continued. In particular, Ms. **Obtilia Eugenio Manuel**, President of the OPIM, and Mr. Cuauhtémoc Ramírez Rodríguez received constant death threats throughout 2010. This climate of insecurity and the lack of implementation of effective protection measures caused Ms. Obtilia Eugenio Manuel and Mr. Cuauhtémoc Ramírez Rodríguez to leave Guerrero State. In spite of this, on November 28, 2010, both received written threats in their new home. As of April 2011, Ms. Obtilia Eugenio Manuel and Mr. Cuauhtémoc Ramírez Rodríguez had not been

13/ An organisation that works on grassroots alternative educational projects, indigenous rights and women's rights.

able to return to their community for security reasons. The threats against OPIM members, who were granted provisional measures by the IACtHR in 2009, were denounced before the authorities. Nevertheless, as of April 2011, although fourteen investigations had been opened in relation to these complaints, there were no results. Equally, as of April 2011, the case of the extrajudicial execution of Mr. **Lorenzo Fernández Ortega**, a member of OPIM who was found dead on February 10, 2008, and the case of the enforced disappearance and extrajudicial execution in February 2009 of Messrs. **Raúl Lucas Lucía** and **Manuel Ponce Rosas**, respectively President and Secretary of the Organisation for the Future of the Mixteca People (*Organización por el Futuro del Pueblo Mixteca* - OFPM), continued in impunity.

Meanwhile, in Chiapas State, Mr. **Adolfo Guzmán Ordaz**, a member of the "Connection, Communication and Training" organisation (*Enlace, Comunicación y Capacitación* - Enlace CC)[14], and his wife Ms. Margarita Guadalupe Martínez continued to suffer threats and acts of harassment. In January 2010, they received telephone and written threats in their home. On February 26, 2010, Ms. Guadalupe Martínez was kidnapped for several hours and threatened with death[15]. On November 24, 2010, she was once again accosted by unknown individuals, after meeting with an official from OHCHR. In spite of a complaint lodged before the Attorney General Specialised in the Protection of Human Rights NGOs, as of April 2011, the necessary investigations had not been carried out nor had corresponding measures been taken to put an end to the threats. Moreover, the members of the "Fray Bartolomé de Las Casas" Human Rights Centre (*Centro de Derechos Humanos "Fray Bartolomé de Las Casas" A.C.* - Frayba)[16] continued to be subjected to smear campaigns, such as during the demonstration held on October 1, 2010, in San Cristóbal de Las Casas, in which Mr. **Diego Cadenas Gordillo**, then Director of Frayba, was accused of being a spokesperson for armed groups. Moreover, as of April 2011, the judicial proceedings had not advanced against members of the paramilitary group Organisation for the Defence of Indigenous and Peasants Rights (*Organización para la Defensa de los Derechos Indígenas y Campesinos* - OPDDIC), who in 2009 attacked Mr. **Ricardo Lagunes**, a lawyer from

14 / Enlace CC is an organisation that facilitates local sustainable development processes in indigenous and peasants regions in the centre and south of Mexico. They have offices in Mexico city and Chiapas.

15 / The threats made reference to a criminal complaint initiated by the couple, on November 23, 2009, against officials from the Chiapas Government for crimes of "abuse of authority", "raids", "psychological torture" and "aggravated death threats".

16 / Organisation that works for the promotion and defence of the human rights of indigenous peoples in Chiapas State.

Frayba[17]. Also in Chiapas State, judicial harassment continued, representing yet another way in which defenders were intimidated. On February 22, 2011, Mr. **Nataniel Hernández Núñez**, Director of the "Digna Ochoa" Human Rights Centre (*Centro de Derechos Humanos "Digna Ochoa"*), together with Messrs. **José María Martínez Cruz** and **Eduardo Alonso Martínez Silva**, lawyers and members of the same centre, were arrested and accused of "rioting" and "offences against the peace and the collective integrity and heritage of the State", to which were later added the crimes of "extortion" and "obstruction of lines of communication". These charges were related to events of February 22, 2011, when a road was blockaded in protests calling for the release of ten peasants from San Sebastián Bachajón. On March 2, 2011, the three defenders were conditionally released. Nevertheless, on March 15, 2011, Mr. Hernández Núñez was again arrested before being released on bail the following day. As of April 2011, the proceedings against Messrs. Hernández Núñez, Martínez Cruz and Martínez Silva remained pending.

Assassinations, threats and judicial harassment against environmental defenders

In 2010 and 2011, defenders of the environment and natural resources continued to be the victims of killings, threats and harassment despite condemnation of the Mexican State by the IACtHR for human rights violations against Messrs. **Rodolfo Montiel** and **Teodoro Cabrera**, defenders of the forests in Guerrero State, for events that occurred in 1999[18]. On April 28, 2010, Mr. **Rubén Flores Hernández** was assassinated. He was a peasant who defended the environment and who had denounced illegal logging in the Coajomulco community, in Morelos State. After his death, threats continued against any person who denounced clandestine logging and the theft of wood in the region. For instance, anonymous messages appeared in Coajomulco, which said "Community vigilantes will fall one by one"[19]. Equally, on April 7, 2010, Mr. **Francisco Jiménez Pablo**, leader of the Regional Independent Peasants' Movement (*Movimiento Campesino Regional Independiente* - MOCRI) and a member of the National Council of Rural and Fishing Organisations (*Consejo Nacional*

17 / After the attack, Mr. Juan Cruz Méndez, Ms. Guadalupe Cruz Méndez, Mr. Rogelio Cruz Méndez and Mr. Agustín Hernández Sántiz were held in custody in the State Centre No. 14 for the Social Reintegration of Prisoners, in El Amate (CERSS No.14) on November 3, 2009, accused of "illegal deprivation of freedom", "attempted homicide" and "causing injury". However, they were released on November 11, 2009 under the legal figure of "binding over the defendant for trial" and as no further progress was made.

18 / See IACtHR Sentence, *Case of Cabrera García and Montiel Flores vs. México*, November 26, 2010.

19 / See Agustín Pro Juárez Human Rights Centre (*Centro de Derechos Humanos Miguel Agustín Pro Juárez* - Centro PRODH) and Mexican League for the Defence of Human Rights (*Liga Mexicana por la Defensa de los Derechos Humanos* - LIMEDDH).

de Organismos Rurales y Pesqueros - CONORP), was arbitrarily arrested by the Public Prosecutor's office in Chiapas State, accused of having captured an official from the Mexican Bureau of Agriculture, Cattle Farming, Rural Development, Fishing and Foods (*Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación de México* - SEGARPA), which allegedly took place in 1999[20]. As of April 2011, Mr. Jiménez Pablo remained held in the federal prison "El Rincón", in Nayarit, far from his family and place of residence in Chiapas. Moreover, Messrs. **Juan Agustín** and **Manuel de Jesús Carvajal Jiménez**, brothers and members of the Committee to Save Temaca, Acasico and Palmarejo (*Comité Salvemos Temaca, Acasico y Palmarejo*), Mr. **Marco Joachim von Borstel Nilsson**, a member of the Mexican Institute for Community Development (*Instituto Mexicano para el Desarrollo Comunitario* - IMDEC), and Ms. **Jade Ramírez**, a journalist on the Guadalajara university radio station, were threatened after participating in a meeting on April 3, 2010, organised by the Committee to Save Temaca, Acasico and Palmarejo (*Comité Salvemos Temaca, Acasico y Palmarejo*), in the municipality of Cañadas de Obregón, Jalisco State, to protest against the el Zapotillo dam project due to the social and environmental consequences it poses. These threats were denounced before the authorities. However by April 2011 there were no results in the investigations. Moreover, Mr. **Jorge Arzave Orihuela**, a member of the Association of Proactive Neighbours (*Asociación de Vecinos Propositivos*) in Lomas de San Francisco Tepojaco, a group dedicated to promoting the right to a dignified life and a healthy environment in Lomas de Cuautitlán, Mexico State, was the victim of telephone threats in August and October 2010. These threats were denounced before the Public Prosecutor's office and the Human Rights Commission, both in Mexico State. The local authorities granted precautionary measures in favour of Mr. Arzave Orihuela and his family, but these were not adequately implemented, leading to a complaint being made before the National Human Rights Commission. Nevertheless, as of April 2011, Mr. Arzave Orihuela had not yet benefitted from sufficient protection and the investigation had not progressed with the due diligence required[21].

In relation to the assassination on November 27, 2009 of Mr. **Mariano Abarca**, a member of the Mexican Network of People Affected by Mining (*Red Mexicana de Afectados por la Minería* - REMA) and active in

20/ The arbitrary detention of Mr. Jiménez Pablo occurred after a peaceful march and procession organised by CONORP members to denounce persecution and repeated harassment against its members, as well as to demand the release of members of CONORP and other organisations arrested on false charges in the States of Chiapas, Veracruz and Hidalgo.

21/ See PRODH Centre.

denouncing environmental effects caused by the Canadian mining company "Blackfire Exploration Ltd", in Chiapas, as of April 2011, the people presumed to have committed this crime had been arrested. Nevertheless, the company had denied any responsibility in the crime. Moreover, as of April 2011, the killing of Mr. **Aurelio Díaz Hernández** still remained unpunished as did the attack against Messrs. **Javier Gómez Heredia**, **José Heredia** and **Fernando Heredia**, members of the Other Campaign (*Otra Campaña*) who opposed the construction of the San Cristóbal de las Casas - Palenque motorway, in Chiapas. These two men were injured in an attack on July 21, 2009, by members of the paramilitary group known as God's Army (*Ejército de Dios*)[22].

Threats against defenders of migrants rights and journalists who denounce the situation of migrants

Defenders and journalists who document and denounce the conditions of migrants carried out their work in highly precarious conditions. On July 17, 2010, the journalist Mr. **Ireneo Mújica Arzate** was arrested together with eighteen migrants in Soltepec, Puebla State, during an operation of the National Institute of Migration (*Instituto Nacional de Migración* - INM). Mr. Mújica refused to hand over material he had been filming to document the situation of migrants, for which he was beaten by five members of the INM who took his money, his video camera and his mobile phone. The journalist was abandoned in Soltepec with no money and no way of communicating. Once he managed to get to Puebla, the journalist began a hunger strike and chained himself to the INM building. However, a municipal police patrol arrested him for "disturbing the peace", and took the rest of his belongings, his passport and his personal papers. Although Mr. Mújica Arzate was later released because of the lack of evidence against him, his belongings were not returned to him. Meanwhile, Ms. **Guadalupe Calzada Sánchez**, Coordinator of the San Juan Diego Migrant's House (*Casa del Migrante San Juan Diego*) in Lechería district, Tultitlan, Mexico State, and dedicated to the protection and assistance of migrants, was attacked on January 30, 2011 by an unknown assailant, and in February 2011, she received death threats. As of April 2011, these acts remained unpunished. Similarly, Mr. **Ignacio Muñiz Zamora**, Director of the legal team in the "Beato Juan Bautista Scalabrini" Migrants Human Rights Centre (*Centro de Derechos Humanos del Migrante "Beato Juan Bautista Scalabrini"*) and member of the Northern Border Initiative (*Iniciativa Frontera Norte*), in Nuevo Laredo, Tamaulipas State, was also the victim of verbal acts of aggression and threats on repeated occasions during

22 / At the end of 2009, one person had been arrested for their presumed responsibility in the attack, however this person was released and no further progress was made.

2010 and 2011. In October and November 2010, Mr. Muñiz Zamora was accosted by unknown individuals who questioned him about his work with migrants. On March 22, 2011, he was threatened with a firearm and the two laptop computers and radio he was carrying were stolen. He lodged a complaint before the Public Ministry in Nuevo Laredo, however by April 2011, there were no results in the investigations. Moreover, on April 9, 2011, Father **Gianantonio Baggio**, Director of the "Beato Juan Bautista Scalabrini" Migrants Human Rights Centre, received telephone threats. These threats were denounced before the local authorities, after which the police visited the shelter. However, as of April 2011, the Centre's protection continued to be insufficient. In another case, on March 23, 2010, the IACHR granted precautionary measures to Father **Alejandro Solalinde**, Director of the Brothers Along the Road Migrant Shelter (*Albergue del Migrante Hermanos en el Camino*) in Ixtepec, Oaxaca State, and Father **Pedro Pantoja Arreola**, Director of the Belén Posada Migrant Shelter (*Albergue Belén Posada del Migrante*) in Saltillo, Coahuila State, and his team of workers, due to the fact that acts of harassment and the situation of risk in which they carry out their work had not improved[23].

Harassment against journalists who denounce human rights violations, impunity and acts of corruption

Independent journalists who published articles in 2010 and 2011 denouncing human rights violations, impunity and corruption, continued to live in a situation which was cause for concern. For example, the members of the *Contralínea* magazine continued to suffer harassment, including at a judicial level. On April 10 and 11, 2010, the offices of the magazine were raided and accounting and journalistic documentation, computers and mobile phones were stolen. This theft was just one event in a series of acts of harassment which these journalists have suffered since 2007 for their work denouncing issues related to national security, governmental corruption, drug trafficking, money laundering, and social issues related to poverty and marginalisation. These events were denounced to the Public Ministry, who opened a case file. Nevertheless, as of April 2011, there were no results in the investigation. Moreover, on January 3, 2011, Civil Judge No. 54 from the Federal District sentenced Mr. **Miguel Badillo**, Director of the *Contralínea* magazine, journalist Ms. **Ana Lilia Pérez** and other members of *Contralínea* to permanently stop the publication of certain kinds of information, arguing that *Contralínea* journalists had fallen into "abusive use of their freedom of expression" after the publication of articles related to the use of Government resources. This decision was revoked on

23/ See IACHR, Precautionary Measures MC 250/09 and MC 312/09, March 23, 2010.

April 14, 2011 by the Superior Court of Justice in the Federal District High Court[24].

Meanwhile, the 2009 assassinations of three journalists who denounced corruption, the abuse of authority and links to drug trafficking remained in impunity as of April 2011. These journalists were Messrs. **Eliseo Barrón Hernández**, of the daily newspaper *La Opinión de Torreón*, **Carlos Ortega Melo Samper**, of *El Tiempo* in Durango, and **Norberto Miranda Madrid "El Gallito"**, Director of the online newspaper *Radio Visión*.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Josefina Reyes**, Ms. **Cipriana Jurado**, Mr. **Gustavo de la Rosa** and Mr. **Gero Fong**	Assassination	Urgent Appeal MEX 001/0110/OBS 004	January 8, 2010
Mr. **Adolfo Guzmán Ordaz** and his family	Death threats	Urgent Appeal MEX 013/1209/OBS 193.1	January 11, 2010
	Harassment / Death threats / Attack	Urgent Appeal MEX 013/1209/OBS 193.2	March 2, 2010
Mr. Adolfo Guzmán Ordaz and his family, Mr. **Diego Cadenas**	Attack / Death threats	Urgent Appeal MEX 013/1209/OBS 193.3	November 26, 2010
Mr. **Lorenzo Fernández Ortega**, Mr. **Raúl Hernández Abundio**, Ms. **Obtilia Eugenio Manuel** / Me'phaa Indigenous People's Organisation (OPIM)	Extrajudicial execution / Impunity	Press Release	February 17, 2010
Messrs. **Cuauhtémoc Ramírez Rodríguez**, **Manzanares Lorenzo**, **José Eugenio Cruz**, **Félix Ortega Dolores**, Raúl Hernández Abundio and Ms. **Merced Santiago Lorenzo** / OPIM	Judicial harassment / Arbitrary detention	Urgent Appeal MEX 004/0309/OBS 055.2	February 24, 2010
Ms. Obtilia Eugenio Manuel	Death threats	Urgent Appeal MEX 004/0309/OBS 055.3	March 18, 2010
Messrs. Raúl Hernández Abundio, **Natalio Ortega Cruz**, **Romualdo Santiago Enedina**, **Orlando Manzanares**, **Lorenzo Manuel Cruz Victoriano** and Ms. Obtilia Eugenio Manuel	Arbitrary detention		April 19, 2010

24 / Since 2007, the International Communications Media Corporation (*Corporativo Internacional de Medios de Comunicación*), which edits the magazine Contralínea, as well as its Director and the journalist Ana Lilia Pérez, have been sued by business groups who were affected by reports in the magazine on corruption and the irregular awarding of contracts. In September 2009, the CNDH considered that the cases against Mr. Badillo, Ms. Pérez and the members of *Contralínea* magazine were forms of censorship of freedom of expression and granted them precautionary measures.

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Raúl Hernández Abundio	Arbitrary detention	Closed Letter to the authorities	July 5, 2010
		Open Letter to the authorities	August 1, 2010
		Press Release	August 10, 2010
	Acquittal / Release	Press Release	August 31, 2010
Mr. **Álvaro Ramírez Concepción** and Mr. Raúl Hernández Abundio	Assassination attempt / Attack	Urgent Appeal MEX 013/0910/OBS 107	September 3, 2010
Ms. **Silvia Vázquez Camacho** and Ms. **Blanca Margarita Mesina Nevarez**	Threats / Harassment	Urgent Appeal MEX 002/0310/OBS 027	March 3, 2010
	Threats / Harassment	Urgent Appeal MEX 002/0310/OBS 027.1	April 21, 2010
Ms. Blanca Margarita Mesina Nevarez	New death threats	Urgent Appeal MEX 002/0310/OBS 027.2	May 21, 2010
Contralínea magazine / Mr. **Miguel Badillo** and Ms. **Ana Lilia Pérez**	Raid and theft from offices	Urgent Appeal MEX 003/0410/OBS 046	April 16, 2010
Mr. **Alejandro Cerezo Contreras**	Surveillance and monitoring	Urgent Appeal MEX 004/0410/OBS 047	April 16, 2010
Mr. **Francisco Jiménez Pablo**	Arbitrary detention / Judicial harassment	Urgent Appeal MEX 005/0411/OBS 048	April 16, 2010
Mr. **Juan Agustín Carvajal Jiménez**, Mr. **Manuel de Jesús Carvajal Jímenez**, Mr. **Marco Joeachim von Borstel Nilsson** and Ms. **Jade Ramírez**	Death threats / Harassment	Urgent Appeal MEX 006/0410/OBS 049	April 21, 2010
Unifying Movement to Struggle for an Independent Triqui Region (MULTI), Oaxaca Voices Building Autonomy and Freedom (VOCAL), Mexican Alliance for Peoples' Self-Determination (AMAP), National Education Workers' Trade Union (SNTE), Grassroots Assembly of the Peoples of Oaxaca (APPO), Working Together Centre for Community Support (CACTUS), Network of Indigenous Radio Stations and Communicators from the South of Mexico / Messrs. **Jyry Antero Jaakkola**, **David Venegas Reyes**, **David Cilia García**, **Fernando Santiago**, **Martin Sautan** and Ms. **Éricka Ramírez Padilla**, Ms. **Beatriz Alberta Cariño Trujillo**, Ms. **Mónica Citlali Santiago Ortiz** and Ms. **Noé Bautista Jiménez**	Attack / Assassinations	Press Release	April 29, 2010
Mr. Jyry Antero Jaakkola and Ms. Beatriz Alberta Cariño Trujillo	Impunity	Closed Letter to the authorities	April 8, 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Jaime López Vela**	Judicial harassment	Urgent Appeal MEX 007/0510/OBS 061	May 12, 2010
Mr. **Nataniel Hernández Núñez**	Judicial harassment	Urgent Appeal MEX 008/0610/OBS 077	June 17, 2010
Messrs. Nataniel Hernández Núñez, **José María Martínez Cruz** and **Eduardo Alonso Martínez Silva**	Arbitrary detention / Judicial harassment	Urgent Appeal MEX 005/0211/OBS 027	February 25, 2011
	Release / Judicial harassment	Urgent Appeal MEX 005/0211/OBS 027.1	March 8, 2011
	Judicial harassment	Urgent Appeal MEX 005/0211/OBS 027.2	March 31, 2011
Father Martín	Physical aggression / Arbitrary detention / Judicial harassment	Urgent Appeal MEX 009/0611/OBS 080	June 28, 2010
	Slander	Open Letter to the authorities	July 1, 2010
Mr. **Ireneo Mújica Arzate**	Detention / Physical aggression	Urgent Appeal MEX 010/0710/OBS 091	July 28, 2010
Mr. **José León Rivera**	Aggression / Arbitrary detention / Release	Urgent Appeal MEX 010/0810/OBS 094	August 5, 2010
Ms. **Emilia González Tercero**	Harassment / Intimidation	Urgent Appeal MEX 012/0810/OBS 103	August 20, 2010
Mr. **Víctor Ayala Tapia**	Detention / Forced disappearance	Urgent Appeal MEX 014/1010/OBS 122	October 8, 2010
		Press Release / Report to update an international fact-finding mission	December 21, 2010
Ms. **Marisela Escobedo Ortiz**	Assassination	Press Release	December 22, 2010
Committee for the Defence of the Rights of the People (CODEP), Committee for the Defence of Women's Rights (CODEM) and Regional Indigenous Centre for Human Rights (CRIDH) / Mr. **Cástulo López**, Mr. **Patrocinio Martínez**, Mr. **Fredy Martínez**, Mr. **Dzahui Bautista**, Mr. **Ernesto López** and Ms. **Claudia Tapia** and Ms. **María del Carmen López**	Acts of intimidation	Urgent Appeal MEX 001/0111/OBS 005	January 18, 2011
Centre for Workers' Support / Mr. **Enrique Morales Montaño**, Ms. **Coral Juárez Melo** and Ms. **María Luisa Rosina**	Threats / Acts of harassment	Urgent Appeal MEX 002/0111/OBS 006	January 21, 2011
Ms. **Guadalupe Calzada Sánchez**	Death threats	Urgent Appeal MEX 003/0211/OBS 019	February 15, 2011
Ms. **María Luisa García Andrade** and Ms. **Marisela Ortiz Rivera**	Attack	Urgent Appeal MEX 004/0211/OBS 023	February 22, 2011
	Death Threats	Press Release	March 16, 2011
Mr. **Ignacio Muñiz Zamora**	Theft / Threats	Urgent Appeal MEX 006/0411/OBS 058	April 5, 2011

NICARAGUA

In 2010 and 2011, human rights defenders and organisations continued to be subjected to slander campaigns, attacks and harassment in a climate of political polarisation in Nicaragua. Furthermore, assaults of defenders committed in previous years continued to be treated with impunity. Although the criminal charges against nine women's rights defenders were dismissed, women human rights defenders remained in a vulnerable situation.

Political context

In 2010 and 2011, the climate of political polarisation driven by President Daniel Ortega and the faction of the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional* - FSLN) still supporting him, continued against opponents and critics of his Government, including human rights organisations and independent journalists. This polarisation came to a head in April 2010 when the Nicaraguan Supreme Court confirmed that Mr. Daniel Ortega could run for re-election. The Court's decision was seriously questioned by several civil society organisations that reported irregularities in the proceedings and manipulation of the judiciary by the Executive[1]. Intolerance of dissidence and diverse political views became apparent when a peaceful demonstration held by opponents of the re-election was violently repressed, injuring several people, on April 2, 2011. The Executive was also criticised for usurping upon legislative functions. In 2010, numerous decisions were taken through decrees instead of acts debated and adopted by the legislature[2].

At the international level, the United Nations Human Rights Council examined Nicaragua in the framework of the Universal Periodic Review (UPR) in February 2010. The Council made several observations and recommendations on the situation of human rights defenders and independent journalists, urging the Government to investigate and try threats against them, establish effective protection mechanisms to allow them

1/ When the decision was taken, the Court consisted of two Magistrates whose mandate had expired, while the Magistrates linked to the Liberal Party (*Partido Liberal*), who did not approve the presence of the Magistrates whose terms had expired, were replaced.

2/ For example, Decree 3-2010 by which President Ortega prorogued the terms of the Magistrates of the Supreme Court of Justice and Supreme Electoral Council, and of the members of the High Council of the Office of Comptroller General of the Republic, as they are not elected by the National Assembly.

to do their work without encountering obstacles, and legitimise and acknowledge the work of these defenders through statements of support. The Council also asked Nicaragua to protect freedoms of expression, association and assembly and to avoid restrictions on international law. Several recommendations focused on the need to guarantee the independence of the judiciary, which should not be subject to political interference, and the need to effectively fight gender-related violence and fully implement laws protecting women, as well as to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also recommended that the Nicaraguan Government ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Rome Statute of the International Criminal Court and International Labour Organisation (ILO) Convention No. 169[3]. Regarding the regional system of human rights protection, the Inter-American Commission on Human Rights (IACHR) reiterated its request to visit Nicaragua during its 140th and 141st period of ordinary sessions, in November 2010 and March 2011[4]. However, as of April 2011, Nicaragua had not set date for this visit.

Furthermore, the rights of indigenous and Afro-descendent communities were not yet fully respected. In June 2010, the Government finally gave the title deeds of a territory to the Rama indigenous people and the Kriol and Afro-descendent communities of Corn River and Graytown, in the autonomous region of the south Atlantic. However, despite having the title deeds to their lands, the communities were not consulted about various projects planned to be built on their territory[5]. Furthermore, in May 2010, the Inter-American Court of Human Rights (IACtHR) decided that Nicaragua had not fully implemented the ruling on the Yatama case[6], as it has not adopted the measures needed to ensure the effective participation of the autonomous regions' indigenous and ethnic communities in electoral procedures, taking into account their traditions, usages and customs.

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3 / See Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, United Nations Document A/HRC/14/3, March 17, 2010. In August 2010, Nicaragua ratified ILO Convention No. 169 in accordance with the recommendations of the Human Rights Council.

4 / See IACHR Press Releases, November 5, 2010 and April 1, 2011.

5 / The communities asked to be consulted about the Tourism Development Master Plan of the municipality of San Juan de Nicaragua and its possible repercussions, such as the construction of an airfield in Old Graytown.

6 / The IACtHR found Nicaragua guilty of excluding candidates from the Yapti Tasba Masraka Nanih Asia Takamka (YATAMA) indigenous group from municipal elections held in 2000. See IACtHR Judgment, *Case of Yatama vs. Nicaragua*, June 23, 2005.

Slander campaigns against, assault and harassment of human rights organisations and defenders

In 2010 and 2011, the slander campaign against the work of human rights defenders continued. In January, March and May of 2010, and in January 2011, several offensive articles aiming at discrediting the Nicaraguan Centre for Human Rights (*Centro Nicaragüense de Derechos Humanos* - CENIDH) and its Chairwoman, Ms. **Vilma Núñez de Escorcia**, were published in various media outlets linked to the Government[7]. Furthermore, in an article published in the May 14, 2010 edition of the newspaper *El 19 digital*, there were pejorative references to members of the World Organisation Against Torture (OMCT) and to the International Federation for Human Rights (FIDH), which went on a mission to Nicaragua in May 2010. Likewise, statements were made about Mr. **Eric Sottas**, OMCT Secretary General, trying to discredit his work promoting human rights in Nicaragua. These statements were uttered by the Presiding Judge of the Constitutional Division of the Supreme Court of Justice of Nicaragua and by the delegation of the Nicaraguan Government during a meeting at the IACHR's 141st period of sessions.

In addition to the ongoing slander campaign, the work of defenders was hindered due to the constant harassment against them. For example, on March 8, 2011, a hundred members of Sandinista Youth (*Juventud Sandinista*), accompanied by journalists from the official media, surrounded the CENIDH's facilities for three hours. Although the police were asked to come protect the integrity of the institution and its members, no one ever came. A few days later, on March 15, 2011, the CENIDH was once again besieged and surrounded by members of Sandinista Youth and Government supporters, who stood in front of the organisation's doors for two hours spreading Government propaganda. Four policemen came to the CENIDH's facilities, but did not help to effectively break up the siege. The IACHR ordered precautionary measures for Ms. Núñez de Escorcia and other members of the CENIDH in 2008[8] but, as of April 2011, these measures had not been implemented. On April 13, 2011, the IACHR sent a letter to the Nicaraguan Government asking it to arrange the precautionary measures with the CENIDH within twenty days, but the Government expressly refused to do so.

7/ Several of the articles criticising the CENIDH were published in the newspaper *El 19 digital*, which belongs to the Ortega family. *Facebook* and the radio station *Nueva Radio Ya* were also used in the slander campaign against the CENIDH.

8/ See IACHR Precautionary Measures 277/08, November 11, 2008.

Impunity of the assaults against human rights defenders committed in 2008 and 2009

Past assaults against human rights defenders continued to be treated with impunity. As of April 2011, investigations into the case of Ms. **Leonor Martínez**, a member of the Nicaraguan Youth Coalition (*Coalición de Jóvenes de Nicaragua*)[9] who was assaulted by Government-affiliated groups on October 22, 2009 after attending a Civil Coordinating Committee (*Coordinadora Civil*)[10] meeting, were suspended. During the assault, three strangers broke her arm and threatened her with a gun and a knife, telling her "not to get involved in this", referring to her work with the Youth Coalition. As of April 2011, the physical assault of the Spokesman for the Civil Coordinating Committee, Mr. **Mario Sánchez**, during a peaceful demonstration on August 8, 2009, also continued to be treated with impunity. The protesters were assaulted by 200 or so members of Sandinista Youth, FSLN activists and individuals who had been hired to carry out the attacks. Mr. Mario Sánchez was seriously beaten when he took out a camera to take photographs during the demonstration. Furthermore, as of April 2011, the investigations into the damage done to Ms. Núñez de Escorcia's home on September 26, 2008, still had not produced any findings.

Dismissal of the charges against nine women's rights defenders

Finally, the criminal charges laid in October 2007 against Ms. **Ana María Pizarro**, Ms. **Juana Antonia Jiménez**, Ms. **Lorna Norori Gutiérrez**, Ms. **Martha María Blandón**, Ms. **Luisa Molina Arguello**, Ms. **Martha Mungía Alvarado**, Ms. **Mayra Sirias**, Ms. **Yamileth Mejía Palma** and Ms. **Violeta Delgado Sarmiento**, leaders of organisations and networks for the protection of human rights such as the Network of Women Against Violence (*Red de Mujeres contra la Violencia*), the Feminist Movement (*Movimiento Feminista*), the Autonomous Women's Movement (*Movimiento Autónomo de Mujeres* – MAM), the Nicaraguan Children and Adolescents Committee (*la Coordinadora de la Niñez y Adolescencia en Nicaragua*) and the September 28 Campaign (*Campaña*

9/ The Nicaraguan Youth Coalition is made up of individuals, organisations and social movement representatives, and works toward the integrated development of youth and strengthening the rule of law, including defending young people's rights.

10/ The Civil Coordinating Committee is an agency that coordinates, arranges and articulates the organised sectors of civil society in Nicaragua. The Civil Coordinating Committee works on human rights, among other issues. In June 2010, Mr. Félix Armando Tercero Arróliga, aka "El Gato", an employee of the Mayor's office in Managua and a member of the shock troops who organises and funds President Ortega's party, and Mr. Erick Armando Mairena Rojas were accused of the assaults against Ms. Leonor Martínez. However, in July 2010, the judicial authority decided to suspend the proceedings for a year after the prosecution said that it did not have sufficient evidence of the assault.

28 de Septiembre), were dropped in February 2010. However, the prosecution service did not inform the defenders of this dismissal until April 28, 2010. The nine defenders had been reported to police by a leader of the antiabortion movement in Nicaragua and charged with "crimes against public administration", "concealment of rape", "conspiracy to commit a crime" and "incitement to commit a crime". Charges were pressed against the nine defenders after they accompanied a nine-year-old girl, who was impregnated after being raped and whose life was at risk, to an abortion clinic[11]. The decision to dismiss the criminal charges did not provide for any sort of public apology to the nine defenders. On the contrary, it ruled that organisations offering services to women and children who are victims of domestic violence should be watched more closely, which may increasingly hinder the work of defenders who work in these organisations.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Ana María Pizarro**, Ms. **Juana Antonia Jiménez**, Ms. **Lorna Norori Gutiérrez**, Ms. **Martha María Blandón**, Ms. **Luisa Molina Arguello**, Ms. **Martha Mungía Alvarado**, Ms. **Mayra Sirias**, Ms. **Yamileth Mejía Palma** and Ms. **Violeta Delgado Sarmiento**	Dismissal of charges	Press Release	April 8, 2010
Ms. **Vilma Núñez de Escorcia** / Nicaraguan Centre for Human Rights (CENIDH)	Assault	Press Release	March 11, 2011
		Open Letter to the authorities	March 17, 2011

11/ Therapeutic abortions were legal in Nicaragua for 169 years until they were prohibited in 2006. Various appeals concerning the unconstitutional nature of the law penalising therapeutic abortions were brought to the Supreme Court in 2007, but as of April 2011, the court had not yet reached a verdict.

PERU

In 2010 and 2011 threats, acts of aggression and criminalisation continued against defenders of environmental rights and of the rights of indigenous communities affected by exploration and exploitation projects implemented by large companies. Unfounded criminal proceedings were brought against defenders and trade union leaders. Moreover, serious acts of aggression were reported against defenders of LGBTI people and the media campaign to discredit human rights organisations also continued.

Political context

In Peru throughout 2010 and 2011, ambivalent progress was made in the struggle against impunity for human rights violations committed during the internal armed conflict of 1980-2000. On the one hand, the conviction of President Fujimori and the subsequent ratification of this sentence by the Supreme Court of Justice showed clear progress. Yet, on the other hand, the stagnation of other processes and the scarce collaboration of government officials and military officers indicated the opposite. In particular, Decrees No. 1097 and 1095 dictated by the Government of President Alan García in August 2010, appeared to be contrary to the struggle against impunity. The first of these decrees included an amnesty for those who violated human rights during the armed conflict, lapsed the periods for criminal proceedings against perpetrators of crimes against humanity committed before November 9, 2003[1] and imposed a strict and unreasonable time limit of 36 months for proceedings related to crimes against humanity. Finally, after the decree was seriously criticised, the Peruvian Congress approved its repeal on September 14, 2010.

Meanwhile, by April 2011, Decree No. 1095 was still in force, permitting exclusively military actions (not carried out together with the police) to counteract the activities of "hostile groups". It is of concern that the definition of "hostile groups" is so ambiguous that it could include movements for peaceful social protest. Equally, it stipulates that when the army acts to control internal order without the police, international humanitarian

1/ This decision implied that investigations into massacres and disappearances that occurred during the first mandate of President García (1985-1990) were lapsed, despite the fact that the Inter-American Court of Human Rights (IACtHR) and the Constitutional Court of Peru clearly stipulated that cases of crimes against humanity may not be time-limited and must be brought to justice.

law can be applied, although this is normally applied to situations of war[2]. These kinds of measures are alarming in a country with high levels of social conflict such as Peru[3], where social protest is often criminalised by detention and indictments for crimes of "terrorism"[4]. In this context, significant progress was made on May 19, 2010 with the adoption of a law for consultation with indigenous peoples which complies with International Labour Office (ILO) Convention 169. Nevertheless, as of April 2011, the law had not been issued because the President returned the bill to Congress for a new debate based on his observations to the proposed legislation.

On April 10, 2011, the first round of presidential elections was held in Peru. The candidates with the highest number of votes were Mr. Ollanta Humala, of the "Gana Perú" party, and Ms. Keiko Fujimori, of the "Fuerza 2011" party. The atmosphere in these elections became extremely tense when Ms. Keiko Fujimori declared her interest to pardon her father, former President Alberto Fujimori, convicted of human rights violations and corruption during his mandate. During the campaign prior to the second round, both candidates levelled accusations at the other for their mutual involvement in presumed human rights violations. The winner will be decided in the second election round on June 5, 2011[5].

Criminalisation, threats and acts of aggression against defenders of environmental rights and indigenous communities who oppose projects implemented by large companies

A number of social conflicts in Peru are associated with the implementation of projects for the exploration and exploitation of hydrocarbons and minerals, and involve indigenous leaders and environmental rights

2 / Among other things, lethal force may be used against protesters, "collateral damage" is permitted in order to gain military advantage and human rights violations are judged under military jurisdiction. See National Human Rights Coordination (*Coordinadora Nacional de Derechos Humanos* - CNDDHH), General Confederation of Workers in Peru (*Confederación General de Trabajadores del Perú* - CGTP), National Confederation of Communities in Peru Affected by Mining (*Confederación Nacional de Comunidades del Perú Afectadas por la Minería* - CONACAMI), Inter-Ethnic Association for the Development of the Peruvian Rainforest (*Asociación Interétnica de Desarrollo de la Selva Peruana* - AIDESEP), Peasants Confederation of Peru (*Confederación Campesina del Perú* - CCP) and National Agrarian Confederation *(Confederación Nacional Agraria* - CNA) Joint Press Release, September 13, 2010.

3 / According to the Ombudsman's Office, of the 255 conflicts registered since May 31, 2010, 132 are related to socio-environmental demands, which focus particularly on questioning indiscriminate concessions for the exploration and exploitation of hydrocarbons and mining. The majority of these concessions are granted in poor areas, peasants communities, and Quechua, Aymara or native communities. See CNDDHH Press Release, June 18, 2010.

4 / See UN Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism Press Release, September 8, 2010.

5 / In the second round Mr. Ollanta Humala obtained a majority and was proclaimed elected President.

defenders. Many of these leaders and defenders suffered threats and harassment, including judicial harassment. One example of this were the criminal proceedings against Mr. **Alberto Pizango Chota**, President of the Inter-Ethnic Association for the Development of the Peruvian Rainforest (*Asociación Interétnica de Desarrollo de la Selva Peruana* - AIDESEP), who was accused of being responsible for the events of Bagua[6]. Despite the fact that Mr. Pizango Chota was in Lima when confrontations broke out between the national police and indigenous groups in Bagua, he was included in the group of people accused of crimes of "rebellion", "sedition" and "conspiracy against the State and constitutional order", as well as "defending crimes against public order". Mr. Pizango Chota sought refuge in Nicaragua in mid June 2009. Upon returning to Peru, on May 26, 2010, he was detained by the police and released the following day. Nevertheless, by April 2011, the charges against him had not been dropped[7]. Moreover, on July 1, 2010, the territorial police, based on Interior Ministry Resolution No. 0571-2010-IN, ordered the expulsion from Peru of the British missionary **Paul McAuley**, President of the Loretana Environmental Network (*Red Ambiental Loretana*), who has been working for more than twenty years with communities in the department of Loreto and who peacefully denounced abuses carried out by extractive industry companies, mainly oil companies, in the area and the impact of this exploration on the environment. The expulsion order against Mr. McAuley accused him of "disturbing public order" and "participation in activities of a political nature", without explaining the reasons behind these affirmations. Mr. McAuley managed to resolve his situation and was able to remain in the country thanks to a precautionary measure granted by the Magistrate's Court in Maynas, which suspended Ministerial Resolution No. 0571-2010-IN. For her part, Ms. **Carmen Rosa Arévalo Salas**, Director of the Justice and Peace Human Rights Commission of the Apostolic Vicariate of Iquitos (*Comisión de Justicia y Paz - Derechos Humanos del Vicariato Apostólico de Iquitos* - CJPDHVAI), who has represented indigenous peoples in their demands for reparations after the oil spill in the Marañón river, and who carried out an intensive campaign to avoid the expulsion of Mr. McAuley, was the victim of a series of threats between July and August 2010. In October 2010, she suffered an attack against her life when the brakes of her motorcycle

6/ Indigenous groups, under the coordination of AIDESEP, peacefully protested from April 9, 2009 against several legislative decrees as they considered them to violate their right to be consulted in their lands. On June 5, 2009, there was a confrontation between the national police and indigenous groups in Bagua, Amazonas department, during which ten civilians and 23 police officers were killed and Mr. Felipe Bazán Soles, a Major from the national police, disappeared.

7/ As of April 2011, 127 civilians (including Mr. Pizango) were being prosecuted for acts committed against members of the national police, including the deaths of 23 police officers and the disappearance of Major Bazán.

were damaged. Ms. Arévalo Salas denounced these events to the local police, who certified via a specialist's report that the motorcycle brakes had been tampered so that they did not work properly. However, by April 2011, the case had yet to be resolved, and no-one had been charged or arrested. In a similar case, judicial proceedings were brought against Italian Father **Mario Bartolini Palombi**, who in recent years has been supporting indigenous communities to defend their territories in Barranquita, Lamas province, for honouring those killed in the Bagua incidents and criticising the situation there. The Attorney in Alto Amazonas accused him of "instigating rebellion" and requested a twelve-year prison sentence. Also charged in this case were Mr. **Geovanni Acate**, Director of the *Radio Oriente de Yurimaguas*, Ms. **Adilia Tapullima**, former President of the Front for the Defence of the High Amazon Region (*Frente de Defensa de Alto Amazonas*), Messrs. **Gorki Vásquez**, **Elías Sánchez** and **Javier Álava**, indigenous leaders, and Mr. **Bladimiro Tapayuri**, a Coordinator representing AIDESEP in the second working group for dialogue between the Government and indigenous peoples after the events of Bagua. On December 21, 2010, Father Bartolini and Mr. Acate were declared innocent. However, Ms. Adilia Tapullima and Messrs. Gorki Vásquez, Elías Sánchez, Javier Álava and Bladimiro Tapayuri were sentenced to a four-year suspended prison sentence[8] and ordered to pay civil reparation of 10,000 nuevo sol. The accused appealed, arguing among other things that they had not had access to a lawyer throughout the proceedings. By April 2011 the appeal had not been examined yet[9]. Moreover, Mr. **Pepe Julio Gutiérrez Zevallos**, President of the Front for the Defence of the Tambo Valley (*Frente de Defensa del Valle del Tambo*), who coordinates actions against the contamination of this valley region of Arequipa, caused by the "Tía María" mining project implemented by the "Southern Copper Perú" company, has received a series of threats and judicial harassment since he began declaring his opposition to the project. On November 19, 2010, the Public Prosecutor filed criminal charges against Mr. Gutiérrez Zevallos before the Attorney General in Islay, because he had promoted a demonstration against the Tía María mine. He was accused of "disturbing public order", "illicit association to commit crime", "kidnapping" and other crimes. As of April 2011, the process was still being evaluated by a judge who will decide if proceedings should be opened. In addition, Mr. Gutiérrez Zevallos received a number of telephone threats one week

8/ A suspended prison sentence means that those sentenced are not imprisoned, but rather have to report to the police every month, sign a power of attorney and comply with certain special provisions.
9/ See Episcopal Commission for Social Action (*Comisión Episcopal de Acción Social* - CEAS) Press Release, December 22, 2010 and Association for Human Rights (*Asociación Pro Derechos Humanos* - APRODEH).

before December 2, 2010, when in the early hours of the morning, unknown individuals set fire to a vehicle he owned, which was parked outside of his house. These events were denounced before the Attorney General. However, by April 2011 no progress had been made in the investigation. As of April 2011, criminal proceedings continued against Mr. **Zenón Cueva**, former President of the Front for the Defence of the Interests of the People of Moquegua (*Frente de Defensa de los Intereses del Pueblo de Moquegua*), and other leaders and community members charged with crimes of "rioting", "coercion" and "extortion" after participating in a protest in August 2008 to demand the redistribution of mining royalties (*Canon Minero*). The Attorney requested a 35-year prison sentence for Mr. Cueva and it is expected that the trial will begin on June 13, 2011.

Meanwhile, on a positive note, in April 2010, the Attorney in Piura closed proceedings against 35 environmental rights defenders accused of "terrorism" for having opposed the Río Blanco mining project in Piura. The case against Mr. **Gabino Ángel Dioses Franco**, Mr. **José Miguel Duran Jiménez**, Mr. **José Filomeno Gálvez Sotillo**, Mr. **Jaime Jiménez Páucar** and Ms. **Betty Fernández Naval**, all members of the El Bendito Association (*Centro Poblado "El Bendito"*), was also closed. They had been accused of "crimes against the administration of justice", "violence" and "resisting the authorities" for their opposition to the Virazon S.A. shrimping company, whose extractive activities present a risk to the environment and the community of "El Bendito", located in the national sanctuary of Manglares de Tumbes.

Judicial harassment against trade union leaders

In 2010 and 2011, trade union leaders were also subjected to judicial harassment. In April 2010, conditional release was granted to Messrs. **Pedro Condori Laurente**, Secretary General of the Trade Union of Workers in the Casapalca Company (*Sindicato de Trabajadores de la empresa Casapalca*), and **Claudio Boza Huanhuayo**, a leader from the same trade union. Both men had been held in prison since September 9 and 23, 2009 respectively, accused of "crimes against life, body and health", in the form of manslaughter against national police captain, Mr. Giuliano Carlos Villarreal Lobatón[10]. Although the case was dismissed, in the same month of April, Mr. Condori Laurente was once again arrested together with Mr. **Antonio Quispe Camayo**, Deputy Secretary General of the same

10 / The death of Captain Villarreal Lobatón occurred during protests in November 2008, in which workers from the Casapalca mining company suspended their labour due to lack of fulfilment on the part of the company, of an agreement signed on May 17, 2008 and the company's unwillingness to enter into dialogue.

trade union. The two men were accused of having led and participated in a road blockade on September 8, 2009[11]. In July 2010, both trade unionists were released. However, they were sentenced to a four-year suspended prison sentence, despite insufficient evidence. By April 2011, the case was at the appeal stage. Moreover, on January 11, 2011, Mr. Condori Laurente and Mr. Quispe Camayo were once again arrested for "crimes against the public administration", "violence" and "resisting the authorities". On this occasion, they were charged with having prevented the police and the Attorney from Huarochirí from removing the body of a mining worker who was killed in an accident on July 19, 2010. Mr. Condori Laurente and Mr. Quispe Camayo were trying to ensure that the Attorney was carrying out his work according to the law, as the Attorney wanted to remove the worker's body without first carrying out the specialist investigations required by law, and because of this Mr. Condori Laurente and Mr. Quispe Camayo intervened. As of April 2011, the case was at the preliminary stage. A fourth judicial proceedings was opened against Messrs. Condori Laurente and Quispe Camayo in December 2010 for presumed "crimes against property" and "interference with possession" against the Casapalca mine, for the same events that had occurred on July 19, 2010. In March 2011, Mr. Condori Laurente and Mr. Quispe Camayo were released, as their arrest warrant was changed to a summons to appear in court. By April 2011, the case remained at the preliminary stage.

Killings, acts of aggression and threats against defenders of LGBTI persons

Defenders of lesbian, gay, bisexual, transgender and intersexual persons (LGBTI) continued to be stigmatised and discriminated, which led to murders being carried out against them. On September 20, 2010, in Lima, the body of Mr. **Juan Osorio Castillo** was found, showing signs of torture. He was a member of the Multi-Sector Commission for the Fight Against HIV-AIDS (*Comisión Multisectorial de Lucha contra el VIH-SIDA* - CONAMUSA) and a former Director of the VIHDARTE Association (*Asociación VIHDARTE*). As of April 2011, the case had not been brought to justice[12]. Furthermore, on February 12, 2011, members of the police used force to evict protesters during a peaceful action called "Kisses against homophobia" in the Plaza de Armas in Lima. During the violent events that ensued, the police used pepper gas, and beat and chased a number

11 / Mr. Condori supported the stoppage of work, but he was opposed to the blockade of the roads, and so he remained at home during the protests. However, he was charged after he explained the reasons behind the protests in the media.

12 / See Roots Collective 2.0 (*Colectivo Raíz 2.0*) Report, *Reporte anual de derechos humanos de las personas Lesbianas, Gays, Trans y Bisexuales en el Perú 2010*, March 2011, and APRODEH.

of protesters. Ms. **Alicia Parra**, an LGBTI activist, was wounded when police officers delivered a truncheon blow to her head. She lodged an official complaint in the Monserrate police station against the police officers who had attacked her. As of April 2011, the case was at the investigation stage. Although President García condemned what had happened, the Interior Minister justified the incident stating that public displays of affection by gays and lesbians were not received well in Lima. Subsequently, on February 25, 2011, Mr. **Jorge Chávez Reyes**, leader from the Lima Homosexual Movement (*Movimiento Homosexual de Lima* - MHOL), awoke to find the building where he lives covered with paintings of death threats and homophobic messages, along with a threatening letter from a neo-nazi group calling themselves the National Vanguard (*Vanguardia Nacional*). Mr. Chávez Reyes denounced these events before the Breña police station and requested guarantees for his life from the Attorney for the Prevention of Crime. As of April 2011, this complaint was still at the investigation stage[13].

Constant campaign to discredit and slander human rights organisations who denounce the armed forces for human rights violations

Human rights defenders in Peru were subjected to constant smear campaigns to discredit them through the media, particularly those who denounced members of the Peruvian armed forces for human rights violations. Numerous smear campaigns were carried out against defenders and their organisations, politically stigmatising them and accusing them of carrying out illegal acts and threats, and of acting in favour of terrorism. For example, on June 16, 2010, an article was published in the daily newspaper *La Razón*, entitled "The CNDDHH [National Human Rights Coordination - *Coordinadora Nacional de Derechos Humanos*] blackmails judges and attorneys so that they report members of the army and police, and attacks those who refuse to do it", criticising complaints and criminal proceedings against army and police officers. In this article, among other slanderous statements, the paper affirmed that: "Lefty NGOs cannot tolerate the truth (…) they are desperate and they are worried because people are realising that the injustices encouraged by the CNDDHH for the past decade responded to political interests"[14]. Similarly, on July 14, 2010, in a radio interview broadcast on the "Voz Alerta" programme on *Radio San Borja*, it was stated that APRODEH [Association for Human Rights - *Asociación Pro Derechos Humanos*] and other organisations with "Marxist beliefs", comprised in the CNDDHH, form part of "the left wing caviar mafia" and in practical terms "have become the legal arm of terrorism".

13 / See MHOL Press Releases, February 13, 17 and 25, 2011, and APRODEH.
14 / See Article by Mr. Victor Robles Sosa in *La Razón*, June 16, 2010, and APRODEH.

In the same interview, the Institute for Legal Defence (*Instituto de Defensa Legal* - IDL) was accused of "making money out of accusing the military"[15].

However, on a more positive note, in December 2010, the case was closed against Ms. **Cristina del Pilar Olazábal Ochoa**, Criminal Attorney for the province of Ayacucho, who has struggled for many years against impunity for crimes committed during the mandate of Mr. Fujimori. President García had accused Ms. Olazábal Ochoa of "perverting the course of justice", after she brought formal criminal proceedings against him for the crime of genocide and improper exercise of powers relating to the crime of murder, for incidents which occurred in Accomarca[16]. The complaint that Attorney Olazábal Ochoa had lodged against the President García was the result of investigative work related to cases of serious human rights violations which occurred during the internal armed conflict in Peru between the years 1980 and 2000. On January 5, 2010, Mr. García's complaint against Ms. Olázaba Ochoa was declared to be justified and she faced possible dismissal from her post. Nevertheless, in April 2010, it was declared that proceedings would not be opened against Ms. Olazábal Ochoa, and the case was closed. As of April 2011, Ms. Olazábal Ochoa was working in the Attorney's office in the city of Ayacucho.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Cristina del Pilar Olazábal Ochoa**	Judicial harassment	Urgent Appeal PER 001/0110/OBS 008	January 14, 2010
Messrs. **Pedro Condori Laurente** and **Claudio Boza Huanhuayo**	Arbitrary detention / Judicial harassment / Ill-treatment / Threats	Urgent Appeal PER 011/1109/OBS 173.1	February 9, 2010
Messrs. Pedro Condori Laurente and **Antonio Quispe Camayo**	Arbitrary detention / Judicial harassment	Urgent Appeal PER 001/0111/OBS 003	January 18, 2011
Mr. **Alberto Pizango Chota**	Acts of aggression / Judicial harassment	Urgent Appeal PER 002/0610/OBS 072	June 3, 2010
Mr. **Paul McAuley**	Expulsion from the country	Open Letter to the authorities	July 6, 2010
Mr. **Mario Bartolini Palombi**	Judicial harassment	Urgent Appeal PER 003/1010/OBS 127	October 26, 2010
Ms. **Carmen Rosa Arévalo Salas**	Harassment and attack	Urgent Appeal PER 004/1110/OBS 139	November 26, 2010
Mr. **Pepe Julio Gutiérrez Zevallos**	Attack	Urgent Appeal PER 005/1210/OBS 143	December 7, 2010

15 / See Radio Interview with Mr. Francisco Diez Canseco Távara, President of the Peace Council (*Consejo por la Paz*), in "Voz Alerta" on *Radio San Borja*, July 14, 2010, and APRODEH.

16 / On August 14, 1985, 62 members of the Accomarca community were murdered by soldiers from the Peruvian army.

VENEZUELA

In 2010 and 2011, constant stigmatisation of human rights defenders and their organisations persisted. Reprisals against defenders who work with universal and regional human rights protection mechanisms also continued. Moreover, laws were passed that obstructed freedoms of association and expression, affecting the work of human rights organisations. Acts of judicial harassment also continued against one trade union leader who participated in protests to demand labour rights. Finally, on a positive note, progress was made in investigations into the killings of two independent journalists.

Political context

On February 2, 2011, President Hugo Chávez celebrated twelve years in power after winning four presidential elections and the 2004 referendum. Throughout the years of his administration, important progress was made to respect a number of economic, social and cultural rights[1], yet a hostile environment towards all criticism and opposition has grown, accompanied by imbalance between the different branches of public power. Internationally, the Venezuelan Government expressed its hostility towards international mechanisms for the protection of human rights, rejecting on repeated occasions visits from the United Nations or from the Inter-American Commission on Human Rights (IACHR) and accusing the IACHR and the Inter-American Court of Human Rights (IACtHR) of acting with bias. At the national level, critics of Government policies, including human rights defenders, suffered hostility, the constant risk of having unfounded judicial proceedings brought against them, and were publicly stigmatised as traitors to their country. As a result, threats, attacks and harassment against them increased.

Moreover, the criminalisation of social protest continued, in response to an increase in demonstrations which in turn became more radical[2]. Official

1/ Illiteracy was practically wiped out, poverty was reduced and there was important progress made in access to basic services for the most vulnerable populations.

2/ According to the Venezuelan Programme for Education - Human Rights Action (*Programa Venezolano de Educación-Acción en Derechos Humanos* - PROVEA), between October 2009 and September 2010, there were 3,315 social protests (an increase of 24.29% in terms of the previous year) of which 105 included hunger strike (versus one single case in the previous period). This situation continued in 2011, as in just the first two months there were 33 hunger strikes registered. See PROVEA Report, *Situación de los Derechos Humanos en Venezuela, Informe Anual octubre 2009 / septiembre 2010.*

sources systematically discredited the protesters, threatening them with legal repercussions and on several occasions, force was used to repress peaceful demonstrations. This led to actions being taken to avoid excessive use of force by the police, such as the Resolution on control of police action in public meetings and demonstrations, published in the Official Gazette on April 18, 2011. Political opposition leaders, students, trade unionists and journalists who criticised the Government or who denounced cases of corruption were also threatened with judicial proceedings. All of this led to even more flagrant limitations on the freedoms of association and expression, fundamental rights in democratic States.

The situation worsened because of high levels of impunity and the growing lack of trust in the judicial power due to its lack of independence. While this has been an ongoing problem for several years now, in the last few years it was noted that a high number of judges were appointed provisionally making them easier to dismiss, political appointments were made to the Supreme Court of Justice and, in a number of cases, judges and attorneys were removed from their posts after making legal decisions contrary to the interests of the Government. Equally, the legislative power also showed signs of losing its independence and autonomy, as demonstrated in Article 203 of the Constitution, still in force, which permits the delegation of legislative faculties to the President of the Republic without clearly defining these faculties. In relation to this, in December 2010, several days after the culmination of the ordinary legislative period of the National Assembly, with its pro-Government majority, and just a few days before the start of the period of the new elected Assembly on September 26, 2010, with 40% of the deputies aligned with the opposition, a law was passed giving wide ranging legislative powers to the President for eighteen months, including in matters of criminal justice[3].

Meanwhile, the prison situation continued to be of serious concern. Despite the fact that for a number of years organisations have reported the serious conditions and violence in prisons, and that the IACtHR granted provisional measures in a number of prison establishments[4], the State did

3/ Although this law aims at helping victims of the winter spell of 2010, more than twenty legally binding decrees were passed in just a few months, including a reform to the national armed forces (granting them administrative police powers, powers of criminal investigation and the ability to include soldiers in their ranks) and a new financial law (where new crimes and sentences are established). See IACHR Press Release No. 122/10, December 15, 2010.

4/ The IACtHR has granted and ratified provisional measures since 2006 in favour of individuals imprisoned in the following prisons: metropolitan prison Yare I, Monagas judicial confinement centre ("La Pica"), prison of the central west region (prison of Uribana) and the capital judicial confinement centres El Rodeo I and El Rodeo II. These measures were reinforced in 2009.

not take the necessary measures to guarantee the life and personal integrity of detainees. In 2010, 476 detainees died and 958 were injured, that is to say, 30% more deaths and 51% more injuries than in 2009. In the first three months of 2011, 124 people lost their lives in Venezuelan prisons and 266 were injured, respectively 22% and 11% higher than during the same period the previous year[5].

Serious legislative limitations to freedoms of association and expression impacting on the activities of human rights organisations

The executive power increased the limitations to freedoms of expression and association in Venezuela, extending its legislative faculties with support from the National Assembly where it enjoyed parliamentary majority. On December 23, 2010, the Law on Political Sovereignty and National Self-Determination was passed, prohibiting political parties, civil associations and individuals from receiving funding from outside of Venezuela, on pain of fines or disqualification. This measure, which directly affects organisations defending human rights, could be reinforced if the Law on International Cooperation is passed. This new legislative bill was already approved in a first round debate in 2006 and could be adopted in 2011 by means of the legislative powers granted to the President in December 2010. The Law on International Cooperation obliges those receiving foreign aid to hand it over to the Government to be administered. Moreover, in December 2010, the National Assembly approved the reform of the Law on Radio and Television in order to extend regulatory measures to Internet. These changes prohibit publishing on Internet any material that "incites unrest among citizens", "upsets public order", "lacks respect for the authorities" or that "attacks moral codes". This law also condemns "inciting crimes" through communications media, without clearly limiting its scope or limits.

Constant climate to discredit human rights defenders and organisations, stigmatisation of their work and unfounded criminal charges made against them

In 2010, the Venezuelan Government continued its persistent campaign to discredit and disqualify the work carried out by human rights defenders a nd their organisations. On the occasion of the 21st anniversary of the "Caracazo"[6], a number of accusations were once again made against the

5/ See Venezuelan Prison Observatory *(Observatorio Venezolano de Prisiones* - OVP) Press Release, May 31, 2011.

6/ A series of strong protests and disturbances occurred between February 27 and 28, 1989 in Caracas, under the Government of President Carlos Andrés Pérez. On February 28, the security forces of the metropolitan police, the army and the civil guard went out into the streets to control and repress the situation, causing the death of 276 people, according to official figures, or more than 500 according to unofficial figures.

work of the Committee of Family Members of the Victims of the events of February and March 1989 (*Comité de Familiares de las Víctimas de los sucesos de febrero y marzo de 1989* - COFAVIC) by the General Attorney's office, the Ombudsman's office, and the Director of Procedural Affairs in the Public Ministry. Between February and March 2010, these State officials publicly accused the organisation as well as Ms. **Aura Liscano** and Ms. **Liliana Ortega**, President and Executive Director of COFAVIC respectively, of not collaborating with the Venezuelan judiciary, of withholding information or of providing false information in the case of the Caracazo[7]. Similarly, on March 12, 2010, President Chávez accused Ms. **Rocío San Miguel**, a lawyer and President of the organisation Citizens Control of Security, Defence and the National Armed Services (*Control Ciudadano para la Seguridad, la Defensa y la Fuerza Armada Nacional)*, of creating "terror propaganda" for publishing a critical article about the Government in the newspaper *Tal Cual*. Equally, in May 2010, she was accused of being a "CIA agent" on the State television channel *Venezolana de Televisión* and her work as a human rights defender was questioned because the organisation received foreign cooperation grants[8]. In previous years, as well as between March and May 2010, she was victim of intimidation, threats, and was followed. These events were reported and protection measures were requested for Ms. Rocío San Miguel. However, on July 27, 2010, the Criminal Tribunal of the Eighth Circuit of Caracas denied her these protection measures because they considered that there were insufficient reasons for granting them. Moreover, the campaign that began in 2006 to discredit Mr. **Humberto Prado**, Director of the Venezuelan Prison Observatory (*Observatorio Venezolano de Prisiones* - OVP), continued in 2010. On October 5, 2010, President Chávez accused Mr. Prado of promoting dissent and disorder in prisons with the aim of denouncing these incidents internationally. Moreover, on November 6, 2010, during a press conference, the Ombudsman accused the non-governmental organisations (NGOs) who defend the rights of prisoners, of promoting internal conflicts and instigating prison strikes and of denouncing these events to the international community[9]. On July 26, 2010, Mr. **Carlos Correa**, Executive Director of the human rights organisation Public Space (*Espacio Público*), was the object of declarations discrediting his

7/ COFAVIC ensured that they handed over all the information they possess on the victims of the Caracazo on several occasions.

8/ This occurred after denouncing to the communications media that a number of active members of the armed forces were registered as active members of the United Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela* - PSUV), thereby violating Article 328 of the Bolivarian Constitution of the Republic of Venezuela.

9/ See Support Network for Justice and Peace (*Red de Apoyo por la Justicia y la Paz* - Redapoyo) and PROVEA.

work after he appeared on the news programme "Primera Página" on the *Globovisión* channel, in which he presented the work of Public Space and the human rights situation in Venezuela. These declarations to discredit Mr. Correa were published in July 2010 on the official website of the Venezuelan News Agency (*Agencia Venezolana de Noticias*), broadcast on the television programme "La Hojilla" on July 26, 2010 on the State channel, and by means of an announcement broadcast regularly on the State channel *Venezolana de Televisión*. As a consequence of this public disqualification on State controlled media channels, different media and social networks levelled threats, personal insults and denigrating remarks against the victims of these messages. On December 16, 2010, Mr. Carlos Correa was attacked with a heavy instrument and threatened with death, close to the National Assembly building, as he went to deliver a document signed by the Alliance for the Freedom of Expression (*Alianza para la Libertad de Expresión*)[10]. This attack was denounced to the Attorney General's office, which opened a case file and carried out forensic analysis, as well as interviewed a number of witnesses. As of April 2011, the case was still in the initial stages and the IACHR had requested information on the case from the Venezuelan State.

In addition, NGOs had unfounded criminal proceedings brought against them. Indeed, the Attorney General's office opened an investigation against the human rights organisations Public Space and the Press and Society Institute (*Instituto de Prensa y Sociedad* - IPYS) in order to determine the origins of their funding, under the premise that they were funded by the US State Department and that this constituted a conspiratorial act against Venezuelan citizens. This investigation can be traced to a complaint made on July 13, 2010 by the self-denominated Movement for Necessary Journalism (*Movimiento Periodismo Necesario*)[11]. Equally, on July 14, 2010, President Chávez requested an investigation into "the millions and millions of dollars" that the US State Department gives to Venezuelan NGOs and journalists. Both investigations were joined together into a single case file. As of April 2011, not one defender or journalist had been called to give a statement. However the investigation remained pending, and was still being used to harass defenders.

10 / See Public Space.

11 / The Movement for Necessary Journalism (*Movimiento Periodismo Necesario*) is an organisation which is composed of pro-Government journalists. Their main Spokespersons runs the department of communications of the National Telecommunications Commission (*Comisión Nacional de Telecomunicaciones* - CONATEL).

Reprisals against human rights defenders who participate in international and regional human rights systems

Throughout 2010 and 2011, judicial harassment and disqualification continued to be used against defenders who followed the recommendations of international human rights bodies or collaborated with universal or regional human rights mechanisms. Judicial harassment continued against Judge **María Lourdes Afiuni**, who was arrested on December 10, 2009, just after having ordered the conditional release of Mr. Eligio Cedeño, based on the investigations and recommendations of the UN Working Group on Arbitrary Detention[12]. Throughout the whole of 2010, Judge Afiuni was held in the National Institute for Feminine Orientation (*Instituto Nacional de Orientación Femenina* - INOF), in the city of Los Teques, in inhuman conditions and suffering from discriminatory treatment. In response to the serious conditions of her detention and the death threats against her, on January 11, 2010, the IACHR granted precautionary measures to Ms. Afiuni, ordering the Venezuelan authorities to guarantee her life and personal integrity. Subsequently, on September 3, 2010, the UN Working Group on Arbitrary Detention recommended that the State immediately release the Judge. In spite of this, irregular events continued. Worsening conditions for Ms. Afiuni led to the Inter-American Court of Human Rights granting her provisional measures on December 10, 2010, one year after her imprisonment began. Nevertheless, on December 20, 2010, in response to the provisional measures, which ordered the protection of her physical integrity, the authorities decided to place her in solitary confinement. Finally, on February 2, 2011, Ms. Afiuni's health problems, which had begun in mid 2010 and had not been attended to by the State, worsened and she underwent surgery. She was subsequently granted house arrest[13]. As of April 2011, Ms. Afiuni continued to be arbitrarily detained in her home and it was expected that the trial will take place in 2011. Moreover, on March 24, 2011, the National Commission for the Protection of Journalists (*Comisión Nacional de*

12 / On December 10, 2009, Judge María Lourdes Afiuni ordered the conditional release of Mr. Eligio Cedeño, a Venezuelan businessman accused of fraudulent financial operations, whose arrest had been declared to be arbitrary by the UN Working Group on Arbitrary Detention on September 1, 2009 (Mr. Cedeño had spent almost three years on remand in custody). In relation to this, President Chávez called her a "crook" and on December 11, 2009, ordered the Attorney General and the President of the Supreme Court to sentence Judge Afiuni to thirty years in prison. The following day, Judge Afiuni was accused of the crimes of "corruption", "accessory to an escape", "criminal conspiracy" and "abuse of power".

13 / This measure was agreed with a number of restrictions, including prohibiting contact with the media, and obligatory weekly visits.

Protección de los Periodistas - Conapro)[14] made a presentation during the Universal Periodic Review (UPR) before the UN Human Rights Council. Afterwards, the host of the TV programme "Dando y dando" broadcasting on the State channel *Venezolana de Televisión* made a speech against the members of Conapro. Among remarks to discredit the organisation, he made direct references to Mr. **Gregorio Salazar**, former Secretary General of the National Trade Union of Press Workers (*Sindicato Nacional de Trabajadores de la Prensa* - SNTP), Ms. **Silvia Alegrett**, President of the National School of Journalism (*Colegio Nacional del Periodismo* - CNP), and Mr. **Carlos Correa**, accusing them of being "traitors to their country, criminals, sell-outs [...] who should be in prison because when they bring information before the United Nations they are paving the way to justifying a military intervention by the United States in Venezuela". Similarly, on March 29, 2011, after representatives from Public Space, CNP, SNTP and the Andrés Bello Catholic University (*Universidad Católica Andrés Bello* - UCAB) Human Rights Centre participated in a private hearing before the IACHR and once again a State television programme discredited the individuals and organisations that had participated in the hearing. Principally, these people were categorised as "stateless" since they had gone to international bodies to report "against what is supposedly their country". Meanwhile, other journalists who declared themselves as supporters of the Government party published smear campaigns on different social networks, aimed against human rights defenders who attended the IACHR hearings. In particular, messages circulated on social networks discrediting Ms. **Ligia Bolívar**, Director of the UCAB Human Rights Centre, after she participated in a hearing before the IACHR regarding the situation of the freedom of expression and another hearing on the law granting legislative powers to the President of Venezuela[15].

Judicial harassment against a trade union leader after his participation in peaceful demonstrations

In 2010 and 2011, trade union leaders participating in peaceful protests continued to be subjected to judicial harassment. This was the case of Mr. **Rubén González**, Secretary General of the Orinoco Iron Ore Workers Union (*Sindicato de Trabajadores de Ferrominera Orinoco* - SINTRAFERROMINERA), who was arrested in September 2009 and

14 / Conapro is an Alliance of the National School of Journalism (*Colegio Nacional del Periodismo* - CNP), the National Trade Union of Press Workers (*Sindicato Nacional de Trabajadores de la Prensa* - SNTP), the Circle of Venezuelan Photojournalists (*Círculo de Reporteros Gráficos de Venezuela* - CRGV) and Public Space, who coordinate actions for the defence and protection of journalists, photojournalists and press workers, affected in their right to exercise their freedom of expression.

15 / See Public Space.

sentenced on February 28, 2011, to seven years and six months in prison, on charges of "illicit association", "restriction of the right to work", "road blockades", "inciting crimes" and "violation of security areas" after he organised a peaceful strike which paralysed the activities of the State company that is part of the Venezuelan Guayana Corporation (*Corporación Venezolana de Guayana* - CVG)[16]. On November 30, 2010, the International Labour Organisation (ILO) Committee for Trade Union Freedoms asked the Venezuelan Government to immediately release Mr. Rubén González and to offer him compensation for the damages and prejudices he suffered. While on March 3, 2011, the Chamber of Criminal Appeals of the Supreme Court of Justice granted him conditional release, as of April 2011, the charges against him had not been dropped and he was obliged to appear every two weeks before the court.

Progress in investigations into killings of independent journalists

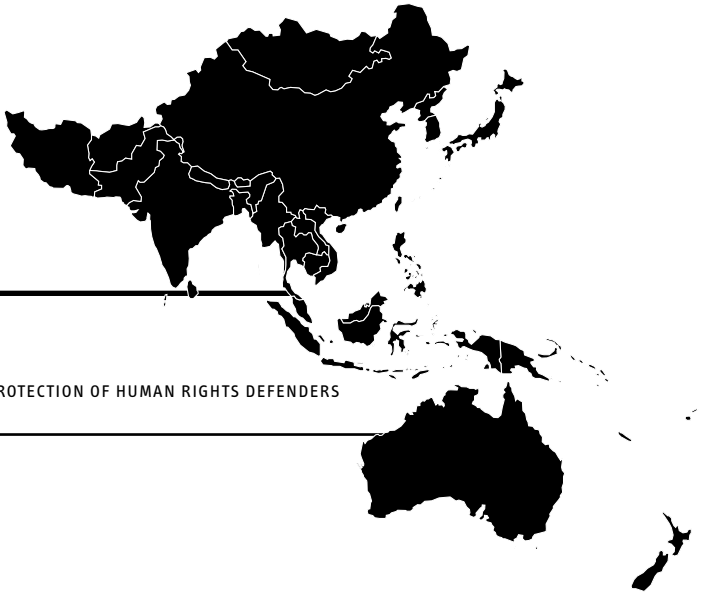
In 2010 and 2011, progress was made in the criminal prosecution in the cases of two independent journalists who were killed in 2009 after denouncing corruption and human rights violations. As of April 2011, two individuals were on trial for the murder of Mr. **Orel Sambrano**, Director of the weekly publication *ABC de la semana* and *Radio América*, which occurred on January 16, 2009. Related to the same case, on August 19, 2010, in Cúcuta, Colombia, Mr. Walid Makled was arrested, identified by the Venezuelan Scientific, Criminal, and Forensic Investigations Corps (*Cuerpo de Investigaciones Científicas Penales y Criminalísticas de Venezuela* - CICPC) as the person presumed to have planned the killing of Mr. Sambrano[17]. Meanwhile, on March 15, 2010, an individual was arrested who was presumed to have carried out the murder of Mr. **Mijail Martínez**, audiovisual producer and member of the Committee of Victims Against Impunity (*Comité de Víctimas contra la Impunidad*), who was killed on November 26, 2009. Another individual who carried out the crime was also identified, yet by April 2011, he had not been arrested. A preliminary hearing into this case was expected to take place in June 2011.

16 / Around 2,000 company workers participated in the strike to claim payment of amounts due to them and the fulfilment of benefits agreed in their collective labour agreement guidelines. The strike ended sixteen days later, with the signing of an agreement to end the strike in return for a commitment from the company to fulfil its obligations.

17 / Mr. Walid Makled was extradited to Venezuela on May 9, 2011, to be tried for this and other crimes.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
COFAVIC / Ms. **Aura Liscano** and Ms. **Liliana Ortega**	Slander campaign	Urgent Appeal VEN 001/0310/OBS 028	March 4, 2010
Ms. **Rocío San Miguel**	Harassment / Threats / Defamation	Urgent Appeal VEN 002/0510/OBS 062	May 17, 2010
Mr. **Humberto Prado**	Harassment	Urgent Appeal VEN 003/0610/OBS 070	June 2, 2010
Public Space and Press and Society Institute (IPYS)	Judicial harassment / Slander campaign	Urgent Appeal VEN 004/0710/OBS 089	July 22, 2010
Mr. **Rubén González**	Conditional release / Judicial harassment	Urgent Appeal VEN 001/0311/OBS 029	March 4, 2011



ASIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

REGIONAL ANALYSIS ASIA

In 2010-2011, the elections that took place in several countries of the Asian region were often accompanied by widespread frauds and irregularities as well as by increased restrictions in terms of freedoms of expression and assembly as Governments tightened their control on opposition voices and dissent (*Afghanistan*, *Bangladesh*, *Burma*, *Malaysia*, *Sri Lanka*, *The Philippines*, *Viet Nam*). In particular, in *Burma*, the first national elections that were held in twenty years in November 2010, were marred by a series of serious irregularities and draconian restrictions on freedom of association and of the press, rendering it neither free nor fair. Although 2010 also saw the historic release from house arrest of opposition leader Daw Aung San Suu Kyi after the elections, a general amnesty had yet to take place in Burma and over 2,000 political prisoners remained in detention.

Inadequate public security and the lack of a conducive environment for human rights defenders continued to significantly impact the work of activists throughout the region (*Afghanistan*, *India*, *Nepal, Pakistan*, *Sri Lanka*, *Thailand*, *The Philippines*), in particular in areas not fully under the control of the Government, such as the southern Terai districts in *Nepal*, the three southern border provinces of *Thailand*, Balochistan, the Federally Administered Tribal Areas (FATA) and the North West Frontier Province (NWFP) in *Pakistan*, in areas under Taliban control in *Afghanistan*, in the northern areas of *Sri Lanka* as well as in States where the Government of *India* had to fight the Naxalite (Maoist) insurgency and in Manipur, Jammu and Kashmir, where extrajudicial killings, enforced disappearances and other forms of violence remained rampant, often left unpunished. In such a context, several States in the region continued to use the pretext of political instability and national security to increase the grip on fundamental freedoms, in particular through the use of security or emergency laws (*India*, *Sri Lanka*, *Thailand*, *The Philippines*). For example, in *Thailand*, in the context of the crackdown of anti-Government protests led by the so-called "Red shirt" movement, the Emergency Decree on Public Administration in Emergency Situation (2005) gave the authorities wide-ranging powers to arbitrarily interrogate, detain without charge and impose censorship.

Past and present human rights violations, including acts of torture, ill-treatment and extrajudicial killings, continued to be unpunished during 2010-2011 (*Bangladesh*, *Indonesia*, *Nepal*, *Pakistan*, *Sri Lanka*, *The Philippines*), while public confidence and trust in the judiciary continued to erode in most Asian countries throughout the reporting period (*Cambodia*, *Iran*, *Malaysia*, *Viet Nam*). Corruption and political interference, information peddling, bribes and extortions affected the functioning of judicial bodies, which remained susceptible to outside influence and continued to be used as an instrument of repression. At the same time, the poor and the marginalised, including those involved in land disputes, continued to experience difficulties in obtaining justice from the judiciary.

The space for freedom of opinion and expression continued to shrink during the reporting period and tolerance for dissenting voices and opinions decreased. Access to information remained heavily restricted, and attacks on and harassment of journalists, closure of and restrictions placed on newspapers and TV stations, and the filtering of Internet content, including the closure of websites, remained widespread (*Bangladesh*, *Democratic People's Republic of Korea*, *China*, *Iran*, *Laos*, *Malaysia*, *Nepal*, *Sri Lanka*, *Thailand*, *Viet Nam*). The revolutions in the Middle East and North Africa also had an effect on the environment human rights defenders operated in, as they resulted in further restrictions on Internet, and on the use of mobile phones and social networking tools such as *Facebook* and *Twitter*. In addition, the responses of the authorities were extremely harsh to even the smallest signs of attempts to organise and act in favour of human rights (*China*, *Iran*).

The Intergovernmental Commission on Human Rights (AICHR) of the Association of Southeast Asian Nations (ASEAN) held its inaugural meeting in Jakarta, Indonesia, from March 28 to April 1, 2010. At its first meeting, the Commission confirmed its view that it cannot consider individual complaints of human rights violations because it has yet to adopt its Rules of Procedures on how to address such submissions. Instead, the body only discussed procedural matters in its three meetings in 2010 and adopted the Guidelines of Operations of AICHR in its fourth meeting in February 2011. The Guidelines, as well as the full account of the decisions and agreements made at the meeting, had not been published as of April 2011. Although the Commission's mandate calls for it to "develop strategies for the promotion and protection of human rights and fundamental freedoms to complement the building of the ASEAN community"[1], the body did not interpret this provision as extending to the ability to examine

1/ See Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights, Jakarta, October 2009.

individual cases of human rights violations. Moreover, Viet Nam's chairmanship of the ASEAN and its new human rights mechanism in 2010, did not have any tangible positive effect on the domestic human rights situation. On the contrary, human rights violations are said to have increased during this period.

Awarding Chinese human rights defender **Liu Xiaobo** the Nobel Peace Prize in 2010, increased the recognition of human rights defenders and provided new hope and impetus to human rights defenders not only in China, but across Asia. Yet, the fact that he was prevented from attending the award ceremony as he is currently serving an eleven-year prison sentence and that Chinese authorities censored all information concerning the award illustrate even more the plight human rights defenders continue to face, as violations of their rights remained widespread in 2010-2011. Indeed, while the primary responsibility to protect human rights defenders and to prosecute authors of violations against them lies with the States, they again often failed to do so in most countries of the region.

Stigmatisation and use of legislation to restrict human rights activities and the working environment of human rights defenders

In 2010-2011, Governments across the region continued to resort to legislative methods to further restrict human rights activities and the space available for human rights defenders (*Bangladesh*, *Cambodia*, *China*, *Indonesia*, *Iran*, *Pakistan*, *Thailand*, *Viet Nam*). Freedoms of association and expression also remained seriously hampered. In *Cambodia*, the adoption of ill-defined and restrictive laws gave rise to further concerns as a number of provisions of those laws and bills pave the way for more arbitrary administrative and judicial harassment against human rights defenders. In *China*, the amendments to the Law on Guarding State Secrets that came into effect in October 2010, still make it possible that virtually any information can be considered State secret. In *Iran*, vaguely worded provisions of the Criminal Code and the interests of national security were frequently invoked to curtail human rights activities. Provisions relating to defamation, incitement and blasphemy laws continued to be used in *Cambodia*, *Indonesia*, *Iran*, *Pakistan* and *Thailand* to crack down on any criticism of the Government and local authorities. Emergency and security laws, in some cases in force for several decades, were still used by several Governments in Asia as a means to curb the activities of human rights defenders and to prosecute them on various criminal charges (*India*, *Malaysia*, *Sri Lanka*, *Thailand*).

The right to peaceful assembly also continued to be restricted in a number of Asian countries (*Bangladesh*, *Cambodia, China, Malaysia, Thailand, Viet Nam*) throughout 2010 and in early 2011, by means of

further tightened legislation and through the denial of permits by the authorities, in some cases in breach of legislation in force. Additionally, law enforcement authorities often resorted to excessive use of force when dispersing peaceful demonstrations.

In countries such as *Laos*, *Viet Nam* and the *Democratic People's Republic of Korea*, systematic repression was again such that it renders impossible any independent or organised human rights activity, and the defence of human rights was still not regarded as a legitimate activity in many other countries in the region. Indeed, human rights defenders were often arbitrarily labelled as "terrorists", "insurgents", "militants", "belonging to leftists groups", "anti-patriotic" or "acting against the country" in *Iran*, *Nepal*, *Pakistan*, *Sri Lanka*, *The Philippines*, *Viet Nam*, and faced the consequences of targeted smear and slandering campaigns that merely aim at discrediting their work. Such labelling also rendered human rights defenders vulnerable to further acts of harassment against them.

Repression of human rights defenders and NGOs denouncing violations committed by security forces and impunity thereof

Throughout the region, human rights defenders continued to face harsh consequences for their efforts to expose and denounce human rights violations committed by security forces and other law enforcement agencies, and for calling for accountability for such acts as they were subjected to assassinations, attacks, arbitrary arrests and detention, judicial harassment and other obstacles to their legitimate human rights work against impunity (*Bangladesh*, *Fiji*, *India*, *Indonesia*, *Nepal*, *Sri Lanka*, *The Philippines*). In *Bangladesh*, a human rights defender was killed and a human rights NGO faced serious hindrances as authorities decided to cancel several of its proposed human rights projects. Similarly, in *Sri Lanka*, human rights defenders exposing human rights abuses committed during the civil war as well as continuing rights abuses, faced assassination, threats, attacks and lengthy prison sentences. In *Fiji*, in January 2010, prominent human rights lawyer Ms. **Imrana Jalal** and her husband were investigated by the Fiji Independent Commission Against Corruption (FICAC), and charged with seven misdemeanour offences after Ms. Jalal, a founding member of the Fiji Women's Rights Movement, had spoken out against human rights violations committed by the military when it overthrew the Laisenia Qarase-led Government in December 2006. All charges against Ms. Jalal were finally dismissed in July 2010[2].

2 / Charges against her husband on a related matter remained pending until June 2011, when they were in turn dismissed. See Women Human Rights Defenders International Coalition (WHRDIC) Statement, January 14, 2010.

Harassment of environmental and land rights activists opposing forced evictions and illegal exploitation of natural resources

In 2010-2011, environmental and land rights activists as well as defenders denouncing forced evictions routinely faced violence and arrests in a number of Asian States, and authorities frequently used judicial proceedings or the threat thereof, to restrict their activities and to intimidate them (*Cambodia*, *China*, *India*, *Indonesia*, *Malaysia*, *Republic of Korea*, *Sri Lanka*, *The Philippines*). In *Cambodia*, *India* and *Malaysia*, land rights activists and community leaders often faced criminal charges for their activities in defence of the land rights of rural or indigenous communities, including when denouncing development projects that threaten or destroy the land, natural resources and livelihood of communities. Demonstrations organised in favour of victims of forced evictions and land grabbing were also severely repressed. In *The Philippines*, activists opposing the establishment and extension of economic zones were assaulted and a leader of an alliance of displaced farmers opposing evictions, was shot dead. Defenders documenting ecological protection, including from mining and illegal logging, were arbitrarily arrested and detained (*India*, *Indonesia*, *Sri Lanka*), and were victims of attacks or even assassinations (*Indonesia*, *Sri Lanka*, *The Philippines*). Those denouncing forced evictions also continued to be subjected to judicial harassment in *China* as well as in the *Republic of Korea*, where Messrs. **Park Lae-gun** and **Lee Jong-hoi**, who led various protests calling for justice for those killed in the January 2009 police action against protests by evicted tenants at a building in the Yongsan district of Seoul, were sentenced on January 24, 2011 to respectively, a three-year-and-one-month jail sentence suspended for four years and a two-year jail sentence suspended for three years for "hosting an illegal protest" and "blocking traffic"[3].

Reprisals against human rights lawyers

Lawyers taking on sensitive or human rights related cases, such as judicial proceedings against opposition activists, journalists and human rights activists, continued to face reprisals for such activities in 2010-2011 (*Burma*, *China*, *Indonesia*, *Iran*, *Malaysia*, *Pakistan*, *Viet Nam*). In *Burma*, lawyers defending farmers who denounced the military occupation and confiscation of their lands were harassed by the police and local authorities. In *China* and *Viet Nam*, lawyers working on human rights cases, in particular those which are deemed "sensitive" by the authorities, such as the defence of political prisoners, bloggers, democracy and religious activists, human rights defenders, ethnic minorities, as well as independent religious groups,

3/ See Annual Report 2010.

still faced serious repression by the authorities, including lengthy prison sentences and disbarment, and frequently had their licences cancelled or revoked. Lawyers who took on cases related to blasphemy and religious minorities in *Indonesia* and *Pakistan* often found themselves harassed and intimidated, mostly by non-State actors, such as Islamic extremist groups. In *Iran*, the authorities continued to target human rights lawyers as part of an ongoing attempt to purge the human rights community, trying to reduce the number of those who are prepared to defend victims of the overtly flawed judicial system. In *Malaysia*, a human rights lawyer faced judicial proceedings in 2011 for helping Burmese migrant workers.

Repression of human rights defenders denouncing corruption

While corruption remained rampant in many countries of the region (*Bangladesh*, *Burma*, *Cambodia*, *China*, *India*, *Indonesia*, *Sri Lanka*), human rights defenders including journalists, who exposed such acts by Government officials and local politicians but also private actors, continued to face severe consequences for their work. Governments deployed increasingly creative methods including judicial harassment, torture and ill-treatment, and the adoption of hostile legislation, in order to curb such activities and to threaten those who might consider exposing such abuses in the future. In *Bangladesh*, the Editor of a newspaper faced arbitrary detention and the offices of the newspaper were raided by police. The paper was subsequently closed down. In *Burma*, human rights defenders who spoke out about widespread corruption by local authorities continued to face serious repercussions, often with the support of a subservient judicial system. In *India*, several Right to Information (RTI) activists who exposed corruption, were assassinated in 2010-2011. Activists who have been documenting cases of corruption related to the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) also faced assaults and received death threats. Human rights activists and journalists continued to face judicial harassment on politically motivated charges for questioning the Government's role in various scandals such as the 2008 earthquake in Sichuan and tainted milk scandal in *China*. In *Sri Lanka*, human rights defenders denouncing corruption sustained attacks as well as defamation campaigns in Government-controlled media.

Trade union leaders still subjected to serious harassment

As in previous years, trade union leaders were killed, harassed, threatened, dismissed from their jobs and criminally prosecuted for their work promoting labour rights (*Bangladesh*, *Burma*, *Cambodia*, *Fiji*, *Iran*, *Pakistan*, *Republic of Korea*). In *Bangladesh*, a peaceful demonstration that was organised in favour of workers' rights was violently dispersed by the police and several protesters and union leaders were arrested and faced prosecution.

The non governmental license of a trade union was also cancelled, thus depriving it of its legal right to operate in the country. In *Cambodia*, while the trade union movement remained shaken by the assassination of three trade union leaders in 2004 and 2007, acts of reprisals against trade union representatives continued unabated, including through judicial harassment. Additionally, Cambodian authorities regularly used violence, or the threat thereof, to prevent and disperse peaceful protests by workers relating to labour issues. In *Burma* and *Iran*, several trade union leaders continued to face lengthy detention in harsh conditions and criminal charges. In *Pakistan*, a trade union leader was shot dead. Moreover, in the *Republic of Korea*, members of the Seoul-Gyeonggi-Incheon Migrants Trade Union (MTU), a trade union established for and by migrant workers in South Korea, continued to be subjected to harassment and deportation because of their work in favour of undocumented migrants. On February 10, 2011, the Immigration Service cancelled the visa of Mr. **Michel Catuira**, MTU President and a documented Filipino migrant worker, and ordered him to leave the country by March 7, 2011. Since MTU was founded in 2005, five of its officers have been deported, supposedly for violations of Immigration Control Act. In addition, the South Korean Government continued to refuse to recognise MTU's status as a legal union[4]. In *Fiji*, in February 2011, Mr. **Felix Anthony**, Secretary General of the Fiji Trade Union Congress (FTUC) as well as of the Sugar Workers' Union, was subjected to threats, assault and intimidation acts by military officers, along with Messrs. **Mohammed Khalil** and **Anil Kumar**, respectively President and Vice-President of Fiji Sugar and General Workers' Union, Ba branch, and *Fiji Times* reporter **Felix Chaudhry** following an article that was published in the national newspaper *Fiji Times* with respect to the sugar industry[5].

Ongoing reprisals against women human rights defenders

Women's rights defenders continued to face harsh repression for their legitimate work on human rights issues throughout 2010-2011 (*Afghanistan*, *India*, *Iran*, *Malaysia*, *Nepal*). Their freedom of assembly was routinely denied by the authorities. In *Iran*, many faced intimidation, harassment and in some cases, detention or travel bans. In particular, dozens of members of the "One Million Signatures" Campaign were repeatedly imprisoned on often spurious charges such as "propaganda against the system" and "acting against national security". In *India*, defenders of women's rights continued to face harassment from non-State actors, and were frequently unable to receive the attention and support of law enforcement agencies to their plight. A group of women human rights defenders

4 / See MTU Statement, February 2011.

5 / See International Trade Union Confederation (ITUC) Statement, March 2, 2011.

advocating for women's rights in *Malaysia* also faced judicial harassment. In *Nepal*, women human rights defenders remained particularly vulnerable as they often faced hostility from their own families and communities, as well as from the police. Finally, in areas under Taliban control in *Afghanistan*, women human rights defenders were often subjected to threats, intimidation and violence. For instance, two Afghan aid workers were killed in Helmand after returning from Garmseer district where they were running a project for women's economic empowerment[6].

Acts of harassment against defenders of the rights of minorities or marginalised communities

In 2010-2011, defenders of the rights of cultural, ethnic and religious minorities or marginalised communities were again in 2010-2011 victims of various acts of harassment as reprisals to their activities (*China*, *India*, *Indonesia*, *Iran*, *Nepal*, *Pakistan*). In *India*, defenders working to promote and protect the rights of marginalised groups, including the Dalits and Adivasis (tribals), religious minorities and sexual minorities, faced particular risks when carrying out their activities, including arbitrary arrest and detention, and criminal charges such as "sedition" and "conspiracy". Similarly, in *Nepal*, those defending the rights of marginalised communities, including the Dalits, faced serious obstacles in carrying out their activities given the lack of social recognition and legitimacy of their work. In *China*, activists promoting and protecting the rights of persons living with HIV/AIDS faced harassment by the judiciary and tax authorities. In *Indonesia*, activists promoting the rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people faced threats and attacks by radical, extremist religious groups. Several human rights defenders who promoted rights of the Kurdish and Azeri people remained arbitrarily detained in *Iran*. Human rights defenders working on the rights of religious minorities also faced increased risks in *Indonesia* and *Pakistan*.

Urgent Intervention issued by The Observatory from January 2010 to April 2011 on countries of the region for which there is no country fact-sheet

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
REPUBLIC OF KOREA		Lack of consultation with NGOs	Press Release	April 14, 2011

6 / See Amnesty International Annual Report 2011.

BANGLADESH

In 2010-2011, while torture, ill-treatment and extrajudicial killings continued unabated, impunity for such acts remained widespread. The space for freedom of opinion and expression also further shrank. In such a context, journalists exposing cases of corruption and denouncing human rights violations were victims of judicial harassment, attacks and threats, and human rights defenders and organisations were subjected to various acts of harassment, including killings, in particular when denouncing human rights violations committed by security forces. Freedom of peaceful assembly also continued to be hampered.

Political context

Since June 2010, the Bangladeshi Parliament has conducted its work without opposition MPs, when the Bangladesh Nationalist Party (BNP)-led opposition MPs walked out of the Parliament in protest over the arrest of a *Amar Desh* journalist[1]. Although similar tactics were used by the opposition parties in the past, it raised concerns about the effectiveness of the legislative process and about opposition's ability to influence Government policy[2].

Impunity for acts of torture and ill-treatment, as well as extrajudicial (or "crossfire") killings continued during 2010-2011[3]. Despite high-level assurances to the contrary[4], successive Governments have shown indifference to these practices, committed mainly by the Rapid Action Battalion (RAB) and members of the police[5]. During the course of 2010, 127 persons were reportedly killed extra-judicially, the majority of them by members of RAB, mostly in "crossfire" incidents. Between January and March 2011, 33 persons were killed extra-judicially[6]. Furthermore, although torture is prohibited by Article 35.5 of the Constitution, torture and ill-treatment remained pervasive and was practiced regularly by law

1/ See *infra*. Since then, they only returned to Parliament once for a very brief time.
2/ See Odhikar, *Human Rights Report 2010*, January 1, 2011.
3/ According to Odhikar, one person is killed extra-judicially every three days in Bangladesh. See Odhikar, *Human Rights Monitoring Report on Bangladesh, January 1 - March 31, 2011*, April 1, 2011.
4/ See Annual Report 2010.
5/ See Odhikar, *Human Rights Report 2010*, January 1, 2011.
6/ Although the Ministry of Home Affairs concluded in two cases during the reporting period that the deaths caused by the RAB or the police were summary executions, no perpetrators were convicted. See Odhikar, *Human Rights Monitoring Report on Bangladesh, January 1 - March 31, 2011*, April 1, 2011.

enforcement agencies[7]. One of the contributing factors was the fact that despite its Constitutional prohibition, torture is not a criminal offence under Bangladeshi law. Torture also remained routine in remand detention. In addition, despite the widespread and well-known practice, Magistrates continued to admit statements from accused persons held in remand detention. The Border Security Force (BSF) of India also continued to commit human rights violations, including killings, abductions and torture and other forms of violence along the India-Bangladesh border. The BSF also frequently conducted operations deep in Bangladeshi territories. Yet, these concerns were not raised by Prime Minister Sheikh Hasina during her official visit to India in January 2010[8].

In 2010-2011, the space for freedom of opinion and expression continued to shrink as attacks on and harassment of journalists by supporters of political parties, closure of and restrictions placed on newspapers and TV stations remained widespread.

On April 26, 2010, the Government approved the amendments to the Anti-Corruption Commission (ACC) Act of 2004, which was tabled in the Parliament on February 28, 2011. The amendments, if adopted in their current form, risk increasing political and administrative corruption, since the Government's prior permission would be necessary for filing a case against Government officials. Furthermore, the proposed amendments would significantly strengthen the Government's control over the Commission, since it would become accountable to the President and the Secretary of the ACC would be appointed by the Government[9]. However, on a positive note, Bangladesh ratified the Rome Statute of the International Criminal Court (ICC) on March 22, 2010[10]. The Cabinet also ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) on April 11, 2011, but the Government had yet to deposit the instrument of ratification with the United Nations as of the end of April 2011.

Reprisals against journalists denouncing corruption and human rights violations

Journalists exposing cases of corruption and denouncing human rights violations continued to suffer severe consequences, including judicial

7 / According to Odhikar, in 2010, 67 persons had been tortured by various law enforcement agencies. See Odhikar, *Human Rights Report*, January 1, 2011.
8 / See Odhikar, *Human Rights Monitoring Report on Bangladesh, January 1-31, 2010*, February 1, 2010.
9 / See Odhikar, *Human Rights Monitoring Report on Bangladesh, January 1 - March 31, 2011*, April 1, 2011.
10 / See Odhikar Press Statement, March 22, 2010.

harassment, torture and ill-treatment. In particular, the daily newspaper *Amar Desh*, which regularly reports on corruption cases and is critical of the Government, and its staff members were targeted by the police and the judiciary. On June 1, 2010, the press office of *Amar Desh* was raided by armed forces, and declared closed. This harassment followed the publication of reports on cases of corruption of high-ranking Government officials as well as of sensitive and undisclosed sections of a Government-appointed investigation committee report on violations committed by the Bangladesh Rifles[11]. On June 2, 2010, agents of the Tejgaon police station entered the *Amar Desh* offices, arrested Mr. **Mahmudur Rahman**, *Amar Desh* Acting Editor, and charged him under Sections 419, 420 and 500 of the Code of Criminal Procedure for "cheating by impersonation", "dishonestly inducing delivery of property" and "defamation". The Tejgaon police station also filed a case against Mr. Rahman as well as against *Amar Desh* Deputy Editor Mr. **Syed Abdal Ahmed**, Assistant Editor Mr. **Sanjeeb Chowdhury**, City Editor Mr. **Jahed Chowdhury**, reporter **Alauddin Arif** and the office assistant **Saiful Islam**, as well as 400 unnamed people for, *inter alia*, "obstructing Government officials to perform their duties" during Mr. Rahman's arrest, under Sections 143, 342, 332, 353, 186, 506, 114 of the Criminal Code. As of April 2011, the investigating officer had not submitted the charge sheet yet and Messrs. Syed Abdal Ahmed, Sanjeeb Chowdhury, Jahed Chowdhury, Alauddin Arif and Saiful Islam had to appear before the court every month as the case remained under investigation. On June 6, 2010, another case was filed against Mr. Rahman for, *inter alia*, "obstructing Government officials to perform their duties" under Sections 143, 186, 332, 353, 225B/34 of the Criminal Code, while he was already in custody. Moreover, on June 8, 2010, the Magistrates Court No. 7 issued another four-day detention period against Mr. Mahmudur Rahman for "printing banned leaflets" under Section 6(1) of the Anti-Terrorism Act 2009, as well as an additional four-day detention period for "conspiring against the State" on the basis of a case lodged under Sections 121A ("waging war or attempting to wage war against the State"), 124A ("sedition") and 114 ("abettor present when offence is committed") of the Criminal Code, leading to a total remand period of twelve days. Furthermore, on the night of June 10, five or six men entered Mr. Rahman's cell and removed his clothes, and then proceeded to hit him so hard that he lost consciousness. On June 12, 2010, Mr. Rahman was brought before the Magistrates Court where he reported that he was subjected to acts

11/ The Bangladesh Rifles are paramilitary forces that deal with security matters at the borders of the country.

of inhuman and degrading treatment while in detention[12]. On the same day, Mr. Rahman was remanded for four days under the Anti-Terrorism Act. On June 24, 2010, the Magistrates Court ordered Mr. Mahmudur Rahman's transfer to the Dhaka central jail. On August 19, 2010, the Appellate Division of the Supreme Court sentenced him to six months of imprisonment for "gross contempt of court" for having published a report on April 21, 2010 that criticised the role of the Attorney General's office for placing false submissions about some cases, and fined him for 100,000 taka (about 1,130 euros). On the same day, the Court also sentenced Mr. **Oliullah Noman**, staff reporter of *Amar Desh*, and Mr. **Hashmat Ali**, publisher of the same newspaper, to fines of 10,000 taka (about 113 euros) for "contempt of court" in relation to their responsibility in the publication of the report. Moreover, Mr. Noman was sentenced to one month imprisonment. On March 17, 2011, Mr. Mahmudur Rahman was released on bail from the Gazipur district jail after having served nine and a half months in prison but remained prosecuted for 49 cases under numerous charges including "defamation", "sedition" and several offences defined in the Anti-Terrorism Act 2009. On March 28, 2011, Mr. Mahmudur Rahman, who was scheduled to appear before two different courts - the Chief Metropolitan Magistrate's Court of Dhaka and the District Court of Gopalganj, located at a distance of 250 km from each other - on "defamation" and "cheating" charges, under Section 420, 469, 500, 501 and 34 of the Criminal Code, in relation to articles published in *Amar Desh*, appeared at Dhaka while his lawyer appeared before the Gopalganj Court and applied for the postponement of the trial and displayed the documents related to the Dhaka Court's summon. The Judge in Gopalganj rejected the application and issued an arrest warrant against Mr. Mahmudur Rahman, who was subsequently granted bail. During the same hearing, the Judge in Gopalganj also issued arrest warrants against Messrs. **H. M. Mehedi Hasnat**, correspondent of the *Dainik Destiny* in Kotalipara, and **Jahangir Hossain Sheikh**, Acting Editor of the weekly *Matrimukti*, in relation to a report published in *Amar Desh* on April 4, 2010 alleging that some Awami League leaders and their relatives had been involved in war crimes committed in 1971. Both were subsequently released on bail[13].

Journalists were also victims of physical attacks and threats for reporting on human rights issues. For instance, on February 23, 2010, Mr. **Khalilur Rahman Sumon**, a human rights defender with Odhikar and staff member

12 / Mr. Rahman lost weight and suffered from pain due to the acts of ill-treatment suffered while in custody. For instance, on June 23, he was kept blindfolded and handcuffed to the window bar of a small room for ten hours.

13 / On August 2, 2011, the case was withdrawn by the complainant.

of the *Daily Probaho*, was stabbed and severely wounded by a group of unknown persons as he was returning home from his office. Two unidentified persons grabbed him close to the Bangobashi school at Khalishpur, while a group of seven or eight persons blindfolded him and stabbed him in the chest. On February 27, 2010, Mr. Khalilur Rahman Sumon lodged a complaint with the local police, which submitted its final report in December 2010[14]. On February 23 and 26, 2010, Mr. **Nurul Kabir**, Editor of the newspaper *New Age* well-known for covering human rights issues, in particular abuses committed by law enforcing agencies, and who published many articles on the misuse of power, corruption and torture against various intelligence agencies, received threats by phone from an unknown person who identified himself as "Mamun". He was threatened with dire consequences for himself and his family if he continued "to write and speak against terrorism and violence". Mr. Kabir filed a general diary at the police station. However, the police only recorded his complaint and no investigation was carried out[15].

Repression of human rights defenders and NGOs denouncing violations committed by security forces

Human rights defenders and organisations continued to be subjected to various acts of harassment, including killings, in 2010-2011 when denouncing human rights violations committed by security forces. Indeed, on March 15, 2010, Mr. **Abdullah Al Farooq**, a lawyer and human rights defender with Odhikar, who provided legal support to the poor victims and was very much vocal in the Bar Association against injustices and corruption, was killed by unknown persons. Mr. Al Farooq was on his way home from a meeting with a senior lawyer when he was stabbed. As of April 2011, the investigation had not been completed yet[16]. On March 22, 2010, an exhibition organised by Drik Gallery highlighting the crossfire killings committed by RAB was closed down by the police on March 22, 2010, before being later allowed to reopen by a decision of the High Court on March 29, 2010[17]. Moreover, the human rights NGO Odhikar contin-

14 / When the police do not get any evidence, clue, witness in relation to a specific case, they submit a final report to the Court after investigation. It means the case has no more valid reason to continue and the case will subsequently be closed if the Court approves the final report. However, the case can be re-opened and re-investigated if the complainant submits an objection petition against the final report claiming that the police did not properly investigate the case and was biased. In the case of Mr. Khalilur Rahman Sumon, no witness was found during the investigation and he did not submit any objection petition against the police final report. See Odhikar, *Human Rights Monitoring Report on Bangladesh, February 1-28, 2010*, March 1, 2010.

15 / See Odhikar, *Human Rights Monitoring Report on Bangladesh, February 1-28, 2010*, March 1, 2010.

16 / See Odhikar, *Human Rights Monitoring Report on Bangladesh, January-March 2010*, April 1, 2010.

