



## **An exceptional kind of courage**

‘People who never know when they get up in the morning, what the day will bring and if they will still be alive that night and yet still be willing to put their lives on the line for others, display an exceptional kind of courage’

Testimonies from  
Human Rights Defenders  
at  
The Third Dublin Platform for Human Rights Defenders

13-15 October 2005  
Dublin Castle

## Foreword

On October 13-15, 2005, 100 human rights defenders from 70 countries met for three days in Dublin Castle, for the Third Dublin Platform for Human Rights Defenders. The meeting was organised by Front Line, with interpretation in Arabic, English, French, Spanish and Russian.

The meeting welcomed a number of distinguished speakers, including Hina Jilani, the UN Secretary General's Special Representative on Human Rights Defenders; Mr Dermot Ahern TD, Minister for Foreign Affairs of the Government of Ireland; Mr Conor Lenihan TD, Minister of State for Overseas Development and Human Rights of the Government of Ireland; Mr. Michael Matthiessen, Personal Representative for Human Rights of Javier Solana, EU Secretary General/High Representative for the Common Foreign and Security Policy; Marit Gjelten, Human Rights and Democracy Section, Norwegian Ministry of Foreign Affairs; Piet de Klerk, Ambassador at large for Human Rights, Dutch Ministry of Foreign Affairs; Michel Doucin, Ambassador for Human Rights, French Ministry of Foreign Affairs; and Jonathon Wolstenholme, Head of Public Policy, Human Rights Unit, UK Department of Foreign and Commonwealth Affairs.

There is something in all of us that responds to the bravery of those who are willing to risk their lives and freedom in defence of the rights of others. These pages tell the stories of Human Rights Defenders who struggle relentlessly against injustice day in day out and the price they pay – spurious law suits, defamation, seizure of office equipment and files, deregistration of organisation, surveillance, harassment, death threats, torture, imprisonment. And though the stories are horrific, the extraordinary moral and physical courage of each individual shines through. This individual responsibility and personal commitment is common to all those who are willing to risk so much to try to bring about a more just world.

For these reasons we have put together this collection of testimonies. We were not able to fit all the testimonies, some were delivered spontaneously in the plenary sessions. What we have included are the testimonies that defenders prepared in advance.

It is a privilege for us in Front Line to be linked to these passionate inspirational people whose awesome courage stuns us all. They affirm the best of the human spirit. In a cold cruel world they shine like a beacon and bring light and hope to the darkest corner.

Mary Lawlor  
Director  
Front Line

Some of these testimonies were delivered in Arabic, French, Spanish and Russian and their translation into English appears here. For the original version please go to <http://www.frontlinedefenders.org/platform/2338>

Algunos de estos testimonios se realizaron en árabe, francés, español y ruso. Aquí aparecen sus traducciones al inglés. Para leer la versión original en español, visite <http://www.frontlinedefenders.org/espanol/plataforma/2399>

Plusieurs de ces témoignages ont été livrés en arabe, en français, en espagnol et russe et leur traduction en anglais apparaît ici. Pour consulter la version originale en français, veuillez cliquer sur le lien suivant <http://www.frontlinedefenders.org/francais/plateforme/2400>

Некоторые из этих свидетельств на Арабском, Французском, Испанском и Русском языках а их Английский перевод находится здесь. Для чтения оригинальная версия на Русском следуйте <http://www.frontlinedefenders.org/russian/platform/2788>

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# **Abdul-hadi Al-khawaja**

## **Bahrain**



On September 2004, the Bahrain Center for Human Rights started a campaign on economic and social rights. A report on the subject was launched during a seminar attended by several thousand people. I, as the director of the center, presented a paper examining why the living conditions are deteriorating for half of the citizens of a country that is rich with oil. The paper accused the government of mismanagement and corruption, and proposed strategies to combat violations relating to economic and social rights.

A few days later, the Bahrain Center for Human Rights was closed and I was arrested. After two months in detention, I was sentenced to one-year imprisonment, but I was released the same day thanks to powerful campaigns at both national and international levels. My case was featured on local news and satellite channels and provoked a series of demonstrations and protests in Bahrain, as well as interventions by many local regional and international actors and NGOs.

Despite closure, the Bahrain Center for Human Rights continued its activities assisting the unemployed and the underpaid to form a committee, and organizing a series of peaceful protests. The authorities did not tolerate the protests and on three occasions, during June and July of this year, a military special force assaulted more than 90 protesters including myself and other activists who were monitoring the events.

