



(English version)

NEPAL, SUDAN, COLOMBIA at the very heart of concerns in 2004

2004

This year, IDHAE took action for :

**1. NEPAL - 15 January 2004 :
Gopi Bahadur Bhandari arrested by armed
security force personnel in Kathmandu.**

Gopi Bahadur Bhandari, a lawyer from Kathmandu, was arrested by five men in civilian dress on 15 January and taken to an undisclosed location. His whereabouts remained unknown. .

He was released on 10 March. In response to a Supreme Court order in early March 2004 seeking the grounds for the detention of Gopi Bahadur Bhandari, the Royal Nepal Army produced a written reply to the court denying that he was held in custody.

Source : [Independence of Judges & Lawyers - Newsroom](#)

**2. NÉPAL - 22 January 2004 :
Basu Dev Sigdel, arrested by members of
the security forces in Kathmandu.**

Basu Dev Sigdel, 38 , another lawyer from Kathmandu, was arrested on 22 January.

Witnesses say three men in civilian dress, claiming to be from the security forces, came to Subakarna Law Office, where Basu Dev Sigdel worked,

at around 10am on 22 January. They reportedly took away his mobile telephone and took him from the office on foot at 10.15am but said that they would return him to the office very soon. All attempts by his family to contact him on his mobile telephone have failed.

Two days later Rakesh Prasai, aged 36, businessman and Durga Prasai , aged 33, businessman were arrested by army personnel in Jhapa district .

Mr. Sigdel's family has reported his arrest to the National Human Rights Commission and the Nepal Bar Association. They have also appealed unsuccessfully to the Defense Ministry and the Home Ministry to find out where he is and ensure that he is safe. A writ of habeas corpus on behalf of Mr. Sigdel was presented to the Supreme Court, and the Court is still waiting for a reply from the Government and the Army.

Basu Dev Sigdel was released on 11 March.

ÉFAI 28 janvier 2004 ASA 31/012/2004 AU 31/04.

**3. NÉPAL - 29 January 2004 :
Laxman Prasar Ayril,**

Laxman Prasar Ayril, a lawyer from Kathmandu, was approached on 29 January, by three men in civilian clothing. After identifying themselves as

members of the security forces, the men asked Mr. Ayril to accompany them to an Army barracks to assist with an investigation. Mr. Ayril was then taken by public transportation to an Army barracks, where he continues to be held.

Source : Independence of Judges & Lawyers Newsroom

4. NÉPAL - 6 février 2004 : Krishna Silwal enlevé par les Forces de Sécurité

Krishna Silwal, is the third lawyer arrested by the security forces is Mr. Krishna Silwal, an Advocate and Officer at the Legal Section of the Central Bank. He is reportedly in detention at an Army barracks. .

Between 26 February and 11 March 2004, six lawyers including Bal Krishna Devkota, Dhananjaya Khanal, Gopi Bahadur Bhandari, Basu Dev Sigdel, Lok Krishna Bhattarai and Krishna Silwal were released.

Source : Independence of Judges & Lawyers Newsroom

5. SUDAN - February 1, 2004 : Saleh Mahmud Osman, avocat spécialisé dans la défense des droits humains, arrested on held in incommunicado detention

Saleh Mahmud Osman, a member of the Sudan Organization Against Torture's (SOAT) lawyers network, was arrested on February 1, 2004, at 11:00 pm at his home in Wad-Madani, capital of the Central Region in Sudan and convicted to the National Security Agency (NSA) offices in Wad Madani. He was reportedly transferred on February 3, 2004, from the NSA to an undisclosed location in Khartoum and has reportedly been held in incommunicado detention without being charged with any criminal offence. His arrest may be connected to his having provided legal assistance to victims of human rights abuses in Darfur, to detainees, and to prisoners facing the death penalty. He is being held in Kober Prison under the National Security Forces Act, which allows for detention without charge or trial for up to nine months. Saleh Mahmud Osman began a hunger strike on June 30, 2004. There was serious concerns regarding his health, as he was suffering from jaundice at the time of his arrest and continues to suffer from high blood pressure and diabetes, and the hunger strike will further endanger his life.

Saleh Mahmud Osman was released from Kober prison in the capital Khartoum on 4 September. He was brought to his family by his lawyers after a final interrogation by the National Security Forces found no evidence to keep him in detention.

Osman is a well known lawyer and writer. Over the past year, he has provided free legal aid to hundreds of victims of human rights abuses in Darfur and has also provided legal representation to those

facing capital or severe punishment (amputation and cross amputation) in the Darfur region.

THE OBSERVATORY February 4, 2004 - SDN
002/0104/OBS 009
March 5, 2004 - SDN 002/0104/OBS 009.1

6. NÉPAL - 4 February 2004 : Jeetaman Basnet, journaliste et avocat



Jeetaman Basnet, a 28-year-old lawyer and investigative reporter for Sagmarmatha Times newspaper, was last seen on 4 February talking to three people in uniform in Kathmandu.

At 6pm on 4 February, Jeetaman Basnet was seen by a relative talking to three people dressed in army uniform outside his house in Ward no. 34, Santinagar, Kathmandu. After a while he was taken away and has not been seen since by his family. His family informed the Nepalese Human Rights Commission and the Nepal Bar Association (NBA) about his disappearance.

The NBA met with the Prime Minister for a second time on 12 March 2004 to request the release of the remaining four lawyers whose whereabouts are unknown, including Jeetaman Basnet, Laxman Prasad Aryal, Sujindra Maharjan and Rajendra Dhakal.