17 / See Odhikar.

ued to face serious obstacles in carrying out its activities, as Bangladeshi authorities decided to cancel several of its proposed human rights projects. On February 11, 2010, the NGO Affairs Bureau (NGO-AB) under the Prime Minister's office refused to give permission for the extension until March 31, 2010 of a project entitled "Human Rights Defenders Training and Advocacy Programme in Bangladesh", based on a previous objection from the Ministry of Home Affairs[18]. Similarly, on July 7 and 12, 2010, two projects funded by the Finnish NGO Foundation for Human Rights (KIOS) and the Embassy of the Kingdom of the Netherlands respectively on human rights documentation in Bangladesh were submitted to the NGO-AB. After submission, the NGO-AB sent a number of queries to Odhikar for clarification, to which Odhikar duly submitted responses. The NGO-AB then sent the proposals to the Ministry of Home Affairs and the National Human Rights Commission (NHRC) for their opinion on September 9 and 27, 2010. The Home Ministry asked the National Security Intelligence (NSI) and the Special Branch of police to investigate the matter. On December 28, 2010, Odhikar also submitted a request to the NGO-AB for approval of a EU-funded project aiming at campaigning to criminalise torture under the laws of Bangladesh, creating awareness about the Convention Against Torture (CAT) and its Optional Protocol through monitoring and policy advocacy, and to improve the human rights situation of Bangladesh. Although according to its Rules of Business, the NGO-AB has to make a decision on a proposed project within 45 days after the reception of all relevant information, and that after it has examined the project proposal; the Bureau sends it to the relevant Ministry, which has 21 days to provide its comments regarding the project, as of April 2011, the NGO-AB had yet to give its approval, despite the numerous clarifications that Odhikar made to the Bureau's queries. The officials from the Special Branch of police and NSI also visited Odhikar and collected information about Odhikar and its Executive Committee members and the organisation's previous activities.

Meanwhile, Odhikar members came under close scrutiny by the authorities and continued to be harassed by the security forces and the intelligence apparatus. For example, on October 5, 2010, a person, who identified himself as a policeman from the Special Branch, approached the gate of the building housing Odhikar's offices and requested entry, but was turned away by the security guard. A second person, who asked after Mr. **Adilur Rahman Khan**, Odhikar Secretary and a member of OMCT General Assembly, was similarly turned away. A third person, who also

18 / See Annual Report 2010.

identified himself as an officer of the Special Branch, finally gained access to Odhikar's offices and told its Director, Mr. **Nasiruddin Elan**, that his superior wanted to talk to him. On October 6, 2010, two persons from the City Special Branch (Gulshan zone) again wanted to access Odhikar's offices but they were closed. On October 7, two officers from the City Special Branch visited Odhikar again and enquired about Mr. Adilur Rahman Khan, requesting to receive his CV, passport details and information about his political background. Mr. Khan refused to cooperate since the officers were not in possession of a valid warrant. On October 9, the Additional Superintendent of the police of the City Special Branch invited Mr. Khan to a meeting at his office in order to "develop a relationship". This was again refused by Mr. Khan. On October 23, 2010, Mr. Nasiruddin Elan went to the Munshiganj NSI office and was questioned about his political views and was informed that the current investigation was carried out upon order from "higher officials". On November 3, 2010, while checking on the status of one of Odhikar's projects in a Government office, Mr. Nasiruddin Elan was warned that "the government was extremely annoyed" with Odhikar; that the Secretary of Odhikar should "take care when travelling"; and that Odhikar's offices were constantly monitored by the Special Branch. Odhikar received further phone calls and visits from the Special Branch of the police on December 25 and 26, 2010.

Obstacles to freedom of peaceful assembly

Freedom of peaceful assembly continued to be hampered in 2010-2011. For instance, in July 2010, a peaceful demonstration that was organised in favour of workers' rights was violently dispersed by the police. Following a growing social unrest in June 2010 among garment factory workers, who suffer from harsh living conditions due to extremely poor wages that barely allow them to ensure the survival of their families, the Governmental Committee on the Minimum Wage decided on July 27, 2010 to raise minimum wages by 80% up to 3,000 taka per month (about 34 euros), a decision that was officially announced on July 29 by the Labour and Employment Ministry. However, workers considered this minimum wage insufficient and demanded a raise up to 5,000 taka (about 56 euros). On July 30 and 31, 2010, following the Labour and Employment Ministry's announcement, the textile workers expressed their extreme discontent by demonstrating in the streets, when the police forces reportedly fired tear gas on the demonstrators and brutally charged at them. Several protesters and union leaders were arrested, including union leaders Ms. **Kalpona Akter**, Secretary General of the Bangladesh Centre for Worker Solidarity (BCWS), Mr. **Babul Akhter**, BCWS Law and Research Secretary, and Mr. **Aminul Islam**, also a member of the BCWS, who were all accused of "inciting workers unrest during the protests". On September 10,

2010, they were released on bail from the Dhaka central jail but, as of April 2011, the charges against them remained pending. Moreover, on June 3, 2010, the NGO-AB cancelled the non-governmental license of the BCWS, thus depriving it of its legal right to operate in the country. The bank account of the institution was closed, following an order issued by the Director General of the NGO-AB[19]. Furthermore, as of April 2011, Messrs. **Ashish Koroa** and **Prince Mahmud**, two leaders of the cultural organisation "Lamppost", remained prosecuted under Sections 352 and 232 of the Criminal Code ("punishment for assault or criminal force otherwise than on grave provocation" and "counterfeiting Bangladesh coin"). Messrs. Koroa and Mahmud had been arrested on July 5, 2009 for taking part in a peaceful protest in front of the Indian High Commission to demand the cessation of the construction of the Tipaimukh dam at Monipur, India, as this will affect Bangladesh's environment. The demonstration also aimed at protesting against police abuses at Lalgar[20], India, along with human rights violations and interference of India in Bangladeshi politics. The baton-charge of the police left around thirty people, both men and women, injured. Although Messrs. Ashish Koroa and Prince Mahmud were subsequently released on bail, the case has since then remained pending against them. Since February 22, 2010, when the charges against them were framed, six hearings have taken place. Yet, the prosecution failed to produce any witness. The next hearing was to take place on August 23, 2011.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Odhikar	Obstacles to freedom of association	Open Letter to the authorities	February 18, 2010
Odhikar / Mr. **Adilur Rahman Khan**	Harassment / Surveillance	Urgent Appeal BGD 001/0311/OBS 039	March 22, 2011
Amar Desh / Messrs. **Mahmudur Rahman, Syed Abdal Ahmed, Sanjeeb Chowdhury, Jahed Chowdhury, Alauddin Arif** and **Saiful Islam**	Arbitrary detention / Closure of newspaper / Judicial harassment / Ill-treatments	Urgent Appeal BGD 001/0610/OBS 075	June 15, 2010
	Ongoing arbitrary detention / Judicial harassment / Ill-treatment	Urgent Appeal BGD 001/0610/OBS 075.1	July 1, 2010

19 / On July 17, 2011, the NGO-AB issued a letter saying that Ms. Kalpona Akter and Mr. Babul Akhter would have to be removed for the organisation and, as a consequence, the Social Welfare Department rejected BCWS's registration on July 31, 2011, adding that "from now on the BCWS should be abolished", since BCWS could not submit its annual report for 2010 to the Department.

20 / Lalgar is an area in the West Bengal State of India where radical left activists have developed a movement on land rights issues and the West Bengal State Government with the support of the Central Government had unleashed atrocities against the local people of Lalgar.

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. Mahmudur Rahman, **Oliullah Nomana** and **Hashmat Ali**	Release on bail / Judicial harassment	Urgent Appeal BGD 001/0610/OBS 075.2	March 21, 2011
Messrs. Mahmudur Rahman, **H. M. Mehedi Hasnat** and **Jahangir Hossain Sheikh**	Judicial harassment	Urgent Appeal BGD 001/0610/OBS 075.3	April 8, 2011
Ms. **Kalpona Akter** and Messrs. **Babul Akhter** and **Aminul Islam**	Harassment	Open Letter to the authorities	August 20, 2010

BURMA

In 2010-2011, human rights defenders continued to face harsh repression. Many remained detained in very harsh conditions, as they were subjected to torture and forced labour, and denied medical treatment, which led to the death of at least one human rights defender in May 2010. In particular, the crackdown on trade unionists, land rights activists, lawyers who provided legal assistance to political prisoners as well as on individuals active in relief efforts in the aftermath of Cyclone Nargis, continued unabated.

Political context

2010 was largely dominated by the first national elections in twenty years in Burma, which were held on November 7, 2010. Yet, it is estimated that at least 1.5 million voters were excluded from the electoral process – largely on ethnic basis[1]. The pre-election period, election day, and the post-election period were marred by restrictions as well as widespread repression and human rights abuses[2]. Concerns were raised about restrictions in terms of campaigning, registration, freedoms of expression and assembly, limited access to the media and lack of free and balanced reporting[3]. Additionally, Directive 2/2010 which was issued on June 23, 2010, prohibited most activities related to electoral campaigning, including the holding of flags, chanting slogans, and walking to and from assembly

1/ On March 9, 2010, the Political Parties Legislation Law was enacted, which bars monks, nuns, leaders of other religions, civil servants and political prisoners, among others, from participating in the elections. On September 16, 2010, the regime announced that voting would be cancelled in approximately 3,400 villages in ethnic nationality areas, supposedly due to security concerns. See Assistance Association for Political Prisoners (AAPP) Report, *Silencing dissent: The ongoing imprisonment of Burma's political activists in the lead up to the 2010 elections*, November 2010.

2/ The elections were considered as not having met internationally accepted standards. See Declaration by Catherine Ashton on behalf of the European Union (EU) on the elections in Burma/Myanmar, November 7, 2010 and EU Council Conclusions on Burma/Myanmar, April 12, 2011. The EU Council concluded that the general elections were not free, fair or inclusive, but considered that they may provide the potential for peaceful change and greater pluralism. The EU also decided to renew the sanctions against Burma for an additional twelve months, while at the same time pledging to closely monitor developments and adjust measures if necessary.

3/ See UN General Assembly Report, *Situation of human rights in Myanmar, Report of the Secretary-General*, UN Document A/65/367, September 14, 2010. The Human Rights Council considered the elections a "missed opportunity" and expressed its concerns about the lack of independence of the electoral commission and the restrictions imposed by electoral laws. See Human Rights Council Resolution, UN Document A/HRC/16/24, March 25, 2011.

venues[4]. Serious restrictions were introduced on the media, which were prohibited from publishing interviews with various opposition figures, as well as commenting on electoral laws and the 2008 Constitution. International observers and media representatives were also barred from following the electoral process on election day. In light of the restrictive electoral laws and a Constitution that effectively guarantees military dominance for the new Government, the largest opposition party, the National League for Democracy (NLD), and the second-largest vote winner in the 1990 elections, the Shan Nationalities League for Democracy (SNLD), decided to boycott the elections[5]. The military-backed Union Solidarity and Development Party (USDP)[6] took 80% of the parliamentary seats. On November 13, six days after the elections, Daw Aung San Suu Kyi, General Secretary of the NLD, was released after spending seven years under house arrest.

The new military-dominated Parliament held its first meeting on January 31, 2011 and subsequently elected high-ranking officials from the former ruling State Peace and Development Council (SPDC) to Burma's top political offices, ensuring the continued dominance of the political system by the same group of people who ruled Burma for the past decades. Human rights abuses committed under the previous regime continued unabated. Extrajudicial killings, forced labour, torture, rape and recruitment of child soldiers were still committed in Burma with total impunity.

Individuals continued to be subjected to imprisonment on political grounds and without being accorded the right to a fair trial and due process, such as legal representation and open trials[7]. Incommunicado detention as well as torture and ill-treatment remained rampant in Burma's prisons and detention centres[8]. Conditions in prisons were also very poor, lacking in hygiene and often not providing adequate nutrition and medical care to prisoners. Many political prisoners were kept in remote locations far away from their hometown, making it extremely difficult for family members to

4 / See AAPP Report, *Silencing dissent: The ongoing imprisonment of Burma's political activists in the lead up to the 2010 elections*, November 2010.

5 / The NLD was dissolved on May 7, 2010, after it failed to re-register as a political party within the deadline imposed by the Election Commission. On September 14, the Election Commission officially confirmed the dissolution of the NLD.

6 / USDP was formed in April 2010 by Prime Minister (and former General) Thein Sein and 27 other SPDC cabinet ministers.

7 / See AAPP Report, *Silencing dissent: The ongoing imprisonment of Burma's political activists in the lead up to the 2010 elections*, November 2010.

8 / See AAPP Reports, *Torture, Political Prisoners and the Un-rule of Law: Challenges to Peace, Security and Human Rights in Burma*, as well as *Silencing dissent: The ongoing imprisonment of Burma's political activists in the lead up to the 2010 elections*, October and November 2010.

deliver food and medicine. As of April 2011, a general amnesty for political prisoners had yet to take place and over 2,000 of them remained detained[9], despite repeated calls by the international community.

Relations with UN human rights mechanisms remained strained throughout the reporting period. In particular, the Special Rapporteur on the Situation of Human Rights in Myanmar, Mr. Tomás Ojea Quintana, has been denied access to the country since February 2010. On March 26, 2010, the Human Rights Council adopted a resolution calling for the release of all political prisoners, to ensure a free, transparent and fair electoral process and to lift the restrictions on freedoms of assembly, association, movement and expression[10]. A similar resolution was adopted on March 25, 2011, which strongly condemned the ongoing systematic violations of human rights and fundamental freedoms which also forced thousands of people to seek refuge in neighbouring countries[11]. The human rights record of Burma was examined in the framework of the Universal Periodic Review (UPR) mechanism of the Human Rights Council in January 2011, during which Burma denied there were any political prisoners and rejected seventy recommendations[12].

Targeting of trade unionists and land rights activists

In 2010-2011, trade unionists continued to be subjected to arbitrary detention and harsh sentences. As of April 2011, Mr. **Bo Min Yu Ko**, aka **Phyo Gyi**, a member of the Mandalay branch of the All Burma Federation of Student Unions (ABFSU), the largest national student organisation, outlawed by the regime, remained detained in Mandalay. Arrested in September 2008, he was sentenced on January 3, 2009 to a total of 104 years of imprisonment by the Obo Prison Court in Mandalay. Moreover, on May 21, 2010, with his first sentence set to expire in one year, Mr. **Kyaw Ko Ko**, a leader of ABFSU, received an additional five-year jail sentence

9 / According to AAPP, as of December 31, 2010, there were 2,189 political prisoners in Burma. See AAPP Report, *AAPP 2010 Annual Report: Political Prisoners in Burma*, 2011.

10 / See Human Rights Council Resolution, UN Document A/HRC/13/25, March 26, 2010.

11 / See Human Rights Council Resolution, UN Document A/HRC/16/24, March 25, 2011.

12 / On the recommendations proposed, the Government accepted, among others, calls for the ratification of the core international human rights instruments; to bring the judiciary in line with international standards; to cooperate effectively with Human Rights Council special procedures and mechanisms; to end and prohibit torture, forced labour and child labour; and to undertake further efforts to prevent the use of child soldiers and demobilise existing ones. The seventy recommendations rejected were calling, among others, to take immediate steps to end continuing violations of international human rights law; to amend the Constitution to bring it in line with international human rights standards; or to repeal Article 445 of the Constitution that effectively grants immunity to military and State officials even for criminal offences. See Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Myanmar*, UN Document A/HRC/17/9, March 24, 2011.

by a Rangoon's Kyauktada Township Court for "unlawful association" and "subversion", which according to his defence lawyer, he was alleged to have committed during the monks' protests in 2007. Mr. Kyaw Ko Ko was arrested in March 2008 along with Mr. **Nyan Linn Aung**, another leader of ABFSU. Both men were sentenced on February 9, 2009 to three years of imprisonment each by Rangoon Mingalar Taung Nyunt Township Court for "possessing illegal videos" of the 1988 uprising under the Video Act, which regulates uncensored videos. As of April 2011, Messrs. Kyaw Ko Ko and Nyan Linn Aung remained detained in Taunggyi prison. As of April 2011, Ms. **Su Su Nway**, a labour activist and a member of the youth wing of the NLD, also remained detained in Hkamti prison. Arrested in November 2007 during a UN visit to Myanmar to investigate the September 2007 crackdown, after attempting to put up leaflets near the hotel where a UN investigator was staying, she was sentenced on November 11, 2008 to twelve years and a half in prison[13].

Land rights activists also continued to face repression in 2010-2011. As of April 2011, Mr. **Ko Zaw Htay** remained detained in Thayet prison. On January 23, 2009, Mr. Ko Zaw Htay was found guilty of giving out official secrets and sentenced by Magwe Township Court to ten years in prison on charges of "leaking sensitive information", for taking video footage of army-confiscated land and sending it abroad in order to help farmers in Natmauk township, Magwe division, to lodge complaints before the International Labour Organisation (ILO) on the seizure of more than 5,000 acres of land by the military. On a positive note, on March 5, 2010, Mr. **Pho Phyu**, a labour rights lawyer who had assisted farmers whose land had been forcibly seized by the army, was released from prison after his sentence was reduced to one year imprisonment following pressure by the ILO. Yet, shortly after his release, he received a notice that his licence had been revoked. He had been arrested on January 15, 2009 and sentenced to a four-year imprisonment on March 17, 2009 after representing labour activists detained for reporting the seizure of farmland to the ILO[14]. On August 24, 2010, Messrs. **Myint Maung** and **Thura Aung**, two activists who had assisted farmers in central Burma in filing legal proceed-

13 / Ms. Su Su Nway was the first person to successfully prosecute local authorities for their practice of forced labour in 2005. She had already been imprisoned after successfully taking legal action against village authorities over their use of forced labour. The officials concerned received prison terms, following which Ms. Su Su Nway was charged with "criminal intimidation" and sentenced to eighteen months in jail in October 2005. She was later released in June 2006.

14 / Following the ILO Liaison Office in Rangoon intervention, on February 17, 2010, the Magwe Divisional Court reduced to four months the initial jail terms against the eleven arrested farmers who had complained to the ILO over land confiscation by the regime. They were all released from Thayet prison, as they had already served more than four months in pre-trial detention.

ings against the seizure of their farmlands by local industry, were released from Thayet prison after winning an appeal through the Central Court in Mandalay division, which reduced their sentences to six months and one year, respectively. Mr. Myint Maung had been sentenced in December 2009 to two years in prison under section 427 of the Criminal Code, while Mr. Thura Aung had been given seven years in late 2008 under section 6 (1) of the Public Property Protection Act[15].

Moreover, on June 23, 2010, Mr. Pho Phyu and six others labour rights activists were summoned by the Rangoon police chief and told that their request to form an independent labour union had been rejected, with officials from the Burmese Government's Labour Department reportedly citing "international law". He added that Rangoon authorities had said that if, following the rejection, the group published any manifesto or other written material, then they would be charged under Burma's draconian Press Law[16].

Ongoing arbitrary detention of relief workers assisting Cyclone Nargis victims

As of April 2011, a dozen of individuals who were arrested in 2008 for carrying out relief activities in the Irrawaddy delta following the passage of Cyclone Nargis remained under detention, including Mr. **Nyan Tun**, who was given a fourteen years' imprisonment sentence in September 2008 and remained detained in Tharawaddy prison, Mr. **U Thura**, aka **Zarganar**, prominent comedian, film director and activist, who remained detained in Myitkyina prison in Kachin State, in the country's far north, where he was transferred in December 2008[17], as well as Ms. **Phyo Phyo Aung** and Messrs. **Aung Thant Zin Oo** and **Shein Yarza Tun**. The three were arrested in June 2008 along with Ms. Phyo Phyo Aung's father, Dr. **Nay Win**, and Messrs. **Aung Kyaw San** and **Phone Pye Kywe** for organising to collect bodies of Cyclone Nargis victims for burial, and had started an organisation called "The Group that Buries the Dead". On April 10, 2009, the six relief workers were sentenced by a special court in Insein prison to jail terms ranging from two to four years[18]. In January 2011, Dr. Nay Win and Messrs. Aung Kyaw San and Phone Pyae Kywe were released[19].

15 / See APPP Monthly Chronology of Burma's Political Prisoners for August 2010.

16 / See APPP Monthly Chronology of Burma's Political Prisoners for June 2010.

17 / On February 13, 2009, he was granted a 24-year reduction of his original 59-year sentence by Rangoon Divisional Court.

18 / Messrs. Aung Thant Zin Oo and Shein Yarza Tun and Ms. Phyo Phyo Aung were sentenced to four years each, while Dr. Nay Win and Messrs. Aung Kyaw San and Phone Pye Kywe were sentenced to two years each.

19 / See APPP Monthly Chronology of Burma's Political Prisoners for January 2011.

Furthermore, on February 17, 2010, Mr. **U Ghawthita**, a Buddhist monk who was active in relief efforts for Cyclone Nargis victims, was sentenced by the Rangoon Western District Court to seven years of imprisonment for "meeting and obtaining support from anti-Government groups in Thailand". He had been arrested at Rangoon airport on August 26, 2009 upon his return from a missionary tour in Thailand. As of April 2011, he remained detained in Yamethin prison[20].

Harsh conditions of detention of defenders in prison, leading to the death of one defender

Human rights defenders who are arbitrarily detained in Burmese prisons face very harsh conditions of detention, including torture and the denial of food and medical treatment. In some cases, this led to the tragic death of prisoners. Many died from curable diseases such as diarrhoea, tuberculosis or malaria. On May 19, 2010, Mr. **Ko Kyaw Soe**, a member of the Human Rights Defenders and Promoters Network (HRDP), passed away in Myingyan prison hospital, at the age of 39, due to prolonged ill-treatment in custody and the denial of medical treatment for respiratory problems. Mr. Ko Kyaw Soe had been arrested on September 17, 2007 and sentenced to ten years in prison on November 11, 2008 under Article 17.1 of the Unlawful Association Act, Article 13.1 of the Immigration Act and Article 505.B of the Criminal Code. He was tortured during interrogation, reportedly beaten, burnt with cigarettes and electrocuted. In Myingyan prison, he suffered from a respiratory disease and stomach problems. When his relatives had requested the prison authorities to buy him appropriate medicine, authorities replied that they were taking care of him adequately and carefully[21]. Furthermore, in November 2010, when detained human rights defender Ms. **Sanda** complained about the conditions of her detention, she was transferred to Putao prison, in Kachin State, 1,150 miles from her family. Ms. Sanda was arrested in May 2010 after she raised concerns at Twante township hospital after witnessing a car accident where a woman did not receive necessary medical treatment due to the absence of medical staff. On May 7, 2010, she was sentenced to one year and six months in prison under Article 353 of the Criminal Code in relation to her complaint. In detention, Ms. Sanda's health declined severely[22].

20 / See APPP Monthly Chronology of Burma's Political Prisoners for February 2010.
21 / See AAPP Press Release, May 19, 2010.
22 / See AAPP Report, *AAPP 2010 Annual Report: Political Prisoners in Burma*, 2011.

CAMBODIA

In 2010-2011, the space for civil society continued to shrink, with increased limitations on the freedoms of opinion, expression and peaceful assembly, in particular through unfair and illegitimate judicial proceedings. Human rights defenders operating in an increasingly restrictive legal environment, found it extremely difficult and risky to denounce human rights abusers and bad practices, while peaceful demonstrations were prevented or violently dispersed. Also, acts of intimidation continued. In addition to NGO members, many trade union leaders, land rights activists, community leaders and journalists faced fierce retaliation for documenting and denouncing abuses.

Political context

The year 2010 and early 2011 were marked by a deterioration of the situation of human rights in Cambodia, confirming the negative trend witnessed in previous years. The political space indeed considerably narrowed, with the Government increasing harassment of its critics. Democratisation has not yet fully taken root in the country and there was a further drift towards a *de facto* one party system[1]. Corruption was still widespread and systematic, affecting all public institutions and the functioning of most public services[2]. Cambodia remained accordingly one of the most corrupt countries in Asia[3].

Illegal land confiscations and forced evictions continued. The use of military police by companies with connections to high-ranking Government officials to forcibly evict villagers, remained a common practice and featured prominently in land grabbing cases, leaving over 2,500 families at risk of losing their homes or livelihood during the first quarter of 2010[4]. Land conflicts with indigenous peoples also continued, with the Government

1/ See Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in Cambodia*, UN Document A/HRC/15/46, September 16, 2010 and European Parliament Resolution No. RSP/2010/2931 on Cambodia, October 21, 2010.
2/ See Committee Against Torture (CAT), *Concluding observations of the Committee Against Torture*, UN Document CAT/C/KHM/CO/2, January 20, 2011.
3/ See Transparency International Corruption Perceptions Index 2010.
4/ See Cambodian League for the Protection and Defence of Human Rights (LICADHO) Statement, April 2, 2010.

granting concessions to companies in territories inhabited by indigenous groups or designated as national parks[5].

The first judgement of the Extraordinary Chambers in the Courts of Cambodia (ECCC) was delivered on July 26, 2010 in the case of Mr. Kaing Guek Eav, aka "Duch", who supervised the systematic torture and execution of thousands of prisoners at the S-21 detention centre in Phnom Penh during the Khmer Rouge regime, and four former Khmer Rouge leaders were indicted by the ECCC on September 16, 2010. However, concerns relating to the lack of independence and effectiveness of the ordinary courts in Cambodia increased, with various United Nations (UN) actors expressing strong concerns[6]. In particular, corruption and political interference appeared to affect the functioning of the judicial bodies at a very significant level and the courts continued to be used as an organ of repression, including to silence dissent voices. As a result, accountability for human rights violations was frequently not established and impunity remained widespread.

Furthermore, relations with the UN came under significant strain during 2010. The Government threatened to expel the UN Resident Coordinator after he released a statement on March 10, 2010 calling for a more transparent and participatory process on the draft Anti-Corruption Law. Similarly, in October 2010, Prime Minister Hun Sen, in a meeting with UN Secretary General Ban Ki-moon, demanded the removal of the top UN human rights official in Cambodia, and stated that the Government intended to force the closure of the country office of the High Commissioner for Human Rights (OHCHR). This came after a strong criticism by the Country Representative of the OHCHR regarding the deportation of two Thai citizens in June 2010[7].

5/ To that extent, in its concluding observations adopted on April 1, 2010 following the examination of the 8-13th Periodic Report of Cambodia, the Committee on the Elimination of Racial Discrimination (CERD) expressed its concern at reports of intimidation and acts of violence against indigenous peoples during forced evictions or land disputes. CERD also found it worrisome that there appears to be a widespread tendency to press charges against indigenous peoples and arrest them when they protest against their forced eviction or contest the granting of a concession on indigenous land. See CERD, *Concluding Observations of the Committee on the Elimination of Racial Discrimination - Cambodia*, UN Document CERD/C/KHM/CO/8-13, April 1, 2010.

6/ See CAT, *Concluding Observations of the Committee Against Torture - Cambodia*, UN Document CAT/C/KHM/CO/2, January 20, 2011 and CERD, *Concluding Observations of the Committee on the Elimination of Racial Discrimination - Cambodia*, UN Document CERD/C/KHM/CO/8-13, April 1, 2010.

7/ In April 2011, the UN Resident Coordinator eventually left his post but the OHCHR country office keeps functioning.

On the other hand, Cambodia accepted in March 2010, all 91 recommendations stemming from the Universal Periodic Review process of the UN Human Rights Council, including recommendations to strengthen efforts to protect freedom of expression and the right of all human rights defenders to conduct their work without hindrance or intimidation, including by safeguarding freedoms of assembly and association. Other recommendations suggested that a policy be developed to protect human rights defenders and that the work of NGOs and other civil society groups be facilitated[8]. The country also acceded to the UN Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in October 2010.

Legislative reforms restricting the environment for human rights activities

In 2010, the adoption of ill-defined and restrictive laws gave rise to further concerns as they could potentially undermine Cambodians' exercise of their fundamental rights and freedoms and human rights activities. Indeed, a number of provisions of those laws and bills pave the way for more arbitrary administrative and judicial harassment against human rights defenders. Furthermore, the drafting process was not transparent and the Government failed to genuinely and adequately consult civil society on these laws and bills.

Adoption of the Anti-Corruption Law

On March 11, 2010, the Anti-Corruption Law was hastily adopted, only seven days[9] after the draft was released, severely limiting the opportunity for public consultation and comments from civil society organisations. The law entered into force in November 2010. Among the numerous concerns relating to the new law, is the lack of independence of the National Anti-Corruption Commission (NAC), which will be responsible for developing anti-corruption policies at the national level, and the Anti-Corruption Unit (ACU) within the Council of Ministers, which will be in charge of examining allegations of governmental corruption[10]. Neither the NAC

8 / Other recommendations related, among others, to the ratification of the remaining core international human rights instruments; ensuring the independence of the judiciary and completing the judicial reform; adopting a law against corruption; and allowing the visits of UN thematic special procedures mandate holders. See Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cambodia*, UN Document A/HRC/13/4, January 4, 2010.

9 / Including one official holiday and a weekend.

10 / The eleven members of NAC, responsible for developing the anti-corruption strategy, are appointed by the King, the Senate, the Assembly and eight other Government institutions and are accountable to the Prime Minister. ACU operates under the supervision of the Council of Ministers, and manages day-to-day anti-corruption actions.

nor the AUC is required under the new law to release public reports on their activities and findings. Additionally, provisions relating to the protection of witnesses and whistle-blowers are vague and may put the latter in danger as they could face prosecution if their allegations are deemed to be false[11].

Entry into force of the Law on Peaceful Demonstration

In April 2010, the Law on Peaceful Demonstration, which had been promulgated in December 2009, entered into force. The broad terms of the law give to the authorities sweeping discretion to deny Cambodians permission to peacefully assemble and protest. The law is inconsistent with Cambodia's Constitution and international human rights obligations. It is worrisome since authorities often refuse to authorise demonstrations or delay granting authorisation until the eleventh hour, even though the letter of the law only contains notification requirements. It thus risks to be abused to silence critical voices.

Entry into force of the new Penal Code

The new Penal Code, adopted in October 2009, entered into force on December 10, 2010 and had an immediate effect on freedom of expression, by further reinforcing some already existing restrictions. Article 495 of the Code defines the act of incitement in a vague manner as sharing or exposing the public to speech, writings, drawings or audiovisual communications that could "directly result" in a crime being committed, or in "serious social unrest". Under this definition, the law does not actually require the incitement to be effective in order to be punishable. The law further allows for the criminal prosecution of peaceful expressions of opinion, which "affect the dignity" of individuals, public officials, government institutions and even companies. Questioning a court judgement may come within the ambit of the crime of "disturbing public order"[12]. The provisions of the

11 / In particular, the law allows for whistle-blowers to be prosecuted if the allegations they raise are declared to be false by the anti-corruption body. This is a clear threat against anti-corruption initiatives and against NGOs and journalists working in this field. On November 9, 2010, the CAT expressed its concern that ACU had not yet taken any steps against alleged perpetrators of acts of corruption and was not yet fully operational. See CAT, *Concluding Observations of the Committee Against Torture - Cambodia,* UN Document CAT/C/KHM/CO/2, January 20, 2011.

12 / Article 523 makes it a separate crime to discredit judicial acts and decisions, in order to disturb public order or endanger Cambodian institutions. The distinction between a judicial act and a judicial decision is not defined, and the inclusion of both indicates a broad prohibition. Similarly, "disturbing public disorder" and "endangering Cambodian institutions" are both alarmingly vague phrases. The crime carries a potential prison sentence of one to six months, and a fine of 100,000 to one million riels (about 16 euros to 167 euros).

Code make it significantly more risky for civil society representatives to criticise corrupt officials or abusive police and military agents.

Release of the draft Law on Associations and NGOs

While its imminent adoption was announced by Prime Minister Hun Sen in September 2008, the text of the draft Law on Association and Non-Governmental Organisations (NGOs) was finally released by the Interior Ministry on December 15, 2010. While the Government has failed to provide an adequate answer as to why this new law is needed alongside other existing laws and regulations that govern civil society[13], the draft confirmed that the intention of the Government is to control, rather than strengthen, civil society as it could too easily be used to refuse registration or close down organisations that displease the authorities. The draft law introduces compulsory registration for all associations and NGOs, banning any activity by groups that are not registered. It also places considerable bureaucratic and administrative requirements on them[14], and appears to be the most serious threat to civil society in years. This may prove to be particularly problematic for unregistered community-based and grassroots NGOs and other types of informal associations operating in the country. The draft law also introduces intrusive reporting requirements for organisations and allows for wide discretionary power for Government officials, without any possibility of appeal against those decisions. The vague and ambiguous wording of certain provisions of the draft law also poses the risk of arbitrary implementation. A revised draft was released on March 24, 2011, however with only marginal changes.

Draft Law on Trade Unions

In January 2011, the second draft Law on Trade Unions was released, which was still under consideration at the Ministry of Labour as of April 2011. Although Prime Minister Hun Sen's Government alleges that the draft law aims at protecting trade union workers, the latter risks to further curtail trade union activities. In particular, it is feared that the Law, if adopted in its current form, would allow the Government to block

13 / In particular, the enactment of the 2007 Civil Code serves as an adequate legal framework to regulate both for-profit and non-profit entities based on voluntary registration, making the introduction of this new law unnecessary.

14 / A newly added clause allows the Government to remove applicants that fail to submit a bank statement within 30 working days of notification of registration from the registration list. Such a decision will disproportionately affect community-level groups. They will also be vulnerable to prosecution for carrying out legitimate activities without the proper legal status.

protests, imprison union leaders[15], disband existing unions and prevent others from forming. The draft also allows trade unions to be dissolved by court order following complaints by a third party or the Government. It further foresees excessive fines and prison terms for union leaders in breach of regulations.

Acts of reprisals against trade union leaders

Acts of reprisals against trade union representatives continued unabated throughout 2010 and early 2011, while impunity for such acts were still widespread. In particular, the trade union movement remains shaken by the assassination of three leaders of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC) in 2004 and 2007 – Mr. **Chea Vichea** (2004), Mr. **Ros Sovannareth** (2004) and Mr. **Hy Vuthy** (2007) –, all the more as their real assassins have yet to be brought to justice, and police investigations are at an apparent standstill. Moreover, on September 30, 2010, Mr. **Phao Sak**, a trade union representative for FTUWKC in Kampong Speu province, was severely beaten by unknown assailants. Mr. Sak had been involved in negotiations at the Generation International Company for factory workers to be granted bonuses for Pchum Ben Day. He was hospitalised after the attack and treated for head injuries. No suspect was arrested in connection with the case and the police denied that it was an attempted murder, with the Samrong Thong district police chief labelling it merely as "drunken altercation"[16].

Trade union leaders also faced judicial harassment. For instance, on November 18, 2010, Mr. **Sous Chantha**, a trade union leader with the United Apparel Garment Factory, was stopped by military police officers close to the factory and searched. The officers produced nine packages of illegal drugs. Despite highly contradicting accounts of the incident, on November 19, the municipal court decided to place Mr. Chantha in pre-trial detention on charges of "drug trafficking" (Article 33 of the Law on the Control of Drugs). He has been held in pre-trial detention in CC1

15 / The draft Law on Trade Unions prohibits union leaders from a wide variety of ill-defined, broadly worded "unfair labour practices" under Articles 67 and 68. A "workers' union, its officers, or representatives" must not: "violate the duty of good faith in collective bargaining, or refuse to bargain collectively with the employer"; "violate or cause to violate a collective bargaining agreement"; "agitate for purely political purposes or commit acts of violence at the workplace"; or "strike illegally". Chapter 15, which describes the punishment for engaging in such unfair labour practices, uses the word "guilty" throughout, indicating an intent to impose criminal sanctions for such conduct. Violations of Article 68 could also potentially form the basis of a criminal prosecution under the new Penal Code for incitement (Article 495), which carries a prison sentence of up to two years.

16 / See LICADHO Report, *Freedom of Expression in Cambodia: The Illusion of Democracy*, December 2010.

prison since. He risks two to five years in jail[17]. The trial was scheduled to begin on June 24, 2011.

Furthermore, requests for peaceful demonstrations made by workers relating to labour issues were frequently denied by the authorities and police often resorts to excessive use of force to crack down on them. For instance, on July 27, 2010, approximately 3,000 workers were demonstrating for the reinstatement of a sacked union representative when police moved in with riot gear and assault rifles to disperse the peaceful demonstration. At least nine female garment workers of a factory owned by PCCS Garments were injured[18]. Authorities also cracked down on a demonstration organised on August 19, 2010 by workers of the Sunlee Fong factory in Phnom Penh, who demanded improved working conditions. Union leaders Messrs. **Ien Pao**, **Heng Bora** and **Nun Chamnan** later faced criminal charges of "incitement" and "destruction of private property". If found guilty, they could be sentenced to up to five years in prison[19]. In September 2010, thousands of garment workers participated in a nationwide strike in a bid to increase minimum wages for garment workers. The first wave of the strike lasted for four days, from September 13 to 16, and was called to an end by union leaders after trade union representatives and employers were invited by the Ministry of Social Affairs, Veterans and Youth Rehabilitation for a meeting to discuss their demands on September 27, 2010. The following day, at least six judges issued orders authorising factory owners to suspend over 200 union representatives and organisers because of their involvement in the strike. Dozens of legal cases were also filed against union leaders and, as of April 2011, 141 workers from thirteen factories were still waiting for reinstatement[20]. The affected factories also obtained court orders declaring the second wave of the strike illegal and filed for compensation for lost revenues. On September 18, 2010, police forcibly cracked down on

17 / Since 2008, Mr. Chantha acted as the factory leader of the local union affiliated with the Independent & Democratic Union Federation (IDUF). In late 2010, Mr. Chantha and his union members, roughly 1,000 workers, found themselves increasingly at odds with IDUF, the latter being perceived as pro-factory management. On November 16, 2010, Mr. Chantha approached the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU) to request for his union members to join the CCAWDU federation. The next day, he and CCAWDU met again to discuss the paperwork needed to leave IDUF and join CCAWDU. On November 18, Mr. Chantha signed the documents at the factory, formalising his union's 1,000 workers transfer from IDUF to join CCAWDU. Two hours later, Mr. Chanta was arrested. See LICADHO as well as Clean Clothes Campaign Statement, December 14, 2010.

18 / See LICADHO Report, *Freedom of Expression in Cambodia: The Illusion of Democracy*, December 2010.

19 / See LICADHO Report, *Freedom of Expression in Cambodia: The Illusion of Democracy*, December 2010 and Community Legal Education Centre (CLEC).

20 / See CLEC.

the second wave of strikes, resulting in twelve factory workers being injured. Several trade union leaders also reported having subsequently received threats by phone and SMS[21].

Intimidation of land rights defenders and community leaders

The intimidation of land rights defenders and community leaders continued throughout 2010-2011. Land rights activists routinely faced violence and arrests, and those in power frequently used judicial proceedings to restrict their activities[22]. As of April 2011, fifteen land rights activists were detained in Cambodia's prisons - most on trumped-up charges designed to remove them from their role as community leaders[23]. Countless others suffered forced evictions and harassment. On March 24, 2010, Mr. **You Thon**, an Omlaing Commune Council member, and Mr. **Khem Vuthy**, community leader, were arrested on charges of inciting villagers to burn down two temporary shelters used by construction workers belonging to Ly Yong Phat's Phnom Penh Sugar Company. The villagers' land was allegedly confiscated by Ly Yong Phat, a Senator from the ruling Cambodian People's Party. Mr. You and Mr. Vuthy were released on bail on March 29, 2010, and remained under surveillance. As of April 2011, the charges against them remained pending[24]. On January 25, 2011, Mr. **Sam Chankea**, Coordinator of the Cambodian Human Rights and Development Association (ADHOC) in Kampong Chhnang, a human rights defender active in land rights issues, was sentenced to 3 million riel (about 502 euros) in compensation and 1 million riel (about 167 euros) in fine by the Kampong Chnang Provincial Court for defaming the work of KDC International Company, owned by the wife of the Minister of Mining and Energy. Mr. Chankea's lawyer will appeal the sentence. The complaint against Mr. Sam Chankea followed a radio interview broadcast on December 26, 2009 in which he expressed his opinion over a land dispute between dozens of villagers and the KDC International Company in Kampong Chhnang province[25]. He was subsequently quoted in *Koh Santepheap* newspaper on December 30, 2009. Two community leaders,

21/ See LICADHO Report, *Freedom of Expression in Cambodia: The Illusion of Democracy*, December 2010.

22/ In 25 per cent of the land grabbing cases, individuals and organisations accused of land grabbing used military police units to threaten, intimidate and arrest land activists and community representatives involved in land disputes, and to prevent peaceful demonstrations by villagers. See LICADHO Statement, April 2, 2010.

23/ See LICADHO.

24/ See LICADHO Press Release, March 25, 2010.

25/ The dispute, which dates back to 2002, is a long-standing land conflict between the above-mentioned company and more than 100 families that have sued the company for having bulldozed their land, damaged their properties, grabbed their land and violated their rights. The proceedings are still on-going.

Mr. **Pheng Rom** and Mr. **Reach Seima**, were also prosecuted before the Kampong Chnang Provincial Court for defaming and obstructing KDC International Company's development attempts by staging repeated protests to denounce the activities of the company. Mr. Seima was fined 2 million riel (about 335 euros) and ordered to pay 8 million riel (about 1,339 euros) in compensation to the firm. Charges against Mr. Rom were dropped.

Moreover, demonstrations organised in favour of victims of forced evictions and land grabbing were severely repressed. On March 1, 2010, villagers from Proka Village in Dangkor district who are involved in a land dispute with Mr. In Samon, Deputy Secretary General of the Interior Ministry, attempted to hold a demonstration outside the home of Prime Minister Hun Sen in Takhmao[26]. The villagers were blocked by the police with shields and electric batons. After confrontations with villagers, the police placed eight of them under arrest, without disclosing the reason for their detention[27]. In addition, the police confiscated cameras belonging to rights monitors from ADHOC and LICADHO and deleted photographs taken by the monitors. Seven out of the eight villagers were released on the same day, after succumbing to threats by the police of imprisonment in Prey Sar prison if they refused to withdraw their complaints. The eighth detainee was released after spending a night in detention and forced to thumbprint documents withdrawing land complaint. On August 8, 2010, a peaceful gathering of about 45 villagers was violently dispersed by municipal and district police, and security guards. The villagers had peacefully assembled near Prime Minister Hun Sen's villa in central Phnom Penh in order to raise awareness of the long-standing land dispute between the villagers in Doun Ba commune and the local authorities. The villagers also demanded the release of a community representative, Mr. **Hun Seng Ly**, who has been in detention since August 2008. On October 28, 2010, riot police and administrative police officers cracked down on a group of approximately fifty villagers gathered in front of the Khmer-Soviet Friendship Hospital in Phnom Penh to seek intervention by the visiting UN Secretary General into the ongoing Boeung Kak land grab in Phnom Penh by Shukaku Company, owned by a ruling party Senator. During the incident, Mr. **Suong Sophorn**, a land activist from the Boeung Kak Lake area, was arrested and beaten, resulting in a severe wound to the head. He was released on the same day without charge[28].

26 / See Cambodian Centre for Human Rights (CCHR), LICADHO, ADHOC and CLEC Joint Press Release, March 5, 2010.
27 / The names of the villagers are not disclosed for security reasons.
28 / See LICADHO Press Release, October 28, 2010.

Judicial harassment of anti-corruption activists

Human rights activists and journalists continued to face judicial harassment on politically motivated charges for denouncing corruption cases. On February 9, 2010, the trial of Cambodian Centre for Human Rights (CCHR) members Mr. **Cheab Chiev** and Ms. **Khoem Sarum**, as well as of Mr. **Sok Serey**, a *Radio Free Asia* journalist, and two Cham community representatives started before the Takeo Provincial Court on charges of "disinformation" (Article 62 of the United Nations Transitional Authority in Cambodia Penal Code). Charges had been brought against the five individuals in September 2009, following an interview on *Radio Free Asia* broadcast in December 2008 that discussed a dispute between Cham community leader Rim Math and 206 members of his mosque in Kampong Youl village, and during which they further alleged corruption on the part of the local officials in Kampong Youl village in Takeo province. On February 19, 2010, the Takeo Provincial Court acquitted the five individuals on charges of disinformation. The ruling was not appealed. On April 13, 2010, Mr. **Hang Chakra**, the Editor of opposition daily newspaper *Khmer Makras Srok*, was released under a royal pardon to mark the Khmer New Year, after ten months in prison on charges of disinformation. Mr. Hang Chakra had been arrested on June 26, 2009 after being convicted on the same day to one year imprisonment and a 9 million riel (about 1,507 euros) fine for publishing articles regarding alleged Government corruption[29].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
	Obstacles to freedoms of expression, association and assembly	Press Release / International Fact-Finding Mission Report	September 2, 2010
Mr. **Ath Thorn**, Ms. **Morn Nhim** and Mr. **Tola Moeun**	Threat of arrest / Obstacle to freedom of peaceful assembly	Urgent Appeal KHM 001/0910/OBS 110	September 20, 2010
Mr. **Sam Chankea**	Judicial harassment	Urgent Appeal KHM 001/0111/OBS 002	January 18, 2011
Mr. Sam Chankea, Mr. **Pheng Rom** and Mr. **Reach Seima**	Sentencing / Judicial harassment	Urgent Appeal KHM 001/0111/OBS 002.1	January 25, 2011
	Obstacles to freedom of association	Joint Press Release	April 7, 2011

29 / On August 11, 2009, the Appeal Court had upheld Mr. Hang Chakra's conviction.

CHINA

In China, human rights activities and fundamental freedoms remained severely restricted throughout 2010 and 2011. In addition, the Chinese authorities increased their repression against any form of dissent in response to anonymous online calls for a "Jasmine Revolution" that started in February 2011 following the events in the Middle East and North Africa. In that context, human rights defenders, including the signatories of "Charter 08", human rights lawyers as well as defenders working on HIV/AIDS, who denounced forced evictions, corruption and who questioned the Government's role in various scandals, continued to be subjected to various acts of harassment and intimidation, including arbitrary detention and enforced disappearance. The authorities also continued to crackdown on defenders and restrict freedoms of expression, assembly and association on the eve of key sensitive anniversaries and events, such as the Shanghai World Expo 2010.

Political context

Following the events in the Middle East and North Africa in early 2011, Chinese authorities became increasingly concerned that the revolutions may have a spill-over effect in China as well. Their reactions especially intensified after an anonymous call online on February 19, 2011, urging people to start a "Jasmine Revolution-style uprising", similar to those in Tunisia and Egypt. The online post urges protestors to chant slogans on February 20, 2011, in several cities across China. Although faced with a massive response from the police, another online post called on people to march peacefully on February 27 to certain central or symbolic places. Dozens of opposition activists, bloggers, lawyers, human rights defenders and artists were reportedly arrested, disappeared, put under house arrest or tight surveillance, had their movements restricted or were subjected to lengthy interrogations as part of the massive security counter-operation, a crackdown that is considered to be one of the most severe of the past decade. Some faced subversion charges for posting or re-posting calls for peaceful gatherings on Internet[1].

1/ See Human Rights in China (HRIC) Press Release, February 23, 2011 and Chinese Human Rights Defenders (CHRD). On April 8, 2011, the UN Working Group on Enforced or Involuntary Disappearances expressed serious concerns over the wave of disappearances over the preceding months, stressing that there is a pattern of enforced disappearances in China, where persons suspected of dissent are taken to secret detention facilities and are then often tortured and intimidated before being released or put into soft detention. See UN Working Group on Enforced or Involuntary Disappearances Press Release, April 8, 2011.

In 2010-2011, freedom of expression and access to information continued to be severely restricted. Journalists were jailed or dismissed from employment as a form of reprisal against reporting, which was considered inappropriate by the authorities. The use of Internet, in particular access to independent news and microblogging and social networking websites continued to be tightly restricted by the so-called Great Firewall of China. Bloggers and activists posting messages online that were considered threatening by the authorities, were facing increasingly severe consequences as a result, including lengthy jail sentences[2]. On a positive note, in March 2010, *Google* announced that it had redirected *Google.cn* to the Hong Kong-based search engine *Google.com.hk*, where it now provides uncensored search results. This was done in response to cyber attacks on e-mail accounts of dissidents and human rights activists, which reportedly originated from Government-affiliated servers[3].

Moreover, in October 2010, the amendments to the Law on Guarding State Secrets, adopted on April 22, 2010, came into effect. The revised law still does not contain a precise definition of what actually constitutes State secrets, which makes it possible that virtually any information, including maps or economic statistics, can be considered as State secrets. This is all the more worrying since authorities frequently resort to the law in order to avoid disclosing information. Additionally, the amendments bring electronic data under the scope of the law, by obliging Internet providers and telecommunications companies to provide information on persons leaking or simply sharing information considered to be State secrets. It is feared that the Government will use the new provisions of the revised law to tighten its crackdown on freedom of expression, and in particular on cyber-dissidents and human rights defenders exposing Government misconduct[4].

In October 2010 also, the Fifth Plenum of the 17th Congress of the Chinese Communist Party appointed Vice-President Mr. Xi Jinping, the Vice-Chair of the Central Military Commission. The appointment of Mr. Xi Jinping into this position foreshadows that he will succeed Hu Jintao as the President of the People's Republic of China in 2012.

The Shanghai World Expo 2010 was held from May to October and was surrounded by a number of human rights-related controversies. It is indeed believed that approximately 18,000 families were displaced from their homes in order to provide space for the exhibition. To prevent victims of forced

2 / See CHRD, *Annual Report on the situation of human rights defenders in China 2010*, March 3, 2011.
3 / See HRIC, *China Rights Forum* No. 2, April 2010.
4 / See CHRD, *China Human Rights Briefing*, April 27- May 3, 2010 and HRIC Press Release, April 29, 2010.

evictions from drawing attention to their grievances during the Expo, police detained, harassed and threatened petitioners. Many were held under "soft detention" at home or received a notice warning them not to gather with others or petition on or near the Expo grounds for the duration of the Expo, threatening "strict punishment" for any who disregards the instructions[5].

Ongoing crackdown on "Charter 08" activists

Signatories of "Charter 08", an online petition calling for political reforms that promote human rights and democracy in the country[6], continued to be judicially harassed and intimidated by the authorities in 2010-2011. In particular, as of April 2011, Mr. **Liu Xiaobo**, a prominent human rights activist and scholar, and co-author of the Charter 08, remained detained in Jinzhou, Liaoning province, after being sentenced on December 25, 2009 to eleven years of imprisonment and two years' deprivation of political rights for "inciting subversion of State power". On February 11, 2010, the Beijing Municipal High People's Court confirmed Mr. Liu Xiaobo's sentence. The court session lasted only a few minutes and the Judge gave his verdict without allowing the defence lawyers to take the floor. The Court was surrounded by security forces that prevented the media and a dozen of diplomats from accessing the courtroom. After Mr. Liu Xiaobo was awarded the Nobel Peace Prize "for his long and non-violent struggle for fundamental human rights in China" in October 2010, Chinese authorities censored all information concerning the award and blocked foreign broadcasters, including the *BBC* and *CNN*, and started an aggressive diplomatic campaign in order to discourage as many Governments as possible from attending the award ceremony in Oslo. Furthermore, during the months from the announcement leading up to the ceremony, in December, the crackdown on human rights activists, lawyers, intellectuals and dissidents intensified significantly as they were detained, interrogated, placed under house arrest or surveillance. Some of them were forced to leave or stay away from Beijing, while others were put under house arrest or "soft detention". Internet and cell phone connections were also widely disrupted around the time of the ceremony[7].

5/ See HRIC Press Release, April 1, 2010 and CHRD Urgent Action, April 28, 2010.

6/ Charter 08 was published on December 10, 2008, on the 60th anniversary of the Universal Declaration of Human Rights. Since its release over 10,000 people have signed it.

7/ The Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on Freedom of Opinion and Expression and the Working Group on Arbitrary Detention expressed their serious concerns over the crackdown on human rights defenders since Liu Xiaobo was awarded the Nobel Peace Prize. In their statement the experts stated that since 8 October 2010, they had received reports of over 20 arrests or detentions of human rights defenders, and over 120 other cases of house arrests, travel restrictions, forced relocations, acts of intimidation, and blocking of means of communication, including removal of content on the Internet regarding the Nobel Peace Prize. See Special Rapporteur on the Situation of Human Rights Defenders, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and Chairperson of the Working Group on Arbitrary Detention Joint Press Release, December 13, 2010.

On October 10, 2010, Mrs. **Liu Xia**, Mr. Liu Xiaobo' wife, was placed under house arrest by Beijing municipal State security officers after a visit to her imprisoned husband. As of April 2011, she remained under house arrest. On June 28, 2010, Mr. **Liu Xianbin**, a human rights activist and signatory of Charter 08 who previously served two prison terms for his human rights and democracy activism, was detained on suspicion of "inciting subversion of State power" by police in Suining city, Sichuan province, after writing a series of articles and essays calling for democratic reform and human rights. The police raided his home, and the following day officers summoned, harassed and threatened his wife and thirteen-year old daughter. Mr. Liu also worked to increase public awareness of other persecuted democracy activists and human rights defenders. On March 25, 2011, he was sentenced to ten years in prison, on charges of "incitement to subvert State power". The sentence is the second longest handed down for inciting subversion after Mr. Liu Xiaobo[8]. Chinese artist Mr. **Wu Yuren**, a signatory of Charter 08, was detained on June 1, 2010 while reporting a theft to the police station, and was allegedly beaten while in detention. His detention relates to the protests he organised in February 2010 to draw attention to the forced demolition of the 008 Arts District. Mr. Wu is known to have been involved in other protests over land seizures that threatened art studios. On April 3, 2011, Mr. Wu was released on parole pending a verdict to be handed down in his case for "obstructing public affairs with violence"[9].

Increased repression of human rights defenders working on HIV/AIDS

Human rights defenders promoting and protecting the rights of persons living with HIV/AIDS continued to face serious obstacles and to be harassed by judicial and tax authorities. In particular, as of April 2011, Mr. **Hu Jia**, an HIV/AIDS activist, co-founder and former Director of the Beijing Aizhixing Institute of Health Education[10] as well as winner of the 2008 Sakharov Prize for Freedom of Thought, remained detained in Beijing municipal prison. His health gradually deteriorated while he was in detention and he was suspected of suffering from liver cancer. Yet, the authorities rejected applications for medical parole[11]. Furthermore, on

8 / See CHRD, *China Human Rights Briefings*, June 22-30, 2010 and HRIC Press Releases, June 29, July 6, 2010, February 1 and March 25, 2011.

9 / See CHRD, *China Human Rights Briefings*, November 16-23, 2010 and January 25-February 1, 2011 and HRIC.

10 / A grassroots organisation that aims at educating the public about HIV/AIDS and at advocating for the rights of persons suffering from AIDS.

11 / Mr. Hu Jia was arrested on December 30, 2007 and charged with "inciting subversion of State power", and was sentenced on April 3, 2008 to three years and six months in prison. On June 26, 2011, he was released after completing his sentence. Yet, he remained subjected to a one-year deprivation of his political rights. See HRIC Press Release, June 27, 2011.

May 19, 2010, two inspectors from the Beijing Local Taxation Bureau arrived at the offices of the Aizhixing Institute. They questioned employees and left a note that the Institute should produce tax records dating back to 2002. Given the fact that according to the Law on the Management of Tax Collection, an organisation cannot be punished for tax violations not discovered within five years, the actions of the tax inspectors might be illegal and aimed at pressuring the Institute into closing down. On September 7, 2010, the Institute received a notice from the Beijing Local Taxation Bureau, informing that the authorities had resumed their inspection of the NGO's tax compliance status. On March 15, 2011, the municipal information office of Beijing issued an order to shut down the website of the Aizhixing Research Foundation, after it published an open letter in December 2010 about the trade in blood plasma and its role in spreading HIV. Mr. **Wan Yanhai**, Founder of the Aizhixing Research Foundation and Director of the Aizhixing Institute of Health Education, received several requests from the authorities to remove the letter, which was written by Mr. **Chen Bingzhong**, a former head of the China Health Education Research Institute. In this letter, Mr. Bingzhong accused two former party leaders of covering up the link between the Government-supported sale of blood for transfusions and an epidemic of HIV. On February 11, 2011, Mr. **Tian Xi**, a Beijing-based AIDS activist, was sentenced by the Xincai County People's Court in Zhumadian city, Henan province, to one year in prison for "intentional destruction of property". In recent years, Mr. Tian, who contracted AIDS as a result of a tainted blood transfusion when he was nine years old, has campaigned for the granting of compensation to thousands of people infected with HIV/AIDS through contaminated public blood supplies. He also worked for the Aizhixing Institute. On August 2, 2010, Mr. Tian was arrested after an argument with the Director of the Government hospital, who had dismissed him. Mr. Tian had visited him in order to obtain more medicine and request compensation from the hospital both for himself and for others similarly infected. Prior to his detention, Mr. Tian Xi was reportedly subject to frequent police harassment and monitoring as a result of his campaigning[12].

Crackdown on human rights lawyers

Lawyers working on human rights cases, in particular those who are taking on cases that are deemed "sensitive" by the authorities, such as the defence of political prisoners, human rights defenders, Uyghurs and Tibetans, as well as Falun Gong practitioners, continued to face serious

12 / See CHRD, *China Human Rights Briefing*, February 9-14, 2011 and HRIC.

repression by the authorities and frequently had their licences cancelled or revoked. The authorities apply different approaches to the licences of human rights lawyers. In most cases the licences are cancelled, which still leaves open the possibility of reapplying for a licence at a later date. However, the administrative punishment of revocation is more severe than denying renewals, since this decision permanently bars lawyers from practicing[13]. For instance, Mr. **Tang Jitian** and Ms. **Liu Wei**, two Beijing human rights lawyers, were subjected to judicial harassment and saw their licenses definitively revoked in May 2010, by the Beijing Bureau of Justice (BBJ)[14]. Both were accused of "disrupting court order and interfering with the normal conduct of litigation activities", on the basis of Article 49 of the Lawyers' Law[15]. On the day of the hearing, on April 22, 2010, about twenty supporters who had gathered outside the building of the BBJ in a show of strong support along with 200 lawyers, activists and petitioners, were taken away by the police and at least eight other lawyers and activists were prevented from attending the hearing by Beijing police, including Ms. Liu Wei's representative. In June 2010, Mr. Tang and Ms. Liu appealed for administrative reconsideration of the revocation of their licenses; and on September 3 and August 27, 2010, respectively, they received written notice that the original decisions were upheld. Chinese human rights lawyers also faced restrictions on their freedom of movement. Mr. Tang Jitian faced restrictions on travel and, in January 2011, Mr. **Jiang Tianyong**, a Beijing human rights lawyer, was prevented from leaving China to attend a seminar on human rights in the United States.

Lawyers were also subjected to arbitrary detentions and assaults as reprisals to their human rights activities. Mr. **Chen Guangcheng**, a prominent self-taught human rights lawyer, was finally released from prison on September 9, 2010 after having served over four years of imprisonment for his work exposing human rights abuses in Linyi city, Shandong province[16]. However, despite having served his full sentence, Mr. Chen and his family

13 / See CHRD Urgent Action, April 22, 2010.

14 / Mr. Tang and Ms. Liu are two of about 20 lawyers whose licenses were not renewed by their local bureaus of justice in June 2009 in reprisal for taking on some of these "sensitive" cases.

15 / The accusations refer to the trial of a Falun Gong practitioner that took place on April 27, 2009 where Mr. Tang Jitian and Ms. Liu Wei, representatives of the defendant, had walked out the courtroom after pointing out the repeated interruptions by the Presiding Judge and court officials. See HRIC Press Release, April 20, 2010.

16 / Mr. Chen, a lawyer involved in denouncing the extensive use of violence by the authorities of Linyi in relation to birth planning policies, had been arbitrarily detained since March 2006. In December 2006, he was sentenced to four years' and three months' imprisonment for "intentionally disrupting traffic" and "inciting material destruction". While in detention, he was denied appropriate medical care and would reportedly be in very poor health. See HRIC profile, "Incorporating Responsibility 2008: Chen Guangcheng".

were subjected to extrajudicial house arrest under very harsh conditions. On February 8, 2011, Mr. Chen Guangcheng and his wife were beaten by national security officers from Linyi city and police from Shuanghou town at their home and were subsequently prevented from seeking medical treatment. The beating was reportedly related to the release of a videotape detailing the illegal house arrest and the abuses he and his family suffered during this period[17]. Moreover, as of April 2011, the whereabouts of Mr. **Gao Zhisheng**, Director of the Beijing-based Shengzhi Law Office, who took on high-profile human rights cases, remained unknown. Mr. Gao, who had been under constant police surveillance, along with his family, since receiving a suspended sentence for "inciting subversion" in 2006, was last heard on April 20, 2010. He had only reappeared on March 28, 2010 following a 14-month detention during which he had been subjected torture. The authorities subsequently denied that Mr. Gao was in custody and the police refused to register him as missing[18]. Likewise, Mr. **Li Fangping**, a Beijing-based human rights lawyer, working as a legal advisor with the health rights NGO Beijing Yirenping Centre, was kidnapped by unknown individuals on April 29, 2011, outside of his NGO's office. He returned home after a few days of disappearance[19]. Finally, in September 2010, Beijing Public Security Bureau (PSB) dismissed the case of suspected "tax evasion" against Beijing NGO Gongmeng (also known as the Open Constitution Initiative) because the "company has paid its fines". The police also removed the bail measure against Gongmeng's Director, Mr. **Xu Zhiyong**, and staffer **Zhuang Lu**, who had been out on bail awaiting trial since they were released from detention in August 2009. The PSB also returned the company's account books as well as other confiscated items[20].

Arbitrary detention and judicial harassment of those denouncing the harassment of other human rights activists

Human rights defenders expressing their opposition to the judicial harassment of prominent human rights activists were in return targeted by the authorities. For instance, on February 23, 2010, Ms. **Mao Hengfeng**, a Shanghai activist who has been active in defending housing rights, opposing forced evictions and also promoting women's reproductive rights, was arrested at her hotel in Beijing by Beijing and Shanghai police officers

17 / See CHRD, *China Human Rights Briefing*, February 9-14, 2011 and HRIC Press Release, February 11, 2011.

18 / See HRIC Press Releases, February 4, 10, 17 and April 8, 2010

19 / See CHRD Urgent Action, April 29, 2011.

20 / On August 17, 2009, Gongmeng had been shut down for providing "false data" when it registered as a company, and for having public interest activities inconsistent with its commercial enterprise designation.

and placed under administrative detention for ten days for "disturbing social order". She was arrested and detained because of the slogans she shouted outside the Beijing Municipal No. 1 Intermediate People's Court on December 25, 2009 to denounce the arbitrary sentencing of Mr. Liu Xiaobo. On March 4, 2010, Ms. Mao Hengfeng, who had already been detained several times and subjected to ill-treatment in the past years due to her human rights activities, was ordered by the Shanghai Municipal Committee for the Management of Re-education Through Labour (RTL) to serve one and a half year of RTL. Likewise, on February 13, 2010, Mr. **Tong Guojing**, another Shanghai protester who shouted slogans outside the Beijing Court on December 25, 2009, was also ordered to serve one and a half year of RTL, though his RTL decision cited his participation in a gathering of more than 100 people in Shanghai in January 2010 – not the Beijing court incident – as the basis for the punishment[21]. While detained at the Anhui RTL facility, Ms. Mao was subjected to ill-treatments, including beatings by the RTL guards and by the persons in charge of the facility. On February 22, 2011, Ms. Mao Hengfeng was granted medical parole because of her very high blood pressure. Yet, on the morning of February 23, 2011, more than ten police officers blocked the entrance of her home and did not allow her to leave. The police officers stayed in front of the house until February 24, 2011, when the Head of the Anhui RTL facility, along with a dozen Shanghai and Anhui police officers, entered Ms. Mao's home and took her away and announced that her medical parole had been rescinded[22]. It is not until June 9, 2011 that Ms. Mao's husband received official notice regarding Ms. Mao's whereabouts, when he was informed that she had been kept in the Shanghai prison general hospital from February 24 for treatment of her high blood pressure[23]. In February 2011, Messrs. Jiang Tianyong, Tang Jitian and **Teng Biao**, a human rights legal scholar[24], disappeared after a meeting in a restaurant with several other lawyers and human rights activists from Beijing to discuss the case of Mr. Chen Guangcheng, on February 16, 2011. During the meeting, the restaurant had been surrounded by police officers from the Beijing Municipal PSB, who stayed until the end of the meeting. The police then arrested Mr. Jiang Tianyong, who was interrogated at the police station of Haidian district, before being released five hours later. During his

21 / See HRIC Press Release, March 9, 2010.

22 / The Anhui RTL facility authorities cited Ms. Mao Hengfeng's "illegal activities inconsistent with [the stipulations of] medical parole" as the basis of the decision, but did not specify what those activities were.

23 / Ms. Mao was released from RTL on July 28, 2011, one month before the completion of her 18-month RTL order. The decision to release her early was based on the prison hospital's suggestion that she get hospital treatment outside of prison. See HRIC Press Release, July 28, 2011.

24 / On June 3, 2008, Mr. Teng Biao, who represented AIDS activists, Falun Gong practitioners, Tibetan protesters, and farmers fighting land seizures, he was denied the renewal of his license.

detention, Mr. Jiang Tianyong was allegedly ill-treated. On the evening of February 16, 2011, two police officers entered Mr. Tang Jitian's home and dragged him away. On the morning of February 21, 2011, Mr. Tang Jitian's wife went to the Guang'anmenwai police station to ask about her husband. She was told that he would return home "within four or five days". On February 19, 2011, men identified by Mr. Jiang Tianyong's family as Beijing policemen took him from his brother's home, where he was temporarily staying. That same evening, the Beijing police returned to Mr. Jiang Tianyong brother's house and confiscated a computer. On February 19, 2011, Mr. Teng Biao was also called by the police and on February 20, policemen from the Beijing Municipal PSB's National Security Unit searched his home, confiscating two computers, a printer, articles, books, DVDs and photos of Mr. Chen Guangcheng. Messrs. Tang Jitian and Teng Biao were released respectively on April 5 and April 29, 2011, but remained under house arrest, while Mr. Jiang Tianyong returned home on April 19, 2011, after two months of enforced disappearance.

Ongoing repression against defenders who questioned the Government's role in various scandals and corruption

Although more than two years had passed since the devastating earthquake in Sichuan in May 2008, activists providing assistance to victims, or merely publicising information on the number of casualties and the irregularities in construction, continued to face judicial harassment throughout the reporting period. On February 8, 2010 the Chengdu City Intermediate Court rejected the appeal lodged by Mr. **Huang Qi**, a cyber-dissident and Director of the Tianwang Human Rights Centre, who remained detained in Chengdu as of April 2011. On November 23, 2009, Mr. Huang had been sentenced to three years in prison for "illegal possession of State secrets". Mr. Huang was not given any oral appeal hearing before the decision was made and Mr. Huang's wife and his lawyer were not formally notified of the decision. Mr. Huang was arbitrarily arrested on June 10, 2008, after he visited the Sichuan earthquake zone numerous times, provided aid to victims of the disaster and published information on his website about the plight of parents who had lost their children. He also provided reports and interviews to foreign journalists about the protests carried out by the families of children who died in the Sichuan earthquake[25]. On June 9, 2010, the Sichuan Provincial High People's Court upheld Mr. **Tan Zuoren**'s previous sentence to five years in prison, with an additional three years' deprivation of political rights, issued on February 9, 2010 by the Chengdu Municipal Intermediate People's Court, on the charge of

25 / On June 10, 2011, Mr. Huang Qi was released after completing his three-year term. See HRIC Press Releases, December 26, 2010 and January 2 and June 11, 2011.

"inciting subversion of State power". Mr. Tan Zuoren, an environmental activist based in Chengdu, Sichuan province, was detained in March 2009, three days after the online release of a report entitled *Independent Investigation Report by Citizens*, which presented findings of his investigation into the causes of the widespread collapse of school buildings during the May 2008 earthquake in Sichuan. However, he was tried on the basis of attempting to organise commemorative activities for the 20th anniversary of the Tiananmen Massacre and conducting interviews with "hostile foreign forces" such as the exiled student leader Wang Dan. On August 12, 2009, his trial took place before the Chengdu Municipal Intermediate People's Court but the verdict was only announced on February 9, 2010[26]. The court session in June reportedly lasted only a few minutes. The court was surrounded by security forces that prevented supporters, the media, and diplomats from accessing the courtroom. At least four of his supporters, including Mr. Tan Zuoren's daughter, Mr. **Chen Yunfei**, a Chengdu activist, and Mr. **Li Tinghui**, a petitioner, were taken away by the police.

Likewise, although more than two years had passed since the tainted milk scandal, activists and relatives of victims trying to establish accountability and raise awareness of the violations and irregularities committed continued to face severe consequences for their activities. Mr. **Zhao Lianhai**, a children's rights activist and founder of the website *Kidney Stone Babies*, was sentenced to two and a half years in prison on November 10, 2010, on charges of "causing a serious disturbance" and "disturbing social order", for organising a victims' association in connection with the 2008 tainted milk scandal. He announced his intention to appeal the sentence. However, on November 22, 2010, the final day on which he could file an appeal, Mr. Zhao's lawyers received a note stating that he no longer needed their services. It is feared that he was pressured by authorities to fire his lawyers and drop his plan to appeal his conviction. On December 28, 2010, Mr. Zhao was released on medical parole[27].

Activists exposing the abuse of power of local authorities were also repressed and received harsh prison sentences ostensibly in retaliation of their activities. As of April 2011, Mr. **Qi Chonghuai**, a reporter and former Shandong Bureau Chief for the *Fazhi Morning Post*, remained detained in Zaozhuang prison, Tengzhou city, Shandong province. Mr. Qi was arrested

26 / The appeal decision was handed down four months after the appeal, in violation of Article 196 of the Criminal Procedure Law, which stipulates that an appeal trial should be concluded within one and a half months after the filing of the appeal.

27 / See HRIC Press Releases, March 10 and 30 and November 10, 2010 and CHRD Urgent Action, December 15, 2010 and *China Human Rights Briefing*, December 28, 2010 - January 3, 2011.

on June 25, 2007 and sentenced to four years in prison in May 2008 for "extortion and blackmail" after reporting on corruption in Tengzhou city[28]. As for Messrs. **Chime (Jigme) Namgyal** and **Rinchen Samdrup**, two Tibetan environmental activists in their village of Gonjo county, Chamdo prefecture, Tibetan Autonomous Region (TAR), they have been in detention in Tibet since August 2009 for running an environmental group in their village and accusing local officials of poaching endangered species[29]. In addition, their brother, Mr. **Karma Samdrup**, also a Tibetan human rights activist and philanthropist, was arrested on January 3, 2010 after he tried to protest their detention. On June 24, 2010, he was sentenced to 15 years in prison and fined for 10,000 yuan (about 1,100 euros), on charges of "robbing graves" in Yanqi county, in the Xinjiang Uighur Autonomous Region, dating back to 1998, and "trading in looted artefacts". On July 3, 2010, the Chamdo Intermediate People's Court sentenced Mr. Rinchen Samdrup to five years in prison on charges of "incitement to split the country", reportedly for posting an article about the Dalai Lama on his website. As of April 2011, they all remained detained[30].

Increased repression of human rights defenders on the eve of key sensitive anniversaries and events

The authorities continued in 2010-2011 to repress defenders and restrict freedoms of expression, assembly and association on the eve of key politically sensitive events. The authorities reacted particularly harshly to peaceful gatherings commemorating politically sensitive anniversaries, such as the Tiananmen Square massacre. For instance, as the Guizhou Human Rights Symposium was planning to hold a meeting on June 4, 2010 to commemorate the 21st anniversary of the Government crackdown on the 1989 democracy movement, many of its members were detained by the police, summoned for questioning, or suffered ill-treatment during their detention in Guiyang, Guizhou province, before being subsequently released. For instance, on May 28, a large number of police officers prevented the group's weekly meeting, scheduled to take place at Hebin park. A few days before, on May 24, the police had detained Messrs. **Mo Jiangang**, **Xu Guoqing** and **Du Heping** for 72 hours. Several members of the group were also summoned by the PSB. On May 9, the police had already prevented a meeting of the Guizhou Human Rights Symposium,

28 / Although Mr. Qi was to complete his four-year term on June 25, 2011, he was sentenced on June 9, 2011 to eight additional years in prison for "extortion and blackmail and embezzlement". On July 25, 2011, his appeal was rejected by a court in Shandong. See HRIC Press Releases, May 30, 2010 and June 11 and July 28, 2011.

29 / In November 2009, Mr. Chime Namgyal received a sentence of 21-months of RTL for "harming social stability".

30 / See Tibetan Centre for Human Rights and Democracy (TCHRD) Press Release, July 9, 2010.

stopping the participants in front of their homes and arresting some of them, including Mr. Mo Jiangang, who was severely beaten while in detention at the police station.

Furthermore, ahead of the opening of the 2010 Shanghai World Expo on May 1, 2010, officials in Shanghai detained, placed under surveillance, or threatened activists, dissidents, and petitioners across the city and in surrounding areas. Police in other cities also warned activists not to travel to Shanghai. Police sought out high-profile local activists and made it clear that any efforts to criticise the Government were to be met with swift and serious retaliation. For example, Mr. **Feng Zhenghu**, a veteran Shanghai activist who for years has sought to draw attention to the failures of the Shanghai judicial system, had planned to set up a "Shanghai Expo of Unjust Court Cases" during the Expo. Around midnight on April 19, 2010, Shanghai police raided his home, confiscated his computer equipment and took him away for a four-hour interrogation. Police threatened that if he spoke out during the Expo they would "make him disappear like Gao Zhisheng". Other activists were placed in detention to ensure that they will be out of sight for the duration of the Expo. A number of activists in the provinces surrounding Shanghai, such as Messrs. **Wen Kejian** and **Zou Wei** in Zhejiang province, and **Zhang Lin** in Anhui province, were warned by local police against travelling to Shanghai during the Expo. Activists in cities as far away as Guangzhou, Xi'an and Beijing were warned not to travel to Shanghai or speak out during the World Expo. Several Shanghai activists were sent to RTL for reasons related to the World Expo. Finally, some veteran Shanghai petitioners were detained as a warning to others ahead of the event. For example, Ms. **Shen Peilan**, who has been petitioning since the forced demolition of her home in 2003, was administratively detained for 15 days in the Minhang district detention centre in late March and early April 2010. Ms. Shen, who was beaten during her detention, was subsequently released, and went into hiding in Shanghai[31].

In that context, human rights defenders denouncing forced evictions continued to be victim of judicial harassment. For instance, in August 2010, Mr. **Liu Zhengyou**, a Sichuan activist who has provided continued assistance to petitioners and victims of forced evictions and reported on human rights abuses in his hometown of Zigong city, was sentenced to two years in prison. Mr. Liu was arrested on November 11, 2009 and shortly thereafter criminally detained on suspicion of "fraud". Eight officers also searched his apartment and copied the contents of his computer.

31/ See CHRD Urgent Action, April 28, 2010.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Liu Xiaobo**	Sentencing / Arbitrary detention	Urgent Appeal CHN005/0809/OBS 126.2	January 4, 2010
		Urgent Appeal CHN005/0809/OBS 126.3	February 12, 2010
		Press Release	October 8, 2010
Mrs. **Liu Xia**	House arrest / Ongoing arbitrary detention	Urgent Appeal CHN004/1010/OBS 124	October 11, 2010
Mr. **Huang Qi**	Ongoing arbitrary detention / Judicial harassment	Urgent Appeal CHN004/068/OBS 105.3	February 8, 2010
Mrs. **Mao Hengfeng**, Mr. Liu Xiaobo and Mr. **Tong Guojing**	Arbitrary detention / Judicial harassment	Urgent Appeal CHN001/0310/OBS 034	March 10, 2010
Mrs. Mao Hengfeng	Release on medical parole / Re-arrest / Ill-treatments in detention	Urgent Appeal CHN001/0310/OBS 034.1	March 2, 2011
Mr. **Hu Jia**	Ongoing arbitrary detention / Critical health condition / Judicial harassment	Urgent Appeal CHN009/1107/OBS 141.7	April 13, 2010
Mr. **Tang Jitian** and Ms. **Liu Wei**	Judicial harassment	Urgent Appeal CHN002/0410/OBS 051	April 26, 2010
Guizhou Human Rights Symposium / Messrs. **Mo Jiangang**, **Xu Guoqing** and **Du Heping**	Obstacles to freedom of assembly / Arbitrary detention / Harassment	Press Release	June 3, 2010
Mr. **Tan Zuoren**	Sentencing in appeal / Arbitrary detention	Urgent Appeal CHN003/0610/OBS 074	June 10, 2010
Messrs. **Jiang Tianyong**, **Tang Jitian**, **Teng Biao** and **Chen Guangcheng**	Enforced disappearances / Fear for safety	Urgent Appeal CHN 001/0311/OBS 028	March 1, 2011
Aizhixing Research Foundation	Censorship / Obstacles to freedoms of expression and association	Urgent Appeal CHN002/0311/OBS 050	March 25, 2011

INDIA

In 2010-2011, human rights defenders who denounced extrajudicial killings and other abuses committed by security forces, in particular in the context of the Naxalite (Maoist) insurgency and the volatile situation in Jammu, Manipur and Kashmir, and those who stood up against widespread impunity for such violations, continued to face judicial harassment. Those working to promote and protect the rights of marginalised groups also faced serious reprisals, including when protesting against development projects that threaten or destroy the land, natural resources and livelihood of their communities. Defenders of women's rights and of environmental rights were also targeted, and several activists who denounced corruption were assassinated.

Political context

In 2010-2011, the Government of India was forced to battle the consequences of an increased Naxalite (Maoist) insurgency in seven States, which was singled out by Prime Minister Manmohan Singh on April 21, 2010 as the biggest internal security threat, asserting that "no quarter can be given to those challenging the authority of the Indian State". Despite lengthy peace talks with Pakistan, the situation in Jammu and Kashmir also remained volatile. In the context of both conflicts, security forces frequently resorted to excessive use of force and were responsible for extrajudicial killings, torture, enforced disappearances and other forms of violence, often without being held accountable. Security laws, including the Public Safety Act and the Armed Forces Special Powers Act (AFSPA), which is at the origin of many acts of police violence in the State of Manipur, Jammu and Kashmir. Public Safety Act and the Unlawful Activities Prevention Act[1] also continued to be arbitrarily implemented and contributed to the climate of impunity surrounding the security and military operations in question.

Additionally, the reform of the police had still not been implemented neither by the Government of India nor by several State Governments as of April 2011, despite a 2006 ruling by the Supreme Court in that regard. The Government also faced a number of high-profile corruption scandals, including in connection with the 2010 Commonwealth Games, as corruption remained widespread and affected most segments of the public sector.

1/ This law was widely criticised for being extremely vague and subjective on what is deemed unlawful by the authorities. Moreover, it includes no provision for the granting of bail to detainees or for the right to appeal.

Furthermore, India continued to have the world's largest number of poor people in a single country. Of its nearly one billion inhabitants, an estimated 260.3 million are below the poverty line, of which 193.2 million are in the rural areas and 67.1 million are in urban areas. More than 75% of poor people reside in villages[2]. The poorest and most marginalised groups, primarily the Dalits and Adivasis, continued to live in deep poverty and face discrimination despite the illegality of the caste system. Landless farmers and marginalised groups were also subjected to forced evictions in several States due to industrial and other business projects.

Following the official visit she carried out to India from January 10 to 21, 2011, the United Nations (UN) Special Rapporteur on the Situation of Human Rights Defenders, Ms. Margaret Sekaggya, noted that despite a number of laws aimed at promoting and protecting human rights, there were still widespread deficiencies in their implementation both at the central and State levels, adversely affecting the work and safety of human rights defenders. She further noted that human rights defenders were killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, falsely charged, put under surveillance, forcibly displaced, or had their offices raided and files stolen, in relation to their legitimate work in defending human rights and fundamental freedoms[3].

Judicial harassment of defenders protesting against extrajudicial executions and other abuses committed by security forces

In 2010-2011, the cycle of violence in the areas affected by conflict had again serious repercussions on the environment human rights defenders operated in. Human rights defenders denouncing abuses committed by security forces, seeking justice for victims of such violations or who called for the repeal of the mentioned emergency laws indeed continued to be subjected to arbitrary arrests and detentions, judicial harassment and other obstacles to their legitimate human rights work against impunity. On December 24, 2010, Dr. **Binayak Sen**, National Vice-President of the Peoples' Union for Civil Liberties (PUCL) and Secretary General of the PUCL branch in the Chhattisgarh State, was sentenced to life imprisonment by the Chhattisgarh High Court, on charges of "sedition" and

2/ See Banglar Manabadhikar Suraksha Mancha (MASUM).

3/ In particular, Ms. Sekaggya called for the repeal of the AFSPA and the Public Safety Act, and stressed that the application of other security laws that adversely affect the work and safety of human rights defenders should also be reviewed. She also expressed concerns about the amendment to the Foreign Contribution Regulations Act, which provides that NGOs must reapply every five years for the review of their status by the Ministry of Home Affairs in order to receive foreign funding. See Human Rights Council, *Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to India*, January 21, 2011.

"conspiracy" under Sections 124(A) and 120(B) of the Criminal Code[4]. On February 10, 2011, the Chhattisgarh High Court refused to grant him bail on the grounds that he was closely associated with members of the Naxalite Maoist guerrilla, which made him guilty of sedition. On April 15, 2011, the Supreme Court of India overruled the decision and ordered the release on bail of Dr. Sen. Yet, as of the end of April 2011, the charges against Dr. Sen remained pending as the appeal was pending before the High Court of Chattisgargh. Moreover, as of April 2011, Ms. **Irom Chanu Sharmila**, a human rights defender on hunger strike since November 2, 2000 in protest against the AFSPA, continued to be detained for "attempting suicide" (Section 309 of the Criminal Code)[5]. Moreover, in the night of January 31, 2010, Mr. **Devi Singh Rawat**, a human rights lawyer in Ajmer district of the State of Rajasthan, was arrested and accused of "voluntarily causing hurt to deter public servant from his duty" and "assault or criminal force to deter public servant from discharge of his duty" (Sections 332 and 353 of the Criminal Code), as well as "mischief causing damage to public property" (Section 3 of the Public Property Damages Act). A dozen villagers were also arrested[6]. On January 5, 2010, Mr. Devi Singh Rawat had filed a case for torture in the court of Judicial Magistrate No. 4 against officials of the Adarsh Nagar police station, at the request of People's Watch National Project on Prevention of Torture (NPPT). On January 30, 2010, the police officials tried to persuade Mr. Singh Rawat for a compromise, threatening him that otherwise he would have to face dire consequences. However, Mr. Singh Rawat refused to withdraw the case. On February 2, 2010, Mr. Devi Singh Rawat was released on bail from central prison in Ajmer, along with the fifteen other arrestees in this case. As of April 2011, charges against him remained pending. Members of the human rights NGO Banglar Manabadhikar Suraksha Mancha (MASUM), West Bengal, were also subjected to judicial harassment because of their activities, in particular for denouncing abuses committed by the Border Security Forces (BSF), including extrajudicial killings, smuggling and

4/ Dr. Sen, who had helped to organise fact-finding investigations on human rights violations in the State of Chhattisgarh, including abuses against detainees and also denounced the alleged involvement of the police into the unlawful killing of twelve Adivasis in 2007, had been arrested in 2007 for alleged links with the Naxalite Maoist guerrilla.

5/ According to the Criminal Code, the maximum sentence for the charge of "attempting suicide" is of one year in detention. Therefore, Ms. Sharmila is released every year and then placed in detention shortly afterwards again for the same reasons. As a consequence, the authorities have since then regularly resorted to forced nasal feeding.

6/ He was accused of allegedly participating in a fight between villagers and police personnel that occurred the same day during local elections in Palra village. However, at the time of the confrontation, Mr. Singh was not at the place of the incident. During their detention, Mr. Devi Singh Rawat and the other villagers who were arrested were forced by the police to remove their clothes, following which they were photographed. The pictures were then made available to the press.

trafficking, as illustrated by the proceedings against Messrs. **Kirity Roy**, Secretary of MASUM, **Gopen Chandra Sharma** and **Julfikar Ali**, both District Human Rights Monitors in Murshidabad district of MASUM[7]. As of April 2011, proceedings remained pending against Messrs. Kirity Roy and Gopen Chandra Sharma. Furthermore, on March 3, 2011, the Supreme Court of India reportedly issued an order stating that Ms. **Teesta Setalvad**, Head of the organisation Citizen for Justice and Peace (CJP), a human rights organisation involved in the legal support of victims of the Gulbar Society Massacre of February 2002, should not send any communication to the High Commissioner for Human Rights (OHCHR) in Geneva anymore concerning the investigation of the massacre[8]. No information could be obtained as to the reasons provided by the court to justify this restriction.

Reprisals against defenders of the rights of marginalised communities

In 2010-2011, human rights defenders working to promote and protect the rights of marginalised groups, including the Dalits and Adivasis (tribals), were subjected to reprisals when carrying out their activities. For instance, on August 15, 2010, Messrs. **Ghana Diraviam** and **Anandan**, and Ms. **Bharathi Pillai**, Ms. **Niharga Priya** and Ms. **Sudha**, members of the Dalit Foundation[9], were arrested and detained at the Veeravanallur police station in the Tirunelveli district of the State of Tamil Nadu, which they had visited as part of a fact-finding team sent to inquire about the alleged case of torture inflicted on a Dalit youth from Veeravanallur by police officials at that station[10]. They were accused of "impersonating a public servant", "assault or criminal force to deter public servant from discharge of his duty", "cheating by personating" and "punishment for criminal intimidation", under Sections 170, 353, 416 and 506(i) of the

7 / On April 7, 2010, Mr. Kirity Roy was arrested under sections 120(B) ("conspiracy"), 170 ("impersonating a public servant") and 229 ("impersonation of a juror or assessor") of the Criminal Code. Those charges were initiated following a People's Tribunal on Torture (PTT) that had been conducted by MASUM under the NPPT in India in June 2008 in Kolkata. Mr. Kirity Roy was released on bail on the same day. Mr. **Henri Tiphagne**, Executive Director of People's Watch and a member of the OMCT Executive Council, was also accused in the case which, as of April 2011, was at trial stage. Mr. Tiphagne obtained anticipatory bail and was yet to get bail from the High Court in Kolkotta.

8 / This massacre, causing the death of 69 people, happened during the riots in the State of Gujarat in 2002. Ms. Teesta Setalvad has been actively involved into the investigation of the massacre through legal support to victims, including the documentation of several cases and their defence in hearing sessions at the Supreme Court. She also denounced the lack of protection given to witnesses and victims.

9 / The Dalit Foundation is committed to the eradication of caste discrimination and the empowerment of Dalits and other marginalised communities.

10 / The fact-finding team was one of the thirteen different teams that were sent in the field to gain experience on human rights fact-finding in the framework of a training programme co-organised by People's Watch and the Dalit Foundation from August 11 to 20, 2010 in Madurai.

Criminal Code respectively. The remand report also referred to Mr. **Henri Tiphagne**, Executive Director of People's Watch and a member of the OMCT Executive Council, as the "absconding accused", which means that he could be arrested at any time claiming that he was involved in this case. Subsequently, Messrs. Ghana Diraviam and Anandan, and Ms. Bharathi Pillai, Ms. Niharga Priya and Ms. Sudha were all released on bail. As of April 2011, the National Human Rights Commission (NHRC) was investigating the case[11]. On August 17, 2010, Mr. **Naba Dutta**, Head of "Nagarik Mancha", a civil society organisation focusing on environmental and labour rights, three other members of the organisation, the driver and a victim of the "Lodha" tribal people, were arrested by police officials in plain clothes who did not show them any warrant or inform them of the reason of their arrest. They were coming back from a sit-in organised in front of the Block Development Officers at Narayangarh, West Midnapur district, to protest against the lack of effective investigation into an attack against the Lodha tribe on May 5, 2010[12]. Subsequently, all persons concerned were released except Mr. Naba Dutta, who was sent back to the Sadatpur Investigation Centre due to his alleged connection with a criminal dated December 18, 2009. Mr. Dutta remained detained incommunicado until August 18, 2010, when he was released on bail. Yet, he remained charged under seventeen sections of the Criminal Code and three sections of the Arms Act in connection to his alleged involvement in the burning of a factory in Paschim Medinipur district in December 2009. As of April 2011, the case against Mr. **Marimuthu Barathan**, President of the Human Rights Education and Protection Council, who has been working closely with Dalit communities in Tirunelveli and surrounding southern districts of Tamil Nadu State, was also still pending trial[13].

Moreover, human rights defenders engaged in denouncing development projects that threaten or destroy the land, natural resources and livelihood of their communities were targeted by State agents and private actors. For instance, on April 2, 2011, Ms. **Ibempishak Takhellambam**,

11 / Subsequently, the NHRC observed that the police officers had committed a grave violation of the victims' human rights and sent a notice to the Government of Tamil Nadu on May 25, 2011, calling upon its Chief Secretary to provide compensation to the defenders.

12 / On May 5, 2010, eleven Lodha huts were ransacked and set on fire by hoodlums, allegedly supported by the ruling party. A complaint was filed before the competent authorities but no effective investigation was carried out.

13 / Mr. Marimuthu Barathan has been subjected to judicial harassment since May 27, 2009, when he was arrested by the police and accused of the murder of a man, as well as of being involved in the killing of twenty Dalit people. Following those killings, the Tirunelveli police arrested several Dalit people. The victims sought the assistance of Mr. Barathan in front of Government officials and the police. He was charged for various offences, including "rioting armed with deadly weapons" and "murder". He had been released on bail on June 27, 2009.

Ms. **Memcha Sagolsem**, Ms. **Anita Konjengbam** and Ms. **Momon Mayanglambam**, four indigenous Meitei human rights defenders, members of Manipur Chanura Leishem Marup (also known as "Macha Leima"), an organisation dedicated to the empowerment and the defence of the rights of indigenous women, received death threats by two unidentified men, who entered their homes and told their family members that they should stop their activities or otherwise would face dire consequences. These threats occurred following the refusal of the State Public Information Officer of the State of Manipur to inform them on steps taken by local authorities of Pallel Gram Panchayat to implement the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)[14]. On April 6, 2011, Ms. Konjenbam and Ms. Takhellambam filed complaints at the police stations of Kakching and Pallel, but officers of the two police stations reportedly refused to file a First Information Report (FIR) on their case. Moreover, on February 9, 2011, Messrs. **Rabindra Kumar Majhi**, **Madhusudan Badra** and **Kandera Hebram**, members and activists of the Keonjhar Integrated Rural Development and Training Institute (KIRDTI), an organisation that advocates for the land rights of Adivasis, and for ecological protection from mining and illegal logging in Keonjhar district, in the State of Orissa[15], who had been arrested in July 2008, were granted bail by Keonjhar Lower Court.

Killing of and death threats against defenders denouncing corruption

Several right to information activists who exposed corruption by relying on the Right to Information (RTI) Act were assassinated in 2010-2011. On January 13, 2010, Mr. **Satish Shetty**, an anti-corruption activist of Pune, Maharashtra, was killed by three or four masked men armed with swords. Mr. Shetty had exposed many land scams in and around Talegaon, involving local politicians, industrialists and some land registration department officials. On February 11, 2010, Mr. **Vishram Laxman Dodiya** of Ahmedabad, Gujarat, was found dead, shortly after meeting with officials from the company Torrent Power. He had filed an application under the RTI Act to obtain details about illegal electricity connection by Torrent Power. Three people were arrested in the case. On February 14, 2010, Mr. **Shashidhar Mishra** of Begusarai, Bihar, was killed after exposing the nexus between railway police and criminals at the Barauni railway station.

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14 / MGNREGA is a job guarantee scheme that provides a legal guarantee for one hundred days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work at the statutory minimum wage of 2,22 US dolars (about 1,53 euros) per day in 2009 prices. This act was introduced with the aim of improving the purchasing power of the rural people, primarily semi or un-skilled work to people living in rural India.

15 / KIRDTI is also involved in working on development activities with the "Juang" tribal community.

On April 4, 2010, Mr. **Sola Ranga Rao**, an RTI activist in Krishna district, Andhra Pradesh, was found dead near his house. Although his death was initially reported as an accident, it is believed he was killed because of the RTI application he had filed with a district office regarding the misuse of funds sanctioned for the village's drainage system. On April 21, 2010, Mr. **Vitthal Gite** was seriously injured when a group led by the son of the educational society that runs Sainath Vidyalaya at Waghbet village in Beed district, Maharashtra, attacked him. Mr. Gite had sought information under the RTI Act and exposed irregularities in the functioning of several schools in the village, which were published in a local newspaper. On May 22, 2010, Mr. **Datta Patil**, a RTI activist from Ichalkaranji, Kolhapur district, who exposed corruption amongst several politicians and bureaucrats, was found dead in Maharashtra. Through RTI, Mr. Patil had exposed black-marketing of foodgrains under the Public Distribution System, and how the sand mafia contractors were paying their way into silencing officials as they freeloaded on sand which belonged to the State. The Anti-Corruption Bureau (ACB) had also started investigations against certain local municipal contractors on the basis of complaints lodged by Mr. Patil. On July 20, 2010, Mr. **Amit Jethwa**, a RTI activist, was killed in Gujarat. Mr. Jethwa had filed several petitions in the Gujarat High Court against the Forest Department. On the day of his killing, he had been meeting with his lawyer in relation to a public interest litigation that he had filed in June about illegal mining in the Gir forests of Junagadh district (Western Gujarat). Mr. Jethwa had alleged that mining activities were being carried out in Una and Kodinar areas by family members of a local member of Parliament. He had furthermore alleged that the same politician was running illegal mines and stone crushing in another village bordering the Gir forest[16].

Labour rights activists, in particular those who documented cases of corruption related to MGNREGA, or tried to receive information about it from public authorities, also faced dire consequences throughout 2010. On March 2, 2011, Mr. **Niyamat Ansari**, a human rights activist engaged in the defence of workers' rights in Manika Block, Latehar district, State of Jharkhand, was taken away from his home in the locality of Jerua, in the village of Kope by a group of unknown armed persons, brutally beaten and left unconscious. Mr. Niyamat Ansari died soon after he was taken to the hospital. His associate, Mr. **Bhukhan Singh**, also received death threats from the attackers but he was able to hide. The killing of Mr. Niyamat Ansari is believed to be related to his work in favour of workers

16 / See People's Watch as well as RTI Group, *Register of Attacks on Activists in 2010 & 2011*, February 1, 2011.

covered by the MGNREGA and his denunciation activities about corruption in relation to this employment scheme in the State of Jharkhand[17]. On March 3, 2011, the police of Latehar recorded a FIR against seven private local contractors or their associates and against Mr. Sudarshan, a local Maoist leader belonging to the Koel Sankh zone of Communist Party of India of Pratappur block in Chatra district, also believed to be involved in the murder. As of April 2011, only one of the private contractors had been arrested. On March 5, 2011, the local newspapers *Prabhat Khabar* and *Dainik Bhaskar* published a statement written by the South Latehar Sub-zonal Committee of the Communist Party of India, claiming responsibility for the murder, and warning Mr. Bhukhan Singh that if he remained under police protection, he would meet the same fate.

Acts of harassment against defenders of women's rights

In 2010-2011, defenders of women's rights continued to face harassment from non-State actors, and were frequently unable to receive the attention and support of law enforcement agencies to their plight. For instance, on March 25, 2010, a group of individuals entered the tuition centre run by Guria Swayam Sevi Sansthan (Guria)[18] in Shivdaspur, verbally abused Mr. **Ajeet Singh**, President of Guria, who is also a member of the Advisory Committee on Combating Child Prostitution and Trafficking of Women and Children of the Government of India and the State Monitoring Committee for the abolition of child prostitution and the exploitation of women; and other staff members present at the premises and threatened to kill them. They also threatened Guria staff members that "they [would] break the arms and legs of anyone who attempt[ed] to continue teaching the children [t]here". They also told staff members to warn Mr. Ajeet Singh not to enter the area otherwise he would face dire consequences. The assailants subsequently locked the premises of the tuition centre, making it inaccessible for evening classes. On March 29, 2010, staff members of Guria discovered that the door of the centre had been broken down, leaving it unprotected. On April 5, 2010, a group of individuals again entered the centre while the evening tuition was ongoing, and ransacked the premises, beat staff members and tore their clothes. The incidents were

17 / Since MGNREGA was launched in 2006, Mr. Niyamat Ansari and Mr. Bhukhan Singh have been working for the rights of workers subjected to the MGNREGA, particularly through the support of several cases of demands for unemployment allowance at the Latehar People's Court, which were accepted in February 2009. In the framework of their activities, they also collected information and investigated cases of corruption, especially by private contractors taking financial advantage of this employment system in Jharkhand.

18 / Guria is a NGO working on issues of forced prostitution and trafficking in Uttar Pradesh. Guria has been running a tuition centre for sixteen years in Shivdaspur.

reported to the Manduadih police station and to the Deputy Inspector General of the police in Varanasi.

Arbitrary arrest of defenders working on environmental issues

In 2010, ten human rights defenders who had peacefully protested against a nuclear power plant were arbitrarily arrested for a couple of hours. On October 6, 2010, Messrs. **Bankim Dutta**, **Mihir Bhonsle**, **Bidhan Chandra Dey**, **Achintya Pramanik**, **Nirbhik Mukherjee**, **Swapan Mallick**, **Subimal Chatterjee**, **Debashis Shyamal**, **Kaushik Haldar** and **Prasun Das**, members of the Science and Environment movement, a network of different organisations and individuals working against pollution of air, water and land, were arrested by the police in front of the Saha Institute for Nuclear Physics while peacefully protesting against a nuclear power plant on the eve of a scheduled visit of Dr. Srikumar Banerjee, the Chairman of the Atomic Energy Commission of India. The arrests occurred while the above-mentioned activists were distributing leaflets against the building of the nuclear power station at Haripur. They were transferred to the Bidhan Nagar police station without being provided any reason for their arrest. They were released later the same day without charge.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Devi Singh Rawat**	Arbitrary detention / Judicial harassment / Ill-treatments / Release on bail	Urgent Appeal IND 001/0210/OBS 014	February 3, 2010
Ms. **Irom Chanu Sharmila**	Arbitrary re-arrest / Ongoing detention / Judicial harassment	Urgent Appeal IND 002/0310/OBS 037	March 16, 2010
Mr. **Gopen Chandra Sharma**	Ongoing judicial harassment	Closed Letter to the authorities	March 26, 2010
Mr. **Kirity Roy**	Arbitrary arrest / Release on bail / Judicial harassment	Urgent Appeal IND 007/0608/OBS 097.3	April 7, 2010
KIRDTI / Messrs. **Rabindra Kumar Majhi**, **Madhusudan Badra** and **Kandera Hebram**, Ms. **Mamina Munda**	Ongoing arbitrary detention / Judicial harassment	Urgent Appeal IND 002/0510/OBS 060	May 12, 2010
Ms. **K. Saraswathy**	Assault / Death threats / Ill-treatments / Judicial harassment	Urgent Appeal IND 003/0610/OBS 082	July 1, 2010
Messrs. **Ghana Diraviam**, **Anandan** and **Henri Tiphagne**, Ms. **Bharathi Pillai**, Ms. **Niharga Priya** and Ms. **Sudha**	Arbitrary detention / Judicial harassment	Urgent Appeal IND 004/0810/OBS 102	August 18, 2010
Mr. **Naba Dutta**	Arbitrary detention/ Release / Judicial harassment	Urgent Appeal IND 005/0810/OBS 104	August 24, 2010

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Bankim Dutta, Mihir Bhonsle, Bidhan Chandra Dey, Achintya Pramanik, Nirbhik Mukherjee, Swapan Mallick, Subimal Chatterjee, Debashis Shyamal, Kaushik Haldar** and **Prasun Das**	Arbitrary arrest / Release	Urgent Appeal IND 006/1010/OBS 121	October 7, 2010
Dr. **Binayak Sen**	Sentencing to life imprisonment	Urgent Appeal IND 004/0408/OBS 055.2	January 6, 2011
	Release on bail / Judicial harassment	Urgent Appeal IND 004/0408/OBS 055.3	April 18, 2011
Mr. **Julfikar Ali**	Judicial harassment	Urgent Appeal IND 001/0211/OBS 018	February 14, 2011
Ms. **Teesta Setalvad**	Restriction on communication with an international body	Urgent Appeal IND 002/0311/OBS 032	March 11, 2011
Messrs. **Niyamat Ansari** and **Bhukhan Singh**	Killing / Death threats	Urgent Appeal IND 003/0311/OBS 044	March 24, 2011
Ms. **Ibempishak Takhellambam**, Ms. **Memcha Sagolsem**, Ms. **Anita Konjengbam** and Ms. **Momon Mayanglambam**	Death threats	Urgent Appeal IND 004/0411/OBS 068	April 21, 2011

INDONESIA

In a climate of impunity, human rights defenders documenting human rights violations by the police as well as incidents of corruption or environmental rights were subjected to attacks, including assassination and attempted assassination. Non-State actors, in particular extremist religious groups, were responsible for an increasing number of threats, harassments and intimidations to human rights defenders throughout the year, often accompanied with complicity of police officials. In particular, lawyers who take up cases related to blasphemy and religious minorities also faced acts of harassment and intimidation by non-State actors. As intolerance towards sexual minorities increased, freedom of assembly of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) activists was curtailed on several occasions.

Political context

No significant improvement was seen in the field of human rights. Accountability for past-Reformasi era[1] crimes remained low and public security and confidence in the police continued to erode during the course of 2010[2]. Members of the police and military continued to enjoy an almost complete immunity from serious investigations and prosecutions. In addition, in the few cases that were prosecuted they resulted in disproportionately lenient sentences[3].

Impunity for human rights violations committed during the Suharto era also remained the rule, with no high-level military figures having been convicted. The culture of impunity was accompanied with ambiguous political messages by the Government. On March 22, 2010, Defence Minister Purnomo Yusgiantoro pledged to suspend soldiers credibly accused of serious human rights violations, to cooperate with their prosecution, and to discharge those convicted. Despite such pledges, only relatively low-level officials were brought before military tribunals, and no cases were brought to civilian courts. Moreover, President Yudhoyono appointed Lieutenant General Sjafrie Sjamsoeddin to the post of Deputy Defence Minister in

1/ The post-Suharto era in Indonesia began with the fall of Suharto in 1998. Since then, Indonesia has been in a period of transition. This era - from 1998 to 2008 - has been called the period of "Reformasi" (Reform).

2/ See The Commission for Disappeared and Victims of Violence (KontraS) Report, *Void protection against citizens human rights*, December 28, 2010.

3/ See IMPARSIAL - the Indonesian Human Rights Monitor, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

January 2010, a military commander of Jakarta during the end of the Suharto era alleged to be responsible for the enforced disappearance of 23 student activists as well as for other human rights violations.

On April 19, 2010, the Constitutional Court upheld blasphemy restrictions included in Article 156(a) of the Criminal Code in a widely contested decision. This signalled a significant setback for religious freedom and freedom of expression, and serious concerns raised that the provisions may be used to discriminate against religious minorities[4]. Moreover, a Bill on State Secrecy and a Bill on Mass Organisation, which risk placing serious limitations on human rights activities, remained on the agenda of the National Legislative Programme 2010-2014[5].

Ongoing impunity for the assassination of Mr. Munir Said Thalib

In the case of the 2004 murder of Mr. **Munir Said Thalib**, a prominent human rights defender and co-founder of the Commission for the Disappeared and Victims of Violence (KontraS), the suspected mastermind, the former Deputy Chief of Indonesia's National Intelligence Agency (*Badan Intelijen Nasional* - BIN), Mr. Muchdi Purwopranjono, continued to remain unpunished. Mr. Muchdi was prosecuted in 2008 on charges of ordering the murder, and the trial was seen as an important step in the fight against impunity, as it was the first time State authorities were held accountable for State-sponsored or tolerated violence. However, he was acquitted for lack of evidence on December 31, 2008 by the South Jakarta District Court. An appeal was filed by the Prosecutor against the verdict, which was rejected on June 15, 2009 by the Indonesian Supreme Court. The decision to launch a new investigation and subsequently to ask a review of the trial, lies now with the State Attorney General, but no substantive actions were taken towards that end.