On Sunday 19 June 2005, during a peaceful protest in front of the royal court, I was severely beaten by the special military force when they assaulted protesters, despite the fact that I presented my identification as the president of the Bahrain Center for Human Rights. As a result, I am still under treatment for a fracture in my upper jaw and for two damaged teeth.

Less than one month later, on Friday 15 July, I was deliberately assaulted by military special forces, before the start of a demonstration which intended to march on the House of Representatives to call for social security for more than 30000 unemployed citizens. I was repeatedly beaten on my head and back for more than 15 minutes by members of 'alsaeqa' military force who carried batons and were covering their heads with black masks. I suffered physical pain and body exhaustion for more than two weeks, and still have scars from the beatings on my body. Five other victims, including Nabeel Rajab, the Vice-President of the Center, are still under treatment.

More than ninety people were assaulted in this incident, including a minor and three women. The police confiscated and damaged the videos and mobile cameras of the participants and reporters. A film including photographs of the injured and video shots, which were taken secretly by a mobile camera, was smuggled from the scene.

The events have not yet been investigated despite national and international appeals and petitions. Nevertheless, the Bahrain Center for Human Rights and the Committee for the Unemployed continue their activities for the promotion of human rights in Bahrain with even more will and determination.

Finally, I wish to pay gratitude to all who supported me and the Bahrain Center for Human Rights, including Front Line and others whose representatives are attending this conference.

# **Aini Abukar Ga'Al**

## **Somalia**



My name is Aini Abukar Gal and I am the Peace and Human Rights Officer at the Coalition for Grassroots Women's Organisations (COGWO). I speak on behalf of Somali human rights defenders wherever they are, and in particular women human rights defenders.

During the UN Operation 'Restore Hope' between 1992-95, many hundreds of non-governmental organisations were established. Assisted by international and regional donors, COGWO was one of the first organisations involved in the humanitarian and human rights field. After the failure and the end of the program only a few committed NGOs remained operational, and formed networks and umbrellas in order to survive.

At first, it was very hard and challenging with the patriarchal society we have in Somalia, but with a lot of patience and commitment we were able to bring about a significant change in attitude towards women human rights defenders. We played an active role in encouraging women's groups and organisations in different parts of the country to come together and struggle for women's rights and as a result another two women's networks - NEGAD and WAWA - were formed. The close collaboration of these networks are central in building a new Somalia where the respect for human rights, particularly for women and minority rights, are given due consideration.

Somali women human rights defenders work under dangerous circumstances. They risk arbitrary detention, torture and killings, and illegal raids. Despite these difficulties, they have developed ways to continue their work and they have very little choice but to deal with the risk they face.

Women defenders continue to expose human rights violations through investigation and documentation, monitoring and media advocacy, and offering counseling services and limited financial support to survivors in order to facilitate their reintegration into the community.

The people recently targeted include prominent religious scholars, journalists, military veterans, intellectuals, women activists, and whoever dares to speak out about the need for foreign intervention for peacekeeping. The Declaration issued by human rights defenders at Hargeisa in February 2003 calls for an end to impunity. As a result, those

who issued the declaration risked being targeted by elected and nominated government officials who may have been responsible for the massacre of innocent civilians in the past.

During this chaotic period, we witnessed the killing of Cabdulqaadir Yaxya, the head of the Centre for Research and Dialogue, who helped various international agencies make an assessment of the situation in Somalia. Unfortunately, he became a target after his name was quoted in several reports, and in July 2005 he was killed in front of his wife by his home. Similarly, Maryan Moxamed Xuseen, who worked for International Aids-Sweden was shot on her way to attend a training workshop in Mogadishu. For unknown reasons a female British journalist, Kate Payton, was also killed in a drive-by shooting at the Hotel Saxafi, a place where a number of the new members of the Somali Trans-federal government reside. Likewise, the Italian journalist of Rai 3, Ilaria Apli, was killed in Mogadishu because she was investigating nuclear waste dumping along the Somali coast and it was feared that her conclusions would have implicated many of those in power. Starling Abdi Arush, a much-loved activist who highlighted the military embargo of Somalia, was also killed by mercenaries near her home in Nairobi, Kenya, during the process of reconciliation in Eldoret.

Since I began working in defense of human rights during the late 80s I have faced arrest and interrogation. Since I helped Radio Mogadishu prepare a programme on the death of Dr. Ismail Jumale - a lawyer and human rights activist who exposed to the international community the human rights violations perpetrated by the military ruling regime – I have had my movements restricted by officials from the national security service.