In response to a Supreme Court order in early March 2004 seeking the grounds for the detention of Gopi Bahadur Bhandari, the RNA produced a written reply to the court denying that he was held in custody.

Jeetaman Basnet, was released by the Nepali army on 18 October 2004. He had been held for over eight months in Bairab Nath army barracks. Following his "disappearance" the army had repeatedly denied that he was being detained by them.

Index AI: ASA 31/032/2004 13 Février 2004

7. PHILIPPINES February 13, 2004 : Assassinat de Juvy Magsino, a human rights lawyer and the Chairperson of Mindoro for Justice and Peace



Juvy Magsino, 34 years old, a human rights lawyer and Vice Mayor of Naujan, in

Mindoro Oriental, was killed in the eastern part of Mindoro Island in the Philippines on 13 February 2004 at approximately 23.00, while driving to Pinagsabangan accompanied by Mrs. Leyma Fortu, to get a computer from a friend

Two men on a motorcycle without a license plate armed with a 9mm and an armalite allegedly covered Mrs. Magsino's vehicle with bullets and shot Mrs. Magsino and Mrs. Fortu to death in Barangay Amuguis.

Juvy Magsino suffered three gunshot wounds on her head without exit points; and one each on her chest, shoulder and neck. Leima also had gunshot wounds on her chest, near her right ear, knee and shoulder.

The General Headquarters of the 204th Infantry Brigade was only a hundred meters away from the ambush site. Prior to her death, Juvy Magsino was known to be very vocal against former 204th IBPA Commanding Officer Col. Jovito Palparan, Jr. and the increasing military deployment in the island province.

Juvy Magsino was the Chairperson of Mindoro for Justice and Peace, Chairperson of the Vice Mayors' League in Mindoro Oriental, Philippines, honorary member of Gabriela and was running for Mayor of Naujan against the incumbent Mayor Norberto Mendoza. She was also a known human rights lawyer for KARAPATAN-Mindoro Oriental and the fisherfolks group PAMALAKAYA-Mindoro Oriental.

Leyma Fortu was Acting Secretary General of KARAPATAN-Mindoro Oriental, a volunteer staff of Mindoro for Justice and Peace and a member of the partylist group Bayan Muna - Calapan City Chapter. Both women were affiliated with the left-wing political party Bayan Muna.

18 février 2004 – PHL 001 / 0204 / OBS 011

8. MEXICO - March 19, 2004 - Harassment: against Luz Esthela Castro and members of the "Justicia para Nuestras Hijas"

Luz Esthela Castro, lawyer, women's rights defender in the State of Chihuahua, and Mr. Abino Gómez, husband of the lawyer Alma Gómez, and members of the "Justicia para Nuestras Hijas" have been subjected to harassment by the Attorney General of the State of Chihuahua. On February 13, on the eve of the celebration of the "Day V" (global movement "Against violence against Women"), the latter ordered an investigation into offences allegedly committed by Mrs. Castro, Mr. Gómez, and Mrs. Guadalupe Ramos, including sedition and deprivation of liberty, although none of them had been questioned about these purported crimes.

www.derechos.org/informes/archives/000498.html

9. NEPAL - 21 February 2004 : Arrestation and disappearance of Bal Krishna DEVKOTA and Dhananjay KHANAL

Bal Krishna Devkota et Dhananjay Khanal, two lawyers, were both arrested at their homes at around 11pm on 21 February. Their families have not been informed of their whereabouts. Three people in plain clothes, who identified themselves as security forces personnel, reportedly came to Bal Krishna's house in Ward no. 2, Sitapaila, Kathmandu District. They asked to see his identity card and searched his house, and then took him away for further questioning. Bal Krishna Devkota's wife reports that she called his mobile telephone the next day and was told by someone who did not identify himself that her husband was sleeping. When she tried to call again, the following morning, the telephone was switched off.

At around the same time as Bal Krishna Devkota's arrest, 12 men in plain clothes reportedly surrounded Dhananjay Khanal's home, in Ward no. 2, Sanepa, Lalitpur District. Four of them went into the house, claiming to be security forces personnel. Witnesses report that they handcuffed Dhananjay Khanal, put a hood over his head and took him away. These two men appear to have been arrested because of their involvement in the defences of people arrested under the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA). Local human rights organisations have reported both these cases to the National Human Rights Commission.

Bal Krishna Devkota and Dhananjay Khanal were released on 26 February.

Observatory : Case NPL 230204
and also AI INDEX: ASA 31/048/2004
Geneva, February 23rd, 2004

10. THAÏLANDE - 12 mars 2004 : Disappearance of SOMCHAI Neelaphajit, chairman of the Muslim Lawyers Group and vice chair of the Human Rights committee of the Law Society of Thailand



Somchai Neelaphajit, 53 years old, prominent Thailand human rights lawyer and human rights defender; has been missing since March 12, 2004. Mr. Somchai was last seen at the hotel before leaving for his brother's house in Bang Kapi district. His car was found later abandoned.

Police investigators have arrested three middle-ranking officers with the Crime Suppression Division (CSD) and a sergeant-major from the Tourism Police and transferred three other CSD officers on suspicions of involvement in the abduction of Somchai Neelaphaijit. However, little progress has been made about Somchai Neelaphaijit's whereabouts, or determining what happened on the night of his abduction.