Assassination of and attacks on journalists denouncing illegal logging, environmental degradation and police abuses

Journalists documenting illegal logging, environmental degradation or exactions committed by the police were subjected to attacks and fell victims of assassination. On July 30, 2010, the body of environmental journalist

4/ The article in question provides criminal penalties of up to five years of imprisonment for those who express religious beliefs that deviate from the cultural tenets of the six officially recognised religions. See IMPARSIAL, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

5/ The Bill on State Secrecy could indeed create difficulties for the victims and human rights groups to document human rights abuses, while the Bill on Mass Organisation plans to monitor NGOs' funding and to establish a commission to monitor the activities of NGOs, which could advise the Government to freeze NGOs' license and funds.

Mr. **Ardiansyah Matra'is** was found in the Maro river in Merauke, Papua. He had been reported missing since July 28, 2010. It is believed that his death may be linked to his work covering corruption and illegal logging involving police officers in Papua, as well as local elections that took place on August 2, in Merauke. He had received death threats in the days before his disappearance. In 2009, he had allegedly been kidnapped by soldiers who threatened to kill his family after he wrote a series of articles for *Jubi* magazine about illegal logging by local military officers. Although Indonesian police headquarters revealed on August 20, after a post-mortem examination of the body, that Mr. Matra'is was murdered and drowned in the river, the police chief of Merauke concluded the case to be a suicide. As of April 2011, the police was about to close the investigation[6]. On July 26, 2010, environmental journalist Mr. **Muhammad Syaifullah** was found dead in his home in Balikpapan, East Kalimantan. Mr. Syaifullah was the Borneo Bureau Chief of *Kompas*, Indonesia's biggest daily newspaper, and reported extensively on illegal logging and environmental degradation relating to coal mining. The forensic examination concluded that Mr. Syaifullah died of hypertension. However, the police failed to publicly present the cause for Mr. Syaifullah's death and closed the investigation[7]. Mr. **Alfrets Mirulewan**, Chief Editor of the *Pelangi Weekly*, was found dead at Nama Beach, Southwest Maluku, on December 17, 2010. Prior to his murder, Mr. Mirulewan had been looking into illegal fuel sales and smuggling involving local police officials. In January 2011, the local police arrested five men in connection with the murder, including a local policeman. Yet, the police subsequently closed the case[8]. On May 21, 2010, Mr. **Ahmadi**, an Aceh-based journalist working for *Harian Aceh*, was beaten and threatened with death by First Lieutenant Faizal Amin for investigating possible links between illegal logging in the province and the military. First Lieutenant Faizal Amin elbowed Mr. Ahmadi in the face and threatened to kill his family if he did not change or retract the content of the article published in *Harian Aceh* on the same day. Mr. Ahmadi, who suffered bruising and swelling to the face from the attack, lodged complaints with the police and the military. Subsequently, on January 20, 2011, the Military Court of Banda Aceh ruled that First Lieutenant Faizal Amin was guilty of grievous assault against Mr. Ahmadi and of damaging his cell

6 / See KontraS as well as International NGO Forum on Indonesian Development (INFID) and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN Document A/HRC/16/NGO/80, February 24, 2011.

7 / *Idem.*

8 / See KontraS Report, *Void protection against citizens human rights,* December 28, 2010 as well as INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN Document A/HRC/16/NGO/80, February 24, 2011.

phone and laptop computer, and sentenced him to ten months in prison[9]. On March 3, 2011, Mr. B**anjir Ambarita**, a journalist with *Bintang Papua*, a local newspaper based in Jayapura, Papua province, was riding his motorcycle in front of the Jayapura Mayor's office when two unknown men on a motorcycle approached him, stabbed him twice in the chest and stomach and fled. Mr. Ambarita underwent surgery in Marthen Indey hospital in Aryoko, Jayapura, and subsequently recovered. The Papua regional police and the Jayapura police have set up a joint force to investigate the case but, as of April 2011, perpetrators remained unknown. Shortly prior to the attack, Mr. Banjir Ambarita had written articles in the Bintang Papua and in the Jakarta Globe about two alleged rape cases involving the police[10].

Repressive legal framework and attacks against anti-corruption activists

Anti-corruption activists were also subjected to reprisals. Criminal libel, slander and "insult" laws prohibit intentionally publicising statements that may directly harm another person's reputation, even if the statements or allegations in question are true. Acts under these provisions of the Criminal Code are punishable with up to sixteen months of imprisonment. Another law, enacted in 2008, punishes defamation committed through Internet with imprisonment of up to six years and heavy fines. These provisions make anti-corruption activists and journalists uncovering grafting cases extremely vulnerable to criminal proceedings and had a chilling effect on investigative work, resulting in self-censorship in a number of cases. Moreover, a researcher for Indonesia Corruption Watch (ICW), Mr. **Tama Satya Langkun**, was severely beaten by four unidentified individuals on July 8, 2010 in Duren Tiga, South Jakarta. Prior to the attack, he had worked on a report to the Corruption Eradication Commission (KPK) on suspicious bank accounts of high-ranking police officers. In a related incident, the offices of the leading news magazine *Tempo*, which ran a story on the report two days before the assault, were attacked on July 6, 2010, when two unidentified men threw Molotov cocktails at the building housing the offices. As of the end of April 2011, the incidents were still

9 / See INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council,* UN Document A/HRC/16/NGO/80, February 24, 2011.

10 / The three officers implicated in the cases were reportedly only given disciplinary punishments of 21 days of detention and a delay of their promotions. The media coverage of the second incident led to the resignation of Jayapura police Chief Adjunct Senior Commissioner Imam Setiawan on March 1, 2011, and a report on the incident filed by the woman's husband to the Papua branch of the National Human Rights Commission (Komnas HAM). See KontraS and IMPARSIAL.

being investigated by the Jakarta regional police[11]. On a positive note, on February 16, 2010, the Denpasar District Court sentenced Mr. I Nyoman Susrama, a legislative council member for the district of Bangli, to life imprisonment for the murder of *Radar Bali* journalist, Mr. **Anak Agung Gede Bagus Narendra Prabangsa**. Before he was murdered in February 2009, Mr. Prabangsa had reported on alleged corruption in the Local Education Office in Bangli district, Bali. The verdict was subsequently upheld by the Court of Appeal on April 29, 2010 and by the Supreme Court on September 25, 2010[12].

Human rights lawyers working on religious freedom increasingly targeted

Lawyers who take up cases related to blasphemy and religious minorities often find themselves targets of harassment and intimidation, mostly by non-State actors, such as Islamist extremist groups. The situation is further aggravated by the fact that the police and other law enforcement agencies either fail to respond in the face of such incidents or, in some cases, even appear to openly side with extremist groups. Physical protection following such incidents is often not provided, and related complaints are not properly investigated, further adding to a climate of impunity and fear among minority groups and those defending their rights. For instance, Messrs. **Uli Parulian Sihombing**, **Nurkholis Hidayat** and **Choirul Anam**, lawyers of the Legal Aid Foundation (LBH) representing various human rights organisations[13], who initiated the judicial review of the blasphemy related provisions of the Criminal Code at the Constitutional Court, were attacked by members of the Islamic Defenders Front (*Front Pembela Islam* - FPI) on March 24, 2010, during a recess in front of the Constitutional Court. The lawyers were harassed and verbally abused, and some of them were beaten. The camera of Mr. Nurkholis Hidayat was taken away as he was beaten on his arm. As of April 2011, the police had opened no investigation into the events[14].

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11 / See Legal Aid Institute (LBH), KontraS and ICW Jakarta Joint Statement, July 21, 2010 as well as INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council*, UN Document A/HRC/16/NGO/80, February 24, 2011.

12 / See INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council,* UN Document A/HRC/16/NGO/80, February 24, 2011.

13 / Including IMPARSIAL, the Institute for Policy Research and Advocacy (ELSAM), the Indonesian Legal Aid and Human Rights Foundation (PBHI), the Centre for Democracy and Human Rights Studies (DEMOS), Setara People's Union, Desantara Foundation and the Indonesian Legal Aid Foundation (YLBHI).

14 / See IMPARSIAL, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

Freedom of assembly of LGBTI activists curtailed

In recent years, there has been a marked increase in intolerance towards sexual minorities, blocking any progress in favour of the rights of LGBTI people. The latter faced violent attacks and harassment by radical, extremist groups, such as the FPI or the Hisbut Tahrir Indonesia (HTI). Besides, the police remained passive when confronted with such acts. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) had scheduled to hold the Fourth Asian Regional ILGA conference[15] in Surabaya, East Java, from March 26 to 29, 2010. More than 150 human rights defenders, representing over one hundred organisations from sixteen Asian countries, had planned to participate in the event. However, despite the fact that the organisers obtained all necessary permissions from the South Surabaya district police, they were later advised by the police to cancel the conference in light of information received that religious extremist groups were planning an attack at the venue. On the second day of the conference, the hotel venue was eventually attacked and taken over by mobs claiming to be affiliated to the FPI. They also sealed off the Surabaya office of Gaya Nusantara, the conference's host organisation, which remained closed and guarded by vigilantes until April 21, 2010. Although members of the police mobile brigade came to the hotel after a crowd had significantly grown there, it did not take adequate steps to disperse it and was eventually perceived by the LGBTI activists as overtly siding with the Islamic radical groups. Participants of the conference were subsequently forced to relocate to another hotel. A similar attack by FPI occurred during a meeting organised by the National Human Rights Commission (Komnas HAM) on transgender issues in Depok, West Java, on April 30, 2010. According to witness testimonies, city officials and police officers colluded with the attackers. Threats were also made by Lasykar Pembela Islam (LPI), the "military" wing of the FPI, against an HIV/AIDS seminar organised by the Indonesian Gay, Waria and Men Who Have Sex With Men (GWL) network in Bandung, West Java, on May 11, 2010, causing it to be relocated[16].

Acts of harassment against environmental and land rights activists

In 2010-2011, acts of harassment continued against environmental and land rights activists. For instance, on July 5, 2010, a contingent of anti-riot police and immigration officials arrested twelve foreign anti-coal mine activists in Cirebon, West Java, as they were participating in a press conference held by Greenpeace and local groups in order to launch a regional

15 / See ILGA Press Release, April 27, 2010.

16 / See IMPARSIAL, KontraS and FIDH Report, *Shadows and clouds; Human rights in Indonesia: shady legacy, uncertain future*, February 2011.

manifesto against the expansion of coal power plants in Asia and to lodge complaints about the negative effects of a coal-fired power plant being set up in Cirebon[17]. The activists were charged under Article 42.1 of Indonesian Immigration Law[18], and released on July 7, 2010 after being interrogated continuously by police and immigration officers. They were taken directly to the airport, following a seven-hour drive, and escorted by immigration officers to the departure gate. Immigration authorities confirmed that none of the activists would have any restriction on re-entering Indonesia, however they all received a "must leave Indonesia within three days" stamp with their standard exit stamp[19]. On July 28, 2010, Messrs. **Firman Syah** and **Dwi Nanto**, two environmental and land rights activists of Friend of the Earth (*Wahana Lingkungan Hidup* - WALHI) Bengkulu, who accompanied villagers during a rally protesting against State plantation firm PT Perkebunan Nusantara (PTPN) VII in a land dispute, were arrested along with eighteen peasants from New Pering village, Alas Maras district, Seluma[20], and named as suspects for obstructing PTPN VII. On February 18, 2011, the Bengkulu District Court sentenced all of them to three months and twenty days in prison, a fine of 250,000 rupiah (about 21 euros) and a fifteen-day detention period in breach of Act No. 18 of 2004 on Plantation[21].

On a positive note, in August 2010, Mr. **Muhammad Rusdi**, a farmer and the village chief of Karang Mendapo, who was arrested in January 2009 for his leading role in campaigning against land-grabbing by PT Kresna Duta Agroindo (KDA), an oil palm plantation, won legal action

17 / Among the twelve activists were Ms. **Amalie Obusan**, Climate and Energy Campaigner for Greenpeace Southeast Asia, Mr. **Albert Lozada**, Solar Generation-Pilipinas Coordinator of Greenpeace Southeast Asia, and Ms. **Jean-Marie Ferraris**, team leader of the LRC-KsK Davao Regional Office (the Philippines); Ms. **Iris Cheng**, Climate and Energy Campaigner for Greenpeace International, Ms. **Alisa Meng** and Mr. **Fusheng Yan** (China); Ms. **Chariya Senpong**, Climate and Energy Campaigner for Greenpeace Southeast Asia, Ms. **Weerakarn Kengkaj**, Mr. **Sutti Atchasai**, Coordinator of the Eastern People Network of Thailand, and Ms. **Uaeng-Fa Chumket** (Thailand); Ms. **Preethi Herman**, Greenpeace India Climate Campaigner, and Mr. **Sudheer Kumar Puthiya Valappil** (India). Greenpeace staff and community leaders from China, India, Thailand and the Philippines were in Cirebon to take part in workshops to share experiences of living in the shadow of coal plants or coal mines, and to learn lessons from each other about how to campaign for clean and renewable energy solutions.

18 / "Immigration actions shall be taken against foreign nationals in the Territory of Indonesia who foster dangerous activities, or who are deemed to be probable cause of danger to public order or security, or who break or neglect existing laws or regulations".

19 / See Greenpeace and The Legal Rights and Natural Resources Centre-Kasama sa Kalikasan/Friends of the Earth Philippines (LRC-KsK) Joint Press Release, July 7, 2010.

20 / WALHI helps the peasants to reclaim their land, which has been annexed by force by PTPN VII since 1986.

21 / See INFID and IMPARSIAL, *Written Statement to the 16th session of the UN Human Rights Council,* UN Document A/HRC/16/NGO/80, February 24, 2011.

against the company and was rehabilitated. Mr. Rusdi had been charged with "attempting to embezzle money" entrusted upon him by the citizens that elected him village chief.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Munir Said Thalib**	Ongoing impunity	Joint Open Letter to the authorities	October 14, 2010
Mr. **Banjir Ambarita**	Attack	Urgent Appeal IDN 001/0311/OBS 049	March 25, 2011

IRAN

In 2010 and 2011, human rights defenders remained in a very precarious situation, in particular in the context of the intensified crackdown of peaceful social protests. Vaguely worded provisions of the Criminal Code and the interests of national security were frequently invoked in order to curtail human rights activities. Freedom of association also remained seriously hampered. Lawyers, women's rights defenders, trade unionists and activists working to protect ethnic and religious minorities were particularly targeted.

Political context

Following the crackdown on demonstrations in the wake of the disputed June 2009 presidential elections, opposition demonstrations, albeit on a smaller scale, continued in 2010 and early 2011, but indiscriminately faced very harsh treatment, including the use of live ammunition, from security forces and Basij militias[1]. Impunity for human rights violations committed before and in the aftermath of the disputed June 2009 election also continued to prevail as no comprehensive investigations were launched.

Freedom of opinion and expression and access to information remained strictly restricted, with an increasing number of websites blocked by the authorities, including foreign broadcasters and major news sites. A large number of newspapers and other publications were closed down and dozens of journalists were arrested and subjected to travel bans, for merely expressing critical views of the Government[2]. The few remaining reformist media outlets were subjected to censorship and increasingly difficult licensing requirements. The use of Internet, mobile phones, text messaging and access to social media websites continued to be strictly restricted, in particular in the context of demonstrations. Repeated summons to Government offices, prison premises and offices of the security apparatus were increasingly used to intimidate and harass journalists, bloggers, human rights

1/ For instance, on December 7, 2010, during the Student Day demonstrations security forces arrested about a dozen students who were calling for greater political freedom. On February 14, 2011, several thousand people who took to the streets in Tehran to show support for the uprisings in Tunisia and Egypt suffered a ruthless crackdown by security forces. Furthermore, following the placing under house arrest in February 2011 of two leaders of the opposition movement, opposition groups called for rallies. As a result, more than 200 participants of the demonstrations were arrested in March 2011.

2/ See UN Secretary General Report, *The situation of human rights in the Islamic Republic of Iran*, UN Document A/63/370, September 15, 2010.

defenders, lawyers defending high profile prisoners of conscience. Forced confessions, often broadcast by the State media, were routinely admitted by the courts as evidence. Torture and inhuman treatment remained a major problem.

In February 2010, the human rights record of Iran was examined under the Universal Periodic Review of the UN Human Rights Council. While the Government rejected 45 important recommendations out of 188, it did accept certain recommendations relating to, among others, the protection of human rights defenders, the enhancement of freedoms of expression and assembly, the independence of the judiciary as well as the investigation and prosecution of all those, including government officials and paramilitary members, suspected of ill-treatment, torture or killing[3]. Yet, as of April 2011, those recommendations had not been followed by any concrete implementation. On June 15, 2010, marking the first anniversary of the crackdown on anti-Government protests in June 2009, the Human Rights Council expressed serious concerns over continuing systematic human rights violations in Iran. And while in April 2010, the General Assembly elected Iran to the Commission on the Status of Women, the country failed in its attempt to secure a seat on the board of the newly established UN Women in November 2010. On March 24, 2011, the Human Rights Council during its 16th session voted to establish the post of a Special Rapporteur on the Situation of Human Rights in Iran[4]. Both the United States[5] and the European Union[6] adopted sanctions against Iranian officials in connection with human rights violations.

Obstacles to freedom of association and harassment of members of human rights NGOs

In 2010-2011, freedom of association remained seriously hampered, as several human rights organisations continued to be closed, such as the Defenders of Human Rights Centre (DHRC), which was arbitrarily shut down in 2008, the Centre for the Defence of Prisoners' Rights

3/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran*, UN Document A/HRC/14/12, March 15, 2010.

4/ See Human Rights Council Resolution, *Situation of human rights in the Islamic Republic of Iran*, UN Document A/HRC/16/9, April 8, 2011.

5/ The Obama administration announced sanctions against eight high level officials, responsible for systematic and widespread human rights violations from various branches of the Government, the judiciary and the executive branch on September 29, 2010.

6/ The EU released the names of 32 individuals on April 15, 2011, blocking all their financial resources, or those controlled through entities, individuals or organisations related to them. Additionally, no assistance or financial resources will be made available to these individuals through EU Member States whether directly or indirectly. Individuals and entities that operate under EU procedures will be fined for violating these procedures.

(CDPR) and the Journalists Association. Furthermore, as of April 2011, the Islamic Consultative Assembly – Iran's Parliament – was carrying out a final reading of the Bill on the Establishment and Supervision of Non-Governmental Organisations (so-called NGO Law)[7]. The first 26 articles were even adopted in April 2011 but then, following strong criticisms on ambiguities, a motion was passed to send back the draft to the Committee on Social Affairs for three months of further study and amendment. Despite the fact that Article 26 of the Constitution provides for the formation of associations, if the bill were to be adopted, civil society organisations would face an increasingly restrictive environment, as several provisions would severely limit their independence[8]. Thus, Article 6 of the Bill provides for the formation of a Supreme Committee Supervising NGO Activities, a body with no accountability to public institutions. This is to be chaired by the Interior Ministry and will include representatives from the Intelligence Ministry, the police, the Basij, the Islamic Revolutionary Guards Corps (IRGC) and the Foreign Ministry, among others, but will have only one member representing NGOs. The Committee will be empowered to issue and revoke registration permits for all NGOs, and have ultimate authority over their boards of directors. Article 12(d) of the Bill requires that demonstrations must be "non-political" and permitted by the Supreme Committee. Yet, in practice, the Iranian authorities do not grant permission for demonstrations that are critical of official policies. Article 12 also bans all contacts with international organisations without prior authorisation, including membership in international organisations, participating in training sessions or meetings abroad, signing contracts or memoranda of understanding and receiving funds or other aid from international organisations. Article 43 of the Bill, if approved, will also require all existing NGOs and associations to reapply for official registration within six months or face the risk of becoming illegal. Under the current Iranian law, the courts have the authority to decide whether a registered organisation should be closed down.

Human rights defenders also continued to be routinely harassed and arbitrarily detained for lengthy periods for their membership in human rights NGOs. For instance, on June 10, 2010, Ms. **Nargess Mohammadi**, DHRC Spokesperson, was arrested at her home without an arrest warrant and subsequently detained in Evin prison, Tehran. Ms. Mohammadi was

7 / The draft bill will then need to be ratified by the Guardian Council.

8 / Civil society organisations that would be affected by the law range from human rights, environmental and women's organisations, through charities and organisations for the disabled, to employers' and professional associations such as teachers' associations. Political parties, trade unions and the Bar Association are regulated by different laws in Iran.

released on July 1, 2010 on a 50,000 US dollars bail. On February 22, 2011, Ms. Mohammadi appeared before Branch 26 of the Islamic Revolutionary Court, on charges of "membership of the Supreme Council of the DHRC", "founding the National Council of Peace"[9], "assembly and collusion to commit offences" and "propaganda against the system". As of April 2011, the charges against her remained pending. On October 29, 2010, Mr. **Mohammad Seifzadeh**, founding member of the DHRC and prominent human rights lawyer, was sentenced to nine years' imprisonment and ten years' ban on practice as lawyer by Branch 15 of the Revolutionary Court, on charges of "acting against national security" through founding the DHRC, and "propaganda against the regime" through interviews with foreign media. On April 23, 2011, his lawyer announced that his client, who had been missing since April 11, had been arrested on that day and was held in a detention centre of the Intelligence Department in the city of Urumiyeh. As of April 2011, judicial proceedings also remained pending against Messrs. **Mohammad Ali Dadkhah** and **Abdolfattah Soltani**, both lawyers and founding members of the DHRC, following their arrest in July and June 2009[10]. Although he was released on bail on June 23, 2010 on health grounds, Mr. **Emadeddin Baghi**, founder of the CDPR and laureate of the 2009 Martin Ennals Award for Human Rights Defenders as well as of the 2005 Human Rights Prize of the French Republic, was summoned on September 21, 2010 by the Tehran Revolutionary Court regarding the closure in 2009 of the CDPR. He was then informed that on August 17, 2010, he had been sentenced by Branch 26 of the Revolutionary Court to six years of imprisonment on charges of "propaganda against the system" and "colluding against the security of the regime" in relation to an interview with the late Grand Ayatollah Hussein-Ali Montazeri. The sentence was later reduced to one year by the Court of Appeal of Tehran. On July 27, 2010, Mr. Baghi was also sentenced by Branch 15 of the Revolutionary Court to one year of imprisonment and five years of ban on civil activities in another case for heading the CDPR, which was considered as spreading "propaganda against the system". He was imprisoned on December 5, 2010 and remained detained as of April 2011[11]. On March 17, 2011, Mr. **Abdolreza Tajik**, journalist and human rights activist cooperating with DHRC and winner of Freedom of Press Award of Reporters Without Borders (RSF) in 2010, was sentenced by Branch 26 of the Revolutionary

9 / A broad coalition against war and for the promotion of human rights.

10 / Mr. Soltani was released on bail in August 2009, following seventy days of arbitrary detention. However, he remains since then accused of "having acted against national security". Mr. Dadkhah was released on bail in September 2009. On July 3, 2011, he was informed that he had been sentenced on May 21, 2011 to nine years in prison and a ten-year ban on practising law or teaching at university, on charges of alleged "actions and propaganda against the Islamic regime".

11 / Mr. Baghi was released on June 20, 2011.

Court to five years in prison for "membership of an illegal group"[12] and one year for "propaganda against the regime". As of April 2011, he remained accused of "publishing false reports in order to disrupt public opinion" and free on bail[13].

Ongoing harassment of women's rights defenders

Throughout 2010 and early 2011, women's rights defenders continued to face serious reprisals for their legitimate work on human rights issues. Many faced intimidation, harassment and, in some cases, detention or travel bans, often on the basis of "external security threats" invoked by the authorities[14]. Their freedom of assembly was also routinely denied by the authorities. In particular, dozens of members of the "One Million Signatures" Campaign, a grassroots campaign to abolish gender discrimination in Iranian laws, were repeatedly imprisoned on often spurious charges such as "propaganda against the system" and "acting against national security". As of April 2011, Ms. **Zaynab Bayazidi**[15], Ms. **Mahboubeh Karami**[16] and Ms. **Fatemeh Masjedi**, remained detained following their arrest, respectively, on July 19, 2008, March 2, 2010 and January 28, 2011. On January 14, 2010, Ms. **Atieh Youssefi**, who had been arrested in December 2009, was released on bail. She reportedly faced a charge of "acting against national security". On February 5 and 25, 2010 respectively, Ms. **Mahsa Hekmat** and Ms. **Somayyeh Rashidi**, who had been arrested on January 2, 2010 and December 20, 2009, were also released. In March 2010, Ms. **Maryam Zia**, who had been arrested on December 31, 2009, was released after going on a hunger strike and being taken to the prison hospital. On September 9, 2010, she was sentenced to one year's imprisonment on charge of "propaganda against the system" by Branch 28 of the Islamic Revolutionary Court but remained free as of April 2011, pending trial. Members of the group "Mourning Mothers", whose children have been killed, detained or disappeared in post-election violence since June 2009, and who organise silent public protests each Saturday evening

12 / Reportedly for his alleged membership in the DHRC and even though Mr. Tajik is not a member but only cooperated in the preparation of a report for the Centre.

13 / In 2009 and 2010, Mr. Tajik was arrested three times. He was first detained immediately after the June 2009 presidential election for 46 days. Then, he was arrested in December 2009 and stayed sixty days in detention. He was last arrested on June 12, 2010 before being released on December 22.

14 / See UN Secretary General Report, *The situation of human rights in the Islamic Republic of Iran*, UN Document A/63/370, September 15, 2010.

15 / Ms. Bayazidi is serving an imprisonment sentence of four years and a half in internal exile in Zanjan prison for "propaganda against the State", "membership of an illegal organisation" and "acting against national security".

16 / In February 2011, Ms. Karami was sentenced to three years' imprisonment on charges of "membership to human rights activists collective", "propaganda against the system" and "assembly and collusion with intent to commit crimes against the national security".

in Tehran's Laleh Park, also continued to be targeted with harassment, arbitrary arrest and detention. For instance, on February 6, 2010 and in the night of February 8, Ms. **Omolbanin Ebrahimi**, Ms. **Elham Ahsani**, Ms. **Jila Karamzadeh-Makvandi**, Ms. **Leyla Seyfollahi** and Ms. **Fatemeh Rastegari-Nasab** were arrested at their places of residence. Ms. **Farzaneh Zeynali** was arrested on January 9, 2010 in Laleh Park. They were reportedly detained at Evin prison before being subsequently released. On April 9, 2011, Ms. Jila Karamzadeh-Makvandi and Ms. Leyla Seyfollahi were sentenced to four years' imprisonment but remained free pending appeal. On May 17, 2010, Ms. **Shadi Sadr**, Director of "Raahi" (a legal advice centre for women), founder of *Zanan-e Iran* (a website dedicated to the work of Iranian women's rights activists) and a journalist for *Meydaan*, an on-line newspaper of the "Stop Stoning to Death" Campaign, and Ms. **Mahbubeh Abbas-Gholizadeh**, founding member of Stop Stoning to Death Campaign and Women's Charter, and Editor of the quarterly journal *Farzaneh* (Sage), were sentenced to respectively six years of imprisonment with 74 lashes and two and a half years of imprisonment with thirty lashes, on charges of "acting against national security and harming public order" after they participated in a rally within the framework of the One Million Signatures Campaign in March 2007 outside a revolutionary court where four fellow feminists were on trial. The two human rights defenders were tried *in absentia* and appealed the court's decision, which remained pending as of April 2011. On September 18, 2010, Ms. **Shiva Nazarahari**, a member of the One Million Signatures Campaign and of the Committee of Human Rights Reporters in Iran (CHHR), was sentenced to six years of imprisonment, banishment in Izeh in south-west Iran and 74 whip lashes for "attempts to deface the Islamic Government", "assembly and conspiracy against the Islamic Government", "disturbing the public peace of mind" and "waging war against God"[17]. On January 8, 2011, the Appeal Court upheld four years of her imprisonment in internal exile in Karaj prison and 74 lashes. As of April 2011, she remained free. On January 31, 2011, Ms. **Haleh Sahabi,** a member of Mothers for Peace group, started to serve a two-year sentence issued by Branch 26 of the Revolutionary Court after the Appeal Court upheld the sentence against her on charges of "propaganda against the system" and "disturbing public order"[18]. As of April 2011, Ms. **Alieh Eghdamdoust**, who is

17 / Ms. Nazarahari was arrested on June 14, 2009, before being released on a two billion rials bail (about 133,492 euros) on September 23, 2009. She was re-arrested on December 21, 2009 by security forces and transferred to Evin prison. Following international pressure, she was released on September 12, 2010 on a bail of five billion rials (about 333,721 euros).

18 / Ms. Sahabi had been violently arrested on August 5, 2009 in Baharestan, spent thirteen days in detention and again arrested at the end of December, 2009. She died as a result of an attack by security agents in June 2011.

currently serving a three-year imprisonment sentence for her activities in the Campaign for Equality and as a result of her participation in a June 12, 2006 protest in Haft Tir square, and Ms. **Ronak Safarzadeh**, a member of the women's rights organisation "Azar Mehr" in Sanandaj (Iranian Kurdistan) and an active member of the Campaign who has been detained since October 2007 and was sentenced in October 2009 to six years and seven months' imprisonment, remained detained.

Ongoing targeting of human rights lawyers

In 2010-2011, the authorities continued to target human rights lawyers as an attempt to reduce the number of those who are prepared to defend victims of the overtly flawed judicial system, in particular human rights defenders and women's rights activists, trade unionists and student activists, effectively criminalising human rights legal representation[19]. Several were arbitrary detained, others faced possible imprisonment and ban on practising their profession, while some others had to leave the country to avoid harassment and detention. On May 1, 2010, Mr. **Mohammad Oliayfard**, lawyer of several students, human rights and labour activists, was arrested on May 1, 2010 following a sentence by Branch 26 of the Revolutionary Court dated February 7, 2010 to one year in prison for "propaganda against the system by giving interviews to the foreign media about Behnoud's case"[20]. On April 18, 2011, Mr. Oliayfard was released after serving his sentence. On July 24, 2010, Mr. **Mohammad Mostafaei**, a renowned human rights lawyer who represented juveniles on death row and a number of high-profile human rights cases, was summoned to the Islamic Revolutionary Courts based within Evin prison, interrogated and released. Later on the same day, he was summoned again by phone. In the evening, his wife and brother-in-law were detained, after he refused to turn himself in, and charged with "helping Mr. Mostafaei hide". Mr. Mostafaei was subsequently forced to flee Iran in the face of repeated summons and harassment of family members. On September 4, 2010, Ms. **Nasrin Sotoudeh**, a prominent human rights lawyer known for defending juveniles facing death penalty, prisoners of conscience, human rights activists and children victims of abuse, was summoned by the Revolutionary Prosecutor's office to Evin prison court on charges of "propaganda against the State" and "collusion and gathering with the aim of acting against national security".

19 / See Iranian League for the Defence of Human Rights (LDDHI) and International Campaign for Human Rights in Iran.

20 / Mr. Behnoud Shojaee was a "juvenile offender" executed in October 2009 in Evin prison. Following his sentencing, Mr. Oliayfard had been briefly detained from March 8 to 15, 2010, and released because some legal technicality had not been complied with (i.e. the original sentence had not been communicated to all of his lawyers).

She was arrested after her questioning, during which her lawyer was not permitted to be present[21]. On January 9, 2011, she was sentenced to eleven years' imprisonment, twenty years of ban on professional activities and twenty years of ban on travelling abroad, for supposed "assembly and conspiracy with the intention to commit offences against the security of the State", "propaganda against the regime", and "membership in an illegal organisation [the DHRC]"[22]. As of April 2011, she remained arbitrarily detained in a solitary cell of Section 209 of Evin prison. On November 13, 2010, Ms. **Sara (Hajar) Sabaghian**, Ms. **Maryam Karbasi** and Ms. **Maryam Kianersi**, three women lawyers active in the defence of journalists, bloggers, young people and in the defence of women sentenced to death, were arrested at Tehran airport for "activities against State security". They were released on December 14, November 18 and December 14, 2010 respectively. Furthermore, on January 23, 2011, Messrs. **Farshid Yadollahi** and **Amir Eslami**, both members of the Human Rights Commission of the Iranian Bar Association and lawyers of Gonabadi Dervishes, were sentenced to six months of imprisonment by the Court of First Instance of Kish Island, on charges of "forging title of lawyer", "acting against national security", "publishing lies" and "disturbing public minds". A seven-month imprisonment sentence against the third lawyer of Gonabadi Dervishes, Mr. **Mostafa Daneshju**, was upheld by the Mazandaran Appeal Court in the northern city of Neka on charges of "publishing lies and disturbing public minds"[23]. On February 2, 2011, Mr. **Khalil Bahramian**, a human rights lawyer and member of the International Committee Against Executions, was sentenced by Branch 28 of the Islamic Revolutionary Court to eighteen months in prison and banned from practising law for ten years for his defence of political activists on charges of "propaganda against the system", and "insulting the head of the judiciary". Mr. Bahramian appealed the sentence, which remained pending as of April 2011.

21 / A few days before her arrest, she had reported to the International Campaign for Human Rights in Iran how the authorities were using tax harassment against human rights lawyers, including Ms. Shirin Ebadi, in order to limit their working conditions. Moreover, on August 28, 2010, Ms. Sotoudeh's office and home were searched by members of the intelligence services and her assets frozen.

22 / The accusations against Ms. Sotoudeh were based mainly on interviews with foreign media about her clients who were jailed after Iran's disputed June 2009 presidential election. In another case brought against Ms. Sotoudeh for which she was tried by Branch 26 of the Islamic Revolutionary Court in late December 2010 and February 2011, Ms. Sotoudeh was sentenced on April 19, 2011 to a 500,000 rials fine (about 33 euros) for failing "to observe the hejab" (Islamic dress code). Her prosecution and sentence follows a video taken during a ceremony in Italy on the occasion of a human rights prize being awarded to her, where she had not worn the headscarf. However, under the Iranian law, the Islamic Revolutionary Court does not have jurisdiction over such offence.

23 / On May 18, 2011, Mr. Daneshju was arrested and taken to Sari prison to serve his sentence. In addition, Mr. Daneshju was disbarred along with another lawyer, Mr. **Omid Behrouzi**, for defending the rights of Dervishes. See International Campaign for Human Rights in Iran.

Repression of labour activists and trade union leaders

As in previous years, trade union activists faced harsh repression in 2010-2011. For instance, on June 12, 2010, Mr. **Reza Shahabi,** the Treasurer and board member of the Syndicate of Workers of Tehran and Suburbs Bus Company (*Sherkat-e Vahed*), was arrested upon order of the Ministry of Intelligence without charges. From December 5 to 19, 2010, he went on a two-week hunger strike, and spent a week in hospital after his health deteriorated. As of April 2011, he remained detained in Evin prison. Furthermore, Mr. **Mansour Osaloo** aka **Osanloo**, President of Sherkat-e Vahed, has remained in custody since July 2007 in the remote top-security in Raja'i Shahr prison, in Karaj, near Tehran, where he is serving a five-year imprisonment under extremely harsh conditions, for "propaganda" and "activities against the State". In addition, on August 1, 2010, Mr. Osanloo was sentenced by Branch One of the Revolutionary Courts to one more year in prison for "propaganda against the system". While in detention, Mr. Osanloo's health condition has deteriorated. He has reportedly suffered several heart attacks and was transferred to hospital on several occasions, but the Ministry of Intelligence interrogators systematically intervened to stop his treatment and to return him to prison. Moreover, from January 1 to 8, 2011, Mr. Osanloo spent one week in solitary confinement for addressing the participants at a funeral that other prisoners of conscience had held inside the prison in memory of a political prisoner, following his execution. His pregnant daughter-in-law suffered a miscarriage on June 23, 2010, after being attacked by agents of the Ministry of Intelligence on the street, with the apparent aim to punish the human rights activities of her father-in-law. As of April 2011, Mr. **Ebrahim Madadi**, Vice-President of Sherkat-e Vahed, also remained detained in Evin prison on the basis of a three-and-a-half-year imprisonment sentence, which was issued against him in December 2008, while Mr. **Hashem Khaksar**, leader of Mashad Teachers' Union, remained detained at Mashad's Vakilabad prison, serving a two-year prison term for "acting against the security of the country"[24]. On November 3, 2010, Mr. **Gholamreza Gholamhosseini**, another member of Sherkat-e Vahed, was arrested. He was released on bail equivalent to US dollars 30,000 on April 27, 2011 awaiting trial. Finally, in January 2011, the Appeal Court upheld a six-year imprisonment sentence against Mr. **Rassoul Bodaghi**, a member of the board of directors of the Iranian Teachers' Association, as well as a five-year ban on civil activities for "gathering and colluding with the intent to disrupt national security" and "propaganda against the system". As of April 2011, Mr. Bodaghi, who

24 / See International Campaign for Human Rights in Iran.

was arrested in September 2009 and sentenced in first instance in August 2010, remained detained in Raja'i Shahr prison[25]

Ongoing judicial harassment of defenders of minorities rights

In 2010-2011, defenders of the rights of cultural, ethnic and religious minorities continued to be subjected to judicial harassment as reprisals for their human rights activities. On February 3, 2010, Mr. **Kaveh Ghasemi Kermanshahi**, a journalist member of the Central Council of the Human Rights Organisation of Kurdistan (RMMK), was arrested in Kermanshah, in western Iran, by seven security agents, who searched his home, confiscated his personal belongings, including his computer and written documents. In May 2010, he was released on a 100,000 US dollars bail. On January 30, 2011, he was sentenced by Branch 1 of the Islamic Revolutionary Court in Kermanshah to a five-year imprisonment on charges of "acting against the national security through membership of the Kurdistan Human Rights Organisation", "propaganda against the system by publishing reports and news" and "contacts with families of prisoners and executed political prisoners". On March 16, 2011, his lawyer was notified that his client had been sentenced by the Appeal Court to four years in prison for allegedly "acting against national security" and "propaganda against the regime" by giving interviews to the media and publishing news and reports about families of political prisoners and victims. Moreover, as of April 2011, several human rights defenders who had promoted Kurdish human rights remained arbitrarily detained since 2007, including Messrs. **Adnan Hassanpoor**, a member of the Iranian Kurdistan Journalists Association as well as a reporter for the *Aso* newspaper, **Abdoulvahid** aka **Hiwa Boutimar**, an active member of the environmental NGO "Sabzchia"[26], and **Mohammad Sadigh Kaboudvand**, Editor-in-chief of the banned weekly *Payam-e mardom-e Kurdestan* (*The Message of the People of Kurdistan*) and President of the RMMK[27]. Mr. **Sa'eed Matinpour**, an Azeri journalist and cultural activist from

25 / See LDDHI and International Campaign for Human Rights in Iran.

26 / Messrs. Boutimar and Hassanpoor were arrested respectively in December 2006 and January 2007 and were sentenced to death in July 2007 after spending several months incommunicado. Mr. Hassanpoor's death sentence was subsequently commuted to fifteen years' imprisonment and that of Mr. Boutimar to eight years' imprisonment.

27 / Mr. Kaboudvand was arrested on July 1, 2007 and has been detained at Evin prison since then. In May 2008, he was sentenced to ten years' imprisonment for "acting against State security by establishing the [RMMK]" and one year in prison for "propaganda against the system". The sentence was later reduced to ten years and six months in appeal in October 2008. On July 15, 2010, Mr. Kaboudvand lost consciousness in Evin prison due to irregularities in his blood pressure. Since then, Mr. Kaboudvand was reported to be suffering from severe dizziness, sensory-motor dysfunctions and optical disorders, which could indicate that he had suffered another stroke. Mr. Kaboudvand already suffered two heart attacks while in detention, in May and December 2008, and he also suffers from a renal prostatic disorder.

the city of Zanjan, known for his writings calling for increased political, cultural and linguistic rights of the Azeri people in Iran, also remained detained[28]. On March 2, 2010, Mr. **Navid Khanjani**, a student member of CHRR, was arrested in Isfahan, before being released on May 3 on a 100,000 US dollars bail[29]. On January 30, 2011, his lawyer was informed that his client was sentenced by Branch 26 of the Islamic Revolutionary Court to a twelve-year imprisonment and a monetary fine for "spreading lies", "disturbing the public opinion and propaganda against the system by giving interviews to foreign media" and "membership of CHRR". Mr. Khanjani, who was previously banned from pursuing higher education for being a member of the Baha'i religious minority in Iran, was also charged with "founding an organisation for people banned from pursuing higher education". He was also banned from travelling abroad in an earlier sentence. He appealed the sentence but, as of April 2011, it had not been examined yet.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Ahmad Zeydabadi, Ali Hekmat, Mohammad-Reza Zohdi, Rouzbeh Karimi, Forough Mirzaï** and **Mohammad Maleki**, Ms. **Bahareh Hedayat**, Ms. **Mahboubeh Abbasgholizadeh**, Ms. **Shiva Nazarahari**, Ms. **Kouhyar Goudarzi** and Ms. **Bahman Ahmadi Amoui**	Arbitrary detention / Judicial harassment	Press Release	January 5, 2010
One Million Signatures Campaign / Ms. **Atieh Youssefi**, Ms. **Parisa Kakaï**, Ms. **Sommayyeh Rashidi**, Ms. **Maryam Zia**, Ms. **Mahsa Hekmat**, Ms. Bahareh Hedayat, Ms. Shiva Nazarahari, Ms. Bahman Ahmadi Amoui, Ms. **Mansoureh Shojaie** and Ms. **Haleh Sahabi**	Arbitrary detention	Urgent Appeal IRN 001/0110/OBS 003	January 6, 2010

28 / Arrested in 2007, Mr. Matinpour was sentenced in June 2008 to eight years' imprisonment for "propaganda against the Islamic system" and "relations with foreigners".

29 / During his detention, Mr. Khanjani was put under pressure to give interviews before a video camera, and he spent the first 25 days of his detention in a solitary cell. See International Campaign for Human Rights in Iran.

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Atieh Youssefi, Ms. **Shirin Ebadi**, Mr. **Hassan Rasouli**, Ms. Bahareh Hedayat, Ms. Shiva Nazarahari, Ms. Mansoureh Shojaie, Ms. Sommayyeh Rashidi, Ms. Maryam Zia, Ms. Mahsa Hekmat, Ms. Parisa Kakaï, Ms. Bahman Ahmadi Amoui, Ms. **Zohreh Tonkaboni**, Messrs. **Heshmatollah Tabarzadi, Mashallah Shamsolvaezine, Alireza Beheshti**, Mostafa Izadi, **Morteza Kazemian, Nasrin Vaziri, Keyvan Mehregan, Mahin Fahimi, Mehdi Arabshahi** and **Morteza Haji**	Arbitrary detention / Release	Open Letter to the authorities	January 20, 2010
Mr. **Emadeddin Baghi**	Arbitrary detention / Judicial harassment	Press Release	January 5, 2010
		Open Letter to the authorities	January 20, 2010
	Release on bail	Press Release	June 24, 2010
	Sentencing to prison	Urgent Appeal IRN 009/0910/OBS 115	September 22, 2010
	Imprisonment / Release	Urgent Appeal IRN 009/0910/OBS 115.1	December 16, 2010
Human Rights Organisation of Kurdistan / Messrs. **Kaveh Ghasemi Kermanshahi, Maziar Samïi, Ejlal Ghawami** and **Mohammad Sadiq Kaboudvand**	Arbitrary detention / Harassment	Urgent Appeal IRN 002/0210/OBS 015	February 5, 2010
Mr. Mohamad Sadigh Kaboudvand	Critical health condition / Ongoing arbitrary detention	Press Release	July 26, 2010
Ms. **Omolbanin Ebrahimi**, Ms. **Elham Ahsani**, Ms. **Jila Karamzadeh-Makvandi**, Ms. **Leyla Seyfollahi**, Ms. **Fatemeh Rastegari-Nasab** and Ms. **Farzaneh Zeynali**	Arbitrary detention	Urgent Appeal IRN 003/0210/OBS 025	February 25, 2010
Mr. **Mohammad Oliayfard** and Ms. **Mahboubeh Karami**	Arbitrary detention / Release	Press Release	March 15, 2010
Ms. **Shadi Sadr**, Ms. **Mahbubeh Abbas-Gholizadeh**, Ms. Bahareh Hedayat, Mr. **Milad Assadi** and Ms. Shiva Nazarahari	Sentencing	Press Release	May 20, 2010
Ms. Nargess Mohammadi and Ms. Shirin Ebadi	Arbitrary arrest / Harassment	Press Release	June 11, 2010
Ms. Nargess Mohammadi	Ongoing detention	Press Release	June 24, 0210
	Release on bail	Press Release	July 2, 2010
	Ongoing arbitrary detention / Harassment	Urgent Appeal IRN 001/0211/OBS 024	February 23, 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Mansoor Osaloo**	Ongoing arbitrary detention / Ill-treatment / Acts of intimidation / Threats	Urgent Appeal IRN 004/0710/OBS 084	July 9, 2010
	Deterioration of health condition	Urgent Appeal IRN 001 / 0211 / OBS 024	February 23, 2011
Mr. **Mohammad Mostafaei**	Harassment against relatives	Urgent Appeal IRN 005/0710/OBS 093	July 30, 2010
Ms. **Nasrin Sotoudeh**	Arbitrary detention / Harassment	Urgent Appeal IRN 006/0910/OBS 108	September 7, 2010
Ms. Nasrin Sotoudeh and Messrs. Mohammad Oliayfard, **Mohammad Ali Dadkhah**, **Abdolfattah Soltani** and **Mohammad Seifzadeh**	Arbitrary detention / Harassment / Arrest / Hunger strike	Urgent Appeal IRN 006/0910/OBS 108.1	November 5, 2010
Ms. Nasrin Sotoudeh and Messrs. Mohammad Oliayfard, **Mohamad Hossein Nayyeri**, Ms. **Sara (Hajar) Sabaghian** and Ms. **Maryam Kianersi**	Arbitrary detention / Judicial harassment	Urgent Appeal IRN 006/0910/OBS 108.2	November 29, 2010
Ms. Nasrin Sotoudeh, Ms. Sara (Hajar) Sabaghian and Ms. Maryam Kianersi	Ongoing arbitrary detention / Release	Urgent Appeal IRN 009/0910/OBS 115.1	December 16, 2010
Ms. Nasrin Sotoudeh	Arbitrary detention / Sentencing	Urgent Appeal IRN 006/0910/OBS 108.3	January 10, 2011
Ms. Nasrin Sotoudeh	Ongoing arbitrary detention	Press Release	April 28, 2011
Mr. Mohammad Oliayfard	Release	Press Release	April 28, 2011
Mr. **Madjid Tavakoli**	Sentencing / Arbitrary detention	Urgent Appeal IRN 008/0910/OBS 112	September 21, 2010
Ms. Shiva Nazarahari	Sentencing to prison	Urgent Appeal IRN 007/0910/OBS 111	September 21, 2010
	Confirmation in appeal of sentencing	Urgent Appeal IRN 007/0910/OBS 111.1	January 11, 2011
Ms. Sara (Hajar) Sabaghian, Ms. **Maryam Karbasi**, Ms. Maryam Kianersi, Ms. **Rosa Gharatchorlou** and Mr. **Mohamad Hossein Nayyeri**	Arrest / Arbitrary detention / Judicial harassment	Urgent Appeal IRN 009/1110/OBS 138	November 19, 2010
Ms. **Fatemeh Masjedi**, Ms. **Maryam Bidgoli**, Ms. **Haleh Sahabi**, Ms. **Mahbubeh Karami**, Messrs **Khalil Bahramian**, Kaveh Ghasemi Kermanshahi, **Farshid Yadollahi**, **Amir Eslami**, **Omid Behrouzi** and **Navid Khanjani**	Ongoing incommunicado detention / Sentencing / Judicial harassment / Disbarment	Press Release	February 8, 2011
Messrs. **Taghi Rahmani**, **Gholamreza Gholamhosseini**, **Reza Shahabi** and **Ebrahim Madadi**	Ongoing arbitrary detention / Harassment	Urgent Appeal IRN 001/0211/OBS 024	February 23, 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. Kaveh Ghassemi Kermanshahi and **Abdolreza Tajik**	Sentencing	Urgent Appeal IRN 002/0311/OBS 052	March 29, 2011
	Obstacles to freedoms of association and peaceful assembly	Joint Press Release	April 10, 2011
Mr. Mohammad Seifzadeh	Arbitrary detention	Press Release	April 28, 2011

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In 2010 and 2011, the right to freedom of peaceful assembly continued to face serious impediments due to a restrictive legal framework, which led to the arrest of several human rights defenders. A women's rights organisation as well as a human rights lawyer faced judicial harassment as reprisals to their advocacy against the caning of women and support for Burmese migrant workers. Several land and indigenous rights activists also faced obstacles in carrying out their activities.

Political context

The year 2010 saw further restrictions of civil and political rights in Malaysia. Indeed, the Government of Prime Minister Najib Razak was able to showcase only very limited progress in this field, despite campaign promises to uphold "civil liberties". The Government remained reluctant to enact long-awaited amendments to the Internal Security Act (ISA)[1] as well as other laws relating to detention without trial[2]. The trial of Mr. Anwar Ibrahim, former Deputy Prime Minister[3], and the politically motivated charges against other Government critics, further contributed to a lack of public confidence in the judiciary. A potential repeal of the ISA appeared to be highly unlikely, as underlined by Mr. Abdul Nazri Aziz, Minister in the Prime Minister's Office in charge of Parliamentary Affairs, who stated on November 29, 2010 that the ISA would never be revoked, in response to the International Bar Association's Human Rights Institute's criticism of the ISA and call for its abolition[4]. The UN Working Group on Arbitrary Detention, which visited Malaysia from June 7 to 18, 2010, urged the Government to repeal or amend four preventive laws in force in the country that allow detention without trial, in some cases indefinitely: the ISA of 1960, the Emergency (Public Order and Prevention of Crime)

1/ See Observatory Annual Report 2010.

2/ According to the NGO Suara Rakyat Malaysia (SUARAM), 25 individuals were arrested under ISA in 2010, and fifteen persons were released. See SUARAM Report, *Malaysia Civil and Political Rights Report 2010: Overview,* December 2010.

3/ Furthermore, on December 16, 2010, Mr. Ibrahim was suspended from addressing the Parliament for six months, in connection with remarks alleging that Prime Minister Najib Razak's policy of racial unity under the banner of "One Malaysia" was inspired by an Israeli election campaign in 1999, called "One Israel". The ban in effect means that Mr. Ibrahim will not be able to participate in parliamentary debates in the run-up to the 2011 general elections.

4/ See SUARAM.

Ordinance, the Dangerous Drugs (Special Preventive Measures) Act, and the Restricted Residence Act[5].

Freedom of expression remained seriously restricted, with opposition newspapers temporarily shut down, their licenses not renewed and independent journalists harassed, resulting in self-censorship within the media. The Government increasingly used the 1984 Printing and Publications Act, the 1998 Communication and Multimedia Act, as well as the Sedition Act to stifle critical voices and dissent. Freedom of assembly is also conditional on approval by the police and grant of a permit to assemble. However, these conditions appeared not to apply equally to every group. Pro-Government groups were allowed to assemble in large numbers without much restriction while supporters of opposition parties or non-governmental organisations could not stage peaceful protests. These obvious double standards contributed to diminish public confidence in the police and other law enforcement authorities in the country, all the more as the police continued to use excessive force when dispersing peaceful assemblies and to enjoy widespread impunity for their actions[6].

The Human Rights Commission of Malaysia (SUHAKAM) operated with no commissioner in office from April 23 to June 7, 2010, building up a considerable backlog of cases. Then, the selection process of new commissioners was not transparent. However, the initial responses of the newly composed institution gave rise to cautious optimism[7]. Furthermore, the Government continued to refuse any follow up on SUHAKAM's findings or even to debate their recommendations in Parliament.

Expectations that the election of Malaysia to the UN Human Rights Council will contribute positively to the promotion and protection of human rights both at the domestic and international levels proved to be overly optimistic. In its campaign promises in the run-up to the elec-

5 / See UN Working Group on Arbitrary Detention Statement, June 18, 2010 and Human Rights Council, *Report of the Working Group on Arbitrary Detention, Addendum, Mission to Malaysia,* UN Document A/HRC/16/47/Add.2, February 8, 2011.

6 / See ALIRAN.

7 / For instance, a loose coalition of eleven NGOs and 52 individuals filed a complaint with SUHAKAM concerning the way the LGBT community was portrayed in the media, also highlighting the fact that based on a 1994 decree the Government bans LGBT people from appearing in State-controlled media, thereby depriving them of the possibility of reacting to degrading comments. SUHAKAM filed the memo as a complaint against the media in June 2010, and also undertook to conduct a review of the relevant Malaysian laws. See International Gay and Lesbian Human Rights Commission (IGLHRC) and Protection Online Press Release, September 21, 2010. SUHAKAM also sent monitors to anti-ISA vigils in August and to a water hike rally in December 2010. See SUARAM Report, *Malaysia Civil and Political Rights Report 2010: Overview,* December 2010.

tions, Malaysia committed itself, among others, to the implementation of recommendations emanating from the Universal Periodic Review, held in February 2009, to actively promote and protect human rights at the national level through various efforts and to review and repeal archaic and outdated laws[8]. Malaysia further pledged itself to continue fostering a meaningful and productive engagement between the Government and civil society. Additionally, the campaign for a seat on the Human Rights Council also included a promise to strengthen capacities for the implementation and enforcement of human rights conventions which Malaysia is party to, alongside reconsidering the numerous instruments which it has yet to accede to. Despite its election to the Human Rights Council, Malaysia's cooperation with UN human rights mechanisms continued to be strained and insufficient[9].

Ongoing repression of peaceful demonstrations

Although freedom of peaceful assembly is guaranteed under the provisions of the Constitution, the police continued to place serious restrictions upon its exercise in 2010-2011, by either refusing to issue permits for public assemblies, or by violently dispersing them, often using excessive force and arresting activists. For instance, on August 1, 2010, the police dispersed candlelight vigils held simultaneously in several States, commemorating the 50th anniversary of the entry into force of the ISA and demanding that it be repealed. In total, 38 participants were arrested, including Mr. **Syed Ibrahim**, Chairperson of Gerakan Mansuhkan ISA (GMI), Ms. **Nalini Elumalai** and Mr. **Ong Jing Cheng**, SUARAM Coordinators, Ms. **Kohila**, Secretariat Member of SUARAM, Mr. **Choo Chon Kai**, Penang Branch Secretariat Member, and Mr. **Arutchelvan**, SUARAM Director. In some

8 / See General Assembly, *Letter dated 23 April 2010 from the Permanent Representative of Malaysia to the United Nations addressed to the President of the General Assembly,* UN Document A/64/765, May 3, 2010.

9 / There are currently eight pending visit requests from various Special Procedures mandate holders, including the Special Rapporteurs on Human Rights Defenders (request made in 2002); on Indigenous Peoples (2005); on Human Rights and Counter-Terrorism (2005); on the Human Rights of Migrants (2006), on Freedom of Religion (2006) and on the Independence of Judges and Lawyers (2009). Malaysia also has a considerable backlog in reporting to the UN treaty bodies under the various human rights instruments it is party to. The country is also yet to ratify several core human rights conventions, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of Racial Discrimination; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. On July 19, 2010, Malaysia ratified the Convention on the Rights of Persons with Disabilities, which is a welcome step. At the same time, however, the formal reservations attached to the instrument of ratification, along with Malaysia's declaration that aims at limiting the Government's legal application of the principles of non-discrimination and equality, give rise to serious concerns.

cases, lawyers were denied access to their clients. Eventually, all of those arrested were released without charge[10]. On August 2, 2010, Ms. **Lau Shu Shi**, a member of the All Women's Action Society Malaysia (AWAM) and former Penang SUARAM Coordinator, was summoned to court after being identified as having participated in the anti-ISA vigil in Penang. She was subsequently charged for "disorderly conduct in a police station" under Section 90 of the 1967 Police Act in connection with another incident stemming from May 2008[11] and released on bail[12]. She was charged in the Magistrate Court in north-east Penang on August 2, 2010, and pleaded not guilty. The trial was scheduled to be held on October 20, 2010, but was then postponed. As of April 2011, the case remained pending after being postponed on many occasions. On December 5, 2010, sixty persons were arrested in Kuala Lumpur for participating in a peaceful assembly to protest against the proposed water tariff hike in Selangor as well as to hand over a memorandum to the Sultan of Malaysia ("*Yang di-Pertuan Agong*") regarding the water issue. In addition, the police attacked the crowd with tear gas and water cannons, and stepped up their violent actions even as the crowd tried to disperse, resulting in some injuries among the participants of the rally. They were all released without charge[13]. Similarly, on August 2, 2010, SUARAM Coordinator Mr. **Tah Moon Hui** and opposition MP assistant Mr. **Rozam Azen** were arrested for taking part in an anti-fuel price hike campaign at Kampung Kerinchi, Selangor, before being released on bail without charge[14]. Similarly, on August 7, 2010, three persons were arrested in Kampung Sungai Teretang, Rawang, in a protest against the national power provider, before being released without charge[15]. On October 11, 2010, lawyers Mr. **Jason Kong** and Mr. **Chan Khoon Moh** and two students, Ms. **Norashikin** and Mr. **Mohd Azwan**, all working at the Bar Council's Legal Aid Centre (LAC), were arrested for handing out leaflets with information on police remand powers in Selangor. The police asked them for their identification cards and confiscated them as well as the "Red Books"[16], alleging that they were anti police publications. The four volunteers, who had been authorised by the mall management to distribute their leaflets, were taken to the district police headquarters,

10 / See SUARAM and GMI Joint Press Statement, August 2, 2010.
11 / In this incident, she was accused of being unruly and raising her voice against a police officer when she lodged a report against them for improperly dispersing an anti-ISA demonstration.
12 / See ALIRAN Statement, August 17, 2010.
13 / See SUARAM Urgent Appeal, December 5, 2010.
14 / See SUARAM Report, *Malaysia Civil and Political Rights Report 2010: Overview*, December 2010.
15 / Idem.
16 / The "*Red Book: Know your rights*" is a publication of the Malaysian Bar, providing legal information on one's rights when stopped by the police, during arrest and detention, and on remand proceedings.

State of Selangor. They were detained for three hours before being released without charge. Their identification cards and the copies of the "Red Book" were returned to them. In February 2011, Kuala Lumpur police denied a permit for the Solidarity March Against Racism organised by the Hindu Rights Action Force (HINDRAF) and its sister organisation, the Human Rights Party (HRP), two organisations aiming at defending the rights of Hindu and other marginalised minorities in Malaysia, scheduled for February 27. Moreover, at least 54 HINDRAF and HRP members were arrested in several locations across Malaysia between February 13 and 27 for participating in various promotional activities in the run up to the march. They were subsequently all released on bail but as of April 2011, they all continued to face charges of "acting as members of an unlawful society" or "participating in assemblies of an unlawful society", under Section 43 of the Societies Act of 1966[17].

Acts of harassment against land and indigenous rights activists

In 2010, land and indigenous rights activists were again subjected to acts of harassment. For instance, on March 17, 2010, 2,000 Orang Asli, indigenous natives of Peninsular Malaysia, organised a historic march in Putrajaya to voice their dissatisfaction on land issues. The protest was organised by grassroots Orang Asli groups, the Network of Orang Asli Villages in Perak (JKOAPerak) and the Network of Orang Asli Villages in Pahang (JKOAPahang). The police stopped the march fifteen minutes after it started. They had originally planned to march from the Putrajaya mosque to the Prime Minister's office to hand over a memorandum signed by 12,000 Orang Asli. The police instructed the protesters not to display their banners and redirected half of the crowd to the nearby Ministry of Rural Development. Finally, five representatives were allowed to submit the memorandum[18]. On August 11, barely over a month after the Penan Support Group (PSG) had released a fact-finding report on the sexual exploitation of indigenous Penan women in Sarawak State, Mr. **John Liu**,

17 / HINDRAF submitted in January 2006 its first application for registration although this reportedly went unacknowledged by the Registrar of Societies. They submitted a second application in October 2007, which also went unacknowledged until October 2008, when the Home Minister announced that HINDRAF was banned. However, no court order followed or accompanied this announcement and, thus, HINDRAF continued its activities. In order to protect its volunteers, HINDRAF renamed itself "Hindraf Makkal Sakthi" in 2008. On October 2, 2009, its legal representatives sent a letter of intent to register the organisation under this name, however, the Registrar of Societies has reportedly not responded to this request. On November 25, 2010, HINDRAF Legal Adviser founded the Human Rights Party, and submitted the formal application for registration, which remains unanswered.

18 / See SUARAM Report, *Malaysia Civil and Political Rights Status Report 2010: Overview,* December 2010.

of the PSG, was summoned by the police. The police questioned Mr. Liu for approximately one hour about the contents of the report, which had already been distributed widely to the public, including to police officials. Subsequently, the police did not carry out any further action against Mr. Liu[19]. On November 17, 2010, SUHAKAM Commissioner **Jannie Lasimbang** was not able to enter Sarawak to gather information for a national inquiry into the rights of indigenous peoples because a ban on her entering Sarawak imposed in 1994 has never been lifted. Indeed, her conditional entry permit to Sarawak explicitly states that she should "not be involved directly or indirectly in activities that are detrimental to the interests of the State" or "associate with organisations that actively instigate or encourage Sarawak natives to carry out activities that are detrimental to the interests of the State"[20]. Moreover, as of April 2011, Messrs. **Bunya Ak Sengoh** and **Marai Ak Sengoh**, two Iban land activists from Sarawak who have been actively involved in a struggle to keep a plantation company out of their native customary rights land, remained detained in the Simpang Renggam detention centre, in Johor. Both were arrested on January 15, 2009, along with Ms. **Melati Ak Bekeni**, another Iban land activist from Sarawak, under the Emergency Ordinance of 1969, after Bintulu police accused them of being involved in a series of robberies. However, it is believed that their arrest merely aimed at sanctioning their activities on behalf of the rights of their community. On March 15, 2009, Messrs. Bunya Ak Sengoh and Marai Ak Sengoh were given a two-year detention order under the Emergency Ordinance. However, no formal charge was brought against them. On March 15, 2009, Ms. Melati Ak Bekeni was released after the initial sixty-day detention period[21].

Harassment of a women's rights organisation

Women human rights defenders were also targeted in 2010. On March 22, 2010, the Malaysian Assembly of Mosque Youths (MAMY) filed a lawsuit against Sisters in Islam (SIS), a group of women human rights defenders advocating for women's rights in Malaysia, working in particular against the caning of women and urging the Government to review caning as a form of punishment under the Shariah Criminal Offences as it

19 / See SUARAM.

20 / The ban was imposed by the Chief Minister's Office and enforced by the Sarawak Immigration Department following Ms. Lasimbang's trip to the State in 1994 on a Penan fact-finding mission. See SUARAM Report, *Malaysia Civil and Political Rights Status Report 2010: Overview*, December 2010.

21 / Messrs. Bunya Ak Sengoh and Marai Ak Sengoh were released on May 18, 2011. Yet, they were placed under the Restricted Residence Act in Serian, Sarawak.

violates international human rights principles[22]. MAMY was questioning the use of the word "Islam" on the website and in the publications of SIS. The lawsuit seems to be an attempt to hinder the work of SIS, which had been targeted previously in a similar manner. For instance, in February 2010, the Selangor Islamic Council (MAIS) filed a police report against SIS for questioning the whipping of three Muslim women for allegedly engaging in illicit sex. Furthermore, on March 12, 2010, the Friday sermons in the mosques issued by the Selangor Islamic Department, called on the public to take action against SIS and its Executive Director, Dr. **Hamidah Marican**[23]. On October 29, 2010, the Malaysian High Court allowed the women's organisation to use the name "Sisters in Islam".

Judicial proceedings against a human rights lawyer for helping Burmese migrant workers

In 2011, a human rights lawyer faced judicial proceedings for helping Burmese migrant workers. On February 14, 2011, the Asahi Kosei (M) Sdn. Bhd. Company, a Japanese company operating in Malaysia and employing migrant workers, lodged a complaint against Mr. **Charles Hector Fernandez**, a long-standing human rights defender and a lawyer, for "libel" on the company. The complaint came after Mr. Fernandez assisted 31 Burmese migrant workers in obtaining remedies from the company and posted articles calling upon the company to respect the rights of the Burmese migrant workers on his blog[24]. The company denied all the allegations and alleged that these workers were supplied by an "outsourcing agent" and hence that they were not responsible for the said workers. The company demanded from Mr. Charles Hector Fernandez the sum of 10,000,000 ringgits (about 2,319,000 euros). In addition, the company sought a court order to get Mr. Fernandez to remove all blog postings concerning the company and Burmese workers, which was granted by

22 / Under international law, judicial corporal punishment such as caning constitutes torture or other ill-treatment, which are absolutely prohibited in all circumstances. Yet, more than sixty criminal offences are punishable by caning, including fraud and immigration offences. Each year, Malaysia subjects thousands of refugees migrants and Malaysian citizens to judicial caning. According to Amnesty International, as many as 10,000 people a year are caned in Malaysian prisons, including many foreigners from Indonesia and Burma. In February 2010, three women were caned under Shari'a law for the first time in Malaysia's history. See Amnesty International Report, *A Blow to Humanity, Torture by judicial caning in Malaysia*, December 2010.

23 / See FORUM-ASIA Open Letter to the authorities, April 9, 2010.

24 / On February 7, 2011, the employer and/or their agents threatened these workers with deportation in retaliation for airing their grievances relating to illegal wage deductions, lack of medical leave and unilateral reduction of their wages. Upon being informed about the threatening deportation of the migrant workers, Mr. Fernandez contacted the company for clarification and verification of the reports received. When no response followed, he posted a media statement, now endorsed by over eighty civil society groups, on his blog on February 11, 2011.

the court on February 17, 2011. Yet, Mr. Fernandez never had any notice or knowledge about this application, and the order was obtained without Mr. Fernandez being given the chance to defend himself. On April 11, 2011, attempts by Mr. Charles Hector Fernandez to have the mentioned court order set aside failed as the court ordered the amended injunction to remain in place until the end of the defamation trial, which was scheduled to take place on June 28 and 29, 2011 before the Shah Alam High Court, Selangor[25].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Jason Kong**, Mr. **Chan Khoon Moh**, Ms. **Norashikin** and Mr. **Mohd Azwan**	Arbitrary arrest / Release	Urgent Appeal MYS 001/1010/OBS 126	October 14, 2010
52 Hindu Rights Action Force (HINDRAF) and Human Rights Party (HRP) members	Judicial harassment / Obstacles to freedom of assembly	Open Letter to the authorities	March 30, 2011

25 / See ALIRAN and SUARAM.

NEPAL

In 2010-2011, human rights defenders remained exposed to serious risks in Nepal. In a context where justice is not ensured for victims of human rights abuses, those documenting violations and fighting against impunity continued to be subjected to reprisals by both State and non-State actors, including by the Maoists. Defenders promoting the rights of marginalised communities and women human rights defenders also remained particularly vulnerable. With the peace process at the verge of breakdown, there are serious concerns over a possible escalation of attacks, threats and intimidation of human rights defenders.

Political context

In 2010, Nepal remained locked in a political stalemate, which has prevailed since May 2009 and further contributed to the fragility of the peace process. The Maoists staged a nationwide strike (*bandh*) at the beginning of May 2010, in an attempt to force the resignation of the Government and the reinstatement of the national unity Government. The nationwide strike, which brought the country to a virtual standstill, was eventually called off after six days. There were widespread concerns over the increasing levels of violence and intimidation surrounding the strike and the coercive enforcement of the *bandh*[1].

A particular low point was highlighted by the failure of the Constituent Assembly to meet the May 28, 2010 deadline to finalise a new Constitution by the end of its two-year mandate. In a last-minute compromise, the mandate of the Constituent Assembly was extended for another year. Following the resignation of Prime Minister Madhav Kumar Nepal in June, the Parliament failed to form a new Government in 2010. On February 3, 2011, Mr. Jhalanath Khanal, Chairman of the Communist Party Nepal - United Maoist Leninist (CPN-UML), was elected Prime Minister after he won a clear majority in the 17th round of voting at the Assembly.

1/ See Office of the High Commissioner in Nepal (OHCHR-Nepal) Press Statement, May 7, 2010. In particular, OHCHR-Nepal stressed that "while upholding the right to peaceful assembly, freedom of opinion and expression, OHCHR opposes the coercive enforcement of the *bandh*, including threats, psychological terror, intimidation and any other violent measure. The impact of this *bandh* has been felt particularly harshly by the poor and disadvantaged sections of society".

Due mostly to the continued political instability, there was no move ahead on establishing accountability for human rights violations committed during the decade-long (1996-2006) internal conflict between Government forces and Maoists. Despite the provisions of the Comprehensive Peace Agreement of 2006, little progress has been made in connection to the establishment of transitional justice mechanisms[2] and not a single individual has been successfully prosecuted by civilian courts for a conflict-related case[3]. There has also been no progress in the implementation of the much applauded 2007 Supreme Court decision on disappearances[4].

The lack of accountability for past human rights violations also contributes to the prevailing impunity with regard to violations committed since the end of the conflict, to the breakdown of law and order and to a lack of adequate public security. Torture is still systematically practised by the police and the army[5]. Furthermore, armed criminal groups continued to seriously undermine public security, in particular in the southern Terai districts[6]. Therefore, killings, attacks, abductions, forced donations and

2/ Although the Government made some critical amendments in the bill to set up a High-Level Commission of Inquiry into Disappearances taking heed of suggestions from human rights organisations and also organised consultations on the bill to establish a Truth and Reconciliation Commission (TRC), which first draft was made public in July 2007, the commissions were not set up as of April 2011. Besides, major concerns remained to be addressed on clauses regarding amnesty provisions, formation of the TRC, reparations and reconciliation. In particular, although the Bill states that amnesty cannot be recommended for five categories of gross human rights violations, the clause which says the Attorney General's office will have the final say on whether or not to prosecute cases recommended by the Commission is problematic. The Bill also still fails to explicitly spell out how the Commission will go about providing protection to witnesses. Moreover, while the Government intensified the distribution of interim relief to conflict victims, it appears that most of the victims receiving the money have been members of influential political parties. See Advocacy Forum (AF).

3/ See Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her office, including technical cooperation, in Nepal,* UN Document A/HRC/16/23, February 16, 2010.

4/ The decision included an order that the Government enact a law which would criminalise enforced disappearance in line with the International Convention for the Protection of all Persons from Enforced Disappearance; establish a high level commission of inquiry on disappearances in compliance with the international criteria on such commissions of inquiry; require investigations and prosecutions of persons responsible for disappearances; and provide for adequate compensation and relief to the victims and their families.

5/ See Human Rights Council, Working Group on the Universal Periodic Review (UPR), *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1*, UN Document A/HRC/WG.6/10/NPL/2, October 13, 2010. See also Advocacy Forum Report, *Torture and Extrajudicial Executions amid widespread violence in the Terai*, 2010.

6/ From January 2008 to June 2010, OHCHR-Nepal documented 39 allegations of extrajudicial killings in the Terai, resulting in the deaths of 57 persons. In all cases, there were credible allegations of unlawful use of lethal force by security forces, and in most cases no thorough and impartial investigations or criminal prosecutions were undertaken. See OHCHR-Nepal Press Statement, September 23, 2010.

extortions have again been commonplace, with an apparent lack of corresponding political will to make those responsible for such violations accountable for their actions. The police frequently refuse to register complaints and political parties often resort to direct intervention into judicial proceedings[7].

In January 2011, Nepal underwent its first Universal Periodic Review (UPR) before the UN Human Rights Council, during which the Government of Nepal acknowledged existing and ongoing human rights challenges in the country, while failing to provide any concrete commitments, in particular with regard to addressing torture and extrajudicial killings[8]. Although the Nepal Government accepted a recommendation to "take concrete steps to ensure the security of human rights defenders, including journalists", it requested more time to consider whether it will accept three further recommendations on the issue[9].

Moreover, relations with the United Nations became increasingly difficult. After lengthy negotiations, the mandate of the Office of the High Commissioner in Nepal (OHCHR-Nepal) was eventually extended for a further year on June 9, 2010[10]. As a compromise, OHCHR agreed to reduce its presence in Nepal and to close its field offices outside Kathmandu. In January 2011, the United Nations Mission in Nepal (UNMIN) withdrew from the country.

Ongoing repression against human rights defenders and lawyers fighting against impunity

Human rights defenders, including lawyers fighting against impunity, continued to operate in an environment dominated by constant threats from both State and non-State actors. Lawyers defending victims of conflict-related crimes continued to face threats, intimidations, refusals

7 / See Human Rights Council, Working Group on the UPR, *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1,* UN Document A/HRC/WG.6/10/NPL/2, October 13, 2010.

8 / See Press Statement of the Nepal NGO Coalition for the UPR (NNC-UPR), January 25, 2011. The NNC-UPR is representing 235 human rights and civil society organisations in Nepal. Particularly, the NNC-UPR was troubled by the response of the Government delegation who claimed today that "there is no systematic torture in Nepal", in spite of well documented and credible reports of systematic practices of torture at the hands of State security forces.

9 / See Human Rights Council, *Draft Report of the Working Group on the Universal Periodic Review - Nepal*, UN Document A/HRC/WG.6/10/L.3, January 28, 2011.

10 / See OHCHR Press Release, June 9, 2010. OHCHR has monitored and reported on human rights and provided training and technical assistance to State institutions and civil society since it was established in Nepal in 2005. The Comprehensive Peace Accord signed in 2006 also requests OHCHR to monitor the human rights provisions of the peace agreement.

to cooperate and in some instances, even direct intervention into judicial proceedings against them by the Maoists and political parties at the local level[11]. State and non-State actors have spared no efforts to prevent human rights defenders from uncovering human rights violations committed during the conflict and to avoid prosecutions. For instance, on the occasion of the UN International Day in Support of Torture Victims on June 26, 2010, the NGO Advocacy Forum (AF) filed a total of 45 First Information Reports (FIRs)[12] demanding criminal investigations in torture cases committed both by the State security forces and the Maoists during the internal conflict in different police offices where AF works. However, the police flatly denied registering those cases citing either the statute of limitation in the existing Nepali law or prevailing on the repeated cliché that those cases fall under the jurisdiction of the proposed transitional justice mechanisms, including the Truth and Reconciliation Commission[13]. In Jhapa, Dolakha and Ramechhap districts, AF lawyers were obstructed from visiting detainees under various pretexts and threatened of reprisals if they were to lodge complaints about those obstacles. In particular, from December 16, 2009 to June 3, 2010, and again from July 29 to January 3, 2011, lawyers of AF Jhapa were denied access to the police detention centres of Birtamod and Kakadbhitta. Likewise, on July 19, 23 and 26, 2010 respectively, AF lawyers from Rupandehi, Kaski and Dolakha districts faced similar obstacles to visit detention centres upon orders of the inspectors in charge of the offices. On July 28, 2010, AF was informed that the Senior Police Officer had ordered through a circular to all the police offices not to let the human rights lawyers to meet the detainees, except the representatives of the National Human Rights Commission. Similarly, on January 9, 2011, an AF legal officer from Banke district was threatened by an unknown caller through an Indian phone number not to proceed in human rights violations cases. He had already received similar phone calls in the past[14].

Journalists also received death threats when reporting human rights violations. For example, on May 14, 2010, Mr. **Motiram Timilsina**, Editor of *Chesta Weekly*, a Kavre-based newspaper, was threatened to death by district member of the United Communist Party of Nepal - Maoist (UCPN-M) Gopal Ghimire for publishing on May 13 a news report

11 / See Human Rights Council, *Joint Written Statement submitted by the Asian Legal Resource Centre, with the support of WOREC, FEDO and JMC, to the Human Rights Council, to inform the debate about human rights defenders in Nepal,* February 18, 2011.

12 / A FIR is a written complaint filed at the police.

13 / See AF.

14 / See AF. Names of AF lawyers are not disclosed for security reasons.

against the Maoist and entitled "collecting money in the name of labourers". Mr. Timilsina lodged a complaint and Mr. Ghimire subsequently apologised on May 17, pledging not to repeat such an incident in the future[15].

Some lawyers and human rights defenders were also castigated for their work, both directly and indirectly, by the Maoists[16]. For instance, on May 3, 2010, Mr. **Janak Bdr Shahi**, Secretary of the Banke District Bar Association, was stopped by UCPN-M cadres as he was on his way to the Bar office. When Mr. Shahi clarified that he was a staff employed at the Bar and was returning from monitoring the nationwide strike, he was told by the cadres that "lawyers turn black information into white and vice versa" and was prohibited by the latter from entering the premises of the court[17]. On June 26, 2010, representatives of the Maoist Party publicly accused lawyers seeking justice in the murder of Mr. Arjun Lama, a social worker in Kavre, of "conspiring with international human rights organisations to defame the Maoist Party"[18]. Likewise, on June 30, 2010, on the eve of a jail bail hearing in a case in which a juvenile was severely tortured by family members of a police officer, a Maoist cadre, Mr. Deepak Karki, who is the elder brother of the main suspected perpetrator, met the AF leading lawyer in the case, and requested him not to represent the victim in the court[19]. When the AF lawyer rejected his request, Mr. Deepak Karki got angry and said, "If my sister is jailed, you and your organisation will face bad consequences. We will spare no one". On July 1, 2010, the day of the final hearing of the case, Mr. Deepak Karki threatened again the AF leading lawyer, telling him "to remember his words". Yet, nothing untoward happened after that day[20]. The same day, the District Court of Kathmandu ordered to send the perpetrator to jail until trial. As of March 2011, the case was still sub judice and the lawyer remained under threat. Throughout the court proceedings held on August 8, 9 and 10, 2010 vis-a-vis the case of Mr. Ramhari Shrestha's murder, a businessman from Kathmandu who was allegedly abducted in April 2008 by UCPN members, and later

15 / See Informal Sector Service Centre (INSEC).

16 / See OHCHR-Nepal Press Release, July 16, 2010. OHCHR-Nepal Chief further urged the Maoists to fully cooperate with the justice system and stressed that "while every individual or party is entitled to voice their disagreement, this should not be expressed in a way that is perceived as threatening against individuals who work to provide remedy and justice to the victims of human rights and international humanitarian law".

17 / See INSEC.

18 / The names of the lawyers are not disclosed for security reasons. The accused in the murder are six Maoist cadres, including Mr. Agni Sapkota, a Maoist Politburo member. The reaction of the Maoist Party followed the earlier refusal of the US Government to issue a visa to Mr. Sapkota on the basis of the seriousness of charges against him. See INSEC and AF.

19 / The name of the lawyer is not disclosed for security reasons.

20 / See AF.

died reportedly in the aftermath of severe ill-treatment received inside the People's Liberation Army (PLA) third division in Chitwan, a truckload of PLA combatants from the Chitwan district-based cantonment was continuously on the prowling nearby the lodgings of AF lawyers who had been there to plead in the criminal proceedings in Chitwan District Court. The combatants were even seen in the premises of the court[21].

Defenders of the rights of marginalised communities and women human rights defenders targeted

Human rights defenders working to promote the rights of marginalised communities, including the Dalits, and women human rights defenders, remained particularly vulnerable given the lack of social recognition and legitimacy of their work. Defenders working on the rights of Dalits are often not recognised as human rights defenders and police frequently refuse to investigate cases in which they are affected due to their work[22]. In addition, given that in Nepal women are traditionally confined to the private sphere and the home, women human rights defenders who organise themselves and speak publicly to raise human rights issues face hostility both from their own families and communities, as well as from the police. For example, on April 12, 2010, Ms. **Mahenigar Ansari**, a woman human rights defender of Dhangadi, was severely beaten by Mr. Sekh Munil Ahamad Ansari, a cadre of the Nepali Congress, the second largest political party in the country, who defined her as a "characterless woman", for advocating the rights of Muslim women. On the same day, Mr. Sekh Munil Ahamad Ansari was taken in police custody before being later released after interrogation. The Women's Rehabilitation Centre (WOREC) helped her to lodge a complaint and a FIR was registered. Yet, Ms. Ansari subsequently withdrew the case following pressure exerted by the Nepali Congress and the police[23]. Similarly, on July 1, 2010, Ms. **Malati Thakur**, Chairperson of the Women Rights Forum, an NGO advocating women's rights, Dhanusa district, was verbally abused, assaulted and rebuked by a local man for fighting against violence against women. The perpetrator was subsequently held liable by the community justice and fined 1,000 nepali rupees (about 10 euros)[24].

21 / *Idem.*
22 / Cases are not disclosed for security reasons.
23 / See INSEC Statement, April 12, 2010 as well as WOREC.
24 / See WOREC.

PAKISTAN

Throughout 2010 and the beginning of 2011, the Government failed to provide a safe and enabling environment for human rights defenders, who continued to be victims of killings and abductions, in particular in areas that fall outside of its effective control, such as the provinces of Balochistan and Khyber Pakhtun Khwa. Perpetrators of violations against human rights defenders were rarely brought to justice, and impunity remained widespread throughout the country.

Political context

In 2010-2011, extrajudicial killings and enforced disappearances remained rampant, particularly in Balochistan[1], creating an extremely high-risk environment for human rights defenders. Judicial processes before the Supreme Court and high courts were still unnecessarily lengthy, contributing to a feeling of impunity. A high number of cases of enforced disappearances remained unresolved. In an attempt to address the situation, the Government set up in March 2010 a three-member Commission of Inquiry on Enforced Disappearances (CIED), headed by a former Supreme Court Judge, which submitted its first report at the end of the year. Yet, as of April 2011, its findings had not been made public and the CIED claimed that it had not been able to make any substantial progress in tracing the whereabouts of missing persons in Balochistan[2].

Torture remained widespread in 2010-2011, with security forces and other law enforcement agencies enjoying almost complete lack of

1/ Balochistan has been engulfed with a cycle of target killings for several years dating back to General Musharraf's military operation unleashed in early 2000's to quell secular Baloch nationalists' demands for maximum internal autonomy and control over the region's gas, gold and copper reservoirs. The mass killings, abductions and detentions have intensified since July 2010.

2/ The CIED, which investigated the intelligence agencies' role in enforced disappearances, was authorised to summon any senior official of the armed forces whose name surfaced in connection with the enquiries and also conducted extensive interviews with the families of the victims. Many relatives of missing persons who met a fact-finding mission to Balochistan of the Human Rights Commission of Pakistan (HRCP) in May 2011, appeared before the CIED. Most of them initially had high expectations of CIED, but informed the HRCP mission of their disillusionment over the CIED's inability to procure the recovery of their missing relatives. Some of those who had appeared before the CIED also complained of intimidation by the intelligence personnel at the hearings. They also said that the CIED expected that the families would produce witnesses of disappearance, when no arrangements had been made for protection of witnesses. See HRCP Reports, *State of Human Rights in 2010*, April 2011 and *Balochistan - Blinkered slide into chaos*, June 29, 2011.

accountability. Acts of torture committed in military custody or in detention centres run by the intelligence services were also endemic. Conditions of detention remained poor in all parts of the country. In a welcomed step, the Government ratified the UN Convention Against Torture and the International Covenant on Civil and Political Rights (ICCPR) on June 23, 2010. However, Pakistani authorities made several reservations upon ratification, which raise serious concerns[3].

In 2010-2011, members of religious minorities remained particularly vulnerable. In particular, members of the Ahmadiyyah religious minority[4] faced threats, discrimination and violent attacks, as illustrated by the attack of two Ahmadi mosques on May 28, 2010, killing at least seventy members of the community[5]. The Shia community was also victim of targeted killings, particularly in Balochistan[6]. In addition, in January and March 2011 respectively, the Governor of the Punjab province and the Federal Minister for Minority Affairs were assassinated for opposing the blasphemy law[7]. The UN High Commissioner for Human Rights noted that these high-profile killings were "symptomatic of pervasive violence against religious minorities in Pakistan and a lack of protection for their places of worship"[8].

3/ Notably, the Government entered a reservation to Article 4 of the Convention Against Torture, which in effect, means that torture will not be criminalised under Pakistani national laws. The Government declared that the application of Articles 3, 6, 7, 18, 19 and 25 of ICCPR is accepted only as long as they are not repugnant to the provisions of the Constitution of Pakistan and the Sharia laws. Upon ratification, Pakistan also declared that is does not recognise the competence of the Committee provided for in Article 40 of the Covenant. This was forcefully rebutted by the Human Rights Committee, which reminded Pakistan that its initial report was due on September 23, 2011 and that the Committee may examine Pakistan's record even in absence of a report. See UN Human Rights Committee Press Release, April 4, 2011.

4/ In Pakistan and other countries Ahmadis are regarded by many as non-Muslims and subjected to institutionalised discrimination.

5/ See UN Special Rapporteur on Freedom of Religion or Belief, Ms. Asma Jahangir, Independent Expert on Minority Issues, Ms. Gay McDougall, and Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Philip Alston, Joint Press Release, May 28, 2010.

6/ In 2010, 105 Shia Hazaras were killed in such attacks in Balochistan. See HRCP.

7/ In February 2010, the Minister for Minorities Affairs had stated that Pakistan planned to change its blasphemy law to check its misuse by extremists. Previous attempts to reform it had stalled amid opposition from hard-line groups. In the end, no change was made in the law in 2010. In addition, at least 64 people were charged under the blasphemy law in 2010, including a Christian woman from Punjab province, who was the first woman to be sentenced to death for blasphemy. See HRCP Report, *State of Human Rights in 2010*, April 2011.

8/ See UN High Commissioner for Human Rights Press Release, March 2, 2011. Four UN Special Procedures mandate holders further stressed that "any advocacy of religious hatred that constitutes incitement to violence or hostility must be prohibited by law and effectively prevented". See UN Independent Expert on Minority Issues, Ms. Gay McDougall, Special Rapporteur on Freedom of Religion or Belief, Mr. Heiner Bielefeldt, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue, and Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Christof Heyns, Joint Press Release, March 2, 2011.

Freedom of expression remained under attack by both Government and non-State actors. Although Pakistani media can openly criticise the Government, journalists were targeted for their critical views of the military, the intelligence services and the Taliban forces alike. Reportedly, twenty journalists and media workers were killed in 2010, making Pakistan one of the deadliest country for journalists in the world[9]. Widespread impunity surrounded the killing of journalists and other media workers, as reportedly not a single conviction was obtained during 2010 for killings of journalists[10].

In July 2010, Pakistan's worst monsoon flooding in a century affected one-fifth of the country and resulted in the displacement of approximately seven million people. At least 1,600 people died and at least 2,000 persons were seriously injured as a result of the floods, which reportedly destroyed 1.9 million homes. The most vulnerable sectors of society, including members of minority communities, women, children, persons with disabilities and Afghan refugees appeared to be disproportionately affected in the aftermath of the floods[11].

Assassination and abduction of human rights defenders in Balochistan and the KPK province

In 2010-2011, defenders continued to face threats and attacks from non-State actors in Balochistan and the Khyber Pakhtun Khwa (KPK) province[12]. NGOs working in the health and education sectors, or those seeking to promote human rights, were often branded as "promoting obscenity" or "undermining Islam". In addition, international organisations needed to seek "No Objection Certificates" (NOC) from the Government, which hampered their freedom of movement outside Quetta, in Balochistan, as well as in parts of the Federally Administered Tribal Areas (FATA)[13].

Incidents of targeted killing and abduction for ransom forced international humanitarian NGOs to curtail their activities in Balochistan and the KPK province, as several of them closed down their offices or reduced field work to prevent harm to their staff. On February 18, 2010, unidentified armed men abducted four employees of the international humanitarian NGO Mercy Corps in the Shankai area of Qilla Saifullah

9 / See HRCP Report, State of Human Rights in 2010, April 2011.
10 / *Idem.*
11 / See UN Committee on the Rights of the Child (CRC), Committee on the Elimination of Discrimination against Women (CEDAW) and Committee on the Rights of Persons with Disabilities (CRPD) Joint Press Release, October 27, 2010.
12 / The KPK province was known as the North West Frontier Province until April 15, 2010.
13 / See HRCP.

district, Balochistan, on their way to the main regional office of Mercy Corps in Pakistan. The abducted team members were working with local district health officials in Balochistan to implement health programs. The abductors demanded 100 million Pakistani rupees (about 8,180 euros) ransom in exchange for the release of the four relief workers. In June 2010, Mercy Corps closed its operations in Balochistan after the kidnappers killed one of the abducted employees. In July 2010, the other three kidnapped relief workers were released unharmed[14]. On March 10, 2010, six Pakistani employees of the American NGO World Vision were shot dead in Oghi Tehsil of Mansehra district (KPK province). The Church-based NGO had been working for the rehabilitation of victims of the 2005 earthquake. It is believed that the Taliban were behind the attack on the office of World Vision, which subsequently suspended all its operations in the country. In addition, national and international NGOs reportedly suspended their field activities for earthquake victims in the Mansehra district and complained that the police had failed to provide them adequate security. In May, the International Committee of the Red Cross (ICRC) halted its operation in Balochistan in the wake of threats by the Baloch Liberation United Front, which demanded that the ICRC and UN organisations stop their activities in Balochistan. In late August, at the peak of Pakistan's flood crisis, Taliban threatened to attack foreign humanitarian workers in the country[15].

Members of human rights NGOs in Balochistan region were also victims of reprisals. On December 21, 2010, Mr. **Siddique Eido**, a journalist and Coordinator of the Pasni Core Group of the Human Rights Commission of Pakistan (HRCP), was abducted in Gwadar by men wearing State security forces uniforms. On April 28, 2011, his body was found in Ormara, Balochistan, with apparent signs of torture. At the time of his disappearance, Mr. Eido was accompanied by four policemen. Despite repeated calls from the HRCP, the authorities made no real effort neither to secure his release nor, as of April 2011, to publicly identify and prosecute the perpetrators. On March 1, 2011, Mr. **Naeem Sabir Jamaldini**, HRCP Khuzdar Core Group Coordinator, was shot dead in Khuzdar by two unknown individuals riding a motorcycle. Mr. Naeem Sabir Jamaldini, a renowned human rights defender in the region, had mobilised community groups for the promotion and the defence of human rights and was continuously reporting human rights violations committed in the Balochistan region, documenting and denouncing enforced disappearances and acting for the recovery of missing persons. Newspapers reported that an organisation

14 / See HRCP Report, *State of Human Rights in 2010*, April 2011.
15 / *Idem.*

calling itself the Baloch Musallah Difa Army claimed responsibility. Mr. Sabir Jamaldini had been reportedly receiving death threats for months before his murder and feared for his safety. As of April 2011, the perpetrators had not been identified.

Killing of a trade union activist

Trade union activists still faced significant risks in connection with their activities. For instance, on July 5, 2010, Mr. **Mustansar Randhawa**, a leader of the Labour Qaumi Movement (LQM) and of textile and power loom workers across several districts in Punjab, was shot dead in front of his office in Faisalabad by unknown persons. On that day, LQM had called for a strike against low wages, poor working conditions and the intimidation of power loom workers. Mr. Randhawa, had been receiving death threats reportedly from power loom and textile mill owners prior to his death, apparently because of his role in organising workers in the area. As of April 2011, the perpetrators of his assassination remained at large[16].

Reprisals against defenders of minorities and women's rights

Human rights defenders working on the rights of religious minorities and women also faced increased risks. For instance, on August 19, 2010, HRCP member Mr. **Veerji Kolhi** was abducted in Hyderabad, Sindh province. He had previously called for justice for a gang-rape victim. He was also active in advocating for the rights of minority communities, particularly in Sindh, and in the emergency relief efforts following the floods. He was subsequently released on August 23, 2010, after being threatened with dire consequences should he not be able to convince the victim and her parents to agree to a compromise in the rape case[17].

16 / See HRCP Press Release, July 9, 2010 as well as Report, *State of Human Rights in 2010*, April 2011.
17 / See HRCP Report, *State of Human Rights in 2010*, April 2011.

THE PHILIPPINES

In 2010-2011, human rights defenders documenting or reporting human rights violations committed by officers of the Philippine army or the police, continued to be subjected to violent reprisals, including assassinations. Health workers and activists as well as land rights activists opposing mining and economic projects also faced threats and intimidation. The climate of impunity for human rights violations and the labelling as sympathisers or associates of armed leftist groups created an environment in which human rights defenders remained at serious risk of violent attacks.

Political context

On May 10, 2010, Benigno Aquino III was elected President on a campaign platform that included a number of human rights commitments, such as the abolition of private military groups[1] and justice for human rights violations, ending the impunity enjoyed by the police and the military[2]. He further pledged to uphold freedom of expression and respect press freedom. While there was notable steps towards the promotion of human rights since President Aquino took office on June 30, the Government has so far failed to sign and implement the national human rights action plan or other policies that mainstream human rights in the Aquino administration.

Furthermore, credible allegations of gross human rights violations, including extrajudicial killings, continued[3]. Impunity for hundreds of cases of extrajudicial killings and enforced disappearances prevailed in 2010. Although, in his first executive order on July 30, the President established the Truth Commission for the Philippines, the Commission has jurisdiction over corruption allegations committed during the Arroyo regime but is not mandated to investigate human rights violations, including more than 200 cases of enforced disappearances documented over the past decade.

Private armed groups of local politicians and paramilitary groups continued to threaten human rights despite a presidential decision setting up

1/ In numerous provinces, ruling families continue to use paramilitary forces and local police as their private armies, often with national Government support.
2/ "There can be no reconciliation without justice. When we allow crimes to go unpunished, we give consent to their occurring over and over again". Pres. Benigno Aquino III, Inaugural Speech, June 30, 2010.
3/ See Alliance for the Advancement of People's Rights (KARAPATAN) Report, *2010 year-end report on the human rights situation in the Philippines*, December 1, 2010.

a task force to dismantle private armies in Masbate and Abra provinces. The trial of the persons accused of committing the Maguindanao massacre in November 2009 began on September 8, 2010. The trial could be a crucial step in establishing accountability for the killing of 57 people. However, as of June 2011, 107 suspects were still at large and ninety had been arrested, out of which 31 had not been arraigned yet[4].

Politically motivated killings and torture also continued throughout 2010. On a positive note however, the first test case under the 2009 Anti-Torture Act was filed in September 2010 by the NGO Medical Action Group, in the case of five men detained in the Pampanga provincial jail[5].

In December 2010, the Government of President Aquino unveiled its new counterinsurgency programme, the "Oplan Bayanihan", which replaced the controversial "Oplan Bantay Laya" (OBL), said to be responsible for extrajudicial killings and enforced disappearances of activists and the displacement of thousands of people from communities. Yet, it remains to be seen whether the new strategy will in fact contribute to ending impunity.

Assassination of human rights defenders who denounce abuses committed by the army or the police

Human rights defenders documenting or denouncing abuses committed by officers of the Philippine army or the Philippine National Police (PNP) were in the front line of repression. For instance, Mr. **Benjamin E. Bayles**, a member of the September 21 Movement, which is a member of the Alliance for the Advancement of People's Rights (KARAPATAN), in Himamaylan city, Negros Occidental province, was shot dead by two men on June 14, 2010. The Himamaylan city PNP subsequently apprehended and detained Messrs. Roger M. Bahon and Ronnie L. Caurino, and charged them with murder. The same day, Kabankalan police officers made a statement on the radio claiming that the two suspects had confessed to be regular members of the 61st Infantry Brigade of the Philippine Army but retracted from this initial statement the following day. Mr. Bayles had been reportedly subjected to surveillance, harassment and intimidation by the military since May 2010. The military had accused him of working for front organisations of the Communist Party of the Philippines – New People's Army (CPP-NPA). Mr. Benjamin Bayles had been denouncing abuses committed by the officers of the Philippine army against upland farmers and farm workers, and had helped families of the victims to seek legal services. He was also active in anti-mining campaigns and in advocating

4 / According to the files of the Regional Trial Court 221.

5 / See Philippine Alliance of Human Rights Advocate (PAHRA) and Medical Action Group.

for peasants' rights. The trial of the two suspects began in October 2010 and was ongoing as of April 2011. Moreover, following Mr. Bayles' killing, Mr. **Fred Cañas**, KARAPATAN-Negros Secretary General, was threatened for denouncing his colleague's assassination.

Ongoing stigmatisation of human rights defenders

Human rights defenders, community activists and journalists are often labelled by members of the army and the police as being sympathetic with, or belonging to, armed leftist groups, including the New People's Army (NPA), designated by both the United States and the European Union as a terrorist organisation. There were also allegations of soldiers storming the premises of human rights NGOs and venues of human rights related gatherings, reportedly planting damning evidence, and subsequently claiming that the premises were a safe house for the NPA, or that persons present in the premises are NPA members or supporters[6]. On September 21, 2010, Brigadiers General Eduardo del Rosario and Datu Ruben Labawan held a press conference at Apongcola, Davao city, during which they accused Mr. **Kelly Delgado**, Secretary General of KARAPATAN-Southern Mindanao Region, of masterminding a plot to liquidate the Eastern Mindanao Command Spokesperson, Lieutenant Colonel Randolf Cabangbang, allegedly to avenge the abduction and death of the daughter of a known NPA commander. Brigadier General Eduardo del Rosario further alleged that KARAPATAN is a legal front of the NPA. The press conference took place three days after KARAPATAN received classified information from a reliable source that elements of the Philippines army had issued an order to "eliminate" Mr. Delgado. He had previously been the target of acts of harassment by the military as a result of his work denouncing human rights violations committed as part of the militaries' counterinsurgency strategy. On November 22, 2010, members of the 31st Infantry Brigade of the Philippine Army (IBPA) and the police raided the KARAPATAN office in Daet, Camarines Norte. The search warrant specified that there were NPA members in the office. Arrested were Messrs. **Smith Bardon**, Provincial Chairman of the Peasant Movement of the Philippines (KMP); **Denver Bacolod**, KARAPATAN staff; **Mherlo Bermas**, Kabataan party list member; and **Elpidio de Luna**, a member of SELDA, an organisation of former political prisoners in the Philippines, who were attending a consultation among KARAPATAN and other organisations on the human rights situation. They were falsely charged with "illegal possession explosives", "rebellion", and "inciting to sedition". These charges were subsequently dismissed by the Regional Trial

6 / See KARAPATAN Report, *2010 year-end report on the human rights situation in the Philippines*, December 1, 2010.

Court Branch 38 in Daet, Camarines Norte, and the four were released on February 24, 2011[7]. Moreover, Mr. **Temogen Sahipa Tulawie**, Provincial Chairperson of the Consortium of Bangsamoro Civil Society (CBCS) in Mindanao, province of Sulu, has been in hiding since October 2009 after a warrant of arrest was issued against him. His work involves the monitoring and documentation of human rights violations affecting Muslim communities in the Autonomous Region of Muslim Mindanao, especially in the province of Sulu. He is facing charges of "multiple frustrated murder" and "attempted murder" at the Regional Trial Court of Jolo, Sulu, filed on July 22, 2009. The charges relate to a bombing incident that happened in the municipality of Patikul, Sulu, on May 13, 2009, wounding twelve persons, including Governor Abdusakur Tan of the province of Sulu. On May 26, 2009, Messrs. Mohammad Sulayman Muin and Juhan Alihuddin were arrested without a warrant and later, in the absence of legal counsel, forced to admit responsibility for the bombing. They named Mr. Temogen Sahipa Tulawie and Congressman Munir M. Arbison of the second District of Sulu as the alleged masterminds behind the bombing. It is on the basis of their extra-judicial confessions that the arrest warrant for Mr. Tulawie was issued on October 5, 2009. Mr. Mohammad Sulayman Muin escaped from detention on December 24, 2010, and was reportedly killed subsequently. Mr. Alihuddin later recanted his confession and denied any knowledge of the bombing. As of April 2011, Mr. Tulawie remained in hiding due to fears that he will not be accorded a fair trial[8].

Arrest and detention of health rights activists

Health workers and right to health activists were repeatedly harassed by security forces in relation to their activities providing health care and advocacy to rural and disenfranchised communities. On February 6, 2010, 43 health workers and members of the Council for Health and Development (CHD), including Ms. **Merry Mia**, Health Education and Training Services Coordinator for the CHD, were arbitrarily arrested and detained in Morong, Rizal province. About 300 armed members of the 202nd IBPA and the PNP raided the residence of Dr. **Melecia Velmonte**, a respected specialist on infectious diseases, and arrested the health professionals attending a health skills training seminar sponsored by the Community Medicine Foundation (COMMED) and the CHD. Initially no search warrant was presented, and the one produced later was lacking crucial elements. The health workers were brought to the headquarters of the 202nd IBPA, and detained for three days incommunicado, blindfolded and handcuffed, before their relatives were allowed to visit them on February

7/ *Idem.*

8/ See Task Force Detainees of the Philippines (TFDP).

8. Several health workers reported that they were subjected to torture and other forms of ill-treatment during interrogation, including electrocution and sleep deprivation. They were accused of "illegal possession of firearms", "manufacturing bombs" as well as of "belonging to the CPP-NPA", on the basis of explosives and firearms that were allegedly found by the army at Dr. Velmonte's residence[9]. In December 2010, President Aquino ordered the Department of Justice to withdraw the criminal charges filed against the "Morong 43" given that the evidence against them had been gathered illegally. They were finally released on December 17, 2010, after more than ten months in detention. Moreover, as of April 2011, Messrs. **Rafael Limcumpao** and **Domingo Alcantara**, respectively peasant and community organisers, as well as Mr. **Archie Bathan**, Secretary General of the Nuclear-Free Bataan Movement (NFBM), who were all arrested on May 27, 2009 by the PNP, remained detained in Bataan provincial jail (Balanga city) on charges of "attempted murder" and "illegal possession of explosives and firearms". Prior to their arrest, they had planned to organise campaigns to protest the possible renewed operation of the Bataan Nuclear Power Plant in the area, which is likely to bring about serious environmental and health implications for local residents.