Human Rights organizations in Thailand believe that Mr. Somchai's disappearance is closely connected to his persistent and high profile works defending human rights and the interests of the general public for sustainable peace in the South. His human rights work involved in obtaining 50,000 signatures from around the country to support an end to martial law in the deep Southern Thailand, advocacy work in promoting the rule of law and justice for the Muslim suspects accused of terrorism and treason, and vocal criticism on state officials for excessive and unnecessary violence in law enforcement, all of which has placed him in constant conflict and tension with the security forces in the southern Thai provinces.

Mr. Somchai Neelaphaijit, chairman of the Muslim Lawyers Group, vice chair of the Human Rights committee of the Law Society of Thailand, is a well known and well respected civil rights leader in Thailand, and especially in the South. His involuntary disappearance and the state's failure to ensure his safety is in contrast to the Thai government's commitment in upholding the rule of law, respecting human rights and bringing sustainable peace to the turbulent South.

ASA 39/006/2004
AU 114/04
Independence of Judges & Lawyers - Newsroom 22
March 2004

11. ARABIE SAOUDITE - 17 mars 2004 : Arrestation de Abdul-Rahman Alahim, avocat et activiste des droits de l'homme

Abdul-Rahman Alahim, a lawyer and human rights activist, was arrested on March 17 after appearing on March 16, on Al-Jazeera satellite, calling upon the government to release all the political detainees and to take steps towards democracy and political reforms in the Kingdom.

He was allegedly arrested with a group of human rights defenders for actively engaging in peaceful activities calling upon the government to take steps towards political reforms, democracy and the respect of human rights.

Abdul-Rahman Alahim, was released on March 25, 2004. after being forced to sign a pledge to end their participation in any political or human rights activities and to stop calling for reforms.

SAU 001/0304/OBS 017
March 18, 2004

12. SOUDAN - 19 mars 2004 : Cinq Avocats , Abdalla Aldoma, Baroud Sandal Ragab, Ismail Oman, Mohamed Haroun et Mohamed Sharief Ali, arrêtes et détenus au secret

Abdalla Aldoma, Baroud Sandal Ragab, Ismail Oman, Mohamed Haroun et Mohamed Sharief Ali, five Sudanese lawyers, were arrested on 19 March in Khartoum. The lawyers are reportedly being held in a special section of Kober prison, do not have legal representation and are not allowed to communicate with their families. .

The grounds for the arrests remain unknown, but there is reason to believe that they are linked to the lawyers' political affiliations. Mr. Abdala is a prominent member of the opposition Umma party. He presided over a delegation of that party to the National Committee for the Development and Restoration of Social Infrastructure in Darfur. It is believed that his arrest is linked to the delegation's withdrawal from that Committee. The other four lawyers are members of the Popular Congress, another opposition party. Their arrest is allegedly related to their participation in a number of demonstrations with displaced persons from Darfur denouncing their lack of shelter and food.

Source : Independence of Judges & Lawyers - Newsroom 1st April 2004

13. HAÏTI - 24 mars 2004 : acts of intimidation against Morisseau Jean Rony lawyer and members of the Committee of Lawyers for Individual Respect and Liberties,(CARLI).

At about 10.00 am, on 24 March, members of Comité des Avocats pour le Respect des Libertés Individuelles (CARLI) , in particular lawyer **Morisseau Jean Rony**, have been threatened directly as a substitute judge (juge suppléant) at the Peace Tribunal (tribunal de paix) in Delmas, Port-au-Prince arrived at CARLI's offices, accompanied by several men. He reportedly threatened to kill the CARLI staff who were there at the time.

According to CARLI, the Judge's threat stems from the fact he was named on a monthly list of human rights violators, published in February 2004. The list is based on information gathered from a Hot Line number which those who have experienced human rights abuses are encouraged to call. CARLI had included the Judge on the list, for his alleged responsibility in the arbitrary arrests of five people, including human rights defender Kettelie Julien on 6 February 2004.

CARLI has taken up the case of a young woman called Carline Séide, who was gang raped by seven men in November 2003. One of the alleged attackers was a policeman who was later arrested

together with another man. Both, however, escaped from prison during a jailbreak on 29 February 2004 and since then, men claiming to be sent by the policeman have gone to Carline Séide's home on several occasions and threatened both her and members of CARLI.

Members of the Committee of Lawyers for Individual Respect and Liberties, are particularly being targeted in an attempt to hinder their human rights work.

AMR 36/033/2004
AU 149/04

14. COLOMBIA- 1st April 2004 : Carlos Bernal Ramirez, Union Defence Lawyer and Bodyguard Assassinated

Carlos Bernal Ramirez, trade union defence lawyer and his bodyguard Camilo Jimenez were both assassinated, at 7.30pm on Thursday 1st April 2004, in the Prado Norte neighbourhood of the Colombian city of Cucuta in Norte de Santander department. According to the Permanent Committee for the Defence of Human Rights (CPDH) they were killed by paramilitaries operating with the acquiescence of the Colombian army.

Carlos Bernal Ramirez was also the leader of the Social and Political Front opposition coalition in the region and the President of the CPDH in Cucuta. He had previously been the peace advisor to the Governor of Norte de Santander and to the mayor of Cucuta.

The CPDH, one of Colombia's most important human rights NGOs, which celebrated its 25th anniversary last week, has blamed the government of President Alvaro Uribe Velez for both killings.

www.justiceforcolombia.org

15. NEPAL- 8 avril 2004 : Répression d'une manifestation pacifique de 400 avocats du Barreau du Népal

Since April 2004, there has been a severe crackdown on peaceful demonstrations, leading to mass arrests, illegal and incommunicado detentions, ill treatment and violent repression of hundreds of peaceful demonstrators in Kathmandu.

On April 8, 2004, the Kathmandu District Administration issued an order banning public demonstrations and the assembly of more than five persons within the Kathmandu Ring Road and Lalitpur areas.

On April 9, 2004, after a demonstration, approximately 400 lawyers from Nepal Bar Association, including its president, Sambhu Thapa and its ex-vice-president Govinda Bandi, were arrested by security personnel in front of the Supreme Court and taken to a governmental warehouse. The lawyers had organised and were participating in a peaceful rally in favour of the establishment of democracy and were

documenting human rights violations. They were subsequently released.

On April 21, several hundred lawyers were reportedly arrested during another peaceful demonstration organised by the Nepal Bar Association in Kathmandu. The purpose of that last demonstration was to protest against the government's prohibition of demonstrations and the ongoing repression against human rights defenders and people exercising the right to peaceful assembly.

These repeated incidents suggest a growing and worrying pattern of harassment of members of the legal profession.

Source : The Observatory - Bulletin No. 27

16. SYRIA – April 13, 2004 : Aktham Naisse arrested again on April 13, 2004 and trialed in the State Security Court



Aktham Naisse, Aktham Naisse (written also Nu'aysa), 53 year old, a human rights defender and lawyer, chairman of the Committee for the Defence of Democratic Liberties and Human Rights in Syria (CDF), and Vice President of the Arab Commission for Human Rights, was arrested again on Tuesday April 13, 2004 in Latakia, and has been detained by the military security services since then in an individual cell in the criminal department of the Saidnaya prison, well-known for the very harsh conditions of detention imposed on political prisoners, where he is isolated in an individual cell, in the section for ordinary criminals.

Aktham Naisse is accused of undermining the objectives of the Revolution. He will be trialed in the State Security Court, under Syrian emergency laws. He is accused of "undermining the objectives of the Revolution: Arab unity, liberty and socialism", as well as spreading false information about Syria.

Naisse was arrested following the publication of CDF's annual report, which denounces flagrant violations of human rights in Syria, and the recent declarations made by CDF representatives denouncing violations against the Kurdish population in the North of the country in March 2004. The arrest also follows a gathering organized by CDF on March 8, 2004, in which 400 participants requested the cancellation of the State of Emergency, the release of political prisoners and the establishment of democratic reforms. This sit-in was dispersed by the security forces and several

activists were detained and intimidated in the weeks following the event.

In the late afternoon of February 11th, Akhtam Naisse, was summoned to report to the so-called "al-Mintaqa" offices of the military secret service in Damascus where he was detained and interrogated by two high ranking military officers until after midnight. At 16 August session, the Supreme State Security Court (SSSC) in Damascus decided that Mr. Naisse will be released on bail. The next session against Mr. Naisse before the SSSC is scheduled to be held on January 2005. He risks up to 15 years imprisonment.

Février-Mars-avril 2004

Akhtam Naisse, Prize Winner of 9th Human Rights Prize "Ludovic-Trarieux"



The award was presented on October 8th, in Brussels..

17. RUSSIA - 16 April 2004 : Stanislav Markelov, human rights lawyer, attacked, whilst he was travelling on the Moscow metro

Stanislav Markelov, aged 29, human rights lawyer, was attacked at around 11:30pm on 16 April, as he travelled home on the metro by a group of five men in their twenties. According to

Stanislav Markelov, the men, who wore civilian clothing, surrounded him and shouted: "You got what you're asking for. No more speeches for you [in court] then". They then hit him on the head with a heavy object, causing him to lose consciousness. He woke up two hours later at the last metro station. His mobile phone, which contained the phone numbers of all his clients, was missing as were various identity documents, including his lawyer's licence card, his passport and an entry card for the State Duma. He later discovered that various documents from the case files of his clients were also missing from his bag. He was surprised that neither his money, nor his expensive Swiss watch had been stolen in the attack. Without his lawyer's card, he is currently unable to appear in court until a replacement is issued.

Stanislav Markelov went home, where his wife called the emergency services. He was then taken to the City Hospital No 68, where he was diagnosed as

suffering from concussion and the doctors asked to hospitalize him, although he refused to stay.

Among the missing case documents were those relating to the trial of Sergei Lapin (known as "Kadet"), who has been charged in connection with the "disappearance" and torture of Chechen student Zelimkhan Murdalov, whose family is represented by Stanislav Markelov. Sergei Lapin served in Chechnya as a member of the special police detachment (OMON) from the Khanty-Mansyski region in the Russian Federation which was operating in Grozny. Zelimkhan Murdalov "disappeared" on 2 January 2001 after having been detained by Russian OMON forces in Grozny. Witnesses claimed that he was tortured to death in police custody.

After recovering at home for two days, on 19 April Stanislav Markelov visited the Moscow Department of Internal Affairs No 8 in charge of providing security in the metro, in order to file a complaint about the attack. The police officers on duty reportedly told Stanislav Markelov that the medical certificate of the injuries he sustained was fake and insisted that he filed a complaint about "lost property", but not about the violent attack against him.

On 21 April, Stanislav Markelov filed a complaint about the attack with the Moscow City Department of Internal Affairs. A criminal investigation into the events has reportedly not yet been opened.