Threats and assassination of land rights activists opposing mining and economic projects

In 2010, land rights activists continued to be subjected to violent attacks, including murder. For example, on June 26, 2010, a group of unidentified armed individuals fired gun shots and threw grenades at the parish house of Father **José Francisco Talaban**. Countless bullet marks and shrapnel, and empty shells from M16 and M14 rifles were found on the parish premises. Additionally, pamphlets, purportedly issued by the "Anti-Communist Group" (*Aniban ng Ayaw sa Komunista*), containing death threats against Fr. Francisco were also found. The pamphlets also listed the names of the following community leaders: Messrs. **Edwin Garcia**, **Pedro Calivara**, **Alfonso Jan**, **Arnold Gamaro**, **Arnel Turzar**, **Marlon Angara**, **Jerry Fabro** and Ms. **Rachel Pastores**. Fr. Francisco and the community leaders listed in the pamphlets are advocating against the establishment of an economic zone in the province, seeking also the support of advocacy groups in Manila. The project threatens to displace indigenous people, farmers, fishermen and their families, particularly those within the municipality of Casiguran. On July 9, 2010, Mr. **Pascual Guevarra**, a leader of the Alliance of United Farmers in the 3100 Hectares in Fort Magsaysay (ALMANA 3100), a movement of displaced farmers who

9 / However, according to witnesses, the military searched the compound only after the health workers and the residents of the house were ordered out of the building.

oppose eviction from their land, was shot dead by an unknown individual who had broken into his house in Barangay San Isidro, municipality of Laur, Nueva Ecija province. His grandson was also injured in the incident. Similarly, on June 27, 2010, Mr. **Fernando Bejino**, an active member of Kasayan Farmers Association (KASAYFA) and a fervent opponent to the planned expansion of the "Jathropa plant"[10], was killed by two unknown assailants while he was travelling from Poblacion to Barangay Casalaan, municipality of Siaton, Negros Oriental province. Prior to his death, he was harassed by vigilante groups reportedly created by the military and pressured to admit his alleged involvement in an underground movement linked to an armed rebel group, which he rejected. On January 24, 2011, Mr. **Gerardo Ortega**, a journalist and environmental rights defender in Palawan Island, was shot dead in Puerto Princesa city. On January 26, 2011, the police filed murder charges against the former administrator in the south-western Palawan province, who allegedly owned the gun used by another suspect, Mr. Marlon Ricamata, who was apprehended at the scene by the police on January 24, and who confessed that he had been hired to silence the broadcaster for a fee of 150,000 pesos (2,470 euros). Three other men were also charged for the shooting of Mr. Ortega. Mr. Ortega was a staunch critic of the current provincial administration and of mining companies in Palawan, speaking out against corruption in his programme on *DWAR* radio station[11]. On March 9, 2011, Mr. **Bonifacio Labasan**, Vice-Chairperson of the Isabela chapter of the Union of Peasants in Cagayan Valley (*Danggayan Dagiti Mannalon iti Cagayan Valley* - DAGAMI), was shot by two men on a motorcycle. He had been engaged in a campaign against the conversion of vast crop lands for the production of bio-ethanol, which would displace farmers from their lands in Isabela province. As of April 2011, the police was studying whether to bring charges and no suspect had been detained. On April 27, 2011, Ms. **Florita "Nang Flor" Caya**, newly-elected General Manager of the Unified Tribal Council of Elders and Leaders (UTCEL)[12] and Vice-President of the national rural peasant women organisation LAKAMBINI,

10 / The privately owned Jathropa production stands at 18-20 hectares and it is bordered on all sides by forest lands tilled by members of the KASAYFA. The planned expansion would imply clearing additional hectares of residential lands to be planted with corn and other crops, some of which are for biofuel purposes, endangering the farmers' lots and livelihoods.

11 / Ultimately, Mr. Ortega supported a law centre petition filed before the Supreme Court on behalf of residents of the province to declare as unconstitutional a litigious sharing agreement between the provincial Government and the national Government over the proceeds of the Malampaya natural gas project off the coast of the province, which stands at ten billion US dollars.

12 / UTCEL, a local indigenous peoples' organisation, is officially recognised by the National Commission on Indigenous Peoples (NCIP) and the local government units as the legitimate claimant organisation to the awarded Certificate of Ancestral Domain Title (CADT) area.

affiliated to PAKISAMA, a national peasant confederation, was shot at the back of her head while tending her store at the poblacion of Monkayo, Compostela Valley. Witnesses saw a man hurriedly walking away from the store and quickly riding at the back of a motorcycle driven by another man. Ms. Nang Flor was the third General Manager of UTCEL to be killed by unidentified persons in a span of two years. She had been elected at the head of UTCEL in March 2011 to replace Mr. **Carlito Chavez**, who was gunned down on August 17, 2010. UTCEL leaders are said to have received threats warning that they should "stop their activities otherwise they would all be liquidated". It is thus feared this is because of UTCEL opposition to the planned entry of mining companies/interests in the area[13].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. **Merry Mia**, Dr. **Melecia Velmonte** and other 41 health workers and members of the Community for Health Development	Arbitrary arrest and detention / Allegations of torture and other forms of ill-treatment	Urgent Appeal PHL 001/0210/OBS 017	February 6, 2010
Messrs. **Benjamin E. Bayles** and **Fred Cañas**	Assassination / Threats	Urgent Appeal PHL 002/0610/OBS 081	June 30, 2010
Father **José Francisco Talaban**, Messrs. **Edwin García, Pedro Calivara, Alfonso Jan, Arnold Gamaro, Arnel Turzar, Marlon Angara, Jerry Fabro** and Ms. **Rachel Pastores**	Assault / Threats	Urgent Appeal PHL 003/0710/OBS 086	July 16, 2010
Messrs. **Fernando Bejino** and **Pascual Guevarra**	Assassination	Open Letter to the authorities	July 22, 2010
Mr. **Kelly Delgado**	Stigmatisation	Urgent Appeal PHL 004/1010/OBS 123	October 8, 2010
Mr. **Gerardo Ortega**	Assassination	Urgent Appeal PHL 001/0111/OBS 012	January 28, 2011
Messrs. **Christopher Solano, Althea Villagonzalo, Whelgester Paglinawan** and **Manuel Bentillo**	Arrest / Arbitrary detention	Urgent Appeal PHL 002/0311/OBS 042	March 23, 2011
Mr. **Bonifacio Labasan**	Assassination	Urgent Appeal PHL 003/0311/OBS 053	March 30, 2011

13 / See PAKISAMA Press Statement, April 29, 2011 as well as PAHRA.

SRI LANKA

In 2010 and until April 2011, freedoms of association, peaceful assembly and expression remained significantly hindered in Sri Lanka, especially in the northern province. Human rights defenders seeking accountability for human rights violations, in particular for alleged violations of international human rights and humanitarian law committed by the Government and the LTTE during the civil conflict that ended in 2009, fighting against corruption or defending environmental rights, were subjected to various acts of intimidation including threats, slandering campaigns, judicial harassment and even forced disappearance and killing. Human rights defenders were also subjected to reprisals when promoting and using the UN human rights system, while failure to investigate prominent cases of assassination and disappearance of human rights defenders further contributed to an environment of fear and silence.

Political context

In January 2010, incumbent President Mr. Mahinda Rajapaksa won a landslide victory with 57% of the votes cast in the early presidential elections that he called two years before the end of his term, after having declared victory over the Liberation Tigers of Tamil Eelam (LTTE) separatists in May 2009, following a 26-year civil war. The common opposition candidate, General Sarath Fonseka, who led the final military campaign against the Tamil Tigers as the Commander of the army, lost against Mr. Rajapaksa and announced his intention to contest the election results. On February 8, 2010, General Fonseka was arrested in Colombo and was court-martialled for "committing military offences", relating to alleged acts of corruption he may have committed while serving in the army. In September 2010, General Fonseka was condemned to thirty months of imprisonment and stripped of his military rank by President Rajapaksa. The President further consolidated his power when his ruling coalition won an overwhelming majority in the April 2010 parliamentary elections. Moreover, on September 8, 2010, Parliament adopted the 18th amendment to the Constitution, significantly increasing Government power over the judiciary, the police and the National Human Rights Commission. It also lifted the previous two-term limit for the Presidency, thereby making it possible for President Rajapaksa to remain in power indefinitely. The incumbent Government also won local government elections in March 2011. However, in all three elections, the Government suffered heavy defeats in the Tamil majority northern province, which bore the brunt of the last phase of the war in 2008-2009.

Although no terrorist acts were reported since the end of the conflict with the LTTE, the Emergency Regulations (ER) still remained in place – despite the fact that some of its provisions were repealed in May 2010 – and were renewed every month. The ER and the Prevention of Terrorism Act (PTA) continued to be invoked in order to justify the arrest of political opponents, human rights defenders and journalists who were accused of having links with the LTTE or whose actions were allegedly constituting a threat to national security. Additionally, despite the end of the conflict, the territories inhabited by Tamils remained heavily militarised[1].

Impunity continued to prevail regarding past human rights violations. Although the Lessons Learnt and Reconciliation Commission (LLRC) was set up in May 2010 by the President in response to widespread calls for an independent international investigation into the allegations of war crimes committed by both parties during the last weeks of the conflict, its mandate remained limited as it did not extend to investigating serious allegations of violations of international human rights and humanitarian law committed by both sides in the final phases of the conflict[2], and the LLRC therefore will fail to address reconciliation in a forceful manner. Moreover, it was of particular concern that witnesses giving testimony to the LLRC faced threats and intimidation[3].

Freedom of opinion and expression continued to face significant constraints in 2010-2011, particularly following the January 2010 presidential election, when several journalists were detained and questioned and news websites were blocked. In particular, print and online media outlets that criticised the Government, its policies, the President or the Defence Minister Mr. Gotabhaya Rajapakse, the President's brother, were subject to harassment and reprisals[4]. In addition to the intimidation, threats and

1/ See Sri Lanka Advocacy Group, *Briefing Note on the Human Rights Situation in Sri Lanka*, March 2011.
2/ The main task of the LLRC is to report "on the facts and circumstances which led to the failure of the ceasefire agreement [...] and the sequence of events that followed thereafter up to May 19, 2009". Its mandate and work was explicitly put in question by the report of the UN Secretary General's Panel of Experts, which was appointed on June 22, 2010 and called for an independent international investigation into credible reports of atrocities committed by both sides to the conflict. See Secretary General's Panel of Experts on Accountability in Sri Lanka Report, March 31, 2011. On November 5, 2010, the warrant of the LLRC was extended by the President to May 15, 2011.
3/ See Sri Lanka Advocacy Group, *Briefing Note on the Human Rights Situation in Sri Lanka*, March 2011.
4/ For instance, the Colombo-based opposition online website *LankaeNews* was the target of constant threats, intimidation and smear campaigns, which increased following their support of General Fonseka in the January 2010 presidential elections. Moreover, the cartoonist of the website, Mr. Prageeth Ekneligoda, remains disappeared since January 2010 shortly after he wrote articles supporting the presidential opposition candidate. See OMCT, Free Media Movement (FMM), Inform Human Rights Documentation Centre (INFORM) and Law and Society Trust (LST).

smear campaigns targeting opposition news media, employees of State-owned media outlets also suffered severe consequences for protesting against Government control of their editorial policies as well as from the misuse of State media resources during the presidential election campaign in January 2010. Dozens of employees were fired, suspended or threatened[5].

The human rights record of Sri Lanka was examined in 2010 by the United Nations (UN) Committee on the Rights of the Child (CRC) and Committee on Economic, Social and Cultural Rights (CESCR), in September and November respectively, which both expressed concerns about the situation of human rights defenders and organisations[6].

Restrictions on freedoms of association and peaceful assembly in the north of the country

In 2010-2011, freedom of association continued to face serious restrictions, especially in the northern areas of Sri Lanka. On the one hand, while for years, the Tamil Tigers and the Government restricted access to those areas under Tiger control, the Government relaxed some security checkpoints after the end of the civil war. But restrictions remained in place for independent journalists and NGOs, although some were given limited access to the war-affected population in the north by prior permission from the Ministry of Defence. In particular, on July 15, 2010, the Government's Non-Governmental Organisations (NGO) Secretariat issued a circular numbered NGO/03/16 setting up a new procedure for granting approval for all NGO movements – including their staff and international organisations – implementing projects in the northern province, which required heads of all the NGOs operating projects in the province to register all their officials with the Presidential Task Force (PTF), which is headed by

5/ In particular, State media workers and union leaders who called for State media institutions to abide by the election commissioners media guidelines and the Supreme Court decision in this regard, had their employment terminated and received serious threats and harassment and were attacked as Sinhala terrorists in the State media. See unpublished list produced by LST.

6/ The CRC expressed "serious concern at the reported growing pattern of intimidation of non-governmental organisations, including threats, harassment, physical attacks and arrests and about restrictions placed on their work", while the CESCR expressed "serious concern about widespread threats, attacks, defamation campaigns and various forms of stigmatisation against human rights defenders (...) as well as about serious restrictions of their activities", and urged the Government of Sri Lanka to "take the necessary action to end the ongoing harassment and persecution of human rights defenders and ensure that those responsible for the threats and attacks are duly prosecuted and punished". See CRC, *Concluding Observations: Sri Lanka*, UN Document CRC/C/LKA/CO/3-4, October 19, 2010 and CESCR, *Concluding Observations: Sri Lanka*, UN Document E/C.12/LKA/CO/2-4, December 9, 2010 . In addition, the Committee on the Elimination of Discrimination Against Women (CEDAW) reviewed the periodic reports of Sri Lanka on January 26, 2011. See CEDAW, *Concluding Observations: Sri Lanka*, UN Document CEDAW/C/LKA/CO/7, February 4, 2011.

the President's brother Mr. Basil Rajapakse, with immediate effect. The new procedure also requested NGO heads to provide information on all human and material movements carried out by NGOs in the northern province for further approval. In addition, in June 2010, the NGO Secretariat was transferred from the civilian Ministry of Social Services to the Ministry of Defence. As a consequence, several NGOs were denied access to the region, pending approval from the Ministry. In the last week of June 2010, all agencies working in the north were almost overnight denied access to the north, pending approval from the Ministry of Defence[7]. Furthermore, although the PTF granted permission to some NGOs to launch some projects to assist people in need of assistance in resettled villages of Vanni area, permission was granted only to build houses and infrastructure and start income generating activities, while permission was rejected for counselling, capacity building and empowerment activities of communities[8]. In October 2010, various church organisations and NGOs were instructed in writing and verbally by the Government of Vavuniya and by the army in Mannar that no events should be organised without inviting the military. On December 18, 2010, the Mayor of Jaffna, Ms. Yogeswary Patkunam, cancelled permission to use the Jaffna Public Library auditorium by Home for Human Rights (HHR) to conduct a workshop on human rights violations after the war[9].

The right to freedom of peaceful assembly was also curtailed on several occasions by security forces in 2010-2011. For instance, in May 2010, the military cancelled several events planned in the north to remember those killed during the war and organisers were threatened. For instance, a Catholic priest in Jaffna, whose name is not disclosed for security reasons, received several threatening calls asking him to cancel a religious event he had organised in Jaffna to commemorate civilians killed in the war. Senior army officers also visited his office and asked him to cancel the event. On May 17, 2010, Nallur Temple area in Jaffna, where an inter-religious event was being held to remember those killed in the war, was surrounded by the police and the army. The people who came to participate were threatened and told to go away. Those who insisted on participating in the event were asked to register their names and other details with the police. Later on, the army questioned and threatened a priest who was involved

7/ See Integrated Regional Information Networks (IRIN) Report, *Analysis: NGOs question tighter access to Sri Lanka's north*, August 11, 2010.
8/ See Groundviews Article, May 26, 2010.
9/ See Exile Network for Media and Human Rights in Sri Lanka (NfR Sri Lanka) Press Release, December 23, 2010.

in the organisation of the event[10]. On May 27, 2010, internally displaced persons who were protesting during a visit by two Government Ministers, Messrs. Basil Rajapakse and Rishard Bathurdeen, about the takeover of their land by the navy in Silavathuri town, Mannar district, were subjected to harassment as five of them were arrested and detained until their release without charges on May 29[11].

Serious reprisals against human rights defenders seeking accountability for human rights violations

Despite the formal end of the civil war in May 2009, the Government continued to maintain a strict blockade on the release of information regarding the human rights situation in Sri Lanka to the international community, especially the human cost during the final phase of the war between December 2008 and May 2009. As a consequence, any attempt by local or foreign human rights defenders, including journalists, to uncover and report on the gross human rights abuses committed against Tamil civilians by governmental forces during this period as well as on continuing rights abuses, particularly on enforced disappearances and killing in the north, was met with intimidations and threats. As a result of these threats, many were forced into hiding or to leave Sri Lanka. Human rights defenders who documented and reported on human rights violations, particularly in the north, were indeed systematically targeted and threatened by government intelligence agents and paramilitary groups, all the more when they submitted information under the UN Human Rights Complaints Mechanisms and used the UN Special Procedures[12]. For instance, in December 2010, a prominent human rights defender who worked closely with families of disappeared people in the north and helped document and submit complaints to the UN Working Group on Enforced and Involuntary Disappearances received threatening calls, was subjected to surveillance and questioning by intelligence agents. His office was also subjected to surveillance and he was questioned and asked to explain his work and funding sources to the local military or persons claiming to belong to Government intelligence. As a consequence he was compelled to flee the area. Another human rights defender in the north documenting human rights violations and who was involved in submitting complaints to the UN Working Group on Enforced and Involuntary Disappearances and other UN bodies, including to the UN Country Team, also received threatening phone calls and was questioned at Colombo airport in late 2010.

10 / See Groundviews Article, June 18, 2010.

11 / Confidential source whose name is withheld for fear or reprisals.

12 / Names are withheld for safety reasons.

Human rights defenders observing the proceeding of LLRC also faced threats and intimidation. For instance, one religious leader who presented statistics about those killed, disappeared, and injured at a hearing on the north in January 2010, got a threatening phone call next day. Staff members of an NGO who went to monitor hearings in another district in north in September 2010, were questioned, subjected to surveillance when they were taking notes, were photographed, and were told not to share information with foreign media[13].

Still worse, Mr. **Pattani Razeek**, Managing Trustee of the Community Trust Fund (CTF)[14] in Puttalam city and a member of the Executive Committee of the Asian Forum for Human Rights and Development (FORUM-ASIA), disappeared on February 11, 2010, when he was last seen in Polonnaruwa, in the north central province. Mr. Razeek was then travelling together with other staff members from CTF on their way home from a mission, when their van was intercepted by a white van[15]. His family lodged a complaint with the local police authorities in Puttalam as well as with the Human Rights Commission of Sri Lanka. Yet, for over a year, the police made no attempt to apprehend and question the main suspect in Mr. Razeek's disappearance, Mr. Shahabdeen Nowshaadh, a former CTF employee, despite evidence linking Mr. Nowshaadh to several ransom calls made to Mr. Razeek's family on Mr. Razeek's mobile number, following his disappearance. Mr. Razeek's family believes that the failure to take action against Mr. Nowshaadh is connected to his close acquaintance of the Minister of Industry and Commerce, Mr. Rishad Bathiudeen. As of April 2011, Mr. Pattani Razeek remained disappeared and the criminal investigation into the case was ongoing[16]. Furthermore, an inquiry into allegations of corruption against CTF started shortly after Mr. Razeek's disappearance, based on a petition by Minister Bathiudeen. As of April 2011, the inquiry remained pending[17]. Moreover, the murder of Mr. **Lasantha**

13 / Name of NGO and staff members withheld for fear of reprisals.

14 / The CTF is a NGO based in Puttalam that provides emergency relief and rehabilitation, in particular in conflict and disaster affected areas. It has also been involved in human rights documentation and protection.

15 / In Sri Lanka, "white vans" have been known to be the preferred vehicles of groups responsible for abductions and disappearances.

16 / In July 2011, two suspects were arrested by the Colombo Crimes Division, for alleged involvement in Mr. Razeek's disappearance. On the morning of July 28, 2011, police exhumed a body in Kavathamunai, Uddamaveli, Valaichchenai province, based on the information provided by one of the arrested suspects in the case of the disappearance of Mr. Razeek. The son of Mr. Razeek tentatively identified the body of his father.

17 / On June 9, 2011, CTF received a copy of a fax by the Defence Ministry appointing an interim board of management from June 16, comprised of one senior military officer and two government officials, until the inquiry into allegations of corruption was completed.

Wikrematunge, Editor of the *Sunday Leader*, in January 2009, also remained unsolved[18]. As a consequence, failure to investigate those cases of assassination and disappearance led to a loss of faith in institutional mechanisms and further generated an environment of fear and silence.

International NGOs were similarly subjected to reprisals. For instance, senior staff members of Nonviolent Peaceforce Sri Lanka (NPSL)[19], including its country Director, Ms. **Tiffany Eastham**, and Human Rights Defenders Project Coordinator Mr. **Ali Palh**, had their visas cancelled by the authorities and were compelled to leave Sri Lanka at short notice on July 8. No reasons were given for the sudden decision to terminate their visas, which were valid until September 2010. In August 2010, the Sri Lanka's Chief of Immigration also terminated the visa of Ms. **Elizabeth Ogaya**, who is the Project Coordinator of the Human Rights Defenders Protection Programme (HRDPP) and affiliated with NPSL. Ms. Ogaya was given until August 30, 2010 to leave the country. In September 2010, the application for a visa extension filed by Mr. **Daniel Hogan**, an American national who is the Security Coordinating Officer in Vavuniya and Batticaloa of NPSL, was in turn rejected by the Sri Lankan Secretariat dealing with NGOs. Mr. Daniel Hogan was ordered to leave the country before the end of September[20]. On May 8, 2010, Ms. **Fiona Partol**, Resident Advisor of "Internews", an international NGO that fosters independent media and access to information worldwide, was blocked by Sri Lanka Defence Ministry from entering Jaffna to participate in a five-day training course for local media persons.

Slandering campaigns against human rights defenders and NGOs

In 2010-2011, members of the Government and government-controlled media continued to defame civil society organisations and accuse human rights defenders of acting against the country. The latter were also often labelled as "terrorists". For instance, in late 2010 and early 2011, local newspapers ran a series of articles on human rights defenders in the north who had participated in a training on submitting complaints to UN human rights mechanisms. On October 3, 2010 and January 15, 2011,

18 / Mr. Wickrematunge had been several times the target of intimidation attempts and lawsuits due to his investigative reporting on corruption and nepotism in the Government and in society in general, and the impunity that accompanies them. Mr. Wickrematunge was also a critic of the war and advocated a negotiated political solution to the conflict.

19 / NPSL is an international NGO that provided protection and assistance to victims of abuses and those facing threats, including human rights defenders. NPSL also helped civilians liaison with local authorities and also organised trainings on the UN system in the north and east.

20 / See Media Freedom in Sri Lanka (MFSL) Note, July 8, 2010 and Sri Lanka Advocacy Group, *Briefing Note on the Human Rights Situation in Sri Lanka*, March 2011.

the *Divayina* newspaper published articles about this training and accused the organising NGOs, Law and Society Trust (LST) and the NPSL, of acting against the Government. On October 22, 2010, the newspaper *Sunday Island* reported that the military intelligence services were looking into the cases of thirteen human rights defenders who were accused of being foreign spies and submitting false allegations to international human rights organisations. In an article published on January 2, 2011, the *Irida Divayina* disclosed the names of the participating human rights defenders[21]. Following the above-mentioned articles in the newspapers, several participants suffered threats and intimidation by security forces and intelligence agents. Moreover, on January 15, 2011, the government-controlled *Dinamina* newspaper accused the NPSL of secretly acting against the Government and disclosed details about the relocation of NPSL offices.

While those cooperating and sharing information with the UN and international community were regularly labelled as "terrorist sympathisers" and "anti-patriotic", inflammatory statements by Government Ministers and politicians also made human rights defenders fearful of cooperating with UN mechanisms. For example, on June 20, 2010, the State-controlled Sinhalese paper *Silumina* accused a group of exiled journalists of collaborating with international NGOs to provoke the UN regarding allegations of war crimes in Sri Lanka. On July 15, 2010, the President was reported as saying "some of these NGO representatives go to foreign countries and carry out publicity campaigns against the country". On December 11, 2010, Deputy Minister Sarath Kumara Gunaratne was quoted as saying to *LakbimaNews*: "I am happy that even ordinary people of this country are taking their patriotic duty seriously and acting against traitors. I can tell you that in the future, […] people will take to task anyone who betrays this country and its leader".

Judicial harassment and assassination of defenders of environmental rights

Defenders of environmental rights were also subjected to pressure through threats and harassment, including extrajudicial killing. On November 27, 2010, Messrs. **Aruna Roshantha**, a leader of the Sri Lanka All Island Fishermen's Trade Union, and **Marcus Anthony Fernando**, Chairperson of the Negombo Lagoon Fisher People's Union, and both leaders of the Alliance to Protect the Negombo Lagoon, an organisation that has actively been involved in protecting and conserving the rich marine resources of

21/ Names are not mentioned for safety reasons.

the Negombo lagoon in Gampaha district[22], distributed pamphlets in Negombo town, along with a group of around sixty persons, explaining the adverse environmental consequences of a sea plane project. Police officers were present and observed the distribution of the leaflets. The police themselves handed out several leaflets, although the leaders realised this was a ploy by the police to take away some of the leaflets in the guise of distributing them. The following day, Mr. Roshanta and Mr. Fernando were summoned to the Negombo police headquarters and arrested after being told that they had committed an offense under Section 150 of the Criminal Code, that they had conspired against the Government of Sri Lanka and were trying for inciting people to overthrow the Government. They were subsequently released in the evening without charges. Mr. Aruna Roshantha had already been arrested on November 21, 2009 by officers of the Negombo police for his activities against illegal fishing in the Negombo lagoon. He was released on bail on November 26, 2009 and as of April 2011, his case was still pending before the Negombo Magistrate Court. On December 31, 2010, Mr. **Ketheeswaran Thevarajah**, an activist who had campaigned against environmental damage due to sand excavation in Jaffna, was killed by armed men who entered the house where he was staying that night. The men reportedly asked him to open his profile page on *Facebook* before shooting him at point blank range. Mr. Thevarajah had posted photographs on his *Facebook* account on the environmental damage caused by illegal sand excavation in his village by politically powerful persons. He had also provided reports to Jaffna media on the same issue. As of April 2011, no investigation had been carried out[23].

Harassment of human rights defenders fighting corruption

Human rights defenders denouncing acts of corruption continued to suffer serious consequences for their work. For example, Mr. **J. C. Weliamuna**, Executive Director of Transparency International – Sri Lanka (TISL), an organisation involved in revealing the misuse of public resources in the context of the Sri Lankan presidential elections of January 26, 2010[24], was the target of a string of defamation articles published in local Sinhalese and English printed media containing false information about the misuse of TISL's funds. The articles also portrayed TISL in the framework of a wider campaign carried out by the Government against

22 / The two individuals were involved in a campaign against the sea plane project initiated by the Government, as this project is seen as harmful to the biodiversity of the Negombo lagoon and would adversely affect the livelihoods of fishermen dependent on the lagoon.

23 / See NfR Sri Lanka Press Release, January 3, 2011.

24 / As part of his work with TISL, Mr. Weliamuna is involved in a public campaign against corruption as well as in advocacy efforts related to the implementation of the 17th amendment to the Constitution, which is aimed at establishing independent institutions on human rights, police, bribery and corruption.

national and international NGOs, accusing them of trying to destabilise the country and announcing that the Act dealing with these organisations will be amended to take proper action against them whenever it is necessary. On March 3, 2010, an article published in *Lanka News Web* stated that Mr. Weliamuna was heading a list of 35 human rights defenders and journalists supportive of the opposition. The list was allegedly produced by the Sri Lankan intelligence services. Dr. **Paikiasothy Saravanamuttu**, Executive Director of the NGO the Centre for Policy Alternatives (CPA), was also on the list. Reportedly, there was also a move to arrest and detain Mr. Weliamuna on fabricated charges, in connection with reports TISL issued during the presidential election campaign in December and January, alleging violations of election laws and misuse of public resources by the ruling party. Moreover, while Mr. Weliamuna sustained an attack in September 2008, when two grenades were thrown at his residence, the Government argued in 2010 that Mr. Weliamuna was responsible for this attack in order to get publicity for himself. Despite Mr. Weliamuna's letter to the President of Sri Lanka expressing concerns of the *Lanka News Web* list, no action was taken to provide protection to him or to investigate the allegations made by the article published in *Lanka News Web*. On the evening of August 18, 2010, Mr. **Mahasen Rupasinghe**, a journalist working for *Neth FM*, was attacked in his hometown, Embaraluwa south, Weliweriya area, after exposing – on his radio programme "Belumgala" – an illegal coconut husk charcoal manufacturing operation that was being carried out in the Weliriya and posing potential health risks to residents in the area. The police failed to arrest the assailants. On February 8, 2011, Mr. **M.I Rahumathulla**, Editor of the newspaper *Vaara Ureikal*, the only provincial newspaper in the eastern region, had chilly powder thrown at his face and was assaulted with iron rods. As of April 2011, no investigation had been carried out. The newspaper, which has been reporting on corruption in the Muslim dominated Kathankudi and Batticaloa areas, was subjected to many threats over the years. On April 1, 2009, unidentified men, armed with swords and clubs, broke into the newspaper's office, which is located at Mr. Rahumathulla's residence, and assaulted him severely. Though a complaint was lodged with the Kathankudi police, no arrests ensued[25].

25 / See NfR Sri Lanka Press Release, February 10, 2011.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Pattani Razeek**	Enforced disappearance	Urgent Appeal LKA 001/0210/OBS 021	February 18, 2010
		Urgent Appeal LKA 001/0210/OBS 021.1	February 10, 2011
Messrs. **J. C. Weliamuna** and **Paikiasothy Saravanamuttu** / Transparency International Sri Lanka	Defamation campaign / Fear of arrest	Urgent Appeal LKA 002/0310/OBS 035	March 11, 2010
Messrs. **Aruna Roshantha** and **Marcus Anthony Fernando**	Arrest / Release	Urgent Appeal LKA 003/1210/OBS 145	December 9, 2010

THAILAND

In 2010-2011, impunity remained the rule for violations committed against human rights defenders, including enforced disappearances and assassinations. Besides, human rights defenders continued to be subjected to judicial harassment when taking part in peaceful assemblies and, in the case of a blogger and journalist, for documenting human rights violations.

Political context

The year 2010 proved to be politically turbulent for Thailand. Anti-Government protests led by the United Front for Democracy against Dictatorship (UDD), the so-called "Red Shirt" movement, started in March and continued until May 2010. The protests, which were initially peaceful, demanded the resignation of the sitting Government and early elections. On April 7, 2010, the protesters stormed the Parliament and forced MPs to flee. In response, the Government of Prime Minister Abhisit Vejjajiva declared a state of emergency on April 7 and set up the Centre for the Resolution of Emergency Situations (CRES), which was mandated to peacefully resolve political unrest[1]. In addition, the Emergency Decree on Public Administration in Emergency Situation (2005) gave the authorities wide-ranging powers to arbitrarily interrogate, detain without charge, deny information about those detained, use unofficial detention sites, impose censorship and otherwise restrict the rights and liberties of Thai citizens. These measures also made securing justice difficult in the aftermath of the violence. The protracted demonstrations were brought to an end on May 19, 2010, when the army was deployed in order to crack down on the demonstrations. The state of emergency was gradually lifted in different parts of the country throughout the second half of 2010, and abolished completely on December 21, 2010. Yet, it was replaced by the Internal Security Act (ISA) on February 8, 2011, which effectively legitimises military influence in the guise of a military dominated directive body, the Internal Security Operations Command (ISOC). A first stage of the ISA, which operates continually, is one of information gathering and

1/ CRES was an ad hoc, unelected body, vested with broad powers under the emergency regulations. Among its members were the Deputy Prime Minister and several cabinet ministers, as well as the chief of the army and the police. CRES enjoyed broad immunity from prosecutions and was able to order arrest, detention, property seizure and asset freeze, as well as the closing of websites. It was dissolved after the state of emergency was lifted, in February 2011.

surveillance of the population, while a second stage, triggered by a Cabinet declaration, authorises control over declared areas and grants ISOC broad emergency powers that pose serious risks to fundamental human rights, while few legal safeguards exist to limit the use of such powers[2].

The UN High Commissioner for Human Rights urged the Government to conduct an independent investigation of the events of April and May 2010 and to hold to account all those found responsible for human rights violations[3]. In July 2010, the Government appointed a fact-finding missions commission, now known as the Truth for Reconciliation Commission of Thailand (TRCT), which established that during the clashes between the protesters and Government forces and the subsequent crackdown, 92 persons were killed and over 1,885 injured[4]. Its mandate is generally limited to fact-finding and it is not entitled to initiate investigations or prosecutions. Although the Commission has among its members prominent human rights activists, the UDD is not represented at all. Lastly, there was little or no substantive cooperation from the authorities, in particular the military, to facilitate the work of the Commission, as the enforcement of the emergency measures remains shrouded in an almost complete lack of transparency[5]. Moreover, as of April 1, 2011, 35 red-shirts protesters had been convicted under various criminal charges, including "terrorism", "violence against the Government" and "coercing the Government", and 133 were still in detention[6]. The only evidence against many of those arrested is their appearance in photographs of protesters.

The situation in the three southern border provinces of Thailand also continued to deteriorate. In January 2011, the total number of deaths arising from the conflict reached 4,122. Military operations involved many human rights violations and in the seven years of insurrection only military courts have handed down reprimands to military personnel, ordered short term confinement to barracks, or inflicted fines of a few hundred baht (about two to six euros). It appears that the civilian Government has abdicated all responsibility in the area, allowing the military broad

2 / The ISA was extended three times and was not lifted until May 24, 2011. See Union for Civil Liberty (UCL).

3 / See Human Rights Council, *Statement of the UN High Commissioner for Human Rights at the opening of the 14th regular session of the Human Rights Council*, May 31, 2010.

4 / See TRCT, *Interim Report (July 17, 2010 - January 16, 2011)*, April 2011.

5 / In its April Report, the Commission lists the major obstacles which have caused its investigation to falter: 1. TRCT has no power to subpoena witnesses or evidence; 2. Lack of witness-protection; 3. Credibility obstructed by the fact that TRCT was established by the Government. See TRCT Interim Report, April 2011.

6 / See People's Information Center.

discretionary power to continue a policy of repression that further exacerbates the situation. Meanwhile, violent attacks on Government officials, school teachers and Buddhist villagers by the insurgents continued. The Government has taken few substantive steps to initiate peaceful negotiations in light of ongoing incidents of violence, and proposals to establish a special administrative zone or other possible options of autonomy for the South, have met with resistance from the Thai authorities[7].

Freedom of opinion and expression suffered a serious backlash in Thailand during the eight months the emergency regulations were in force. While the mainstream print media enjoyed a certain latitude of freedom, the broadcast and new media, including Internet and satellite communications, were greatly targeted under the emergency measures, since the Red Shirt movement relied heavily on community radio stations. During the course of 2010, the CRES and other Government agencies shut down up to 43,000 websites or webpages, blogs, TV stations, community radio stations and online publications. Apart from resorting to emergency powers and the CRES, the Government also continued to apply the Computer Crimes Act of 2007 and the charge of *lèse majesté* to crack down on critical voices and silence the opposition[8]. This also had a chilling effect on the media and self-censorship became increasingly widespread.

Impunity for serious violations committed against human rights defenders

Even after seven years, no one has yet been held accountable for the disappearance on March 12, 2004 of human rights lawyer Mr. **Somchai Neelaphaijit**[9]. Since September 2010, the reading of the Appeal Court verdict at the Criminal Court in Ratchadaphisek Road in Bangkok was postponed on three occasions due to the absence of one of the five defendants, Police Major Ngern Thongsuk, who had been sentenced to three

7/ See UCL.

8/ Thailand is one of the few remaining countries in the world to prosecute crimes of *lèse majesté*. Individuals who insult, defame or threaten the Thai royal family can be sentenced to up to fifteen years of imprisonment. The Ministry of Information and Communication Technology also uses the charge of *lèse majesté* to block or remove websites discussing critical issues relating to the monarchy. Cases of *lèse majesté* are brought under Article 112 of the Criminal Code throughout Thailand, and are rarely reported in the press. Trials may also be carried out in closed court so that it is difficult to have precise numbers of such cases. As of April 2011, five major legal cases involving lèse majesté were in progress. See UCL.

9/ Five police officers were prosecuted only for relatively minor crimes since the body of Mr. Somchai was never recovered, and only one out of the five, Police Major Ngern Thongsuk, was convicted and sentenced to three years in prison in January 2006. He appealed the decision and remained out on bail. Yet, one day before the appeal verdict was to be read in September 2010, Police Major Ngern's family reported that he had been missing since a mudslide in 2008 and began judicial proceedings to have this formally declared.

years in prison in a first trial in January 2006. On February 7, 2011, when the reading of the verdict was once again postponed, the Court issued an arrest warrant for Police Major Ngern Thongsuk to compel him to appear in court[10]. The verdict of the Appeal Court was read on March 11, 2011, on the eve of the seventh anniversary of Mr. Somchai's disappearance. The Criminal Court of Bangkok first ruled that Mr. Somchai's wife and children could not be considered as joint plaintiffs and could not act legally on behalf of the "injured person or dead person" under the provisions of the Criminal Procedure Code (CPC). Furthermore, the Appeal Court also ruled that for Police Major Sinchai Nimpunyakampong, Police Sergeant Major Chaiweng Paduang and Police Sergeant Rundorn Sithiket, there was not enough evidence that could link them or involve them in the incident because the eyewitnesses could not identify the defendants. The Court also ruled that Police Lieutenant Colonel Chadchai Liamsanguan was not present at the place where the incident happened. The earlier conviction of Police Major Ngern Thongsuk was overturned: he had been identified by a witness as the one who dragged Mr. Somchai from his car, but the Court decided that the identification was doubtful. Additionally, the wife of Mr. Somchai, Ms. **Angkhana Neelaphaijit**, and the rest of his family have continued to experience acts of intimidation and harassment since the start of their quest to secure accountability in the case, including threatening phone messages.

Likewise, as of April 2011, there had been no progress in the investigation into the assassinations of Ms. **Laila Paaitae Daoh**, a prominent rights activist and peace advocate who was killed on March 12, 2009 in Krongpenang district, Yala province, and Mr. **Praseth Rakpao**, former member of the Provincial Council of Rayong and a lawyer, who was shot in his car on October 6, 2009. Mr. Praseth Rakpao was the leader of villagers protesting against a large investment treatment plant which runs counter to environmental protection laws. Moreover, an investigation was still in process into the assault, on November 27, 2009, against Mr. **Sittichai Phetpong**, Vice-President of the Association for the Protection of Maritime Resources who worked for the socially disadvantaged, as well as for the preservation of natural resources. In particular, the police have accused a hired gunman of the attack on Mr. Sittichai. In the past, Mr. Sittichai had received threats from those whose continued exploitations of natural resources who have been curtailed by his initiatives against destructive environmental practices.

10 / Under Article 182 of the Criminal Procedural Code, the Court could only proceed in reading the verdict without the presence of the defendant, one month from the issuance of the warrant.

Ongoing criminalisation of human rights defenders taking part in peaceful assemblies

In 2010-2011, human rights defenders continued to be subjected to judicial harassment when taking part in peaceful assemblies. In particular, judicial proceedings resumed in 2010 against ten human rights defenders for their participation in a peaceful demonstration organised by a coalition of NGOs at the Parliament House in Bangkok on December 12, 2007, in order to protest against the attempts by the National Legislative Assembly (NLA), which was installed by the military after the 2006 coup, to pass a total of eight bills affecting civil liberties in Thailand in the final days before the general election of December 23, 2007. They were arrested on December 30, 2010, and subsequently released on bail. The ten defenders are Mr. **Jon Ungphakorn**, Chairperson of the NGO Coordinating Committee on Development (NGO-COD), Mr. **Pairoj Polpetch**, Secretary General of the Union for Civil Liberty (UCL), Mr. **Sirichai Mai-ngarm**, member of the Labour Union of Electricity Generating Authority of Thailand, Mr. **Sawit Kaewwan**, leader of the Confederation of State Enterprise Labour Union, Ms. **Supinya Klangnarong**, Secretary General of the Media Reform Campaign, Ms. **Saree Ongsomwang**, Chairperson of the Consumers' Association, Mr. **Amnat Palamee**, leader of the Confederation of State Enterprise Labour Union, Mr. **Nutzer Yeehama**, a member of the NGO Friend of People, Mr. **Anirut Chaosanit**, member of the Council of People's Organisations Network in Thailand, and Mr. **Pichit Chaimongkol**, member of the Campaign for Popular Democracy. They have all denied the charges brought against them. In addition to the initial charges[11], the Public Prosecutor added two additional ones under Section 116 and Section 215(3) of the Criminal Code, which carry heavier penalties[12]. The Criminal Court originally set February 28, 2011 for the presentation of witnesses. Yet, as the assembly of evidence was incomplete, the trial is now scheduled to take place at 48 hearings over 24 days between February 21 and April 10, 2012. Similarly, Mr. **Sunthorn Boonyod**, Ms. **Boonrod Saiwong** and Ms. **Jitra Kotchadej**,

11 / They were charged with "trespass by using force or joining with more than two persons associating together to intrude forcefully or to cause harm" (Sections 362 and 365 (1) (2) of the Criminal Code), "illegal gathering and using force with ten or more persons to cause damage or to give rise to public disorder" (Section 215), "failing to disperse when ordered to by the police" (Section 216), "collaborating with five or more persons to incite others to violence in one form or another to threaten the lives and safety of others" (Section 309 § 2), "collaborating to detain or restrict other persons" (Section 310) and "using loud speakers without permission" (Law on Restricting Loudspeaker Advertising, 1950).

12 / Sections 116 and 215.3 of the Criminal Code apply to acts of or incitement of violence or unrest with an intention to cause harm or public disorder, to detain or restrict other persons, and to enter into a property to disturb the peaceful possession of those who own the property. Convictions under those sections could lead to imprisonment of up to seven years and five years, respectively.

three leaders of Triumph International Labour (Thailand) Union, remained prosecuted following their participation in a protest rally held on August 27, 2009[13]. In January 2010, they had been charged with "assembling more than ten persons to cause political disturbance", under Articles 215 and 216 of the Criminal Code, as well as under Article 108 of the Highway Act. They were released soon after their arrest on bail of 100,000 baht each (about 2,257 euros). The first hearing in the case took place on March 28, 2011 with the review of the evidence. The next hearings are scheduled to take place from November 15 to 22, 2011 and will examine prosecution and defendant witnesses.

Judicial harassment of a blogger and journalist who documents human rights violations

In 2010, a blogger and journalist who documents human rights violations faced judicial harassment. On September 24, 2010, Ms. **Chiranuch Premchaiporn**, Executive Director and webmaster of the online newspaper and web discussion forum *Prachatai*, was arrested at Bangkok airport while returning from an international conference on Internet freedom in Budapest, Hungary, and charged with violating the Computer Crimes Act and Article 112 of the Criminal Code, which defines Thailand's *lèse majesté* offences. Ms. Premchaiporn is an advocate for freedoms of expression and the media, and is actively involved in the "Citizen Net" network, which monitors the state of censorship in Thailand. She stands accused of ten counts of violating the Computer Crimes Act of 2007 for not removing quickly enough from the *Prachatai* web-forum comments posted by third-party users, which were later deemed defamatory to the Thai royal family. Although she was released on bail the following day after paying a 200,000 baht bail (about 4,514 euros), she had to report to the police on a monthly basis until March 25, 2011, when the request by the Prosecutor to have her bail conditions extended was rejected. Her trial on *lèse majesté* charges started in February 2011 with the presentation of the prosecution's witnesses[14]. Strangely, the Presiding Judge found that she had another urgent trial to attend to in the days already allotted to the Ms. Chiranuch's trial, and resumption of the trial was postponed to September 2011[15].

13 / On August 27, 2009, the peaceful assembly was violently dispersed by the police after a large number of the 1,959 workers dismissed by the Body Fashion Thailand Limited (a subsidiary of Triumph International) and their supporters protested at the Parliament in Bangkok.

14 / The lawyer for the defendant exposed that there were no clear criteria for the charge of *lèse majesté*; typically the prosecution witness asserted that he "believed" or was "of the opinion" that the matter of the comments was illegal, but could not point to any directive or example of what constituted illegality.

15 / See UCL.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Sittichai Phetpong**	Assault / Lack of effective investigation	Open Letter to the authorities	January 19, 2010
Messrs. **Jon Ungphakorn, Pairoj Polpetch, Sirichai Mai-ngarm, Sawit Kaewwan, Amnat Palamee, Nutzer Yeehama, Anirut Chaosanit** and **Pichit Chaimongkol,** Ms. **Supinya Klang-narong** and Ms. **Saree Ongsomwang**	Ongoing judicial harassment	Joint Press Release	October 25, 2010

VIET NAM

In 2010-2011, human rights violations are said to have increased over the year under Viet Nam's chairmanship of the Association of Southeast Asian Nations (ASEAN). It remained very difficult to carry out human rights activities in Viet Nam, with freedoms of expression, association and assembly being severely restricted. Independent human rights organisations continued to be prevented from operating openly and legally in Viet Nam and new legislation further limited freedom of the media. In this context, pro-democracy activists, journalists and bloggers denouncing human rights violations as well as lawyers taking on human rights related cases continued to face multiple forms of repression, including judicial harassment and criminalisation, as the authorities sought to silence any form of dissent.

Political context

2010 was largely marked in the run-up to the 11th Congress of the Communist Party of Viet Nam (CPV), which took place in January 2011. The CPV reappointed Prime Minister Nguyen Tan Dung for another term in the Politburo, consolidating the Prime Minister's power for a second term. The Government further tightened its control on opposition voices and dissent, restricting freedoms of expression, association and assembly. In 2010, Viet Nam's chairmanship of the Association of Southeast Asian Nations (ASEAN) and its new human rights mechanism, the ASEAN Intergovernmental Commission on Human Rights (AICHR), did not have any tangible positive effect on the domestic human rights situation. On the contrary, human rights violations are said to have increased during this period.

The CPV continued to tightly control the media, relentlessly clamping down on any form of dissent, using a diverse set of tools, including the judiciary system and technical means such as blocking websites and interfering with the transmission of radio stations. Independent, privately-owned media is non-existent, and websites or blogs carrying opposition or critical media content, were again exposed to harsh reprisals by Government agencies. The CPV also controls the courts at all levels, and the latter are therefore not able to operate independently and impartially. In this context, political trials against persons calling for democracy or discussing subjects deemed controversial by the Government, including licenses for bauxite mines and territorial disputes with China, were increasingly frequent, and often based on trumped-up charges. Defence lawyers are considerably

limited in defending the interests of their clients. In that they are not allowed to propose witnesses and may only challenge the judges' rulings under very limited circumstances.

The authorities attempted to silence any dissenting voices in the run-up to the 11th Congress of the CPV. Indeed, in 2010 independent bloggers, journalists, peaceful democracy activists and religious leaders promoting tolerance and democracy, were targeted through a variety of means. The Government increasingly resorted to vaguely worded provisions of the Criminal Code, such as Article 79 ("subversion"), Article 88 ("conducting propaganda against the State") and Article 258 ("abusing democratic freedoms to infringe upon the interests of the State"). On-line critics were harassed, ill-treated, tortured and arbitrarily detained. Critical websites and blogs deemed "politically sensitive" by the authorities were blocked or closed down. Firewalls were widely used to prevent access to foreign news sources and critical opposition websites based outside the country experienced cyber attacks originating from Viet Nam[1]. On April 26, 2010, the Hanoi People's Committee issued Decision No. 15/2010/QD-UBND, which obliges the owners of any place that offers public access to Internet in Hanoi to install a monitoring software, which enables authorities to track all on-line activities. It is feared that this measure will be extended to the rest of the country. In addition, a new media decree (Decree No. 2/ND-CP on Sanctions for Administrative Violations in Journalism and Publishing) was signed by the Prime Minister on January 6, 2011, and entered into force on February 25, 2011, to regulate the activities of journalists and bloggers[2].

Moreover, the country remained largely closed to international human rights scrutiny. While the Government allowed visits by two UN Special Procedures mandate holders in 2010[3], it continued to remain closed to those with portfolios considered more controversial, such as the Special Rapporteurs on Freedom of Expression, on Summary Executions and on Freedom of Religion.

1/ For instance, at a press conference in Hanoi in May 2010, Lt. General Vu Hai Trieu, Deputy Director of the Ministry of Public Security's General Department of Security, announced that his department had "destroyed 300 bad Internet web pages and individual blogs". See Vietnam Committee on Human Rights (VCHR).

2/ Under this Decree, the publication of information "non-authorised", "not in the interests of people" or which reveals "State secrets" is considered as an offence. Moreover, the Decree provides new fines for journalists who refuse to disclose their sources or publish articles under pseudonyms.

3/ The UN Independent Expert on Minority Issues, Ms. Gay McDougall, carried out an official visit to the country from July 5 to 15, 2010, and the UN Special Rapporteur on Extreme Poverty, Ms. Magdalena Sepulveda, visited Viet Nam from August 23 to 31, 2010.

Serious restrictions on freedoms of association and of peaceful assembly

In 2010-2011, it remained very difficult to carry out human rights activities in Viet Nam, as fundamental freedoms, in particular of association and peaceful assembly, were still severely restricted.

Although freedom of association is formally recognised by Article 69 of the 1992 Constitution of Viet Nam, in practice, independent human rights organisations and trade unions are banned. Only State-sanctioned associations are allowed to operate, such as the Viet Nam General Confederation of Labour, and NGOs are therefore forced into operating in exile, as for instance the Vietnam Committee on Human Rights (VCHR), which is based in France. All associative activity is strictly controlled by the CPV and guided by the Viet Nam Fatherland Front (VFF), an umbrella of "mass organisations" that has a constitutional mandate to "strengthen the people's unity of mind in political and spiritual matters". Moreover, Decree 88 on the "Regulations on the Organisation, Operations and Management of Associations" (2003) restricts the activities of associations exclusively to "contributing to the country's socio-economic development" and makes no provisions for human rights activities or advocacy, neither by local nor international NGOs[4].

Similarly, although freedom of peaceful assembly is guaranteed by Article 69 of the Constitution, it is almost impossible to exercise this right and hold demonstrations for the promotion and respect of human rights[5]. The police continued to use force in order to disband peaceful rallies, including peaceful demonstrations by farmers and peasants – known as

4/ Decree 88 defines six "socio-political" or "mass organisations": the VFF, the Viet Nam Confederation of Labour, the Ho Chi Minh Communist Youth, the Viet Nam Peasants' Association, the Viet Nam War Veterans Association and the Viet Nam Women's Union, which are funded largely by the State and effectively serve as agencies of Government ministries. Defined as organisations with "political goals", the role of mass organisations is to oversee the implementation of party policies at the grass-roots level. The Viet Nam Confederation of Labour, for example, has a constitutional mandate to "educate workers, employees and other labouring people to work well for national construction and defence". See VCHR and FIDH report, *From "Vision" to Facts: Human Rights in Vietnam under its Chairmanship of ASEAN*, September 13, 2010.

5/ In order to stem public protests, the Government adopted Decree 38/2005/ND-CP, which prohibits demonstrations in front of State agencies and public buildings, and bans all protests deemed to "interfere with the activities" of CPV leaders and State organs. The "Directives for the Implementation of Decree 38" issued by the Ministry of Public Security in 2006 further prohibits gatherings of more than five people without permission from the State.

the "Victims of Injustice"[6]. For instance, in April 2010, sixty members of "Victims of Injustice" were pushed back violently by security officials when seeking to address their grievances with the provincial Complaints Office in Nghe An, near the border with Laos. Similarly, on February 21, 2011, the police disrupted a demonstration gathering about one hundred members of "Victims of Injustice" in Ho Chi Minh City[7]. On May 26, 2010, the police fired on villagers peacefully protesting against inadequate compensation for their land seized to build the Nghi Son Oil refinery, a six-billion dollars project in the province of Thanh Hoa, 200 km south of Hanoi. The villagers had tried to prevent trucks from unloading at the construction site, but had not engaged in any act of violence[8].

International human rights NGOs also faced interferences in their work. For instance, two FIDH representatives were informed that they were "not welcomed" by the Vietnamese Government-controlled organisers to participate in the ASEAN People's Forum (APF)[9] in Hanoi, from September 24-26, 2010. Shortly before this, under pressure from the Vietnamese Government, Thailand barred Mr. **Vo Van Ai** and Ms. **Penelope Faulkner**, President and Vice-President of the VCHR respectively, from travelling to Bangkok, Thailand, to launch a human rights report on Viet Nam at the Foreign Correspondents' Club on September 11, 2011, thus illustrating the intolerance of the authorities towards any debate on the human rights situation in Viet Nam, either inside or outside the country.

Severe harassment against human rights defenders denouncing violations and calling for the respect for fundamental freedoms

Human rights defenders denouncing violations continued to be subjected to reprisals. For instance, Mr. **Vi Duc Hoi**, a pro-democracy activist who has extensively written on corruption and injustice in Viet Nam, was arrested on October 27, 2010. On January 26, 2011, he was convicted of "spreading anti-Government propaganda" and sentenced to eight years of imprisonment, followed by five years of house arrest. On April 26, 2011, his jail sentence was reduced to five years by an appeals court in

6/ In the framework of this rural protest movement, dispossessed farmers march to Hanoi or Saigon to file petitions and camp outside Government buildings protesting State confiscation of lands for development projects and lack of compensation. Peasants and farmers also routinely petition local "Citizens' Complaints Offices" in the provinces, but they complain that local officials often refuse to settle complaints and even to receive them.

7/ See VCHR.

8/ *Idem.*

9/ The APF is a major civil society event bringing together several hundreds of civil society organisations and social movements active in the field of human rights, development and the environment in South East Asia.

northern Lang Son province, to be followed by three years' house arrest[10]. Moreover, following his temporary release for one year on medical grounds in March 2010, Father **Nguyen Van Ly**, a Catholic priest and supporter of the Bloc 8406[11] manifesto, issued a series of reports detailing and denouncing torture in prisons, and it was feared that he may be returned to prison to complete his sentence in March 2011. Yet, as of April 2011, he was still living in central Viet Nam, while remaining under constant surveillance[12]. Other prominent human rights defenders detained under house arrest for denouncing human rights violations and calling for the respect for fundamental freedoms include Buddhist monk **Thich Quang Do**, leader of the Unified Buddhist Church of Viet Nam (UBCV)[13], who is currently held at the Thanh Minh Zen Monastery in Ho Chi Minh City after spending more than 28 years in prison, house arrest and internal exile for his peaceful human rights advocacy. Among others, Thich Quang Do has issued numerous appeals for the rights of "Victims of Injustice", denounced the dangers of bauxite mining in the Central Highlands and campaigned against the death penalty. He is deprived of his citizenship and his freedom of movement, and all his visits are monitored.

Independent journalists and bloggers documenting human rights violations continued to face repression because of their activities. Although prominent blogger and human rights defender Mr. **Nguyen Van Hai** (**Dieu Cay**) should have been released from prison in October 2010, after having completed his prison term, as of April 2011, he remained detained under new charges of "propaganda against the State". He had been sentenced to two and a half years in prison on trumped-up charges of "tax evasion" in September 2008[14]. Furthermore, on January 20, 2011, at around 1 a.m., while Mr. **Le Hoang Hung**, a journalist who worked for *Nguoi*

10 / See VCHR.

11 / Bloc 8406 is a coalition of political parties and groups in Viet Nam that advocate for democratic reform. The Bloc is named after the "Manifesto on Freedom and Democracy for Viet Nam", dated April 8, 2006, originally signed by 118 dissidents calling for a multi-party democratic State in Viet Nam.

12 / Father Ly had been originally arrested on February 19, 2007. He was sentenced on March 30, 2007 to eight years in prison. He suffered a stroke on November 14, 2009 and was subsequently transferred to Prison Hospital No. 198. His prison sentence was temporarily suspended for a year on March 15, 2010 on medical grounds and he was released from prison. See VCHR.

13 / The UBCV is a prohibited movement that peacefully promotes religious freedom, democracy and human rights. Banned effectively in 1981 following the creation of the State-sponsored Viet Nam Buddhist Church, UBCV leaders and members continued to be subjected to detention, intimidation and constant harassment. Despite repeated appeals from the international community, Viet Nam has not re-established its legal status.

14 / Dieu Cay, who is known for his articles calling for human rights and democratic reforms posted on Internet, has been unjustly accused of having failed for ten years to pay taxes on premises. Said taxes should have been paid by the owner of the premises not Dieu Cay, who was only renting them.

Lao Dong (*Worker*) newspaper, and his family were sleeping at his house in Tan An town, an unknown assailant doused the reporter with chemicals and set him on fire. Mr. Hung suffered third-degree burns on around 20% of his body and he succumbed to the severe injuries caused by the assault in a Ho Chi Minh City hospital on January 30. Prior to the attack, Mr. Hung had received several threatening text messages on his mobile phone from unknown numbers. He had written on issues affecting the Southern Mekong Delta for nearly ten years. In one of his most recent reports, he investigated alleged official misconduct regarding land disputes. The attack took place the evening before he was due to cover a court case in which a local official in the southern province of Long An is sued for illegal appropriation of land. The State press subsequently reported that he was killed by his wife over money issues. As of April 2011, the investigation was said to be still under way.

Judicial harassment of lawyers working on human rights cases

Lawyers taking on cases deemed sensitive by the authorities, including the defence of pro-democracy activists, journalists, bloggers and religious activists, and taking on corruption related cases, continued to face very harsh professional and personal consequences for their activities. Many of them were harassed, detained, disbarred, and even evicted from their homes. Their clients were frequently pressured into withdrawing their mandate. In some cases, the courts refused to grant them permissions to represent certain clients. Some of these lawyers were also charged with serious offences under the Criminal Code, including "subversion", or "carrying out activities aimed at overthrowing the people's administration". As of the end of April 2011, Mr. **Le Cong Dinh**, a prominent human rights lawyer and the former Vice-President of the Ho Chi Minh City Bar Association, remained detained in Chi Hoa prison, Ho Chi Minh City, following his sentence on January 20, 2010 to five years in prison. Arrested on June 13, 2009, he was accused of "carrying out activities aimed at overthrowing the people's administration", after he acknowledged engaging in activities for the democratisation and a multi-party political system in Viet Nam. In recent years, he has also defended several Viet Nam human rights and democracy activists. On November 5, 2010, Mr. **Cu Huy Ha Vu**, a prominent human rights lawyer, was arrested and charged with "propaganda against the Socialist Republic of Viet Nam"[15]. Two weeks earlier,

15 / Mr. Ha Vu is a peaceful defender of cultural, environmental and civil and political rights and has consistently used the courts to seek justice for those whose rights have been violated by the Government and private actors. In July 2009, he initiated a lawsuit against the Prime Minister for signing Decision 167 in November 2007, which allowed controversial bauxite mining operations in Viet Nam's Central Highlands.

on October 21, 2010, Mr. Ha Vu had filed a lawsuit against the Prime Minister for signing Decree 136 in 2006, which prohibits class-action petitions. On April 4, 2011, following a trial during which he was denied his right to a fair and public hearing by a competent, independent and impartial tribunal, Mr. Cu Huy Ha Vu was sentenced by the Hanoi People's Court to seven years of imprisonment and three years of house arrest.

Moreover, the practice in Viet Nam, the practice that persons serving their term – even when they are released – continue to be placed under house arrest, remains. For example, human rights lawyers and pro-democracy activists **Le Thi Cong Nhan**, a member of the Committee for Human Rights in Viet Nam and Spokeswoman for the Viet Nam Progression Party (VNPP), and **Nguyen Van Dai**, founder of the Committee for Human Rights in Viet Nam, who were arrested in March 2007 and sentenced on May 11, 2007 to four and five years in prison respectively for "conducting propaganda against the Socialist Republic of Viet Nam"[16], were released on March 6, 2010 and March 6, 2011 respectively, after completing their sentence. However, as they were also condemned to three and four years' house arrest, they both remained under house arrest as of April 2011, deprived of the rights to travel and communicate freely.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. **Le Cong Dinh**	Sentencing / Judicial harassment	Joint Press Release	January 20, 2010
FIDH	Obstacles to freedom of assembly	Press Release	September 21, 2010
Mr. **Le Hoang Hung**	Assassination	Joint Press Release	February 3, 2011
Messrs. **Cu Huy Ha Vu, Pham Hong Son** and **Le Quoc Quan**	Sentencing / Arbitrary detention / Harassment	Joint Open Letter to the authorities	April 7, 2011

16 / In November 2007, the Hanoi Appeals Court decided to reduce their sentences to four and three years' imprisonment respectively, followed by four and three years' house arrest.

EUROPE AND THE COMMONWEALTH OF INDEPENDENT STATES (CIS)

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

REGIONAL ANALYSIS WESTERN EUROPE[1]

In 2010, the European Union (EU) took concrete steps to enhance the protection of human rights defenders in third countries: as of December 2, 2010, human rights defenders' Focal Points had been appointed within EU delegations or member-States' embassies in over 80 countries, and local implementation strategies of the EU Guidelines on Human Rights Defenders had been developed in over 70 countries. Yet, a number of shortcomings remained, as human rights defenders on the ground were sometimes not aware of the appointment and/or contacts of such Focal Points, and were – in some occasions – not sufficiently involved in the elaboration process of local implementation strategies. In addition, as of April 2011, the "Shelter Cities" initiative initiated by the Czech Presidency of the EU in 2009 – which proposed that cities in EU member-States provide shelter to human rights defenders at risk from non-EU countries – had still not been translated into concrete acts.

Concerns were expressed by the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) on worrying trends such as the criminalisation of migrants[2], discrimination against Roma[3] or restrictions to press freedoms[4]. In particular, the stigmatisation of the Roma community remained a top issue, in a context of removal operations carried out by the Governments of *France*, *Sweden* and *Denmark* in 2010[5], or the anti-Roma violence that erupted in *Hungary*, the *Slovak Republic* or the *Czech Republic*[6].

These trends directly impacted on the freedom of action of human rights defenders and the nature of the environment in which they operate. They

1/ The countries of Western Europe include the Member States of the European Union and the States Parties to the European Free Trade Agreement. Turkey is also included in this region owing to the historic nature of its negotiations with the EU.

2/ See Council of Europe Commissioner for Human Rights, *Issue Paper: Criminalisation of migration in Europe – Human rights implications*, February 4, 2010.

3/ See OSCE Press Release, May 6, 2011.

4/ See Parliamentary Assembly of the OSCE Press Release, May 3, 2011.

5/ See European Roma Rights Centre, *Factsheet: Roma Rights Record 2011*, April 8, 2011.

6/ See European Roma Rights Centre Press Releases, April 14, 2011 and April 29, 2010.

were subjected to direct attacks and threats from non-State actors, amid growing nationalism and extremism. Furthermore, the continuing adoption of restrictive laws, motivated by security concerns, impacted negatively on the ability of many human rights defenders to carry out their activities. Sexual rights defenders and their organisations also faced administrative or judicial restrictions, and attacks by extremist groups, as well as those exposing corruption. Restrictions to trade union activities were reported in some countries.

Obstacles to the activities of defenders of migrants' rights

Judicial and administrative harassment against defenders of migrants' rights

Judicial and administrative harassment directed against specific groups or individuals who defend the rights of migrants increased (*Belgium*, *Cyprus*, *France*, *Poland*).

In *Cyprus*, Mr. **Doros Polykarpou**, Executive Director of Action for Support, Equality and Antiracism (KISA), an NGO working against xenophobia and racism in Cyprus, was informed by the police on March 23, 2011 that he would be sued on charges of "rioting and participating in an illegal assembly" in relation to a festival organised in November 2010 in Larnaca known as the Rainbow Festival, an annual anti-racism multicultural event co-organised by KISA. Though KISA had secured all relevant authorisations for the Festival, which took place in the area specifically indicated by the authorities, participants were attacked by individuals who had gathered for a march organised by the Greek Resistance Movement. Some of the individuals reportedly launched racist insults against Turks, Jews, Muslims, refugees and undocumented migrants. Insults were also directed at KISA under the slogan "axe and fire against KISA's dogs". Police reportedly failed to maintain the march at a safe distance from the Festival. Instead of arresting the attackers, the police arrested five refugees and two Cypriots who were attending the Festival. At the end of April 2011, a trial was due to open[7].

Harassment against those opposing the degrading treatment of migrants about to be deported by air also remained a major trend in 2010 and early 2011 in *Belgium* and *France*. In *France*, Mr. **André Barthélémy**, President of Acting Together for Human Rights (*Agir ensemble pour les droits de l'Homme* - AEDH), has been subjected to judicial harassment since 2008, on charges of "incitement to rebellion" and "obstructing the movement of

7/ See KISA.

an aircraft" after he intervened, on board of an aircraft, in favour of two Congolese nationals about to be forcibly removed. On December 4, 2010, the Paris Court of Appeal confirmed the 2009 decision of the Court of First Instance to sentence him to a 1,500 euros fine, albeit reduced to 400 euros. In *Belgium*, on September 17, 2010, the investigation was closed into the case of Messrs. **Serge Fosso**, **Philipe Leonardon** and **Claude Moussa**, who had been beaten and brutally removed on April 28, 2008 from a Brussels Airlines flight to Douala, and held in custody after they had loudly denounced, before the plane took off, the violations of the rights of a passenger about to be deported. As of April 2011, they were waiting whether charges would be issued by the Deputy Royal Prosecutor or if the latter would dismiss the case.

Human rights defenders were also arrested in connection with peaceful demonstrations of solidarity towards migrants. In *Belgium*, on April 28, 2011, about thirty human rights defenders chained themselves to the 127 bis detention centre of Steenokkerzeel to voice their opposition against the collective deportation of sixty rejected asylum seekers through a joint Frontex return flight to the Democratic Republic of Congo (DRC), and to express their solidarity with the returnees. Many of the demonstrators were arrested by the police amid breaches of the right to peaceful assembly[8]. Already on February 27, 2011, about twenty peaceful demonstrators who had gathered in front of Vottem detention centre to express their disagreement with Belgium's immigration policy had been arrested on "administrative grounds"[9]. In *Poland*, Mr. **Robert Biedroń**, one of the leaders of Poland's Campaign Against Homophobia (PCAH), was arrested and brought in a police car were he was handcuffed and brutally beaten by police officers, on November 11, 2010. The arrest occurred after he participated in an anti-fascist demonstration organised by the 11 November Coalition[10] as a counter-event to the "Independence March" organised by two extreme nationalist groups (the National Radical Camp - ONR, and the All-Polish Youth - MW), in Warsaw. During twenty hours of custody, Mr. Biedroń was never notified the reason of his arrest. The next day, he was released and notified that he had been charged for "battery against the police", together with ten other persons arrested and charged on the same basis. As of April 2011, the hearing had not been scheduled yet. Meanwhile, Mr. Biedroń lodged a complaint against the police for

8 / See Belgian League for Human Rights (*Ligue belge des droits de l'Homme*) Press Release, April 29, 2011.

9 / See Relief Red Belgium (*Secours Rouge Belgique*) Press Release, February 28, 2011.

10 / Since 1989, the Coalition has been organising anti-fascist events on 11 November, Poland's Independence Day.

"misconduct" but the charges were rejected, which he appealed. As of April 2011, no judicial decision had been issued. Overall, 33 persons were arrested, eleven had accepted to pay fines, and as of April 2011, five were to face a trial for "attempting to block a legal demonstration" (i.e. the "Independence March")[11].

Defamation, violence and threats against defenders of migrants' rights

While judicial and administrative harassment remained the main action taken against defenders of migrants' rights, direct attacks, sometimes violent ones, were reported in 2010 and early 2011 (*Cyprus*, *France*).

In *France*, the association Calais Migrant Solidarity (CMS) reported repeated destruction of material and cameras of their members by the police. In February 2010 for instance, a removal operation from a hangar legally rented by some activists ended up in some violent confrontation with the police and severe injuries against one of the members of CMS who was beaten up by French riot policemen (*Compagnie Républicaine de Sécurité* - CRS). On April 5, 2010, Mr. **Steven Greaves**, a freelance photo journalist, was attacked and beaten several times by a CRS agent armed with a baton to prevent him from filming a harsh removal operation from a squat of African migrants in Calais. On March 23, 2011, a female activist was arrested during another removal operation and taken into custody for six hours, then charged with "violence against a person holding public authority", punishable by up to three years in jail and a fine of 45,000 euros[12]. Numerous acts of verbal sexual harassment from policemen towards female activists were mentioned as well, in addition to insults such as "sluts", "ugly" and "whores" shouted for instance on November 26, 2010 during a violent police raid at the "Africa House", a squat where African migrants live in Calais, or to body searches on women by male policemen, on January 5, 2011 again during a raid at the Africa House[13].

In *Cyprus*, very serious accusations, considering the context prevailing in the country, were made against KISA by MPs and other politicians, which were relayed in February 2010 through the media such as the *Alithia* and *Politis* newspapers, which took up the declarations made by Mr. Averof Neofytou, member of the House of Representative and Deputy President of the Democratic Rally (DISY), the main conservative political party in Cyprus, during a discussion at the Parliamentary Committee on Development Plans and Public Expenditure Control initiated by right wing

11 / See League-Europe.
12 / She was discharged on June 16, 2011. The Public Prosecution did not appeal the decision.
13 / See No Border.

MPs on alleged abuse of the welfare system by asylum seekers, and where he alleged that KISA "controls the Ministerial Committee competent for matters on asylum ….[and] it sets up the agenda of the said Committee", trying to make KISA responsible for what he called the "serious abuse of the welfare system". On October 29, 2010, in an article published on *antistasi.org*, the website of the extremist group Greek Resistance Movement, KISA was described as an enemy to its country. Furthermore, Mr. Zacharias Koulias, then MP of the Democratic Party (DEKO), a centre-right political party, in a number of TV programmes on November 8 and 15 and December 1, 2010, accused KISA of "provoking" the events at the Rainbow Festival in Larnaca, and of fanaticising the Festival goers[14]. Furthermore, Mr. Nicos Anastasiades, MP and President of DISY, when asked at a press conference held in Larnaca on November 5, 2010 on his party's proposals on migration policy, about the anti-Muslim, anti-Jewish and anti-refugee mobilisations, answered that he was not seeing any rise of racism and added: "Those who provoked are some organisations that claim to represent migrants". These comments were relayed on March 11, 2011 by, amongst others, the online newspaper *iKypros*. Furthermore, members of KISA were directly accused by Mr. Zacharias Koulias of "damaging" the national identity, and of benefiting financially from the support they provide to migrants. Likewise, on March 4, 2011, again on *antistasi.org*, one of the organisers of the racist march and attack against the Rainbow Festival published an article entitled "Polykarpou stripped", preceded by a photograph of a stripper on a pole. In the same article, it was stated that: "Mr. Polykarpou is a phenomenon of anti-hellenism, anti-nationalism and islam-lust", and that "defenders of the rights of Muslims are brought to Cyprus in order to change the demography [of the country]". The article also accused Mr. Doros Polykarpou and KISA members such as a lawyer member of the Steering Committee, of getting "thousands of euros from migrants and asylum seekers […] 10,000 euros for an asylum application and 15,000 euros for an application for Cyprus citizenship […] for persons from third-world and Arab countries, [while] for the Russians the tariff goes up to 1,700,000 euros". Moreover, many persons involved in KISA's activities were on various occasions the direct targets of intimidation and pressures in regard to their administrative status as foreigners in Cyprus, or to their professional activities[15].

Furthermore, in *Greece*, the investigation into the attack in 2009 against Ms. **Konstantina Kuneva**, a Bulgarian migrant worker who is the General Secretary of All Attica Union of Cleaners and Domestic

14 / See above.

15 / See KISA.

Workers (PEKOP), was officially archived in July 2010 by the Prosecutor of Athens. Ms. Kuneva had been violently attacked in August 2009 with sulphuric acid. She lost the use of one eye in addition to severe injuries in the stomach, larynx and oesophagus, as her aggressors forced her to drink acid. Due to serious allegations of lack of prompt investigation, the Prosecutor then asked to resume the investigation, which was still ongoing as of April 2011.

Blocking the access of human rights NGOs to funding

Another manner to restrict the activities of defenders of migrants' rights was limiting their access to resources in *Cyprus*. Despite the fact that KISA is the only NGO providing free information, advice, mediation and legal representation services to thousands of refugees, migrants, victims of trafficking and of racism and violence every year, this organisation was not only not adequately financially supported but also deprived of funding allocation under EU programmes. Indeed, KISA implemented a European Refugee Fund project in 2007 and was supposed to be granted the EU funds related to this project by the Government. However, though the first financial audit made in December 2008, carried out by the Accounting Department of the Asylum Service, approved the expenses of KISA for the implementation of the project, a second administrative audit was made in January 2009 by another committee consisting of eligibility officers of the Asylum Service, which concluded that KISA had not processed some of the beneficiaries' files properly, leading to the decision not to reimburse KISA's expenses. In January 2010, the Ombudsman examined this case and advised the Asylum Service to re-examine its decision in order to facilitate the payment. However, the grant was not processed as recommended by the Ombudsman, and KISA therefore asked its lawyer to file a case before the District Court for violation of the contract by the Asylum Service, which was still pending as of April 2011. This action left KISA with a debt of about 70,000 euros, which until now seriously undermines the operational capacity and potential of the organisation and constitutes a real threat for its financial collapse. Similarly, in August 2010, the Rainbow Festival, which has been the most emblematic multicultural event co-organised by KISA for years, was denied access to the funding dedicated to multicultural activities under the European Integration Programme For Third Country Nationals 2007/2013 because, according to the selection committee of the Migration Department, KISA's application for the Rainbow Festival did not score the best results. No further explanation was provided to KISA[16].

16 / See KISA.

Judicial harassment against defenders of Roma people

In the context of the stigmatisation of the Roma community, in some countries the defenders of the rights of the Roma community continued to be subjected to judicial harassment and violence (*Czech Republic*, *Italy*).

In the *Czech Republic*, on April 9, 2011, about 200 Roma and Roma rights supporters gathered peacefully in the framework of a counter demonstration against an anti-Roma march organised in Krupka. The crowd was brutally dispersed by the police and many persons were injured. Seven demonstrators and counter-demonstrators were arrested by the police. The latter was accused of authorising the anti-Roma march through an area where many Roma reside and therefore putting them at risk of being attacked by the anti-Roma marchers as well as providing their "help and protection" to anti-Roma movements[17].

In *Italy*, in the case of Messrs. **Roberto Malini**, **Dario Picciau** and **Matteo Pegoraro**, co-Presidents of the EveryOne Group, an organisation supporting Roma and refugees, accused of "libel" and "slander" in May 2009 due to their activities in favour of the rights of the Roma community, the Deputy Public Prosecutor of Pesaro ordered in November 2009 a formal investigation on the work of the organisation and on its co-Presidents. On June 18, 2010, the latter were notified their indictment for "slander", which, under the Criminal Code, is sanctioned with two to six years' imprisonment. The libel charge was however dismissed. As to April 2011, proceedings remain pending against the group for "falsely accusing others of the commission of a crime" in relation to a letter where they denounced an alleged discriminatory decision of the Pesaro social services against a Roma family. Furthermore, in February 2010, Messrs. Malini and Picciau had been sentenced to a prison term, later commuted into a payment of a fine of 2,100 euros for "obstructing the police in the course of their duty", on the basis of a "criminal decree" signed by the Office of the Magistrate for Preliminary Investigations of Pesaro, which allows a magistrate to sentence a person on the basis of the Prosecutor's submission only, without hearing the accused.

Harassment of trade unionists and environmental activists

In some European countries (*Montenegro*, *Turkey*), trade unions were sometimes hampered in their right to demonstrate, while some workers were even dismissed for being unionised. In *Montenegro*, trade unionists were repeatedly subjected to acts of intimidation to counter strike

17/ See Civil society members of the Czech Government Inter-Ministerial Commission for Roma Community Affairs Press Release, April 14, 2011.

movements. For instance, Ms. **Sandra Obradovic**, President of a trade union in the Aluminium Plant - Podgorica (KAP) unit and a member of the Secretariat of the Union of Free Trade Union of Montenegro (UFTUM), was dismissed following her participation in a round-table discussion organised by a local anti-corruption NGO about the privatisation of Montenegrin companies. Previously, she had been victim of mobbing by her employer. As an example, she was assigned to use an office located more than one kilometre from her working place and she was assigned a "companion" who was following her and noting her trade union and professional work from 7 a.m. to 5 p.m. More generally, the Confederation of Trade Unions of Montenegro reported cases of employers bullying unionised staff members by threatening, for instance, to impose fines on strikers[18]. In *Turkey*, despite the adoption of new laws which should ensure greater respect of the right to collective bargaining and the right to strike, the Government remained reluctant to give space for protest from workers and many times demonstrations were countered with police violence. Trade unions activists also continued to be repeatedly harassed when they advocated for greater respect of labour rights.

Environmental defenders were also subjected to restrictions. On March 17, 2011, ten Greenpeace activists from Belgium, British, Dutch and French nationality were sentenced by the Criminal Court of Brussels to a one-month suspended imprisonment and to a 1,100 euro fine, for having "disturbed" the European Summit held in Copenhagen on December 10, 2009, whereas the activists had simply entered the summit and then opened a banner entitled "EU: save Copenhagen", in connection with the "Klimaforum" held in the Danish capital at the same time. On April 20, 2011, the Greenpeace activists decided to lodge an appeal against what they consider as being a breach of freedom of speech in favour of the right of the environment[19].

New laws and measures that could restrict the activities of human rights NGOs

Recent modifications in some European countries' legislations in the past months could potentially restrict civil liberties and impact on the capacity of human right defenders to operate (*Ireland*, *France* and the *Republic of Macedonia*). Thus, in *Ireland*, the Government passed a law that entered into force on February 1, 2010 as part of the Defamation Act. The law states that blasphemy shall be fined to up to 25,000 euros. Article 36 defines blasphemy as publishing or uttering "matter that is

18 / See Confederation of Trade Unions of Montenegro.

19 / See Belgium League for Human Rights Press Release, March 18, 2011.

grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion". Although the text also entails the obligation for defendants to prove their allegations by the elements of "genuine literary, artistic, political, scientific, or academic value", this law opens some doors to judicial harassment against some statements or positions that could be considered by some as offensive, such as advocacy for lesbian, gay, bisexual, transgender and intersex (LGBTI) rights. As a reaction to heavy criticism against the new provision by civil society organisations, the Ministry of Justice Mr. Dermot Ahren suggested to organise a referendum to remove the reference to blasphemy from both the Irish Constitution and to repeal the Defamation Act. As of April 2011, however, the referendum had not been scheduled yet[20].

Furthermore, laws were adopted that could increase the surveillance of those who conduct human rights activities. In *France*, despite the outcry of the public opinion against the creation of a police data base to process private data for public security grounds, which led to the withdrawal of a bill which intended to create a police file known as the Documentary, Exploitation and Use of General Information (*Exploitation documentaire et valorisation de l'information générale* - EDVIGE) in November 2008, the Ministry of Interior, Overseas Territory and Territorial Governments stood firm with its position and passed Decree 2009-1250 on the "creation of a new automatic processing system of personal data in relation to administrative investigations linked to public security" in November 2009. The Decree foresees, *inter alia*, that the mere membership to a trade union, or some political, religious or philosophical ideas could justify refusing access to certain positions. An appeal to cancel the decree was lodged by 13 NGOs on February 12, 2010. The case was still pending as of April 2011[21]. In the *Republic of Macedonia*, another law has been in discussion since June 2010 regarding electronic communication. This draft law, strongly criticised by NGOs and opposition parties, would amend the principle of inviolability of communication and the right to privacy, by foreseeing exceptions to this principle decided by the Ministry of Interior without a court decision. The law would create many opportunities for the interception of electronic communications in a complete lack of accountability and transparency from the authorities when doing so. Private companies would be required, moreover, to provide appropriate interfaces to allow monitoring. Human rights defenders' activities could be affected by these new measures[22].

20 / See Irish Pen Press Release, March 22, 2011.

21 / See French League for Human Rights (*Ligue francaise des droits de l'Homme*).

22 / See Human Rights House Sarajevo Press Release, June 15, 2010.

Harassment and threats against human rights defenders in the Balkans

In the Balkans, acts of harassment and intimidation against outspoken defenders continued (*Bosnia* and *Herzegovina, Serbia*). In *Serbia*, on January 8, 2010, the apartment of Mr. **Marko Karadzic**, the State Secretary at the Ministry for Human and Minority Rights, was broken into. Nothing was stolen but only 150 euros, reinforcing the belief that this act of intimidation aimed at warning Mr. Karadzic against his activities in favour of human rights. Mr. Karadzic is known for defending the rights of marginalised groups in society, particularly Roma and members of the LGBTI community, and has campaigned for the adoption of an Anti-Discrimination Law. Mr. Karadzic had already been subjected to anonymous threats and smear media campaign in 2009. An investigation was carried out but had failed to provide any result as to April 2011[23]. In *Bosnia and Herzegovina*, Mr. **Enver Murgic**, a member of the Helsinki Committee for Human Rights and a former acting President of the organisation, was fired on January 14, 2010 from his workplace at the Centre for Culture and Education in Vledika Kladuza by the Director of the institution. Whereas the reasons for the dismissal were not mentioned, it is assumed by the Helsinki Committee for Human Rights that Mr. Murgic was fired because of his human rights activities[24].

Harassment of human rights defenders engaged in the fight against impunity

In 2010-2011, those who fought against impunity of human rights violations were subjected to acts of intimidation including judicial harassment and death threats (*Spain*, *Turkey*).

In *Spain*, Mr. **Baltasar Garzón**, a Judge sitting at the Second Chamber of the Supreme Court, has been facing judicial harassment since 2009 in relation to his investigation over crimes against humanity, especially enforced disappearance, perpetrated during Franco's dictatorship. In May 2009, a complaint had been lodged by far-right groups– Clean Hands and Freedom and Identity (*Manos Limpias* and *Libertad y Identidad*) relying on the 1977 Amnesty Law. On February 2, 2010, the Investigative Judge of the Second Chamber of the Supreme Court decided to proceed with the judicial investigation carried out against Mr. Garzón, regardless of the fact that the Amnesty Law itself provides, in its Article 1, that amnesty is not applicable in cases of "grave violence against the life or personal integrity of several persons". Judge Garzón was indicted in April 2010

23 / See Centre for Peace and Democracy Development.
24 / See Helsinki Committee for Human Rights in Bosnia and Herzegovina.

for exceeding his authority when investigating crimes committed by the Franco regime that were included in an amnesty and suspended on 14 May 2010, pending trial. On March 24, 2011, Judge Garzón filed a complaint to the European Court of Human Rights (ECHR) challenging the lawfulness of the prosecution against him. As to April 2011, no date has been set for a trial because Judge Garzón's legal team has challenged the impartiality of most of the seven judges who would oversee his trial.

In *Turkey*, dozens of human rights defenders were again subjected to judicial harassment. This was particularly the case of members of the Human Rights Association (İHD), who have been detained and prosecuted within the framework of the alleged anti-terrorist "KCK" operations as well as members of the Human Rights Foundation of Turkey (TIHV).

Obstacles to the freedom of peaceful assembly and intimidation of LGBTI rights defenders

In 2010-2011, attacks on LGBTI rights defenders continued. Besides, some attempts were made in many countries to restrict freedom of assembly for gay pride's marchers (*Croatia*, *Finland*, *Lithuania*, *Serbia*, *Sweden*, *Turkey*), thus leading the Council of Europe's Commissioner for Human Rights to comment on the issue[25].

In *Croatia*, in June 2010, an anti-gay rally was organised by an ultra-right youth organisation to counter the Gay Pride. A dozen of anti-gay protesters attacked the parade leading to the injury of three participants[26].

Finland was a particular focal point of anti-gay actions that targeted defenders of LGBT rights. During the Gay Pride organised in Helsinki on July 3, 2010, tear gas and/or pepper spray were sprayed at the participants by persons who are reportedly connected to extreme far right groups. More than eighty persons reported symptoms due to the tear gas and pepper spray, including babies and young children. Six persons were arrested and were charged on March 1, 2011 with "assaults" against 87 individuals, "detention of illegal weapons", "violation of political freedoms" of 71 people and "violation of freedom of assembly". As of April 2011, the case was about to be brought to courts[27]. In addition, on July 8, 2010, a

25 / See Council of Europe Commissioner for Human Rights Statement, June 2, 2010.

26 / See Report submitted by the Lesbian Group Kontra and Iskorak to the International Lesbian, Gay, Bisexual, Trans and Intersex Association – Europe (ILGA-Europe) as part of the *2011 Report on Hate* Crimes submitted by ILGA-Europe to the OSCE Office for Democratic Institution and Human Rights, March 31, 2011.

27 / See Seta Helsinki Metropolitan Area (*Helsingin seudun Seta ry*), a Helsinki-based LGBT organisation and the organiser of the "Helsinki Pride".

few days after the Gay Pride, the offices of the LGBTI organisation Seta Helsinki Metropolitan Area (Helsingin seudun Seta ry") were vandalised, with windows broken, and swastikas and crosshairs painted on the walls. A few days before the pride, the organiser of the North Pride, which was held on June 22-25, 2010, had also received a phone call threatening with a bomb blast during the pride if the event was not cancelled. Eventually no bomb exploded, but such blackmail was taken very seriously by the LGBTI community and by the police, which investigated so as to assess whether it was safe to organise the march. The situation was considered as safe and no further action was deemed necessary by the police. Furthermore, in October 2010, one week after a student union took position in favour of LGBTI equality rights, Molotov cocktails were thrown at the union's building while homophobic statements were sprayed on the fences. Finally, on the night between December 25 and 26, 2010, the windows of the offices of the local LGBT association in Jyväskylä were broken[28].

In *Sweden*, after the opening of the Third Transgender Council held in Malmö in October 2010, three delegates from Turkey were attacked by teenagers on their way back to their hotel while returning from a party in an LGBTI club. Alerted, the police came to write a report. Once back to their hotel, the three persons were then summoned at the police station. However, the police verbally abused them, while making fun of their dressing manner as transgenders. Translation was not provided all the time. These abuses against overtly transgendered activists were reported to the Ombudsperson. Subsequently, the Malmö section of the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) local LGBTI organisation, in co-operation with Transgender Europe, filed a complaint with the police. The case was pending as of April 2011[29].

In *Lithuania*, homophobic and transphobic initiatives gained in strength at the political level, thereby sadly confirming an anti-LGBTI climate already perceptible in previous years. On April 13, 2011, the Human Rights Committee of the Republic of Lithuania rejected a draft amendment (XIP 2595) to the Code on Administrative Offence, which was aiming at sanctioning "the propagation of homosexual relations in public". Strong criticism had been uttered by some human rights organisations, the President of the Republic of Lithuania herself[30], and the European Parliament[31], while the Legal Committee considered the amendment was

28 / See Report submitted by the Lesbian Group Kontra and Iskorak to ILGA-Europe, *op. cit.*
29 / See RFSL Malmö.
30 / See ILGA-Europe Press Release, November 11, 2010.
31 / See European Parliament Press Release, January 19, 2011.

acceptable if the reference to "homosexuality" was removed. Eventually, a second draft (XIP 2595 (2)) was submitted to the plenary assembly of the Parliament by the initiator of the draft, Mr. Grazulis, on April 22, 2011, reading that "public contempt of the constitutional moral values and the family framework established by the Constitution, organisation of events contrary to the society's moral values, shall incur a fine of one thousand to three thousand litas (300 to 900 euros)". As of late April 2011, the draft still needed to be approved by the Assembly, which was to examine the text on June 16, 2011[32]. In such a context, on May 8, 2010, the Vilnius District Administrative Court suspended the authorisation given to the Vilnius municipality to hold the Baltic Pride march "For Equality". Only after a decision by the Supreme Administration Court was issued, which turned down the District Administrative Court's decision, could the event be held, albeit under heavy police presence to protect the peaceful marchers against aggressive protesters who had gathered around the pride. The Baltic pride march was attended by about 500 people, including many European members of Parliament as well as by Ministers from EU member States. Aggressive protesters largely outnumbered the LGBTI demonstrators, with almost 2,000 people shouting, spraying tear gas and throwing stones at the marchers. Nineteen anti-pride demonstrators were arrested. Two Lithuanian MPs (Mr. Kazimieras Uoka from the centre-rights Homeland Union and Christian Democrats, and Mr. Petras Gražulis, from the Order and Justice Party) were involved in the violence, resulting in the General Prosecutor of Lithuania asking Parliament to lift their parliamentary immunity in June 2010. This request was rejected in October, 2010 after a voting by Parliament on this matter[33]. Moreover, direct threats were proffered by Mr. Uoka, a Lithuanian MP, against the Centre of Equality, on a TV programme on January 19, 2011, stating that "if your institute gives more attention to the defence of these values [e.g. LGBTI rights], believe me, your centre will be "driven away' from Lithuania"[34].

In *Serbia*, a Pride March was organised in Belgrade on October 10, 2010, with the utmost police protection possible. Already the day before the march, the office of Women in Black, a very active and prominent feminist and anti-military organisation, had been attacked due to their support to the Pride and because it was believed they would host some of the guests

32 / See Lithuanian Centre for Human Rights.

33 / See Report submitted by the Lithuanian Gay League to ILGA-Europe as part of the 2011 Report on Hate Crimes submitted by ILGA-Europe to the OSCE Office for Democratic Institution and Human Rights on March 31, 2011.

34 / See Lithuanian Centre for Human Rights.

attending the Pride March[35]. Indeed, 6,000 hooligans surrounded the event and attacked the police, confrontations which resulted in 249 arrests, 131 detentions and 160 persons being injured. Following the investigation that was carried out in December 2010, 83 persons were indicted for "violent behaviour". On February 12, 2011, seven accused were sentenced by the High Court to a four-month imprisonment for "violent behaviour". Two cases were still pending as of April 2011 against two members of far-right organisations involved in the violence, Mr. Misa Vacic, Spokesperson of the 1389 Movement[36], and Mr. Mladen Obradovic, leader of Obraz movement, who were also prosecuted for threats and attacks against the pride in 2009. These proceedings are seen by LGBTI organisations as extremely important as it is the first time that Article 387 or the Criminal Code on racial and other discriminations is used in cases involving sexual orientation and gender identity issues. However, two witnesses testifying against Mr. Vacic were subjected to death threats in 2010 in connection with their role in the organisation of the 2009 pride in Belgrade[37].

In *Turkey*, LGBT human rights defenders and organisations continued to face obstacles to their activities in 2010-2011, including closure, and acts of violence or intimidation by law enforcement agents or non State actors, often in impunity.

Abuse of power against defenders by companies in a dominant position in France (strategic lawsuit against public participation - SLAPP)

In 2010 and 2011, human rights defenders in *France* were confronted to private companies that subjected them to judicial harassment in reprisals for critical statements. For instance, the Network for Alert and Intervention for Human Rights (*Réseau d'alerte et d'intervention pour les droits de l'Homme* - RAIDH), a human rights organisation, launched a vast campaign against the use of Taser guns by the police, resulting in the company SMP "Technologies Taser France" to take legal actions against RAIDH for the "abuse of freedom of expression" and "disparagement of the trademark and trade name Taser". On October 27, 2008, the Paris Court of First Instance had dismissed all claims by SMP Technologies, a judgment against which the company lodged an appeal before the Court

35 / See Helsinki Committee for Human Rights in Serbia.
36 / The 1389 Movement is a nationalist Serb group which promotes Serbian culture and identity, territorial sovereignty, praising Orthodox religion. It opposes the independence of Kosovo as well as the candidacy to enter the EU.
37 / See Helsinki Committee for Human Rights in Serbia and information submitted by Labris to ILGA-Europe for the 2011 Report on Hate Crimes submitted by ILGA-Europe to the OSCE Office for Democratic Institution and Human Rights on March 31, 2011.

of Cassation. On September 8, 2010, the Paris Court of Appeal again dismissed all claims by SMP Technologies, a judgment against which the company lodged an appeal before the Court of Cassation on December 10. SMP Technologies finally gave up this last appeal before the Court of Cassation. Furthermore, on October 26, 2010, SMP Technologies lodged individual complaints for "defamation" following the publication of an article written by Ms. **Chloé Le Prince**, a journalist, and published two years earlier in the online newspaper *Rue 89*. Complaints for defamation were lodged at the Paris Court of First Instance by the President of TASER France, against members of RAIDH and other individuals, including Messrs. **Arnaud Gaillard**, Vice-President of RAIDH and **Rony Brauman**, also President of Doctors Without Borders (*Médecins sans frontières* - MSF), Ms. Le Prince, the newspaper *Rue 89*, *Rue 89* Information Website and Mr. Frederic Defrasne Poydenot, former development manager of SMTP Technologies[38]. As to April 2011, the complaint was pending. In another case, on July 9, 2010, the First Instance Court of Paris cancelled the proceedings lodged by the French company Bouygues against four webmasters who, in 2004, had published documents on their websites - *Pajol*, *Indymedia*, *CNT* and *Anti-Ad Network - Réseau Anti-Pub* - denouncing the involvement of the industrial group in the construction of detention centres during a one-week action against detention centres. The four webmasters were accused in January 2005 by Bouygues of "direct provocation" and of "calling for destruction, degradation, and dangerous damage to the people"[39].

Attacks against journalists denouncing human rights abuses and corruption

In 2010-2011, a high number of journalists were subjected to acts of harassment after they exposed human rights violations (*Bosnia and Herzegovina*, *Bulgaria*, *Croatia*, *Czech Republic*, *Latvia*, *Turkey*).

In *Bosnia*, Mr. **Bakir Hadziomerovic**, Editor-in-chief of *BiH TV* programme "60 Minutes", which exposes links between politicians and organised crime, has also been receiving repeated anonymous threats since November 2009 directed against himself as well as his family. An investigation was opened by the Banja Luka police, which gave him 24-hour protection. However no suspect had been arrested as of April 2011[40].

38 / See RAIDH.

39 / See Group of Information and Support to Immigrants (*Groupe d'information et de soutien des inmigrés* – GISTI) Press Release, May 27, 2010.

40 / See Human Rights Watch World Report 2010.

In *Bulgaria*, on February 14, 2011, a bomb exploded in front of the headquarters of the weekly newspaper *Galeria* in Sofia. It is assumed that the explosion targeted the newspaper for its reports on corruption cases involving high rank officials. Another media company in Bulgaria, *TV Skat*, was targeted by similar attacks (Molotov cocktails) twice in 2010, in the cities of Varna and Burgas. Though investigations were conducted, to date they had not brought any result[41].

In the *Czech Republic*, on March 11, 2011, masked members of the military police raided the premises of the State TV station, with a warrant from the Public Prosecutor, in search of a 2007 report held by journalist **Karel Rozanek**, well-known for investigating on corruption cases, which had then caused the dismissal of the Head of the Military Intelligence, Mr. Miroslav Krejcik. In 2007, this report, the content of which remains unknown, had led to the dismissal of the Head of the Military Intelligence, Mr. Krejcik. Furthermore, the circumstances of the dismissal, and especially the role played by the then incumbent Defence Minister, Ms. Vlasta Parkanová, remained unclear and led to the opening of an investigation. The Prosecutor in charge of investigating the dismissal case gave a warrant to the military police to confiscate the report which, as reported by the then District Court Judge, was still classified when it ended in Mr. Rozanek's hands. The judge himself disapproved the raid as he, at no point, asked "for the confiscation of the whole office". The Head of the Military Intelligence, who had been suspended by the Minister of Defence shortly after the event on March 11, 2011, returned to his position on April 28, 2011[42].

In *Latvia*, on April 16, 2010, Mr. **Grigorijs Ņemcovs**, publisher of the most important Russian-speaking newspaper *Million* and owner of the local TV station *Million,* was shot dead by an unknown person. Mr. Nemcovs had worked a lot, as a journalist, on investigating cases of corruption and criminality in the country. He was also an activist and Deputy Mayor of Daugavpils, whose support played a major role in the success of the civil society movement People of Latgale, which represents the large Russian and Polish communities living in Latgale region, at the border with Russia[43]. Moreover, on January 1, 2010, the office of a Riga-based newspaper *Neatkariga Rita Avize* and its publishing house had been broken into. The newspaper has been reporting on many political and

41/ See International Press Institute Press Release, February 14, 2011.
42/ See *Czech Position.com* Article by Jones T., April 15, 2011. See also Czech News Agency Article, April 29, 2011.
43/ See Reporters Without Borders (RSF) Press Release, April 18, 2010.

business corruption cases while covering issues linked with the Attorney General's as well as the Latvian and Russian oligarchy[44].

In *Turkey*, journalists and writers were arrested after they reported on the prosecution on an alleged ultra-nationalist network with links to State institutions, known as the Ergenekon case and other issues related to the rights of minorities.

Urgent Interventions issued by The Observatory from January 2010 to April 2011 on countries of the region for which there is no country fact-sheet

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
FRANCE	Mr. **André Barthélémy**	Judicial harassment	Joint Press Release	October 28, 2010
SPAIN	Judge **Baltasar Garzón**	Judicial harassment	Press Release	March 23, 2010
			Press Release	May 3, 2010
			Press Release	May 19, 2010
			Joint Press Release	May 26, 2010

44 / See RSF Press Release, January 4, 2010.

TURKEY

In 2010-2011, in the run-up to a referendum held in September 2010 and general elections due in June 2011, repression intensified against voices critical of the Government, in particular on the Kurdish issue. Dozens of human rights defenders were again subjected to judicial harassment for denouncing impunity of serious human rights violations, defending sexual rights, investigating on ultra-nationalist networks, advocating for labour rights or defending the right to conscientious objection. Some were prosecuted within the framework of anti-terrorist operations and subjected to prolonged pre-trial detention. The Government remained reluctant to give space for protest from workers and many times demonstrations were countered with police violence. Human rights defenders were again subjected to death threats in impunity, while several trials for the past murder of defenders had continued.

Political context

In 2010-2011, the political agenda was dominated by a constitutional reform successfully led by the ruling Justice and Development Party (AKP), the Government's so-called "democratic opening" to address the Kurdish issue, multiple investigations into alleged coup plans and the run-up to the general elections to be held in June 2011, with Turkey's human rights record failing to improve significantly.

Promised by AKP when it took power, a major reform to the 1982 Constitution was sanctioned by referendum in September 2010 with a majority of 58%. In the process, the ruling party failed to consult opposition parties and civil society[1] on the content of the reform and failed to address the Kurdish issue. Nonetheless, the reform was significant in that it lifted immunity from prosecution for military and public officials for crimes committed during and after the September 12, 1980 coup, reduced the role of military courts, increased executive authority over the judiciary, changed the composition of the Constitutional Court and the powerful Higher Council of Judges and Prosecutors, introduced the right of individual petition to the Constitutional Court, which is scheduled to enter into force on September 23, 2012, established an Ombudsman office, partially lifted some restrictions to trade union rights for the public

1/ Several meetings took place with some NGOs, but these organisations were selected in accordance with their "political stance".

sector and allowed positive discrimination in favour of women, children, veterans, persons with disabilities, and the elderly. Moreover, apart from the constitutional reform, the Government also submitted, in February 2010, a draft law to the Parliament regarding the establishment of the Turkish Independent Human Rights Institution. On July 23, 2010, the Parliament adopted amendments to the antiterrorism laws that limit the prosecution of minors under the laws, reduce punishments for illegal demonstrations and meetings, and allow for the release of minors who had been previously convicted under the laws, thus resulting in the release of hundreds of children from prison.

The conflict with the Kurdistan Workers' Party (PKK), a militant guerrilla group, continued to cause numerous human rights violations, though the PKK renewed ceasefire declarations throughout 2010. Clashes with the Turkish armed forces continued. On February 28, 2011, PKK ended the unilateral ceasefire arguing that AKP had shown unwillingness to solve the Kurdish issue politically. The violent repression of demonstrations in the east and south east of Turkey – organised to protest against several events that curtailed the participation of major Kurdish personalities to the political life on suspicion of terrorism – continued throughout 2010 and 2011[2]. These events included in particular the Constitutional Court's decision in December 2009 to ban the Kurdish Democratic Society Party (DTP), mass arrests and prosecutions in 2009-2011 of approximately 1,000 officials from the DTP and its successor, the Peace and Democracy Party (BDP), including mayors and elected officials, as well as journalists, writers and human rights defenders, for their alleged membership to the Union of Kurdistan Communities (KCK), a body said to be the "urban front" of the PKK and the High Election Board's decision on April 18, 2011 to ban the participation of several Kurdish politicians to the June parliamentary elections[3].

Moreover, hundreds of politically motivated trials were ongoing or initiated in 2010-2011, particularly against leftist groups and right-wing networks – in addition to Kurdish personalities or groups – on charges of

2/ In 2010, the Human Rights Association (İHD) reported that two people died and 69 were wounded due to police violence against demonstrators. See İHD Press Release, November 8, 2010.

3/ In the framework of the so-called KCK operation, since April 2009 and as of April 2011, a total of approximately 2,500 Kurdish personalities would have been arrested, with 900 having been remanded in detention, to dismantle the so-called KCK terrorist network. Fifteen related trials were pending to date in the courts of Diyarbakir, Adana, Van, Erzurum and Izmir, for alleged membership to the KCK. The main trial opened on October 18, 2010 before the Diyarbakir Heavy Penal Court No. 6 against 152 defendants, including a large number of publicly known defendants.

membership or support of illegal organisations or other charges. Indeed, in 2010, trials into alleged right-wing conspiracies to trigger a military coup opened or continued. As of April 2011, over 500 people, including politicians, ex-military officials, business and media personalities, had been taken into custody and nearly 300 formally charged with membership to the network, which the prosecutors claimed had been responsible for virtually every act of political violence committed over the last thirty years in Turkey. But, on another note, progress in investigating the link between the suspects and past human rights violations remained slow[4].

The Government continued to limit freedom of expression, in particular in the press and on Internet[5], through the use of constitutional restrictions and numerous laws. Individuals in many cases could not criticise the State and the Government publicly without risking of criminal investigation or prosecution, particularly those who criticised the military, the military service, the Kurdish problem, or the Armenian problem, leading to self-censorship in Turkish media[6].

In this context, violations of the right to life and the right to a fair trial, the prohibition of arbitrary detention, torture and ill-treatment, freedoms of association, expression and peaceful assembly as well as freedoms of religion remained frequent. Furthermore, security forces frequently initiated counter-cases for resisting arrest against persons who alleged torture or abuse. Lengthy criminal proceedings and pre-trial detention remained a particularly acute problem as close to half of all detainees were either awaiting trial or awaiting a final verdict on their cases.

Ongoing judicial harassment against human rights defenders and their organisations

In 2010-2011, dozens of human rights defenders in Turkey were again subjected to judicial harassment. This was particularly the case of members of the Human Rights Association (İHD), who have been detained and

4 / See İHD.

5 / More than 7,000 websites would currently be blocked in Turkey. See Reporters Without Borders (RSF) Press Releases, November 3, 2010 and April 29, 2011.