EUR 46/016/2004

AU 160/04

ÉFAI

18. CUBA – 27 April 2004 : Juan Carlos Gonzalez Leiva, a blind lawyer, president of the Cuban Foundation for Human Rights, sentenced on April 27, 2004 to four years in prison and immediately given a conditional release.



Juan Carlos Gonzalez

Leiva, aged 39, a blind lawyer, president of the Cuban Foundation for Human Rights, incarcerated, was sentenced on April 27, 2004 to four years in prison along with eight other dissidents who were accused of "disrespect", "public disorder", "resistance", and "disobedience."

Physically weak, suffering fatigue and severe headaches, González Leiva was immediately given a conditional release.

On March 4, 2002 in the city of Ciego de Avila Juan Carlos Gonzalez Leiva and nine other members of

the Cuban Foundation for Human Rights staged a civic, peaceful protest at the city hospital in solidarity with an independent journalist who had been brutally beaten by State Security agents. All ten activists were violently attacked, dragged, and arrested by the political police and members of the Communist party.

Source : AFP cd-ple/sb tf

19. MALAYSIA. 10 May 2004 : physical attack and repeated acts of harassment against Ponnusamy Uthayakumar, a human rights lawyer and activist.

Ponnusamy Uthayakumar, a human rights lawyer and activist, was on his way home from his office, in the Bangsar area of Kuala Lumpur, at around 7.15 pm on May 10, 2004, when he was attacked by three unidentified people wielding a sledge hammer.

Reportedly, during the incident one of the attackers pointed a gun at Mr. Uthayakumar. Although he managed to escape, he sustained injuries on his body, face and head.

On April 30, 2004, he was arrested along with eleven persons while they were about to file a police complaint concerning a case of death in custody of a 23 year old. He was also arrested in January 2003 and held for two days after attending an inquiry concerning a case of death in custody.

Mr. Uthayakumar has been actively involved in investigating cases of abuse of police powers and deaths in police custody. In particular, during the last month, Mr. Uthayakumar has been actively working on the case of Francis Udayapan, who allegedly died while in police custody. This case has attracted public interest.

MALAISIE – Harcèlement / Attaque Physique
18 mai 2004 – MYS 001 / 0504 / OBS 037

20. COLOMBIA – Harassment May 14, 2004 : Harassment against Pedro Julio Mahecha Ávila

Pedro Julio Mahecha Avila, a lawyer with Corporación “José Alvear Restrepo”, was harassed on May 14, 2004, while travelling in Cartagena (department of Bolívar) for professional purposes, Mr. Mahecha Avila and tracked by men who identified themselves as ADS officials. The tracking continued, causing him to request police assistance and eventually forcing him out of the city. After a petition from the Corporación “José Alvear Restrepo”, the Chief of the Judicial Section was questioned regarding these events. He acknowledged the facts, but denied that the operation targeted Mr. Mahecha Avila, arguing that the tracking was part of a broader plan aimed at preventing crime before and during talks concerning the Free Trade

Agreement. Since 2003, Colombian President Alvaro Uribe Vélez has repeatedly accused Corporación and other NGOs of being “terrorist organizations that hide behind the banner of human rights”.

COLOMBIE – Harcèlement
14 juin 2004 – COL 010 / 0604 / OBS 044

21. CENTRAL AFRICAN REPUBLIC – June 4, 2004 : Threats against Me Nganatouwa Goungaye-Wanfiyo, vice president of the LCDH



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

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

22. TUNISIA – - June 8, 2004: Violations of and Obstacles to the Freedom of Association



Radhia Nasraoui, president of the Association Against Torture in Tunisia (ALTT), and two other meaders, Mrs. Mr. Ali Ben Salem (vice president), and Mr. Ridha Barakati (treasurer) were attacked verbally and physically On June 8, 2004, by both government agents and police to prevent them

from accessing government buildings. Mrs. Nasraoui was held in custody for over 3 hours and Mr. Barakati was put in a taxi instructed to take him as far away as possible. The government has been refusing the efforts of ALLT to secure legal registration of this organization, founded in June 2003 with a mandate to support victims of torture, document cases, and promote legislation against torture.

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

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

23. SUDAN – June 18, 2004 – Arbitrary Arrest and Detention of Adel Abdullah Nasir Aldeain Saeed, a lawyer with the SOAT network in Nyala

Adel Abdullah Nasir Aldeain Saeed, a lawyer with the SOAT network in Nyala, was arrested on June 16, 2004 by security forces in Southern Darfur and is being held incommunicado without formal charges against him. Mr. Adel provides free legal aid to persons sentenced to death, amputation and other inhumane and degrading punishments. In April, he participated with other lawyers in an appeal to the security forces to have all non-charged detainees released or charged and brought to a fair trial.

Adel Abdullah Nasir Aldeain Saeed was released on June 23, 2004. In April 2004, Mr. Adel participated with other lawyers in an appeal to the security forces of the Southern Darfur state, pressing to have all detainees in the Security Forces Detention Center formally charged and brought to a fair trial or otherwise immediately released.

OBSERVATOIRE APPEL URGENT
SDN 005/0604/OBS 047
18 Juin 2004

24. SUDAN – July 24, 2004 : Arbitrary arrest and detention of Aba Zer Ahmed Abu Al Bashir, a lawyer and human rights defender in Darfur.

Abazar Ahmed Abu Al Bashir, lawyer , aged 42, was arrested by National Security and Intelligence Agency (NSIA) officers at his offices in the town of Nyala, South Darfur state, on 24 July and detained at the NSIA offices in Nyala, where people are frequently reported to have been tortured. He does not appear to have been charged with any offence.

Eight days earlier, he had handed a letter to the governor of South Darfur State, signed by leaders of a number of ethnic groups in Darfur, urging an end to the conflict.

Abazar Ahmed Abu Al-Bashir was released on 18 September, two days after an Amnesty International delegation visited him at the National Security Detention Centre in Nyala. He had been detained without charge since 24 July and had been denied access to a lawyer.

Despite fears at the time of his arrest that he may have been at risk of torture, Abazar told delegates that he had not been treated badly, had been allowed visits from friends and colleagues, and was allowed medical treatment.

OBSERVATOIRE APPEL URGENT
SDN 006 / 0704 / OBS 062
Sudan July 30, 2004

25. TURKEY - August 1 , 2004 : Abdulhekim Gider, threatened at gunpoint when he tried to visit his client

Abdulhekim Gider, came on 1 August to meet with three men detained in the Pervari district of Siirt, southeast Turkey province, reportedly on suspicion of aiding and abetting an armed organization, the Kurdistan People’s Congress (Kongra-Gel), which was formerly known as the Kurdistan Workers' Party (PKK). at the police station in Pervari . The three men have been detained and reportedly tortured .

Police have reportedly threatened the lawyer at gunpoint when he tried to visit them, and followed him in the street. While he was waiting, a police officer asked him, “How can you defend traitors? This lot are terrorists...haven’t you got a conscience?”

That day, Abdulhekim Gider tried to lodge a complaint that his client had been tortured, but the Pervari prosecutor was reluctant and allegedly tried to persuade him not to do so. When he returned to the prosecutor's office on 2 August, a police officer reportedly pointed his rifle at the lawyer and said to another officer, “I might accidentally pull the trigger”.

When Abdulhekim Gider went back to the police station to meet with his clients the same day, he says he was prevented from entering by seven or eight

police officers, including the local police chief, who surrounded him and apparently insulted and threatened him, because he had lodged a complaint of torture against them.

After he appealed to a senior police officer who came to the station, Abdulhekim Gider was allowed to meet with his clients. As the lawyer left the police station, one of the police officers who had earlier threatened him told him, "Your job is not going to be easy any more." When Abdulhekim Gider asked what this meant, the police officer told him, "Go away! I don't want to see you again. Bad things happen, and they are going to happen."

Police have pressured the detained men's relatives to change their lawyer, and police officers in Pervari are reported to have threatened Abdulhekim Gider since then. Groups of police have followed him in the street, and police vehicles have patrolled conspicuously outside buildings where he has been conducting meetings with the families of his clients.

UA: TURKEY 04 August 2004
UA 240 /04

26. MEXICO - August 11, 2004 : Lawyers Heriberto Gómez Coello and María del Carmen Grajales Castillejos detained on 11 August by the police

Lawyers Heriberto Gómez Coello and María del Carmen Grajales Castillejos were detained on 11 August by the police in the municipality of Cintalapa, in the southern state of Chiapas. Mr. Coella and Ms. Castillejos represent Eduardo Hernández Sánchez, Carlos Navarro Pérez, Enrique Hernández Ramos and Romelia Ramos Bermudez, who were arrested at various times between January and April 2004 for alleged involvement in the shooting of a teacher in San Cristobal de las Casas in December 2003.

On 12 August, María del Carmen Grajales was released on bail pending prosecution. Heriberto Gómez is still imprisoned in Cintalapa as he is reportedly unable to afford bail. Both have been accused of attempting to present false statements (falsedad de declaraciones en grado de tentativa) in what is believed to be an attempt to stop them defending their clients.

AI Index: AMR 41/031/2004
UA 250/04 17 August 2004

27. COLOMBIA - 2 September 2004 : Department of Security operation aimed at human rights lawyer Diana Teresa Sierra Gomez, member of the Colectivo, in the airport of Bogotá.

Diane Teresa Sierra Gomez, member of the Colectivo de Abogados 'José Alvear Restrepo' was targeted by the Administrative Department of Security that was organising an operation aimed at human rights lawyer in the airport of Bogotá. The Collective is an organisation of lawyers that fights for the defence of trade union rights in Colombia.

Lawyers from the Corporación Colectivo de Abogados 'José Alvear Restrepo' are involved in bringing cases to trial which implicate army officials, who have taken part by action or omission in serious human rights violations. Many human rights lawyers have been killed in Colombia, and others have been forced into exile in fear of their lives.

COLOMBIE
Harcèlement / Menaces graves 3 septembre 2004
COL 014 / 0904 / OBS 068

28. INDONESIA : 7 September 2004 Cak Munir died of arsenic poisoning aboard a flight enroute to Amsterdam .



Cak Munir, 38-year old, died on September 7th 2004, aboard the Garuda Indonesia flight from Indonesia to The Netherlands, a few hours before landing at Schipol airport in Amsterdam where he planned to continue his studies. The autopsy revealed 465 milligrams of undigested arsenic in the activist's stomach - more than double the normally lethal dose of 200 milligrams. Indonesia's best known human rights lawyer, he took up the cause of workers' rights when still a young lawyer in East Java, where he studied workers' conditions and came out in their support. Early in 1998 he established the Commission for Disappeared Persons and Victims of Violence (Kontras), a group that exposed the abduction by the military of several human rights activists in Jakarta. Kontras probably did more than any other single group to unmask military impunity at that time. Since then Kontras has fought consistently for human rights victims in many parts of Indonesia. In 2002, he co-founded the Indonesian Human Rights Watch, or Imparsial.