6 / Kurdish publications continued to be banned. The number of convicted under the Anti-Terror Law multiplied by six since 2009 (220 people tried in the scope of freedom of speech and freedom of opinion in 2010, including 104 journalists). See *BIA News Centre Report, BIA 2010 Media Monitoring Report-Legal Landscape of 2010 Dominated by Anti-Terror Law*, March 28, 2011. Moreover, in April 2011, an OSCE study established that 57 journalists were detained in Turkey, 10 journalists were awaiting trial, while between 700 and 1,000 proceedings were ongoing putting charged journalists at risk of imprisonment. The report confirms that most of the journalists are convicted or sued on the basis of Anti-Terror Law. See OSCE Media Freedom Representative Study, April 4, 2011.

prosecuted within the framework of the alleged anti-terrorist "KCK" operations. Mr. **Muharrem Erbey**, lawyer and General Vice-President of İHD and President of its Diyarbakır Branch, as well as Mr. **Arslan Özdemir** and Ms. **Roza Erdede**, İHD members in Diyarbakır, who have worked closely with associations of families of the disappeared and been defending unresolved cases of extrajudicial killings and enforced disappearances in the region, were among the 152 Kurdish personalities prosecuted on accusation of "being a member of an illegal organisation" and are facing a minimum sentence of 7.5 to 15 years of prison. The trial, which opened before the Sixth Special Heavy Penal Court of Diyarbakır on October 18, 2010, was ongoing as of the end of April 2011. Messrs Muharrem Erbey and Arslan Özdemir have been remanded into custody since December 23, 2009 and Ms. Roza Erdede since April 2010 and are respectively detained in Diyarbakır D type prison and Diyarbakır E type prison[7]. In the context of the same operation, on March 16, 2010, Ms. **Vetha Aydın**, President of İHD Siirt branch, and Mr. **Abdullah Gürgen**, Executive Board member of the same branch, were arrested at their home. On the same day, the police raided the offices of İHD Siirt branch and confiscated material concerning the activities of the association and its members, including the association's hard disk, files and CDs as well as some letters sent by prisoners regarding human rights violations in detention. This material and equipment was later returned after the authorities had made a copy. On March 17, 2010, Mr. Abdullah Gürgen was released from the Siirt police headquarters, but he was later charged with "membership to an illegal organisation". One year later, on March 15, 2011, Ms. Vetha Aydın was released for lack of evidence. However, charges of "membership to an illegal organisation" were still pending against her as of April 2011. Criminal harassment against other İHD members was ongoing in 2010-2011. For instance, as of April 2011, Ms. **Filiz Kalaycı**, a lawyer and a member of İHD Executive Board, along with Messrs. **Hasan Anlar**, İHD Deputy Secretary General, **Halil İbrahim Vargün**, former İHD Treasurer, and **Murat Vargün**, İHD member, remained prosecuted on charges of "being a member of an illegal organisation". Four criminal cases against Messrs. **Ethem Açıkalın**, former President of İHD Adana Branch, and **Mustafa Bağçiçek**, Secretary General of the same branch, who decided in December 2009 to leave Turkey and seek asylum abroad,

7/ The investigation and trial have raised a series of fair trial concerns, including illegal surveillance and tapping, prolonged pre-trial detention and limitations on access by defendants and their lawyers to the evidence against them. The trial has been delayed in part because the court has consistently denied many of the defendants' right to address the court in Kurdish, their mother-tongue and because the court refused to examine the defendants' conditions of detention. On April 26, 2011, after several defence lawyers stood out to protest violations of their clients' right to a defence, the court appointed new lawyers and adjourned until May 10, 2011.

also remained pending as of April 2011[8]. On July 24, 2010, Mr. **Rıdvan Kızgın**, an İHD board member, died of cancer as several criminal cases were ongoing against him. He was last sentenced in 2010 by the Supreme Court of Appeals to seven years and six months of prison and an arrest warrant was issued, but the police could not arrest him until he left the hospital. In addition, on May 1, 2010, İHD Ankara branch was threatened with armed attack if they did not stop their activities within one month via an e-mail. The İHD did not file a complaint and no investigation was carried out by the authorities[9].

Members of other human rights organisations were also victims of judicial harassment. For example, on September 30, 2010, a criminal trial opened before the Second Criminal Court of First Instance of Kadıköy against Ms. **Şebnem Korur Fincancı**, President of the Executive Board of the Human Rights Foundation of Turkey (TIHV), and Mr. **Barış Yarkadaş**, General Publications Director of the information website *GercekGundem.com*, on charges of "insulting a public official in the media in relation to his duty" as on July 22, 2009 the website published an interview given by Ms. Fincancı, where she openly criticised Ms. Nur Birgen, then the incumbent President of the Third Specialisation Chamber of the Forensic Medical Institute[10]. As of April 2011, the criminal cases were ongoing[11]. On January 11, 2011, a criminal case on charges of "attempting to influence the fair trial" was launched against Mr. **Sezgin Tanrıkulu**, TIHV Diyarbakır Representative, in connection with a criticism he made on the *nolle prosequi* decisions of the Martial Court and Diyarbakır Heavy Penal Court No. 3 in the case of a man who had been killed by a sergeant in Diyarbakır province in 1994[12]. On February 11, 2011, he was acquitted[13].

8 / In addition, on June 16, 2010, the Adana Heavy Penal Court No. 7 sentenced Mr. Açıkalın to ten months of imprisonment on charges of "making propaganda of an illegal organisation", in connection with his participation in a press conference in December 2007 to commemorate the operation "Back to life", which was carried out on December 19, 2000 by the Turkish security forces against twenty prisons at the same time to stop hunger strikes, which caused 28 prisoners dead and many wounded.
9 / See İHD.
10 / In 1998, Dr. Nur Birgen was banned from professional activities for six months by the Turkish Medical Association and was then prosecuted for issuing false certificates concerning seven persons detained in July 1995 who were allegedly victim of ill-treatments. In spite of this, the Ministry of Justice did not suspend her from her duties, reportedly on the grounds that she is a civil servant whose civil rights must be protected.
11 / See TIHV.
12 / *Idem.*
13 / See İHD.

Ongoing harassment of trade unionists in a context of apparent lifting of restrictions to their activities

The adoption by referendum in September 2010 of the amendments to the Constitution resulted noticeably in granting civil servants and other public employees the right to collective bargaining. However, no collective agreement has been made since then, which means that collective bargaining is still not effective. Most importantly, the bans on strikes, lockout, and other forms of protest by workers were lifted. This apparent "détente" of the authorities towards workers' protests was particularly perceptible on May Day 2010 when, for the first time since 1977, Taksim square in Istanbul was open to demonstrations. Besides, it is now possible to be part of more than one union in the same branch.

Yet, in practice, the Government remained reluctant to give space for protest from workers and many times demonstrations were countered with police violence. Trade unions activists also continued to be repeatedly harassed when they advocated for greater respect of labour rights. For example, Mr. **Ali Rıza Küçükosmanoğlu**, a member of the Confederation of Progressive Trade Unions (DISK) Executive Board and President of Nakliyat-Is trade union, was detained for one month between December 2009 and January 2010[14]. A criminal case was still pending as of April 2011. On February 3, 2011, the police violently intervened against workers who were peacefully protesting against a draft law that was discussed at the time at the Parliament and would affect labour rights. The demonstration gathered 10,000 people, with the most important Turkish trade unions being represented. Police used tear gas bombs against the demonstrators and detained approximately fifty demonstrators, who were released later. No complaint was lodged against police officers[15]. Finally, on October 22, 2010, the Izmir High Court yet again postponed its decision in the case concerning 31 public sector unionists, including leaders and members of the Confederation of Public Employees' Trade Unions (KESK) or its affiliate Egitim-Sen. As of April 2011, the defendants remained charged for "being members of an illegal organisation", for which they risk up to ten years of imprisonment. Since their arrest and detention in May 2009, the trial has been postponed four times. The next hearing will be held on October 21, 2011. All this time, the defendants have been under a travelling ban.

14 / See DISK.

15 / See İHD Press Release, February 3, 2011.

Harassment against journalists and writers denouncing human rights violations

In 2010-2011, a high number of journalists and writers were arrested after they reported on the prosecution on an alleged ultra-nationalist network with links to State institutions, known as the Ergenekon case and other issues. For instance, on March 3, 2011, Messrs. **Ahmet Şık** and **Nedim Şener**, two prominent writers and journalists who have been reporting for many years on human rights violations, were arrested and taken to the Metris prison in Istanbul pending trial, together with eight other journalists. They were accused of being members of Ergenekon. On March 17, 2011, the court rejected their request for provisional release. As of April 2011, the criminal investigation was ongoing and they remained in detention[16]. Moreover, in September 2010, Mr. **Orhan Miroğlu**, a journalist, received death threats by phone in connection with a book he had just published on the conditions of detention in the Diyarbakır prison[17]. On February 9, 2011, Ms. **Pinar Selek**, a writer and sociologist who defends the rights of women, disadvantaged communities and the victims of discrimination, including street children and the Kurd and Armenian minorities, who has been victim of judicial harassment for already twelve years, again appeared on trial before the Twelfth Chamber of the Istanbul High Criminal Court. After recess, the Court announced that it had decided to acquit Ms. Selek. This decision will again have to be reviewed by the High General Criminal Council of the Court of Cassation. Previously, on February 9, 2010, the High General Criminal Council of the Court of Cassation had called for a 36-year prison term for Ms. Selek on accusation of supporting the PKK and of causing a bomb explosion in Istanbul in 1998. As of April 2011, Ms. Pinar Selek remained in provisional release and the charges against her were still pending.

Harassment and discrimination against LGBTI rights defenders

While in February 2011, the Government decided to remove sexual identity from the scope of the Draft Law on Combating Discrimination and Equality Committee, although this was part of the original draft[18], human rights defenders and organisations defending the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued in 2010-2011 to face obstacles to their activities and acts of violence or intimidation by law enforcement agents or non State actors, often in impunity.

16 / See TIHV.
17 / See Bianet Press Release, September 8, 2010.
18 / See Istanbul LGBTT Dayanışma Derneği Press Release, February 2, 2011.

Several trials for closure were opened against LGBTI associations such as Lambda Istanbul, the Black Pink Triangle and other organisations in various cities. For instance, on February 9, 2010 a closure trial began against the Black Pink Triangle Association, which combats discrimination against the lesbian, gay, bisexual, travesty and transsexual (LGBTT) people in Izmir province, on charges of "being contradictory to general moral and the structure of Turkish family", following a complaint filed by the İzmir Governorate on October 16, 2009. On April 30, 2010, the court rejected the request for closure arguing that "LGBTT persons also have the right to organise and to establish associations"[19]. Similarly, on January 3, 2011, the 12th Criminal Court of First Instance of Bursa decided to close the Rainbow Association[20] down following a criminal complaint filed by the Bursa Governorship on charges of "prostitution". Ms. **Öykü Evren Özen**, President of Rainbow Association, was facing imprisonment of up to three years under charges of "opposing the Law on Associations" but was finally acquitted. The organisation filed an appeal, which was pending as of April 2011[21].

In addition, LGBTI defenders were again constantly harassed by the police, which proceeded to incessant discriminatory identity checks. Those who complained against this practice were often arrested and charged of "resistance to the police". Others who filed a complaint against the police for discriminatory identity check were in turn the subject of complaints by the police for "insult" and "harm to public order". On June 19, 2010, Ms. **Naz (Burhan) Gudumen**, Ms. **Buse (Bülent) Kılıçkaya**, and Ms. **Selay (Derya) Tunç**, members of Pink Life LGBTT Solidarity Association, were arbitrarily arrested by police officers while driving through the Seyranbaglari Mah neighbourhood in Ankara. They were taken to the police station and held for five hours before being released. Although the human rights defenders filed an official complaint for ill-treatment and insults with the Public Prosecutor, the latter dismissed their complaint and instead permitted charges against them for "resisting the police" and "damaging public property". If convicted, they face up to three years in prison and limitations on their rights of parental guardianship. They could also be barred from public office or leadership within any political, public, or non-profit organisation. As of the end of April 2011, the trial against the three defenders was still ongoing since October 2010 before the Ankara 15th Criminal Court of First Instance. On May 17, 2010, five

19 / See TIHV.

20 / Rainbow is the Association for the Development of Protection, Solidarity and Cultural Activities for Transvestites, Transsexuals, Gays and Lesbians (LGBT).

21 / See Bianet Article, January 5, 2011.

transgender members of the same organisation, including Ms. Kılıçkaya and Ms. Tunç, had been brutally assaulted and detained by Ankara's police. An Ankara court subsequently dismissed the case against the activists for lack of evidence and condemned the police officers' treatment of the women as "totally wrong"[22]. LGBTI defenders were also victims of violent attacks by non State actors, often in impunity. For instance, on February 26, 2011, one of the founders of Pink Life, Ms. **Gorkem K.**, was beaten and stabbed ten times. She remained under intensive care for fifteen days in a hospital[23].

Fight against impunity concerning cases of abuses against human rights defenders

Although many acts of violence against human rights defenders remained unpunished as of April 2011, 2010 saw some progresses. In June 2010, nineteen Turkish officials, among which police officials, prison managers, a doctor and prison guards, were found guilty of the murder of Mr. **Engin Çeber**, a prominent journalist and a human rights defender, who was tortured to death in custody in 2008. Mr. Engin Çeber was arrested after he took part in a protest against the death of a human rights activist shot by the police. Two police officers received a 7.5-year prison sentences and one police officer a 2.5-year imprisonment[24]. In January 2011, four years after the assassination of Turkish-Armenian journalist **Hrant Dink**, the Istanbul 6th Administrative Court found the Interior Ministry guilty of a "severe failure of duty" following the decision on September 14, 2010 of the European Court of Human Rights (ECtHR) to convict Turkey for the murder of the journalist. The Trabzon Governorship which, at the time, had not taken the threats of assassination seriously and had made no decision to ensure Mr. Dink's protection, was considered by the court to have failed in its responsibility of taking precaution and thus to protect the police's interests. The Turkish Ministry of Foreign Affairs did not appeal[25]. As for the reopening of the investigation in Turkey by the Interior Ministry in February 2009, there was apparently no major progress made as of February 2011, when the latest hearing was scheduled[26].

Moreover, several persons who raised attention on the impunity that prevails around Mr. Dink's murder faced harassment and reprisals. Serious

22 / See International Gay and Lesbian Human Rights Commission (IGLHRC) and ILGA Press Release, February 25, 2011.
23 / See Pink Life.
24 / See Bianet.
25 / See ECHR, Dink vs. Turkey, Applications Nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, September 14, 2010.
26 / See RSF Press Release, February 3, 2011.

concerns were raised as whether the death of Mr. **Hakan Karadag**, one of the lawyers involved in the trial against the police in the case of Mr. Hrant Dink's murder, was a real suicide. Mr. Karadag was found hung, on June 4, 2010, at his home in Istanbul. He was previously directly threatened by Mr. Ogün Samast, who was suspected of Mr. Dink's murder[27]. Mr. Karadag had filed a complaint about this matter[28]. In addition, those who published investigative books or documentary were threatened, prosecuted or banned to display their work. On January 27, 2011, Mr. **Adem Yavuz Arslan**, a journalist, received death threats, including bullets in envelops sent to him, after he published a book on Mr. Dink's killing[29]. Though he filed a complaint at the police, as of April 2011, he had not been informed of the launch of an investigation. On January 14, 2010, the screening of the documentary "19 January to 19 January" directed by Mr. Ümit Kıvanç for the third anniversary of the murder of Mr. Hrant Dink was banned by Ege University's (İzmir) Communication Faculty's Dean for "security" reasons[30]. Mr. **Nedim Şener**, a journalist of *Milliyet* newspaper, is facing a total of 28 years of imprisonment as two criminal proceedings were launched against him for publishing a book entitled "The Dink murder and the lies of the Intelligence", in which he unveiled negligence by the authorities before the Istanbul Criminal Court of First Instance No. 2 on charges of "attempting to influence fair trial", "insulting public officers" and "violating the confidentiality of the communication" and the Istanbul Heavy Penal Court No. 11 on charges of "getting confidential documents" and "targeting public servants" under Article 6 of the Anti-Terrorism Law. While on June 4, 2010, the Istanbul Heavy Penal Court No. 11 acquitted Mr. Şener, the other trial was pending as of April 2011[31].

Harassment of defenders of the right to conscientious objection

In 2010-2011, defenders of the rights of conscientious objectors continued to be prosecuted and detained. For example, on January 6, 2010, members of the Solidarity Initiative with Conscientious Objector Enver Aydemir, who was then detained since December 24, 2009, were stopped by the police after they made a public statement in Ankara province and arrested them. They were later released and nineteen of them were charged of "alienating people from military service" under Article 318 of the Criminal Code. On June 17, 2010, Ankara Criminal Court of First Instance No. 10 sentenced

27 / The latter was sentenced on July 25, 2011 to 22 years' imprisonment.
28 / See TIHV.
29 / *Idem.*
30 / See Bianet.
31 / *Idem.*

Mr. **Volkan Sevinç** to eighteen months of imprisonment on charges of "insulting the police officers" and "alienating people from military service", and Messrs. **Gökçe Otlu Sevimli**, **Halil Savda** and **Zarife Ferda Çakmak** to six months of imprisonment on charges of "alienating people from military service". The other fifteen defendants were acquitted. An appeal was pending before the Supreme Court of Appeals as of April 2011[32]. In addition, on March 10, 2010, the Ankara Criminal Court of First Instance No. 17 began to examine a criminal complaint against Mr. **Ali Barış Kurt**, Editor of *www.emekdefteri.com*, in connection with articles that defended the right to conscientious objection to military service on charges of "alienating people from military service" under Article 318. On July 7, 2010, he was acquitted by the court[33].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Ms. **Filiz Kalayci** and Messrs. **Hasan Anlar**, **Halil İbrahim Vargün** and **Murat Vargün**	Judicial harassment	Urgent Appeal TUR 001/0509/OBS 070.3	January 27, 2010
	Release / Judicial harassment	Urgent Appeal TUR 001/0509/OBS 070.4	January 29, 2010
Ms. **Vetha Aydin** and Mr. **Abdullah Gürgen**	Arbitrary arrest	Urgent Appeal TUR 001/0310/OBS 040	March 19, 2010
	Release / Judicial harassment	Urgent Appeal TUR 001/0310/OBS 040.1	April 5, 2011
Mr. **Muharrem Erbey**, Mr. **Arslan Özdemir** and Ms. **Roza Erdede**	Judicial harassment	Joint Press Release	October 20, 2010
Mr. Muharrem Erbey, Mr. Arslan Özdemir, Ms. Roza Erdede and Ms. Vetha Aydin	Judicial harassment / Arbitrary detention	Open Letter to the authorities	February 24, 2011
Mr. Muharrem Erbey, Mr. Arslan Özdemir and Ms. Roza Erdede	Judicial harassment / Arbitrary detention	Press Release	April 18, 2011
Centre of Social Action, Rehabilitation and Readjustment for the Victims of Torture (SOHRAM-CASRA)	Burglary	Urgent Appeal TUR 144/1210/OBS 144	December 9, 2010
Ms. **Pinar Selek**	Judicial harassment	Press Release / Audio-visual testimony	January 18, 2011
	Acquittal / Judicial harassment	Press Release	February 9, 2011

32 / See TIHV and İHD.
33 / See Bianet.

REGIONAL ANALYSIS EASTERN EUROPE AND CENTRAL ASIA

In 2010 and early 2011, human rights defenders in Eastern Europe and Central Asia continued to operate in a difficult, often hostile and dangerous environment.

The climate of impunity that continued to reign for serious human rights violations and crimes under international law threatened independent human rights work and the ability of human rights defenders to document abuse. The lack of accountability and respect for the rule of law remained acute in *Georgia, Kyrgyzstan,* the *Russian Federation* and *Uzbekistan,* especially in the autonomous Chechen Republic and in Ingushetia where arbitrary detentions, extrajudicial executions, enforced disappearances, torture and other forms of ill-treatment continued to be accompanied with impunity. In an environment of limited judicial independence and executive interferences into the judiciary, there was insufficient protection against the arbitrary use of powers. International remedies remained therefore in many of the countries in the region, the only feasible avenue for vindicating their rights effectively. This was particularly evident in relation to the role of the security and intelligence services that factually operate outside an effective system of checks and balances.

The period was marked by the further consolidation of authoritarian rule in the region (*Azerbaijan*, *Belarus*, *Georgia*, *Kazakhstan*, *Kyrgyzstan*, the *Russian Federation*, *Tajikistan*, *Turkmenistan*, *Ukraine*, *Uzbekistan*). The situation particularly deteriorated in *Belarus*, where the presidential elections held on December 19 ended up in a violent crackdown against the opposition and the civil society. *Ukraine* further moved to authoritarian rule with allegations of a number of politically motivated persecutions. In addition, in the context of the democratic transitions in North Africa, the authorities of countries in the region started to react particularly strongly to the exercise of the right to freedom of assembly. In *Azerbaijan* and *Georgia*, anti-governmental protests in 2011 were followed by a wave of politically-motivated acts of repression and crackdowns on peaceful demonstrators.

Furthermore, the authorities in the region used a variety of means, including restrictive legal frameworks, to limit freedom of expression through licensing regulations, Internet restrictions and other forms of media control. Independent media outlets were subjected to interferences and in some cases, closed (*Belarus*, *Kazakhstan*, *Kyrgyzstan*, *Tajikistan*, *Turkmenistan*).

The influence by the international community on countries of the region (*Belarus*, *Turkmenistan*, *Uzbekistan*) has led to no significant improvement. In *Turkmenistan* and *Uzbekistan*, the economic and security interests continued to limit the pressure to improve the human rights situation. Moreover, the proximity to war-zones of Afghanistan and the presence of foreign military bases were other reasons for the development of cooperation with the West. After a thaw in relations with *Belarus* since 2008, the European Union imposed sanctions against the country at the beginning of 2011, as a response to the post-electoral wave of repression. However, the pressure against human rights defenders continued. Although the international community had high expectations of *Kazakhstan*'s 2010 Chairmanship of the Organisation for Security and Co-operation in Europe (OSCE), it brought no improvements to the human rights situation. The authorities introduced on the contrary, a series of measures restricting freedoms of the Internet and the media and protecting the officials from defamation, and the President from any prosecution.

Obstacles to human rights defenders' freedoms of association and peaceful assembly

In 2010-2011, the authorities in the region continued to resort to a variety of restrictive laws to impede the work of human rights defenders with the aim to control civil society organisations and by lending to the arbitrary use of powers. This included laws on non-governmental organisations (NGOs), tax laws and assembly laws. National security laws and policies also continued to impose a restrictive framework for human rights defenders' activities, including counter-terrorism or extremism laws. In *Belarus*, *Turkmenistan* and *Uzbekistan*, human rights NGOs continued to work without official registration, risking prosecution under the Criminal Code (*Belarus*). In *Azerbaijan*, the Government put in place stricter rules for registering NGOs. The authorities of *Georgia* also tightened control over the NGOs working on issues related to South Ossetia and Abkhazia in the context of the post-war with the *Russian Federation*. In some countries (*Azerbaijan, Georgia, the Russian Federation*), State control over the funding of the NGOs, and the multiple attempts by the authorities to discourage and frustrate them from receiving funding from foreign donors, was a way to hamper civil society's activities. In *Ukraine*,

although the legal framework in which human rights defenders operated remained restricted, a draft law on freedom of association discussed by the Parliament could improve the registration of NGOs. Turkmen human rights defenders were for their part on several occasions denied access to OSCE meetings dedicated to human rights by the *Kazakhstan* Chairmanship, because the Turkmen authorities objected their participation.

Throughout the region, it also remained difficult to organise and hold peaceful meetings dedicated to human rights issues. In *Armenia*, while a new Law on Assembly was adopted in 2011, freedom of assembly often remained limited in practice. A draft Law on Peaceful Assemblies was also adopted at first reading in *Ukraine*, providing a number of improvements while but still falling short of international standards, and several peaceful rallies held in favour of the defence of human rights were also repressed. In *Belarus, Kazakhstan,* the *Russian Federation* and *Uzbekistan*, it remained practically impossible to obtain permission from the authorities to hold a peaceful meeting. Human rights defenders taking part in peaceful assemblies also faced acts of violence perpetrated by law-enforcement authorities, arrested, and sometimes imprisoned or fined (*Azerbaijan*, *Belarus*, *Georgia*, the *Russian Federation*, *Uzbekistan*). In *Uzbekistan* the fines were so heavy that human rights defenders were not able to afford.

Increasing pressure on human rights defenders in the context of elections and of internal violence

In 2010-2011, election periods led to an increase of interferences and threats to human rights defenders, who were easily and often falsely equated with the opposition and subsequently subjected to hindrances and acts of harassment. The pressure on defenders particularly increased in *Belarus* following the December elections. In *Azerbaijan*, defenders were particularly exposed after the November 2010 elections. In *Kyrgyzstan*, the environment after the ethnic clashes in the south of the country, remained extremely volatile for human rights defenders. Those who monitored human rights violations committed during the clashes and worked to protect the Uzbek minority were particularity subjected to harassment. The climate of national security threats also led to the portrayal of human rights defenders as unpatriotic and as threatening national security and stability (*Belarus*, *Georgia*, *Kyrgyzstan*). Moreover, in a number of countries of the region, the climate for human rights defenders either renders rigorous human rights work difficult or leads to levels of self-restrain or self-censorship on sensitive human rights issues.

Judicial harassment of human rights defenders throughout the region and ill-treatment in detention

Throughout the region, human rights defenders continued to be subjected to judicial harassment and arbitrary detentions as reprisals for their activities (*Azerbaijan*, *Kazakhstan*, *Kyrgyzstan*, the *Russian Federation*, *Tajikistan*, *Turkmenistan*, *Uzbekistan*). *Uzbekistan* remained the country with the highest number of human rights defenders serving long prison terms, most often in strict regime colonies. Furthermore, due to the poor conditions of prison facilities and acts of ill-treatments against them, in most cases, their health drastically deteriorated. In *Turkmenistan*, the exact number of political prisoners and prisoners of conscience, including human rights defenders, remained unknown as the prisons remained closed to international and local observers. In *Kazakhstan*, *Kyrgyzstan* and the *Russian Federation*, some human rights defenders also continued to serve their sentences often with allegations of ill-treatment in detention. Some of them were refused parole or applications for early release (*Kazakhstan*, the *Russian Federation*, *Uzbekistan*).

Assaults and threats left unpunished

In 2010 and early 2011, human rights defenders faced threats and assaults from both State and non-State actors in several countries of the region (*Georgia*, *Kyrgyzstan*, the *Russian Federation*, *Tajikistan*, *Turkmenistan*, *Ukraine*, *Uzbekistan*). Turkmen human rights defenders working in exile reported death threats and harassment by the authorities. In both *Turkmenistan* and *Uzbekistan*, human rights defenders' families and acquaintances were frequently threatened. In several countries such as the *Russian Federation*, *Ukraine* and *Uzbekistan*, human rights defenders were physically abused. Some attacks were carried out by – or in the presence of - law enforcement authorities. In the *Russian Federation*, human rights defenders were targeted in connection to the investigation of environmental degradations and alleged corruption. In addition, activists defending the rights of lesbian, gay, bisexual and transgender people (LGBT) as well as combating discrimination and racism, were again victims of violence by neo-Nazi groups. Defenders documenting cases of corruption were also targeted in *Georgia*, *Tajikistan* and *Ukraine*, where a journalist disappeared. In most of the cases, these threats and attacks were not investigated. In the *Russian Federation*, only one out of the several cases of assassination of human rights defenders reached to the hearing stage resulting in a final verdict.

Ongoing surveillance and defamation campaigns against human rights defenders

Human rights defenders were also subjected to ongoing surveillance and defamation campaigns. In Nakhchivan Autonomous Republic and in *Azerbaijan* in general, but also in the Chechen Republic (*Russian Federation*), *Belarus*, *Georgia*, *Kyrgyzstan* and *Uzbekistan*, human rights defenders were subjected to defamation campaigns orchestrated by the authorities. Some were stigmatised as "enemies of the people" (*Kyrgyzstan*), "traitors" and "Russian spies" (*Georgia*), "enemies" and "Armenians" (*Azerbaijan*), as "working for Western donors" and "lobbying sanctions against the authorities" (*Belarus*), as "minorities protectors" and "anti-Russian" (*Russian Federation*), and as "traitors" and "terrorists" (*Uzbekistan*). Such defamation campaigns aimed at discouraging human rights defenders to carry out their activities and to encourage violence against them by the population.

Human rights defenders were also put under strict surveillance in almost all countries of the region. Their ability to communicate freely was particularly undermined in *Azerbaijan*, *Belarus*, *Turkmenistan* and *Uzbekistan*, as their phone lines were tapped and their e-mails controlled. In addition, during the presidential election campaign in *Belarus*, human rights defenders – especially those monitoring the elections – were subjected to long checks at the border and confiscation of materials. Human rights defenders were also harassed by the customs in *Azerbaijan* and *Uzbekistan*.

Obstacles to freedom of movement of human rights defenders

A number of obstacles to human rights defenders' freedom of movement were observed in 2010 and early 2011, in some countries of the region. In *Uzbekistan*, security services regularly followed or put Tashkent-based human rights defenders under house arrest, or impeded those working in the regions from coming to the capital. In *Turkmenistan* and *Uzbekistan*, they were often denied the right to leave the country. One Turkmen journalist from *RFL* who lives in exile was denied entry into his homeland. In these countries, the authorities were particular vigilant of people having contacts with foreigners. *Belarus* also ordered several Russian human rights defenders monitoring the human rights situation at the national level to leave the country.

ARMENIA

In 2010, proposed amendments to the NGO Law remained of concern as they might restrict freedom of association. In addition, while a new Law on Assembly was adopted in 2011, providing for a better protection of freedom of assembly, peaceful gatherings remained restricted in practice in 2010. On a positive note, 2010 was also marked by the end of judicial proceedings against three human rights defenders.

Political context

From June 14 to 18, 2010, the United Nations (UN) Special Rapporteur on the Situation of Human Rights Defenders, Ms. Margaret Sekaggya, undertook her first country visit to Armenia. At the end of her mission, she expressed her concerns about documented cases of ongoing violence, assaults, intimidation, harassment and stigmatisation of human rights defenders, in particular journalists documenting human rights violations. Her main concerns focused on illegitimate restrictions on freedom of association that could be triggered by the new draft NGO Law, impediments to freedom of assembly, restrictions on demonstrations and rental of meeting spaces, restrictions on freedom of expression, as well as impunity of abuses against defenders[1].

Moreover, on May 6, 2011, Armenia underwent its Universal Periodic Review (UPR) before the UN Human Rights Council, which recommended to Armenia, *inter alia*, to: "effectively investigate the cases concerning attacks against journalists, opposition members and human rights defenders; ensure that crimes and violations against human rights defenders, journalists and members of the opposition are effectively investigated and prosecuted, and that those responsible are brought to justice"; and also to "review its legislation and practices in order to guarantee the free exercise of the right to assembly and freedom of expression, without any limitations other than those permitted by international law; fully respect and promote freedom of expression; and guarantee freedom of expression and assembly for all political parties, media and human rights defenders"[2].

1/ See Statement of the UN Special Rapporteur on the situation of human rights defenders, June 18, 2010, and Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya - Mission to Armenia*, UN Document A/HRC/16/44/Add.2, December 23, 2010.
2/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Armenia*, UN Document A/HRC/15/9, July 6, 2010.

As of April 2011, the Armenian authorities had still not fully investigated neither the deaths and injuries that occurred during the clashes of March 2008 when excessive police force was used against demonstrators in the capital Yerevan in the wake of the presidential election[3], nor the allegations of ill-treatment in police custody and violations of due process. However, the political prisoners[4] who had remained detained since the 2008 events were all released following a presidential amnesty passed on May 26, 2011.

Among positive legal initiatives, on May 18, 2010, a package of amendments to the Civil Code, the Criminal Code and the Criminal Procedure Code decriminalising libel and insult was signed into law[5]. However, concerns remain for the independence of the media, in particular as fines for libel or insult at the civil level were increased almost by twice, creating the risk for media outlets of bankruptcy or closure. Among negative legal developments however, on June 10, 2010, the President signed into law the "Amendments and Supplements to the Law on Television and Radio", which give the National Commission on Television and Radio (NCTR) broad powers to revoke TV licenses and impose programming restrictions, thus undermining the diversity of TV channels. Despite numerous calls made by national and international NGOs, only small editorial changes were introduced into the bill. In application of this new law, in January 2011, the number of TV channels broadcasting in the capital was reduced from 22 to 18[6]. The print and online media remained more pluralistic but their reach is limited to the educated population living primarily in the

3 / The clashes had led to the death of ten people and hundreds wounded.

4 / In 2001, the Secretary General of the Council of Europe appointed a panel of experts to determine the criteria for identifying political prisoners in Armenia and Azerbaijan. According to Council of Europe experts, "a person deprived of his or her personal liberty is to be regarded as a political prisoner if: "(a) The detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights (ECHR) and its protocols, in particular freedom of thought, conscience, religion, expression, information, assembly and association; "(b) The detention has been imposed for purely political reasons, unrelated to any offence; "(c) Due to political motives, the length of detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of; "(d) Due to political motives, he or she is detained in a discriminatory manner as compared with other prisoners; "(e) The detention is the result of proceedings that were clearly unfair, and this fact appears to be tied to political motives on the part of the authorities. See Secretary General of the Council of Europe, *Cases of alleged political prisoners in Armenia and Azerbaijan*, Document SG/Inf (2001)34, October 24, 2001.

5 / See HO-98-N Decree (amending Criminal Code) and HO-97-N Decree (amending Civil Code), dated May 18, 2010. See Civil Society Institute (CSI).

6 / In July 2010, implementing the new law, the NCTR, whose members are appointed by the President, declared a contest for broadcasting licenses. The results of the contests were announced on December 16 and 23, 2010. Broadcasters which are critical of the current administration, like *A1+*, *GALA* (Gyumri) and ALM television companies were not granted a license on the digital broadcasting network.

cities. The Committee to Protect Freedom of Expression (CPFE) also reported numerous cases of physical violence against journalists and pressure on the media mainly by law enforcement bodies[7].

Possible legal obstacles to freedom of association

As of April 2011, amendments to the NGO Law that were adopted by the Government on September 23, 2009 and tabled before the Parliament on October 1, 2009, remained of concern as they might restrict freedom of association. In particular, the amendments would request the re-registration of NGOs in case of change of address or change of the executive body of the organisation[8]. According to the draft NGO Law, NGOs would also be required to publish their financial information, their sources of income, the number of their members on a monthly basis, as well as the copies of all tax reports already submitted to tax offices. The bill also provides the necessity to publish the names of all the individuals involved in the leadership of the organisation, as well as any change that might occur in this leadership. The draft law, if adopted, would therefore put a considerable burden on NGOs, which would probably need to seek additional financial and human resources. Discussions of the draft NGO Law were postponed until the 2011 fall session of the National Assembly.

Legal improvements but persisting obstacles to freedom of peaceful assembly

On April 14, 2011, a new Law on Assembly was adopted, which contains a number of improvements. First, it provides that if for some reasons the administrative authority decides to forbid the organisation of an assembly at a date, an hour or in a place mentioned by the organiser in its notification, the administrative authority and the organiser of the assembly can meet and negotiate and find a compromise of the date, place, and other related issues. The law also explicitly mentions that the State or local governmental bodies and public officials must comply with the principles of proportionality and with the fundamentals of administrative action, provided in the Law on Fundamentals of Administrative Action and Administrative Proceedings. The law nonetheless provides that freedom of assembly can be restricted when it is justified by public interest and

7/ See Committee to Protect Freedom of Expression (CPFE), *Annual Report 2010 on the Situation with Freedom of Speech and Violations of Rights of Journalists and Media in Armenia*, February 2011.

8/ Following her country visit in June 210, the UN Special Rapporteur on Human Rights Defenders pointed in that regard that this requirement contradicted the recommendations of the Committee of Ministers of the Council of Europe (CM Rec 2007 14) on the legal status of NGOs in Europe, which stipulate that approval from the State is not required for changes to the statute of an organisation. See UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya - Mission to Armenia*, UN Document A/HRC/16/44/Add.2, December 23, 2010.

the protection of constitutional rights and freedoms of others. Concerns remain about its Article 19(3), according to which an assembly can be banned if it is organised at a distance from the residence of the President of the Republic, the National Assembly, Governmental buildings or courts or penitentiary institutions, which can "threaten their regular operation", not defining the distance which could be considered as threatening.

In spite of these legislative developments, in 2010, freedom of peaceful assembly remained restricted. The access of demonstrators to places where rallies usually take place remained in some instances restricted in practice. On May 28 and May 31, 2010, the police impeded the access of activists who were marching towards Liberty Square to protest against the fact that this square (where most demonstrations have been organised in the past few years) had been *de facto* closed to gatherings since the 2008 clashes. On May 31, the confrontation with the police lasted an hour and was accompanied by insults from both sides. Some individuals in civilian clothes joined the ranks of the police. Seventeen demonstrators were taken to the police station. Three of them, namely Ms. **Ani Gevorgyan**, correspondent for the *Haykakan Zhamanak* newspaper, her brother, Mr. **Sargis Gevorgyan**, an opposition activist, and Mr. **Davit Kiramijyan**, another opposition activist, were arrested and then prosecuted. The other fourteen were immediately released without charge. Ms. and Mr. Gevorgyan were charged on the basis of Article 316.1 of the Criminal Code ("violence against a Government representative"), before being released on parole on June 3, 2010, after they attested in written that they would not leave the country. Mr. Kiramijyan was charged on the basis of Article 258.3 of the Criminal Code ("hooliganism committed by a group of persons or organised group"). On June 3, 2010, the Court of First Instance of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan issued a decision of detention as a preventive measure against him. On July 2, 2010, the Court then decided to release him on parole, after he attested in written that he would not leave the country. In November 2010, the case against Ms. Gevorgyan was closed at the pre-trial stage. On December 28, 2010, the Court of First Instance sentenced Messrs. Kiramijyan and Gevorgyan to two years of imprisonment, with probation. Both appealed the decision but, as of April 2011, the Court of Appeals had not issued its decision yet. Moreover, in the evening of May 31, 2010, after the confrontation, the policemen forcefully pushed away from Kentron police station the representatives of human rights organisations and other political and human rights activists who had come to request the release of those arrested[9].

9/ See CSI Statement, June 3, 2010.

End of judicial proceedings against three human rights defenders

In 2010, judicial proceedings were dropped against three human rights defenders who had been prosecuted because of their activities. The proceedings that had been opened for "disrespect of court" (under Article 343.1 of the Criminal Code[10]) against Mr. **Mushegh Shushanyan**, the lawyer of five people arrested during the events of March 2008, were annulled after the Constitutional Court stated on January 14, 2010 that Article 343.1 contradicted the Constitution. The case against Mr. Shushanyan was then closed on January 22, 2010. On February 5, 2010, the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts decided to acquit Mr. **Arshaluys Hakobyan**, a member of the Armenian Helsinki Association and press photographer, for absence of evidence[11]. He had been charged with "violence against a Government representative". During the trial, Mr. Hakobyan claimed that he had been beaten and ill-treated in custody. Although he filed a complaint, the court never ordered an investigation. Likewise, on March 11, 2010, the charges brought against Ms. **Mariam Sukhudyan**, an environmental activist from the organisation "SOS Teghut", were dropped. She had been criminally charged for "defamation" on August 11, 2009, after she had reported a case of sexual harassment on national television *Haylur TV*[12]. On June 24, 2010, Ms. Sukhudyan filed a complaint with the office of the Prosecutor General, alleging the illegitimate and ungrounded character of the charges against her. However, on September 4, 2010, the Special Investigation Department refused to open a case. Ms. Sukhudyan appealed this decision before the Court of First Instance of the General Jurisdiction and the Court of Appeals but both courts rejected her appeals on December 23, 2010 and February 1, 2011 respectively. On March 12, 2011, another appeal was lodged before the Court of Cassation, which later dismissed the case, arguing that there was no violation of procedural or material law. On the other hand, on February 7, 2011, the Court of the General Jurisdiction of Kentron and Nork-Marash Administrative Districts dismissed Ms. Mariam Sukhudyan's complaint for violation of her right to presumption of innocence, demanding one million Armenian drams (about 2,000 euros) in damages against the Head of the Republic of Armenia police, Mr. Alik Sargsyan, and the Head of Police Information and Public Relation Department, Mr. Sayat Shirinyan, for having slandered her in public in 2008.

10 / Article 343.1 provides *inter alia* for fines and/or for one month in detention against lawyers for "disrespect of court" in case they would not appear at court sessions or would disobey instructions of the judge.

11 / Mr. Arshaluys Hakobyan had been arrested in June 2009 following his activities as an observer of the Yerevan municipal elections, and released on bail in October 2009. See Observatory Annual Report 2010.

12 / The first case was initiated on August 11, 2009 for "defamation", then on August 15, the charges were changed to "falsely reporting a crime", and on October 21, the crime was re-qualified as "defamation" again.

Urgent Intervention issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Arshaluys Hakobyan	Acquittal	Joint Press Release	February 16, 2010

AZERBAIJAN

Following the November 2010 parliamentary elections, human rights defenders were assimilated to the opposition, in particular when they monitored the electoral process and violations committed at the occasion of the repression of demonstrations in March-April 2011. Lawyers who represented members of the opposition and other voices critical of the regime, were also targeted. In addition, the death in detention of one defender remained in impunity. Human rights defenders operating in the Nakhchivan enclave continued to be subjected to pressure, threats and attacks carried out in total impunity. Finally, freedom of association was further restricted, including that of foreign NGOs.

Political context

The human rights situation in Azerbaijan deteriorated in the context of the November 2010 elections and March-April 2011 protest movements. The parliamentary elections that took place on November 7, 2010 confirmed the control of President Ilham Aliyev's Yeni Azerbaijan Party (YAP), which has been in power since 1993, over all political institutions. The Organisation for Security and Co-operation in Europe (OSCE) declared the elections non democratic as "limitations of media freedom and the freedom of assembly and a deficient candidate registration process further weakened the opposition and made a vibrant political discourse almost impossible"[1]. Only registered NGOs were able to monitor the elections, excluding the main experienced domestic monitor – the Election Monitoring and Democracy Studies Centre (EMDSC).

March and April 2011 were marked by several peaceful demonstrations inspired by the events in the Arab countries and organised by the opposition in Baku, demanding the resignation of the President and, after the first arrests of activists, demanding the release of political prisoners.

1/ During these elections, only one single candidate of the major opposition parties was elected. See OSCE Office for Democratic Institutions and Human Rights (ODIHR), OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament International Election Observation Mission Statement of Preliminary Findings and Conclusions, *Parliamentary Elections in Azerbaijan, November 7, 2010*, November 8, 2010 and OSCE ODIHR Election Observation Final Report, *Republic of Azerbaijan - Parliamentary elections - November 7, 2010*, January 25, 2011.

Demonstrations were banned on the pretext that they violated public order laws and were violently repressed by the police[2].

2010 and 2011, like in previous years, were marked by severe violations of freedom of speech, including on-line media, and repression of all independent journalists and bloggers. Criminal defamation and other charges, as well as acts of intimidation, assaults and detention were used to intimidate and punish journalists expressing dissenting opinions or when they were investigating abuses[3]. Political opponents critical of the President, were also subjected to acts of reprisals. During January 2011, more than forty members of the Islamic Party and believers were arrested on criminal charges including "attempt of coup d'état", "preparation of terror" and "illegal possession of weapons" after the leader of the Islamic Party, Mr. Movsum Samedov, criticised the President during a meeting held on January 2, 2011[4].

Corruption remained widespread as well as arbitrary arrest and detention, torture and ill-treatment, in full impunity. Several dozens of political prisoners were still held in the country. In addition, since 2009, tens of thousands of people have been affected by the illegal demolition of their private houses by the Government, mainly in the centre of Baku, to build a new presidential residence, entertainment centres and parks, etc[5].

Impunity in Mr. Novruzali Mammadov's death in detention

As of April 2011, impunity regarding the death in detention of an Azeri human rights defender continued to prevail. On January 27, 2010, the Nasimi District Court decided to stop the civil lawsuit filed for violation of the right to life against the Ministry of Finance, the Justice Ministry's Penitentiary Services, the Chief Medical Office of the Justice Ministry, the High Security Colony No. 15 and the Penitentiary Service's Treatment Facility by the widow and the son of Mr. **Novruzali Mammadov**, an advocate of the rights of the Talish minority living in the south of Azerbaijan[6].

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2 / Members of the opposition, especially the youth considered as the organisers, were arrested on the eve of the first protest and unfairly tried by courts on administrative or criminal charges. As of April 2011, twelve people remained in detention in connection with the protests. See Human Rights Centre of Azerbaijan (HRCA).

3 / See Institute of Peace and Democracy (IPD) as well as Institute for Reporters' Freedom and Safety (IRFS) Press Release, March 17, 2011.

4 / See IPD.

5 / These actions were accompanied by unlawful arrests and detentions of the residents, violence against them in police stations, confiscation and damaging of their belongings. See IPD.

6 / He was also the Head of the Talysh Cultural Center, Editor-in-chief of the *Tolishi-Sedo* (Voice of the Talysh) newspaper, and Department Head of the Linguistics Institute at the Academy of Sciences.

Mr. Mammadov was wrongfully sentenced to ten years of prison on December 26, 2008 for "high treason" and "incitement to racial hatred". He died in detention in suspicious conditions on August 17, 2009. The hearing before the Nasimi District Court had been postponed until the result of the examination, which came out on January 26, 2010, stating that the medical treatment given to Mr. Mammadov while in detention, was appropriate[7]. The plaintiffs' lawyer appealed against the decision of the Nasimi District Court. On April 29, 2011, the Baku Appeals Court upheld the decision of Nasimi District Court of January 27, 2010.

Assimilation of human rights defenders to the opposition by the authorities and harassment of those monitoring elections and demonstrations

Human rights defenders were particularly exposed after the November 2010 elections, as they were assimilated by the Government to the opposition. On February 1, 2011, at a meeting of the National Assembly of Azerbaijan, the speaker Mr. Ogtay Asadov said that too many Azerbaijani NGO representatives and human rights defenders had attended the session of the Parliamentary Assembly of the Council of Europe (PACE). He also warned: "You never hear anything positive from any of them. We have seen it before. It seems like they have all planned their speeches to be negative. We need to be more attentive to such issues"[8].

Human rights defenders who monitored the November elections and the demonstrations of March and Apri,l were also particularly targeted. For instance, local journalists and defenders who observed and monitored the elections in the Nakhchivan Autonomous Republic, were not allowed to enter polling stations and faced pressure. As an example, Ms. **Malahat Nasibova**, *Turan Information Agency* reporter and Head of the Democracy and NGO Development and Resource Centre, and Mr. **Ilgar Nasibov**, a journalist reporting regularly on the human rights situation in Nakhchivan for the radio *Azadliq*, the Azerbaijani service of *Radio Free Europe / Radio Liberty* and member of the same NGO, faced physical pressure by the Chairman of the Precinct Election Commission, Mr. Samad Mammadov, while trying to enter polling stations[9]. In the evening of March 7, Messrs. **Mehman Huseynov** and **Abulfat Namazov**, two members of the Institute for Reporters' Freedom and Safety (IRFS), were stopped at a traffic light, surrounded by individuals in civilian clothes and forced out of their car. Without stating the reason, the unknown men

7/ There is no independent medical expertise body in Azerbaijan.
8/ See IRFS Press Release, February 4, 2011.
9/ See Democracy and NGO Development Resource Centre and IRFS.

took the employees of the IRFS to Narimanov district police offices, where they were taken to the police chief's office for interrogation. Mr. Huseynov was interrogated on his *Facebook* account and several video clips he had posted on *YouTube* showing human rights violations committed at the occasion of the repression of demonstrations. The police officers asked whether he was involved in the organisation of the planned youth protest on March 11, 2011 in order to call for the resignation of the President. Mr. Namazov was also asked about the number of IRFS employees, their salaries, where IRFS Director, Mr. **Emin Huseynov**, lived, and his daily movements between home and work. The questions and comments made it clear that several IRFS employees, especially the IRFS Director and his family had been regularly monitored. Mr. Mehman Huseynov was also forced to give a written statement about his Internet activities. Both men were set free after being detained for two hours. The police had also visited the IRFS office two hours prior to their detention and asked questions about participants to an event organised on the same day by IRFS to discuss the arrest of youth activists in the framework of the demonstrations calling for the resignation of the President. In the evening of March 7, other IRFS employees were followed[10]. Furthermore, on March 18, one hour before the IRFS was to host a press conference on the arrests of youth activists who were sentenced to administrative detention, the police entered the offices, and a high ranking police officer questioned Mr. Emin Huseynov on the activities of the organisation. The entrances and exits of the offices were blocked by police officers in uniforms and civilian clothes. Moreover, there were dozens of police employees and undercover agents in Khagani and Rashid Behbudov streets, where the offices are located. Then the police left[11]. Moreover, on February 16, 2011, several officers in plain clothes from the Baku's Sabail district police arrested Mr. **Vidadi Iskenderov**, Head of the NGO "Promotion of Democracy Defence" and a member of the political opposition coalition, the Civic Movement for Democracy "Public Chamber", near his house and brought him to the Serious Crimes Investigation Department of the General Prosecutor office for an eight-hour interrogation, allegedly in relation to an incident that took place in November 2010 when he denounced election fraud in the Goychay region[12]. On April 2, 2011, he was arrested again while monitoring the opposition demonstrations and sentenced the following day by

10 / See IRFS Statement, March 10, 2011 and South Caucasus Network of Human Rights Defenders Statement, March 11, 2011.

11 / See IRFS Press Release, March 18, 2011.

12 / The General Prosecutor's office had then opened a criminal investigation against him for "obstruction to voting" under Article 159.3 and "impeding the activities of voting commissions" under Article 160.1 of the Criminal Code. The criminal proceedings were quickly abandoned.

the Nasimi District Court to eight days of administrative detention under Article 310.1 of the Administrative Code for "disobeying orders of police". On April 17, on his way to observe a protest organised by Public Chamber to denounce electoral frauds during the November 2010 elections, corruption and politically motivated arrests, he was again arrested and on April 18, the same court condemned him to fifteen days of administrative detention under the same article. On May 2, just before his release, he was transferred to the Investigatory Department for Grave Crimes of the General Prosecutor's office, which had re-opened the November 2010 case. On the same day, the Nasimi District Court ordered Mr. Iskenderov to be placed in provisional detention for two months. Mr. Iskenderov was transferred to Baku investigation prison pending his trial. He is facing up to three years of prison[13].

Harassment of human rights lawyers

In 2010-2011, lawyers who represented members of the opposition and other voices critical of the regime also suffered from harassment. For instance, on February 4, 2011, Mr. **Osman Kazimov**, who has represented many prominent opposition figures from various parties and journalists, was suspended from the Azerbaijan's Bar Association. On February 24, it filed a lawsuit to definitively expel Mr. Kazimov from the bar. The trial was postponed several times for various reasons, but was scheduled to begin on May 13[14]. As of April 2011, Mr. **Intigam Alyev**, President of the Legal Education Society, a human rights NGO, was also denied access to the Bar Association after he filed, in March 2010, a complaint before the European Court on Human Rights after having been sentenced of "damaging the honour and dignity of a judge" on July 15, 2009. This followed the publication of a book entitled "The Disciplinary Responsibility of Judges", in which he criticised discrimination and bias in the judiciary system[15].

Administrative harassment against human rights defenders

In 2010-2011, human rights defenders faced restrictions and harassment by various State agencies. For instance, while Ms. **Leyla Yunus**, Director of the Institute of Peace and Democracy (IPD) and member of OMCT General Assembly, and her husband, Mr. **Arif Yunus**, Head of IPD Department of Conflict Resolution and Migration, were abroad between June and December 2010, two telephone landlines in the offices

13 / See IRFS Press Release, February 17, 2011, *Turan* Article, April 12, 2011 as well as IPD.
14 / The suspension means that Mr. Kazimov is not able to fully exercise his professional activities since February 4, 2011. See IPD.
15 / See *Contact.az* Article, April 6, 2011.

shared by IPD, the Azerbaijan Campaign to Ban Landmines (ACBL) and the Women Crisis Centre (WCC), were temporarily cut in August and October 2010, under the order of Yasamal Division of the Communication Ministry. The lines were restored in February 2011 following a court hearing and financial compensation was provided for the time when the lines were out of service[16].

Some human rights defenders also faced harassment and acts of intimidation at the customs while crossing the border. For instance, in February 2011, Mr. Emin Huseynov was blocked twice by customs services. On February 1, 2011, upon return from a trip, he was held by customs officers for several hours without having access to water and food, and his belongings were searched by ten customs officers. One custom officer demanded a bribe of about 300 euros, which Mr. Huseynov refused to pay. The customs officers confiscated all his purchases – technical equipment (two TV cameras, two mobile phones, several car lamps and a car music player) and two old video cameras that he had listed in his customs declaration – for the total sum, according to Mr. Huseynov, of 1,300 euros, without providing him any document. On February 5, the State Customs Committee Chairman and four of his deputies asked Mr. Huseynov for a bribe of 1,200 euros in order to retrieve his equipment. On February 28, 2011, he appealed to the Anti-Corruption Commission and on March 28, to the Baku Administrative Economics Court No. 1[17]. As of April 2011, the appeal was still pending. On February 24, 2011, while passing the passport control on his way from another trip, an officer from the State Border Service informed him that his name appeared on a "blacklist". On March 7, Mr. Huseynov filed a complaint against the State Border Service asking why he was held longer than other travellers. A hearing was scheduled for May 18, 2011[18].

Further restrictions on the right to freedom of association

The implementation of the June 2009 amendments to the Law on Non-Governmental Organisations, which require NGOs to register their grants with the authorities and foreign NGOs to reach agreements with the Government before opening offices in the country, brought further restrictions on freedom of association. As in 2009, the practice of denying registration to NGOs remained a major obstacle to freedom of association, thus cutting off their access to funding and restricting their ability to

16 / Moreover, the demolition of the houses in the centre of Baku in the beginning of 2011 accidentally put in danger the existence of IPD, ACBL and WCC. See IPD.

17 / See *Caucasian Knot* Article, February 4, 2011 as well as IRFS Press Release, February 3, 2011.

18 / See IRFS Press Release, February 24, 2011.

work. On July 30, 2010, a coalition of 37 unregistered NGOs campaigning for changes to the registration rules and for State funding to be distributed more fairly, was denied permission by the city authorities of Baku to organise a protest outside the Ministry of Justice. After 18 attempts and a Supreme Court ruling in its favour issued in January, the Ministry of Justice was forced to register the NGO "Regional Centre for Human Rights and Enlightenment", which was created in 2008[19]. Several other human rights organisations were refused registration in 2010, such as the EMDSC[20] and the "Human Rights and Media Monitoring" Public Union in Nakhchivan Autonomous Republic[21].

Regarding foreign NGOs, on March 16, 2011, the Cabinet of Ministers adopted a Decree on the "conduct of negotiation and preparation and conclusion of an agreement related to governmental registration of branches and representations of foreign NGOs in the Republic of Azerbaijan", which sets out the procedure of negotiation between the Azeri Government and foreign NGOs for registration in Azerbaijan in application of the June 2009 amendments to the Law on NGOs. As of its entry into force, foreign NGOs have to re-register before the Ministry of Justice, the Ministry of National Security and the Ministry of Foreign Affairs and the Government Committee on Religious Communities (if the NGO deals with religion). They have to demonstrate that they support "the Azerbaijani people's national and spiritual values" and to commit not to be involved in religious and political propaganda. The decree does not specify any time limit for the procedure[22]. In March 2011, the Ministry of Justice ordered branches of some international organisations to cease their activities, arguing that these organisations had not agreed with the Azerbaijani authorities on their activities in accordance with the June 2009 amendments. In that context, the Human Rights House Azerbaijan, partner of the international Human Rights House Network (HRHN), was closed down following an order of the Ministry of Justice issued on March 10, 2011. The Human Rights House Azerbaijan had neither received any prior warning nor any complaint about the activity reports submitted regularly to the authorities. The organisation was accused of breaching the June 2009 amendments to the Law on NGOs, which require all international groups or their local affiliates in Azerbaijan to sign separate agreements with the Government,

19 / See HRCA.
20 / In August 2010, the Supreme Court of Azerbaijan rejected in cassation the appeal filed by the EMDSC following the refusal of the Ministry of Justice to register the NGO.
21 / Founded on May 5, 2010, the NGO sent its registration documents to the Ministry of Justice on May 20, 2010. See IRFS.
22 / See the Institute of Media Rights.

in order to be allowed to operate. On March 16, the HRNH sent a letter to the Ministry of Justice to demand explanations about the closure but as of April 2011, it remained unanswered. In April 2011, the Government also closed the Baku offices of the US-based National Democratic Institute (NDI), which received on March 7, an official notice from the Ministry of Justice that it could not operate in Azerbaijan without official registration. NDI, active in elections monitoring since the mid-1990s[23], has been denied registration at least three times since 2006. The office has since been closed and sealed, and the staff sent on leave. As of April 2011, negotiations with the Government were ongoing[24].

Another worrisome development were the amendments to the Administrative Code that were adopted by the Parliament on February 11, 2011, which oblige NGOs to submit to a financial audit. This costly measure will further encumber NGOs which, should they fail to pass this evaluation, will be fined from 500 to 2,500 manats (about 432 to 2,000 euros)[25].

Continuing acts of harassment against human rights organisations in Nakhchivan Autonomous Republic

Human rights defenders operating in the Nakhchivan enclave, where the local Government is particularly authoritarian, continued to be subjected to pressure, threats and attacks carried out in total impunity. They were also regularly slandered in the media, which accused them of being "traitors of the State", "selling information to foreign countries" and "damaging the image of the Nakhchivan Autonomous Republic at the international level"[26]. In addition, international human rights organisations were not allowed to visit nor to open offices in the region. The Democracy and NGO Development Resource Centre was particularly targeted. On January 5, 2010, after a physical assault on December 15, 2009 against two of its members, Messrs. Ilgar Nasibov and **Vafadar Eyvazov**, the Democracy and NGO Development Resource Centre was subjected to a tax inspection launched by the Nakhchivan Autonomous Republic Tax Ministry without sufficient grounds. It terminated in April 2010, after nothing illegal had been found. During the inspection, Mr. Eyvazov was taken in a car to a deserted place and beaten by unknown persons demanding him to stop public activism. In April 2010, the authorities also launched a smear media

23 / The NDI sponsored the Azeri Centre for Monitoring Elections and Democracy.

24 / See *Eurasia.net* Article, April 19, 2011.

25 / See HRCA as well as Council of State Support to NGOs under the President of the Republic of Azerbaijan Statement, February 16, 2011.

26 / See Democracy and NGO Development Resource Centre and IRFS.

campaign against the Centre, trying to discredit it and accusing its members of being "traitors" and "spies". Moreover, on December 16, 2010, a group of human rights defenders, including Ms. Malahat Nasibova and Messrs. **Elman Mamedov**, **Hakimeldostu Mehdiyev** and **Rasul Jafarov**, IRFS members, were stopped in the village of Pusyan, in the region of Sharur, as they were leaving after visiting a former parliamentary candidate's family, victims of a police attack on December 14, 2010. The entrances and exits of the village were blocked by three cars. Several men in civilian clothes suddenly appeared in front of the group's car, but the driver was able to keep going without hitting anyone. The car's bonnet was damaged by stone-throwing while passing a barricade. Later they received threatening phone calls from unknown persons. The police did not investigate the incident. Finally, since March 15, 2011, the owner of the offices rented by the Democracy and NGO Development Resource Centre has refused to extend their lease following pressure exercised by the local authorities[27].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Democracy and NGO Development Resource Centre	Harassment	Urgent Appeal AZE 002/1209/OBS 196.1	January 8, 2010
Mr. **Novruzali Mammadov**	Impunity	Urgent Appeal AZE 001/0808/OBS 139.7	February 2, 2010
Human Rights House Azerbaijan	Closure	Urgent Appeal AZE 001/0311/OBS 034	March 15, 2011

27/ See Democracy and NGO Development Resource Centre and IRFS.

BELARUS

In 2010-2011, the working environment of human rights defenders remained very restrictive and the situation deteriorated after the December elections. Several organisations were still denied legal status. Searches and confiscation of property were conducted by the police. Peaceful assemblies were also banned, leading to the arrest and judicial harassment of human rights defenders. Several foreign human rights defenders were also prevented from entering the country.

Political context

Belarusian authorities continued in 2010-2011 to exert undue pressure against civil society and independent media. The situation deteriorated dramatically following the presidential elections on December 19, 2010, which failed to meet key international standards for democratic elections[1]. The election process was characterised by a number of improvements, including the registration of eight opposition candidates who could campaign more freely than during the previous presidential campaign and a decrease in repression, raising hope for increased freedom and space for civil society. The process however deteriorated on the election day and the following days when peaceful demonstrations against the unfair conduct of the election were violently dispersed and hundreds of persons arrested[2]. This was accompanied by a sharp increase of politically motivated repression and human rights violations against members of opposition parties, independent civil society and media. In 2010-2011, the number of political prisoners reached an unprecedented high number during the 16-year reign of President Aliaksandr Lukashenko.

In the aftermath of the events of December 19, some 700 people were arrested and most of them sentenced to up to fifteen days of prison on

1/ See Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE), *Election Observation Mission Final Report - Presidential Elections in the Republic of Belarus*, December 19, 2010.

2/ In the evening of the election day, the police brutally dispersed participants of a mass demonstration in Minsk. By the morning of December 20, several hundred persons were detained, including seven presidential candidates. Many of those detained were beaten, including five presidential candidates. Detention and arrest of rally participants and supporters of opposition candidates continued during the following days. As of April 2011, four presidential candidates and approximately three dozens of their supporters remained in pre-trial detention facilities and under house arrest, charged with "organisation of" or "participation" in violent mass protest. See Viasna Centre for Human Rights (Viasna).

administrative charges for the participation in unauthorised demonstrations, a reminiscent of the old soviet legal system[3]. In addition, criminal cases under Parts 1 and 2 of Article 293 of the Criminal Code ("mass riots"), Part 3 of Article 339 ("hooliganism") and Article 370 ("insulting national symbols") were instituted against approximately three dozens people. As of April 2011, seven had been sentenced to prison and the others were awaiting trial, facing up to fifteen years of imprisonment[4].

Freedom of expression was also denied in many ways. During the post-election events, at least 27 journalists from both Belarusian and foreign agencies were arrested[5]. Twenty-one journalists were reportedly beaten and the equipment of many journalists was severely damaged[6]. In the evening of December 19, the Government also severely restricted the right of citizens to receive and disseminate information by blocking the major opposition websites as well as the use of Google. In the following days, hundreds of people whose mobile phones were switched on during the demonstration, were summoned by the police for interrogation.

Relations with international organisations and the European Union had initially improved prior to the elections, but deteriorated following the post election clamp down[7]. On December 31, 2010, the authorities decided not to extend the mandate of the Organisation for Security and Co-operation in Europe (OSCE) office in Minsk[8]. In January 2011, the OSCE Representative on Freedom of the Media, Ms. Dunya Mijatovic, was refused a visa to visit the country. On January 20, 2011, the European Parliament adopted a strong-worded resolution condemning "the repression of the peaceful demonstrations by the authorities" and calling on the EU to impose "targeted economic sanctions" as well as a "visa ban" against Belarusian officials, members of the judiciary and security officers

3/ In most cases, hearings were closed to the public and lasted a quarter of an hour. The majority of those who were convicted on administrative charges were denied the possibility to appeal.
4/ See Viasna Press Release, March 3, 2011.
5/ Thirteen journalists were arrested on administrative charges for ten to fifteen days. Seven journalists, who are also members of the Belarusian Association of Journalists (BAJ), were accused on criminal charges. See BAJ.
6/ See BAJ.
7/ Reaffirming its policy of engagement towards Belarus, including in the framework of the Eastern Partnership, the EU had planned to offer Belarus a joint interim plan in order to compensate the lack of the Partnership and Cooperation Agreement and the Joint Action Plan that is not signed with Belarus since it is not a full participant of the European Neighbourhood Policy. The Council of Europe also considered re-establishing Belarus' special guest status. See European Council, *Conclusions on Belarus*, 3041st Foreign Affairs Council Meeting in Luxembourg, October 25, 2010.
8/ See Ministry of Foreign Affairs of Belarus Statement, December 31, 2010.

involved in the post-election crackdown[9]. Similarly, the United States State Department imposed on January 31, 2011, new sanctions in response to what it called a "brutal crackdown", significantly expanding the number of officials and their families banned from travelling to the US. It also revoked licences that had temporarily authorised Americans to engage in transactions with two subsidiaries of the largest State-owned petroleum and chemical conglomerate in Belarus.

Ongoing denial of the right to freedom of association

Throughout 2010-2011, independent human rights organisations continued to be confronted with systematic refusals of registration, exposing organisations to criminal sanctions if they chose to continue their activities. For instance, the branch of the Viasna Centre for Human Rights (Viasna) in Brest, "Bretskaya Viasna", was denied registration twelve times. Viasna continued to work openly without official registration risking prosecution under Article 193.1 of the Criminal Code[10]. On February 14, 2011, Mr. **Ales Bialiatski**, President of Viasna and FIDH Vice-President, was summoned by phone to the office of the Public Prosecutor, where he received a written notification stating that the activities of Viasna were illegal since the organisation was not registered with the Ministry of Justice. It further stipulated that criminal proceedings could follow. On March 30, Mr. Bialiatski appealed the warning before the Minsk Tsentralny District Court. The appeal was still pending at the end of April 2011. Moreover, the Belarus Helsinki Committee (BHC), one of the few formally registered human rights organisations, was threatened with being closed down. On January 19, 2011 the NGO received a written warning from the Ministry of Justice for violating the Law on Civic Organisations and Mass Media and for spreading dubious information discrediting the law enforcement and justice agencies of Belarus. At issue was a letter that the BHC sent on January 11, 2011 to the UN Special Rapporteur on the Independence of Judges and Lawyers, detailing the intimidation faced by lawyers representing opposition leaders arrested on December 19, 2010. According to Article 29 of the Law on NGOs, the decision to dissolve an organisation requires two warnings issued by the Ministry of Justice for the same offence during the year.

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9 / See European Parliament Resolution P7_TA(2011)0022, January 20, 2011. The Parliament added that lifting of these measures should be conditional upon the release of the members of the opposition, and suggested that further targeted economic sanctions against the Belarusian Government should be considered, such as a freeze of all financial aid provided by the International Monetary Fund, the European Investment Bank and the European Bank for Reconstruction and Development.

10 / Article 193.1 of the Criminal Code criminalises activities "as part of an unregistered organisation", punishable by a fine or a prison sentence from six months to two years.

Obstacles to the holding of peaceful assemblies

In 2010, freedom of peaceful assembly continued to be violated, as human rights defenders and organisations were repeatedly prohibited to gather. Most peaceful demonstrations that took place were violently repressed by law enforcement officials, and demonstrators were subjected to arrests and judicial harassment. For instance, on March 23, 2010, Mr. Ales Bialiatski was arrested along with three other Viasna members, Mr. **Valiantsin Stefanovich**, Ms. **Iryna Toustsik** and Mr. **Siarzhuk Sys**, while protesting in Minsk against the recent execution of Messrs. Andrei Zhuk and Vasil Yuzepchuk. The UN Human Rights Committee had previously issued interim measures requesting the authorities not to carry out the execution of Mr. Yuzepchuk while the case was pending before the Committee. Messrs. Bialiatski, Stefanovich, Sys and Ms. Toustsik were taken to the Leninski Police Department of Minsk and charged with "violation of public event procedures" under Article 23.34 of the Administrative Code. While Mr. Sys was released in the evening, Mr. Bialiatski, Mr. Stefanovich and Ms. Toustsik were detained at the Leninski Police Department of Minsk until the following morning. The next day, the Leninski District Court in Minsk sentenced the three defenders to a fine and released them. On August 28, 2010, Mr. **Raman Kislyak**, a member of the opposition movement "For Freedom", was arrested by the local police while distributing leaflets commemorating the International Day of the Disappeared. The brochures called upon the local citizens to support Belarus' ratification of the International Convention Against Enforced Disappearances[11]. The police tried to forcefully take his fingerprints at the Leninski district police department of Brest. As a result, the law-enforcement officers injured his right hand. He was then released without charge. On April 1, 2011, Mr. Kislyak filed two complaints with the Prosecutor General and the Prosecutor of the Leninski district of Brest related to the abuse suffered in custody[12].

Searches by the police of human rights defenders and confiscation of their property

In 2010, some human rights organisations suffered a series of searches by the police as a result of their human rights activities. For instance, on April 30, 2010, the offices of Viasna in Navapolatsk, headed by Mr. **Zmitser Salaueu**, were subjected to a search and Mr. Salaueu's computer was confiscated under the pretext that neo-Nazi slogans had appeared on the walls of houses in the town. These actions came as Mr. Salaueu had made several

11 / This issue remains very sensitive for Belarus since the disappearance of four of Mr. Lukashenko's political opponents in the years 1999 - 2000, which has never been properly investigated.
12 / See Viasna Press Releases, March 30 and April 1, 2011.

unsuccessful appeals to the police concerning these slogans including on the wall of his office. In the end, Mr. Salaueu was not charged and the police later pressed charges against local skinheads, accused of vandalism[13].

Human rights defenders were also subjected to searches and confiscation of documents at the border between Lithuania and Belarus. On October 5, 2010, part of the stickers and brochures bearing the mention "Say NO to death penalty" transported across the border between Lithuania and Belarus by members of the campaign "Human rights defenders against death penalty", Ms. Iryna Toustsik and Ms. **Palina Stepanenka**, also a member of Viasna, was confiscated at the border post Kamennyi Log. The two defenders were not charged but the materials were never returned. In November 2010, there was another seizure of documentation intended for short-term observers of the elections that were transported across the Lithuanian border by Mr. Zmitser Salaueu and another member of Viasna, Mr. **Uladzimir Labkovich**. More than one hundred copies of the manual were sent for expertise on suspicion of "damaging the interests of the State and the existing constitutional system". The two human rights defenders were not charged but the customs did not return the documentation[14].

Repression of defenders following the December elections

Following the presidential elections of December 19, 2010, dozens of human rights defenders, including those not directly involved in election monitoring, were submitted to pressure from the authorities, including searches and interrogations by KGB officers in relation to criminal investigations on "participation in mass unrest and organisation of mass unrest" and "disorderly conduct" opened in the aftermath of the demonstration on the electoral results. For example, on December 19, 2010, Mr. **Aleh Hulak**, Chairman of BHC and Coordinator of the election monitoring campaign "Human rights defenders for free election", was arrested by riot police as he left a peaceful rally held in Minsk. He was subjected to inhuman conditions of detention, having to spend a full day in a truck for convicts without having access to food and toilets. The following day, he was brought to court on charges of violation of Article 23.34 of the Administrative Code, before being released in the evening. As of April 2011, the charges were still pending. On December 20, 2010, during the night, about a dozen policemen in plain clothes raided the office of Viasna. Twelve computers, five laptops and documentation were seized by the police and never returned. Its members were at that time finishing up the analysis of data collected by 600 independent election observers

13 / See Viasna.

14 / *Idem.*

in the framework of the monitoring project run jointly with the BHC. Messrs. Valiantsin Stefanovich, Uladzimir Labkovich, **Andrey Paluda**, Zmitser Salaueu, Siarzhuk Sys, **Uladzimir Mikalaeu**, **Aleh Zhlutka**, **Kanstantsin Staradubets**, **Vital Charniauski** and Ms. **Nasta Loyka** were arrested and released without charge three hours and a half later. Previously, at around 7 a.m. on the same day, five men in plain clothes had tried to open the lock of Viasna offices. They explained to Messrs. Bialiatski and Stefanovich, who had arrived at the premises that they were looking for Mr. Labkovich who, according to their information, was in the office. Since the five men refused to identify themselves, the defenders did not let them in. On December 21, a search of the home of Mr. **Aleh Volchek**, Head of the Belarusian organisation "Legal Aid to the Population", was conducted by the KGB. Mr. Volchek was then brought to the KGB for interrogation before being released without charges. His computer and personal video archive were confiscated and had not been returned as of April 2011. On December 24, 2010, Mr. **Mikalay Matskevich**, an ecologist and member of the Centre for Legal Transformation, a human rights NGO, and of the International Youth Human Rights Movement, and Ms. **Volha Damarad**, also a member of the International Youth Human Rights Movement, were arrested during a peaceful protest near a temporary detention facility in Minsk, organised to express solidarity with those detained on December 19. They were sentenced to ten days of administrative detention, in the absence of their lawyers. On December 28, 2010 and January 5, 2011, Mr. **Uladzimir Khilmanovich**, a human rights defender and journalist in Hrodna, was questioned by the KGB about his participation in the demonstration of December 19. On December 29, 2010, Ms. **Elena Tankacheva**, Head of the Centre for Legal Transformation, was summoned to the KGB for interrogation. After that, KGB officers came to her house and carried out a search. They seized documents related to her human rights activities and her SIM card. The same day, the offices of Viasna Mladechna section were also raided. All computers, USB-keys and CD-ROMs were confiscated. As of April 2011, the documents and materials seized had not been returned[15].

Harassment against human rights defenders continued in January 2011. Dozens of human rights defenders were interrogated as witnesses, their homes and offices searched and some material or equipment confiscated, in particular, photos, videos, computers and SIM cards, in the framework of the criminal investigations that followed the December 19 elections. For example, on January 4, 2011, unidentified persons claiming to be members

15 / *Idem.*

of the KGB attempted to enter the house of Ms. Nasta Loyka. As her mother refused to let them in they left. However, they returned during the night and threatened to break Ms. Loyka's door. After the search of her house, she was brought to the KGB for interrogation as a witness in a criminal case of mass riot. On February 4, 2011, Ms. Nasta Loyka received a call from an investigator from military counterintelligence. He refused to give his name and said the he would show his work identification when they met. When Ms. Nasta Loyka tried to find out what exactly would be needed from her, he responded that he wanted to invite her for an interview. She refused, demanding an official summons. After numerous calls, Ms. Loyka agreed to meet with the counterintelligence investigator. On February 15, she met the investigator during fifteen minutes, who proposed her to cooperate with the investigation by identifying people she knows in photographs and video materials, which she refused[16]. On January 5, 2011, four KGB officers searched the office of the BHC, based on a warrant which said that the organisation may possess documents in connection with the events of December 19. Two computers were seized. Directly following the raid, the flat of Mr. Aleh Hulak was also searched[17]. As of April 2011, the materials seized had not been returned. On January 6, 2011, a search was carried out by KGB officers in the office of the NGO "Legal Initiative" in Homel. The apartment of Mr. **Leanid Sudalenka**, a member of this organisation, was also searched[18]. On January 17, 2011, during another raid on the headquarters of Viasna, KGB officers confiscated Mr. Ales Bialiatski's computer, some old papers and several CD-ROMs. As of April 2011, the materials and documents seized had not been returned. On January 27, 2011, Mr. Valiantsin Stefanovich was invited by telephone for a "talk" to KGB Minsk office. He refused since he had not received any official summons[19].

In addition, the regime attempted to tarnish the image of human rights defenders by assimilating them to the opposition or by accusing them of working for "Western donors". On January 14, 2011, the information website *Sovetskaya Belorussiya* (Soviet Belarus) published an article entitled "Behind the Curtains of One Conspiracy", in which it accused the opposition to the regime of being controlled and financed by foreign powers to cause harm to the country. The same article contained alleged quotes from a Skype chat between Mr. Ales Bialiatski and a donor as well as an alleged

16 / *Idem.*

17 / *Idem.*

18 / See Committee on International Control, *Analytical Review No 1-1, December 2010 - January 2011,* January 12, 2011.

19 / See Viasna.

copy of a contract with another donor. Below, the author of the article insinuated that the funds mentioned as being allocated for human rights activities, were misused for other purposes. In April 2011, a media campaign was launched against Mr. Bialiatski and several of his colleagues. Belarusian national television showed programmes during prime time hours about the illegality, harmfulness, and moral corruption of his human rights activities. Specifically, it was mentioned that people like him "dance on the bones of the Motherland," and that he is "problem number one" for Belarus.

Obstacles to foreign human rights defenders' freedom of movement in the context of the post-election crackdown

Several foreign human rights defenders were deported or denied access to the country in the context of the post-election crackdown. The situation was sharply aggravated after the beginning of court proceedings launched against key political opposition leaders in relation to the December 19 events. On April 20, 2011 around 4 a.m., Ms. **Marina Tsapok**, an Ukrainian citizen member of the International Observation Mission in Minsk and Coordinator of the Kyiv Informational Center of the Committee on International Control over the Human Rights Situation in Belarus, was stopped at the "Teryukha" frontier post of the Ukrainian-Belarus border and taken off the train, as she was on her way to Minsk. The border police officer explained to her that she was denied entry to Belarus, but he did not specify the reasons of that denial, and no written document was handed to Ms. Tsapok. She was expelled back to Kiev with the 7 a.m. morning train. The same had happened in March 2011 to Mr. **Maxim Kitsyuk**, a Ukrainian citizen, representative of the International Observation Mission, and Mr. **Andrey Yurov**, a Russian citizen, Head of the Committee on International Control over the Situation with Human Rights in Belarus.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Ales Bialiatski, Valiantsin Stefanovich, Siarzhuk Sys** and Ms. **Iryna Toustsik**	Arbitrary arrest / Judicial harassment	Press Release	March 23, 2010
	Release / Sentencing	Press Release	March 24, 2010
Messrs. Valiantsin Stefanovich, **Vladimir Labkovich, Andrey Paluda, Zmitser Salaueu**, Siarzhuk Sys, **Uladzimir Mikalaeu, Aleg Zhlutka, Kanstantsin Staradubets, Vital Charniauski, Aleh Hulak** and Ms. **Nasta Loyka**	Administrative charges	Press Release	December 20, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Ales Bialiatski / Viasna	Arbitrary arrest / Search	Press Release	January 17, 2011
	Search and seizure / Judicial harassment	Urgent Appeal BLR 001/0111/OBS 004	January 18, 2011
	Obstacles to freedom of association	Urgent Appeal BLR 003/0211/OBS 021	February 16, 2011
Belarus Helsinki Committee (BHC)	Obstacles to freedom of association	Urgent Appeal BLR 002/0111/OBS 008	January 26, 2011
Messrs. **Andrey Yurov** and **Maxim Kitsyuk**	Expulsion / Obstacles to freedom of movement	Urgent Appeal BLR 004/0311/OBS 038	March 18, 2011
Ms. **Marina Tsapok**	Obstacles to freedom of movement	Urgent Appeal BLR 005/0411/OBS 067	April 20, 2011

GEORGIA

2010 and the beginning of 2011 saw no improvement in the situation of human rights defenders in Georgia. NGOs continued to face growing hindrances to their activities. Threats, attacks and defamation campaigns targeted human rights defenders working on issues related to the consequences of the August 2008 war with the Russian Federation, who exposed corruption or who defended minorities' rights. In addition, obstacles to freedom of peaceful assembly through arrests, detentions and sentencing remained commonplace.

Political context

The situation of human rights did not improve in 2010-2011 in Georgia. In particular, the citizens' right to peaceful assembly was largely violated, as the police dispersed various peaceful protests organised by human rights activists and members of the opposition, often leading to arrests and convictions for "hooliganism". The opposition was regularly persecuted. For instance, members of a new opposition group, the Georgian Party, created in November 2010, were harassed even before the party could hold its founding congress[1].

More broadly, in 2010 the war with the Russian Federation in August 2008 continued to have an impact on the enjoyment of some fundamental freedoms in the country. Indeed, the alleged war crimes on both sides were not investigated, and the right of the public to receive information on this issue remained limited. The media in Georgia remained extremely biased. If the written press is more diverse, the majority of the TV stations still represent the interests of the Government.

The year was also marked by the adoption of several alarming amendments undermining privacy rights of the citizens, limiting their right to receive information and expanding police powers. For example, the police now have the right, on the basis of the amendment to the Law on Police adopted in September 2010, to monitor any person in the street under "reasonable suspicion", which can lead to a full search without permission from a judge or a prosecutor and without a search protocol in emergency situations. The term "reasonable suspicion" is not specified nor the time

1/ See *Radio Free Europe/Radio Liberty* (RFE/RL).

limit for the examination, and the person undergoing the monitoring does not receive a specific legal status and procedural rights[2]. Human rights defenders could be affected by this provision. The new addendum to the General Administrative Code adopted in July 2010, limits the "third-party" access to information about cases involving the Georgian Government in supranational courts[3]. In general, the pressure by prison officials on European Court of Human Rights (ECHR) applicants increased in order to coerce a person to withdraw a case and to prevent others from applying. In addition, some prisoners who were released according to decisions of the ECHR were jailed again for different charges[4]. As of April 2011, there were reportedly up to sixty political prisoners in the country[5]. Another problem that tarnished Georgia's human rights record was torture, ill-treatments and assassinations while in detention. According to human rights groups, 142 prisoners died while in custody in 2010[6].

Legal hindrances to NGOs activities

The year 2010 was marked by two worrying developments concerning the work environment of NGOs. Indeed, since the Law on "Engagement through Cooperation" came into force on October 15, 2010, in the framework of the official strategy of the Government in relation to the separatist territories, international and local NGOs need an agreement of the State to implement projects related to Abkhazia and South Ossetia. This measure might put in danger urgent humanitarian actions and other legal or monitoring activities carried out by NGOs[7]. Moreover, the new Tax Code, which entered into force on January 1, 2011, increased the taxation of the grant-funded activities from 12 to 20 %[8]. Most NGOs planned their budget and activities several years ago, in accordance with the lower tax rate. The amendments will reduce the ability of NGOs to implement certain projects and to attract qualified professionals. Several human rights NGOs, among them the Georgian Young Lawyers Association (GYLA), "Article 42 of the Constitution" and the Human Rights Centre (HRIDC), appealed on July 14, 2010 to the Parliament and the Government but they had received no answer as of April 2011[9].

2 / See Human Rights Centre (HRIDC) Annual Human Rights Report 2010 *Restricted Rights*, March 14, 2011 as well as Georgian Human Rights NGOs Urgent Appeal, September 27, 2010.

3 / See Georgian Young Lawyers Association (GYLA).

4 / See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

5 / *Idem.*

6 / See HRIDC.

7 / See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

8 / 20% is a tax rate applied to profit-oriented activities. NGOs activities are not profit oriented. See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

9 / See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

Defamation and threats against human rights defenders

In 2010, human rights defenders were victim of smear campaigns, threats and attacks for exposing corruption in the regions, monitoring the consequences of the war of August 2008, or defending minorities' rights. Some were even accused of being Russian spies and received death threats. For instance, on January 22, 2010, as Mr. **Saba Tsitsikashvili**, a regional correspondent for HRIDC in Shida Kartli region and Editor of the regional newspaper *Kartlis Khma* (Voice of Kartli), was visiting the regional administration office to obtain public documents concerning administrative and organisational expenses spent by the regional administration in 2009, a security guard blocked his way at the entrance. Security guards then assaulted him physically and verbally, forcibly kicking him out of the building. The journalist had officially requested such public documents several days before, in conformity with Georgian legislation[10]. He lodged a complaint before the police, which one remained pending as of April 2011[11]. On February 10, 2010, Mr. **Vakhtang Komakhidze**, a well-known investigative journalist in Georgia[12] and a member of the South Caucasus Network of Human Rights Defenders, received death threats from the authorities against himself and his family due to his professional activities following his visit to South Ossetia. In December 2009, together with two other representatives of the civil society, he had travelled to the disputed region to gather materials for his documentary film concerning the Russia-Georgia war of August 2008. He met with South Ossetian NGOs, families affected by the war and Mr. Kokoity, *de facto* leader of South Ossetia. After the visit, Mr. Komakhidze highlighted that the documentary would disclose many issues yet unknown to the wide public. Because of the persistence of death threats against him, Mr. Komakhidze decided to leave Georgia and to apply for political asylum in Switzerland. On February 22, 2010, an article was published in the newspaper *Versia* which reported that "the Counter-Intelligence Department started to expose spies working in Georgia, [and that] law enforcement officers will pay particular attention to the spies comfortably sitting in so-called NGOs". The article then referred to Mr. **Arnold Stepanian**, founder of the Public Movement "Multinational Georgia",

10 / On December 15, 2009, the Shida Kartli Regional Governor had presented an annual report on the work carried out by the regional administration to foreign ambassadors and NGOs. Ten minutes before the start of the presentation, Mr. Tsitsikashvili had distributed copies of an article he had written, in which he reported bonuses and other financial allowances received by the Regional Governor. The assault of January 22 might be related to that event.

11 / See HRIDC.

12 / Mr. Komakhidze runs an investigative reporting production studio, Studio Reporter, which has produced a number of documentaries exposing serious human rights violations committed or condoned by the Government of Georgia, falsified elections, corruption, political prisoners, etc.

who works on minorities' rights, claiming that the latter had sent so-called coded messages to security services of the Russian Federation in the past. *Real TV* television channel later used the arguments of the newspaper article in one of its TV reports about Mr. Stepanian. He lodged a complaint at the police, which one remained pending as of April 2011[13].

Obstacles to freedom of peaceful assembly

The beginning of 2011 was characterised by violations of freedom of assembly. Human rights defenders were regularly arrested on administrative charges and sentenced to heavy fines. On January 4, March 25, April 4 and May 7, 2011, peaceful protests held in the capital in favour of the respect of prisoners' rights, ended up with arrests of human rights defenders and members of the opposition. For most of them, the court discussed possible administrative charges during the night, and the judges refused to view video recordings of the events and issued their decisions only on the basis of testimonies of policemen. For instance, on March 25, 2011, the Patrol Police Department of the Ministry of Internal Affairs dispersed a peaceful protest rally calling for the respect of prisoners' rights[14] organised by the National Public Movement of Resistance (NPMR) and the Media Union "Obiektivi" within the framework of the NPMR Campaign to Promote Prisoners' Rights, in front of the Ministry of Corrections, Probation and Legal Assistance in Tbilisi. The police subsequently arrested Messrs. **Merab Chikashvili**, leader of the human rights organisation "Ratom" (Why), **Giorgi Kharabadze**, member of Ratom, **Otar Bekauri**, member of the youth human rights organisation "Ara" (No), **Vladimir Sadgobelashvili**, leader of the NGO movement "Motherland, Language, Faith", as well as Messrs. **Giorgi Burjanadze**, **Besik Tabatadze** and **Akaki Chikovani**, members of the political organisation People's Assembly. All were accused of "blocking the Kazbegi avenue", and "committing a disobedience to legal orders or instructions of law enforcement" as stipulated in Article 173 of the Code of Administrative Offences. On March 25 and 26, the Chamber of Tbilisi City Court sentenced Messrs. Chikashvili and Kharabadze to twenty days' imprisonment at the Tbilisi detention centre, Messrs. Burjanadze, Tabatadze, Sadgobelashvili, and Bekauri to a fine of 400 laris (about 165 euros), and Mr. Chikovani to ten days in jail for violating Article 173. They all appealed their sentencing, which was still pending as of April 2011. The organisation of the rally complied with legal requirements, as a prior notification of the holding of the rally had been delivered to the City Hall in adherence with the requirements of the

13 / See Public Movement "Multinational Georgia" and HRIDC.

14 / Cases of arbitrary detention of prisoners, political prisoners, bad sanitary conditions, overcrowding of prisons, cases of ill-treatment and torture sometimes leading to the death of prisoners.

Law on Assembly and Demonstrations, and since the blocking for a short period of time of the Kazbegi avenue – due to the amount of participants – was a natural and predictable fact. Furthermore, officers of the patrol police were actually not entitled to urge participants to stop the rally, even in the event of a breach of the law, since it is actually a prerogative of the local municipality, pursuant to Paragraph 4 of Article 111 of the Law on Assembly and Demonstrations. On May 7, 2011, the police dispersed a peaceful marching protest organised near the house of a local police official who was accused of corruption, in Rustavi. The exact aim of the protest was to reveal concrete cases of corruption and in particular the involvement of the local police chief in corruption cases. On the pretext that an unknown person punched a policeman, the police arrested about a dozen demonstrators, including Messrs. **Levan Chitadze**, **Davit Dalakishvili**, **Mirian Janiashvili**, **Giorgi Paresashvili** and **Nika Lapiashvili**, members of Ara, and **Gocha Tedoradze**, **Vasil Balakhadze**, **Shalva Makharashvili**, **Gia Nozadze**, **Gela Nakashidze**, **Kakha Salukvadze** and **Nika Samkharadze**, all members of People's Assembly. They were immediately charged with "minor hooliganism" and "disobedience to law enforcement agents", and sentenced to between seven and thirty days of administrative detention or fined 400 laris (about 165 euros)[15]. They all appealed their sentencing, but the case was still pending as of April 2011.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Vakhtang Komakhidze	Threats / Judicial harassment	Joint Press Release	February 22, 2010
Ms. **Ketino Goginashvili** and Messrs. **Merab Chikashvili, Giorgi Kharabadze, Otar Bekauri, Giorgi Burjanadze, Besik Tabatadze, Vladimir Sadgobelashvili, Akaki Chikovani, Ada Marshania, Shota Glurjidze, Ketevan Goginashvili, Tengiz Ghlonti, Genadi Kekelia, Irakli Tsikolia** and **Gocha Chkhaidze**	Obstacles to freedom of assembly / Arbitrary arrest and detention / Judicial harassment	Urgent Appeal GEO 001/0411/OBS 059	April 7, 2011

15 / Messrs. Levan Chitadze, Gocha Tedoradze and Vasil Balakhadze were sentenced to thirty days' imprisonment; Messrs. Davit Dalakishvili and Shalva Makharashvili, to fifteen days in prison; and Messrs. Gia Nozadze, Gela Nakashidze and Kakha Salukvadze, to seven days' imprisonment. Messrs. Nika Samkharadze, Mirian Janiashvili, Giorgi Paresashvili and Nika Lapiashvili were fined 400 laris. See HRIDC.

KAZAKHSTAN

In 2010-2011, the situation of human rights and their defenders did not improve despite Kazakhstan's chairmanship of the Organisation for Security and Cooperation in Europe (OSCE). In particular, the legal environment for human rights defenders remained restrictive. Legal provisions likely to hamper the right to freedom of expression were indeed introduced in 2010 and the Law regulating freedom of peaceful assembly still allowed authorities to arbitrarily prevent demonstrations. Furthermore, two prominent human rights defenders were still serving prison terms after having been denied parole applications, though both complied with conditions required in similar cases.

Political context

In 2010-2011, President Nursultan Nazarbayev's Nur Otan party maintained almost complete control over the political sphere. In January 2010, during the first month of the chairmanship of the Organisation for Security and Co-operation in Europe (OSCE) by the Republic of Kazakhstan, the Parliament asked the President, who has been in office for more than twenty years, to call a referendum that would extend his term of office to 2020, skipping the 2012 and 2017 elections required by the Constitution. When Kazakh civil society, foreign countries[1] and the OSCE[2] scorned the plan, Mr. Nazarbayev decided to call instead for an early presidential poll to be held, nearly two years ahead of schedule. During the elections that took place on April 3, 2011, the acting President received 95,55% of favourable votes. The elections fell short of the OSCE's standards for democratic elections, as there was no genuine opposition candidate against Mr. Nazarbayev. Many citizens were allegedly compelled to vote to counter an initiative launched by the opposition and civil society organisations calling for the boycott of the elections[3].

1/ See United States Mission to the OSCE Ambassador Statement on Plans for a Referendum in Place of Presidential Elections in Kazakhstan, January 20, 2011, and EU High Representative Catherine Ashton Statement A039/11, February 1, 2011.

2/ See OSCE Press Release, January 14, 2011.

3/ See OSCE / ODIHR International Election Observation Mission Report, *Statement of Preliminary Findings and Conclusions on Early Presidential Election in the Republic of Kazakhstan*, April 3, 2011 and Kazakhstan International Bureau for Human Rights and the Rule of Law (IBHRRL) Report, *Report on 2011 Early Presidential Elections in Kazakhstan*, April 5, 2011.

The chairmanship of the OSCE unfortunately benefited neither the human rights situation nor human rights defenders in the country, contrary to the promises made by Foreign Minister Tazhin in November 2007 at the Madrid meeting of the OSCE. The Kazakh authorities not only failed to deliver the promised press freedom reform in line with international standards, but they also introduced a series of legal reforms that further restricted freedoms of Internet and the media, and that shielded Government officials from public scrutiny. Indeed, though the Constitution and the law provide for freedoms of speech and the press, the Government used a variety of means, including laws, harassment, licensing regulations, Internet restrictions[4], and criminal and administrative charges to control the media and limit freedom of expression. Pro-government articles continued to dominate the media, as a majority of media outlets are either owned by the Government, the President's family or loyal associates, or receive subsidies from the Government. Judicial actions against journalists and media outlets reporting on sensitive issues, including libel and defamation suits filed by Government officials or individuals put up by them subjected media staff and outlets to bankrupting fines and prison terms and contributed to the suspension of media outlets and self-censorship on sensitive issues[5]. The Government also limited individual's ability to criticise the country's leadership with the adoption of a privacy law in December 2009, which expanded privacy rights for Government officials[6].

In addition, in May 2010, the Kazakh Parliament adopted amendments to the constitutional laws "On the leader of the Nation" introducing a new Article 317.1 to the Criminal Code protecting the President and his family from insult, defamation, changing facts of biography, profanation of their portraits and providing them with immunity against all offences during Mr. Nazarbayev's presidency and after as a "leader of the Nation". Furthermore, the amendments also provided for Mr. Nazarbayev the right

4 / Since March 2010, the Service to React to Computer Incidents created in December 2009 to implement the law on Internet and control the content of the Internet media, has shut down a great number of websites and blogs. See IBHRRL.

5 / In 2010, seven local journalists were prosecuted for libel. A total of 54 civil lawsuits, including 24 from State officials and 21 from private citizens, were brought against media outlets and claimed moral damages amounting to 7,5 million tenge (about 35,887 euros). During the year, five journalists were also serving prison sentences. See IBHRRL and International Foundation for Protection of Freedom of Speech "Adil Soz".

6 / The new law, vaguely worded, bans publication of information about an "individual's life" while imposing penalties such as the closure of the media or organisation that published the information and the imprisonment of offenders to up to five years. During the first half of 2010, 44 defamation claims were filed, half of them by Government officials. See International Foundation for Protection of Freedom of Speech "Adil Soz".

to decide as last resort on issues of exterior and internal policies even after he has left his function[7]. The new legislation risks to be used against any voice dissenting with the President or his policies and also foresees that during the life of Mr. Nazarbayev the change of power is legally impossible, thus excluding any sort of pluralism in political life.

In 2010-2011, reports of torture or other ill-treatment remained widespread and impunity for such human rights violations persisted, despite the Government's promises to adopt legislative and institutional reforms for the prevention of torture in the National Human Rights Action Plan, approved in the President's Resolution No. 32-36.125 on May 5, 2009. In 2010, only four persons were sentenced for using torture. The remaining cases of torture are still unsolved and unpunished[8].

Judicial and administrative harassment against imprisoned human rights defenders

In 2010-2011, two prominent human rights defenders were still serving prison terms after being denied parole applications, though both complied with conditions required in similar cases. As of April 2011, Mr. **Evgeniy Zhovtis**, Director of the Kazakhstan International Bureau for Human Rights and the Rule of Law (IBHRRL)[9], was still serving his four-year imprisonment term in a colony, following a trial marred by numerous violations of the right to a fair trial[10]. In October 2009, Mr. Zhovtis was found guilty of causing death in a traffic accident despite extenuating circumstances and public statements by the victim's family that the charges should not be pursued. On April 26, 2010, the Supreme Court of Kazakhstan refused to review the verdict. Mr. Zhovtis decided not to appeal to the Supreme Court for the review of the sentence. After having served one-third of his four-year sentence, Mr. Zhovtis requested early release. On January 18, 2011, the parole application was denied by the Commission of the Correctional Institution OV 156/13, on the grounds that he "had not mended his ways and needed to continue serving his term", though Mr. Zhovtis complied with conditions applied in similar cases - he provided legal support to other prisoners, participated in cultural events, and paid

7 / This law is in line with the Law on the First President adopted in 2001 that allows Mr. Nazarbayev to deliver speeches on the national radio and television even when he is out of the office.

8 / See The Coalition of NGOs Against Torture, *Report 2010*, April 7, 2011.

9 / Mr. Zhovtis is also a member of several expert committees before Kazakh authorities and a member of the Council of Experts of OSCE.

10 / In 2010, Mr. Zhovtis' case was also submitted to the UN Human Rights Committee.

compensation to the victim's family[11]. Similarly, as of April 2011, investigative journalist and labour rights defender, Mr. **Ramazan Esergepov**, also Chief Editor and Founder of the *Alma-Ata Info* newspaper, continued to serve a three-year imprisonment term in retaliation for his activities related to awareness raising on public corruption in Kazakhstan[12]. As of April 2011, he remained detained in Taraz City Standard Regime Penal Colony No. 158/2, over 500 kilometres away from the Almaty area where his family is located. Mr. Esergepov petitioned several times for early release and for transfer to a less strict penal colony. All requests were denied by the Kazakh authorities, including the last one on September 24, 2010, which was denied without explanation by the Administrative Commission of Standard Regime Penal Colony No. 158/2. During his detention, Mr. Esergepov has lacked appropriate medical attention for a cardio-vascular problem. He was also refused family visits on numerous occasions.

Ongoing obstacles to freedom of peaceful assembly

While the 1995 Law on the Organisation and Holding of Peaceful Meetings, Gatherings and Demonstrations continued to allow local authorities to ban assemblies "in light of local conditions" or relegate them to peripheral locations, several human rights defenders were sanctioned in 2010 for staging, participating or monitoring public protest actions. For example, on January 27, 2010, Ms. **Roslana Taukina**, Head of the human rights NGO "Journalists in Trouble", was charged under Part 3 of Article 373 of the Administrative Code, for repeated "violation of legislation on organisation and conduct of peaceful assemblies, rallies, processions, pickets and demonstrations" and ordered to pay 70,650 tenge (about 350 euros) by the Special Inter-District Administrative Court of Almaty for participating in a flash mob in Almaty on January 6, 2010 organised in support of journalists imprisoned in retaliation for exercising their profes-

11/ In order to be released ahead of schedule, Mr. Zhovtis needs to receive the support of the colony administration. The colony parole board mentioned two penalties that had been received in correctional colony OV 156/13. Mr. Zhovtis received the first one in November 2009 when he refused to sign a work contract, and the second one in July 2010 for watching television outside prescribed hours. Mr. Zhovtis filed an appeal against these penalties. Both penalties were annulled by decision of the court by the time of the parole application submission. The colony parole board also mentioned the refusal of Mr. Zhovtis to participate to a Law and Order division in the colony. In law, participation to this division is voluntary.

12/ In particular, he wrote an article in November 2008 in *Alma-Ata Info,* asserting that a regional official of the National Committee of Security (KNB), intelligence services, had sought to influence a local prosecutor and judge in a criminal tax evasion case, involving a local distillery. Following a trial marred with violations of the right to a fair trial, Mr. Esergepov was sentenced in August 2009 to three years of prison in a standard regime penal colony and an additional two-year suspension from journalism.

sional activities[13]. In 2010, Ms. Taukina also learned that on July 15, 2009, she was tried in absentia for participating in a demonstration to protest against the limitation of the freedom of the press that took place in Almaty on June 24, 2009. On February 19, 2010, the City Court of Alma-Aty rejected her appeal[14].

Urgent Intervention issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. **Evgeniy Zhovtis**	Continued arbitrary detention	Press Release	July 6, 2010

13 / See IBHRRL Report, *Freedom of Peaceful Assembly in Kazakhstan: Authorisation Denied*, December 2010.

14 / See Adil Soz Press Release, January 27, 2010.

KYRGYZSTAN

In 2010-2011, human right defenders continued to operate in difficult conditions, especially due to the political instability in the country after the change of power in April 2010. Their situation dramatically deteriorated following the ethnic violence and serious human rights violations that occurred in the south of the country in June 2010. Some defenders were persecuted on fabricated charges. At the end of June 2010, the pressure exerted on members of NGOs, independent journalists and lawyers representing ethnic Uzbek that the authorities accused of crimes in the context of the ethnic clashes, became systematic. Those responsible for such threats, whether private or governmental, did not suffer any consequences and remained unpunished.

Political context

On April 7, 2010, a protest movement held in Bishkek to demand the release of fourteen opposition leaders arrested on April 6 was violently repressed by the police and the special forces, leaving 87 people killed and 600 wounded, and forcing President Kurmanbek Bakiev to abandon his office on April 15. In June 2010, ethnic Uzbek and Kyrgyz violently clashed in the southern regions of Osh and Jalal-Abad, leaving approximately 438 people killed according to Government sources[1], and thousands wounded[2]. As a result, hundreds of thousands of civilians flew their homes requiring protection, humanitarian aid, food, medicine and shelter[3]. The authorities failed to provide protective measures needed by the population and organised mop-up operations from June 21 to 23 marked by violence, primarily against the Uzbek population. According to the authorities, more than 5,000 criminal cases were brought in relation to the June events, mainly targeting ethnic Uzbek. In about 3,500 cases, the investigation was suspended and suspects not found[4]. The cases in which investigations and trials went forward were marred with allegations of police abuse and violations of the right to a fair trial.

In the context of economic instability and the June ethnic clashes, the Interim Government headed by Ms. Roza Otunbayeva failed to ensure

1/ Among the identified bodies, 108 were Kyrgyz and 268 Uzbek. See General Prosecutor office Report, June 7, 2011.
2/ See General Prosecutor office Report, January 25, 2011.
3/ According to UNHCR, 275,000 people were displaced.
4/ See General Prosecutor office Report, January 25, 2011.

the respect of human rights. In the prevailing instability, especially in the south of the country, human rights violations were still taking place with impunity even months after the end of the violence. The investigation into the April events was unfortunately put off the political agenda. In parallel, the change of Government was marked by attacks against supporters of the former President. Members of Parliament elected in 2007, particularly members of the "Ak Jol" presidential party, were among the first to be subjected to threats and violation of the right to peaceful assembly. Journalists from Uzbek ethnicity were also harassed by the police and the authorities, who accused them of working to destabilise the country[5]. As for the investigations into the June violence, the National Investigation Commission, and the investigation commissions of the Kyrgyz Ombudsman (both in their reports of January 2011) as well as of Parliament (in its report of June 2011) gave all an ethnically biased analysis, putting the responsibility of the violence on the Uzbek minority, while the Independent International Commission of Inquiry into the events in the southern part of the Kyrgyz Republic (*Kyrgyzstan Inquiry Commission* - KIC), which was mandated by the President of the Kyrgyz Republic to explore the facts and circumstances, causes and aftermath of the tragic events of June in the south of Kyrgyzstan and headed by the Special Representative for Central Asia of the OSCE Parliamentary Assembly, Mr. Kimmo Kiljunen, concluded that the Kyrgyz Government was responsible for failing to protect Kyrgyz citizens and that crimes against humanity were committed in impunity. On May 26, 2011, about one month after KIC's report became public, the Kyrgyz Parliament officially declared the Head of the Commission *persona non grata*, prohibiting his entry into Kyrgyzstan.

Earlier in the year, in March 2010, the authorities censored the media to forestall the mobilisation of the opposition at the occasion of the fifth anniversary of the "Tulip Revolution". These measures were lifted the day after power changed hands. However, during the June clashes, the Interim Government restricted the flow of information in order to "preserve the inter-ethnic peace" and instructed the media on how to communicate on the events[6]. Several media outlets were also nationalised in order to establish a stricter control of the content of their programmes.

5 / See Citizens Against Corruption (CAC), "Kylym Shamy" Centre for Human Rights Protection and FIDH Joint Report, *Kyrgyzstan: a weak state, political instability: the civil society caught up in turmoil*, October 2010.

6 / *Idem.*

On June 27, 2010, a referendum on the new Constitution took place. The OSCE deployed a limited observation mission due to security concerns. Despite several shortcomings, it was conducted in peaceful conditions. However, in a situation of massive internal displacement, and an atmosphere of fear and intimidation compounded by arrests of prominent public figures from the Uzbek community, participation in the south was lower than in the rest of the country. As a result, more than 90% of those who voted approved the new Constitution, which confirmed Ms. Roza Otunbayeva as Interim President until December 31, 2011 and led to the dismissal of the judges of the Constitutional Court[7]. In addition, the October 2010 parliamentary elections were declared to comply overall with international standards by the OSCE despite the lacking environment for free elections in the south of the country[8]. The fact that campaign materials and ballots were produced only in Russian and Kyrgyz languages additionally limited the ability of ethnic Uzbek to engage in the electoral process. Five political parties successfully passed the threshold to gain seats in the Parliament. Among them, the new opposition party to the Interim Government, Ata-Jurt party, won the majority of seats but failed to win an absolute majority.

Reprisals against human rights defenders investigating violations committed in the south

Members of human rights NGOs and independent journalists monitoring human rights violations committed during the ethnic clashes in June 2010 and working to protect the Uzbek minority, were particularity subjected to harassment by various groups, notably State officials and criminal gangs. Human rights defenders of Uzbek origin were under particular threat as they were labelled and perceived as disloyal, whereas defenders of Kyrgyz origin were frequently accused of being "traitors" to their own people. For instance, the representative of the President in the Parliament, Mr. Beknazarov Azimbek, former member of the Interim Government responsible for coordinating law enforcement agencies, the Prosecutors' offices and the judicial system declared at the beginning of June 2010 that "human rights defenders and human rights NGOs get their noses everywhere to receive grants". As of June 14, Mr. Tursunbek Akun, the Kyrgyzstan Ombudsman, started accusing Ms. **Aziza Abdirasulova**, Director of the Centre for Human Rights "Kylym Shamy", her husband who also works for the same NGO, Mr. **Zhanyzak Abdirasulov**, and Ms. **Tolekan Ismailova**,

7/ See OSCE/ODIHR Limited Referendum Observation Mission Report, *The Kyrgyz Republic Constitutional Referendum of June 27, 2010*, July 27, 2010.

8/ See OSCE/ODIHR International Election Observation Mission Report, *The Kyrgyz Republic Parliamentary Elections of October 10, 2010*, December 20, 2010.

Director of the organisation "Citizens Against Corruption" (CAC), of being "unpatriotic" for wanting to disclose information on the events. On June 16, he gave a press conference in Bishkek accusing Ms. Abdirasulova and Ms. Ismailova of being "traitors" who are "monitoring Uzbek districts only". Following these accusations, a slander campaign was launched against the three human rights defenders in the media, who were presented as "traitors to the nation". On June 18, 2010, Ms. Tolekan Ismailova was accused of "not being a Kyrgyz" by the Mayor of Osh, at the occasion of President Otunbayeva's visit to Osh. Moreover, on June 28, 2010, Ms. Ismailova and Ms. Abdirasulova were summoned for interrogation at the Osh Regional Prosecutor's office as witnesses in a criminal case[9]. This incident was used as a pretext to intensify the slander campaign against CAC and Kylym Shamy. On the same day, the President of the "Ar-Namys" party and other people warned CAC members that criminal gangs were out to hunt Ms. Ismailova and other defenders. President Otunbayeva also called Ms. Ismailova and warned her that she should leave Osh immediately[10]. Following the publication of a report by Human Rights Watch (HRW) on August 17, 2010, Mr. Tursunbek Akun accused Ms. Aziza Abdirasulova of deliberately giving partial (pro-Uzbek) information to HRW representatives. Finally, on February 4, 2011, the Ministry of Internal Affairs pressed charges against Ms. Abdirasulova for "defamation"[11]. This followed an interview she gave to the *Deutsche Welle* on November 17, 2010, during which she had revealed that "law-enforcement agents, in particular policemen, were the first to use weapons leading to deaths during the violent clashes", referring to official documents from the Prosecutor's office, the Military Prosecutor and the Ministry of Internal Affairs. The Ministry subsequently decided to drop the charges[12].

Human rights defenders investigating violations committed in the south, were also subjected to arbitrary detention and judicial harassment. On June 16, 2010, Mr. **Azimjan Askarov**, Director of the human rights organisation "Vozdukh" (Air), based in the city of Bazar-Korgon, in the province of Jalal-Abad, who had been documenting police ill-treatment

9 / Among other issues, they were interrogated on information erroneously published by the website *www.24.kz*, which mentioned Ms. Ismailova and Ms. Abdirasulova as its sources. Ms. Ismailova subsequently made a disclaimer as soon as she learnt that the figures mentioned were erroneous and the information was corrected on the same day.

10 / When Ms. Ismailova learned that people had been making enquiries about her children and grandchildren, she decided to leave temporarily Kyrgyzstan with her family. They returned after the parliamentary elections on October 13, 2010.

11 / Ms. Abdirasulova was also a former member of the National Investigation Commission, of which she resigned.

12 / See CAC.

of detainees and monitoring the human rights situation in Jalal-Abad, in particular the violent events that took place in Bazar Korgon in June 2010, was arrested by agents of Bazar Korgon police. He was arrested for allegedly having urged ethnic Uzbek, along with other leaders of the Uzbek community, to take as a hostage the district official who had ordered the blockade of the Bishkek-Osh highway and having attacked police officers causing the death of one of them[13]. On September 15, 2010, Mr. Askarov was sentenced to life imprisonment, along with seven ethnic Uzbek, by the Bazar Korgon District Court for "hostage-taking", "complicity in murder", "incitement of racial hatred", and "participation and organisation of mass disorder". Alleging that the latter had suffered acts of torture in custody[14], his lawyer asked for a medical examination, which was denied. On November 10, 2010, the Tash Kumyr City Court in Nooken upheld on appeal Mr. Askarov's life sentence, following a trial marked by irregularities. On January 31, 2011, the Judge of Bishkek Supreme Court accepted to examine new evidence in the criminal case, including evidence showing that Mr. Askarov was not present at the scene when the incidents took place, and the hearing was suspended. The final hearing was to be held on April 12, 2011, but was further postponed pending the results of an investigation on the conditions of detention. As of the end of April 2011, the trial was still suspended *sine die*.

International observers were not spared by reprisals. During the international fact-finding mission sent by FIDH to Kyrgyzstan from June 20 to 28, 2010, an "accident" occurred attesting that independent observers and human rights defenders were not welcomed in the region. On June 27, 2010, members of the mission, Mr. **Ales Bialiatski**, President of the Human Rights Centre "Viasna" (Belarus) and FIDH Vice-President, Ms. Aziza Abdirasulova, Ms. Tolekan Ismailova as well as Ms. **Oksana Chelysheva**, a Russian journalist, were victim of an accident near the village of Papan, Osh region. The screws on the back wheel of the car had been sawn through during a short period of time during which they had left the car. By chance, no one was hurt. A group of persons, unknown to them, approached their

13 / In the morning of June 13, 2010, in connection with inter-ethnic clashes in Osh, approximately 400 to 500 ethnic Uzbek gathered on a bridge in the village of Bazar Korgon, located on Osh-Bishkek highway. They were armed with firearms, iron bars, sticks and knives. The group blocked Osh-Bishkek highway and organised riots. As a consequence, an investigation task force was dispatched to the location, consisting of policemen of Bazar Korgon district. While attempting to prevent criminal actions, seven policemen were injured at varying severity, and one of them, Inspector Sulaimanov from the district police, received multiple stabs that led to his death.

14 / All of the defendents were subjected to acts of torture and ill-treatment by prison guards during custody and presented visible physical injuries.

car and told them that human rights defenders were not welcome in Osh because they "defended the rights of the Uzbek"[15].

Reprisals against lawyers representing persons accused of crimes in relation to April and June 2010 events

The trials against those accused of violence in the capital in April 2010 and in Osh in June 2010, were marked by numerous procedural violations and in some cases even beatings of the accused between hearings and in presence of judges. Lawyers representing the accused were also victim of assaults, slander and threats of death and sexual assault as reprisals. Threats against lawyers representing those accused in relation to the April 7, significantly increased during hearings of the trials that started on November 17, 2010 and were ongoing by the end of April 2011. For instance, lawyers from the NGO Legal Clinic "Adilet", Ms. **Hurnisa Mahaddinova**, Mr. **Dastan uulu Ulan**, Mr. **Timur Kamyshorov** and Ms. **Cholpon Djakupova**, Director of the NGO, were subjected to death threats by members of the public attending the hearings. Lawyers of non-Kyrgyz origin were also victims of racist insults. Besides, the Presiding Judges systematically failed to ensure respect and order in the court room, and none of those who voiced insults and threats were expelled from the court room. On November 17, some plaintiffs even attempted to physically assault the lawyers. Law-enforcement agencies intervened and the accused was then evacuated from the court room. Adilet addressed numerous letters to the President and the law-enforcement agencies to complain and request protection, but to not avail as of April 2011. The Minister of Justice even threatened to disbar lawyers who had complained about the conditions of the trial[16]. Similarly, in Osh, lawyers defending the accused in criminal cases that followed the June 2010 violence were threatened and sometimes even assaulted. For instance, on September 30, 2010, during a hearing held in the military unit of the Interior Ministry in Osh, lawyer Mr. **Tair Asanov** and his colleagues were beaten by a crowd. Yet, the Presiding Judge and the military personnel failed to intervene. Since then, Mr. Asanov has received numerous death threats[17]. On October 11, 2010, during a hearing in Osh, unknown people also attacked lawyer Mr. **Tashtemir uulu Almaz**. On October 14, 2010, during another hearing in the military unit of the Interior Ministry in Osh, lawyers Ms. **Dinara Turdumatova**, Ms. **Nazgul Suyunbaeva**, Mr. **Ravshan Sadyrov** and Mr. **Kurbanychbek Joroev** were assaulted by the public who was attending

15 / See CAC, Kylym Shamy and FIDH Joint Report, *Kyrgyzstan: a weak state, political instability: the civil society caught up in turmoil*, October 2010.

16 / See Adilet.

17 / See CAC Press Release, September 30, 2010.

the hearing after the Prosecutor had made commentaries like "Uzbek are at fault (…) you started it (…)". They complained to the Department of Internal Affairs of Osh but as of April 2011, they had not received a reply. In addition, in all cases, despite notably complaints sent by CAC to the Prosecutor's office, as of April 2011, no investigation had been conducted by the authorities, no protection measures granted to lawyers, and the Bar Association had failed to react[18].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
	Positive developments on freedom of assembly	Press Release	March 3, 2010
Mr. **Azimjan Askarov**	Arbitrary detention / Judicial harassment	Press Release	June 18, 2010
	Sentencing to life imprisonment	Urgent Appeal KGZ 001/0910/OBS 109	September 16, 2010
		Press Release	November 16, 2010
		Urgent Appeal KGZ 001/0910/OBS 109.1	January 31, 2011
		Urgent Appeal KGZ 001/0910/OBS 109.2	February 11, 2011
Ms. **Tolekan Ismailova** and Ms. **Aziza Abdirasulova**	Judicial harassment	Open Letter to the authorities	June 30, 2010

18 / See CAC.

RUSSIAN FEDERATION

In the context of the fight against terrorism and extremism, the authorities severely limited human rights defenders' freedoms of expression and peaceful assembly in 2010-2011. The legal and administrative framework for NGOs also remained unfavourable, and several defenders face criminal "defamation" charges as a result of their work. Impunity for the assassinations of prominent human rights defenders continued as the cases remained unresolved, while physical attacks and threats against human rights defenders continued.

Political context

While President Dmitry Medvedev continued throughout 2010 to express his commitment to improve human rights and the rule of law in the Russian Federation, 2010-2011 saw continuous restrictions on freedoms of expression and peaceful assembly. Dissenting voices were still considered as a threat and stifled. Peaceful demonstrations were dispersed with excessive force and accompanied by arbitrary arrests.

Responding to public outcry about police violence and corruption, on February 7, 2011, President Dmitry Medvedev signed into law a Bill on Police Reform, in order to restore the trust of the population in the law enforcement institutions. However, the reform did not contain the necessary safeguards to put an end to police abuses and corruption[1]. In addition, in prison, the condition of detention deteriorated, notably with an increase of allegations of torture and ill-treatment. Health, nutrition and sanitation quality remained low and overcrowding was also common, while the refusal of the prison administration to provide medical treatment resulted in at least one death in 2010.

While the year was marked by bomb attacks in March 2010 in the Moscow subway and in January 2011 at Domodedovo airport, reportedly caused by suicide bombers from the Caucasus region, the Law on Combating Extremism was frequently misused to restrict the legitimate exercise of freedom of expression. Some religious organisations and their followers, political parties or politicians, civil society groups and activists, as well as some media outlets and journalists, were particularly targeted.

1/ According to the bill which took effect on March 1, 2011, over one million police officers were to undergo re-certification, to eliminate poor performers and reward the best with higher salaries.

Various law enforcement agencies focused their investigations notably on libraries, schools, Internet service providers, publishers and random users of Internet forums, in search of alleged extremists, to improve their statistics in the declared "fight against extremism"[2]. In July 2010, the authorities also introduced new provisions providing for an increased punishment for "extremism" and an expanded mandate for the Federal Security Service (FSB), which may now order individuals, organisations and media outlet to stop activities deemed "extremist" by the FSB[3]. Furthermore, in the context of the fight against terrorism, cases of racially-motivated violence increased, while at the same time more people were convicted for inciting extremism[4]. The authorities failed to take adequate measures to effectively fight against racially-motivated violence[5].

The security situation in the North Caucasus, where the Islamist insurgency still operated, remained volatile with continuing acts of violence particularly in Chechnya and the neighbouring regions of Dagestan, Ingushetia, Kabardino-Balkaria and North Ossetia. The lack of accountability and conformity with the rule of law was particularly acute in these regions, where arbitrary detentions, torture, extrajudicial killings and enforced disappearances by law enforcement and security agencies continued in impunity.

Impunity for the killings of human rights defenders

In 2010-2011, the Russian authorities failed to solve a number of assassinations and violent attacks against human rights defenders that had occurred during the previous years. As a result, the civil society continued to operate in a climate of fear and impunity following the killings notably, of Mr. **Nikolai Girenko**, a minority rights defender and anthropologist in Saint-Petersburg, in June 2003; Ms. **Anna Politkovskaya**, prominent *Novaya Gazeta* journalist, in October 2006; Ms. **Natalia Estemirova**, a member of the Human Rights Centre "Memorial" in Grozny, in July 2009; Mr. **Stanislav Markelov**, a human rights lawyer from Moscow, and

2/ See Centre for Information and Analysis "SOVA" (SOVA) Analysis, *Inappropriate enforcement of anti-extremist legislation in Russia in 2010*, April 11, 2011.

3/ As a response for the March bombing in the Moscow subway, a bill extending the powers of the FSB (formerly the KGB) was submitted to the State Duma by the Government in April 2010 and entered into force in October 2010. It granted the FSB with the right to give warnings to individuals related to public incitement to extremist activities. On April 2, 2011, the President also presented a bill under which penalties for extremism would be increased, including bans to occupy some positions within the administration under Article 280 "Calls for extreme activities", 282.1 "Organisation of extremist society" and 282.2 "Organisation of activities of extremist organisation" of the Criminal Code. See SOVA Analysis, *Inappropriate enforcement of anti-extremist legislation in Russia in 2010*, April 11, 2011.

4/ See SOVA Press Release, June 9, 2011.

5/ See Anti-Discrimination Centre Memorial (ADC).

Ms. **Anastasia Baburova**, *Novaya Gazeta* journalist who was accompanying him, in January 2009; Ms. **Zarema Sadulayeva** and her husband Mr. **Alik (Umar) Dzhabrailov**, in August 2009. As of April 2011, those responsible for these killings had not been brought to court with one exception, the assassination of Mr. Markelov and Ms. Baburova, who were murdered by right-wing extremists[6].

Violent attacks and threats against human rights defenders combating discrimination, racism and right-wing extremist groups

The situation in the Russian Federation remained characterised by a total impunity with regard to violent attacks and threats against human rights defenders who struggle against discrimination, racism and activities of extreme right-wing movements. Once again, they were subjected to harassment by both governmental and non-State groups[7].

In particular, human right defenders defending the rights of lesbian, gay, bisexual and transgender people (LGBT) were again victims of violence by neo-Nazi groups. For instance, on October 30, 2010, five LGBT human rights defenders[8] in the city of Tomsk were attacked by eight masked individuals, while they were distributing leaflets in the streets calling for tolerance towards LGBT people. On November 9, 2010, a criminal case was opened by the District Department of Interior of Tomsk under Article 116 Part 2 (a) of the Criminal Code for "causing light damages to health on the basis of hooliganism". On November 18, 2010, the five human rights defenders requested the Department of Interior and the District Prosecutor's office to apply Article 116 Part 2 (b) "causing light damages to health on the basis of hate motives to a particular social group" but, on November 26, they received a negative response from the Prosecutor's office as the investigation did not find evidence that the defenders belonged to a particular social group. The investigation was suspended on April 8, 2011 for lack of identification of an assailant[9]. In addition, during the interrogation of the human rights defenders in the course of the investigation, the police officer inquired primarily about how the information about the assault had reached international monitoring organisations.

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6 / On April 28, 2011, Mr. Nikita Tikhonov, a neo-Nazi and one of the founder of the nationalist magazine *Russkiy Obraz* (Russian image), and his girlfriend Ms. Evgenia Khasis, a member of "Russkiy Verdict" Project for the Defence of Neo-Nazis People, were convicted of "murder". On May 6, 2011, the Moscow City Court sentenced Mr. Tikhonov to life imprisonment for the murders of Mr. Stanislav Markelov and Ms. Anastasia Baburova. Ms. Khasis, who acted as a lookout, was sentenced to 18 years in a penal colony for her role in the killing.

7 / See ADC Memorial.

8 / The names of the defenders are not disclosed for security reasons.

9 / See International Youth Human Rights Movement.

Moreover, in the context of growing nationalism, antifascist activists were harassed by both law enforcement agencies and non-State actors. In 2010, Ms. **Anastasia Denisova**, President of "ETHnICS", a Krasnodar-based youth group promoting tolerance, also a member of Memorial as well as of the Citizens' Union for a Green Alternative (GROZA) and of the coordinating council of the International Youth Human Rights Movement, continued to be subjected to repeated acts of harassment. On January 11, 2010, her apartment was searched by police officers from the Krasnodar Crimes Department, who were allegedly looking for pirate software as part of an investigation on "terrorism". They seized her laptop, external hard drive and flash memory. On January 12, Ms. Denisova was summoned for interrogation to the Krasnodar Police Department of Internal Affairs, where she was informed that she was suspected of "violation of copyright" as well as of "appropriation, storage, transportation of pirated copies for sale purposes". The criminal case against her was terminated on April 19, as the investigation concluded that she had not committed any offence. Likewise, on November 3, 2010, the Department for the Fight Against Extremism conducted a search of the apartment of Mr. **Philipp Kostenko**, an employee of the Anti-Discrimination Centre "Memorial" (ADC Memorial) in Saint Petersburg. It took place on the eve of the action "Protect the city from fascism" that he organised on November 4. During the search, the officers confiscated materials and flyers related to the anti-fascist action. In 2010 and 2011, members of ADC Memorial were on several occasions threatened and stigmatised as "Russophobes" by neo-Nazi groups. Calls to send threatening text messages to ADC Memorial were displayed at the end of 2010 in the "life journal"[10] of a person hiding his or her identity and in the life journal of the Movement Against Illegal Immigration[11]. They were accompanied by photos and phone numbers of several ADC Memorial members. For instance, in December 2010, Ms. **Stefania Kulaeva**, an employee of ADC Memorial working on a programme for the promotion and protection of the Roma population, was accused on these blogs of "aiding mass genocide of the Russian population, traffic drugs and providing protection to the criminal Roma ethnic community". Similarly, at the same period, Ms. **Olga Abramenko**, Head of ADC Memorial, was accused on the same blogs of "aiding and providing legal support to Roma drug dealers in exchange for a small profit from

10 / The life journal is a virtual community where the users can keep a blog under the form of a journal or a diary.

11 / The Movement Against Illegal Immigration is a Russian nationalist organisation fighting against illegal immigration. Since its creation in 2002, it organised a number of anti-immigrants rallies throughout Russia. On April 18, 2011, the Moscow City Court banned the movement accusing its leaders of extremist activities. The organisation appealed against the decision.

the sale of heroin". Both also received anonymous text messages during the night, containing death threats, threats of assault and insults, which were sent through the website of *Megaphone*, a Russian telecom operator that enables to send text messages to mobile phone without being identified. Furthermore, at the end of 2010 and beginning of 2011, the blog on the website *www.fontanka.ru* displayed a lot of slandering materials and called for the physical elimination of several human rights defenders who were listed on the blog, among them Ms. Kulaeva, Ms. Abramenko, Ms. **Galina Kozhevnikova** from SOVA Centre, and Mr. **N. Svanidze**, a journalist. Following all those threats, ADC Memorial did not file a complaint because, during the defamation campaign they were subjected to on various blogs in 2009, the Department for the Fight Against Extremism had failed to provide them any protection measures[12].

Continued judicial harassment of, assault and threats against human rights defenders denouncing prison conditions or providing support to people denouncing police corruption

In 2010-2011, in the context of considerable debate on police reforms, those who denounced police abuses and prison conditions faced judicial harassment. On August 18, 2010, Mr. **Aleksei Sokolov**, President and Founder of the organisation "Pravovaja Osnova" (Legal Basis), former member of the Non-Governmental Commission of Observation of Places of Detention in the Sverdlovsk region and well-known for denouncing torture in Russian prisons, was sentenced in appeal by the Regional Court of Sverdlovsk to three years in prison in a high security colony[13]. Mr. Sokolov lodged a second appeal[14]. On August 26, 2010, Mr. Sokolov was transferred to the FGU IZ-54/1 Remand Centre in Novosibirsk, Western Siberia, where he was ill-treated by the administration of the prison. As a result, on the same day, Mr. Sokolov was ordered to serve his sentence further away, allegedly for security reasons, in a colony located in the Krasnoyarsk region of Siberia, more than 2,000 kilometres from Yekaterineburg, where his family and lawyer live. Mr. Sokolov filed several parole applications, which were rejected on November 14, 2010 and April 13, 2011 by the Regional Court of Krasnoyarsk for allegedly having committed two viola-

12 / See ADC Memorial.

13 / Mr. Sokolov is detained since May 13, 2009 for his alleged participation in a robbery in 2004 in Bogdanovich, after a suspect jailed for another crime confessed having committed this robbery with him, in exchange for a reduced term of imprisonment and conditional release. No further element beside this testimony was reportedly brought before the court as evidence and testimonies by other witnesses were rejected by the Judge.

14 / On May 13, 2011, the Court of Sosnovoborski of Krasnoyarski confirmed the guilt sentence but reduced by two months the term of Mr. Sokolov.

tions of the internal order[15]. On December 28, 2010, the complaint against his transfer to Novosibirsk was rejected by the Leninskiy District Court of Yekaterinburg. Mr. Sokolov also challenged the decision of the court to transfer him to the colony in Krasnoyarsk, which was rejected on January 21, 2011. Mr. Sokolov filed an appeal, which had not been examined at the end of April 2011.

Human rights defenders defending people who denounced police corruption were also targeted. On February 27, 2010, Mr. **Vadim Karastelev**, a lawyer and Head of the Novorossiysk Human Rights Committee, was brutally beaten by two unidentified men in Novorossiysk and seriously injured. He was then transferred to a hospital, where he underwent surgery. Afterwards, he was not given neither information on his condition nor any treatment. Mr. Karastelev was then forcefully discharged from the hospital just five days after the assault and while his health condition was still very poor. During his stay at the hospital, Mr. Karastelev was provided police protection for only one day. An investigation was opened by the police for "minor bodily injuries". On March 10, 2010, the arrested suspect was released from custody. Moreover, on February 19, the police had prevented Mr. Karastelev from distributing leaflets inviting the public to come to a meeting in support of his client former Major Alexei Dymovsky, who was sacked, harassed and arrested in 2010 after publicly denouncing corruption in law enforcement agencies in November 2009. The meeting, which was due to take place a few days later, had been officially sanctioned by local authorities. Mr. Karastelev was condemned the same day to seven days of imprisonment and a fine of 2,000 roubles (about 50 euros) for "organising a public meeting without informing the authorities" and for "refusing to follow police orders" under Article 19 Part 3 of the Administrative Code. He was released on February 26, the day before the assault. Several months prior to the attack, Mr. Karastelev had on many occasions received threats against himself and his family through the Internet and by phone, accompanied by demands to stop campaigning on behalf of the former Major. Despite his requests to the authorities to investigate the threats and to provide protection to himself and his family, no action was undertaken. By the end of March 2011, Mr. Karastelev and his family left the Krasnodar region. On April 23, 2011, when his wife Ms. **Tamara Karasteleva**, Director of the Novorossiysk Human Rights Committee, returned briefly to Novorossiysk, she received an invitation for a "talk" with the Criminal Investigation Department of Novorossiysk. The policemen who came to her apartment said that the Ministry of Internal Affairs was taking interest

15 / Drinking tea and laying down to read a book during improper hours.

in an "extremist organisation" and that they were thinking Ms. Karasteleva was one of its members. Furthermore, the policemen asked for information about their children without providing any reason. Ms. Karasteleva decided not to go to the police and to leave the country. Several other members of the Novorossiysk Human Rights Committee also received similar invitations for a "talk". Another member of the NGO, Mr. **Yuriy Mosha**, also left the country[16].

Judicial harassment against human rights defenders on charges of defamation

In 2010-2011, several lawsuits for defamation were launched against human rights defenders, seemingly in an attempt to silence them. Thus, Mr. **Oleg Orlov**, Chairman of the Executive Board of Memorial and winner of the European Parliament's 2009 Sakharov Prize for the Freedom of Thought, was subjected to judicial harassment on charges of "libel", both at the civil and criminal levels[17]. On January 21, 2010, Mr. Orlov was condemned by the Moscow City Civil Court to pay 20,000 roubles (about 460 euros) in damages to Chechen President Mr. Kadyrov. Mr. Kadyrov also initiated a lawsuit against Ms. **Ludmila Alexeeva**, Chairwoman of the Moscow Helsinki Group and also winner of the Sakharov Prize, after she said during a press conference on May 23, 2009 that the Chechen President was to be blamed for the policy of abductions and murders in the Republic. Although on February 9, 2010, the Chechen President publicly announced that he would drop the criminal proceedings he initiated against Mr. Orlov and Ms. Alexeeva, on June 18, Mr. Orlov was informed that the charges against him were still pending and that the case had been transferred to the Ministry of Internal Affairs of the Moscow region for further investigation. He was summoned to appear on July 6, 2010 before the same institution, which declared not to be aware of Mr. Kadyrov's public statement. On September 13, 2010, the criminal trial opened before the Court No. 363 of Khamovniki District of Moscow. As of April 2011, about ten hearings on the case had already taken place and proceedings were still ongoing, thus impeding Memorial to continue its human rights monitoring activities in a favourable climate[18].

16 / See Novorossiysk Human Rights Committee.

17 / On August 13, 2009, Mr. Kadyrov had filed a criminal complaint against Mr. Orlov for defamation under Parts 2 and 3 of Article 129 of the Criminal Code after the publication of a statement by Mr. Orlov on July 15, 2009 in which he indicated he believed the Chechen President was responsible for the murder of Ms. Natalia Estemirova. A criminal investigation had been opened on October 20, 2009.

18 / On June 14, 2011, the Moscow Khamovniki District Court acquitted Mr. Orlov, stating that his statement on Chechen President's responsibility in the assassination of Ms. Estemirova did not constitute slander.

In addition, while Mr. Vadim Karastelev was in hospital following his assault on February 27, 2010, the Head of the police of the city of Novorossiysk filed a civil suit against him for "libel", on the basis of critical statements Mr. Karastelev made against him in the media for not investigating mass human rights violations in the region, ordering the illegal telephone tapping of human rights defenders and lawyers, impeding peaceful demonstrations, etc. The Head of the police demanded that Mr. Karastelev withdraw his comments and asked him 100,000 roubles (about 2,500 euros) in damages. On April 13, 2010, Primorsky District Court of Novorossiysk ordered Mr. Karastelev to pay the Head of the police 50,000 roubles (about 1,250 euros) and a fine of 3,500 roubles (about 88 euros). He appealed but the Krasnodar Regional Court confirmed the verdict. Mr. Karastelev paid the fine on December 31, 2010[19].

Continued insecurity for defenders in the North Caucasus, particularly in Chechnya and Dagestan

Despite the insecurity they face in the region, human rights defenders in the North Caucasus continued to monitor and denounce grave human rights violations committed in the context of the fight against terrorism, particularly in Chechnya and Dagestan. Named "enemies of the people" by Chechen Government officials, including the Chechen President, human rights defenders in Chechnya faced continuing acts of intimidation. For example, on July 3, 2010, in an interview on the TV channel *Grozny*, Mr. Kadyrov declared that: "(…) They are getting big salaries from the West and in order to report on their activities they write all kinds of nonsense and filth on Internet. (…) They are the enemies of the people, enemies of the law, enemies of the State". In this interview, Mr. Kadyrov specifically targeted Mr. Oleg Orlov as well as employees of Memorial office in Guedermes. On February 7, 2010, three human rights lawyers, Messrs. **Dmitry Egoshin**, **Roman Veretennikov** and **Vladislav Sadikov**, members of the Joint Mobile Group that investigates human rights violations in the Chechen Republic, were arbitrarily arrested by the police while they were conducting an investigation in Shali district. During the entire, night they spent in the local police station, the activists were individually questioned about their activities, and more specifically about the conduct of their investigation in Shali. They were released the following day, without charge. During their detention, they did not have access to a lawyer and they could only contact by phone colleagues outside the Chechen Republic.

19 / See Novorossiysk Human Rights Committee.

Human rights defenders in Dagestan also continued to work in a climate of severe insecurity. On June 17, 2010, lawyer Ms. **Sapiyat Magomedova**[20] from "Omarov and Partners", a law-firm known for taking on cases related to human rights violations, such as torture, summary executions and abductions, was physically attacked by four Interior Department (GOVD) special militia agents (OMON) in Khasavyurt Police Department, while she was attempting to meet her client who had been arrested earlier the same day[21]. On July 1, 2010, an investigation was opened against the four police officers for "abuse of power" (Sub-point (a), Part 3 of Article 286 of the Criminal Code). Yet, on July 2, 2010, a criminal case against Ms. Magomedova was initiated for "assault and battery of authority representative" (Article 319 of the Criminal Code). On November 29, 2010, she lodged a complaint for the failure by the Russian police to investigate the attack under Article 25 of the Code of Criminal Procedure. The investigation periods for both cases were prolonged until March 2011. As of the end of April 2011, the investigation of the attack suffered by Ms. Magometova remained at standstill, and those responsible were yet to be brought before justice.

Obstacles to the right to freedoms of association and assembly

Freedom of association was constantly hindered in 2010-2011, particularly by the administrative authorities. In September 2010, the General Prosecutor's office launched an unprecedented wave of inquiries into foreign-funded NGOs working in Moscow and several other cities. Moreover, examinations to check "the conformity of the activity of the NGOs" were conducted in violation of the legislation on NGOs. In all cases, NGOs had insufficient time to prepare the numerous required documents, in most cases only several hours. On September 13 to 16, forty NGOs, including the Moscow Helsinki group, Russian Transparency International and Memorial, received a visit from the Moscow Prosecutor's office. As of April 2011, no action had been taken then by the authorities following this campaign, which the NGOs interpreted as an attempt to intimidate them[22].

2010-2011 were also marked by obstacles to freedom of peaceful assembly. In support of Article 31 of the Constitution, which guarantees

20 / Ms. Magomedova sent four applications to the European Court of Human Rights related to the violations of her clients' rights by detectives from the Prosecutor's office of Khasavyurt.

21 / Ms. Evtomirovoya had lodged a complaint in the past against a police officer for abuses sustained by the latter, and had been indirectly warned by the investigator in charge of the case not to be too vocal about that case otherwise she would be arrested.

22 / See Russian NGOs' Petition, September 21, 2010.

freedom of assembly, Strategy-31[23] organised a series of civic protest on the 31st of each month. Several human rights defenders, including Mr. Oleg Orlov, Mr. **Lev Ponomarev**, Director of the Public Movement "For Human Rights", Mr. **Yuri Dzhibladze**, President of the Centre for Development of Democracy and Human Rights, Mr. **Igor Kalyapin**, Head of the Committee Against Torture in the city of Nizhny Novgorod, Ms. **Nadezhda Nizovkina** and Ms. **Tatiana Stetsura**, participants of the Human Rights House Network project "Electronic Human Rights Education for Lawyers", as well as Buryatian journalists and lawyers, who had joined the protest, were arrested on several occasions throughout 2010 on charges such as "disobeying orders" or "participating in a non-registered demonstration". Some, as Mr. Dzhibladze, were fined from 1,000 to 2,000 roubles (about from 23 to 47 euros), others, as Mr. Ponomarev, Ms. Nizovkina and Ms. Stetsura, were condemned to between three and fifteen days in prison. As of the end of April 2011, all had been released but some remained judicially harassed, as Mr. Kalyapin. In 2010-2011, activists from the Campaign for the Defence of the Khimki Forest who have set up a camp to protest development projects were also denied their right to peaceful assembly and fined[24]. For instance, on July 23, 2010, forty to fifty private security guards hired by the highway construction company and a gang of ultra-rightist hooligans assaulted a group of environmental activists. The police, called by Ms. **Evgenia Chirikova**, Coordinator of the Campaign for the Defence of the Khimki Forest, failed to intervene at first. Then, the special force OMON arrived on the spot and arrested seven activists instead of the attackers, as well as two journalists, Ms. **Elena Kostyuchenko**, from the *Novaya Gazeta*, and Mr. **Yuri Timoveyev**, a reporter from the Prague-based *Radio Liberty*, who were taken to a police station nearby. Ms. Kostyuchenko sustained a neck injury as a result of a violent blow at the time of the arrest. Mr. Timoveyev was subsequently released for lack of evidence, as well as Ms. Kostyuchenko, who was summarily tried on the same day and acquitted. On August 4, 2010, Ms. Evgenia Chirikova was convicted and fined for "holding an unauthorised rally" and "resisting the police". On February 1, 2011, Ms. **Alla Chernysheva,** an active member

23 / Strategy-31 is a series of civic protests in support of the right to peaceful assembly. Initiated by Mr. Eduard Limonov, one of the leaders of "The Other Russia" coalition, it was later supported by human rights organisations, including the Moscow Helsinki Group and the "Memorial" Human Rights Centre and others. The protests are held in large cities on the 31st of each month.

24 / Since 2006, the Campaign for the Defence of the Khimki Forest is opposing plans to build a highway to connect Moscow to St. Petersburg that would pass through the Khimki forest. Local residents opposed the project arguing that it is a protected part of the Moscow's "green belt" designed to counterbalance the city's pollution and to protect wildlife. As plans have continued forward, environmental activists set up a camp in the forest, which suffered several attacks in 2010-2011.

of the same campaign, was detained in Khimki, for allegedly holding a fake bomb to a protest rally on the same day. This pretext legitimated the dispersion of the rally by the authorities. She was released six hours later, without charge.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Ms. **Anastasia Denisova**	Continuing acts of harassment	Urgent Appeal RUS 008/1009/OBS 150.1	January 15, 2010
	Withdrawal of the charges	Urgent Appeal RUS 008/1009/OBS 150.2	May 20, 2010
Mr. **Aleksei Sokolov**	Arbitrary detention / Judicial harassment	Closed Letter to the authorities	January 18, 2010
	Assaults in detention	Urgent Appeal RUS 005/0509/OBS 080.4	January 21, 2010
	Arbitrary detention / Judicial harassment	Open Letter to the authorities	May 12, 2010
	Sentencing in appeal and repeated assaults	Urgent Appeal RUS 005/0509/OBS 080.5	September 20, 2010
Mr. **Oleg Orlov**	Judicial harassment	Urgent Appeal RUS 006/1109/OBS 164.1	January 22, 2010
	Withdrawal of criminal complaint	Press Release	February 12, 2010
	Judicial harassment	Press Release	June 18, 2010
Mr. Oleg Orlov and Ms. **Natalia Estemirova**	Judicial harassment / Impunity	Press Release	July 7, 2010
		Joint Press Release	July 13, 2010
		Press Release	November 26, 2010
Messrs. Oleg Orlov, **Lev Ponomarev**, **Yuri Dzhibladze**, **Edouard Limonov**, **Boris Nemtsov** and **Yashin Ilya**	Obstacles to freedom of peaceful assembly	Press Release	February 5, 2010
Ms. **Ludmila Alexeeva**	Withdrawal of criminal complaint	Press Release	February 12, 2010
Messrs. **Dmitry Egoshin**, **Roman Veretennikov** and **Vladislav Sadikov**	Arbitrary arrest	Press Release	February 12, 2010
Mr. **Vadim Karastelev**	Violent assault and judicial harassment	Urgent Appeal RUS 001/0310/OBS 038	March 16, 2010
Ms. **Sapiyat Magomedova**	Assault	Open Letter to the authorities	June 25, 2010
Ms. **Natalia Estemirova**, Ms. **Zarema Sadulayeva** and Mr. **Alik Dzhabrailov**	Impunity	Joint Press Release	July 13, 2010
Ms. **Evgenia Chirikova** and Mr. **Yaroslav Nikitenko**	Arbitrary arrest and judicial harassment	Urgent Appeal RUS 002/0810/OBS 099	August 12, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Five LGBT human rights defenders	Assault	Urgent Appeal RUS 003/1110/OBS 133	November 8, 2010
Ms. Evgenia Chirikova	Administrative harassment	Urgent Appeal RUS 001/0211/OBS 026	February 25, 2011
Mr. **Igor Kalyapin**	Arbitrary arrest / Release / Judicial harassment	Urgent Appeal RUS 002/0411/OBS 057	April 4, 2011
	Threats / Slander	Press Release	April 27, 2011

TAJIKISTAN

In 2010-2011, human rights defenders in Tajikistan continued to face severe restrictions resulting amongst others, in self censorship. While the human rights situation in the country remained poor, it was also insufficiently addressed outside the country. Furthermore, two human rights defenders were arbitrarily arrested in 2010.

Political context

2010-2011 was marred by continuing human rights violations in areas ranging from elections, freedom of the media, freedom of religion to women's rights, freedom from torture and ill-treatment, arbitrary detention and violations of fair trial, in a context marked by extreme poverty. The elections in the lower chamber of Parliament on February 28, 2010 ended up with an overwhelming victory of the pro-presidential People's Democratic Party of Tajikistan, receiving more than 70% of seats. Despite minor positive steps like the greater representativeness of the election commissions, the Organisation for Security and Co-operation in Europe (OSCE) noted that Tajikistan failed to meet many important criteria for free and fair elections[1]. Furthermore, the State television, primary source of information in Tajikistan, did not allocate enough space to cover the campaign. The more diverse printed media covered more vigorously the election-related topics, but its reach was limited by low circulation outside of the main cities.

Moreover, on several occasions in 2010, the authorities restricted the right of citizens to receive and disseminate information, including by blocking the major opposition websites or by slandering media outlets and journalists that were not in line with the official media coverage, first on the eve of the legislative elections held on February 28, 2010 and then in September 2010, in the context of intensification of the counter terrorism operations in the eastern part of the country, following the military operation

1/ Notably, there was a high level of family and proxy voting, and cases of ballot stuffing. The minority parties were able to register far fewer candidates than the ruling one, due to the unduly high electoral deposit. Women were marginalised as candidates. See ODIHR, Parliamentary Assembly of OSCE and European Parliament, Election Observation Mission Joint Statement on preliminary findings and conclusions - Republic of Tajikistan, Parliamentary Elections, February 28, 2010.

of the Government against Islamist militants in Kamarob valley[2]. Given the severe restrictions, journalists frightened to openly criticise the authorities and exercised self-censorship.

Torture and ill-treatments of detainees also remained a serious problem, in particular in pre-trial detention. In the absence of effective and independent complaint mechanism, torture and ill-treatment remain unaddressed. Moreover, assessing the precise dimension of such violations was complicated by the absence of permissions of Tajik and international observers to monitor prison conditions in the country. Tajiskistan's record in implementing decisions of the United Nations Human Rights Committee equally remained poor.

Judicial harassment of two human rights defenders

In 2010, two human rights defenders were victims of judicial harassment. On November 23, 2010, Mr. **Makhmadyusuf Ismoilov**, an independent journalist who works for the weekly newspaper *The Nuri Zindagi* (*Ray of life*), based in Dushanbe and known for denouncing mismanagement, poor social and economic policies, as well as abuse of power by the regional Government, law enforcement agencies, and the judiciary, was arrested for violation of four articles of the Criminal Code[3]. Arrested in the remote Soghd region where he had been working to promote circulation of the newspaper, he is facing a prison sentence up to two and a half years. The charges do not refer to any specific article written by Mr. Ismoilov and mention no specific plaintiff. On November 29, 2010, the Editor of the newspaper received an official letter from the Asht District Prosecutor's office, demanding copies of all articles written by Mr. Ismoilov. As of April 2011, the latter remained held in a detention facility in the city of Khujand, in the north of the country, and the investigation was still ongoing[4]. Moreover, a Kyrgyz human rights defender, who was exiled in Tajikistan, was detained without reason during three months. On February 26, 2010, Mr. **Nematillo Botakuziev**, a member of the Kyrgyz human

2/ See National Association of Independent Mass Media in Tajikistan (NANSMIT) Report, *Report on Freedom of Speech in Tajikistan*, March 2010. Moreover, in October 2010, the Minister of Defence published an Open Letter in the State media accusing the independent media that - contrary to the State media - tried to provide some coverage of the attack of governmental troops by Islamist militants in September 2010 of "supporting terrorism". As a result, publishing houses refused to print the newspapers.
3/ Article 135 Part 2 on "defamation", Article 136 Part 1 on "breach to a person's right to dignity", Article 189 on "incitement to nationalistic, racial, ethnic or religious hatred" and Article 250 on "extortion".
4/ See Bureau on Human Rights and Rule of Law.

rights centre Justice-Truth[5], was reported missing after he went to the United Nations High Commissioner for Refugees (UNHCR) office in Dushanbe. On March 13, 2010, it was discovered that Mr. Nematillo Botakuziev was being held in a detention facility in Dushanbe. Police agents reportedly had stopped Mr. Botakuziev on the street and checked his documents. Because Mr. Botakuziev did not have identification documents with him, the police pulled him into their car and took him to the detention facility. Accordingly, Mr. Botakuziev who had recently suffered a heart attack, was subjected to repeated beatings while in detention. Neither the lawyer hired by the UNCHR nor the one hired by his family were allowed to speak to Mr. Botakuziev during his detention. In March 2010, he was reportedly transferred from the Dushanbe detention facility to the headquarters of the National Security Committee. On April 13, 2010, the General Prosecutor, during an interview given to a journalist, stated that Mr. Botakuziev was only kept in detention in order to identify the reason of his presence in Tajikistan. Mr. Botakuziev was released on May 25, 2010 without charge but acts of ill-treatment, which had allegedly been inflicted to him in detention, had not been investigated as of April 2011.

Urgent Intervention issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. **Nematillo Botakuziev**	Arrest / Judicial harassment	Press Release	March 16, 2010

5 / Mr. Botakuziev's work focused on issues related to the ethnic Uzbek community and people accused of religious extremism in southern Kyrgyzstan. He arrived in Tajikistan in February 2010, after he had been hiding in Kyrgyzstan since October 2008, as he was accused of organising a violent protest in the centre of Nookat and prosecuted on fabricated charges, reportedly for denouncing the repression of this demonstration by Kyrgyz security forces before international media and NGOs.

TURKMENISTAN

In 2010-2011, the authorities continued to deny to human rights defenders, the right to form associations. They further blocked foreign websites reporting on the human rights situation in Turkmenistan, and international human rights organisations were denied access to the country. While several human rights defenders were serving prison terms, their families as well as that of other human rights defenders forced into exile, faced acts of reprisals. Turkmen human rights defenders living in exile suffered death threats and were prevented by the Turkmen authorities from participating in OSCE meetings.

Political context

In 2010-2011, the human rights situation in Turkmenistan, known as one of the most repressive regimes in the world, did not improve. The authorities continued to suppress any – even moderate – expressions of dissent. An unknown number of political prisoners continued to be arbitrarily detained following unfair trials, and the right to freedoms of expression, association, peaceful assembly, movement and religion were subjected to severe restrictions. Independent civil society and media could not operate openly. The use of Internet and telephones was under strict surveillance, while the cost for Internet access remained one of the highest in the world and the use of Internet cafés was only possible by providing a passport. Furthermore, Turkmen passport holders had even more limited access to websites than foreigners. Internet media outlets criticising the Government and social networks such as *Facebook* and *Twitter* remained blocked[1]. Moreover, people who visited foreign countries or whose children are studying abroad continued to be seen as suspicious and harassed by law enforcement agencies[2].

Under the pressure of the international community, President Gurbanguly Berdymuhammedov declared the creation of a multi-party system as an objective on May 14, 2010, referring to the possibility of registering a newly created farmer "Daikan" party, loyal to the regime[3]. However, the Law on Political Parties had not been adopted as of April 2011. Turkmenistan held local elections in December 2010 but, like during all previous elections, the

1/ See Turkmen Human Rights Initiative (THRI) Press Release, February 6, 2011.
2/ See THRI Press Releases, August 8 and December 15, 2010, and January 25, 2011.
3/ See *News.ru* Article, May 14, 2010.

ruling Democratic Party, which controls all institutions, remained the only registered political party. Moreover, on October 27, 2010, the Chairman of the Central Election Commission called for the Turkmen President to keep his seat for life.

In the run-up to international visits made by the Turkmen President to western countries, such as in France on February 1, 2010, human rights defenders lobbied for addressing Turkmenistan's human rights record. However, the economic interest in the region, the rich gas reserves and the Trans-Caspian gas pipeline project "Nabucco" remained a priority for the European Union (EU) and the United States[4]. From April 26 to 30, 2011, a delegation of the European Parliament visited Turkmenistan in order to assess whether the human rights situation would allow the EU to upgrade relations by signing a Partnership and Cooperation Agreement (PCA) between the EU and Turkmenistan. The final decision was expected in June 2011[5].

Denial of freedom of association

The 2003 Law on Public Associations, which gives to the Government the complete control over the activities and funding of non-governmental organisations (NGOs), remained in force in 2010-2011. Although nearly one hundred associations are officially registered with the Ministry of Justice, in reality they are only Government approved organisations or mouthpieces. No independent human rights NGO is registered in the country. This reflects the authorities' fear of losing the slightest control over the social, political and economic life of the country. In addition, the climate of repression makes it virtually impossible for independent NGOs to operate. Almost no organisation has therefore applied for registration in recent years. Human rights activists are factually deprived of their right to form an association. They are obliged to work in clandestine and subjected to strict controls, such as the surveillance of telephone calls and e-mails. Human rights activists are also frequently summoned by the intelligence services. Their family members are also subjected to similar repressive measures. Pressure is particularly placed on defenders and journalists who have contacts abroad. Websites of NGOs monitoring the human rights situation in Turkmenistan from abroad, were also blocked, such as the website of the Turkmen Human Rights Initiative (THRI), exiled in Austria.

4/ In addition, the United States continued to import oil from Turkmenistan, while Boeing provided airplanes to the Turkmen Government. See New Europe Article, February 6, 2011.

5/ In 1998, the signing of an agreement was initially frozen over human rights concerns. See European Parliament Press Release, April 20, 2011.

Moreover, international human rights organisations continued to face obstacles in carrying out their monitoring activities by having their requests to enter the country denied. In addition, the visit made by the UN Special Rapporteur on Freedom of Religion or Belief in 2008, was the first ever visit to the country by a UN body that was authorised by the Government, despite numerous requests formulated by a great number of UN Special Procedures, including the Special Rapporteurs on Human Rights Defenders, Torture, the Right to Education, the Right to Health, the Independence of Judges and Lawyers, the Right to Freedom of Opinion and Expression, Extrajudicial, Summary or Arbitrary Executions, Violence Against Women and the Working Group on Arbitrary Detention, which have all been pending for several years.

Continued detention of several human rights defenders

In 2010-2011, several human rights defenders remained detained, including Messrs. **Annakurban Amanklychev** and **Sapardurdy Khajiev**, who worked for the Turkmen Helsinki Foundation for Human Rights and who were held in Turkmenbachi prison as of April 2011. They were both sentenced to seven years' imprisonment in August 2006 for "purchasing, possessing and selling illegally ammunitions or weapons" after they had worked together on a documentary entitled *"La dictature de Niazov – Turkmenistan : au pays des ténèbres"* ("The Niyazov dictatorship – Turkmenistan: in the country of shadows") for the French TV channel *France 2*. On February 19, 2010 and 2011, they applied for amnesty on the occasion of the National Flag Day, on the eve of which the President grants amnesty to prisoners every year. Yet, they were again not granted amnesty. In addition, relatives of Messrs. Amanklychev and Khajiev, even distant cousins, saw their telephones bugged, were placed on a "blacklist" and were not allowed to leave the country.

Death threats against human right defenders living in exile and their families

Over the past years, several Turkmen human rights defenders were forced to live in exile due to various acts of harassment they faced as reprisals for their human rights activities. Yet, several of them continued to be subjected to death threats from the Turkmen authorities. For instance, in 2010, Mr. **Farid Tukhbatullin**, Director of THRI, based in Austria, received death threats from the authorities on several occasions, while his relatives in Turkmenistan were constantly harassed. Forced into exile since 2003, he has since then been an active participant in several international human rights meetings to address the situation in Turkmenistan. Some of his interviews were broadcast in the whole of Central Asia. On June 5, 2010, following a presentation he had made the day before on the situation in

Turkmenistan in the office of the National Endowment for Democracy (NED) in Washington D.C., members of the National Security Ministry office in the city of Dashoguz, where Mr. Tukhbatullin was living before going into exile, visited local schools, inquiring where his sons studied and about their classmates, teachers and friends[6]. At the beginning of October 2010, Mr. Tukhbatullin was informed by two different anonymous sources that the Special Service of Turkmenistan were planning to execute him[7]. In addition, on October 1, 2010, THRI's website was hacked and a lot of the content, including the English language section, could not been displayed during several days. As a consequence, THRI had to change its website host[8].

Obstacles to the participation of Turkmen human rights defenders in OSCE meetings

In 2010, Turkmen human rights defenders faced on several occasions obstacles to their participation in meetings of the Organisation for Security and Co-operation in Europe (OSCE), because the Turkmen Government objected to their participation[9]. On October 19, 2010, during a conference of the OSCE in Vienna, the Turkmen Ministry of Foreign Affairs attempted to prevent the participation of Mr. Farid Tukhbatullin. When the OSCE refused, the Ambassador of Turkmenistan left the conference room[10]. Similarly, on October 4, 2010, Mr. **Annadurdy Hajiev**, co-founder of the Turkmen Helsinki Foundation for Human Rights, who lives in exile in Bulgaria, was refused entry to the premises of the OSCE Review Conference in Warsaw dedicated to human rights, because the Turkmen Government had objected to his participation. Mr. Tukhbatullin declined travelling to Warsaw when he learnt that he might also face difficulties registering to the conference[11]. On November 29, 2010, several members of civil society, including Mr. Hajiev, were refused participation in the Parallel OSCE Civil Society Conference in Astana, Kazakhstan, due to the Turkmen authorities' objection[12]. Mr. Tukhbatullin who had been authorised to register, decided not to go after being informed of death threats

6 / His two sons, Ruslan and Eldar, are residing on refugee status with their father in Vienna helping him in his human rights activities. See THRI.

7 / See International Social-Ecological Union Open Letter, November 10, 2010 as well as THRI Press Release, October 13, 2010.

8 / See THRI.

9 / Under OSCE rules, a State has a right to object to the participation of a member of the civil society but only if it can prove that this person advocates or was engaged in violence, including terrorist activities.

10 / See THRI.

11 / *Idem.*

12 / Kazakhstan, who was the chair-in-office of OSCE in 2010, refused to facilitate the registration of Turkmen activists when Turkmenistan objected to their presence at OSCE review meetings in Warsaw and Vienna.

against him. In addition, the Kazakh authorities reportedly denied visa to two Turkmen civil society activists without disclosing their names[13].

Harassment of journalists who denounced human rights violations

In 2010-2011, independent journalists denouncing human rights violations and their families continued to be subjected to various forms of harassment. On December 30, 2010, during the night, a group of ten to twelve unknown young men threw stones at the house of Ms. **Kurbansoltan Atshilova,** a journalist of the *Radio Free Europe/Radio Liberty* (*RFE/RL*). She immediately contacted the police department of Ashgabat's Chandybil district. She received a reply saying that no police cars could assist her because during the holiday season, all patrol vehicles were used to ensure the security of the country's leaders. Her call was not registered. When she threatened to file a complaint, the police officer recommended her to submit it at her place of employment, apparently hinting at her cooperation with the *RFL/RL*, which is viewed as a hostile radio station by the Turkmen authorities. Ms. Atshilova contacted the Presidential Council, the Interior Ministry, the Public Prosecutor's office and other governmental agencies but as of April 2011, the attack had not been investigated. She and her family have been living under the pressure of the special services for several years.

The freedom of movement of human rights defenders also continued to be severely curtailed through the refusal to issue passports and exit visas. Some individuals were reportedly blacklisted and prevented from leaving the country. On May 19, 2010, Turkmenistan's Migration Office in Ashgabat banned Mr. **Allamourad Rakhimov**, a Prague-based *RFE/RL* journalist and native of Turkmenistan, from entering the country although he had a valid visa. Mr. Rakhimov, a Canadian citizen, was planning to come in vacation in his home village in the south-east Mary province. He has not visited Turkmenistan for 11 years[14]. On some occasions, defenders' relatives were deprived of the right to access education and employment. On June 12, 2010, Ms. Atshilova's son committed suicide after having been denied a permit to exit the country by Turkmenistan's State Migration Service. After failing to find employment, he intended to go abroad to raise more to support his family. He had sent multiple applications but only received permission *post mortem* in August 2010[15].

13 / See Turkmen Civil Society Open Letter to the Parallel OSCE Civil Society Conference, November 29, 2010.
14 / See *RFL/RL* Article, May 21, 2010.
15 / See THRI Press Releases, August 17, 2010 and January 4, 2011.

UKRAINE

In 2010-2011, a journalist reporting on corruption disappeared and several human rights defenders were victims of judicial and administrative harassment as well as threats, physical assault, attempt to commit in a psychiatric institution and searches. In addition, several peaceful rallies held in favour of the defence of human rights were repressed. Although the legal framework in which human rights defenders operated remained restricted, a draft law on freedom of association discussed by the Parliament could improve the registration of NGOs. A draft Law on Peaceful Assemblies was also adopted at first reading providing a number of improvements but still falling short of international standards.

Political context

The February 2010 presidential election put an end to the political turmoil that affected Ukraine in recent years. Yet, the first year of the presidency of Mr. Viktor Yanukovych, leader of the Party of Regions, was marked by severe restrictions on democratic freedoms and civil liberties as upon taking office, Mr. Yanukovych ensured strengthened presidential control over the legislature, the police, the judiciary, the Security Services of Ukraine (SBU), the Public Prosecutor's office and local administrations[1]. In addition, in December 2010, several members of the former Government were arrested and accused of "abuse of power"[2].

While the international community welcomed the new stability, it expressed concern over restrictions being placed on fundamental freedoms, in particular on freedom of expression[3]. Indeed, 2010 was marked by many new cases of pressure put on journalists, political activists and human

1/ After his election, the President appointed to key high level positions within the judiciary, police and SBU individuals close to him. A judiciary reform that was seen as harmful to the courts' independence was also enacted in July 2010. Before the local elections of 2010, a new electoral law ensuring the presidential party's victory was adopted. On September 30, 2010, the Constitutional Court decided to annul the 2004 amendments to the Constitution that had shifted powers to the Parliament, depriving the Parliament of the power to appoint and dismiss cabinet ministers. See Ukrainian Helsinki Human Rights Union (UHHRU).
2/ Including the former Minister of Economy, the former Prime Minister and leader of the Batkivshchyna party, the former Minister for Transport and Communications and Deputy Head of the State Customs Service, the former First Deputy Minister of the Ministry of Justice, and the former Interior Minister. As of April 2011, some remained detained.
3/ See Parliamentary Assembly of the Council of Europe (PACE) Resolution, October 5, 2010, as well as European Union Progress report on implementation of the European Neighbourhood Policy, *Country Report on Ukraine*, May 25, 2011.

rights defenders and a serie of politically motivated criminal prosecutions[4]. A number of newspapers, independent journalists and writers reported being harassed and subjected to searches, documents confiscations and interrogations by law enforcement agencies after criticising the Government, local authorities and representatives of the ruling party.

Another acute problem that tarnished Ukraine's human rights record, was the unexplained deaths of several people while in police custody. During 2010 and the beginning of 2011, more than fifty people have died in police stations[5]. In addition, corruption and the arbitrary use of powers remained a serious concern within the police and other law enforcement agencies.

Legal developments on freedoms of association and peaceful assembly

On November 1, 2010, Draft Law No. 7262-1 on Public Organisations was registered in the Parliament of Ukraine. The current 1992 Law On Citizen Associations poses many obstacles to the registration of civil society organisations, in particular as associations may only defend the interests of their members or constituency[6]. It also unduly restricts types of activities that may be undertaken, for example selling their own publications or services and reinvest the proceeds in the organisation's activities or institutional capacity and the geographical scope of the association. The draft law, which was still pending adoption as of April 2011, would simplify the registration procedure and allow citizens to unite to discuss social and community issues. In particular, it envisages the registration of public organisations in three business days, instead of up to forty days with the current law. Finally, public organisations will not only be able to protect the rights of their constituencies, but also any other public interests, including human rights and environmental activities.

Moreover, in June 2010, the Parliament adopted at first reading, a draft Law on Peaceful Assemblies, which had not been adopted in final reading as of April 2011, due to the negative opinion of the Venice Commission of the Council of Europe on the current draft. According to the Commission,

4/ See UHHRU Statement, December 22, 2010.
5/ See Kharkiv Human Rights Protection Group (KHRG) Open Letter to the President, March 30, 2011 as well as UHHRU.
6/ A civil society organisation may only be involved in defending the rights of its own members and is not entitled to engage in human rights protection.

the draft contains some improvements[7], while it fails amongst others, to "reflect sufficiently the presumption in favour of holding assemblies and the proportionality principle"[8]. In particular, a provision should be included in the draft law requiring the authorities to give immediate written confirmation of receipt of notification in all cases; it should be explicitly mentioned in the law that a failure by the authorities to provide timely confirmation will be tantamount to acceptance of the assembly; the liability and penalties for lack of adherence to the law should be clearly set out; in principle, every public space should be seen fit to host an assembly; the prohibition of assembly in the immediate vicinity of high risk facilities should be limited to areas closed to the public, the draft law should clearly define and limit actions connected with keeping the peace and security during assemblies that can be taken by the law enforcement bodies; it should also specify that officials can use force only as a last resort in proportion to the aim pursued, and in a way that minimises damage and injury.

Disappearance of a journalist reporting on corruption

In 2010, a journalist reporting on corruption disappeared. On August 11, 2010, Mr. **Vasyl Klymentyev**, Editor-in-Chief of the Kharkiv-based *Noviy Stil* newspaper, known for being critical of the administration, went missing. At the time of his disappearance, the journalist was investigating several high-profile corruption cases involving local officials. Before disappearing, he was allegedly threatened as well as offered bribes for not disclosing sensitive information. A police officer who was a potential witness equally disappeared subsequently. He had taken Mr. Klymentyev to the Pechenizke water reservoir to take photographs of a property owned by the Regional Director of Taxes, Mr. Stanislav Denysyuk, and three other local officials, including a former member of the SBU. On August 17, 2010, Mr. Klymentyev's mobile phone was found near the Pechenizke water reservoir. Mr. Klymentyev's partner, Ms. Valentina Udovenko, was also harassed. His lawyer's apartment was searched on September 2, 2010 by police officers and members of the local special forces. He lodged a formal complaint, which had led to no result as of April 2011. Ms. Udovenko's apartment was also repeatedly searched, for instance on September 2, 2010. Several days later, as she intended to participate in a

7/ These include: the change in the title, which now only mentions "peaceful assemblies" instead of "peaceful event", the recognition of simultaneous assemblies, counter demonstrations and spontaneous assemblies; the clarification and extensions regarding the organiser of a public assembly; and the provisions concerning the possibility of receiving legal protection in case of restriction of assemblies and other violations of the right to freedom of peaceful assembly. Furthermore, the procedure of restriction of peaceful assemblies was amended and delegated to the courts.

8/ See European Commission for Democracy Through Law (Venice Commission), OSCE/ODHIR Joint Opinion on the Law on Peaceful Assemblies of Ukraine, Document CDL(2010)099, October 8, 2010.

press conference to be held in Kiev about her partner's disappearance, she was ordered by the local authorities not to leave Kharkiv. As of April 2011, the investigation into the disappearance of Mr. Klymentyev was suspended[9].

Harassment and assault against human rights defenders

In 2010, several human rights defenders faced judicial harassment as a way to obstruct their human rights activities. They were also subjected to physical assaults, to which the authorities failed to adequately respond. For instance, on September 8, 2010, Mr. **Ruslan Zabily**, an historian working on political persecution during the Soviet Union, Head of the National Memorial Museum of Victims of the Occupation Regimes "Tyurma na Lonskoho" in Lviv, was arrested by six officers belonging to the SBU and taken to their headquarters for approximately fourteen hours, before being released. The officers did not identify themselves and Mr. Zabily was not informed either of the reasons of his detention nor of charges against him. During the time of detention, he was not granted access to his lawyer. His personal computer containing historical material and academic research was confiscated and not returned to date. One month after his arrest, the case was classified for security reasons, and Mr. Zabily was interrogated again in February 2011 by the SBU. He then found out that he was accused of "attempting to reveal a State secret" and "intending to commit a crime" under Article 328 and Part 1 of Article 15 of the Criminal Code. As of April 2011, a criminal investigation against Mr. Zabily remained clouded in secrecy. It remains unclear which documents in his possession at the time of his arrest present a threat to the State if revealed[10]. In 2010, Mr. **Andriy Fedosov**, Head of a monitoring project in psychiatric institutions run by the mental disability rights organisation "Uzer", based in Evpatoria, was the victim of several acts of harassment. On May 11, 2010, he was beaten by unknown assailants in Evpatoria. He had to stay in bed for three days following the attack. From February to April 2010, Mr. Fedosov had been filming poor living conditions at several governmental psychiatric institutions in the Crimea region. He also reported cases of unlawful confinement in psychiatric institutions, cases of torture and ill-treatment of patients. On April 25, 2010, he had received anonymous threats of physical assault over the phone demanding him not to publicise his findings. On April 26, he gave a press conference on this issue. Though alerted, the police reportedly failed to take action. After the assault, he filed a complaint at the police but the assault was not investigated. Moreover, in July 2010, Mr. Fedosov was detained for one day

9 / See Institute of Mass Information (IMI) and Reporters Without Borders (RSF) Press Releases, September 9 and 10, 2010.
10 / See UHHRU.

in relation to an offence allegedly committed by him when he was 15 years old[11]. In October 2010, Mr. Fedosov was informed by the Ministry of Internal Affairs that a financial inspection into his organisation's accounts was underway at the request of an anonymous person. The police tried to interrogate Mr. Fedosov several times, including once when he was home on sick leave. Every time he refused to respond so the policemen left. He was asked for the statute of the organisation and its financial documents. Following the intervention of the Ukrainian Helsinki Human Rights Union (UHHRU), the police of Evpatoria finally decided not to continue the inspection[12]. On October 29, 2010, Mr. **Andriy Bondarenko**, a trade union activist and defendant of workers' rights in Vinnitsa, south west Ukraine, was ordered by the Vinnitsa Regional Court of Appeals to undergo a 30-day compulsory psychiatric examination after sending multiple complaints to the Prosecutor's office about violation of workers' rights. The prosecutors cited his "excessive awareness of his own and others' rights and his uncontrollable readiness to defend these rights in unrealistic ways" as a problem[13]. A psychiatric examination scheduled for December 13, 2010 did not take place as Mr. Bondarenko refused to submit to the examination. In December 2010, his lawyer lodged an appeal before the High Court on Criminal and Civil Cases, but the hearing had not been scheduled as of April 2011[14].

The work of human rights defenders was also paralysed by searches and confiscation of important documentation and equipment. For instance, on October 15, 2010, at 11 p.m., the police raided the office of the Vinnitsa Human Rights Group under the pretext of investigating pornography distribution by the group's Coordinator, Mr. **Dmytro Groisman**, who provides support to asylum-seekers and campaigns against torture and ill-treatment of migrant workers. Mr. Groisman's flat was searched with the authorisation of the court whereas the office of the Vinnitsa Human Rights

11 / On May 12, 2000, in the village of Litin in the Vinnitsa region, a sports school was robbed. Mr. Fedosov was later accused of the robbery. On September 20, 2010, the charges against him were dropped since it was proven that he was in a closed children's hospital at the time and could not have committed the alleged crime.

12 / See Uzer and UHHRU.

13 / Since 2007, the Vinnytsya Prosecutor's office had asked local health authority officials four times to request compulsory psychiatric examination of Mr. Andriy Bondarenko but the Leninskiy Court of Vinnitsa had always denied their request. Yet, Mr. Bondarenko underwent voluntarily three examinations in August 2007, August 2010 and October 2010, all of which confirmed that he was mentally healthy. In August 2010, the Prosecutor's office accused him of forging the data during the examination. On August 31, 2010, the Leninskiy Court of Vinnitsa dropped the criminal charges.

14 / The High Court on Criminal and Civil Cases subsequently ruled out the decision to submit Mr. Bondarenko to a psychiatric examination. The Prosecutor's office demanded the hospitalisation again but the new case had not been examined as of April 2011. See UHHRU.

Group, located in the same building, was searched without judicial authorisation. During the search, financial reports, confidential information about clients and refugee cases, including written confidential correspondence between the Vinnitsa Human Rights Group and the European Court of Human Rights regarding three cases, were seized. The police reportedly confiscated over 300 items including files of the UN High Commissioner on Refugees, CD-ROM, USB-sticks and a laptop. As of April 2011, the documents and equipment had not been returned and the investigation remained pending[15].

Ongoing obstacles to freedom of peaceful assembly

In 2010, several peaceful rallies held in favour of the defence of human rights were repressed. For instance, in May 2010, Ukrainian environmental activists acting to prevent deforestation of Gorky Park in Kharkiv, a 1,800 hectare, forest park, were denied the right of peaceful assembly and expression. On May 20, 2010, under the order of the Kharkiv City Council plans to build a new road and commercial leisure facilities, loggers began clearing trees in Gorky Park. Yet, the order of Kharkiv City Council disregarded formal procedures such as conducting a public consultation by the State Environment Protection Department in 2007 and procurement of land allocation and land inspection certificates. During the first week alone, the loggers cut down 20% more trees than permitted by a decision of the Executive Committee. On May 20, local citizens and environmental activists therefore started a 14-day peaceful protest. They gathered in the park and attempted to stop the falling by standing in front of the trees, sitting in the trees, and chaining themselves to the trees. On May 28, security guards started to break up the human chain formed by the demonstrators. As a result of a clash between the activists and the police, a dozen activists were arrested, including environmental activists Messrs. **Andrei Yevarnitsky** and **Denis Chernega**. They were taken to the Dzerzhinsky district police station, where they were held approximately eight hours before being brought before a judge. Eight people, including the two environmental activists, were charged with "not following legal orders of a police officer". Messrs. Yevarnitsky and Chernega received the longest sentences, that is fifteen days in "administrative" detention. The other activists were sentenced to a few days' imprisonment. On June 18, the sentences of Messrs. Yevarnitsky and Chernega were reduced on appeal to nine days. They were released the same day as they had already completed 21 days of detention. Similarly, on June 2, a peaceful protest of 200 people was dispersed by force by the crew of woodcutters,

15 / See Vinnitsa Human Rights Group Press Release, November 18, 2010.

security guards employed by the City Council and employees of a construction company. Over fourteen days of protest, several demonstrators and journalists suffered injuries caused by being beaten, wire traps set by the guards and falling from trees caused by the guards. The police took no action to protect them. They were also subjected to threats and insults[16]. On each occasion, they lodged complaints but the authorities failed to ensure their safety and to open an investigation. On October 12, 2010, the police attempted to arrest Mr. **Oleksiy Verentsov**, a lawyer and leader of the local human rights NGO "Vartovi Zakonu" (Guards of the Law), during a peaceful protest against the lack of progress in criminal and other cases concerning citizens' rights that lasted for several days in front of the Regional Prosecutor's office. As the crowd started chanting "Shame!", ultimately he was not arrested. Two days later, on October 14, 2010, Mr. Verentsov and his colleague Mr. **Ihor Tanychkevych** were arrested on charges of violating Articles 185 and 185.1 of the Code on Administrative Offences, in particular for "disregarding lawful instructions by a police officer to cease the demonstration in absence of a permit". However, under Article 39 of the Ukrainian Constitution, a permit is not required for peaceful demonstrations. During the court hearing held on October 14, 2010 before the Halytsky District Court in Lviv, Mr. Oleksiy Verentsov's and Mr. Ihor Tanychkevych's lawyer was not granted access to the courtroom and the witnesses were not interrogated. The hearing lasted about one hour. Messrs. Verentsov and Tanychkevych were sentenced to three days of prison for "breaching the order of conduct of a peaceful assembly". On October 18, Mr. Verentsov appealed the decision of the court only after being released since he was not allowed to see his lawyer earlier. On October 27, the Court of Appeal rejected it. Mr. Tanychkevych also lodged an appeal on October 18 and the Court of Appeal ruled out the decision of the first instance court, opening the way for a criminal investigation against Mr. Tanychkevych. On December 14, the Prosecutor's office finally decided not to file criminal charges against him. On the same day, the Prosecutor's office also decided not to bring charges against police officers and members of the court as he denied the claim that Mr. Verentsov's rights had been violated during his arrest. Mr. Verentsov's lawyer lodged an appeal before the European Court on Human Rights for unlawful detention. The application was pending as of April 2011[17].

16 / See Kharkiv Human Rights Protection Group Open Letter to the Human Rights Commissioner of the Council of Europe, June 7, 2010.

17 / See UHHRU.

UZBEKISTAN

In 2010-2011, human rights defenders remained seriously threatened through the authoritarian rule of President Islam Karimov. Many defenders continued to serve long prison terms and were subjected to poor conditions of detention and obstacles to their visiting rights. Others remained in exile. Human rights defenders faced serious obstacles to exercise their freedoms of expression, association and peaceful assembly. The general lack of space for any form of political or social dissent, the widespread corruption and the lack of an independent judiciary created an environment in which defenders were regularly harassed by law enforcement and State security agencies without any recourse.

Political context

In 2010-2011, freedoms of expression, peaceful assembly and association remained highly restricted, including under the pretext of the fight against terrorism and religious extremism. The control of the Government over broadcast media was again tightened. Major independent websites were partially or completely blocked. Social networks were also periodically cut off[1]. Journalists, civil society activists and opposition members continued to be harassed, ill-treated and prosecuted for attempting to communicate information on the country's socio-political situation or voicing an opinion dissenting with Government's policy. The Government's security policy also permitted close surveillance of the population, in particular civil society activists, who were followed in the street, their communications monitored and their homes placed under surveillance. Again, no human rights organisation nor any political party was registered in the course of the year.

With a judiciary lacking independence, there was no check on the Executive. Impunity thus remained the rule. There were no independent investigation into human rights violations. This remained also true in regards to the May 2005 Andijan massacre. The criminal justice system, which is not only corrupted but also subject to the orders and control of the executive and security services, made possible an increase of arrests and convictions on political grounds. As of April 2011, dozens of Government critics and political opponents, including several human rights defenders,

1/ See Reporters Without Borders (RSF) Report, *Internet Enemies 2011 - Uzbekistan*, March 11, 2011.

continued to serve long prison terms on trumped-up charges[2]. In addition, reports of torture or other ill-treatment of detainees continued with no accountability.

Continuing arbitrary detention of human rights defenders in inhuman conditions

While Mr. **Farkhad (Farkhodhon) Mukhtarov**, a member of the Uzbekistan Human Rights Alliance (*Pravozashchitni Alians Uzbekistana* - PAU), was released on the eve of a visit to Uzbekistan of the United States Secretary of State, Ms. Hillary Clinton, on December 2, 2010, after having served sixteen months of a four-year sentence on charges of "fraud" and "bribery", as of April 2011 several human rights defenders were still serving long prison terms following unfair trials. None of them was included in the amnesties granted on the eve of the Independence Day, on September 1, or of the Constitution Day, on December 8[3]. Those detained included: Mr. **Solijon Abdurahmanov**, a journalist detained since 2008 in prison colony U/Ya 64/61, near Karshi, Kashkadarya region; Mr. **Yusufjon Jumaev** (alias **Yusuf Jumaev**), poet, writer and Head of the human rights organisation "Sahroiy Sherlar" (Lions of the Deserts), detained since 2007 and held in prison colony U/Ya 64/71, Jaslyk, Karakalpak Republic[4]; Mr. **Agzam Turgunov**, Executive Director and Founder of "Mazlum" (Suppressed) Human Rights Centre, detained since 2008 and held in prison colony U/Ya 64/49 of Karshi; Mr. **Abdurasul Hudoynazarov**, Chairman of the Angren city branch of the human rights organisation "Ezgulik" (Solidarity), detained since 2006 and held in the U/Ya 64/21 strict regime prison colony in Bekabad, Tashkent region; Mr. **Nasim Isakov**, member of the Jizzakh regional branch of the Human Rights Society of Uzbekistan (HRSU), detained since 2005 and held in prison colony U/Ya 64/3 in Tavaskai, Tashkent region; Mr. **Jamshid Karimov**, member of the Jizzakh regional branch of HRSU, detained in a psychiatric hospital since 2006 and held at Samarkand psychiatric hospital; Mr. **Zafar Rahimov**, a member of the Kashkadarya regional branch of HRSU, detained since 2007; Mr. **Yuldash Rasulov**, a member of the Kashkadarya regional branch of HRSU detained since 2007 and held in prison colony U/Ya 64/25, Bukhara region; Mr. **Ganikhon Mamatkhanov**, a member of the Committee for the Protection of Individual Rights and of the Independent Human Rights Society in Uzbekistan, detained since 2009 and held in prison colony

2/ See Human Rights Society of Uzbekistan (HRSU).

3/ They were commonly attributed by the colony administration fabricated violations of "prison internal rules" to be considered in breach of amnesty criteria. See HRSU.

4/ Mr. Jumaev was released on May 19, 2011 and left for the USA to be reunited with his family after being forced to give up his Uzbek citizenship.

U/Ya 64/47, in Kiziltepa near Kharshi; Mr. **Azamjon Formonov**, Chairman of the Syrdarya regional branch of HRSU, detained since 2006 and held in strict regime prison colony U/Ya 64/71, Jaslyk; Mr. **Maxim Popov**, Educator and Director of the Uzbek NGO Izis working on HIV prevention, detained since 2009 and held in prison colony U/Ya 64/29, in Navoi; Mr. **Khabibilla Okpulatov**, a member of the Ishtikhan regional branch of HRSU, detained since 2005 and held in the U/Ya 64/45 strict regime prison colony in Almalik, Tashkent region[5]; Mr. **Norboy Kholjigitov**, member of the Ishtikhan regional branch of HRSU, detained since 2005 and held in prison colony U/Ya 64/61 in the village of Shaihali near Karshi; Mr. **Alisher Karamatov**, Head of the Mirzaabad regional branch of HRSU, detained since 2006 and held in the U/Ya 64/18 medical facility until January 2011 when he was transferred to prison colony U/Ya 64/49 of Karshi; Mr. **Gaybullo Jalilov**, a member of the Karshi regional branch of HRSU and a fighter for the right to freedom of conscience in Uzbekistan, who was sentenced on January 18, 2010 to nine years in prison, held in the strict regime colony in Sadovyi, Tashkent region[6]; Mr. **Dilmurod Saidov**, a journalist and member of Ezgulik, detained since 2009 and held in prison colony of strict regime U/Ya 64/36 in Navoi.

Moreover, the above-mentioned defenders continued to serve their prison sentences in very poor conditions of detention and were subjected to ill-treatment, resulting amongst others in the serious deterioration of their health. In addition, during inspections conducted by the International Committee of the Red Cross (ICRC), human rights defenders in poor health were hidden by the colony's administration. Visiting rights of their relatives were also severely restricted. For example, Mr. Gaybullo Jalilov's health seriously deteriorated. During the summer of 2010, Mr. Jalilov, who suffers from a nervous breakdown and kidney disease, reportedly received a heavy blow by a colony guard in the ear that left him nearly deaf on both ears after he refused to sing with other prisoners the hymn of the Republic of Uzbekistan. As to Mr. Norboy Kholjigitov, he was interrogated about a letter he sent to the President on May 5, 2010 asking to be transferred to a prison clinic for medical treatment, and subsequently accused of violating eight internal rules of the prison[7]. On August 11, 2010, his wife who was visiting him in the prison was interrogated by the National Security Services (SNB)

5/ On December 25, 2009, his lawyer sent an appeal to the Supreme Court of Uzbekistan. As of April 2011, he had not received any reply.

6/ On August 4, 2010, Mr. Jalilov received an extension of his sentence to an additional two years, one month and five days under Articles 159.3 and 244.2 Part 1 of the Criminal Code, based on a new witness testimony. On September 28, 2010, the Kashkadarya Regional Criminal Court upheld in appeal this sentence.

7/ For example "wearing dirty clothes".

about the letter her husband had sent to the President, and threatened. She was then requested to leave the prison after the first day of her two-day visit. During a visit of the ICRC representatives conducted from January 24 to 28, 2011 to the prison colony U/Ya 64/61, Mr. Kholjigitov was placed in a solitary confinement cell of the Kasan local police precinct of Kashkadarya region, where he was kept until January 28, before being brought back to the U/Ya 64/61 colony. At the same period, the colony's chief medical practitioner had prescribed him to be placed in a medical facility, but the head of the colony administration refused. Similarly, on January 22, 2011, Mr. Azamjon Formonov was transferred for a few days to the U/Ya 64/SI-9 prison in Nukus, Karakalpak Republic, at the time of an ICRC visit[8]. The health of Mr. Alisher Karamatov, who suffers from tuberculosis he developed in detention, continued to deteriorate throughout 2010 as he did not receive appropriate medical care. In addition, he was not authorised to call home whereas each prisoner is normally entitled to four calls per year. On August 10, 2010, his wife was permitted to visit him for 40 minutes instead of the three-day visit she was normally entitled to, allegedly because of "a too great number of visitors"[9]. In December 2010, after meeting with ICRC representatives, Mr. Karamatov was harassed by law-enforcement agencies[10]. Mr. Khabibilla Okpulatov's health also deteriorated. His eyesight became worse, he lost a lot of weight and had difficulty to walk due to the numbness of his right leg. Besides, Mr. Okpulatov was subjected to constant acts of harassment and humiliation[11].

Ongoing judicial harassment against human rights defenders

Human rights defenders also continued to be subjected to persecution and judicial harassment as reprisals for their human rights activities. On February 10, 2010, Ms. **Umida Ahmedova**, a photographer and filmmaker, was found guilty by the Mirabad District Court in Tashkent of "slander" and "insult", under Articles 139 and 140 of the Criminal Code respectively, regarding her book of photographs entitled "Women and Men:

8 / See Jizzakh regional branch of HRSU Press Release, February 24, 2011.

9 / There are 18 visiting rooms for 3,000 prisoners. Similarly, on January 5, 2010, instead of three days, she could only see him one day. See Jizzakh regional branch of HRSU Press Release, January 12, 2010.

10 / He received a visit from an officer of the SNB, who asked many questions about his relatives. The Superintendent of the colony U/Ya 64/49 also met him, asking why he had spoken badly about the conditions in the colony to the ICRC representatives. See Jizzakh regional branch of HRSU Press Release, January 12, 2010. When the ICRC visited Mr. Karamatov again mid-March 2011, they were this time accompanied by three members of the Uzbek police. See HRSU.

11 / For instance, he was not allowed to write and receive letters, neither to use the library nor pray. On the eve of the amnesty dedicated to the Day of Independence on September 1, 2010, the administration of the colony attributed two violations of internal rules to him. They allegedly found a cigarette butt in his bed and accused him of growing a beard. At the end of December, he received five similar accusations, among them one for allegedly using a dirty towel.

From Dawn to Dusk" as well as her documentary films "Women and Men in Customs" and "Rituals and Virginity Code". The judge announced that he would not apply a sentence as she was amnestied in honour of the 18th anniversary of Uzbekistan's independence. On March 11, 2010, Ms. Ahmedova appealed the conviction before the District Court of Appeals of Tashkent. Ten days later, she lodged another appeal before the Supreme Court of Uzbekistan. As of April 2011, she still had not received any reply. On February 7, 2011, Mr. **Tursunbek Turazode**, a member of the Tashkent regional branch of Ezgulik and a journalist, was arrested by policemen of the Internal Affairs Directorate of Syrdarya district on accusations of "fraud". On April 8, the investigation was closed and the case was referred for trial. No date had been scheduled as of the end of April 2011[12].

Harassment of human rights defenders by law-enforcement agencies

In 2010-2011, human rights defenders and their relatives were again constantly harassed by law-enforcement agencies, in particular by SNB agents, and were imposed heavy fines exceeding by dozens their income that they were not able to pay. They most often received summons that did not specify what they were accused of and stood trial *in absentia*, receiving court decisions by post. Human rights defenders regularly brought complaints before the Prosecutor General's office and other institutions, but none of them responded to their queries[13]. For instance, on April 21, 2010, Ms. **Tatyana Dovlatova**, a member of PAU, received a visit of five policemen in plain clothes, who tried to enter her house, saying they were gas workers. When she requested a receipt, they said she was on the "wanted" list and demanded her to come to the Khamzinsky police department of Tashkent. When she refused to let them in, they entered the house by force without a search warrant. They tried to make her go to the police department, despite the fact that she was recovering from a serious surgery. They left her alone only when doctors arrived in an ambulance and said she could not be transported. The following days, Ms. Dovlatova received several visits by the district police but she refused to go to the Khamzinsky police department because of her health condition[14]. In some cases, SNB agents attempted to intimidate specifically women human rights defenders through pressures against their family members. For example, at the end of February 2011, members of the SNB of Kashkadarya region asked relatives of Ms. **Bashorat Khidirova**, a member of the human rights NGO "Birdamlik" (Solidarity) in Karshi,

12 / See Ezgulik Press Release, February 9, 2011.
13 / See Jizzakh regional branch of HRSU and PAU.
14 / See PAU.

to beat her and her colleague Ms. **Gulshan Karaeva**[15]. On February 23, 2011, two officers from the Municipal Department of the Interior of Jizzakh visited the home of Mr. **Bakhtiyor Hamraev**, a human rights defender in Jizzakh, and without providing any reason asked to check all of Mr. Hamraev's documents, including his passport and title deed for his house. They left after he refused to provide these documents[16]. In March 2011, Ms. **Saida Kurbanova**, Chairwoman of Pahtakor district branch of HRSU, Jizzakh region, was subjected to pressure on several occasions following the publication of an article related to poor conditions in Pahtakor birth centre. On March 15, 2011, a police officer of the village of Chamanzor came to Ms. Kurbanova's house and demanded her to accompany him to the Head of the Pahtakor District Department of Interior. Ms. Kurbanova refused to go without receiving a summon and without being accompanied by a lawyer. The police came three times to the house of Ms. Kurbanova and requested her to come to the police department to write a letter of explanation about the articles she had written but she refused[17].

Human rights defenders were also regularly searched at the border, on some occasions in the absence of witnesses and on others in the presence of non-independent witnesses. For instance, on March 24, 2011, members of PAU Ms. **Elena Urlaeva**, Chairwoman, Ms. **Gavkhar Berdieva**, Ms. **Sharifa Tuychibaeva**, Ms. **Victoria Bajenova**, Messrs. **Vladimir Husainov**, **Akramhodja Mukhiddinov**, **Hayitboy Yakubov** and **Yuldash Ali Husanov** as well as **Bakhodir Namazov**, Chair of the Committee for the Release of Prisoners of Conscience and Director of HRSU, were searched at the passport control and customs of Tashkent airport while returning from a human rights seminar in Kazakhstan. Ms. Bazenova was searched by a policewoman and an employee of the customs for an hour in the presence of two witnesses. During the search of Mr. Husainov's luggage, a customs officer took away his notebook. He confiscated all business cards that Mr. Husainov had received during the seminar. He read through the notes he had taken and returned them. Ms. Urlaeva was brought to a special interrogation facility, where there was a camera and a recorder. A policewoman started unpacking Ms. Urlaeva's bags shouting at her. Ms. Urlaeva felt sick and asked for a doctor. The policewoman ignored her request but, when her state of health became critical, she called an ambulance. The policewoman gave her a copy of the search protocol that read that nothing illegal had been found. They were all allowed to leave[18].

15 / See PAU Press Release, February 27, 2011.
16 / See Jizzakh regional branch of HRSU Press Releases, February 23 and March 17, 2011.
17 / See Jizzakh regional branch of HRSU Press Release, March 15, 2011.
18 / See PAU Press Release, March 24, 2011.

Violations of freedom of movement, including the right to leave one's own country

Human rights defenders continued to regularly face difficulties in obtaining an exit visa that is required for leaving Uzbekistan. For instance, Mr. **Dmitry Tikhonov**, a member of PAU, who provides legal assistance to victims of human rights violations in the town of Angren, Tashkent region, was not able to obtain an exit visa from the Ministry of Internal Affairs for almost ten months. On May 26, 2010, he applied to the Department of Exit and Entry and Citizenship of the Department of Interior of Tashkent region for a temporary exit visa. As he did not receive a reply, he renewed his request several times. On November 4, he appealed to the Mirza-Ulukbek Civil Court of Tashkent against the three administrations responsible for the grant of visas. On March 23, the Tashkent Region Court of Appeals rejected his complaint. However, a day prior to the hearing, Mr. Tikhonov received a phone call from the administration of the Department of Exit and Entry and Citizenship of Tashkent region according to which the Interior Ministry had granted him a visa, which he received on March 24[19]. As of April 2011, several human rights defenders had not received an exit visa, including Ms. Saida Kurbanova, who has been waiting for such a visa since April 2008, Mr. **Mamir Azimov**, Chairman of the Jizzakh regional branch of HRSU, and Mr. **Uktam Pardaev**, Chairman of the Jizzakh regional branch of the Independent Human Rights Association of Uzbekistan[20].

Violations of freedom of peaceful assembly

On the eve of May 13, 2010, the day of commemoration of Andijan events, as well as on national holidays and days of visits by foreign politicians, such as the visit in April 2010 and 2011 of the United Nations Secretary General Ban Ki-moon, human rights defenders in Tashkent were systematically prevented by law-enforcement agents from leaving their homes or impeded to access meetings organised to denounce the human rights situation in the country. They were also kept in police department until the evening and then released without charges. Human rights defenders working in the regions were often impeded from coming to the demonstrations that took place in the capital. They were forced to leave buses or cars and brought back home by the police. For instance, on May 13, 2010, officers of the special forces prevented Ms. **Salomata Boimatova**, Ms. **Zoe Yangurazova**, Ms. **Gavkhar Ismoilova**, Ms. Tatyana Dovlatova, Messrs. **Rasuljon Tadjibaev**, Akramhodja Mukhiddinov, Vladimir Husainov, members of PAU, and Mr. **Anatolii Baraksin**, a member of

19 / See PAU.
20 / See Jizzakh regional branch of HRSU.

HRSU, Ms. Elena Urlaeva as well as Mr. Bakhodir Namazov, from leaving their homes. For example, Ms. Urlaeva tried to leave her house but she was stopped by policemen and brought back home, where she was guarded by the Chief of Mirzo-Ulukbek Interior District Anti-Terrorism Department of Tashkent and two of his colleagues. Again, on August 31 and September 1, 2010, Ms. Elena Urlaeva, Ms. Tatyana Dovlatova, Messrs. **Gulshan Karaeva**, member of PAU in Karshi, Bakhodir Namazov, Akramkhodja Mukhiddinov and **Abdullo Tadjibai-Ugly**, active in promoting fair and transparent elections, were put under house arrest or placed under strict control by secret services agents. On September 2, 2010, Ms. Urlaeva sent a collective complaint to the Presidential Administration and the General Prosecutor's office but, as of April 2011, she had not received any reply.

Closure of HRW office in Uzbekistan

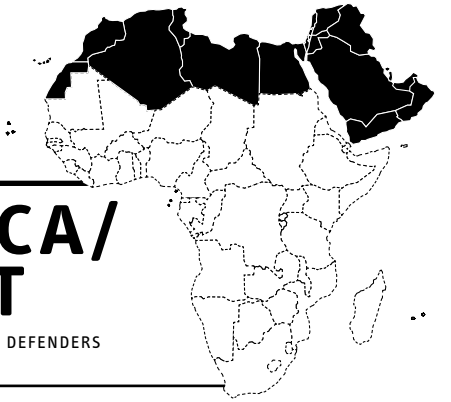
While no independent Uzbek human rights NGO was registered in 2010-2011, on March 10, 2011, the international NGO Human Rights Watch (HRW) was informed about the closure of its office in Tashkent after 15 years in Uzbekistan. The Government had been trying to interfere with its work for years by denying visas and work accreditation to its staff. In December 2010, Mr. **Steve Swerdlow**, Director of HRW Tashkent office, was denied accreditation by the Ministry of Justice to represent HRW in the country. These acts may be related to HRW's role in collecting evidence on human rights abuses committed during and since the 2005 Andijan repression[21].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Norboy Kholjigitov, Khabibulla Okpulatov, Salijon Abdurahmanov, Yusuf Juma, Alisher Karamatov, Agzam Turgunov, Abdurasul Hudoynazarov, Nasim Isaqov, Jamshid Karimov, Mashrab Jumaev, Zafar Rahimov, Yuldash Rasulev, Dilmurod Sayidov, Farkhodkhon Mukhtorov, Ganikhon Mamatkhanov** and **Gaybullo Jalilov**	Arbitrary detention / Bad health conditions	Open Letter to the authorities	January 27, 2010
		Open Letter to the authorities	September 16, 2010

21/ See Human Rights Watch Press Release, March 15, 2011.

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Gaybullo Jalilov	Sentencing / Judicial harassment / Arbitrary detention	Urgent Appeal UZB 010/1209/OBS 183.1	December 3, 2010
Ms. **Umida Ahmedova**	Judicial harassment	Urgent Appeal UZB 011/1209/OBS 197.1	February 16, 2010
Mr. **Dmitry Tikhonov**	Assault	Urgent Appeal UZB 001/0310/OBS 030	March 4, 2010
Ms. **Salomat Baymatova**, Ms. **Zoe Yangurazova**, Ms. **Gavkhar Ismoilova**, Ms. **Elena Urlaeva**, Ms. **Tatyana Dovlatova**, Messrs. **Rasuljon Tadjibaev**, **Akramkhodja Mukhiddinov**, **Anatolii Baraksin**, **Bakhodir Namazov**, **Vladimir Khusainov**, Gaybullo Jalilov, Nasim Isakov, Norboy Kholjigitov, Khabibilla Okpulatov, **Yuldosh Rasulov**, **Azamjon Formonov**, Jamshid Karimov, Zafar Rakhimov, Alisher Karamatov, Salijon Abdurakhmanov, Yusuf Jumaef, Agzam Turgunov, Dilmurod Saidov, **Farkhad Mukhtarov**, Abdurasul Khudoynazarov, Ganikhon Mamatkhanov and **Maxim Popov**	Acts of harassment	Press Release	May 26, 2010
Messrs. **Gulchan Karaev**, Bakhodir Namazov, **Akramkhodja Mukhiddinov**, Dmitry Tikhonov, **Abdullo Tadjibai-Ugly**, Ms. Tatyana Dovlatova and Ms. Elena Urlaeva	Obstacles to the freedom of peaceful assembly / Arbitrary arrest / Release / Threats / House arrest	Open Letter to the authorities	September 16, 2010



NORTH AFRICA/ MIDDLE EAST

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

REGIONAL ANALYSIS NORTH AFRICA AND MIDDLE EAST

A broad popular social protest movement calling for greater freedom and justice has shaken several countries in North Africa and Middle East since December 2010. Sparked by the immolation of a young unemployed Tunisian who was facing economic problems and social injustice, the revolt of the Tunisian people found echo in neighbouring countries that were also subjected to corruption, social injustice and repression. The scale and consequences of these movements varied according to the country. In *Tunisia* and *Egypt*, they forced leaders out of power after decades of despotism and flagrant violations of fundamental freedoms. In *Algeria*, *Jordan*, *Morocco* and *Oman*, Heads of State committed to the path of reform, promising a broad review of the Constitution. In the *Occupied Palestinian Territory* (*OPT*), the authorities announced the organisation of presidential and parliamentary elections in the coming months. In *Iraq*, the authorities took a series of measures to combat nepotism and corruption, the principal demand of the demonstrators. Other regimes, on the contrary, responded to the protest movement with violent repression of demonstrations (*Bahrain*, *Libya*, *Syria*, *Yemen*). The authors of these serious human rights violations remained unpunished despite statements by some Governments announcing the creation of commissions to investigate the violence that occurred during demonstrations (*Syria*). In *Egypt* and *Tunisia*, former Presidents Hosni Mubarak and Ben Ali, the Egyptian former Minister of Interior and several members of the Ben Ali family are the subject of an investigation into the bloody repression of the demonstrations that took place at the beginning of 2011[1].

Furthermore, while the lifting of the state of emergency in *Algeria* and in *Syria* did not put an end to the evident human rights violations, the human rights situation in most of the countries in the region remained worrying: arbitrary arrests and detentions (*Bahrain*, *Syria*), practice of

1/ In Tunisia, a National Commission to Establish the Facts Regarding the Abuses Committed During the Repression in December 2010 - January 2011 (*Commission nationale d'établissement des faits sur les abus commis au cours de la répression de décembre 2010 - janvier 2011*) was also set up.

ill-treatment and torture (*Bahrain*, *Egypt*, *Saudi Arabia*, *Syria*, *Tunisia*) or recourse to special courts (*Bahrain*, *Egypt*, *Syria*).

In addition, although during the protest movements the media especially Internet notably via social networks such as *Facebook* or *Twitter* became established as real tools for social mobilisation, the authorities soon tried to block access to Internet and to cut off mobile telephones with the aim of containing the movements (*Egypt*, *Syria*, *Tunisia*). Similarly, the authorities censored satellite TV channels, especially the *al-Jazeera* news channel, which plays an important role in broadcasting Arab opinion across borders (*Bahrain*, *Egypt*, *Kuwait*, *Morocco*, *OPT*, *Syria*, *Yemen*). Some journalists also died while they were covering the protest movements (*Bahrain*, *Egypt*, *Iraq*, *Libya*, *Yemen*).

At a regional level, the Gulf Cooperation Council (GCC) said in July 2010 it was ready to initiate a regional human rights commission to improve the situation in its member States[2]. Made up of independent and impartial experts, this commission would be responsible for accurate auditing of human rights affairs in the region[3]. However, as of the end of April 2011, there was no notable progress in setting up such a commission. Furthermore, on March 14, 2011, GCC sent armed troops to repress the people's protest movement in *Bahrain*. As to the League of Arab States, it did not react to any situation in the region, with the exception of *Libya*. In addition, the Arab Commission for Human Rights is still not fully operational and as of the end of April 2011, it had not reacted to any of the referrals made by the human rights organisations.

In 2010-2011, notwithstanding the overthrow of the dictatorial regimes in *Tunisia* and *Egypt*, the situation of human rights defenders remained worrying in most of the countries in the region. They were indeed again the target of numerous attacks on their freedoms of expression, association and peaceful assembly. They were also victims of defamation campaigns, arbitrary detention, judicial harassment and threats.

Repression of peaceful assemblies

In several countries of the region, when peaceful rallies gave rise to violent repression from the part of the authorities, with the security forces firing live bullets at the unarmed demonstrators, defenders who documented the human rights violations committed by the security forces during this repression were not spared (*Bahrain*, *Egypt*, *Syria*, *Tunisia*,

2/ The GCC is made up of Bahrain, Kuwait, Oman, Saudi Arabia and the United Arab Emirates.

3/ See Human Rights First Society, Saudi Arabia (HRFS) 2010 Report, *Unholy Trespass*, December 2010.

Yemen). Similarly, the authorities took reprisals against defenders who organised rallies on human rights issues (*Algeria*, *Egypt*, *Iraq*, *Israel and OPT*, *Morocco and Western Sahara*, *Saudi Arabia*, *Syria*, *Tunisia*, *Yemen*). In *Iraq*, demonstrations that spread to towns in Kurdistan after February 17, 2011, calling for an end to corruption, were brutally repressed by militia affiliated to the Kurdistan regional Government[4]. In addition, a variety of legislations continued to restrict freedom of assembly in *Algeria*, *Bahrain* and *Yemen* and, in *Egypt*, the adoption in April 2011 of a law outlawing demonstrations and strikes, constituted a new attack on the exercise of the right to peaceful assembly.

Continued recourse to repressive legislation to hinder freedom of association

In *Saudi Arabia* and *Libya*, where systematic repression continued, it was again impossible for the independent and organised human rights movements to openly form[5]. In other countries (*Jordan*, *Kuwait*, *Oman*, *Qatar*, *United Arab Emirates*), although there seemed to be few direct attacks on human rights defenders, in reality the methods used by the authorities of these countries were less visible and targeted less defenders than the legal framework in which they operate.

Furthermore, in many countries, repressive legislation remained in force or was adopted to hinder human rights activities. In *Algeria* and *Syria,* the "perpetual" state of emergency and its repressive framework remained in force in 2010 before being lifted in February and April 2011 respectively. Nevertheless, lifting the state of emergency did not put an end to the massive repression of defenders in *Syria*, had not yet introduced fundamental changes in *Algeria,* and raised the question of the continuing repressive framework in ordinary legislation. In *Egypt*, the Military Council committed to lift the state of emergency in place since 1967 only "when circumstances permit". In addition, in the name of national security, in March 2011, *Bahrain* and *Yemen* adopted special emergency legislation to impose a state of emergency with the intention of stifling the activities of civil society organisations. In several countries of the region (*Bahrain*, *Egypt*, *Libya*, *Syria*), the right to freedom of association continued to be

4 / See Amnesty International Press Releases, February 21 and April 19, 2011.

5 / Furthermore, in November 2010, under the United Nations Human Rights Council's Universal Periodic Review mechanism, the Libyan authorities rejected recommendations calling on the country to abolish capital punishment for crimes relating to freedoms of expression and association, and to put an end to the special courts before which civilians, including human right defenders, are tried, and to accede to the International Convention for the Protection of All Persons from Enforced Disappearance. See United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Libyan Arab Jamahiriya*, United Nations Document A/HRC/16/15, January 4, 2011.

flouted by legal provisions that subject the establishment of an association to a system of consent. In *Algeria* and *Morocco*, although an association is registered by declaration, in practise the administrative authorities refuse to issue a receipt attesting to the act of declaration. In *Israel*, several draft laws were adopted or were in the course of being adopted, aiming at restricting the field of action and delegitimise the work of defenders and Israeli civil society organisations working in *Israel and the OPT*. Finally, in *Libya*, several legislative provisions continued to criminalise the exercise of the right to freedoms of expression, association and assembly. Indeed, Law No. 71 of 1972 and Article 206 of the Criminal Code provide for capital punishment for forming groups banned by law including associations, on the basis of a political ideology contrary to the principles of the 1969 revolution. Furthermore, Article 178 of the same Code makes it a crime to issue information when it is considered to harm the reputation of *Libya* abroad.

On the other hand, in *Iraq*, Parliament voted a new law in favour of freedom of association on January 25, 2010[6]. This legislation came into force on March 2, 2011 and provides for a system of declaration for creating an association, and permits non-governmental organisations to receive funding from abroad and to join forces with international organisations without prior Government approval[7]. In *Tunisia*, since the transitional Government was set up, considerable progress was noted relating to the freedom of human rights defenders to organise and to work.

Acts of intimidation against defenders of the rights of refugees and minorities

Human rights defenders who denounced the discrimination of which refugee populations and various ethnic or religious groups were victims of were subjected to various forms of repression. In *Lebanon*, two members of the Palestinian Human Rights Organisation (PHRO) were victims of acts of intimidation because of their commitment on behalf of the rights of Palestinian refugees in *Lebanon*. On October 9, 2010, Mr. **Ghassan Abdallah**, PHRO General Director, was threatened with torture by a intelligence services unit of the army, who interrogated him in particular about a seminar organised by PHRO on the policy of access to the Nahr al-Bared Palestinian refugee camp. On November 27, 2010, Mr. **Hatem Moqdadi**, PHRO Coordinator at the camp, was arrested by the intelligence services unit in the Nahr al-Bared camp, before being released without charge on December 1. Furthermore, in *Algeria*, *Bahrain*, *Saudi*

6/ Law No. 12 of 2010 called the "Law on Non-Government Organisations".

7/ See Arab Human Rights Defenders Union, Iraqi branch, Press Release, January 26, 2010.

Arabia and *Syria*, arbitrary arrests and abusive judicial proceedings targeted people who defend, respectively, the rights of Ibadi, Shia Muslim and Kurdish communities. In *Israel*, a defender who denounced restrictions on the political freedom of Arab citizens in Israel was the target of reprisals by the authorities.

Harassment of defenders who fight against torture

In 2010-2011, defenders who denounced the use of torture or ill-treatment were subjected to acts of intimidation. In *Bahrain*, some human rights defenders were victims of a defamation campaign, whilst others were sentenced to imprisonment for participating in a report condemning the use of torture in the country. In *Lebanon*, Ms. **Marie Daunay** and Mr. **Wadih al-Asmar**, members of the Lebanese Centre for Human Rights (*Centre libanais des droits humains* - CLDH), were the subject of a complaint filed in March 2011 by the President of Parliament, alleging that the report published by the organisation in February 2011, entitled *Arbitrary detention and torture: the Bitter Reality of Lebanon*, contained "false accusations" and constituted "an incitement to religious hatred".

Reprisals against journalists who denounce human rights violations and corruption

In 2010-2011, journalists who denounced human rights violations or corruption were the target of reprisals: assassinations (*Iraq*), threats, physical violence (*Tunisia*, *Yemen*), arbitrary arrests and judicial harassment (*Bahrain*, *Egypt*, *Morocco*, *Syria*, *Tunisia*, *Yemen*). In *Iraq*, on May 4, 2010, Mr. **Sardasht Osman**, a Kurdish journalist who published articles on the corruption of the political system in Iraqi Kurdistan in many online newspapers and Internet websites, was abducted at the entrance to Erbil University. His body was found two days later with two bullets in his head[8].