Right Livelihood Award Foundation

29. PERU October 20 2004 : Gloria Cano, a lawyer for the human rights organization Asociación Pro Derechos Humanos (APRODEH), has recently received death threats.



Gloria Cano, a lawyer for the human rights organization Asociación Pro Derechos Humanos (APRODEH), Association for the Defence of Human Rights, has received death threats, in Lima on 20 October 2004. She received the threat by text message on her mobile telephone. The message read “Hello bitch, we are in jail, be aware even of your shadow, you will be reunited with the ‘terrorist’ in hell” (“Hola perra, nos estamos en la cárcel, cuídate hasta de tu sombra, te vas a reunir con el terruco en el infierno yelmo”).

The threats appear to be linked to her work on behalf of the families of three members of the armed opposition group Movimiento Revolucionario Túpac Amaru (MRTA).

Two days after receiving the threat, Gloria Cano and other Peruvian human rights defenders travelled to the USA to appear before the Inter-American Commission on Human rights, where they reported on the human rights situation in Peru.

Upon her return, Gloria Cano filed a complaint about the threat with the Attorney General’s office on 25 October. The Inter-American Commission on Human Rights has requested the Peruvian State to provide information on the steps take to investigate this complaint.

The threat was received the day after the publication of a press release by APRODEH raising concerns about the release of former members of the Armed Forces and of Military Intelligence Service, who all served during the administration of former President Alberto Fujimori.

They had been in detention during the last 18 months for their alleged involvement in the homicide of three members of the MRTA during the military operation in 1997. Due to delays in the trial, partly caused by the conflict of jurisdiction between the civilian and military courts, the accused had exceeded the maximum time for pre-trial detention allowed by law and had to be released before being sentenced.

Gloria Cano has represented the families of the victims since 2001. Amnesty International believes that this threat is an attempt to intimidate APRODEH and to force them to drop their campaign to seek truth and justice for the victims.

In January 2003, Gloria Cano was surrounded, verbally abused and then beaten by a group of about 20 unidentified individuals outside APRODEH’s office. This attack appeared to be linked to the campaign launched by APRODEH on 23 January 2003 to extradite Alberto Fujimori from Japan, but was reportedly not investigated by the authorities.

ÉFAI AMR 46/015/2004
AU 309/04

30. CHINA - November 12, 2004 : Unfair treatment and arbitrary detention of Lawyer Zheng Enchong



Zheng Enchong, remains continuously harassed. On November 10, 2004, Mr. Zheng said he had been visited a number of times by the director of the Shanghai’s Judicial Bureau and Prisons Bureau, Mr. Miao Xiaobao, who told him that if he admitted wrongdoing, his three-year sentence would be reduced by one year. However, Mr. Zheng Enchong refused to do so.

He has been housed in the prison’s high security section, where he is obliged to share his 3.5 square meter cell with two other prisoners.

Mr. Zheng Enchong had been arrested on June 6, 2003 and taken to the Shanghai Public Security Bureau Detention Centre, after assisting displaced families in more than 500 cases relating to Shanghai’s urban redevelopment projects. He had been accused of sending two communications to HRIC and sentenced, on October 28, 2003, to three years in prison and deprivation of his political rights for one year, on charges of “illegally providing state secrets to entities outside of China” by the Shanghai Second Intermediate People’s Court..

Since the beginning of his imprisonment, Mr. Zheng has not been allowed to see his lawyer, as a result of which he has not been able to file an appeal application against his sentence before the Shanghai Supreme People’s Court. His wife has filed an application on his behalf but the Court has not acknowledged it.

On February 28, 2004, the wife of Mr. Zheng Enchong, Mrs. Jiang Meili, has been illegally detained for three days until March 1, 2004. Mrs. Jiang had gone to Beijing to petition the National People’s Congress on behalf of her husband. During this time, Mrs. Jiang Meili was not presented with an arrest warrant or given any reason for her detention.

URGENT APPEAL - THE OBSERVATORY
CHN 001 / 0803 / OBS 041.4

**31. MAURITANIA - 30
November 2004 : Threat of arrest against
Brahim Ould Ebetty, lawyer and general
secretary of GERDDES - Mauritania.**



Me Brahim Ould Ebetty is

reported to be under threat of arrest by the supreme court of Mauritania general attorney, on the following day of his speech in the 36th session of the CADHP dedicated to the torture. Brahim Ould Ebetty, lawyer and general secretary of Study and Research Group on Democracy and Economic and Social Development (GERDDES - Mauritania), is part of the 53-member defence team that defends since November 21, 2004, Saleh Ould Hannena the presumed brain of a putsch with 131 Mauritians soldiers against the regime of the president Maaouya Ould Sid Ahmed Taya, in June 8, 2003, before the criminal Court of Nouakchott. Presumed putschists of Wad Nagra (East from Nouakchott), are accused of " attempt to destroy and to modify the constitutional regime with use of weapons, use of military command without right nor legitimate motive, use of armed gang to disturb the state with plot ". The 2003 June 8 putsch, had, according to an official source, made 15 deaths and 69 injured.