The precarious situation of defenders in conflict zones

In countries affected by armed conflicts, widespread human rights violations did not spare human rights defenders, who were victims of arbitrary arrests, detention without trial, unfair trials and attacks (*Iraq*, *Israel and the OPT*, *Libya*, *Yemen*). In addition, in *Iraq* and *Libya*, analysis of the situation of human rights defenders remained very sensitive due to the serious security situation. In *Yemen*, defenders who condemned the serious violations of human rights and international humanitarian law committed by the authorities, especially during the repression that increased after the February 11, 2010 ceasefire agreement with the Huthi rebels in the north

8/ See RSF and Frontline Press Releases, May 6 and 13, 2010.

of the country, were victims of arbitrary arrest and detention. In *Israel* and the *OPT*, the increased number of checkpoints in the West Bank, the continuing blockade of Gaza and the construction of a separation wall, made it extremely difficult for human rights defenders to travel and hindered their work. In addition, draft laws threatened to hamper defenders who denounce the serious violations of human rights and international humanitarian law committed by the Israeli army. In *Iraq*, on October 26, 2010, members of the Iraqi army entered the house of Mr. **Ayad Muayyad Salih**, a member of the Iraqi Institute for Development, a human rights NGO for which Mr. Salih documents and denounces violations committed by the army. In his absence, army members arrested his father and his brother without a warrant and held them incommunicado for 35 days, before releasing them on November 29, 2010[9]. Furthermore, in *Morocco and Western Sahara*, the authorities continued to exploit the conflict by restricting the activities of Saharawi human rights defenders, who once again were subjected to acts of intimidation.

Urgent Interventions issued by The Observatory from January 2010 to April 2011 of in the region for which there is no country fact-sheet

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
LEBANON	Mr. **Nizar Saghieh**	Harassment	Joint Press Release	March 8, 2010
LEBANON	Mr. **Ghassan Abdallah**	Threats	Joint Press Release	October 13, 2010
LEBANON	Messrs. **Hatem Moqdadi**, **Hani El-Aaraj** and Ghassan Abdallah	Incommunicado detention / Release / Harassment	Urgent Appeal LBN 001/1210/OBS 141	December 2, 2010
LEBANON	Lebanese Human Rights Centre (CLDH)	Judicial harassment	Urgent Appeal LBN 001/0311/OBS 036	March 16, 2011
LEBANON	CLDH / Ms. **Marie Daunay** and Mr. **Wadih al-Asmar**		Joint Press Release	March 24, 2011

9 / See United Nations Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya - Addendum - Summary of cases transmitted to Governments and replies received*, United Nations Document A/HRC/16/44/Add.1, 28 February 2011.

ALGERIA

While the authorities tried in 2010 to further restrict the freedoms of the civil society, including by intensifying the repression of peaceful assemblies and obstructing meetings, in 2011 they lifted the state of emergency that had been in force for nineteen years for fear of an increase in social protest movements. Despite this progress, many laws that violate freedoms of association and peaceful assembly, as well as administrative practices and harassment by the police and the judiciary, continued to hamper the activities of human rights defenders.

Political context

On February 23, 2011, the state of emergency – in force in Algeria for nineteen years – was lifted by an order published in the Official Journal[1]. The decision came following the intensification of social protests that started on January 5, 2011 and left hundreds of wounded people amongst protesters and security forces[2]. Triggered by the announcement in early January of a drastic increase in the price of essential commodities, this grassroots movement echoed the uprisings for democracy and freedom that marked the Arab region in early 2011. However, the end of the emergency rule did not lead to the democratisation of political life or progress with respect to fundamental freedoms. Thus, on February 3, 2011, the Head of State instructed his Government to develop "appropriate texts that will allow the State to keep fighting terrorism until its completion, with the same efficiency, and according to the law"[3]. The announcement raised fears of the adoption of emergency legislation that would restrict fundamental freedoms and rights. Ordinance No. 11.02, adopted on the same day that the one on the lifting of the emergency rule, legalised the "safe house arrest" in incommunicado detention, of people suspected of terrorism or subversive acts.

In addition, 2010 saw no improvement in terms of respect for human rights, with the authorities stepping up measures to further restrict the

1/ See Ordinance No. 11.01 of February 23, 2011, ending the state of emergency legislation by repealing Decree No. 93.02 of February 6, 1993 extending the duration of the state of emergency declared by Decree Presidential Decree No. 92.44 of February 9, 1992.

2/ See FIDH, the Algerian League for the Defence of Human Rights (*Ligue algérienne pour la défense des droits de l'Homme* - LADDH) and the Collective of Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* - CFDA) Joint Press Release, January 9, 2011.

3/ See LADDH Press Release, February 18, 2011.

freedoms of civil society and reinforcing repression. The right to freedom of expression also continued to be sanctioned in Algeria[4]. Thus, the website of *Radio Kalima-Algérie*, the only alternative private news radio in Algeria, as well as its satellite broadcasts, have been blocked since March 17 and 18, 2010 respectively [5]. The crackdown also targeted foreign journalists[6].

Socio-economic development also deteriorated in the country, marked by chronic housing and education crises, and endemic corruption[7]. On May 6, 2010, the UN Committee on Economic, Social and Cultural Rights issued its Concluding Observations after examining Algeria's application of the International Covenant on Economic, Social and Cultural Rights. The Committee was very concerned by the failure of social dialogue and violations of trade union freedoms, as well as the "administrative, police and judicial interference" vis-à-vis trade unions independent of the public sector. The Committee also noted the non-compliance of the National Consultative Commission for the Promotion and Protection of Human Rights (*Commission nationale consultative de promotion et de protection des droits de l'Homme* - CNCPPDH) with the Paris Principles of independence, transparency and cooperation with members of civil society[8].

A legislative framework unfavourable to human rights activities

Freedom of assembly and of public protest is still not fully guaranteed in Algeria. Indeed, while the Decree No. 92.44 of February 9, 1992 declaring a state of emergency was repealed[9], the Act No. 91.19 of December 2, 1991 on Public Meetings and Demonstrations remains in force, as does the decision of the Government Council of June 18, 2001, which prohibits peaceful marches and other forms of public demonstrations in Algiers. Act No. 91.19 provides that, for public meetings, organisers must file a simple

4 / See Statement by the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue, following his visit to Algeria from April 10 to 17, 2011, April 19, 2011.

5 / See Reporters Without Borders, (*Reporters sans frontières* - RSF) Press Release, March 19, 2010.

6 / For example, on September 18, 2010, two Moroccan journalists of the weekly *Assahrae al-Ousbouiya*, a newspaper favourable to Western Sahara joining Morocco, were arrested by the Algerian military authorities upon arrival in Tindouf (southern Algeria), before being deported on September 22 to Morocco. See RSF Press Releases, September 21 and 22, 2010.

7 / See FIDH, LADDH and CFDA Joint Report, *La Mal-vie: rapport sur la situation des droits économiques, sociaux et culturels en Algérie*, May 2010.

8 / See United Nations Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights*, UN Document E/C.12/DZA/CO/4, June 7, 2010.

9 / Decree No. 92-44 of February 9, 1992 empowered the Minister of Interior and Local Government and the Wali with territorial jurisdiction to direct, by order, the temporary closure of venues of all kinds and prohibit any demonstration likely to disturb public order and tranquillity.

declaration to the Wali[10], who must give a receipt. However, in practice, this receipt is very rarely granted. Organisers of public protests must apply for permission from the authorities. Furthermore, Act No. 91.19, as envisaged in the decree declaring a state of emergency, also allows the authorities to ban any meeting that could risk disturbing public order. The authorities regularly prohibited public demonstrations[11] and public meetings were rarely allowed, especially when the organisers were human rights organisations. Thus, on the evening of March 24, 2010, the management of regulatory and general affairs of the "wilaya" of Algiers did not authorise the Algerian League for the Defence of Human Rights (*Ligue algérienne pour la défense des droits de l'Homme* - LADDH) to hold its third congress the following two days at the centre of the Zeralda construction material craftsmen society, while the organisation had filed a declaration with the wilaya of Algiers on February 28, 2010. Moreover, following the lifting of the emergency rule, many representatives of the national authorities stated that public marches remained banned in Algiers[12], and President Bouteflika announced that no march would be tolerated in Algiers but that if some people wanted to meet, they could do so in public rooms[13]. In 2011, the National Coordination for Change and Democracy-Barakat (*Coordination nationale pour le changement et la démocratie* – CNCD-Barakat) organised several meetings in Algiers and Oran that were not prohibited[14]. Nevertheless, on April 23, 2011, despite a written and signed booking for a room, the Mostaganem authorities refused to hand over the receipt to the organisers of the CNCD Oran on the pretext that the room was not available, and the meeting was therefore not held as planned in the reserved room[15].

Moreover, the Ordinance passed in February 2006 on the implementation of the Charter for Peace and National Reconciliation remains in force, restricting the freedom of expression and action of human rights defenders.

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10 / Chief of the administrative districts called wilayas in Algeria.

11 / See *infra.*

12 / See notably Mr. Daho Ould Kablia, Minister of the Interior, on national radio *Chaîne III* on February 24, 2011. See also LADDH Press Release, March 3, 2011.

13 / See *el Watan* Article, February 3, 2011. According to the newspaper, Mr. Bouteflika said on the ban on public marches in Algiers that: "Moreover, Algiers has several public rooms of various capacities, which are freely available to any party or association by legal demand to hear his point of view".

14 / The CNCD was created on January 22, 2011 by human rights organisations, independent trade unions, student organisations and youth and political parties, to demand the lifting of emergency rule, the release of people arrested during peaceful demonstrations or for crimes of opinion, and for transparency in politics and media. It then split into two distinct groups on February 22, one involving political parties and some civil society organisations (the CNCD) and the other unions, human rights organisations and other civil society organisations (the CNCD-Barakat). See LADDH.

15 / See CFDA.

Although these provisions were never implemented, they contribute to the climate of self-censorship in the society, particularly in the media, and discourage critical debate on the conflict of the last decade. This Ordinance provides penalties from three to five years in prison and fines anyone who "by his declarations, writings or any other acts, uses or exploits the wounds of the national tragedy to harm the institutions of the Algerian Democratic People's Republic, harm the reputation of its agents who honourably served, or tarnish the image of Algeria internationally". The law penalises a large part of the work of human rights defenders, and in particular the activities related to the fight against impunity and the search for truth and justice.

Similarly, the Algerian authorities continued to prevent human rights organisations from obtaining legal recognition, such as SOS-Disappeared (*SOS Disparu(e)s*), which, despite numerous attempts over many years, has never managed to register a request. Other organisations, like the Mich'al Association of the Children of the Disappeared from Jijel (*Association Mich'al des enfants de disparus de Jijel* - AMEDJ), have still not received a receipt from the local authorities[16].

Ongoing repression of peaceful demonstrations

Defenders organising public gatherings dealing with human rights issues continued to be the subject of consistent retribution from Algerian authorities. For example, on May 3, 2010, a large police force dispersed a peaceful rally at the premises of national television in Algiers to mark the World Day for Press Freedom by demanding the right to freedom of expression in Algeria and denouncing censorship. Four of the organisers, Messrs. **Mustapha Benfodil**, **Adlene Meddi** and **Saïd Khatibi**, leaders of the group "Bezzzef" ("It is too much"), which denounces the attacks on freedoms in Algeria, as well as Mr. **Hakim Addad**, Secretary General of the Rally for Action and Youth (*Rassemblement action et jeunesse* - RAJ)[17], were arrested by the police for "unauthorised gathering". During their detention, they were subjected to a three-hour examination about the rally before being released without charge. On May 26, 2010, the police also used excessive force during a peaceful march organised by the Coordination of the Arouchs, Daïras and Municipalities (*Coordination des*

16 / This document establishes the legal recognition of an association and allows the continuation of its activities. See Act No. 90.31 on Associations.

17 / RAJ aims at raising the awareness and the mobilisation of the youth to social problems and the promotion of cultural and human rights activities.

arouchs, daïras et communes - CADC)[18] of Tizi-Ouzou. The march was organised to commemorate the events of the Algerian Black Spring[19], to denounce the impunity enjoyed by the responsible for abuses and to demand compliance with the commitments of the State under agreements negotiated in 2005, mainly on the State's responsibilities generated by this crisis. A dozen people were injured, including people over the age of sixty. Moreover, the authorities banned for "reasons of public order", rallies organised in February 2011 by the CNCD. On February 11, 2011, on the eve of one of these rallies, the Algerian authorities also brought in for questioning Messrs. **Kateb Said**, **Akrem el-Kebir**, **Ait Tayab Hassan**, **Bouha Yacine** and Ms. **Chouicha Sihem**, members of the LADDH section in Oran, while they were distributing leaflets calling for the march. They were released two hours later without charge. Over 300 people were also arrested during the march of February 12, including Mr. **Mouloud Boumghar**, member of the Collective of Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* - CFDA), Ms. **Chérifa Kheddar**, President of the organisation of victims of terrorism "Djazairouna", Mr. **Achour Idir**, Secretary General of the Council of High Schools in Algeria (*Conseil des lycées d'Algérie* - CLA), and Mr. **Salem Sadali**, Secretary General of the Independent Union of Technical Education and Training (*Syndicat autonome du technique, de l'enseignement et de la formation* - SATEF), before being released without charge. Moreover, on February 19, the police violently dispersed the second national day of action organised by the CNCD, striking protesters gathered at the May 1st Place in Algiers. Mr. **Ali Yahia Abdenour**, Honorary President of the LADDH, was mistreated and Mr. **Rachid Malaoui**, Chairman of the National Independent Union of Public Administration Personnal (*Syndicat national autonome des personnels de l'administration publique* - SNAPAP), was injured. Anti-demonstrators also attacked the demonstrators. Mr. **Abdelmoumène Khelil**, Secretary General of the LADDH, was threatened with violence in front of the police, who did not intervene[20].

Continued repression of defenders of economic and social rights

Defenders of economic and social rights were also victims of multiple acts of intimidation. Unionists in particular continued to be harassed by the authorities. For example, on May 12, 2010, the administrative authorities

18 / The CADC is an assembly of representatives in traditional Kabyle village committees and district committees, created following the events of the Black Spring of April 2001. It organises and oversees protests. The daira is a subdivision of a wilaya in Algeria territorial administration, and the Aruch is a traditional form of democratic assembly in Kabylia.

19 / In April 2001, following the death of a young Kabyle in the local gendarmerie Béni Doualades, riots erupted and were violently repressed by police forces in Algeria.

20 / See LADDH Press Release, February 19, 2011.

closed down and sealed the premises of the House of Unions (*Maison des syndicats*) in Algiers, which is held on a regular basis by SNAPAP, on the pretext of "disturbing public order" and "transforming the premises into a meeting place for girls and young men from different regions of the country". The decision came on the eve of the Maghreb Union Forum (*Forum syndical maghrébin*) on May 14 and 15, at the House of Unions. Since then, the House was re-opened. Moreover, on October 24, 2010, the administrative authorities refused to renew the passport of Mr. **Mourad Tchiko**, a SNAPAP member who had denounced mismanagement and corruption in the public service, on the pretext of the existence of a case against him in court. This refusal, issued verbally without written notification, would be linked to his union activities[21]. In addition, on February 24, 2011, Mr. Tchiko was arrested by the police outside the National School of Public Works (*Ecole nationale supérieure des travaux publics* - ENSTP) in Kouba, Algiers, where he had gone to support five ENSTP workers who had organised a hunger strike for four days in protest against their working conditions. He was taken to the local security sector of daïra Kouba, before being released without charge several hours later[22]. In 2010, Mr. **Yacine Zaid**, Secretary General of the local branch of the General Union of Algerian Workers (*Union générale des travailleurs algériens* - UGTA) with Eurest Support Services (ESS), a subsidiary of Compass Group, continued to face legal harassment for having created this union section with the purpose of defending the interests of employees in the company. On December 29, 2010, the Court of Hassi Messaoud condemned him *in absentia* to a three-month imprisonment and a fine of 100,000 dinars (around 1,000 euros) for "defamation," following an article published on June 12, 2009 in the *el-Watan* newspaper, which focused on trade union rights violations in Algeria. Mr. Zaid was not summoned to the hearing. As of April 2011, he was still free and still awaiting notification of the verdict to appeal. On February 22, 2011, Mr. **Riad Laamri**, a member of the National Committee for the Defence of the Rights of the Unemployed (*Comité national pour la défense des droits des chômeurs*) and of the LADDH, was beaten by the police and arrested during a peaceful rally outside the labour office in the Skikda wilaya for denouncing the situation of unemployed people and defending their rights. He was also verbally abused at the police station before being released two hours later without charge[23]. On March 16, 2011, the authorities also arrested Ms. **Dalila Touat**, representative of the National Committee for the

21 / Mr. Tchiko has also been suspended from his job since December 18, 2004 for his union activities. See LADDH Press Release, November 28, 2010.
22 / See LADDH Press Release, February 24, 2011.
23 / See LADDH Press Release, February 22, 2011.

Defence of the Rights of the Unemployed in the Mostaganem wilaya, western Algeria, following her distribution on March 14, 2011 of leaflets calling for the organisation of a peaceful rally on March 20 in Algiers, to call for the respect of the rights of unemployed people. After being held in custody for 24 hours, she was released with a summons to appear in court on April 28, 2011, under the charge of "incitement to an unarmed gathering", punishable by one year in prison. On the same day, Ms. Delilah Touat was acquitted[24].

Students were also targeted by the authorities. On February 20, 2011, students from several schools and universities in Algeria, holding daily peaceful rallies outside the Ministry of Higher Education to demand improvements in their conditions of study and the broadening of the perspective of employment, were attacked by riot police. More than twenty students were injured. The next day, they continued their rally surrounded by a large police force[25].

Constant intimidation and harassment against associations of families of the disappeared

Associations of families of victims of enforced disappearances during the conflict that devastated Algeria in the 1990s, continued to face intimidation from the authorities. Thus, on February 4, 2010, two police brigades in Bab Djedid appeared at the premises of SOS-Disappeared to verify whether the association had a license to carry out its activities in Algeria. They returned on February 9, 2010 to interview its President, Ms. **Fatima Yous**, about the activities of the association. The latter refused to answer questions from the brigade until an official mandate was presented. In addition, several of these associations have still no legal recognition[26].

Furthermore, the rallies organised by the families of disappeared to claim their rights to truth and justice regarding the fate of their relatives, were regularly banned and/or repressed by the security forces. Thus, on March 8, 2010, at the call of SOS-Disappeared and on the occasion of International Day of Women's Rights, families of the disappeared tried to gather outside the Department of Justice. The police then intervened, dispersing the families by using excessive force, physically and verbally abusing some demonstrators. Similarly, in the morning of August 4, 2010, police and gendarmes, deployed in large numbers, closed off all access roads to Addis Ababa square in Algiers, where the CNCPPDH is located, to

24 / See LADDH.
25 / See LADDH Press Release, February 21, 2011.
26 / See *supra*.

prevent the mothers of the disappeared from peacefully gathering, as they do every Wednesday since August 2, 1998. The mothers tried to access their gathering place for nearly two hours, but were violently pushed back by the police. The following week, on August 11, 2010, the security forces used disproportionate violence to disperse about forty relatives of missing people who had come to demonstrate outside the CNCPPDH. The officials gave no official reason for banning the families' rallies, but merely declared that the order to disperse the gathering by any means "came from above". Several demonstrators were pushed and beaten, including Ms. **Nassera Dutour**, Spokeswoman of the CFDA and member of OMCT General Assembly. Ms. **Fatma Lakehel** and Mr. **Hassan Ferhati**, members of SOS-Disappeared, lost conscientiousness in the wake of the violence and had to be transferred to hospital. The police also arrested four demonstrators, including Mr. **Sliman Hamitouche**, a member of SOS-Disappeared, an 82 year-old father of a disappeared person, Mr. **Millif**, and two young members of the LADDH. They were released several hours later without charge. Since then, the families of the disappeared have tried in vain to reclaim the space that had been appropriated to them for twelve years to claim their rights to truth and justice, but they are still impeded by the security forces. On August 30, 2010, to mark the International Day of the Missing, SOS-Disappeared organised a large rally outside the main post office (*Grande Poste*) in Algiers. One of the representatives of SNAPAP, who had come to support the families, was the first to be arrested after being beaten because he had chanted slogans. In all, nine people were taken to the Cavaignac police station in Algiers, where they were interrogated for several hours before being released without charge[27].

Continued judicial harassment against one defender of the rights of religious minorities

Defender of the rights of the Ibadite religious minority[28], Mr. **Kamel Eddine Fekhar**, LADDH activist and one of the initiators of the appeal to the formalisation of the Ibadite ritual in Algeria, was also subject to harassment in court because of his activities for the recognition of the rights of Mozabite citizens. Prosecuted and wrongly accused of "destruction of public property and arson of a police car"[29], he appeared again on February 10, 2011 before the Criminal Court of Ghardaia, which has not decided his case as of April 2011. His trial was postponed to October 2011, during the next criminal session.

27 / See SOS-Disappeared Press Release, August 30, 2010.
28 / Ibadism is a form of Islam distinct from the Sunni and Shia.
29 / The incidents allegedly occurred in January 2009 during riots that rocked the city of Berriane in the wilaya of Ghardaia.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
SOS-Disappeared / Ms. **Fatima Yous**	Obstacles to freedom of association / Intimidation	Urgent Appeal DZA 001/0210/OBS 016	February 12, 2010
	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 002/0310/OBS 036	March 12, 2010
Messrs. **Mustapha Benfodil**, **Adlane Meddi**, **Saïd Khatibi** and **Hakim Addad**	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 003/0510/OBS 055	May 6, 2010
House of Unions	Obstacles to freedom of association	Joint Press Release	May 14, 2010
Coordination of the Arouchs, daïras and municipalities (CADC)	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 004/0610/OBS 071	June 3, 2010
Families of the disappeared	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 005/0810/OBS 097	August 6, 2010
Families of the disappeared	Obstacles to freedom of peaceful assembly	Press Release	August 13, 2010
Messrs. **Kateb Said**, **Akrem el Kebir**, **Ait Tayab Hassan** and **Bouha Yacine** and Ms. **Chouicha Sihem**	Acts of intimidation / Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 001/0211/OBS 017	February 11, 2011

BAHRAIN

In 2010-2011, several human rights defenders were arrested and prosecuted under the Anti-Terrorist Law or were the target of defamation campaigns. In addition, while several NGOs still did not obtain legal recognition, other defenders labour and unions were subject to obstacles to their freedom of association during the repression of a peaceful protest movement in 2011. Moreover, men and women who denounced human rights violations committed during the repression of this movement were subjected to arbitrary arrests, threats and acts of intimidation and even acts of torture that led to the death of one of them in custody.

Political context

In the run-up to the municipal and parliamentary elections on October 23, 2010, the authorities carried out a vast repression movement that began on August 13, 2010, based on the anti-terrorist legislation, targeting the opposition and leading to the arrest of nearly 300 citizens, including 76 children. The persons arrested were also allegedly victims of torture and ill-treatment[1].

This repressive climate intensified from February 14, 2011, when the security forces brutally repressed the peaceful rallies that erupted throughout the country, calling for political reforms, the release of all political prisoners, fair distribution of wealth and an end to torture. The police used tear gas, live and rubber bullets, causing several deaths and hundreds of injured[2]. On February 23, 2011, King of Bahrain Hamad ben Issa al-Khalifa ordered the release of about 250 political prisoners, including many human rights defenders, and carried out a government reshuffle. However, these measures did not stop the demonstrations, which continued to be brutally repressed by the army from March 14, with the support of troops from Saudi Arabia and the Emirates[3]. On March 15, a three-month country-wide state of

1/ See Bahrain Centre for Human Rights (BCHR) Report, *Children in Bahrain, victims of physical and sexual abuse, abduction, arbitrary detention and unfair trial*, November 20, 2010.
2/ See BCHR.
3/ Between February 14 and May 2, 2011, 31 demonstrators died. See BCHR. The doctors who were at the main rally site in Manama to help the wounded were also targeted on several occasions by the security forces. The latter also took control of the main hospital, preventing help from getting through to wounded demonstrators. See BCHR Press Releases, February 25 and March 16, 2011, and Physicians for Human Rights (PHR) Report, *Do No Harm: A Call for Bahrain to End Systematic Attacks on Doctors and Patients*, April 22, 2011.

emergency was decreed and on March 17, 2011, the police arrested eight of the principal political opponents without a warrant[4]. Altogether, over 900 people were arrested for being suspect of having supported, organised or taken part in the protest movement, or denounced the human rights violations committed by the authorities[5]. These demonstrators were tried by the National Security Court created under the law establishing the state of emergency and presided over by a military judge, with no respect for guarantees of a fair trial[6]. Several demonstrators remained also disappeared as of the end of April 2011. Furthermore, a huge wave of job lay-offs would have affected over 2,000 workers in reprisal for their presumed participation in the protest movement[7].

In this context, freedom of expression deteriorated considerably. In particular, several websites that published political news or information on the human rights situation, were blocked from August 13, 2010[8]. On September 19, the Ministry of Information also censored the publication of two opposition group newsletters, on the grounds that they were not "in accordance with the procedures and laws governing publications and the press"[9]. The Ministry used the same reasons to suspend the activities of the *al-Jazeera* channel on May 18, 2010 after the broadcast on May 17, 2010 of a documentary about poverty in Bahrain[10]. Since the start of the protest movement, more than 68 journalists have been the target of acts of intimidation and harassment due to their coverage of the peaceful demonstrations[11]. On March 28, 2011, the Military Prosecutor General published Decree No. 5 banning the publication of any information relating to investigations carried out by the military courts.

On April 23, 2010, the King of Bahrain set up the National Institution for Human Rights (NIHR) by royal decree. Several human rights NGOs

4 / See BCHR Press Release, March 18, 2011.

5 / As of the end of April 2011, only 94 of them were released and four died in detention, including two journalists and one blogger. Several were subjected to torture and ill-treatment. See BCHR Press Releases, April 12, 13 and 29, 2011.

6 / On April 28, 2011, during a hearing held in camera, the National Security Court sentenced four demonstrators to death penalty and three others to life imprisonment for the death of two policemen who were crushed by a vehicle during a demonstration in Manama on March 16, 2011. These sentences were based on confessions by the accused that had been obtained under torture. During their trial, the latter denied the accusations made against them. See BCHR Press Release, May 2, 2011.

7 / The General Federation of Bahrain Trade Unions (GFBTU), which represents sixty unions, noted 1,300 cases of dismissal only in the private sector, on the grounds of their participation in the demonstrations.

8 / See BCHR Press Release, 4 September 2010.

9 / See BCHR.

10 / See BCHR Press Release, May 23, 2010.

11 / See BCHR Press Release, May 3, 2011.

denounced the institution's lack of conformity with the "Paris Principles" of the United Nations, especially in view of the King's prerogative to name the members of the institution by royal decree[12]. In September 2010, the President of NIHR resigned his post in protest against the latter's silence concerning the wave of arrests in August and September 2010[13].

Reprisals against human rights defenders who documented the repression of peaceful rallies

Demonstrators and defenders who documented, denounced or bore witness to the repression of the peaceful demonstrations that took place from mid February to mid March 2011 throughout the country, were subjected to arbitrary arrests, threats and intimidation, and even acts of torture that caused the death of one of them. As an example, on April 9, 2011, Mr. **Zakariya Rashid Hassan**, a blogger and moderator of the al-Dair village forum, who denounced human rights violations against the inhabitants of the village, died in detention following his arrest on April 3, for "incitement to hatred", "spreading false information" and "attempting to overthrow the Government". His body bore traces of torture and ill-treatment[14]. In the middle of the night of the same day, agents of the security forces brutally arrested Mr. **Abdulhadi al-Khawaja**, former Middle East Region Coordinator for Frontline and former President of the Bahrain Centre for Human Rights (BCHR), and two of his sons-in-law. He was still being held incommunicado at the end of April 2011. Mr. **Nabeel Rajab**, President of BCHR and FIDH Deputy Secretary General, was also the target of acts of intimidation. On April 10, 2011, the Interior Ministry announced that the Military Prosecutor General was opening a judicial investigation against Mr. Rajab, who was accused of having published on April 9, 2011, so-called "faked" photos showing torture marks on the body of a victim. The investigation was still ongoing at the end of April 2011. On March 20, Mr. Rajab had already been arrested by masked policemen in the middle of the night, questioned, threatened and beaten, before being released a few hours later. During the night of April 15, 2011, Mr. **Mohammed Issa al-Tajer**, a lawyer representing several activists who were being prosecuted by the Military Prosecutor General because of their participation in the protest movement, was arrested at his home by around twenty members of the security forces. Some of them were masked. At the end of April 2011, Mr. Mohammed Issa al-Tajer was still being held incommunicado and the charges brought against him were still unknown.

12 / See Bahrain Youth Human Rights Society (BYHRS) Press Release, May 9, 2010.
13 / See *al-Wasat* and BCHR Press Release, September 7, 2010.
14 / The authorities put forward medical reasons for his death, but his body showed the traces of blows and injuries caused by torture. See BCHR Press Releases, April 12 and 13, 2011.

Union members and medical staff were also the target of arrests, threats and acts of intimidation because of their denunciation of the repression of the protest movement, or for helping injured victims. On March 29 and 30, 2011, five board members of the Bahrain Teachers' Society (BTS), Ms. **Jaleela al-Salman**, Mr. **Anwar Abdul-Aziz Akbar**, Mr. **Salah al-Bari**, Ms. **Afrah al-Asfour** and Ms. **Sana Abdul-Razak**, were arrested at their homes without a warrant by members of the security forces, for having called an indefinite strike on March 13, 2011 to protest against the brutal expulsion of demonstrators who had gathered on the same day near the commercial port of Bahrain. At the end of April 2011, they had still not appeared before a court and were still being detained incommunicado with no information concerning the charges brought against them. Similarly, Mr. **Abdul Ghaffar Abdullah Hussein**, one of the founders of the Bahrain Union Movement and President of the Bahrain Petroleum Company Union, was dismissed from his job on March 31, 2011 for having "called for workers to take part in the general strike". Furthermore, on April 6, 2011, the Ministry of Development and Social Affairs published a decree ordering the dissolution of the BTS and the board of the Bahrain Medical Society (BMS). The Ministry of Health also suspended 30 doctors and nurses, whose files were transmitted to an "investigating committee" set up by the Ministry, whose mandate is to investigate medical personnel who treated victims injured during the demonstrations. In addition, on April 4, 2011, Ms. **Rulla al-Saffar**, President of the Bahrain Nursing Society (BNS), who treated victims injured during the demonstrations, was summoned to the Adliya Criminal Investigation Department, where she was arrested by the security forces. As of the end of April 2011, she was still being held incommunicado.

Moreover, several human rights defenders were dismissed from their positions for their assumed participation in the demonstrations or for their human rights activities. For example, on April 17, 2011, Mr. **Abdulla Alderazi**, Secretary General of the Bahrain Human Rights Society (BHRS), received a letter from the University of Bahrain, informing him of his suspension from his position as a lecturer in the English department until final decision. As of April 2011, he remained without further news about this sanction[15].

15 / See BHRS.

Recourse to anti-terrorist legislation to prosecute eleven human rights defenders

In August and September 2010, a wave of arrests carried out on the basis of anti-terrorist legislation, targeted several opponents including eleven human rights defenders[16], accused of having "taken part in setting up a group that resorts to terrorism to achieve its objectives", a charge punishable by life imprisonment (Article 6 of Law No. 58 of 2006 on Terrorism). They were also prosecuted for "incitement to overthrow the regime and the political system" and "incitement to hatred of the regime", making them liable respectively to five and two years in prison. During the first trial hearing, which opened on October 28, 2010 before the Manama High Criminal Court, the defendants who were held incommunicado and deprived of access to their lawyers until their provisional release on February 23, 2011, complained of ill-treatment and torture during their interrogations. Faced with the Court's refusal to order an investigation into the allegations of torture, the defence lawyers decided to withdraw from the case on December 9, 2010[17]. The Ministry of Justice and Islamic Affairs appointed new lawyers during the following hearings, from November 2010 to January 2011. After the defendants refused to be represented by the new team of lawyers, the latter also decided to withdraw from the case, in accordance with Article 20 of the Constitution, which stipulates that "every person accused of an offence must have a lawyer to defend him with his consent". However, the Ministry of Justice and Islamic Affairs decided to defer 24 of these new lawyers before a disciplinary committee for their refusal to comply with Ministry orders. The lawyers risked sentences ranging from a verbal warning to being struck from the bar. On February 2, 2011, during a meeting between the Bar President and the King of Bahrain, the latter announced his decision to annul the disciplinary proceedings against the lawyers. Similarly, all the activists charged in the

16 / These were Mr. **Abduljalil al-Sengais**, in charge of the human rights unit of al-Haq, an unauthorised political organisation, who had just attended a seminar organised on August 5, 2010 at the House of Lords in the UK on human rights in Bahrain, Mr. **Abdulghani Ali Issa al-Khanjar**, Spokesperson for the National Committee of Martyrs and Victims of Torture (NCMVT), Mr. **Jaffar al-Hessabi**, an anti-torture activist, Mr. **Mohammed Saeed**, a BCHR member, Mr. **Ali Abdulemam**, a blogger and administrator of the online forum bahrainonline.org, Messrs. **Salman Naji** and **Hassan al-Haddad**, members of the National Committee for the Unemployed, Mr. **Suhail al-Shehabi**, an activist with the National Committee for the Unemployed and the Committee of the Relatives of Detainees, Messrs. **Ahmed Jawad al-Fardan** and **Ali Jawad al-Fardan**, members of the Committee of the Relatives of Karzakan Detainees, and Mr. **Abdul Hadi al-Saffar**, President of the Committee Against High Prices and an activist with the Committee of the Relatives of Detainees.

17 / Other reasons given were: arrest of the defendants without a warrant by members of the national security forces, their incommunicado detention for nearly two months, the defamation campaign against the defendants led by the media and Government representatives, and the impossibility for some lawyers to communicate with their clients.

"terrorist network" case, were released on February 23, 2011 following a ruling by the King. However, at the end of April 2011, the charges against them were still pending.

Continued obstacles to freedom of association

In 2010-2011, human rights organisations continued to be the target of harassment by the authorities. As an example, after several years of legal proceedings for "operating an unregistered association before a registration license was issued", Mr. **Mohamed Abdul Nabi al-Maskati**, President of the Bahrain Youth Human Rights Society (BYHRS), was sentenced by the Bahrain Criminal Court to a fine of 500 dinars (around 950 euros) on May 6, 2010. In 2005, Mr. al-Maskati had requested approval from the Ministry of Development and Social Affairs to register the BYHRS and proceedings against him had been ongoing since 2007, while Law No. 21 of 1989 on Associations makes the prior approval a requirement for any association activity, with the authorities' silence signifying that the request is rejected (Article 11). In 2010, other human rights organisations were obliged to carry out their activities without being registered, in particular the National Committee for the Unemployed and BCHR[18].

Furthermore, the authorities also used the Law on Associations to control the activities of existing associations. On April 29, 2010, the BHRS received a letter from the Ministry of Development and Social Affairs, refusing authorisation to hold a workshop on the situation of political prisoners, which was due to be held from May 27 to 29, 2010, on the grounds that the workshop was in violation of Article 18 of the Law of 1989 banning associations from carrying out political activities. On September 8, 2010, the Ministry of Development and Social Affairs published a ministerial decree ordering the dissolution of the BHRS board, the dismissal of its Secretary General, and the appointment, under Article 23 of the same Law[19], of an employee of the Ministry of Development and Social Affairs charged with administering BHRS affairs until a new board was elected[20]. This ruling came after BHRS organised a press conference on August 28, 2010 denouncing the detention conditions of political prisoners arrested in mid-August and accused of belonging to a terrorist movement. On September 19, 2010, the members who had been

18 / The BCHR was dissolved in September 2004, following a ruling by the Ministry of Development and Social Affairs.

19 / This article allows the Minister of Social Affairs to appoint an interim director or a temporary board when an association commits irregularities that justify the decision, without these irregularities being specified and defined by the law.

20 / The BHRS was accused of irregularities, in particular the defence of one specific category of citizens at the expense of another. It was also charged with publishing statements by illegal bodies on its website.

dismissed from BHRS, started judicial proceedings against the Ministry of Development and Social Affairs. The case was brought before the Urgent Matters Commission to rule on the legality of the suspension ruling. As of the end of April 2011, no judgement had been pronounced. In addition, the authorities carried out the *de facto* closure of the BNS on March 23, 2010 and changed the association's door locks. On the same day, the BNS organised a reception in honour of the release on March 21 of Mr. **Ibrahim al-Dimistani**, the association's Secretary General. He had been arrested on March 17, 2010, together with Mr. **Abdul-Aziz Shabeeb**, a doctor at Salmaniya hospital, for having "hidden and lodged a fugitive", after treating a demonstrator who was severely injured during a demonstration in the village of Karzakan on March 14, 2010. As of the end of April 2011, BNS premises were still closed *de facto*.

Reprisals following the publication of an HRW report on torture

In 2010, the authorities took various reprisal and intimidation measures after the publication on February 8, 2010 by Human Rights Watch (HRW) of a report on the use of torture in Bahrain. A defamation campaign fed by the media and government representatives was launched against several human rights defenders, including Messrs. Nabeel Rajab, Mohamed al-Maskati and Abdulghani Ali Issa al-Khanjar, who were thanked in the report for their support in its preparation and production. On February 16, 2010, during a live radio broadcast on Bahrain public radio, they were accused of "relations with foreign Governments", of "committing acts of violence using Molotov cocktails" and inciting "young people to violence against the State"[21]. These accusations were repeated in the local electronic press, especially *The Gulf News*, *al-Watan News* and *Bahrain Voice*. In addition, in its editions of September 1 and 3, 2010, *al-Watan* published photos of Mr. Rajab and Mr. Abdulhadi al-Khawaja to illustrate an article on a local terrorist network. The article accused them of "publishing erroneous reports" intending to "tarnish the image of the country". Mr. Nabeel Rajab was accused in particular of belonging to a terrorist network in a press release jointly published on September 4, 2010 by the National Security and the Bahrain National News Agency. Furthermore, on March 28, 2010, Messrs. **Sadeq Jawad Ahmed al-Fardan**, a member of the National Committee for the Unemployed, **Sayed Omran Hameed Adnan Alaoui**, a member of the Committee Against Tax Deduction of One Percent, **Fadhel Abbas Mohamed Ashoor**, a member of the Committee Against High Prices, and **Habib Mohamed Habib Ashoor**, a member

21/ These accusations were made against them by Mr. Faisal Fulath, a member of the Shura Council, Mr. Adel al Mghwdah, a member of Parliament, and Mr. Mohammed al-Shooruqi, the programme facilitator.

of the Committee for the Release of Political Detainees, were sentenced in the last resort by the Court of Appeal to three years in prison for the "premeditated murder of a policeman", the "attempted murder of two of his colleagues" and "rioting", although the High Criminal Court had found them not guilty of the same charges on October 13, 2009[22]. This ruling was handed down after the publication of a report by HRW that included testimonies from the four defenders. Messrs. Adnan Alaoui, Habib Ashoor and Ahmed al-Fardan were again arrested respectively on April 4, June 29 and November 25, 2010. As of the end of April 2011, they were still being held by the Bahraini authorities and the police was still looking for Mr. Mohamed Ashoor.

Obstacles to human rights defenders' freedom of movement

In 2010-2011, restrictions were placed on several human rights defenders' freedom of movement. As an example, on September 18, 2010, Ms. **Laila Dashti**, a BYSHR member, was prevented from leaving the country to take part in a United Nations Human Rights Council session in Geneva (Switzerland). Similarly, on September 26, 2010, Mr. Abdulhadi al-Khawaja was prevented from taking a plane to Barcelona (Spain) where he was due to take part in a seminar on transitional justice. These decisions were made although there was no official ban preventing these two defenders from leaving the country[23]. Additionally, after the state of emergency was introduced, dozens of defenders such as Mr. Nabeel Rajab were still banned from travelling at the end of April 2011.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Nabeel Rajab, Mohamed al-Maskati** and **Abdulghani Ali Issa al-Khanjar**	Defamation campaign	Urgent Appeal BHR 001/0210/OBS 020	February 18, 2010
Bahrain Nursing Society (BNS) / Messrs. **Ibrahim Al-Dimistani** and **Abdul-Aziz Shabeeb**	Arbitrary closure / Arbitrary arrest / Release / Judicial harassment	Press Release	March 25, 2010

22 / They had been arrested by the Special Security Forces in April 2009 along with fifteen other activists, and prosecuted for "setting fire to a police vehicle", after taking part in a peaceful demonstration on April 9, 2009 to denounce a wave of arrests in December 2007, of which several human rights defenders were the target. They were released on October 13, 2009 by the High Criminal Court after forensic evidence proved their innocence.

23 / They questioned the authorities as to whether such a measure existed.

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Sadeq Jawad Ahmed al-Fardan**, **Sayed Omran Hameed Adnan**, **Fadhel Abbas Mohamed Ashoor** and **Habib Mohamed Habib Ashoor**	Judicial harassment	Urgent Appeal BHR 002/0410/OBS 044	April 12, 2010
Bahrain Human Rights Society (BHRS)	Obstacles to freedom of association	Urgent Appeal BHR 003/0410/OBS 052	April 27, 2010
		Press Release	September 10, 2010
Mr. **Abdul-Redha Mohammed**	Obstacles to freedom of movement	Closed Letter to the authorities	June 10, 2010
Messrs. **Abduljalil al-Sengais**, Abdulghani Ali Issa al-Khanjar, **Jaffar al-Hessabi** and **Mohammed Saeed**	Arbitrary detention / Judicial harassment / Attacks on freedom of peaceful assembly	Urgent Appeal BHR 004/0810/OBS 101	August 18, 2010
	Ill-treatment / Arbitrary detention	Urgent Appeal BHR 004/0810/OBS 101.1	September 1, 2010
	Release	Urgent Appeal BHR 004/0810/OBS 101.2	March 1, 2011
Messrs. Nabeel Rajab, **Abdulhadi al-Khawaja**, **Ali Abduleman**, **Suhail al-Shehabi**, **Ahmed Jawad al-Fardan**, **Ali Jawad al- Fardan**, **Salman Naji**, **Abdul Hadi al-Saffar**, **Hassan al-Haddad**, Abduljalil al-Sengais, Abdulghani Ali Issa al- Khanjar, Jaffar al-Hessabi and Mohammed Saeed	Defamation campaign / Arbitrary arrests	Press Release	September 8, 2010
Messrs. Nabeel Rajab, Abdulhadi al-Khawaja and Ms. **Laila Dashti**	Obstacles to freedom of movement / Obstacles to freedom of association	Urgent Appeal BHR 005/0910/OBS 118	September 30, 2010
Messrs. Ali Abduleman, Suhail al-Shehabi, Ahmed Jawad al-Fardan, Ali Jawad al-Fardan, Salman Naji, Abdul Hadi al-Saffar, Hassan al-Haddad, Abduljalil al-Sengais, Abdulghani Ali Issa al-Khanjar, Jaffar al-Hessabi and Mohammed Saeed	Judicial harassment	Press Release	December 6, 2010
Mr. Nabeel Rajab	Harassment	Urgent Appeal BHR 006/1210/OBS 142	December 6, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Ali Ahmed al-Oraibi, Loay Abdul Ghani Qarooni, Timor Abdullah Karimi, Ali Abdullah Al Ayoubi, Mohamed Ali Alwatani, Mohamed Eid al-Husseini, Ibrahim Saleh Ibrahim, Abdul Aziz Abdullah al Ayoubi, Ibrahim Issa Ramadan, Hassan Abbas Haider, Hussein Jaafar Alnahash, Hussein Mohsen Hussein, Mahmoud Hassan Bash, Ziad Reuven, Nouf Mohammed Yousif, Abdulhadi Ali, Saleh Abdel Karim al-Marzouq, Abdulali Hamza al-Asfour, Mohammad Ali Mirbati** and **Ahmed Jassim Abdullah** and Ms. **Shahnaz Ali Abdullah**, Ms. **Nabila Sayad Alawi Majeed**, Ms. **Mona Mohammed Salim** and Ms. **Layla Jassim al-Jawad**	Administrative harassment	Urgent Appeal BHR 001/0111/OBS 007	January 24, 2011
	Proceedings abandoned	Urgent Appeal BHR 001/0111/OBS 007.1	March 2, 2011
Messrs. Abdulhadi al-Khawaja and Nabeel Rajab	Sentencing / Judicial proceedings	Press Release	April 11, 2011
Ms. Jaleela al-Salman, Mr. Anwar Abdul-Aziz Akbar, Ms. Salah al-Bari, Ms. Afrah al-Asfour, Ms. Sana Abdul-Razak, Mr. Mahdi Abu-Deeb, Ms. Rulla al-Saffar, Mr. Nabeel Tamman and Mr. Abdul Ghaffar Abdullah Hussein	Arbitrary arrests / Incommunicado detention	Urgent Appeal BHR 002/0411/OBS 061	April 14, 2011
Messrs. **Mohamed Issa al-Tajer** and Abdulhadi al-Khawaja	Arbitrary detention	Urgent Appeal BHR 003/0411/OBS 065	April 16, 2011
Mr. Abdulhadi al-Khawaja	Arbitrary and incommunicado detention	Urgent Appeal BHR 004/0411/OBS 070	April 21, 2011

EGYPT

In 2010-2011, activists, lawyers, journalists and bloggers who documented or denounced electoral irregularities, the suppression of protests, the malfunction of justice or law enforcement abuses, were victims of acts of violence, arbitrary detention and judicial harassment. Restrictions on freedoms of association, expression and peaceful assembly also continued to severely hamper the work of human rights defenders.

Political context

After three decades in power, Egyptian President Hosni Mubarak was forced to step down on February 11, 2011, yielding to an unprecedented wave of protests that began on January 25, 2011, during which thousands of demonstrators denounced poverty and corruption, and demanded democratic reforms and the President's departure. The demonstrations occurred despite the state of emergency in force[1] and a reiterated ban on protests by the authorities. Beyond the violent suppression of the demonstrations by the security forces, with 840 people officially reported killed and thousands wounded[2], the authorities also blocked access to telephone and Internet networks, preventing communications, notably via social networks such as *Twitter* and *Facebook*[3]. Many journalists were also beaten during the demonstrations.

On February 15, 2011, following Mr. Hosni Mubarak's departure, the Supreme Council of the Armed Forces ensuring the transition appointed a commission of lawyers to draft amendments to the Constitution, which were submitted to a referendum held on March 19, 2011. Approved by 77% of the votes, the amendments focused primarily on allowing independent candidates and the opposition to participate in elections, the introduction of judicial supervision of elections, and term limits for future Presidents of the Republic[4].

1/ The state of emergency was extended for two years in May 2010. It was lifted by the Egyptian army on February 11, 2011.
2/ See website of the Ministry of Health, *www.mohp.gov.eg*.
3/ Social networks have been used to launch calls to demonstrate and to disseminate videos of the demonstrations. See Egyptian Organisation for Human Rights (EOHR) Press Release, January 26, 2011.
4/ Their approval has also paved the way for the organisation of parliamentary and presidential elections before 2012, which may promote the victory of parties already in place, including the Muslim Brotherhood, to the detriment of political parties born of a popular uprising.

The prospect of parliamentary elections in November 2010 also gave rise to various measures to weaken the opposition, in particular the muzzling of the press and media but also new restrictions imposed on October 11, 2010 by the national communications regulatory authorities on telephone and mobile phone companies, in order to control the messages sent by opposition groups and to limit any activity hostile to the Government[5].

Before, during and following the "revolution" in Egypt, several serious human rights violations continued to be observed, despite the lifting of the state of emergency. Many challenges must still be met by the Egyptian authorities, notably with regards to removing the many restrictions on fundamental freedoms and putting an end to practices that are clearly contrary to human rights. Thus, arbitrary arrests and detention were still routinely practiced by the security forces, as well as acts of abuse and torture[6]. In violation of the basic guarantees of their right to a fair trial, civilians also continued to be tried and sentenced to prison by military tribunals for expressing their opposition to the Government on the Internet or through peaceful protests[7].

Moreover, while the Egyptian authorities pledged on February 17, 2010 to amend their definition of torture to comply with international standards during a review of Egypt in the framework of the United Nations Human Rights Council's Universal Periodic Review (UPR) mechanism, a number of recommendations relating to the protection of human rights were not adhered to by Egypt. These notably included recommendations urging Egypt to bring its legislation into line with its declared international commitments related to human rights, and to adopt legislation to better guarantee freedom of association for Egyptian NGOs to enable them to accept foreign funding without prior Government consent[8].

Ongoing obstacles to the freedom of peaceful assembly

While the law limits to five the number of people who can attend a public meeting and authorises the police to ban or disperse demonstra-

5/ See EOHR Press Release, October 13, 2010.

6/ For example, a number of detainees died after being submitted to acts of torture during their interrogation by intelligence service agents. See EOHR. In addition, demonstrators asserted that the army subjected them to virginity tests. See Cairo Institute for Human Rights Studies (CIHRS).

7/ These tribunals are composed of military personnel and their decisions cannot be appealed before a higher independent tribunal.

8/ See United Nations Human Rights Council Report, *Report of the working group on the universal periodic review - Egypt*, United Nations Document A/HRC/14/17, March 26, 2010.

tions[9], several peaceful rallies were again brutally dispersed by the police. For instance, on January 15, 2010, 33 human rights defenders were arrested upon arrival in Qena Governorate (south) where they had gone to support the families of victims of shootings in which seven Copts were killed during the Coptic Christmas, and to denounce the mass arrests and arbitrary detention by the authorities of persons suspected of having carried out the shootings. No arrest warrant was presented to these people, who were detained in the Qena security sector, unable to communicate with their lawyers. During their detention, they were accused of "violating the Constitution" and "constitution of a group of more than five people calling for demonstrations". Mr. **Israa Abdel Fatah** and Mr. **Ahmed Badawy** also reported having suffered acts of violence by the police. On January 16, 2010, these human rights defenders were released without charge. Moreover, on April 6, 2010, members of the security services violently dispersed a demonstration in Cairo called by the "Chabab April 6" Movement[10] to demand an end to emergency rule and the amendment of the electoral law. The demonstrators were surrounded by security forces who kicked and punched them, then beat them with truncheons. More than one hundred demonstrators were arrested and several among them, including women, were beaten by members of security services in civilian clothes. The protesters were released without charge few days after their arrest[11].

However, the year 2010 was also marked by the release on July 13 and 18 respectively of Mr. **Mus'ad abu-Fajr** (real name **Mus'ad Suleiman Hassan Hussein**) and Mr. **Yehia Abu-Nusseir**, members of the *Wedna N'ish* ("We want to live") movement for the Sinai Bedouins, who were detained under emergency laws, despite several court rulings ordering their release. They were accused of "incitation to demonstrate" and "rebellion against the authorities", following demonstrations against the demolition of thousands of homes in the Sinai Peninsula[12].

The wave of demonstrations that began on January 25, 2011 was also violently repressed by the police, which used tear gas and rubber bullets to disperse the rallies and which fired live bullets at demonstrators. About 2,000 people were arrested by the police and taken to police stations and

9 / Public gatherings are governed by Law No. 10 of 1914 on Gatherings, Act No. 14 of 1923 on Meetings and Public Events as well as Law No. 162 of 1958 on the State of Emergency.
10 / The "Chabab April 6" Movement was born in April 2008 when thousands of textile workers mobilised in protests against their working conditions and the cost of living in Mahalla, in the Delta region.
11 / See Egyptian Initiative for Personal Rights (EIPR) Press Release, April 8, 2010.
12 / They were arrested on December 26, 2007 and detained since then in Borj el-Arab prison near Alexandria.

detention centres, where they suffered torture and ill-treatment. Almost all those held were released within days of their arrest. Moreover, human rights defenders who supported the protests were victims of reprisal action by the authorities. On February 3, 2011, thirty members of the Hisham Mubarak Law Centre (HMLC), the Egyptian Centre for Economic and Social Rights (ECESR), the Front to Defend Egypt Protestors, a committee established to provide legal, humanitarian and moral support to protesters, Human Rights Watch and Amnesty International, were arrested by the military police and detained for more than 24 hours in an undisclosed location, where police officers – sometimes making use of ill-treatments – ordered them to stop supporting the demonstrators. Among those arrested were the lawyers Messrs. **Ahmed Seif al-Islam Hamad**, **Mohsen Besheer** and **Mostafa al-Hassan**, as well as Ms. **Mona al-Masry**, Mr. **Daniel Williams**, Ms. **Fatma Abed**, Mr. **Saeed Hadadi**, Mr. **Khaled Ali**, Mr. **Mohamed al-Taher**, Ms. **Shahenda Abushadi**, Ms. **Nadine Abushadi** and Ms. **Nada Sadek**. Mr. **Amr Saleh**, a researcher of the Cairo Institute for Human Rights Studies (CIHRS), was also arrested by unidentified agents. Moreover, the HMLC and ECESR premises were searched by the military police who confiscated their equipment and the mobile phones of their members. All those arrested were released without charge between February 4 and 6, 2011.

The success of the "revolution" of January 2011 did not remove the obstacles to freedom of peaceful assembly. Indeed, a new law that came into force on April 12, 2011 makes peaceful demonstrations and strikes illegal. Law No. 34 of 2011 provides a prison sentence and a fine up to 50,000 Egyptian pounds (about 5,700 euros) for any person who participates or encourages others to take part in a sit-in or in any other activity that prevents, delays or disturbs the work of institutions and public authorities". Formulated in vague terms, the provisions of this law risk to be used against trade-unionists or demonstrators exercising their right to strike or peaceful assembly[13].

Intimidation and judicial harassment of human rights defenders who exercised their right to freedom of expression

In 2010-2011, several libel suits were brought against human rights activists who peacefully exercised their right to freedom of expression. In 2010 for instance, the Court of Khalifa in Cairo continued to examine the cases of Mr. **Gamal Eid**, Director of the Arab Network for Human Rights Information (ANHRI), Mr. **Ahmed Seif al-Islam Hamad**, Founder

13/ See EOHR Press Release, March 25, 2011.

of HLMC, and Mr. **Amr Gharbeia**, a blogger and member of Amnesty International, charged with "defamation", "use of threats" and "abusive use of communication tools". Mr. Gamal Eid and Mr. Ahmed Seif al-Islam Hamad were prosecuted by a judge following a joint statement by ANHRI and HLMC on February 11, 2007, accusing the judge of plagiarism. Mr. Amr Gharbeia was prosecuted for allegedly making defamatory statements against the same judge on his blog. At the hearing on September 18, 2010, the two civil parties agreed to a conciliatory procedure, which put an end to the criminal proceedings against the three defendants. In another instance, on March 19, 2011, Ms. **Ragia Omran**, a lawyer, was arrested with her sister and an American journalist at the Court of First Instance in Bab al-Khaliq in the south of Cairo while she was monitoring the conduct of the referendum on constitutional amendments. The two sisters were taken to the Cairo security headquarters where they were questioned about their involvement in the revolutionary movement and their relationship with the United States. Their identity cards and personal belongings were confiscated and information contained in their phones and agendas, was examined. They were charged with monitoring the referendum without authorisation, despite the fact that Ms. Ragia Omran had received official permission from the High Judicial Committee responsible for overseeing the vote. Ms. Omran was also charged with "insulting an army officer". The American journalist was briefly questioned and then released in the evening, while Ms. Ragia Omran and her sister were not released until the next day. In late April 2011, Ms. Ragia Omran was still charged with "insulting a military officer".

In 2010, several journalists who denounced violations of human rights were also victims of arrests and judicial harassment. Mr. **Ahmed Mostafa**, a blogger, was arrested on February 17, 2010 by intelligence service agents and prosecuted before the Cairo Military Tribunal for allegedly having "put military secrets online", "published false information about the army" and "insulted the recruiters at a military academy", offences punishable by a sentence of nine and a half years of imprisonment. These charges were made following an article published on February 15, 2009 on his blog on which he denounced nepotism within the armed forces. He was acquitted and released on March 7, 2010 after agreeing to withdraw the article from his blog[14]. In another case, Mr. **Youssef Shaaban**, a correspondent of the online daily *al-Badil*, was arrested on November 20, 2010 in Alexandria while he was covering a demonstration by residents of Abu Sulaiman district, protesting against their expulsion. He was arrested while he was

14 / See ANHRI Press Release, March 7, 2010.

taking pictures of a police officer beating demonstrators. He was released without charge on November 29, 2010 by order of the Attorney General[15].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Wael Abbas, Mostapha al-Nagar, Sameer Awad Bassem, Fathy Mohammed Bassem, Sharif Abdel, Aziz Mahmoud, Mahmoud Mohammed Khalid, Nasser Abdel Hamid, Roaa Ibrahim, Ahmed Badawy Abdel Meguid, Ahmed Abu Zekry, Talaat al-Sawy, Ahmed Mahmoud Mustafa, Ismail Sayyid Omar, Ahmed Fathy Mohamed, Hossam Saber Ali, Hanan Ismail, Hamada Abdel Fatah, Gamal Fareed, Mohamed Khalaf Mohamed, Al-Hosseiny Sayed Ahmed, Mohamed Hamdy Hassan, Mohamed Abdallah Mohamed, Heshmat Abdallah Mohamed, Ismail Eleskandarani and Tareq Sabry Abdallah,** Ms. **Nadia al-Zeiny Barouni,** Ms. **Amira al-Tahawi,** Ms. **Baula Abdo Ameen,** Ms. **Mona Fouad Ahmed,** Ms. **Israa Abdel Fatah,** Ms. **Marianne Nagy Hanna,** Ms. **Shahinaz Abdelsalam** and **Salma Akal**	Incommunicado detention / Release / Ill-treatment	Urgent Appeal EGY 001/0110/OBS 009	January 20, 2010
Human rights NGOs	Obstacles to freedom of association	Urgent Appeal EGY 001/0111/OBS 009	January 27, 2011
Messrs. **Ahmed Seif el-Islam, Mohamed el-Taher** and **Khaled Ali,** Ms. **Mona el-Masry** and Ms. **Nada Sadek**	Incommunicado detention	Joint Press Release	February 3, 2011
Messrs. Ahmed Seif el-Islam, **Mohsen Besheer, Mostafa el Hassan, Daniel Williams, Saeed Hadadi,** Khaled Ali, **Mohamed el-Taher** and **Amr Sallah,** Ms. **Shahenda Abushadi,** Ms. **Nadine Abushadi,** Ms. Nada Sadek, Ms. Mona el-Masry and Ms. **Fatma Abed**	Ongoing detention	Press Release	February 4, 2011
	Release	Press Release	February 7, 2011
Ms. **Ragia Omran**	Arrest / Release	Press Release	March 28, 2011

15 / See *al-Badil* Article, November 29, 2010.

ISRAEL / OCCUPIED PALESTIAN TERRITORY

Generally speaking, in 2010-2011, the work conditions of Israeli defenders remained more favourable than those of the defenders from the Occupied Palestian Territory (OPT) or from other countries in the region. However, attacks to delegitimise or intimidate NGOs and Israeli human rights defenders intensified, either through media smear campaigns or legislative attempts to restrict their scope of action, particularly following their denunciation of the international crimes committed during the operation "Cast Lead". In general, Palestinian, Israeli and foreign defenders continued to face numerous obstacles to their freedom of movement. Defenders of the Arab minority in Israel or those who denounced the construction of the separation wall and the forced evictions in the West Bank and Israel, were subjected to judicial harassment. Moreover, several meetings on human rights were banned in the Gaza Strip.

Political context

One year after the United Nations fact-finding mission on the 2009 military operations in the Gaza Strip ("Goldstone Mission") concluded that Israeli forces and Palestinian armed groups had committed war crimes or even crimes against humanity[1], neither the Israeli authorities nor the Hamas Government had conducted exhaustive and independent inquiries in conformity with the international norms on the grave breaches of international law allegedly perpetrated during the operation "Cast Lead"[2]. Furthermore, the Israeli authorities had not conducted an independent

1/ Crimes committed during operation "Cast Lead", a large-scale Israeli army offensive in the Gaza Strip from December 27, 2008 to January 19, 2009, in which 1,419 Palestinians were killed and 5,300 others were wounded.
2/ The authorities have neither investigated alleged cases of illegal acts nor examined the alleged responsibility of senior decision-makers. By the end of 2010, only three soldiers had been put on trial, one accused of stealing a credit card and the two others of having used a child as a human shield. The Committee of Independent Experts tasked with evaluating all the judicial as well as any other procedures engaged in with internal jurisdictions, both by the Israeli Government and the Palestinian authorities, in the framework of the follow-up to the Goldstone Report, presented its report to the United Nations Human Rights Council on September 27, 2010. In particular, the report denounced the lack of independence and impartiality in the investigations conducted by the two parties. See Human Rights Council, *Report of the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic legal or other proceedings undertaken by both the Government of Israel and the Palestinian side in light of GA resolution 64/254 including the independence, effectiveness, genuineness of these investigations and their conformity with international standards*, United Nations Document A/HRC/15/50, September 23, 2010.

and impartial inquiry into the military attack launched on May 31, 2010 against a humanitarian flotilla off the coast of the Gaza Strip, which caused the death of nine people[3].

While a right-wing coalition Government is in power in Israel since early 2009, the climate in which operate those who criticise the Government policy, particularly relating to defence and homeland security, including opposition members, journalists and human rights defenders, became more tense in Israel in 2010-2011. Political parties and other right-wing organisations also increasingly questioned the scope of the freedom of expression, especially by their speech calling for action against those who criticise the policy of Israel[4]. In the OPT, civil society also continued to face difficulties, particularly because of the humanitarian situation in Gaza. The ban on the vast majority of exports and imports has kept Gaza's population in poverty and reliant on humanitarian organisations[5]. In addition, because of restrictions on the movement of people, it has become extremely difficult for Palestinians to leave Gaza, even for medical care[6].

In the OPT, the rivalry between the Hamas Government in the Gaza Strip and the Palestinian Authority in the West Bank resulted in further human rights violations. As of the end of 2010, according to reports, nearly 400 people suspected of supporting Hamas or Islamic Jihad continued to be held in arbitrary detention in the West Bank by Palestinian security services, while dozens of Fatah members, the party of the Palestinian Authority President, had been arrested by the Hamas security forces[7]. Journalists also continued to bear the brunt of political tensions between

3/ In June 2010, the Government approved the creation of a commission composed of three Israeli members, backed up by two international observers, tasked with examining the military action against the humanitarian flotilla transporting humanitarian aid to the Gaza Strip, subjected to an Israeli blockade since 2007 in violation of international law. However, the commission is not mandated to hold talks with members of the Israeli who planned and participated in the military raid, with the exception of the chief-of-staff. The commission submitted its preliminary report on January 23, 2011, which asserted that the intervention of the Israeli soldiers was legal and in conformity with international law.

4/ In addition, a survey conducted in January 2011 showed that 52% of Israeli Jews would support restrictions on freedom of expression in the media if the articles tarnish the image of the country, while 64% would accept restrictions in situation of threat against national security.

5/ 80% of Gaza families live with one dollar a day; unemployment stands at 40% ; and four Gaza residents in five rely on humanitarian aid to survive.

6/ In October 2010, there were 99 checkpoints in the West Bank, 62 of them located inside the territory and 37 on the border with Israel. The number of flying checkpoints varies from one moment to the next. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that between April 2009 and March 2010, there were on average 310 flying checkpoints at any one time. See OCHA Report, *Circulation in and Access to the West Bank*, June 2010.

7/ See PCHR Press Releases, July 4 and October 11, 2010.

the two factions[8]. The situation improved slightly with the announcement on April 27, 2011 by representatives of Fatah and Hamas assembled in Cairo that they had agreed to form a transitional government with a view to holding presidential and legislative elections in April 2012.

On April 15, 2010, Hamas carried out its first executions in five years. Those executed were two Fatah men convicted in 2009 by military courts in Gaza of "collaboration" with the Israeli army and "participation in a murder"[9].

Multiplication of smear campaigns and legislative initiatives to restrict or criminalise human rights activities in Israel

In 2010-2011, several Israeli politicians, including members of the Government and the Parliament, with the support of civil society organisations close to far-right wing such as the NGO Monitor, the Israel Academia Monitor and "Im Tirtzu – The Second Zionist Revolution", whose main activity is to criticise other NGOs, stepped up their criticism and smear campaigns against human rights NGOs in Israel that had denounced Israeli policy, notably human rights violations committed in the OPT or against Israeli Arabs. Thus, on April 16, 2010, the Israeli far-right nationalist movement "Im Tirtzu" issued a report accusing a dozen human rights organisations, including Adalah, the Legal Centre for Arab Minority in Israel, the Public Committee Against Torture in Israel (PCATI) and the Palestinian Centre for Human Rights in Gaza (PCHR), of initiating or supporting legal actions against Israeli officials for serious violations of international law before foreign courts. Mr. **Hassan Jabareen**, Director General of "Adalah", was particularly targeted in this report for expressing a legal opinion on the lack of domestic remedies for war victims in Gaza. Im Tirtzu also launched a poster campaign using defamatory slogans against Adalah and the New Israel Fund (NIF), an NGO that finances Israeli NGOs. On January 10, 2011, Israeli Foreign Minister Avigdor Lieberman accused the Union of Arab Community-Based Associations, New Profile, Adalah, Physicians for Human Rights - Israel, the PCATI and other NGOs, of supporting terrorism and trying to weaken the Israeli Defence Forces (IDF) and their efforts to protect the citizens of Israel, in collaboration with the Goldstone Committee[10]. Right-wing groups also conducted a smear campaign against

8 / See PCHR Press Release, November 11, 2010.

9 / These executions were carried out in violation of Palestinian law, which stipulates that death sentences may only be implemented after being ratified by the Palestinian Authority President. See PCHR Press Release, April 15, 2010.

10 / See Adalah.

a number of NGOs that have sought to shed light and bring to justice those responsible for violations of international law committed by the IDF during the operation "Cast Lead".

In this context, several draft laws that seek to intimidate and stifle civil society organisations were discussed or adopted by the Knesset. Thus, on February 21, 2011, the Knesset passed a law that aims to restrict funding from abroad for Israeli NGOs[11]. Indeed, the new legislation stipulates that in all their public statements and documents NGOs must state if they receive funds from a foreign political entity. In addition, NGOs must disclose on their website the identity of their donors and the destination of the funds they receive, and submit an annual report to the authorities with information on donations from foreign Governments. Failure to comply with this provision is punishable by fines and imprisonment[12]. On January 5, 2011, the Knesset voted to establish a parliamentary commission to investigate the sources of funding for NGOs accused of carrying out activities designed to prosecute Israeli soldiers and officers abroad and that challenge the legitimacy of the Israeli army, as well as another commission to examine the role of foreign Governments and agencies in the financing of anti-State activities. Furthermore, another draft bill passed by the Knesset on March 7, 2011, sanctions organisations that denounce the Israeli occupation and that call for an end to settlements[13]. In addition, following the publication of the Goldstone Report, several bills were tabled in the Knesset to restrict the activities of civil society organisations, especially those that denounce massive violations of human rights committed by the Israeli State. In April 2010 for example, a group of nineteen Knesset members filed an amendment to the Associations Law aimed at eliminating the possibility to investigate and engage in legal proceedings for human rights violations committed by the State of Israel. The bill, entitled "Amendment - Exceptions to the Registration and the

11/ The bill was introduced in February 2010 after the organisation in December 2009 by the NGO Monitor, together with the Institute for Zionist Strategies, of a conference in the Knesset called "Foreign Government Funding for NGO Political Activity in Israel".

12/ This concerns a draft law related to obligations of beneficiaries from aid from foreign political entities to provide information. In its original version, the draft law was more restrictive, ruling that any organisation "seeking to influence public opinion in Israel" would be considered as a "political organisation" rather than a charitable organisation. This would have obliged it to register at the registry for political parties, meaning it would loose the tax exemption status normally afforded to non-profit organisations. See Adalah Press Release, February 11, 2011.

13/ The provisions of this law include heavy fines for Israeli citizens or bodies that instigate or incite boycotts against Israeli organisations, citizens or products, both in Israel and the OPT. This could affect defenders who call for a boycott of Israeli products in protest against the impact of Israeli policies on human rights law and international humanitarian law. See the Association for Civil Rights in Israel (ACRI) Press Release, February 16, 2011.

Activities of an Association", may prohibit the registration of any NGO or close down any existing NGO if "there are reasonable grounds to conclude that the association is providing information to foreign entities or is involved in legal proceedings abroad against senior Israeli Government officials or IDF officers, for war crimes". Under this bill, an existing NGO may be dissolved if it is engaged in such activities. As of early 2011, the Government had not yet ruled on this project. In addition, on November 7, 2010, a bill aimed at suppressing activities detrimental to Israel as a Jewish and democratic State was discussed by the Ministerial Committee for Legislation, which decided to refer it to the Minister of Justice for review. This project authorises the registration bodies for associations and companies to close down an association or a company if their objectives and actions are considered to be detrimental to "the State of Israel as a Jewish and democratic State". As of late April 2011, the draft bill had not yet been returned to the Knesset. In addition, in December 2010, a draft bill designed to punish people who assist illegal immigration was published by the Government. This draft law, which may hamper the activities of NGOs defending the rights of migrants and asylum seekers, had not yet been reviewed by the Knesset by late April 2011[14].

Continued repression of human rights defenders who denounce the construction of the separation wall and forced evictions in the West Bank and Israel

In 2010-2011, the Israeli authorities continued to sanction defenders who peacefully expressed their opposition to the construction of the separation wall in the West Bank, notably by invoking more frequently Military Order No. 101 of May 27, 1967, which prohibits acts of incitement and hostile propaganda targeting Israel in the West Bank and punishes them by a prison term of up to ten years, against Palestinians who organise demonstrations denouncing the separation wall[15]. Thus, following their release on January 13, 2010 after being placed in administrative detention for several months by the Israeli army, Mr. **Jamal Juma'**, Coordinator of the "Stop the Wall" Campaign, and Mr. **Mohammed Othman**, a volunteer for the Stop the Wall Campaign in the West Bank, had to undertake not to leave the West Bank and to report regularly to an Israeli police station, while the passport of the Coordinator of the same campaign, Mr. **Jamal Juma'**, seized on the day of his arrest, remained retained by the Israeli authorities

14 / See ACRI.

15 / This order provides for a maximum sentence of ten years for persons accused of violating the law. See B'Tselem Report, *The right to demonstrate in the Occupied Territories*, July, 2010.

as of the end of April 2011, under Military Order No. 101[16]. Moreover, on January 11, 2010, Israel's Military Court of Appeal in Ofer extended the prison sentence imposed at trial against Mr. **Abdallah Abu Rahma**, a teacher and Coordinator of the Bil'in Popular Committee Against the Wall and Settlements, to sixteen months for "incitement to violence and participation in an unauthorised meeting"[17]. After being sentenced to twelve months' imprisonment by the Military Court on October 11, 2010, Mr. **Abu Rahma** was to have been released on November 18, 2010, but military prosecutors appealed against that release date and he was finally freed on March 14, 2011[18]. Mr. **Mohammad Khatib**, a member of the same committee and Secretary of the Bil'in village council, remained the target of reprisals in 2010. On August 4, 2010, he was prevented by the Israeli authorities from travelling to Jordan from where he was to fly to Europe in order to meet with international organisations to denounce the separation wall barrier, under Military Order No. 101. In addition, following his indictment in August 2009 for "inciting violence", his trial had not yet taken place as of the end of April 2011.

From January to December 2010, the Israeli police arrested more than 120 people who were protesting peacefully against the forced evictions of Palestinian citizens by the Israeli authorities, especially in the Palestinian neighbourhood of Sheikh Jarrah in East Jerusalem[19]. For example, on January 15, 2010, seventeen people, including Mr. **Hagai el-Ad**, Executive Director of the Association for Civil Rights in Israel (ACRI), were arrested at one of these gatherings. Those arrested were released without charge on January 16, 2010, by decision of the Court of Jerusalem, which ruled that the demonstrations were legal and required no prior administrative authorisation. On January 22, a week after that Court decision, 22 other demonstrators were arrested before being released without charge by the Israeli authorities.

Restrictions on freedom of movement aiming at hampering the activities of NGOs and human rights defenders in Israel and the West Bank

Obstacles to freedom of movement continued to hamper the work of local and foreign defenders of human rights, preventing them from

16 / Mr. Mohammed Othman was arrested on September 22, 2009 by Israeli soldiers on his return from Norway where he had met various Palestinian groups and Palestinian Government members to discuss the issue of the West Bank separation wall. Mr. Jamal Juma' was arrested on December 16, following a series of protest rallies against the construction of the separation wall.

17 / Mr. Abu Rahma was arrested by Israeli soldiers on the night of December 9 to 10, 2009 because of his participation in a peaceful rally against the separation wall in the village of Bil'in.

18 / See ACRI Press Release, March 14, 2011.

19 / See B'Tselem.

moving around in the framework of their activities. The almost total closure of the Gaza Strip, and the system of checkpoints, fixed or flying, the separation wall and the permit system in the West Bank constitute obstacles that prevent human right defenders from leaving the West Bank or the Gaza Strip, or travelling between them. These restrictions also prevented Palestinian and Israeli defenders from having contact and working together. However, in March 2010, the Israeli Interior Ministry waived application of a regulatory measure that had severely restricted work permits issued in the OPT to staff of international NGOs. Indeed, since the autumn of 2009, the Interior Ministry had stopped issuing work permits to foreign nationals working in most international NGOs, granting them only tourist visas that do not authorise them to work in the OPT, including East Jerusalem. Between 140 and 150 NGOs working among the Palestinian population were affected by this measure, which threatened to put an end to their activities.

In the West Bank, on March 28, 2010, Mr. **Shawan Jabarin**, Director General of the Palestinian NGO "Al-Haq", was prevented from leaving the OPT to travel to Cairo to attend a regional conference on the protection of human rights organised by the Cairo Centre for Human Rights[20]. Similarly, Mr. Jamal Juma' is subject to a travel ban that prevented him from participating in multiple meetings on human rights to which he was invited, including the World Social Forum held in Porto Alegre in January 2010, or a conference on Palestine organised on February 27 and 28, 2010 by the School of Oriental and African Studies, University of London[21].

In Israel, in 2010-2011, Mr. **Mordechai Vanunu**, an Israeli anti-nuclear activist, remained subjected to an administrative order preventing him from leaving the country and talking to foreign journalists[22]. Furthermore, on May 11, 2010, the Israeli Court of Justice sentenced him to three months in prison for having had contact with a foreigner. On May 23, 2010, he was sent to Ayalon prison in central Israel, where he was placed in solitary confinement. He was released on August 8, 2010.

20/ Since his appointment as Director General of Al-Haq in 2006, Mr. Jabarin has been subjected to a travel ban issued by the Israeli military authorities who claim that they are in possession of "secret evidence" proving that Mr. Jabarin is an "'active member of a terrorist organisation".

21/ See above.

22/ Since the release of Mr. Mordechai Vanunu in 2004, the Israeli authorities have placed him under police surveillance in application of a military order that is renewed every six months. The order also prohibits him from having any contact with foreigners and from leaving the country or having any communication with foreign embassies. All requests submitted by his lawyers to the Supreme Court of Justice to lift these restrictions have been turned down.

Obstacles to freedom of peaceful assembly in the Gaza Strip

In 2010-2011, the freedom of peaceful assembly deteriorated considerably in the Gaza Strip. Palestinian Law No. 12 of 1998 stipulates that public meetings and public gatherings must be notified with at least 48 hours notice to the Director of the police or the Governor. No permission is therefore required. However, on May 24, 2010, three public meetings organised by NGOs were banned on the grounds that they were not authorised. Thus, the Hamas Internal Security Agency prevented the Palestinian Independent Commission on Human Rights from organising a workshop in a hotel in Gaza to present its annual report on human rights. Similarly, the police broke up a public meeting on the same day by the Palestinian NGOs Network (PNGO) in a camp for children, set up in western Gaza by the United Nations Relief and Works Agency for the Palestinian Refugees, to protest against the attack on the camp by unknown assailants on May 23, 2010. PNGO, which had notified the Palestinian authorities about the organisation of this meeting, was informed of their refusal on the day of the gathering. Finally, on May 24, 2010, Palestinian police forces banned a public meeting that the General Union of Palestinian Women (GUPW) planned to hold in a hotel in the northern part of the Gaza Strip to commemorate the 62nd anniversary of the Nakba. The police accused the GUPW of not having the necessary authorisation, although GUPW members had in fact obtained prior permission from the Government authorities in the Gaza Strip to organise the event. Several peaceful demonstrations organised in the Gaza Strip were also repressed by the police. For example, on March 15, 2011, thousands of Palestinians gathered peacefully in Al-Katib square in Gaza to demand an end to political fragmentation between the West Bank and Gaza Strip. The demonstrators were first attacked by men in civilian clothes and then by members of security forces who insulted and beat them with sticks. Women and journalists were also violently attacked by security forces[23].

Harassment of defenders of the Arab minority in Israel

In 2010-2011, defenders who denounced the restrictions of political freedoms of Arab citizens in Israel were subjected to reprisals by the authorities. For example, on May 6, 2010, members of the Israeli Security Agency (ISA), accompanied by police officers, arrested Mr. **Ameer Makhoul**, Director General of Ittijah and Chairman of the Popular Committee for the Defence of Political Freedoms, as part of the High Follow-up Committee for the Arab Citizens of Israel. During

23/ See PCHR Press Release, March 16, 2011.

his arrest, his house was searched and his personal documents as well as his telephone, computer and camera were confiscated. The arrest came shortly after the Israeli Interior Minister had issued a two-month travel ban against him, on April 21. Mr. Makhoul was held incommunicado for twelve days, during which he was allegedly subjected to torture and ill-treatment to extract confessions, without access to legal counsel. On January 30, 2011, the Haifa District Court sentenced him to nine years in prison with an additional suspended sentence to one year of prison for "conspiracy to support the enemy", "aggravated espionage", and "contact with a foreign agent"[24]. As of late April 2011, he was detained in Gilboa prison in southern Israel.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Jamal Juma'** and **Mohammad Othman**	Arbitrary detention	Urgent Appeal ISR 002/1209/OBS 198.1	January 7, 2010
	Release	Press Release	January 15, 2010
Mr. Jamal Juma'	Obstacles to freedom of movement	Press Release	May 28, 2010
Mr. **Hagai El-Ad**	Obstacles to freedom of peaceful assembly	Press Release	January 22, 2010
	Obstacles to the freedom of association	Urgent Appeal ISR 001/0210/OBS 013	February 1, 2010
	Cancellation of a measure detrimental to the activities of human rights defenders	Urgent Appeal ISR 001/0210/OBS 013.1	March 11, 2010
	Obstacles to freedom of association	Joint Open Letter to the authorities	March 10, 2010
Mr. **Shawan Jabarin**	Obstacles to the freedom of movement	Urgent Appeal ISR 001/0607/OBS 069.3	April 12, 2010

24 / After having denied accusations against him for several months, on October 27, 2010, Mr. Makhoul accepted a plea bargain, pleading guilty to "conspiring to support an enemy," "aggravated espionage" and "contact with a foreign agent". In return, the prosecution dropped the charges for "assisting the enemy in wartime", the most serious offence, punishable by a life sentence.

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. **Hassan Jabareen** / Adalah, Public Committee Against Torture in Israel (PCATI), Palestinian Centre for Human Rights in Gaza (PCHR), Gisha, Bimkom, Physicians for Human Rights - Israel, HaMoked, B'Tselem, Association for Civil Rights in Israel (ACRI), Yesh Din, Machsom Watch, Social TV, Zochrot, Coalition of Women for Peace (CWP) and Rabbis for Human Rights	Defamation campaign	Press Release	April 27, 2010
	Obstacles to freedom of association	Joint Press Release	May 3, 2010
Mr. **Ameer Makhoul**	Arbitrary arrest / Obstacles to the freedom of movement	Urgent Appeal ISR 002/0510/OBS 058	May 10, 2010
	Secret detention	Press Release	May 12, 2010
	Arbitrary detention / Ill-treatment	Joint Press Release	May 19, 2010
		Press Release	June 4, 2010
Palestinian NGOs Network (PNGO), Palestinian Independent Commission on Human Rights (PICHR) and General Union of Palestinian Women (GUPW)	Obstacles to freedom of peaceful assembly	Urgent Appeal PAL 001/0510/OBS 068	May 28, 2010
	Obstacles to freedom of association	Open Letter to the authorities	January 13, 2011

MOROCCO / WESTERN SAHARA

In 2010-2011, several associations remained deprived of legal status because of the refusal of the local authorities to issue the receipt confirming the delivery of their declaration of incorporation. In addition, several peaceful rallies organised for the defence of human rights were repressed and several supporters were arbitrarily detained for denouncing corruption and violations of human rights committed in Western Sahara.

Political context

In response to the protests that began on February 20, 2011 in cities across the country and inspired by movements in the region with similar claims and calling for constitutional reforms and the fight against corruption, King Mohamed VI promised a series of reforms to allow a "consolidation of the rule of law and institutions, expanding the scope of individual and collective freedoms and guarantees of their exercise, as well as strengthening human rights in all their dimensions, political, economic, social, cultural, environmental and developmental". Thus, on March 3, 2011, the King appointed a new ombudsman at the national level and set up a National Council for Human Rights (NCHR)[1]; on March 9, he announced the creation of an *ad hoc* committee to prepare a "comprehensive constitutional reform"[2]; on March 18, he appointed an inter-ministerial delegate for human rights responsible for the coordination of public policy in this area; and, on April 14, he granted amnesty to nearly 190 prisoners, including many political prisoners who had their sentences commuted or reduced. However, institutional reforms have been expected since the publication in 2005 of the final report of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER) containing a series of recommendations to ensure compliance with the

1/ The creation of the NCHR ended the mandate of the Advisory Council on Human Rights (C*onseil consultatif des droits de l'Homme* - CCHR). Its competencies include the protection and promotion of human rights, including the implementation of the recommendations of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER). It may, in particular, request the judiciary to open investigations into violations of human rights.

2/ On June 17, 2011, the King presented the constitutional reform, which includes expanding the powers of the Prime Minister and more guarantees of the independence of the Supreme Council of Magistracy.

rule of law and non-repetition of violations of human rights[3]. Five years later, no significant advance was registered in the implementation of these recommendations. The announcement by the Head of the State in December 2008, to lift the reservations to the ratification in 1993 of the Convention on the Elimination of All Forms of Discrimination Against Women, was not implemented.

In 2010, the freedom of the press continued to be restrained. Thus, the *Journal hebdomadaire* newspaper and the weekly Arabic-language *Nichane* had to close in January and October 2010, victims of a financial choking led by the authorities because of their often critical editorial position[4]. Moreover, on October 29, 2010, the Ministry of Communication announced the closure of the office of *al-Jazeera* and the withdrawal of accreditation of its journalists for having "breached journalistic ethics", "seriously impaired the image of Morocco" and "manifestly harming its best interests, headed by the issue of territorial integrity"[5]. The proposed reform of the Press Code, initiated in 2007, also remained deadlocked because of a disagreement over the removal of press offenses between the Ministries of Communications and Justice on the one hand and representatives of the National Union of the Moroccan Press (*Syndicat national de la presse marocaine*) and the Moroccan Federation of Newspaper Publishers (*Fédération marocaine des éditeurs de journaux*) on the other. Keeping these offenses punishable by prison sentences continued to expose journalists, especially those who denounce violations of human rights, to prison terms or significant fines.

Moreover, the situation of human rights in Western Sahara did not improve in 2010-2011. In April 2010 and in 2011, the mandate of the United Nations Mission for a Referendum in Western Sahara (MINURSO) was extended for one year. During the adoption of the resolution 1979 dated April 28, 2011, the Security Council did not extend the mandate of MINURSO to the issue of human rights in Western Sahara, despite the demands of human rights organisations to set up a protection

3/ The IER was created in November 2003 at the initiative of King Mohammed VI to establish a record of violations of human rights from Morocco's independence (1955) to the death of King Hassan II (1999).
4/ They were mostly victims of an advertising boycott.
5/ The decision came just days after *al-Jazeera* journalists visited Laayoune to investigate the death of a young man. No proceedings were instituted against the network prior to the closure of its premises. See FIDH and Moroccan Organisation of Human Rights (*Organisation marocaine des droits de l'Homme* - OMDH) Joint Press Release, November 3, 2010 and Reporters Without Borders (RSF) Press Release, October 29, 2010.

mechanism[6]. The city of Laayoun was also shaken in November 2010 by violent clashes between security forces and Saharawi people, leading to the death of twelve policemen and two civilians[7].

Continued obstacles to freedoms of association and peaceful assembly

Although freedom of association is established and governed by the Dahir (Royal Decree) No. 1.58.376 dated November 15, 1958, and amended in 2002 and 2006, several associations are deprived of a legal status. Thus, the National Association of Unemployed Graduates in Morocco (*Association nationale des diplômés chômeurs au Maroc* - ANDCM), the Group Against Racism and for Assisting and Defending Foreigners and Migrants (*Groupe antiraciste d'accompagnement et de défense des étrangers et des migrants* - GADEM), the Ennassir Association for the Support of Islamist Prisoners (*Association Ennassir pour le soutien des détenus islamistes*), the Amazigh Network for Citizenship (*Réseau amazigh pour la citoyennetê*) or the Saharawi Association of Victims of Grave Human Rights Violations Committed by the State of Morocco (*Association sahraouie des victimes de violations graves commises par l'Etat marocain* - ASVDH), were still not able to legally exist because they did not receive the receipt for the delivery of their founding documents to the local authorities.

Furthermore, although freedom of assembly is guaranteed by the Dahir No. 1.58.377 dated 1958, the authorities continued to repress peaceful gatherings organised for the defence of human rights. Thus, sit-ins and rallies organised by the ANDCM across Morocco continued to be regularly repressed by the authorities. For example, on November 17, 2010, during the Islamic Feast of Sacrifice (*eid al-adha*), the section of al-Hoceima of ANDCM tried to organise a peaceful march from the city centre in al-Hoceima to the wilaya to call for the respect of the right to work[8]. The police brutally attacked demonstrators from the beginning of

6 / Indeed, talks begun by the United Nations following the Moroccan initiative for negotiating an autonomy statute in the Sahara region, as presented to the UN in April 2007, have still not reached a conclusion.

7 / Two according to OMDH, three according to the Sahrawi Association of Victims of Gross Violations of Human Rights committed by the State of Morocco (*Association sahraouie des victimes des violations graves des droits de l'Homme commises par l'Etat du Maroc* - ASVDH). See ASVDH Press Release, November 13, 2010. The dismantling on November 8, 2010 by the Moroccan security forces of the Saharawi camp at Gdeim Izik, located a few kilometers from Laayoun, was responsible for these events. The camp was set up on October 10 by the Sahrawi people to protest against the failure of socio-economic rights and the right to self-determination. The police also arrested hundreds of people. The majority of those arrested were subsequently released without charge against them but, in late April 2011, 26 Sahrawi prisoners, including two women, were detained at the central prison of Laayoun. See ASVDH Press Releases, April 16 and 18, 2011.

8 / Administrative unit.

the gathering. Several people were injured and some had to be rushed to the hospital of the city[9]. Similarly, on February 26, 2011, police broke up with clubs a ANDCM sit-in calling for respect of the right to work in Taourirt, injuring several demonstrators[10]. Moreover, on February 21 and 22, 2011, members of the Moroccan Auxiliary Forces (*Forces auxiliaires marocaines* - FAM) and the Mobile Intervention Corps (*Corps mobile d'intervention* - CMI)[11] violently dispersed peaceful demonstrators gathered on the square in Bab el-Had in Rabat to support the requests for the political and socio-economic needs for a greater respect for human rights and a sit-in in solidarity with the Libyan people in front of the Embassy of Libya in Rabat. Several people were injured and twelve protesters were hospitalised, including Ms. **Khadija Riyadi**, President of the Moroccan Association for Human Rights (*Association marocaine des droits humains* - AMDH), and Messrs. **Abdel-ilah Benabdesselam**, AMDH Vice-President and a member of the OMCT General Assembly, **Abdelkhalek Benzekri** and **Mohamed Amri**, members of AMDH central office[12]. In addition, on March 31, 2010, the Court of Appeals of Marrakech upheld the conviction of eleven student members of the National Union of Moroccan Students (*Union nationale des étudiants marocains* - UNEM) to terms ranging from two to four years in prison. Accused of "participation in an armed gathering" and "violence against officers in service", they had been sentenced on July 9, 2009 in first instance for participating in a demonstration on May 14, 2008 demanding better work conditions. Nine of them were released in May 2010 after serving their sentences[13].

Judicial harassment against defenders denouncing corruption

In 2010, several defenders fighting against corruption were subjected to judicial harassment. On March 8, 2010, Mr. **Mohamed Attaoui**, of the daily Arabic-language newspaper *al-Monataf* and President of the Association Future for Cedar and Sheep (*Association avenir pour le cèdre et le mouflon*), was arrested following the publication of several articles in which he denounced the smuggling of timber cedar by officials of rural municipalities in the region of Midelt, with the complicity of the police and the Office of National Water and Forests. His association also

9 / See ANDCM Press Release, November 18, 2010.

10 / See ANDCM Press Release, February 27, 2011.

11 / The FAM is a service of military order and rule, under the jurisdiction of the Interior Ministry. The CMI coordinates the FAM and consists of rapid response units.

12 / See AMDH.

13 / This included Ms. **Zohra Boudkhour** and Messrs. **Galal al-Qitbi**, **Abdelallah al-Rashidi**, **Alaa al-Dirbali**, **Mohamed Gamil**, **Youssef Mashdoufi**, **Mohamed al-Arabi Gadi**, **Youssef al-Alawi** and **Ousman al-Chouni**. Messrs. **Khalid Meftah** and **Mourad Chouini** remain in prison, the first having been sentenced to three years in prison and the second four years in prison. See AMDH.

stood in March 2010 as plaintiff in a lawsuit against those responsible for trafficking. On March 22, 2010, he was sentenced to two years in prison by the Court of Midelt, ostensibly for having extorted the sum of 1,000 dirhams (about 90 euros). Mr. Attaoui, who was released on bail on April 15, 2010, appealed the decision but the trial was postponed several times. As of April 2011, the case was still ongoing[14]. Moreover, on April 14, 2011, Mr. **Chakib el-Khayari**, President of the Rif Association for Human Rights (*Association du Rif des droits de l'Homme* - ARDH) and member of the Federal Council of the World Amazigh Congress (*Congrès mondial amazigh* - CMA), was granted a royal amnesty and released. Mr. el-Khayari had been sentenced on appeal in November 2009 by the Court of Casablanca and sentenced to three years in prison and a fine of 750,000 dirhams (about 68,500 euros) for "insulting the Government", after revealing to foreign sources information about senior civil servants involved in corruption and a network of drug trafficking in the Rif region. In addition, the authorities banned four times between December 9, 2010 and January 6, 2011 the Transparency-Morocco Association from holding a ceremony to award the "integrity prize" to Mr. el-Khayari and Mr. **Abderrehim Berrada**, a lawyer and founding member of Transparency Morocco, because of their fight against corruption[15].

Obstacle to the freedom of movement of a human rights defender

In 2010, a Tunisian defender who was to visit Morocco was prevented from entering the territory. On September 30, 2010, Mr. **Kamel Jendoubi**, President of the Euro-Mediterranean Human Rights Network (EMHRN) and an executive board member of OMCT, was turned away from Moroccan territory upon debarking the plane from Paris, with no reason given by the Moroccan authorities. He was then forced to spend the night on the plane before leaving for Paris. Mr. Kamel Jendoubi went to Rabat to receive a tribute to his action for human rights at a ceremony organised by the Moroccan Organisation for Human Rights (*Organisation marocaine des droits de l'Homme* - OMDH).

14 / See articles published in *al-Monataf*, January 14 and February 16, 2010.

15 / Following a decision of the Administrative Tribunal of Rabat which set aside a judicial decision of the Wali of Rabat on the prohibition of the award ceremony, they were finally able to hold the ceremony in early May 2011. See AMDH.

Continued harassment of defenders denouncing human rights violations in Western Sahara

In 2010-2011, Sahrawi human rights defenders continued to be subjected to intimidation by the Moroccan authorities. Thus, on February 7, 2010, ten Moroccan police officers broke into the hotel room of Mr. **Hassan Duihi**, ASVDH member, to take him to the police station. Mr. Duihi was in the town of Tiznit, where he was accompanying, as a translator, two international observers delegated by the General Council of Spanish Lawyers (*Conseil général des avocats espagnols*) to the trial of ten young peaceful Saharawi activists defending the right to self-determination, which took place on February 8, 2010. He was released without charge on February 9, 2010. During his detention, the police interrogated him on the Sahara's proposal for autonomy and the Achahid Khat Movement[16]. On December 12, 2010, two plainclothes Moroccan police officers came to the house of Ms. **Djimi el-Ghalia**, Vice-President of the ASVDH, to prevent her from talking to two Spanish activists who had come from Madrid to meet her[17]. Moreover, the trial of seven human rights defenders from Western Sahara began in October 2010 before the Court of Casablanca. They were arrested on October 8, 2009 at the Mohamed V Airport in Casablanca as they were returning from a visit to the Saharawi refugee camps in south-western Algeria. Mr. **Ali Salem Tamek**, Vice-President of the Sahrawi Collective of Human Rights (*Collectif des défenseurs sahraouis des droits de l'Homme* - CODESA), Mr. **Brahim Dahane**, President of ASVDH, Mr. **Ahmad Anasiri**, Secretary General of the Saharawi Committee for the Defence of Human Rights in Smara (*Comité sahraoui pour la défense des droits humains à Smara*), a member of the coordinating council of ASVDH and CEO of AMDH in Smara, M. **Yahdih Ettarouzi**, member of the AMDH in Laayoun, Mr. **Saleh Lebayhi**, Chairman of the Forum for the Protection of Saharawi Children (*Forum pour la protection des enfants sahraouis*) and Head of the AMDH branch in Smara, Ms. **Degja Lachgar**, member of the ASVDH executive branch, and Mr. **Rachid Sghaer**, member of the Committee Against Torture in Dakhla, were accused of "attack on the country's internal security". During the first half of 2010, they were all granted bail by the judge of the Military Court in Rabat[18], which then referred the case to the Ain Sebaâ Court of First Instance in Casablanca[19]. As of late April 2011, the exact charges

16 / Movement that supports the autonomy of the Moroccan Sahara.

17 / See ASVDH Press Release, December 12, 2010.

18 / Ms. Degja Lachgar was released on January 28, 2010, Messrs. Saleh Lebayhi, Rashid Sghaer and Yahdih Ettarouzi on May 18, 2010 and Messrs. Ali Salem Tamek, Brahim Dahane and Ahmad Anasiri on April 14, 2010.

19 / See Annual Report 2010 and ASVDH Press Releases, May 20 and September 23, 2010, and February 13 and April 16, 2011.

against the seven defenders were still unknown and no hearing had taken place. Mr. **Yahya Mohamed al-Hafed Aaza**, member of CODESA, was meanwhile still being held at the end of April 2011 in the prison of Ait Melloul, near Agadir. His health was of great concern and he required hospitalisation for several days in December 2010. In addition, visits were limited to people with the same name as him. Mr. Aaza was arrested in February 2008 for participating in peaceful demonstrations during which one policeman was killed.

Moreover, rallies organised by Sahrawi activists were often repressed by the Moroccan authorities. For example, on March 2, 2011, the police brutally dispersed a rally organised by Sahrawi activists in the city of Laayoun calling for the respect of their economic and social rights and denouncing the maritime fishing agreement between Morocco and the European Union. Without notice, the police attacked and beat demonstrators, leaving 25 people injured[20].

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. **Hassan Duihi**	Arrest	Urgent Appeal MAR 001/0210/OBS 024	February 25, 2010
Mr. **Kamel Jendoubi**	Obstacles to the freedom of movement	Urgent Appeal MAR 002/1010/OBS 120	October 1, 2010

20 / See ASVDH Press Release, March 3, 2011.

SAUDI ARABIA

In 2010-2011, no human rights NGO managed to obtain legal status. Furthermore, human rights activities continued to be controlled by a vague and draconian legal framework, making human rights defenders vulnerable to arbitrary detention and unfair trials. In addition, peaceful assemblies were banned *de facto* by the authorities and repressed by the security forces. Finally, the Interior Ministry banned several human rights defenders from leaving the country.

Political context

In 2010-2011, the human rights situation in Saudi Arabia remained very worrying. In this absolute Islamic monarchy, the population cannot enjoy an area of freedom allowing the development of a civil society independent from the Government. Political parties and unions are banned and no independent human rights NGO was even registered. Demonstrations are prohibited and media are censored by the Ministry of Culture and Information. Saudi Arabia is not a signatory neither to the International Covenant on Civil and Political Rights nor to the International Covenant on Economic, Social and Cultural Rights. Since 2001, thousands of people have been arrested in the name of counter-terrorism, including people who have criticised the State without resorting to or advocating the use of violence[1]. The rights of people who are arrested or prosecuted are regularly flouted and torture and ill-treatment while in custody or prison are frequently used. The rights of women and migrants are notoriously violated, as well as the freedom of religion.

The Shia and the Ismailian Muslims living in Saudi Arabia make up ten to fifteen per cent of the Saudi population. They are the target of denominational discrimination that deprives them of their fundamental rights such as the right to freedom of religion and belief, as well as certain civil rights such as the right to hold positions of responsibility in the public services. Shia Muslims are regularly targeted for organising collective prayer meetings or celebrating Shia festivals[2]. In 2011, the authorities

1/ See Human Rights First Society, Saudi Arabia (HRFS) News Bulletin, April 9, 2011.

2/ The majority of Shia Muslims live in the eastern province of the country, in al-Ahsa province and the cities of Qatif, Dammam and Khobar. Shia Muslims are also in majority in the region of Najran, in the south of the Kingdom. In towns where Shia Muslims constitute less than 50% of the population, Shia mosques are, with a few exceptions, forcibly shut down. See HRFS 2010 Report, *Unholy Trespass*, December 2010.

also repressed Shia activists for demonstrating in the eastern part of the country to demand the Saudi Government to withdraw the troops sent to Bahrain, where they were directing a military force from the Gulf States with the aim of helping the Sunni monarchy in Bahrain to suppress a strong popular protest movement calling for political reforms, including more freedoms and the release of political prisoners detained since the 1990s[3].

Finally, sanctions were still imposed on the right to freedom of expression in Saudi Arabia. On April 29, 2011, the Saudi authorities published a decree that imposed considerable restrictions on the freedom of the press. According to this text, media are forbidden to publish any material that contradicts the Sharia law, "serves foreign interests" or "undermines national security". The terms of this decree, particularly vague and unclear, risk being used to justify censorship of any statement considered as critical of the authorities[4].

An extremely restrictive legislative framework that prevents all human rights activities

In Saudi Arabia, human rights activities continued to be subjected to an extremely restrictive framework. Article 39 of the Saudi 1992 Basic Law of Government stipulates that "all acts that foster sedition or division or harm the state's security and its public relations, shall be prohibited". This vague definition permits criminalisation of the most basic rights such as the right to freedoms of expression, association or peaceful assembly. Furthermore, the absence of any written criminal code in Saudi Arabia strengthens the climate of insecurity in which human rights defenders are carrying out their work, insofar as there is no formal definition of what constitutes a crime, and no fixed punishment for a specific crime. In addition, Article 112 of the Code of Criminal Procedure allows the Minister of Interior to decide which offences and crimes are punishable by a prison sentence, without specifying its length. The executive power is therefore unlimited to punish any human rights activity.

In this context, no human rights NGO was registered. For example, the NGO Human Rights First Society, Saudi Arabia (HRFS) could never obtain a licence since its setting up in 2002. Similarly, the Saudi Civil and Political Rights Association (ACPRA), set up in 2009, could neither obtain a licence.

3/ See HRFS Press Release, March 23, 2011.
4/ See HRFS and Reporters Without Borders (RSF) Press Release, May 3, 2011.

Violation of the freedom of peaceful assembly and repression of demonstrators

In spite of the absence of an official text which bans public meetings, in practice they are not tolerated and the Saudi authorities ban *de facto* the organisation of peaceful assemblies in the country[5]. Several demonstrations inspired by the movements in other Arab countries were organised between February and April 2011 to call for democratisation of political life or to demand the release of prisoners held arbitrarily in Saudi prisons. These protests were brutally dispersed and over 160 demonstrators were injured or arrested[6]. For example, on March 9, 2011, a demonstration organised in the city of al-Qatif to demand democratic reforms was brutally dispersed by the security forces who fired off on demonstrators with live bullets. Two of them were injured[7]. On March 21, 2011, Mr. **Mohamed Saleh al-Bajadi**, one of the founders of ACPRA, was arrested at his home in the town of Buraidah by agents of the intelligence services from the Interior Ministry. Books, documents and laptop computers were confiscated at his home and his office. Mr. al-Bajadi had taken part in a protest the previous day in front of the Interior Ministry in Riyadh, to call for the release of persons held for years without being charged or tried. This demonstration had brought together dozens of men and women, mostly family members of detainees. Mr. al-Bajadi was held incommunicado for nearly three weeks, with no contact with his family or with a lawyer[8]. As of the end of April 2011, he was still being held by the intelligence services without being charged or tried[9].

Arbitrary arrest of defenders of the rights of the Shia minority

In 2010-2011, several defenders who called for respect for the rights of the Shia minority were arrested and arbitrarily detained[10]. As an example, Mr. **Sheikh Mekhlef bin Dahham al-Shammari**, a writer and defender of minority rights, was arrested on June 15, 2010 and taken to the Khobar police station because of his stand in favour of the respect for the rights

5 / On March 5, 2011, the Interior Ministry issued an announcement confirming the ban on demonstrations in the Kingdom, according to which the security forces would take "all necessary measures" against those who attempt to disturb public order. On March 6, 2011, the Council of Superior Ulema (religious scholars) also recalled the ban on demonstrations in the country. On the same day, the Shura Council (a consultative council appointed by the King) stressed the importance of preserving the security of the Kingdom and ignoring misleading calls for the organisation of demonstrations, sit-ins and marches. See Amnesty International Press Release, March 25, 2011.

6 / See Press Release from HRFS, March 27, 2011 and Human Rights Watch (HRW), April 20, 2011.

7 / See HRFS Press Releases, March 10 and 11, 2011.

8 / He was able to telephone his wife for the first time on April 7, 2011.

9 / See HRFS Press Release, March 23, 2011.

10 / See HFRS 2010 Report, *Unholy Trespass*, December 2010 and HRW Report, *Looser Rein, Uncertain Gain*, September 27, 2010.

of the Shia minority. In July 2010, he was transferred to the Dammam prison. In April 2011, the Dammam Court rejected the initial charges of "annoying others" with his writings, used against him by the Public Prosecutor in his charge file. However, as of the end of April 2011, he was still being held at the Dammam prison[11]. In addition, at the end of 2010, Mr. **Mounir Baqir al-Jessas**, a blogger, was still being held by the Saudi authorities for having denounced, in various articles published on Internet, the discrimination to which Shia Muslims are subjected to in Saudi Arabia. Mr. al-Jessas had been arrested on November 8, 2009 by the intelligence services, who had searched his home and confiscated two laptop computers and a camera. He was finally released on February 20, 2011, without charge[12]. Also, on March 3 and 4, 2011, 24 people were arrested following demonstrations in the city of al-Qatif to protest against the continued detention of nine members of the Shia community who were arrested in 1996[13]. The persons arrested included Messrs. **Hussain al-Yousef** and **Hussain al-Alq**, who regularly publish articles on *www.rasid.com* to report on the arrests of members of the Shia community and on the discrimination they are victim of. The 24 men were released without charge on March 8, 2011, after guaranteeing in writing that they will not demonstrate any more[14].