On the eve of the trial, lawyers and parents of 131 soldiers have been forbidden to access to jail, what was denounced one of their lawyers,

The collective of defence lawyers had denounced the violation of rights in the possibility to access to file. «The instruction is led in a military garrison», indicated previously Me Brahim Ould Ebetty, with consequence «to disrupt the serenity and to attempt to the dignity of the work of the magistrate in charge of the inquiry».

On November 21, Mauritanian lawyers had launched a boycott action towards jurisdictions of the country after one of their colleagues, Me Ould Maham, was under arrest warrant and jailed by the President of the criminal Court, Mohamed Elhadi Ould Mohamed. Then, the president of the criminal Court according to an agreement with the president of the Mauritanian Bar Association, Me Malainine Ould Khalifa, accepted to "forgive" to the lawyer Sidi Mohamed Ould Maham.

According to information, seven women members of the Collective of convict Families have been arrested on November 21, 2004 by the state police, at the time of the opening of the first hearing in the trial of the presumed putschists " of 8 and 9 June 2003

On November 30, 2004, the nine women, accused of " distribution of tracts " and "threats of death ", have been transferred to the women jail in Nouakchott. All authorizations of visit requested by their near have been refused. Even, Mrs. Raky Fall,

pregnant, would suffer since the beginning of her pain detention of breast illness.

The Collective of convict Families has been created in September 2003, in order to defend rights of convicts in the setting of the suit of presumed them "putschists " and to denounce their conditions of detention - these convicts would be parked in hangars, would not have right of visit, nor of access to the medical cares; besides, numerous violations have been counted in procedures. Generally these women defend the right to a fair trial in Mauritania, and call to the international norm respect concerning prison conditions

The Observatory 30/11/2004
MRT 001 / 1104 / OBS 089

**32. DEMOCRATIC
REPUBLIC OF CONGO (DRC) - 3
December 2004 : threat of arrest against
Mr. N'Sii Luanda Shandwe president of
Comité des observateurs des droits de
l'homme (CODHO), the Committee of
Human Rights Observers.**



Me N'Sii Luanda

Shandwe, defence lawyer of Bisimwa, prosecuted in the case of the murder of Laurent-Désiré Kabila, was object of threats, on December 3, 2004, during the hearing concerning the case " Public Ministry against Michel Bisimwa and others ", the Military Prosecutor declaring that the public Ministry had delivered a warrant against Shandwe in August 2003 and that it included notification of his indictment for " treason ". However, the magistrate near the High military Court explained to certain representatives of the civil society, during following interviews, that the mention of this warrant during the audience had been a mistake and that this one was not longer suitable. Otherwise, on November 28, 2004, Sii Luanda Shandwe was prevented to communicate with his client in jail.

N'sii Luanda spent three months as a prisoner of conscience between June and September 2001. He was never formally charged with any offence, but his arrest was believed to be linked to CODHO's activities on behalf of detainees who had been arrested in connection with the assassination of President Laurent-Désiré Kabila in January 2001. He was also arrested on 19 April 2002 by two officials from a military tribunal known as the Cour d'ordre militaire (COM), Military Order Court. When returning from a trip to Geneva, where he attended sessions of the United Nations Commission on Human Rights.

The Observatory RDC 004/0106/OBS 049.04
Menace d'arrestation .

33. IRAN - 7 December 2004 : Sudden deterioration of Nasser Zarafchan health



The situation of **Nasser Zarafchan**, a human rights lawyer, has seriously deteriorated, following a nephritic crisis while in detention. He was hospitalised on December 2, 2004, in the Evin prison.

According to the information received, his family and his lawyer, Ms. Shirin Ebadi, who visited him on December 6, 2004, asked for Mr. Zarafchan to be hospitalised outside the prison, but they have not received any answer up to now. While in detention, Mr. Zarafchan could rarely meet with his family.

On March 18th 2002, Mr. Zarafchan was sentenced to three years in jail by the Military Tribunal of Tehran for " weapons and alcohol possession ". He was also sentenced to two years of imprisonment for his statements to the press regarding his activity as a lawyer of the families of the Iranian intellectuals murdered by intelligence services agents in 1998.. He has been imprisoned since August 7, 2002.

Mr. Zarafchan's condemnation and detention as arbitrary, as it aims at depriving him of his right to practice his legal profession as a human rights lawyer.

This has been confirmed by the United Nations Working Group on Arbitrary Detention in a report issued following a visit to Iran in February 2003

URGENT APPEAL - THE OBSERVATORY
IRN 004 / 0012 / OBS 125.6

34. GUATEMALA - 23 December 2004 : lawyer Armando Sánchez, received a death threat

Armando Sánchez whose safety is seriously at risk following an earlier death threat, has received a death threat, on 23 December an in what appears to be an effort to force him to stop representing clients in one of several cases he has taken up, some of which involve local government officials and drug traffickers.

In August 2004 he filed a complaint against local police, alleging they had unlawfully closed a right-of-way in the town where he lives and works, Coatepeque, in the department of Quetzaltenango, in the east of the country.

After he filed the complaint the local prosecutor charged him with coercion and *incitacion a delinquir* (incitement to commit an offence). Amnesty International considers the charges to be unfounded, and an attempt to prevent him carrying out his work.

AI Index: AMR 34/003/2005
UA 05/05 Fear for safety/death threats

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Appendix to LE JOURNAL DES DROITS DE L'HOMME

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