Obstacles to the freedom of movement of several human rights defenders

In 2010, the Saudi Interior Ministry banned several human rights defenders from leaving the country. For instance, on February 12 and March 2, 2010 respectively, the Saudi authorities informed Mr. **Fahd al-Orani**, a member of ACPRA, and Mr. Mohammed Saleh al-Bejadi that they were forbidden to travel as they were at Riyadh international airport. Similarly, in 2010 and 2011, Mr. **Abdullah al-Hamed** and Mr. **Mehna Mohammed al-Faleh**, members of the same organisation, were still forbidden to leave the country, under the ban in place since 2004. These human rights defenders were given no reason for these measures[15].

11 / See HFRS 2010 Report, *Unholy Trespass*, December 2010.
12 / See HRFS Press Release, June 28, 2010.
13 / These men are suspected of being linked to an attack in 1996 against the Khobar Towers residential complex in the city of al-Khobar (Eastern Province), that caused the death of nineteen American servicemen and one Saudi.
14 / See HRFS Press Releases, March 3, 5 and 14, 2011.
15 / See ACPRA Press Releases, November 3 and December 15, 2010.

SYRIA

In 2010-2011, the work of human rights defenders encountered once more considerable obstacles. While the Ministry for Social Affairs systematically continued to refuse to register NGOs, the national security intelligence services remained central to the system of repression against defenders, who were notably victims by those services of arrest and arbitrary detention. They were also prosecuted before emergency courts under vague and draconian provisions, and sentenced to several years in prison. Although several defenders were released in response to the peaceful protest movement that started in March 2011, others were arrested or prosecuted as part of the extremely violent repression of this movement.

Political context

In March 2011, a peaceful protest movement began in Syria, following a civil society call to protest launched via social networks such as *Facebook* and *Twitter*. Inspired by the Arab revolutions in Egypt and Tunisia, this movement has since rallied tens of thousands of people in several Syrian cities calling for the respect of fundamental freedoms, the release of political prisoners and the end of the state of emergency that has been in force since 1963. Immediately, the Syrian authorities' response to the protest movement was extremely violent. The security forces fired off live bullets at unarmed civilians, resulting in the death of nearly 1,200 demonstrators as of the end of May 2011[1]. Furthermore, the authorities had arrested nearly 11,000 people including journalists, lawyers, political activists and human rights defenders, as of the end of May 2011 because of their participation or their presumed support to the demonstrations. A number of them were reportedly victims of torture[2].

In the face of the growing protest movement, on several occasions President Bashar al-Assad announced concessions that were, however, never accompanied by a reduction of the level of repression against the

1/ There are no official figures on the number of people killed. See Joint Statement by the Committee for the Defence of Democratic Freedoms and Human Rights (CDF), the Kurdish Organisation for Defending Human Rights and Public Freedoms in Syria (DAD), the Arab Organisation for Human Rights in Syria (AOHRS), the Kurdish Committee for Human Rights in Syria (al-Rased), the National Organisation for Human Rights in Syria (NOHR-S), the Syrian Observatory for Human Rights (SOHR) and the Human Rights Organisation in Syria (MAF), May 27, 2011. The authorities even resorted to heavy artillery and used tanks to repress the protest movement in cities such as Deraa and Baniyas.

2/ See Damascus Centre for Human Rights Studies (DCHRS).

protesters. On March 19, 2011, the official press agency *SANA* announced the release of political prisoners, greater freedom for the media and registration of political parties. After the protests increased, President al-Assad then decided to dissolve his Government. On April 21, *SANA* announced that the President had issued Decrees No. 161 on lifting the state of emergency, No. 53 on abolishing the Supreme State Security Court (SSSC) and No. 54 on the promulgation of a law to recognise the right to peaceful assembly. However, people considered that these declarations were insufficient and the repression of demonstrations continued to be increasingly bloody.

On April 29, 2011, following a special session on the crisis in Syria, the Human Rights Council of the United Nations adopted a resolution condemning the repression of the peaceful protest movement and mandating the High Commissioner for Human Rights to conduct an independent investigation into the serious violations committed at that time[3]. The Security Council also met to discuss the situation in Syria on several occasions but as of the end of April 2011, its members had still not agreed on a resolution.

Furthermore, in 2010-2011, the Syrian authorities continued to use the state of emergency law and the Criminal Code to repress and prevent the organisation of any form of opposition, targeting in particular political opponents, human rights defenders, bloggers and Kurd activists. Women and men who criticised the Government or called for reforms were regularly subjected to arbitrary arrest, imprisoned for long periods, and sentenced by the SSSC, the military or criminal courts during unfair trials. In addition, the Syrian regime still tolerated no political party other than the ruling Baath party.

While freedom of expression continued to be severely restricted in Syria, repression of journalists and censorship measures increased after the start of the protest movement in March 2011. The authorities tried to impose media silence regarding the demonstrations and police repression, by preventing journalists, including foreign ones, from gaining access to assembly locations, or by arresting them.

3/ See Human Rights Council Resolution on the Human Rights Situation in the Syrian Arab Republic, United Nations Document A/HRC/RES/S-16/1, April 29, 2011.

Finally, the security forces continued to make use of torture and ill-treatment. In its Concluding Observations on May 14, 2010[4], the United Nations Committee Against Torture (CAT) condemned the regular use of such practices in detention centres by State agents. The Committee also expressed its concern regarding the Kurdish minority in Syria, who is deprived of Syrian nationality and who continues to be subjected to ethnic discrimination[5].

Continued acts of harassment against lawyers who denounce human rights violations

In 2010-2011, lawyers who defend political prisoners and condemn human rights violations continued to be the target of harsh repression. Mr. **Muhannad al-Hassani**, lawyer, President of the human rights organisation "Sawasiyah" and winner of the 2010 Martin Ennals Award for Human Rights Defenders, was sentenced on June 23, 2010 by the Damascus Criminal Court to three years in prison for "weakening national sentiment" and "spreading false information likely to weaken the nation's morale", under Articles 285, 286 and 287 of the Criminal Code. His appeal was rejected on September 27, 2010. Mr. al-Hassani had been arrested in July 2009 for having monitored and condemned the unfair nature of the trial of political prisoners before the SSSC. On October 28, 2010, Mr. al-Hassani was attacked and beaten in his cell by another detainee, who insulted him and accused him of betraying the Nation. In spite of this incident, the prison authorities decided to keep Mr. al-Hassani in the same cell as his attacker[6]. Similarly, on July 4, 2010, the Damascus Military Criminal Court sentenced Mr. **Haitham al-Maleh**, a lawyer and former President of the Human Rights Association in Syria (HRAS), to three years in prison for "spreading false information likely to weaken the morale of the nation". His appeal was rejected on October 19, 2010. Mr. al-Maleh, eighty years old, had been arrested in October 2009 after having publicly criticised the human rights situation and corruption within the State apparatus in Syria. On February 22, 2010, he appeared before a Damascus Military Judge on new charges for "offending the President" and "defamation of a government body". These new charges, which were upheld by another prisoner, were abandoned the day after the hearing because of

4/ Concerned about poor conditions of detention and cases of forced disappearance, CAT invited the Syrian authorities to open an investigation into the riot that broke out in Sednaya military prison in July 2008 during which seventeen detainees were killed. The Syrian authorities had imposed total silence concerning the event, amongst other things refusing to draw up a list of the victims.

5/ See Committee Against Torture, *Concluding Observations of the Committee Against Torture on the Syrian Arab Republic*, United Nations Document CAT/C/SYR/CO/1, May 25, 2010.

6/ Mr. Muhannad al-Hassani was released on June 2, 2011 in application of Legislative Decree No. 61 dated May 30, 2011, which grants general amnesty for crimes committed before May 31, 2011.

a presidential amnesty for prisoners sentenced for minor offences. During his detention in Adra prison, Mr. al-Maleh was refused access to his own medication in spite of serious health problems. He was released on March 8, 2011 under a presidential pardon for prisoners over seventy years old.

Ongoing arbitrary detention of many human rights defenders

As of the end of April 2011, several defenders were still imprisoned because of their peaceful commitment in support to human rights. On March 11, 2010, the Damascus Appeal Court rejected the request of the human rights defenders who were responsible for the Damascus Declaration for the application of Article 172 of the Criminal Code, which provides for an amnesty to detainees who have served three quarters of their sentence. Messrs. **Akram al-Bunni**, **Fayez Sara**, **Jaber al-Shoufie**, **Mohammed Haj Darwish**, **Ahmad Tohma**, **Yasser Tayser Aleiti**, **Riad al-Seif**, **Marwan al-Esh**, **Ali Saleh al-Abdallah**, **Talal abu Dan** and Ms. **Fida al-Hurani** therefore remained in detention in Adra prison until their sentences were served[7]. They had been sentenced on October 29, 2008 to two and a half years in prison for "spreading false news likely to damage the morale of the nation". They were all released between June and July 2010, with the exception of Mr. Ali Saleh al-Abdallah. The latter, who was due to be released on June 17, 2010, was brought before a military court on the same day and new charges were brought against him. The Syrian authorities accused him of having been in contact with the press from the prison to comment on the elections in Iran. On March 13, 2011, he was sentenced by the Damascus Military Criminal Court to three years in prison for "spreading false information likely to weaken the morale of the nation" and "disturbing relations between Syria and a foreign State" (Article 278 of the Criminal Code). As of April 2011, he was still held in Adra prison. Similarly, at the end of April 2011, Messrs. **Anwar al-Bunni**, a lawyer and founder member of HRAS, **Habib Saleh**, a writer, and **Kamal al-Labwani**, a member of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), were still being held in Adra prison[8]. Moreover, since June 2008, the family of Mr. **Nizar Ristnawi**, a founder member of the Arab Organisation for Human Rights in Syria (AOHRS) and a member of the CDF, held in Sednaya military prison and who was due to be released in April 2009, still had no news of him.

7/ They were involved in the National Council of the Damascus Declaration for National Democratic Change, a large activist opposition coalition for political reform and for the establishment of a democratic regime in Syria. On December 9, 2007, in response to a meeting organised at the initiative of the Damascus Declaration that ended with the creation of the National Council, the security forces arrested several activists.

8/ Mr. Anwar al-Bunni was released on May 23, 2011, other having served his sentence and Mr. Habib Saleh was released on May 10, 2011.

Continued harassment of defenders of the rights of the Kurdish minority

Human rights defenders who denounce the discrimination to which the Kurdish minority in Syria is subject, continued to be victims of arbitrary arrest and judicial harassment. As an example, on March 2, 2010, Mr. **Abdul Hafiez Abdul Rahman** and Ms. **Nadira Abdu**, members of the Human Rights Organisation in Syria (MAF), which defends the rights of the Kurdish minority, were arrested at the home of Mr. Abdul Rahman in Aleppo. During their arrest, agents of the military intelligence services questioned them about MAF activities. Mr. Abdul Rahman's computer and reports produced by MAF were confiscated. Ms. Abdu was released without being charged on March 6. Placed under conditional release on September 1, Mr. Abdul Rahman was sentenced on September 29, 2010 by the Third Aleppo Military Court to one year in prison for belonging to a "secret organisation" (Article 288 of the Criminal Code)[9]. Mr. Abdul Rahman went into hiding and had to leave Syria at the end of 2010 to avoid being put in prison again. In addition, on November 7, 2010, the Aleppo Military Criminal Court sentenced in last resort Mr. **Mustapha Ismail**, a lawyer and Kurdish activist, to seven years in prison, a sentence which was subsequently reduced to two and a half years, for attempting to "partition part of Syrian territory in order to annex it to a foreign State" (Article 267 of the Criminal Code) and "disturb relations between Syria and a foreign State". Mr. Ismail had been arrested on December 12, 2009 after publishing several articles on the Internet denouncing the discrimination inflicted on Syrian Kurds. At the end of April 2011, he was still in detention in the prison of al-Musalmiya, near Aleppo[10]. Finally, in December 2010, the Order of Syrian Lawyers opened disciplinary proceedings against Mr. **Radif Mustafa**, a lawyer and President of the Kurdish Committee for Human Rights in Syria (al-Rased), accused of having flouted the profession's regulations by becoming the head of a "banned organisation", fomenting "acts against the Syrian Government" and publishing articles that "told lies" and "weakened national unity". Mr. Mustafa risked being permanently banned from practising his profession. On April 3, 2011, the Order of Lawyers acquitted Mr. Mustafa but issued a warning against him about his human rights activities.

9 / Indeed, the Syrian regime continues to refuse to register human rights NGOs and consequently, the members of organisations that are considered to be illegal are subject to criminal proceedings under Article 288 of the Criminal Code.

10 / Mr. Mustapha Ismail was released on June 2, 2011 under Legislative Decree No. 61 dated May 30, 2011.

Ongoing obstacles to freedom of movement

In 2010-2011, around one hundred human rights defenders were banned from leaving the country because of their human rights activities. As an example, in 2010 and 2011, Mr. **Danial Saoud**, President of the CDF, was again forbidden to leave the country, preventing him from taking part in numerous meetings on human rights to which he had been invited. In April 2010, he was stopped from travelling to Yerevan, in Armenia, to take part in the 37th FIDH Congress, of which his organisation is a member. In March 2011, he was also banned from leaving Syria to take part in a meeting of the Executive Committee of the Euro-Mediterranean Human Rights Network (EMHRN), of which he is a member. Similarly, the Syrian authorities prevented Mr. **Alla Aldin Byassi**, member of CDF Board of Directors, from travelling to various EMHRN meetings on immigration and the right of asylum that took place in Turkey in April 2010, in Morocco in September 2010 and in France in January 2011. Ms. **Malak Said Mahmoud**, a member of CDF Board of Directors, was stopped from going to Turkey in April and November 2010 to take part in conferences on women's rights. Meanwhile, Mr. **Hassan Ayo**, a CDF member, was prevented from leaving the country to attend a conference on women's rights, organised on April 8 and 9, 2011 in Madrid, Spain. Furthermore, on February 21, 2010, the Syrian authorities banned Mr. **Wadih al-Asmar**, Secretary General of the Lebanese Centre for Human Rights Centre (*Centre libanais des droits de l'Homme* - CLDH) and a member of EMHRN Executive Committee, from returning to Syria, on the grounds that his name was on the list of "undesirable persons". Mr. al-Asmar has worked for several years on the question of forced disappearances of Lebanese in Syrian prisons.

Repression of peaceful assemblies and reprisals against human rights defenders

The authorities violently repressed activists who were suspected of having denounced or documented human rights violations committed by the security forces during the repression of the peaceful protest movement that has taken place since March 2011. As an example, on March 23, 2011, Mr. **Mazen Darwish**, Director of the Syrian Centre for Media and Freedom of Expression (SCM), was summoned to the political police headquarters at Almaysat in Damascus, where he was held for over 24 hours, before being released without charge. On April 1, 2011, Mr. **Abdalkarim Da'oun**, a member of CDF Board of Directors, was attacked and arbitrarily arrested by members of the security services and police forces as he was monitoring peaceful demonstrations in the city of Salamyeh. He was released without charge on April 3. On April 24, 2011, Mr. Danial Saoud was also arrested by the security services in the city of Baniyas.

He was brought to Damascus where he was interrogated for 36 hours on its role in the peaceful demonstrations which took place in several cities, before being released without charge[11]. Mr. **Rasim al-Atassi Suleyman**, former President and a member of the Board of Directors of AOHR-S, was arrested on April 27, 2011, accused of "inciting riots" and "vandalism" after a demonstrator accused him under torture of financing the protest movement and supplying weapons. As of the end of April 2011, he had still not been released. Several people, such as lawyers Haytham al-Maleh and **Razan Zaitouni**, had to go into hiding in order to avoid arbitrary arrest and the risk of ill-treatment and torture. In 2011, the Damascus Centre for Human Rights Studies (DCHRS) was also the target of a smear campaign by the private Syrian TV channel *al-Dunia*, owned by a businessman close to the President, in reprisal for its condemnations of the repression of the protest movement. In April 2011, *al-Dunia* broadcast a programme accusing organisations and members of the opposition in exile, particularly the DCHRS, of receiving funds from the Mossad, the Israeli intelligence agency. In addition, its Director, Mr. **Radwan Ziadeh**, who lives in the United States, received numerous death threats against him and his family during the same period, in particular by e-mail. Similarly, on April 19, 2011, the Kuwaiti magazine *al-Anbae*, published in Syria, accused several human rights defenders, including Mr. **Ammar Qurabi**, President of the National Organisation for Human Rights in Syria (NOHR-S), of working with Syrian armed groups responsible for the killing of civilians[12].

Furthermore, on March 16, 2011, around one hundred people, including several members of the families of prisoners of conscience, organised a peaceful assembly in front of the Interior Ministry to call for the release of all prisoners of conscience in Syria. The participants were brutally dispersed by the security forces, who arrested dozens of people, including Mr. **Kamal Cheikho**, a blogger, Ms. **Suhair al-Attassi**, President of the "al-Attassi Forum" pro-democracy discussion group, Ms. **Sereen Khouri**, Ms. **Fahima Saleh Awsi**, a member of the Kurdish Human Rights Committee, and Mr. Mazen Darwish. These protesters were all released without charge after having paid a bail, with the exception of Mr. Kamal Cheikho who was still being held in Adra prison at the end of April 2011[13].

11 / See CDF

12 / *Idem* .

13 / Mr. Cheikho was released on bail without charge on May 10, 2011. In addition, accused of "spreading false information likely to weaken the morale of the nation", Mr. Cheikho had been arrested at the Syrian-Lebanese border on June 23, 2010 before being granted temporary freedom on March 13, 2011.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. **Muhannad al-Hassani**	Judicial harassment	Urgent Appeal SYR 001/0210/OBS 022	February 19, 2010
	Judicial harassment / Arbitrary detention	Urgent Appeal SYR 002/1009/OBS 149.1	February 24, 2010
		Joint Press Release	March 17, 2010
	Sentenced	Joint Press Release	June 23, 2010
		Joint Press Release	July 5, 2010
		Press Release / Brochure	October 14, 2010
	Attack	Press Release	November 2, 2010
Mr. **Haitham al-Maleh**	Judicial harassment / Arbitrary detention	Urgent Appeal SYR 001/0210/OBS 022	February 19, 2010
		Urgent Appeal SYR 002/1009/OBS 149.1	February 24, 2010
		Joint Press Release	July 5, 2010
		Press Release / Brochure	October 14, 2010
		Joint Press Release / Publication of a judicial observation mission report	March 4, 2011
	Pardon / Release	Joint Press Release	March 9, 2011
Mr. **Wadih al-Asmar**	Attack on freedom of movement	Joint Press Release	March 5, 2010
Mr. **Abdul Hafiez Abdul Rahman** and Ms **Nadira Abdu**	Arbitrary arrest	Urgent Appeal SYR 002/0310/OBS 033	March 10, 2010
Mr. Abdul Hafiez Abdul Rahman	Sentenced / Arbitrary detention	Urgent Appeal SYR 002/1010/OBS 033.1	October 11, 2010
		Press Release / Brochure	October 14, 2010
Messrs. **Jaber al-Shoufie**, **Riad al-Seif**, **Haytham al-Maleh**, **Anwar al-Bunni**, **Kamal al-Labwani** and **Walid al-Bunni**	Harassment	Joint Press Release	March 17, 2010
Mr. **Mustafa Ismail**	Judicial harassment	Urgent Appeal SYR 003/1010/OBS 125	October 11, 2010
		Press Release / Brochure	October 14, 2010
	Sentenced	Press Release	November 10, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Ali Saleh al-Abdallah**, Abdul Hafiez Abdul Rahman, Anwar Al-Bunni, Kamal al-Labwani, Mustafa Ismail, **Habib Saleh** and **Nizar Ristnawi**	Arbitrary detention	Press Release / Brochure	October 14, 2010
Mr. **Radif Mustafa**	Harassment	Urgent Appeal SYR 001/0111/OBS 001	January 3, 2011
Messrs. Anwar Al Bunni, Habib Saleh, Ali Saleh al-Abdallah, Kamal al-Labwani and **Kamal Cheikho**	Arbitrary detention / Hunger strike	Joint Press Release	March 9, 2011
Mr. Ali Saleh al-Abdallah	Sentenced / Arbitrary detention	Urgent Appeal SYR 002/0311/OBS 033	March 14, 2011
Members of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), including Messrs. **Daniel Saoud**, **Alla Aldin Byassi**, **Hassan Ayo** and Ms. **Malak Said Mahmoud**	Obstacles to freedom of movement	Closed Joint Letter to the authorities	March 14, 2011
Messrs. Kamal Cheikho and **Mazen Darwish**, Ms. **Suhair al-Attassi**, Ms. **Sereen Khouri**, Ms. **Fahima Saleh Awsi**	Obstacles to freedom of peaceful assembly/ Arrest / Judicial harassment	Urgent Appeal SYR 003/0311/OBS 037	March 16, 2011
	Judicial harassment / Provisional release / Arbitrary detention	Urgent Appeal SYR 003/0311/OBS 037.1	March 18, 2011
Mr. Mazen Darwish	Arbitrary arrest / Incommunicado detention	Urgent Appeal SYR 004/0311/OBS 043	March 24, 2011
	Release	Urgent Appeal SYR 004/0311/OBS 043.1	March 25, 2011
Mr. **Radwan Ziadeh**	Smear campaign	Joint Press Release	April 15, 2011
Mr. **Rasim al-Atassi Suleyman**	Arbitrary detention / Judicial harassment	Urgent Appeal SYR 005/0411/OBS 071	April 29, 2011

TUNISIA

The year 2010 was again marked by continuous harassment of any person involved in the defence of human rights, in the form of daily surveillance, smear campaigns, attacks, judicial harassment, absence of freedoms and repression of social protest movements. Following the departure of President Ben Ali on January 14, 2011, much progress was made permitting defenders to enjoy a more favourable climate to work. However, although there was a clear reduction in the number of cases of harassment against defenders, they did not totally disappear.

Political context

On January 14, 2011, following a month of demonstrations that shook the whole of Tunisia, President Zine el-Abidine Ben Ali left power after a twenty-three-year absolute reign[1]. Starting in Sidi Bouzid, a town in the centre-west forgotten by economic development, after the immolation of a young street vendor protesting against the seizure of his wares by the police, the growing social protest movement against unemployment and the high cost of living turned into a protest against corruption and violations of fundamental freedoms. The security forces, including anti-riot police, fired tear gas and live bullets at the demonstrators. Dozens of people were killed and many others wounded.

The transitional authorities announced several measures with a view to guarantee the respect of the rule of law and fundamental freedoms. On February 1, 2011, the Council of Ministers of the Transitional Government announced that Tunisia will ratify the Rome Statute on the creation of the International Criminal Court, the International Convention for the Protection of All Persons Against Forced Disappearances as well as the two Optional Protocols to the International Covenant on Civil and Political Rights, including the one relating to the abolition of death penalty. It also announced that it will consider the lifting of the Tunisia's reservations to the Convention on the Elimination of All Forms of Discrimination Against Women. At the end of April 2011, these commitments were still not effectively followed. The Transitional Government also set up the Higher Political Reform Commission (*Commission supérieure de la*

1/ On March 8, 2011, the Democratic Constitutional Rally (*Rassemblement constitutionnel démocratique*), former President's party, was dissolved and several illegal parties were able to register.

réforme politique)[2], the National Fact-Finding Commission on Cases of Embezzlement and Corruption (*Commission nationale d'établissement des faits sur les affaires de malversation et de corruption*) and the National Fact-Finding Commission on Abuses Committed During Recent Events (*Commission nationale d'établissement des faits sur les dépassements et abus commis au cours des derniers événements*). In addition, on February 16, 2011, the Government adopted a general amnesty law granting the release of all prisoners of conscience, including some human rights defenders[3].

Since the Transitional Government was set up, many advances were also recorded with regard to the freedom to exist and to act of political parties, associations and independent or opposition media. Independent civil society was able to exercise all the rights of which it was previously deprived such as forming legal associations, travelling freely throughout the country and abroad, having access to the media and creating its own media, organising meetings, etc. International NGOs were even authorised to organise conferences and fact-finding missions in the country, and were authorised to access to prisons. But despite this progress, repressive practices continued after January 14, 2011. In particular, although the Transitional Government claimed that the political police was dismantled, reliable reports consider that it continued to operate, at least partially. New cases of arbitrary arrests were recorded, human rights organisations reported the resurgence of torture in police stations and several demonstrations were banned.

Furthermore, in 2010, as in the past, the ruling regime continued to systematically repress and harass all dissident voices using the political police, the judicial apparatus and the media. The Tunisian authorities set up obstacles to freedom of movement, communication blockades, constant police surveillance, and perpetrated arbitrary detentions, acts of violence and judicial harassment.

Adoption of an amendment to reinforce criminalisation of defence of human rights

On July 1, 2010, an amendment to the Criminal Code, which might hinder the activities of promotion and protection of human rights

2/ On February 18, 2011, the Higher Political Reform Commission merged with the Committee to Safeguard the Revolution (*Comité pour la sauvegarde de la révolution*) to form the Commission to Achieve the Objectives of the Revolution, Political Reform and Democratic Transition (*Commission pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique*).

3/ The law was signed by the Interim President on February 19, 2011 and concerns all prisoners of conscience who had been sentenced or whose trial was ongoing prior to January 14, 2011.

undertaken by the Tunisian defenders by criminalising their relations with foreign and multilateral organisations, was published in the Official Journal of the Tunisian Republic. This amendment complements the provisions of Article 61bis of the Criminal Code by adding the criminalisation "of any persons who shall, directly or indirectly, have contacts with agents of a foreign country, foreign institution or organisation in order to encourage them to affect the vital interests of Tunisia and its economic security", punishable by a prison sentence (Article 62 on domestic security). As of the end of April 2011, this draconian provision remained in force despite it was never used against human rights defenders.

Ongoing repression of journalists who denounce human rights violations

Although in 2010 nearly all the media remained under the control of the authorities, the latter repressed the independent media, especially people who worked with *Radio Kalima*, an online radio and newspaper. As an example, on November 24, 2010, Mr. **Nizar Ben Hassen**, a correspondent for *Radio Kalima* and Director of the Chebba Student Promotion Association (*Association de promotion de l'étudiant de Chebba*), was condemned to a suspended two-month prison sentence by the Mahdia Court of First Instance for "defamation" and "attacking morality", following a peaceful demonstration organised on June 27, 2009 by his association in front of Chebba town hall, to protest against the three-year block on public funds applied to the same association. These charges were brought against him eight months later, on February 23, 2010, few days after the broadcast of a documentary he had made on the abusive expropriation of home-owners in a district of the town of La Goulette[4]. In addition, on December 8, 2010, the Jendouba Criminal Chamber of the Court of First Instance sentenced Mr. **Mouldi Zouabi**, a *Radio Kalima* journalist, to a fine of 900 dinars (around 620 euros) for "aggravated violence" and "public insults"[5]. This sentence was handed down in reaction to the publication by Mr. Zouabi of several reports on the degree of implementation of economic reforms and policies to eradicate poverty in the disadvantaged region of the north-west. On December 29, 2010, Mr. Zouabi was arrested while he was covering a lawyers' rally in front of Jendouba Courthouse in support of the protest movement. He was released the following day without charge. Other journalists were also the target of violence and

4 / See National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT).
5 / Mr. Zouabi was the victim of an assault on April 1, 2010 in front of the Jendouba police station, following which he filed a complaint before the court. This complaint was dismissed due to "insufficient evidence" and, on July 7, 2010, Mr. Zouabi received a summon to answer a trumped-up charge of "aggravated violence and public insults" against his attacker. See CNLT.

judicial harassment after having denounced human rights violations. For example, on April 24, 2010, eight plain-clothed police officers arrested journalist Mr. **Zouhair Makhlouf**, Secretary General of the association "Freedom and Equity" (*Liberté et équité*), at his home without a warrant. He was violently assaulted in front of members of his family and forcibly taken to the Borj Ouzir police station in Ariana, before being released seven hours later without being charged. Moreover, on April 26, 2010, Mr. **Taoufik Ben Brik** was released after having served a six-month prison sentence following the publication of articles criticising the President's regime[6].

Since the Transitional Government was set up in 2011, abuses committed by the police were considerably reduced, although they were not completely eliminated. As an example, on April 8, 2011, Mr. **Abdallah Ben Saïd**, a cyber-activist, also known as Abdallah CAM[7], was arrested in Tunis by police agents while he was filming a sit-in of Tunisian revolution demonstrators, harshly repressed by men wearing hoods and armed with truncheons. On April 13, 2011, the Examining Magistrate with the Tunis Court of First Instance decided to discharge and release Mr. Ben Saïd.

Continued smear campaigns against human rights defenders

In 2010, human rights defenders continued to be subject to numerous measures of harassment, especially in the run-up to the municipal elections in May 2010. In this context, the Tunisian authorities repressed all civil society attempts to monitor the conduct of the election and to promote the holding of free elections. Access was blocked to the premises of several NGOs, including branches of the Tunisian League for the Defence of Human Rights (*Ligue tunisienne de défense des droits de l'Homme* - LTDH), the Tunisian Association of Democratic Women (*Association tunisienne des femmes démocrates* - ATFD) and the National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT).

Several human rights defenders also faced obstacles to freedom of movement and defamation campaigns in the pro-Government media. As an example, on February 27, 2010, the daily newspaper *Koll Ennass* published an article containing slanders against Ms. **Sihem Bensedrine**, CNLT Spokesperson, and Mr. **Khemaïs Chammari**, former FIDH Vice-President and co-founder of the Euro-Mediterranean Foundation of Support to

6/ Mr. Ben Brik was given a six-month prison sentence on November 26, 2009, a sentence that was upheld by the Tunis Court of Appeal on January 30, 2010.

7/ Mr. Ben Saïd regularly uses a small camera to film demonstrations and scenes of violence that he witnesses, before broadcasting them on a number of social networks.

Human Rights Defenders (EMHRF), as well as against Messrs. **Mohamed Abbou**, a lawyer and co-founder member of CNLT, **Kamel Labidi**, a journalist and former Director of the Tunisian branch of Amnesty International, **Moncef Marzouki**, a former CNLT Spokesperson and Honorary President of LTDH, and Ms. **Neziha Rejiba**, a journalist. The article described them as having being "bought" and as "traitors to the Nation", amongst other things. The newspapers *al-Chourouk*, *al-Sarih* and *al-Hadath* reported this in turn. They all filed complaints but without effect. In addition, on May 18, 2010, the newspapers *al-Chourouk* and *al-Hadath* once again published defamatory articles against Ms. Sihem Bensedrine and Messrs. Khémaïs Chammari and **Kamel Jendoubi**, President of the Committee for the Respect of Freedoms and Human Rights in Tunisia (*Comité pour le respect des libertés et des droits de l'Homme en Tunisie* - CRLDHT), member of OMCT Executive Council and President of the Euro-Mediterranean Human Rights Network (EMHRN), describing them as "traitors", "agents" and "mercenaries" "who should be tried" for having "been in contact with the European Union to sabotage the country" when these persons were involved in international campaigns to denounce human rights violations and when a draft law making this kind of mobilisation a crime was due to be presented in June 2010. This smear campaign also targeted two French lawyers, Messrs. **Patrick Baudouin**, Honorary President of FIDH, and **Michel Tubiana**, former FIDH Vice-President, Honorary President of the Human Rights League (*Ligue des droits de l'Homme* - LDH) and member of EMHRN Executive Committee, after they filed a civil action on March 16, 2009 for "justification of war crimes" in the case of a Tunisian union member who was murdered in 1952[8]. In its edition of March 24, 2010, the daily newspaper *Koll Ennass* described them respectively as "pro-colonialist" and "Mossad agent". They did not file a complaint.

Increased police surveillance of lawyers and magistrates involved in the defence of human rights

In 2010, the authorities continued to exercise close surveillance on lawyers and magistrates involved in the defence of human rights and to harass them in their private and professional life. As an example, the legal practice of Mr. **Abderraouf Ayadi**, also in charge of CNLT legal affairs, Mr. **Ayachi Hammami** and Mr. Mohamed Abbou, as well as of Ms. **Radhia Nasraoui**, also President of the Tunisian Association Against Torture (*Association de lutte contre la torture en Tunisie* - ALTT) and former member of OMCT Assembly of Delegates, were constantly surrounded by cars, motorbikes and plain-clothed police officers. The police also questioned

8/ The murder of Mr. Farhat Hached was claimed by the "Red Hand" (*Main rouge*), a secret armed organisation which came under the control of the French State and which was active at that time.

their clients to intimidate them and deprive the lawyers of their livelihoods. Furthermore, the telephone conversations of the defenders were constantly monitored. During the night of April 30 to May 1, 2010, the practice of Ms. Radhia Nasraoui was broken into and her computer tower was stolen. This break-in occurred after a telephone conversation between Ms. Radhia Nasraoui and one of her clients regarding a litigation involving a person close to the Tunisian Government, a case due to be examined by the African Commission on Human and People's Rights (ACHPR) during its session in May 2010. As a further example, the magistrate Mr. **Mokhtar Yahyaoui** continued to be the target of permanent harassment. Under constant surveillance by the political police, he was in particular prevented on several occasions from leaving his home and from receiving visits from his foreign counterparts[9]. Members of the Association of Tunisian Magistrates (*Association des magistrats tunisiens* - AMT) were also subjected to increasing intimidation. Mr. **Ahmad al-Rahmouni**, Ms. **Kalthoum Kennou**, Ms. **Wassila Kaabi**, Ms. **Raoudha Karafi**, Ms. **Leila Bahria** and Ms. **Noura al-Hamdi** were closely tailed before the 13th AMT Congress organised on December 19, 2010. Their homes were surrounded by the police, preventing them from leaving to reach the congress place. In addition, on December 19, members of the security forces prevented Mr. **Hamadi al-Rahmani**, also a member of AMT, from entering the hotel where the congress was organised "on instructions from the Interior Ministry".

Since the Transitional Government was set up in 2011, despite the fact that the practices preventing magistrates from doing their job correctly were stopped, some were still under surveillance, although it was done in a more discrete way. In particular, the access to their clients was duly respected but some lawyers said their telephones were still monitored as of the end of April 2011. Furthermore, on March 23, 2011, the Administrative Tribunal cancelled the exclusion of Mr. Mokhtar Yahyaoui from the magistracy. He was removed on December 29, 2001, after he addressed an open letter to President Ben Ali, calling for an independent justice system and condemning the control of the policy system over the magistracy[10].

Continued repression of social protest movements

The year 2010 was marked by continued convictions of human rights defenders who supported the social protest movements in the Gafsa-Redeyef mining area in 2008-2009. On July 6, 2010, the Gafsa Court of Appeal upheld the four-year prison sentence handed down in first instance

9 / See CNLT.

10 / *Idem.*

against Mr. **Fahem Boukaddous**, a journalist and correspondent of the *al-Hiwar al-Tounisi* satellite television channel and the *al-Badil* online news website, for "taking part in a group established to prepare and commit an attack against people or property"[11]. On April 27, 2010, Mr. **Hassan Ben Abdallah**, a member of the Committee of Unemployed Graduates (*Comité des chômeurs diplômés*), was sentenced by the same Court of Appeal to four years and six months in prison for "rebellion" and "associating with criminals"[12]. Messrs. Boukkadous and Ben Abdallah were released during the amnesty on January 19, 2011. Similarly, on April 21, 2011, following the appeal against his sentence *in absentia* to two years and fifteen days in prison, Mr. **Mouhiedine Cherbib**, a founder member of CRLDHT and President of the Federation of Tunisians for a Two-Banks Citizenship (*Fédération des Tunisiens pour une citoyenneté des deux rives* - FTCR), was acquitted by the Gafsa Court.

Moreover, in December 2010 and January 2011, intimidation measures affected several human rights defenders who demonstrated their solidarity with the national social protest movement and denounced police repression. As an example, on December 28, 2010, after a rally organised in front of the Tunis courthouse, the lawyers Mr. Abderraouf Ayadi and Mr. **Chokri Belaid** were abducted by plain-clothed police officers, held arbitrarily and ill-treated, before being released the following day without charge[13]. On the same day, during a demonstration in Kef, Mr. **Abdelkader Ben Khemis**, Secretary General of the CNLT, was beaten by policemen wearing plain clothes[14]. On December 29, another rally organised in front of the Jendouba courthouse was violently repressed by the security forces. The lawyers who organised the rally, Mr. **Hédi Manaï** and Mr. **Said Mechichi**, members of LTDH and CNLT, as well as Mr. **Rabah Khraifi**, a member of Amnesty International, were brutally beaten by uniformed members of the rapid response brigades and by plain-clothed police officers on the premises of the Jendouba courthouse. Mr. **Hédi ben Romdhan**, President of LTDH in Jendouba, was also verbally abused and pushed. One hour later, Mr. Khraifi and Mr. ben Romdhan were again attacked in front of the headquarters of

11/ In December 2008, Mr. Boukaddous was sentenced in absentia to six years in prison after he published a series of articles and news stories denouncing the repression of the peaceful social protest movement in Gafsa-Redeyef in 2008. The sentence was upheld in appeal on February 3, 2009. Following the conditional release of all those sentenced during the repression of this movement, Mr. Boukaddous presented himself to the authorities and the judicial proceedings against him were reopened.

12/ Mr. Ben Abdallah also presented himself to the authorities in December 2009 following his conditional release in November 2009.

13/ Only Mr. Ayadi filed a complaint. He was heard by the Tunis Court of First Instance in April.

14/ Mr. Ben Khemis filed a complaint one week later. As of the end of April 2011, there was still no follow-up.

the General Union of Tunisian Workers (*Union générale des travailleurs tunisiens* - UGTT). None of them filed complaints. In view of the scale of the repression mainly focused on lawyers, the President and the Council of the Tunis Bar called for a national demonstration of lawyers on December 31, inviting colleagues to wear red cockades on their gowns to express their rejection of all forms of violence and to maintain the right of lawyers to demonstrate peacefully. On December 31, the police brutally repressed these demonstrations, especially in Tunis, Gafsa, Sfax, Mahdia, Grombalia and Monastir. Representatives of the security forces even entered in the court premises to attack lawyers and forcibly remove the red cockades from their gowns. The President of the Bar then called an emergency meeting at the lawyers' centre but the building was surrounded and police officers in plain clothes again attacked lawyers who tried to enter the building. Similarly, on January 11, 2011, a peaceful demonstration of artists who came to express their support for the social protest movement in front of the Tunis municipal theatre was violently broken up by numerous police officers. Shortly after the demonstration, police agents attacked several lawyers who were present on the premises, including Mr. **Abdellatif Baili**, a board member of LTDH, Ms. **Samia Abbou** and Ms. Radhia Nasraoui. They did not file a complaint at the time of the occurrences.

Since the Transitional Government was set up in 2011, there was a reduction in the practices of criminalising or repressing the exercise of freedom of peaceful assembly.

Progress in implementing freedom of association

Since the Transitional Government was set up in 2011, several obstacles to freedom of association which were maintained for many years against numerous independent associations were finally removed. On February 26, 2011, the Tunis Administrative Court annulled a 1999 decision of the Interior Ministry, opposing the establishment of the CNLT. Thus, CNLT members were able to enter their premises again, which was forbidden since January 2009. On April 22, a similar decision was made by the same court in favour of the Observatory for Freedom of the Press, Publishing and Creation in Tunisia (*Observatoire pour la liberté de la presse, d'édition et de création en Tunisie* - OLPEC), which had lodged an appeal against the Interior Ministry in 2001 for abuse of power. On February 18, 2011, ALTT was able to file a new registration application with the Interior Ministry under the name of the Organisation Against Torture in Tunisia (*Organisation contre la torture en Tunisie* - OCTT). In the absence of any response within three months, OCTT will be established legally *de facto*. Furthermore, access to LTDH branch premises and headquarters, which had been restricted since 2005, was fully re-established on January 14,

2011. On April 16, 2011, the Hammamet branch of LTDH was able to hold its congress for the first time since 2005.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Fahem Boukadous**, **Mohieddine Cherbib**, **Zouhair Makhlouf** and **Taoufik Ben Brik**	Judicial harassment / Arbitrary detention	Joint Press Release	January 18, 2010
Mr. Taoufik Ben Brik	Judicial harassment / Arbitrary detention	Joint Press Release	February 5, 2010
Messrs. Zouhair Makhlouf and Taoufik Ben Brik	Assault / Release	Joint Press Release	April 28, 2010
Mr. Fahem Boukadous	Judicial harassment / Arbitrary detention	Joint Press Release	July 7, 2010
Messrs. Fahem Boukadous and **Hassan Ben Abdallah**	Judicial harassment / Arbitrary detention	Joint Press Release	October 22, 2010
	Release	Joint Press Release	January 20, 2011
Tunisian Human Rights League (LTDH)	Break-in / Harassment	Joint Press Release	February 11, 2010
Messrs. **Khémaïs Chammari**, Omar Mestiri, **Slim Boukhdir**, **Mohamed Abbou** and **Ayachi Hammami**, Ms **Radhia Nasraoui** and Ms. **Sihem Bensedrine**	Acts of intimidation and of harassment	Joint Press Release	February 19, 2010
Ms. Sihem Bensedrine and Ms. **Neziha Rejiba**, Messrs. Khémaïs Chammari, Mohamed Abbou, **Kamel Labidi** and **Moncef Marzouki**	Defamation campaign	Urgent Appeal TUN 001/0310/OBS 029	March 4, 2010
Messrs. **Patrick Baudouin** and **Michel Tubiana**	Defamation campaign	Joint Press Release	March 26, 2010
Messrs. **Abderraouf Ayadi**, Ayachi Hammami and Mohamed Abbou and Ms. Radhia Nasraoui	Acts of harassment and intimidation	Joint Press Release	May 12, 2010
Ms. Sihem Bensedrine and Messrs. Khémaïs Chammari and **Kamel Jendoubi**	Defamation campaign	Joint Press Release	May 21, 2010
	Repressive legislation	Joint Press Release	June 17, 2010
		Joint Open Letter to the authorities	July 8, 2010
		Joint Open Letter to the authorities	July 22, 2010
Association of Tunisian Magistrates (AMT)	Harassment	Joint Open Letter to the authorities	November 4, 2010
		Joint Closed Letter to the authorities	December 16, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Ahmad Al Rahmouni** and **Hamadi Al Rahmani**, Ms. **Kalthoum Kennou**, Ms. **Wassila Kaabi**, Ms. **Raoudha Karafi**, Ms. **Leila Bahria** and Ms. **Noura Al Hamdi**	Harassment / Obstacles to the freedom of movement	Joint Press Release	December 21, 2010
Messrs. **Mouldi Zouabi** and **Nizar Ben Hassen**	Judicial harassment	Urgent Appeal TUN 002/1210/OBS 147	December 22, 2010
Messrs. Abderraouf Ayadi, **Chokri Belaïd** and **Abdelkader Ben Khemis**	Abduction / Ill treatment	Urgent Appeal TUN 003/1210/OBS 148	December 28, 2010
Messrs. Abderraouf Ayadi, Chokri Belaïd, Mouldi Zouabi, **Hédi Manaï**, **Said Mechichi**, **Rabah Khraifi** and **Hédi ben Romdhan**	Release / Arrests / Assault	Urgent Appeal TUN 003/1210/OBS 148.1	December 29, 2010
		Joint Press Release	January 13, 2011
Messrs. **Abdelatif Baili** and **Mohammed Mezam** and M.s **Samia Abbou** and Ms. Radhia Nasraoui	Obstacles to freedom of peaceful assembly / Acts of intimidation / Arrests	Joint Press Release	January 13, 2011
Mr. **Abdallah Ben Saïd** (Abdallah CAM)	Detention / Harassment / Release	Urgent Appeal TUN 001/0411/OBS 064	April 15, 2011

YEMEN

In 2010-2011, human rights defenders were subjected to arrest and arbitrary detentions, unfair and unfounded trials, sometimes leading to harsh prison sentences pronounced by ordinary and emergency courts, in reprisal for their human rights activities. They were particularly targeted when they took part in peaceful gatherings to condemn human rights violations that were occurring in the country, as well as for documenting the grave violations committed during the repression of protest movements and the clashes in the northern and southern provinces.

Political context

In 2011, the human rights situation deteriorated considerably in Yemen, with increased repression of all voices of protest during the peaceful demonstrations against the regime of President Ali Abdullah Saleh, who has been in power for 32 years. From the beginning of 2011, hundreds of thousands of demonstrators gathered together for weeks in several of the country's cities, in particular in Sana'a, Aden, Taëz, Ibb and Hodeïdah, firstly to express their solidarity with the Tunisian people, then to demand political reforms and finally, after violent repression, the departure of the President. These peaceful demonstrations were brutally repressed by the security forces, who used live bullets and tear gas to disperse demonstrators, resulting in 103 deaths and hundreds of injured between February et March 2011[1]. The security forces also made hundreds of arrests without warrants. On March 23, 2011, the Yemeni Parliament established the state of emergency by a vote that was contested by the opposition and by the civil society organisations[2]. This measure grants broad powers to the security forces and especially risks blocking even more human rights activities[3]. As of the end of April 2011, no agreement had been reached between the President and the opposition coalition, and the demonstrations continued.

1/ More than 513 people received bullet wounds. See Report of *Yemen Observatory for Human Rights (YOHR), Report on human rights violations against peaceful protesters in Yemen (February - March 2011)*, April 11, 2011.

2/ The opposition and the NGOs invoke the Constitution to contest the legality of this vote. The Constitution in fact stipulates that in order to be valid, a law must be voted in the presence of at least half the members of Parliament. However the state of emergency was voted with less than one third of the members of Parliament present at the Assembly. See YOHR Press Release, March 23, 2011.

3/ In particular, the state of emergency law suspends the Constitution, authorises censorship of the media, bans demonstrations on the public highway and permits the detention of suspects without judicial control.

Already in 2010, the authorities used increasingly repressive methods to contain the growing number of claims for secession in the south and to crush the Huthi rebels in the north[4], using arbitrary arrests, unfair trials and heavy prison sentences, including against human rights defenders who documented or condemned the massive human rights violations committed by the Yemeni authorities in the realm of these two conflicts. However, on May 22, 2010, at the commemoration of the reunification of Yemen, President Saleh granted a presidential amnesty to nearly 3,000 people who were imprisoned for having taken part in, supported or commented on the protest movement in the south or on the war in Sa'ada[5]. Once again, on December 30, 2010, following the visit of a mediation delegation from Qatar whose aim was to consolidate the truce agreement between the Government and the Huthi rebels concluded in February 2010, the Yemeni authorities released 460 prisoners of conscience, including human rights defenders accused of supporting the Zaidi rebellion[6].

In addition, press freedom for national and foreign media continued to deteriorate. Several publications, including the *al-Ayyam* newspaper, one of the main opposition dailies, were still banned[7]. On March 11, 2010, the authorities also seized transmission equipment belonging to two Arab satellite news channels, *al-Arabiya* and *al-Jazeera*, which were accused of partiality in their coverage of the protest movement in the south of the country[8]. The police also arrested journalists.

Attacks on freedom of peaceful assembly

In 2010, several peaceful demonstrations were repressed and some led to the arrest of human rights defenders. As an example, on October 12, 2010, a peaceful demonstration organised in support of al-Jashen

4 / Since the death of the Zaidi religious leader Hussain Badr al-Din al-Huthi in 2004, a violent war in the Sa'ada region (north) has opposed the forces of the Yemeni army and his supporters who protest against the expansion, advocated by the State, of Sunni Islam in the majority Zaidi northern provinces. The last cease-fire between the Huthis and the Yemeni Government was concluded in February 2010. Furthermore, in the south of Yemen, a large protest movement has been led since 2007 by a coalition of political groups called the Southern Movement that denounces discrimination against the inhabitants of southern Yemen. The Sana'a Government accuses the two movements of separatist intentions.

5 / See YOHR Press Release, May 22, 2010.

6 / See YOHR.

7 / In May 2009, the distribution of several newspapers was banned. The authorities accused them of expressing opinions supporting secession in the south of the country in their articles on the demonstrations in this region.

8 / See YOHR Press Release, March 13, 2010. As of the end of April 2011, this equipment had still not been returned.

people[9] was brutally repressed by the security forces, who used flash balls to disperse the demonstrators, injuring several people, including Ms. **Bushra al-Surabi**, Executive Director of the organisation Women Journalists Without Chains (WJWC), injuring her leg and back. Over 40 people were also arrested, including Ms. **Tawakkol Karman**, President of WJWC, who was released without charge three hours later. The other people who were arrested, mostly al-Jashen people, were released without charge on October 16, 2010.

Large scale demonstrations also took place in 2011, firstly mainly in the southern provinces, to denounce the discrimination suffered by the people of this region, and then throughout the country to protest against corruption, unemployment and the repression of freedoms. Various measures were taken to stop the organisation of these public demonstrations or to repress them when they took place. For example, checkpoints were set up throughout the country to block access to the assembly points. On February 28, 2011, police who were based at a checkpoint at the entrance of Aden stopped and then ordered a convoy of demonstrators to turn around when they tried to reach the city to take part in a peaceful rally to denounce human rights violations committed in the southern provinces. In addition, at a checkpoint on the road out of Taëz, security forces blocked another group of 200 protesters that included journalists, activists and lawyers who were due to go to Aden[10]. On January 22, 2011, Ms. Tawakkol Karman was again arrested by three police officers, who held her in detention for 36 hours without showing her an arrest warrant. She was accused of "undermining public social peace" because of her participation in organising the protest movement in the country. The day after her arrest, human rights defenders, journalists and students organised a march towards the General Prosecutor's office to call for her release. The security forces then surrounded Sana'a university to prevent the students from joining the march. The police also arrested twenty demonstrators, including Mr. **Khaled al-Ansi**, a lawyer and Executive Director of the National Organisation for Defending Rights and Freedoms (Hood), and Mr. **Ali al-Dailami**, Executive Director of the Yemeni Organisation for the Defence of Rights and Democratic Freedoms (YODRFD). They were released the following day after being charged with "participation in an unauthorised demonstration". As of the end of April 2011, the trial of Ms. Karman and Messrs. al-Ansi and al-Dailami had not yet taken

9 / Al-Jashen people are originally from the Raash region in the province of Ibb. Many of them regularly travel to Sana'a to denounce their unjust local sheikh who imposes exorbitant taxes on them and expels anyone who is unable to pay them.

10 / See YOHR Press Release, February 28, 2011.

place[11]. In addition, on January 26, 2011, Ms. Karman's brother received a telephone call from a senior Yemeni official warning him that his sister was going to die if he did not make sure that she stayed at home.

Intimidation against NGOs and their members

In 2010-2011, non-governmental organisations and their members were victim of attacks and threats plainly aiming at intimidating them. Members of the Yemen Observatory for Human Rights (YOHR) were subjected to intimidation. As an example, on March 17, 2010, the official in charge of the Criminal Investigation Department in Lahej province threatened to arrest Mr. **Mohamed Said al-Bane**, a lawyer and member of YOHR, when he was visiting detainees in the town's main prison. Mr. al-Bane belonged to the YOHR legal office, which provides legal aid to persons who are arrested for taking part in demonstrations. The official in charge of the Criminal Investigation Department also threatened Mr. al-Bane with arresting all human rights defenders, especially YOHR members who defend political prisoners. These threats were not carried out[12]. Furthermore, on February 24, 2011, an armed group tried to attack YOHR headquarters in Sana'a. The caretaker of the building, who tried to intervene in this attack, was seriously injured. YOHR filed a complaint on the same day but the police did not open an investigation[13]. In addition, Mr. **Nabeel Rajab**, President of the Bahrain Centre for Human Rights (BCHR), was the victim of several acts of harassment during a trip to Yemen in June 2010, during which he was due to present to the Yemeni authorities and to civil society organisations a report published by FIDH that he had compiled in 2009 on the consequences of anti-terrorism on the human rights situation in Yemen. During his stay, Mr. Rajab was also due to take part in a workshop to monitor the recommendations made to the Yemeni authorities by the United Nations Human Rights Council under the Universal Periodic Review, and the recommendations of the United Nations Committee Against Torture. When he arrived at Sana'a airport on June 19, 2010, two security officers arrested Mr. Rajab for several hours, searched his bags and questioned him about the reasons for his visit to Yemen. Once again, when he was preparing to leave Yemen on June 23, 2010, three security officers confiscated his passport and then questioned him about the people he had met during his stay. His bags were again searched. Officers then escorted him to his plane and told him that he was no longer allowed to enter Yemeni territory.

11 / See YOHR and the Yemeni Organisation for the Defence of Democratic Rights and Freedoms (YODRFD) Press Release, January 23, 2011.

12 / See YOHR Press Release, March 17, 2010.

13 / See YOHR Press Release, February 24, 2011.

Ongoing repression of defenders who denounce massive human rights violations, particularly in the context of the armed conflict in the northern provinces and the tensions in the southern provinces

In 2010, defenders who denounced the serious violations of human rights and international humanitarian law committed by the authorities, particularly in their handling of the armed conflict in the north and the tensions in the southern provinces, continued to be victims of arrest and arbitrary detention and sentenced for vague offences after unfair trials. For example, on January 17, 2010, the Sana'a Special Criminal Court sentenced Mr. **Yaser Abdul-Wahab al-Wazeer**, a member of YODRFD, to eight years in prison for "forming an armed group". He was sentenced after an unfair trial held in camera and at which his lawyer could not be present. Mr. al-Wazeer had been abducted on June 5, 2008 by members of the security services and held incommunicado until September of the same year because of his denunciation of the human rights violations committed against the Huthi movement by the authorities. He was released on January 3, 2011, as was Mr. **Ali Ahmad al-Saqqaf** also a member of YODRFD, following the decision of the Yemeni authorities, on December 30, 2010, to release prisoners held in relation to the Sa'ada war[14]. In addition, the trial of Mr. **Muhammad al-Maqaleh**, Editor-in-chief of the *al-Ishtiraki* Internet website, began on April 17, 2010 before the State Security Court. Accused of supporting the Huthis and of being in contact with their chief, Mr. al-Maqaleh had been arrested in September 2009 and held incommunicado for 100 days after publishing several articles condemning the shooting of civilians by the Yemeni air force in the Sa'ada region. During his appearance before the Prosecutor of the Sana'a Special Criminal Court on February 3, 2010, he stated that he had been tortured and deprived of food for several days. Mr. al-Maqaleh was also brought before the Court specialising in press offences on April 18, 2010 for "insulting the President of the Republic", after the publication in the *al-Thaouri* newspaper in 2005 of an article on the promise of President Ali Abdallah Saleh not to stand in the presidential election in 2006. He was released on March 25, 2010. On May 22, 2010, the Yemeni authorities decided to suspend legal proceedings against him under the amnesty granted by the Head of State at the time of the 20th anniversary of the reunification of Yemen. Several other journalists who were prosecuted in 2010, in particular for "damaging national unity" because of their coverage of the demonstrations in the southern provinces, also benefited from a presidential amnesty. This was the case in particular for Messrs. **Naef Hassan**, **Nabeel Subay** and **Mahmood Taha**, three journalists from the weekly *al-Share'*, who were prosecuted

14 / Mr. al-Saqqaf had been arrested on September 28, 2009 because of his participation in the campaign against the human rights violations in the Sa'ada region. He has never been officially charged.

by the Ministry of Defence on the basis of accusations of having "given away military secrets" and "undermined army morale", charges punishable by the death penalty. Mr. Naef had also been accused jointly with other journalists from the same newspaper, Messrs. **Adeeb al-Sayyed** and **Mohamed Ali Mohasen**, of "undermining national unity". In addition, on May 24, 2010, Messrs. **Sami Ghaleb**, **Abdel Aziz al-Majidi**, **Mayfa' Abdel Rahman**, **Fouad Mas'ad** and **Shafee' al-Abd**, respectively Editor and journalists with the weekly *al-Nidae*, were given a suspended three-year prison sentence for "undermining national unity" by the Court Specialising in Press Offences. This sentence was handed down in the absence of the accused and their lawyers[15]. On June 8, 2010, the Sana'a Court of Appeal rejected their appeal. Finally, on May 29, 2010, Mr. **Salah Yahya al-Saqladi**, a journalist in charge of the Aden branch of YODRFD and Editor of the *Hewar* human rights forum, was released and the charges against him were dropped under the presidential amnesty. He had been arrested on June 18, 2009 at his home in Aden and then placed in the political security prison in Sana'a following articles criticising the Yemeni authorities and the human rights violations they commit in the south of the country.

Sentencing of a journalist who denounces corruption

In 2010, a journalist was prosecuted for having denounced a case of corruption. Accused of "undermining national unity", Mr. **Hussain al-Leswas** was sentenced on May 2, 2010 by the Court Specialising in Press Offences to one year in prison and banned from carrying out his profession as a journalist for one year. Mr. al-Leswas was prosecuted because of his articles denouncing corruption within the electricity company on the southern province of al-Bayda, following which the Director of the electricity company and the Governor of the province had filed a complaint. After being sentenced, Mr. al-Leswas was held in the main prison in Sana'a, before being released on May 24, 2010, under the presidential amnesty.

15 / This emergency court was created in May 2009 to try press offences.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. **Muhammad al-Maqaleh** and **Yasser Abdul-Wahab al-Wazeer**	Acts of repression	Press Release	February 12, 2010
Messrs. **Naef Hassan, Nabeel Subay, Mahmood Taha, Adeeb al-Sayyed, Mohamed Ali Mohasen, Sami Ghaleb, Abdel Aziz al-Majidi, Mayfa' Abdel Rahman, Fouad Mas'ad, Shafee' al-Abd, Hussain Alleswas** and Muhammad al-Maqaleh	Acts of repression	Press Release	May 14, 2010
Mr. **Nabeel Rajab**	Acts of intimidation / Obstacles to freedom of movement	Urgent Appeal YEM 001/0710/OBS 083	July 7, 2010
Ms. **Tawakkol Karman** and Ms. **Bushra al-Surabi**	Arrest / Attack	Press Release	November 2, 2010
Ms. Tawakkol Karman	Death threats	Urgent Appeal YEM 001/0111/OBS 011	January 27, 2011

ANNEXES

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

ANNEX 1

Partner organisations and contributors

INTERNATIONAL NGOS

- Action Against Hunger
- Agir ensemble pour les droits de l'Homme
- Amnesty International
- Article 19
- Association for the Prevention of Torture (APT)
- Centre de conseils et d'appui pour les jeunes en droits de l'Homme (CODAP)
- Committee to Protect Journalist (CPJ)
- Commonwealth Human Rights Initiative (CHRI)
- Conectas
- Conférence internationale des barreaux
- Defence for Children International (DCI)
- Doctors Without Borders (MSF)
- Foundation Martin Ennals
- Freedom House
- Freedom Now
- Front Line Defenders
- Human Rights First
- Human Rights House Network
- Human Rights Information and Documentation System (HURIDOCS)
- Human Rights Watch (HRW)
- Integrated Regional Information Networks (IRIN)
- Inter LGBT
- International Centre for Trade Union Rights (ICTUR)
- International Commission of Jurists (ICJ)
- International Committee of the Red Cross (ICRC)
- International Crisis Group (ICG)
- International Federation for Actions by Christians for the Abolition of Torture (FIACAT)
- International Freedom of Expression Exchange (IFEX)
- International Gay and Lesbian Human Rights Commission (IGLHRC)
- International Lesbian and Gay Association (ILGA)

- International Rehabilitation Council for Torture Victims (IRCT)
- International Service for Human Rights (ISHR)
- International Trade Union Confederation (ITUC)
- International Union of Food Workers (IUF)
- Ligue internationale pour les droits et la libération des peuples (LIDLIP)
- Minority Rights Group International (MRG)
- Norwegian Helsinki Committee (NHC)
- Observatoire international des avocats (OIA)
- Open Society Institute (OSI)
- Pax Christi International
- Peace Brigades International (PBI)
- Physicians International
- Protection International (PI)
- Reporters Without Borders (RSF)
- Solidarité internationale gay lesbiennes, gay bi et trans (SI-LGBT)
- Tjenbé Red
- Union internationale des avocats (UIA)
- Women Human Rights Defenders International Coalition
- World Movement for Democracy

REGIONAL NGOS

Africa

- African Centre for Democracy and Human Rights Studies (ACDHRS)
- East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
- Ligue des droits de la personne dans la région des Grands lacs (LGDL)
- Réseau des défenseurs des droits humains en Afrique centrale (REDHAC)
- Réseau ouest-africain des défenseurs des droits humains (ROADHH)

Americas

- Asociadas por lo Justo (JASS-Mesoamérica)
- Central Latinoamericana de Trabajadores (CLAT)
- Centro por la Justicia y el Derecho Internacional (CEJIL)
- Comisión Latinoamericana por los Derechos Humanos y Libertades de los Trabajadores y Pueblos (CLADEHLT)
- Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)
- Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM)
- Enlace Mapuche Internacional
- Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM)

- Federación Luterana Mundial
- Organización Regional Interamericana de Trabajadores (ORIT)
- Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)

Asia

- Asian Centre for Human Rights (ACHR)
- Asian Federation Against Involuntary Disappearances (AFAD)
- Asian Forum for Human Rights and Development (Forum Asia)
- Asian Legal Resource Centre (ALRC)
- Human Rights in Central Asia
- South Asian Human Rights Documentation Centre (SAHRDC)

Europe and CIS

- Association européenne pour la défense des droits de l'Homme (AEDH)
- Caucasian Institute for Peace, Democracy and Development (CIPDD)
- Internet-Agency Caucasian Knot
- South Caucasus Network of Human Rights Defenders

North Africa / Middle East

- Arab Network for Human Rights Information (ANHRI)
- Arab Programme for Human Rights Activists (APHRA)
- Cairo Institute for Human Rights Studies (CIHRS)
- Coordination maghrébine des organisations des droits humains (CMODH)
- EuroMed Non-Governmental Platform
- Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF)
- Euro-Mediterranean Human Rights Network (EMHRN)

NATIONAL NGOS

Afghanistan

- Armanshahr Foundation - OPEN ASIA

Albania

- Albanian Human Rights Groups (AHRG)
- Albanian Rehabilitation Centre for Trauma and Torture (ARCT)

Algeria

- Association Djazairouna des victimes du terrorisme
- Collectif des familles de disparus en Algérie (CFDA)
- Coordination nationale des familles de disparus (CNFD)

- Ligue algérienne de défense des droits de l'Homme (LADDH)
- SOS Disparu(e)s

Angola

- Associação Justiça, Paz e Democracia (AJPD)
- Central General de Sindicatos Independentes e Livres de Angola (CGSILA)

Argentina

- Abuelas de la Plaza de Mayo
- Centro de Estudios Legales y Sociales (CELS)
- Comité de Acción Jurídica (CAJ)
- Comité para la Defensa de la Salud, la Ética Profesional y los Derechos (CODESEDH)
- Derechos Human Rights - *United-States*
- Equipo Argentino de Antropologia Forense - *United-States*
- Fundación Servicio de Paz y Justicia (SERPAJ)
- Hijas e Hijos por la Identidad y la Justicia contra el Olvido y el Silencio (HIJOS)
- Liga Argentina por los Derechos del Hombre (LADH)

Armenia

- Civil Society Institute (CSI)

Australia

- Pax Christi Australia
- Survivors of Torture and Trauma Assistance (STTARS)

Austria

- Osterreichische Liga für Menschenrechte (OLFM)
- Pax Christi Austria

Azerbaijan

- Human Rights Centre of Azerbaijan (HRCA)
- Institute for Reporters' Freedom and Safety (IRFS)
- Institute of Peace and Democracy (IPD)
- Democracy and NGO Development Resource Centre

Bahrain

- Bahrain Centre for Human Rights (BCHR)
- Bahrain Human Rights Society (BHRS)
- Bahrain Youth Society for Human Rights (BYSHR)

Bangladesh

• Ain O Salish Kendra (ASK)
• Bangladesh Human Rights Commission (BHRC)
• Bangladesh Rehabilitation Centre for Trauma Victims (BRCT)
• Hotline Human Rights - Bangladesh (HHRB)
• ODIKHAR

Barbados

• Caribbean Rights / Human Rights Network

Belarus

• Belarusian Helsinki Committee for Human Rights (BHC)
• Human Rights Centre "VIASNA"

Belgium

• Actions by Christians for the Abolition of Torture (ACAT) - Belgique francophone
• ACAT - Belgique Vlaanderen
• Association fraternelle internationale (AFI)
• Justice et paix
• Liga Voor Menschenrechten (LVM)
• Ligue des droits de l'Homme (LDHB)
• Pax Christi Vlaanderen
• Pax Christi Wallonie-Bruxelles

Benin

• ACAT - Benin
• Enfants solidaires d'Afrique et du monde (ESAM)
• Ligue béninoise pour la défense des droits de l'Homme (LBDH)
• Tomorrow Children

Bolivia

• Asamblea Permanente de los Derechos Humanos de Bolivia (APDHB)
• Centro de Estudios Jurídicos e Investigación Social (CEJIS)
• Instituto de Terapia e Investigación sobre las Secuelas de la Tortura y la Violencia Estatal (ITEI)

Botswana

• The Botswana Centre for Human Rights (DITSHWANELO)

Brazil

• ACAT - Brazil
• Agencia de Noticias Direitos da Infancia (ANDI)

- Centre for the Study of Violence (CSV)
- Centro de Defesa da Criança e do Adolescente Yves de Roussan (CEDECA/BA)
- Centro de Justiça Global (JC)
- Comissão Pastoral da Tierra (CPT)
- Conectas Direitos Humanos
- Conselho Indigenista Missionário (CIMI)
- Departamento Nacional dos Trabalhadores da CUT (DNTR-CUT)
- Justiça e Paz
- Movimento dos Trabalhadores Rurais Sem Terra (MST)
- Movimento Nacional de Meninos et Meninas de Rua (MNMMR)
- Movimento Nacional dos Direitos Humanos (MNDH)
- Sociedad Paraense de Defesa dos Direitos Humanos (SDDH)
- Tortura Nunca Mais - RJ

Bulgaria

- Assistance Centre for Torture Survivors (ACET)

Burkina Faso

- ACAT - Burkina Faso
- Mouvement burkinabé des droits de l'Homme et des peuples (MBDHP)

Burma

- Alternative ASEAN Network on Burma (ALTSEAN)
- Assistance Association for Political Prisoners in Burma (AAPPB)
- Burma Lawyers' Council (BLC)
- The Burma Campaign UK
- US Campaign for Burma

Burundi

- ACAT-Burundi
- Association burundaise pour la protection des droits humains et des personnes détenues (APRODH)
- Association des femmes juristes du Burundi (AFJB)
- Centre indépendant de recherches et d'initiatives pour le dialogue (CIRID) - *Switzerland*
- Forum pour le renforcement de la société civile (FORSC)
- Ligue burundaise des droits de l'Homme (ITEKA)
- Observatoire de lutte contre la corruption et les malversations économiques (OLUCOME)

Cambodia

- Cambodian Association for Development and Human Rights (ADHOC)

- Cambodian Centre for Human Rights (CCHR)
- Cambodian League for the Promotion and Defence of Human Rights (LICADHO)
- Community Legal Education Centre (CLEC)

Cameroon

- ACAT - Cameroon
- ACAT - Littoral
- Association for the Reconstruction of the Moko-Oh People (AFTRADEMOP)
- Maison des droits de l'Homme du Cameroun (MDHC)
- Mouvement pour la défense des droits de l'Homme et des libertés (MDDHL)

Canada

- ACAT - Canada
- Human Rights Internet (HRI)
- Ligue des droits et des libertés du Québec (LDL)

Central African Republic

- ACAT - Central African Republic
- Ligue centrafricaine des droits de l'Homme (LCDH)
- Organisation pour la compassion et le développement des familles en détresse (OCODEFAD)

Chad

- Association jeunesse anti-clivage (AJAC)
- Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDH)
- Collectif des associations de défense des droits de l'Homme (CADH)
- Ligue tchadienne des droits de l'Homme (LTDH)

Chile

- Centro de Salud Mental y Derechos Humanos (CINTRAS)
- Centro Regional de Derechos Humanos y Justicia de Género
- Corporación de Promoción y Defensa de los Derechos del Pueblo (CODEPU)
- Fundación de Ayuda Social de Las Iglesias Cristianas (FASIC)
- Fundación de Protección a la Infancia Dañada por los Estados de Emergencia (PIDEE)
- Observatorio Ciudadano

China

- Asian Centre for the Progress of Peoples

- Chinese Human Rights Defenders (CHRD)
- Human Rights in China (HRIC)
- International Campaign for Tibet (ICT)
- Tibetan Centre for Human Rights and Democracy (TCHRD) - *India*

Colombia

- Asamblea Permanente de la Sociedad Civil por la Paz
- Asociación de Abogados Laboralistas al Servicio de los Trabajadores
- Asociación Campesinas de Arauca (ACA)
- Asociación Nacional de Ayuda Solidaria (ANDAS)
- Central Unitaria de Trabajadores (CUT)
- Centro de Investigación y Educación Popular (CINEP)
- Comisión Colombiana de Juristas (CCJ)
- Comisión Intereclesial de Justicia y Paz (CIJP)
- Comité Permanente por la Defensa de Derechos Humanos (CPDH)
- Comunidad de Paz de San José de Apartadó
- Consultoría para los Derechos Humanos y el Desplazamiento (CODHES)
- Coordinación Colombia - Europa - Estados Unidos
- Corporación Colectivo de Abogados "José Alvear Restrepo" (CCAJAR)
- Corporación Jurídica Libertad (CJL)
- Corporación Jurídica "Yira Castro"
- Corporación para la Defensa y Promoción de los Derechos Humanos (REINICIAR)
- Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)
- Escuela Nacional Sindical de Colombia (ENS)
- Federación Nacional Sindical Unitaria Agropecuaria (FENSUAGRO - CUT)
- Fundación Comité de Solidaridad con los Presos Políticos (FCSPP)
- Fundación Comité Regional de Derechos Humanos "Joel Sierra"
- Fundación Desarrollo y Paz (FUNDEPAZ)
- Instituto Latino Americano de Servicios Legales Alternativos (ILSA)
- Movimiento Nacional de Víctimas de Crímenes de Estado (MOVICE)
- Organización Femenina Popular (OFP)
- Organización Internacional de Derechos Humanos - Acción Colombia (OIDHACO)
- Sindicato Nacional de Trabajadores de las Industrias de Alimentos (SINALTRAINAL)
- Unión Sindical Obrera (USO)

Congo (Democratic Republic of)

- Action contre l'impunité pour les droits humains (ACIDH)
- Association africaine de défense des droits de l'Homme (ASADHO)
- Centre des droits de l'Homme et du droit humanitaire (CDH)

- Comité d'action pour le développement intégral (CADI) - *Burundi*
- Comité des observateurs des droits de l'Homme (CODHO)
- Comité pour le développement et les droits de l'Homme (CDDH)
- Femmes chrétiennes pour la démocratie et le développement (FCDD)
- Groupe Lotus (GL)
- Haki Za Binadamu-Maniema (HBM)
- Journalistes en danger (JED)
- Justice Plus
- Les amis de Nelson Mandela pour les droits de l'Homme (ANMDH)
- Ligue congolaise des droits de l'Homme (LDH)
- Ligue des électeurs (LE)
- Ligue de la zone Afrique pour la défense des droits des enfants et des élèves (LIZADEEL)
- Observatoire congolais des droits humains (OCDH)
- Observatoire national des droits de l'Homme (ONDH)
- Solidarité pour la promotion et la paix (SOPROP)
- Voix des sans voix pour les droits de l'Homme (VSV)

Congo (Republic of)

- Association pour les droits de l'Homme et l'univers carcéral (ADHUC)
- Coalition congolaise publiez ce que vous payez
- Femmes congolaises chefs de famille et éducatrices (FCFE)
- Observatoire congolais des droits de l'Homme (OCDH)
- Rencontre pour la paix et les droits de l'Homme (RPDH)

Costa Rica

- Asociación Centroamericana de Familiares (ACAFADE)
- Asociación Servicios de Promoción Laboral (ASEPROLA)

Côte d'Ivoire

- ACAT - Côte d'Ivoire
- Femme et développement durable (FDD)
- Femmes actives de Côte d'Ivoire (OFACI)
- Ligue ivoirienne des droits de l'Homme (LIDHO)
- Mouvement ivoirien des droits humains (MIDH)

Croatia

- Civic Committee for Human Rights (CCHR)

Cuba

- Coalición de Mujeres Cubano-Americanas
- Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)

• Consejo de Relatores de Derechos Humanos de Cuba (CRDHC)
• Damas de Blanco
• Directorio Democrático Cubano

Cyprus

• Action for Support, Equality and Anti-Racism (KISA)

Czech Republic

• Human Rights League

Denmark

• Treatment and Counselling for Refugees (OASIS)

Djibouti

• Ligue djiboutienne des droits de l'Homme (LDDH)
• Union djiboutienne du travail (UDT)
• Union des travailleurs du port (UTP)

Dominican Republic

• Comisión Nacional de los Derechos Humanos (CNDH)

Ecuador

• Asamblea Permanente de Derechos Humanos del Ecuador (APDH)
• Centro de Derechos Económicos y Sociales (CDES)
• Centro de Documentación de Derechos Humanos "Segundo Montes Mozo" (CSMM)
• Comisión Ecuménica de Derechos Humanos (CEDHU)
• Comité de Familiares de Presos Políticos de Ecuador (COFPPE)
• Confederación de Nacionalidades Indígenas del Ecuador (CONAIE)
• Frente de Mujeres Defensoras de la Pachamama
• Fundación Regional de Asesoría en Derechos Humanos (INREDH)

Egypt

• Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP)
• Arab Lawyers' Union (ALU)
• Association for Human Rights and Legal Aid (AHRLA)
• Centre for Economic and Social Rights (CESR)
• Centre for Trade-Unions and Workers' Services (CTUWS)
• Egyptian Initiative for Personal Rights (EIPR)
• Egyptian Organisation for Human Rights (EOHR)
• Hisham Mubarak Law Centre (HMLC)
• Human Rights Centre for the Assistance of Prisoners (HRCAP)

• Land Centre for Human Rights (LCHR)
• Nadeem Centre

El Salvador

• Comisión de Derechos Humanos de El Salvador (CDHES)

Ethiopia

• Action Aid Ethiopia
• Ethiopian Free Press Journalists' Association (EFJA)
• Ethiopian Human Rights Council (EHRCO)
• Ethiopian Teachers' Association (ETA)

Finland

• Finnish League for Human Rights (FLHR)

France

• ACAT - France
• Justice et paix
• Ligue des droits de l'Homme et du citoyen (LDH)
• Observatoire international des prisons (OIP)
• Pax Christi France
• Pax Romana - Mouvement international des juristes catholiques
• Réseau d'alerte et d'intervention pour les droits de l'Homme (RAIDH)
• Santé, éthique et libertés (SEL)
• Service œcuménique d'entraide (CIMADE)

Gambia

• International Society for Human Rights (ISHR)
• The Gambian Press Union (GPU)

Georgia

• Georgian Association to Facilitate Women's Employment (AMAGDARI)
• Georgian Young Lawyers' Association (GYLA)
• Human Rights Centre (HRIDC)
• Public Health and Medicine Development Fund (PHMDF)

Germany

• ACAT - Germany
• Diakonisches Werk der EKD - Human Rights Desk
• European Centre for European and Human Rights
• Internationale Liga für Menschenrechte (ILMR)
• Pax Christi Germany

Greece

- Greek Helsinki Monitor (GHM)
- Hellenic League for Human Rights
- Marangopoulos Foundation for Human Rights
- Rehabilitation Centre for Torture Victims (RCTVI)

Guatemala

- Casa Alianza
- Central General de Trabajadores de Guatemala (CGTG)
- Centro para la Acción Legal en Derechos Humanos (CALDH)
- Comisiatura de los Derechos Humanos de Guatemala
- Comisión de Derechos Humanos de Guatemala (CDHG)
- Coordinadora Nacional de Organizaciones Campesinas (CNOC)
- Grupo de Apoyo Mutuo (GAM)
- Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio (HIJOS - Guatemala)
- Justicia y Paz - *United States*
- Movimiento Nacional de Derechos Humanos de Guatemala (MNDH)
- Unidad de Protección de Defensoras y Defensores de Derechos Humanos - Guatemala (UDEFEGUA-Guatemala)

Guinea - Bissau

- Liga Guineense dos Direitos Humanos (LGDH)

Guinea Conakry

- Organisation guinéenne des droits de l'Homme (OGDH)

Haiti

- Centre œcuménique pour les droits humains (CEDH)
- Comité des avocats pour le respect des libertés individuelles (CARLI)
- Justice et paix (JILAP)
- Réseau national de défense des droits de l'Homme (RNDDH)

Honduras

- Asociación ANDAR
- Asociación LGBTI Arcoiris
- Asociación para una Ciudadanía Participativa (ACI-Participa)
- Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH)
- Centro para la Prevención, el Tratamiento y la Rehabilitación de las Víctimas de la Tortura (CPTRT)
- Comité de Familiares de Detenidos-Desaparecidos en Honduras (COFADEH)

• Comité para la Defensa de los Derechos Humanos en Honduras (CODEH)

India

• Association internationale des juristes démocrates (AIJD)
• Centre for Organisation Research and Education (CORE)
• Committee for the Protection of Democratic Rights (CPDR)
• Committee on Human Rights - Manipur
• Human Rights Initiative - Manipur
• India Centre for Human Rights and the Law (ICHRL)
• Jeevan Rekha Parishad (JRP)
• Manabadhikar Suraksha Mancha (MASUM)
• NGO Forum Combating Sexual Exploitation and Abuse of Children
• People's Initiative for Human Rights (JANANEETHI)
• People's Union for Civil Liberties (PUCL)
• People's Union for Democratic Rights (PUDR)
• People's Watch
• Rural People's Sangam (RPS)
• Society for Rural Education and Development

Indonesia

• The Commission for Disappearances and Victims of Violence (KONTRAS)
• Imparsial - The Indonesian Human Rights Monitor
• TAPOL - The Indonesia Human Rights Campaign - *United-Kindgom*

Iran

• Defenders of Human Rights Centre (DHRC)
• International Campaign for Human Rights in Iran - *United States of America*
• Ligue pour la défense des droits de l'Homme en Iran (LDDHI) - *France*

Iraq

• Iraqi Network for Human Rights Culture and Development (INHRCD)

Ireland

• Free Legal Advice Centre (FLAC)
• Irish Council for Civil Liberties (ICCL)
• Law Society of Ireland
• Pax Christi Ireland

Israel and Occupied Palestinian Territory (OPT)

• Addameer
• Al-Haq
• Al-Mezan Centre for Human Rights
• Association for Civil Rights in Israel (ACRI)

- B'Tselem
- DCI - Palestine
- HaMoked - Centre for the Defence of the Individual
- Jerusalem Centre for Human Rights
- Legal Centre for Arab Minority Rights in Israel (Adalah)
- Palestine Human Rights Information Centre (PHRIC)
- Palestinian Centre for Human Rights (PCHR)
- Palestinian Human Rights Monitoring Group (PHRMG)
- Physicians for Human Rights - Israel
- Public Committee Against Torture in Israel (PCATI)
- Ramallah Centre for Human Rights Studies (RCHRS)
- The Association of Forty
- Palestinian Human Rights Organisation (PHRO)

Italy

- ACAT - Italy
- Liga Italiana dei Diritti dell'Uomo (LIDU)
- Pax Christi Italy
- Unione Forense per la Tutela dei Diritti dell'Uomo (UFTDU)

Japan

- Buraku Liberation and Human Rights Research Institute
- Centre on Prisoner's Rights (CPR)

Jordan

- Amman Centre for Human Rights Studies (ACHRS)

Kazakhstan

- International Bureau for Human Rights and Rule of Law (IBHRRL)

Kenya

- Independent Medico-Legal Unit (IMLU)
- International Commission of Jurists (ICJ) - Kenya
- Kenyan Human Rights Commission (KHRC)

Kyrgyzstan

- Human Rights Centre "Citizens Against Corruption" (CAC)
- Kyrgyz Committee for Human Rights (KCHR)
- Legal Clinic "Adilet"
- Social Found "Kylym Chamy"

Kosovo

- Council for the Defence of Human Rights and Freedoms (CDHRF)

Kuwait

• Kuwait Human Rights Society (KHRS)

Latvia

• Alliance of LGBT and their friends "Mozaika"
• Latvian Human Rights Committee (LHRC)

Lebanon

• Association libanaise des droits de l'Homme (ALDHOM)
• Centre libanais des droits de l'Homme (CLDH)
• Fondation libanaise pour la paix civile permanente
• Frontiers Center
• Khiam Rehabilitation Centre
• National Association for Lebanese Detainees in Israeli Prisons (NALDIP)
• Soutien aux Libanais détenus arbitrairement (SOLIDA)

Liberia

• Foundation for Human Rights and Democracy (FOHRD)
• Liberia Watch for Human Rights

Libya

• Libyan League for Human Rights (LLHR)

Lithuania

• Lithuanian Human Rights Association (LHRA)

Luxembourg

• ACAT - Luxembourg
• Pax Christi Luxembourg - Entraide d'église

Madagascar

• ACAT- Madagascar

Malaysia

• ALIRAN
• Suara Rakyat Malaysia (SUARAM)

Mali

• Association malienne des droits de l'Homme (AMDH)
• Association pour le progrès et la défense des droits des femmes (APDF)
• Comité d'action pour les droits de l'enfant et de la femme (CADEF)
• LAKANA SO

Malta

- Malta Association of Human Rights (MAHR)

Mauritania

- Association des femmes chefs de familles (AFCF)
- Association mauritanienne des droits de l'Homme (AMDH)
- SOS esclaves

Mexico

- Academia Mexicana de Derechos Humanos (AMDH)
- ACAT - Mexico
- Asociación de Familiares de Detenidos-Desaparecidos y Victimas (AFADEM-FEDEFAM)
- Centro de Derechos Humanos de la Montaña "Tlachinollan"
- Centro de Derechos Humanos "Fray Bartolomé de las Casas"
- Centro de Derechos Humanos "Miguel Agustín Pro Juárez" (PRODH)
- Centro de Derechos Humanos y Asesoría a Pueblos Indígenas
- Centro Regional de Derechos Humanos "Bartolomé Carrasco Briseño"
- Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
- Comisión de Solidaridad y Defensa de Derechos Humanos (COSYDDHAC)
- Comité Cerezo
- Fomento Cultural y Educativo AC
- Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
- Nuestras Hijas de Regreso a Casa
- Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos"
- Servicio Internacional para la Paz (SIPAZ)
- Sin Fronteras

Moldova

- League for the Defence of Human Rights of Moldova (LADOM)
- Moldova Helsinki Committee for Human Rights (MHC)

Morocco and Western Sahara

- Annassir
- Association marocaine des droits humains (AMDH)
- Association sahraouie des victimes de violations graves des droits de l'Homme commises par l'Etat marocain (ASVDH)
- Centre marocain des droits de l'Homme
- Forum marocain vérité et justice (FMVJ)
- Organisation marocaine des droits humains (OMDH)

Mozambique

• Liga Mocanbicana dos Direitos Humanos

Nepal

• Advocacy Forum Nepal (AF)
• Feminist Dalit Organisation (FEDO)
• Forum for the Protection of Human Rights (FOPHUR)
• Informal Sector Service Centre (INSEC)
• Institute of Human Rights and Democracy (IHRD)
• International Institute for Human Rights, Environment and Development (INHURED)
• Group for International Solidarity (GRINSO)
• Women's Rehabilitation Centre (WOREC)

Netherlands

• ACAT - Netherlands
• Global Initiative on Psychiatry
• Liga Voor de Rechter Van de Mens (LVRM)
• Pax Christi Netherlands
• Studie-en Informatiecentrum Mensenrechten (SIM)

Nicaragua

• Centro Nicaragüense de Derechos Humanos (CENIDH)

Niger

• Association nigérienne de défense des droits de l'Homme (ANDDH)
• Collectif des organisations de défense des droits de l'Homme et de la démocratie (CODDHD)
• Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques (CROISADE)
• Comité national de coordination de la Coalition équité / qualité contre la vie chère au Niger
• Ligue nigérienne de défense des droits de l'Homme (LNDH)

Nigeria

• Centre for Law Enforcement Education (CLEEN)
• Civil Liberties Organisation (CLO)
• Consulting Centre for Constitutional Rights and Justice (C3RJ)
• DCI - Nigeria
• Media Rights Agenda (MRA)
• Prisoners Rehabilitation and Welfare Action (PRAWA)

Pakistan

- Human Rights Commission of Pakistan (HRCP)
- Umeed Welfare Organisation
- Voice Against Torture (VAT)
- World Peace Forum (WPF)

Peru

- Asociación Pro Derechos Humanos (APRODEH)
- Centro de Asesoría Laboral (CEDAL)
- Centro de Estudios y Acción para la Paz (CEAPAZ)
- Coordinadora Nacional de Derechos Humanos (CNDDHH)
- Federación Nacional de Trabajadores Mineros, Metalúrgicos y Siderúrgicos del Perú (FNTMMSP)
- Instituto de Defensa Legal (IDL)

Philippines

- Alliance for the Advancement of People's Rights (KARAPATAN)
- Episcopal Commission on Tribal Filipinos
- Free Legal Assistance Group (FLAG)
- Kababaihan Laban sa Karahasan Foundation (KALAKASAN)
- KAIBIGAN
- Kilusang Mayo Uno Labour Centre (KMU)
- Medical Action Group (MAG)
- National Alliance of Women's Organisation in the Philippines (GABRIELA)
- National Secretary of Social Action Justice
- Pax Christi Philippines
- Philippine Alliance of Human Rights Advocates (PAHRA)
- Regional Council on Human Rights in Asia
- SELDA
- Task Force Detainees of the Philippines (TFDP)

Poland

- Helsinki Watch Committee

Portugal

- Civitas
- Comissão para los Direitos do Povo Maubere
- Confederação Geral dos Trabalhadores Portugueses
- Pax Christi Portugal

Puerto Rico

- Pax Christi Puerto Rico

Republic of Korea

- MINBYUN - Lawyers for a Democratic Society
- Sarangbang Group for Human Rights

Romania

- The League for the Defence of Human Rights (LADO)

Russian Federation

- All-Russia Public Movement "For Human Rights"
- Anti-Discrimination Centre "Memorial", Saint-Petersburg
- Centre for the Development of Democracy and Human Rights
- Centre Sova
- Citizens' Watch
- "Demos" Centre
- Human Rights Centre "Memorial", Moscow
- Mothers of Dagestan for Human Rights
- Moscow Helsinki Group
- Nizhny Novgorod Foundation for the Promotion of Tolerance
- Research Centre "Memorial", Saint-Petersburg
- Russian-Chechen Friendship Society (RCFS)
- Russian Research Centre for Human Rights
- Soldiers' Mothers of Saint-Petersburg

Rwanda

- Association pour la défense des droits de l'Homme et libertés publiques (ADL)
- Collectif des ligues pour la défense des droits de l'Homme (CLADHO)
- Forum des activistes contre la torture (FACT)
- Ligue rwandaise pour la promotion et la défense des droits de l'Homme (LIPRODHOR)
- Réseau international pour la promotion et la défense des droits de l'Homme au Rwanda (RIPRODHOR)

Senegal

- Ligue sénégalaise des droits de l'Homme (LSDH)
- Organisation nationale des droits de l'Homme (ONDH)
- Rencontre africaine des droits de l'Homme (RADDHO)

Serbia

- Anti Sex Trafficking Action (ASTRA)
- Centre for Peace and Democracy Development (CPDD)
- Helsinki Committee for Human Rights in Serbia
- Humanitarian Law Centre (HLC)

- LABRIS
- Queeria

Sierra Leone

- Centre for Democracy and Human Rights (CDHR)
- DCI - Sierra Leone
- Forum of Conscience (FOC)

South Africa

- Human Rights Institute of South Africa (HURISA)
- Lawyers for Human Rights (LHR)

Spain

- ACAT - Spain / Cataluña
- Asociación pro Derechos Humanos de España (APDHE)
- Federación de Asociaciones de Defensa y de Promoción de los Derechos Humanos (FADPDH)
- Justicia i Pau
- Pax Romana / Grupo Juristas Roda Ventura
- Taula Catalana por la Paz y los Derechos Humanos en Colombia

Sri Lanka

- Centre for Rule of Law
- Home for Human Rights (HHR)
- Law and Society Trust (LST)

Sudan

- African Centre for Justice and Peace Studies (ACJPS)
- Amel Centre for Treatment and Rehabilitation of Victims of Torture
- Darfur Relief and Documentation Centre (DHRC)
- Khartoum Centre for Human Rights and Environment Development (KCHRED)
- Save Darfur Coalition
- The Darfur Consortium

Switzerland

- ACAT - Switzerland
- Action de carême catholique suisse / Fastenopfer
- Antenna International
- Justice et paix - Commission nationale suisse
- Ligue suisse des droits de l'Homme (LSDH)
- Pax Christi Switzerland
- Pax Romana Switzerland

Syria

- Arab Organisation for Human Rights in Syria (AOHRS)
- Comités de défense des libertés démocratiques et des droits de l'Homme en Syrie (CDF)
- Damascus Centre for Human Rights Studies (DCHRS)
- Human Rights Association in Syria (HRAS)
- Human Rights Organisation in Syria (MAF)
- Kurdish Committee for Human Rights in Syria (al-Rased)
- Kurdish Organisation for Defending Human Rights and Public Freedoms in Syria (DAD)
- National Organisation for Human Rights in Syria (NOHR-S)
- Syrian Centre for Media and Freedom of Expression (SCM)
- Syrian Human Rights Organisation "Swasiah" (SHRO)
- Syrian Observatory for Human Rights (SOHR)

Tajikistan

- Bureau on Human Rights and Rule of Law
- International Centre of Non Commercial Law

Tanzania

- Centre pour l'éducation et la défense des droits de l'Homme (CEDH)
- Legal and Human Rights Centre (LHRC)

Thailand

- Union for Civil Liberty (UCL)
- Working Group on Justice for Peace (WGJP)

Togo

- ACAT-Togo
- Association togolaise de lutte contre la torture (ATLT)
- Ligue togolaise des droits de l'Homme (LTDH)

Tunisia

- Association de lutte contre la torture en Tunisie (ALTT)
- Association tunisienne des femmes démocrates (ATFD)
- Centre d'information et de documentation sur la torture en Tunisie - *France*
- Comité pour le respect des libertés et des droits de l'Homme en Tunisie (CRLDHT)
- Conseil national pour les libertés en Tunisie (CNLT)
- Ligue tunisienne des droits de l'Homme (LTDH)

Turkey

- Centre d'action sociale, de réhabilitation et d'adaptation (SOHRAM)
- Human Rights Agenda Association (HRAA)
- Human Rights Association (IHD)
- Human Rights Foundation of Turkey (HRFT)
- Legal Research Foundation (TOHAV)

Turkmenistan

- Turkmen Initiative for Human Rights (TIHR)

Uganda

- Foundation for Human Rights Initiative (FHRI)
- Human Rights and Development Torch
- Sexual Minorities in Uganda (SMUG)

Ukraine

- Kharkiv Human Rights Group
- Ukrainian Helsinki Human Rights Union

United Kingdom

- ACAT - UK
- Anti-Slavery Society for the Protection of Human Rights
- Committee on the Administration of Justice (CAJ)
- Justice
- Justice for Victims of Human Rights Violations in Armed and Civil Conflicts
- Liberty
- Pax Christi - UK
- Quaker Peace and Service Abolition of Torture

United States

- Center for Constitutional Rights (CCR)
- Center for Human Rights and Constitutional Law
- Center for Justice and Accountability (CJA)
- Human Rights Advocates
- National Council of Churches - Human Rights Office
- Pax Christi USA
- World Organization for Human Rights

Uruguay

- Instituto de Estudios Legales y Sociales del Uruguay (IELSUR)
- Servicio Paz y Justicia - Uruguay

Uzbekistan

- "Ezgulik"
- Independent Human Rights Society in Uzbekistan
- Human Rights in Central Asia
- Human Rights Society of Uzbekistan (HRSU)
- Legal Aid Society (LAS)
- "Mazlum" Human Rights Centre
- Uzbekistan Human Rights Alliance (PAU)

Venezuela

- Comité de Familiares de Víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989 (COFAVIC)
- Comisión Latinoamericana por los Derechos y Libertades de Trabajadores y Pueblos (CLADEHLT)
- Espacio Público
- Observatorio Venezolano de Prisiones (OVP)
- Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA)
- Red de Apoyo por la Justicia y la Paz (REDAPOYO)

Viet Nam

- Vietnam Committee on Human Rights (VCHR)

Yemen

- Human Rights Information and Training Centre (HRITC)
- National Organisation for Defending Rights and Freedoms (Hood)
- Sisters Arab Forum for Human Rights (SAF)
- Women Journalists Without Chains (WJWC)
- Yemen Centre for Human Rights Studies (YCHRS)
- Yemen Observatory for Human Rights (YOHR)
- Yemeni Organisation for the Defence of Democratic Rights and Freedoms (Hurryat)

Zimbabwe

- Catholic Commission for Justice and Peace
- Media Monitoring Project of Zimbabwe (MMPZ)
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Human Rights NGO Forum
- Zimbabwe Lawyers for Human Rights (ZLHR)

ANNEX 2

The Observatory for the Protection of Human Rights Defenders: an FIDH and OMCT Joint Programme

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break their isolation. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims. The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With this aim, the Observatory seeks to establish:

a) a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
b) an observation of judicial proceedings, and whenever necessary, direct legal assistance;
c) international missions of investigation and solidarity;
d) a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
e) the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
f) sustained action with the United Nations (UN) and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
g) sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU),

the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are referred to it, based on the "operational definition" of human rights defenders adopted by OMCT and FIDH:

"Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, known as the Emergency Line, is available by:

Email: Appeals@fidh-omct.org
Tel: + 41 22 809 49 39 / Fax: + 41 22 809 49 29 (OMCT)
Tel: + 33 1 43 55 25 18 / Fax: + 33 1 43 55 18 80 (FIDH)

Animators of the Observatory

From the headquarters of OMCT (Geneva) and FIDH (Paris), the Observatory is supervised by Eric Sottas, OMCT Secretary General, Anne-Laurence Lacroix, OMCT Deputy Secretary General, and Gerald Staberock, OMCT Deputy Secretary General, as well as Antoine Bernard, FIDH Chief Executive Officer, and Juliane Falloux, Executive Director.

At FIDH, the Observatory is run by Alexandra Poméon, Head of the Programme, and Hugo Gabbero, Programme Officer, with the assistance of Elodie Kergresse and the support of the teams responsible for the geographic regions and delegations, including Isabelle Brachet, Emmanouil Athanasiou, Shiwei Ye, David Knaute, Jimena Reyes, Delphine Raynal, Claire Colardelle, Alexandra Koulaeva, Vanessa Rizk, Marceau Sivieude, Florent Geel, Tchérina Jerolon, Stéphanie David, Marie Camberlin, Salma El Hoseini, Antoine Madelin, Claire Tixeire, Grégoire Théry, Catherine Absalom, Julie Gromellon, Glenn Payot, Elin Wrzoncki, Geneviève Paul, Karine Bonneau, Mariana Pena, Delphine Carlens, Asa Rydberg, Isabelle

Chebat, Nicolas Barreto-Diaz, Olivier Delesgues, Gwen Le Pennec, Karine Appy, Fabien Maitre, Arthur Manet, Damien Cousin, Céline Ballereau Tetu, Christophe Gardais, Lidya Ogbazghi, Corinne Bezin, Marie France Burq, Shawna Carroll, Kate Coles, Nathalie Nunes, Serguei Funt, Samia Merah and Tony Minet.

At OMCT, the Observatory is run by Delphine Reculeau, Coordinator, with the assistance of Seynabou Benga, Coordinator a.i., Andrea Meraz Sepulveda and Mercedes Rodríguez Martel, Project Officers, as well as Marc Aebersold, Sébastien Courvoisier, Halima Dekhissi, Clemencia Devia Suárez, Guro Engstrøm Nilsen, Marinella Gras and Zoé Spriet.

The Observatory wishes to thank Cinzia Angotti, Laura Betancur, Farah Chami, Ekaterina Lyzhina, Marie Martin, Stéphanie Rapin and Orsolya Toth for their collaboration in writing this report, as well as Rocío Ahuja, Neus Barres Badia, Christian Buss, Víctor Díaz, Aline Herrera, Joanne Hutchinson, Mercedes Martínez Mezo, Janys May, Khaled Ould-Kaci, Elana E. Pick, Mary Regan, Isabelle Rossier, Lizzie Rushing, José Ricardo Sáenz, Christopher Thiéry and Nicole Choisi for their contribution to the translation of the report.

The Observatory's activities are assisted by all FIDH and OMCT local partners.

Operators of the Observatory

OMCT

Created in 1985, the World Organisation Against Torture (OMCT) is today the main international coalition of NGOs fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. With 297 affiliated organisations in its SOS-Torture Network, OMCT is the most important network of non-governmental organisations working for the protection and the promotion of human rights in the world. Based in Geneva, OMCT International Secretariat provides personalised medical, legal and/or social assistance to victims of torture and ensures the daily dissemination of urgent interventions across the world, in order to prevent serious human rights violations, to protect individuals and to fight against impunity. Moreover, some of its activities aim at protecting specific categories of vulnerable people, such as women, children and human rights defenders. OMCT also carries out campaigns relating to violations of economic, social and cultural rights. In the framework of its activities, OMCT also submits individual com-

munications and alternative reports to the United Nations mechanisms, and actively collaborates in the respect, development and strengthening of international norms for the protection of human rights.

A delegation of the International Secretariat has been appointed to promote activities in Europe and to represent OMCT to the EU. It constitutes the link with European institutions; its role is to support and to implement the International Secretariat's mandate at the European level.

OMCT has either a consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the ILO, the OIF, the African Commission on Human and Peoples' Rights (ACHPR) and the Council of Europe.

Its Executive Council is composed of Mr. Yves Berthelot, President (France), Mr. José Domingo Dougan Beaca, Vice-President (Equatorial Guinea), Mr. Dick Marty, Vice-President (Switzerland), Mr. Anthony Travis, Treasurer (United Kingdom), Mr. José Burle de Figueiredo (Brazil), Ms. Aminata Dieye (Senegal), Mr. Kamel Jendoubi (Tunisia), Ms. Tinatin Khidasheli (Georgia), Ms. Jahel Quiroga Carrillo (Colombia), Ms. Christine Sayegh (Switzerland) and Mr. Henri Tiphagne (India).

FIDH

Created in 1922, the International Federation for Human Rights (FIDH) brings together 164 leagues in more than 100 countries. It coordinates and supports their work and provides a relay for them at international level. FIDH works to protect the victims of human rights violations, to prevent these violations and to prosecute those responsible. FIDH takes concrete action for respect of the rights enshrined in the Universal Declaration of Human Rights - civil and political rights as well as economic, social and cultural rights. Seven priority themes guide the work of FIDH on a daily basis: protection of human rights defenders, promotion of women's rights, promotion of the rights of displaced migrants and refugees, promotion of the administration of justice and the fight against impunity, strengthening of respect for human rights in the context of economic globalisation, strengthening of international and regional instruments and mechanisms to protect and support human rights and the rule of law in conflict periods, emergency situations and during political transition periods.

FIDH has either consultative or observer status with the United Nations, UNESCO, the Council of Europe, the OIF, the ACHPR, the OAS and the ILO.

FIDH is in regular, daily contact with the UN, the EU and the International Criminal Court through its liaison offices in Geneva, New York, Brussels and The Hague. FIDH has also opened offices in Cairo,

Nairobi and Bangkok to further its work with the League of Arab States, the AU and the ASEAN. Every year, FIDH provides guidance to over 200 representatives of its member organisations, and also relays their activities on a daily basis.

The International Board is comprised of: Souhayr Belhassen (Tunisia), President; Artak Kirakosyan (Armenia), Roger Bouka Owoko (Republic of the Congo), Khadija Cherif (Tunisia), Paul Nsapu Mukulu (DRC), Luis Guillermo Perez (Colombia), General Secretaries; Jean-François Plantin (France), Treasurer; and Yusuf Atlas (Turkey), Aliaksandr Bialiatski (Belarus), Amina Bouayach (Morocco), Juan Carlos Capurro (Argentina), Karim Lahidji (Iran), Fatimata Mbaye (Mauritania) Asma Jilani Jahangir (Pakistan), Paulina Vega Gonzalez (Mexico), Sorraya Gutierez Arguello (Colombia), Raji Sourani (Palestine), Kristiina Kouros (Finland), Katherine Gallagher (United States of America), Arnold Tsunga (Zimbabwe), Dan Van Raemdonck (Belgium), Dismas Kitenge Senga (DRC), Vice-Presidents.

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The Observatory
for the Protection
of Human Rights Defenders

"Get out!" Zine el-Abidine Ben Ali, Hosni Mubarak, Muammar Gaddafi, Ali Abdullah Saleh, Bashar al-Assad ...: This huge popular uprising in the name of dignity, freedom and justice has spread throughout the Arab world – in Libya, Yemen, Bahrain, Syria ... And beyond, as the wind of freedom blew over the capitals of the world, in Paris, London, Rome and Berlin but also in Tehran, Istanbul, Amman and Baku, where demonstrations of solidarity took place. In China, peaceful marches were held, also known as "Jasmine gatherings", a tribute to the Tunisian revolution".

Daw Aung San Suu Kyi, Burmese opposition politician and Nobel Peace Prize, and **Stéphane Hessel**, former French diplomat who participated in the drafting of the Universal Declaration of Human Rights and wrote in 2010 the best-selling manifesto "Time for outrage!"

The Arab Spring has marked like no other event the period covered by the Annual Report 2011 of the Observatory for the Protection of Human Rights Defenders. This – no doubt – is a sign of hope and aspiration to all those upholding dignity and fundamental rights under difficult conditions in authoritarian societies. However, despite all optimism, there have been dramatic backlashes as Governments are wary about challenges to their power. Moreover, the focus on North Africa and the Middle East must not distract our attention from the many dire situations in which human rights defenders operate in other regions. In a good number of countries we have witnessed no wind of change, but a great deal of continuity or even an exacerbation of threats and assaults on human rights defenders. The 509 urgent interventions on individual cases issued by the Observatory from January 2010 to April 2011 covering 66 countries provide compelling evidence on continuous urgency of the situation of defenders around the globe.

Created in 1997 jointly by the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), the Observatory for the Protection of Human Rights Defenders is the leading global programme on the protection of human rights defenders. It bases its action on the conviction that solidarity with and among human rights defenders and their organisations ensures that their voice is being heard and their isolation and marginalisation broken. It responds to threats and acts of reprisals suffered by human rights defenders through urgent interventions, vital emergency assistance for those in need, international missions and advocacy for their effective domestic or international protection.

International Federation for Human Rights

SOS-Torture Network

World Organisation Against Torture