When I was working in the humanitarian division of the UN mission in Somalia, my vehicle was attacked after I refused to accept a bribe from warlords who wanted me to release funds for weapons. Four men were sent to kill me, but luckily one of them was a young man who I helped pay for tuberculosis medicines. When they attacked my vehicle I was nine months pregnant, I jumped out and ran desperately towards the sea, hiding myself there under the rocks. After a few hours I gave birth to a baby boy with broken shoulder - an ailment from which he still suffers. Some times I feel guilty that my child is suffering and unable to use his right arm properly because of my actions.

During the international women's day celebrations, I received several threatening phone calls. A message was also sent to my relatives – an action which can result in domestic violence or divorce if relatives do not accept the value of human rights work.

Psychological effects including depression, burn out, nightmares, bad concentration, hyperglycemia and hypertension are often the result of contained anger, worry and fear at the hopelessness of the situation. The international community and the United Nations seem to be only an illusion. Nevertheless, the change I have witnessed has given me the spirit to continue as a human rights defender until I die, or until I see the Somali people enjoying their basic rights.

# **Aissa Fall**

## **Mauritania**



I am honoured to be amongst such distinguished guests and thank Front Line for this opportunity. My name is Aissa Fall and I am a founder member of S.O.S. Slaves of Mauritania, responsible for education and health. S.O.S. Slaves was founded in 1995 to help slaves who are in conflict with their masters.

The Islamic Republic of Mauritania became an independent state in 1960. It has a population of 3,480,000. There are four official linguistic groups (arab-berber and negro-African) in the country, which are in turn divided into tribes and clans. From a structural point of view within society, practices of slavery still exist, as well as other kinds of discrimination and exclusion such as racial discrimination, the lower status of women and the existence of a caste system.

The country witnessed recurring racial tension in 1966, 1987 and more intensely in 1989-1990 when some of the negro-African community was deported to Senegal and Mali (125,000) and more than 500 illegal executions were carried out against this group. The perpetrators of these crimes, akin to acts of genocide, have never been pursued in the courts.

For forty-five years of independence the country has lived under a civil regime with only one established political party and a single trade union. After which the country then lived for eighteen years under military governments, with the exception of the period between 1978- 1991. In 1991 the military regime was converted to a civil regime with a disguised dictator. During this whole period, the country was subject to serious human rights violations: torture, imprisonment without trial, opponents to the regime were left in the desert, elections were fixed, newspapers were censored and the State refused to create independent radio and television, until the Coup d'Etat on 3 August 2005 when the organisers attempted to reinstate justice and democracy.

Under these despicable conditions I made a personal commitment to fight for human rights: civil, political, trade union liberties, as well as the abolition of slavery – a fate to which thousands of people are still subject. This motivated me to take part in a variety of activities: protests, sit-ins, gatherings in front of public places, activities – all of which are considered serious acts of defiance by the authorities and are often met with brutal attacks or questioning by the police.

Since 1990, I have been actively participating in protests in Nouakchott:

- Protests organised by the families of negro-Mauritanians who were victims of racist violence by the administrative and military authorities, as well as protests against the imprisonment of opposition leaders in Tichitt, Ouadane, Tamchekette and Bassiknou. At the time of these protests, women were attacked and abused by the police who sprayed us with tear gas, forced us into their cars and detained us.
- Demonstrations calling for the liberation of leaders of human rights organisations who were arbitrarily imprisoned following the screening of a documentary on the existence of slavery in Mauritania in a FR 3 French television (1998).
- Ceremonies commemorating national and international days in defence of human rights.
- Protests calling for the release of political prisoners, opposition politicians, military and Islamic leaders who have been imprisoned under falsified and arbitrary charges. For instance, this year there has been a campaign for the liberation of two women defenders and a journalist who were imprisoned for revealing slavery practices.

All the above activities have meant that my children, my family and I have faced different kinds of hardship and barriers in my professional life. In spite of the numerous incidents of harassment, intimidation, repression and socio-economic restrictions that face the defenders of human rights, I continue to fight for the protection and the promotion of human rights in my country.

I cannot finish without asking the representatives of the United Nations and Front Line to help us to make the abolition of slavery a reality by developing and implementing the body of law which already exists.

# Amourlaye Toure

## Cote d'Ivoire



President of the Ivorian Movement for Human Rights (MIDH)

MIDH was founded in October 2000 under the military junta that had come to power in December 1999 with the overthrow of the then government. The new government has since exercised its power through massive violations of human rights. Few human rights organizations existed and those that did exist were not very active, monitoring the situation passively instead.

The presidential elections of October 22<sup>nd</sup> 2000, which were based on serious violence and the exclusion of several candidates, culminated in the discovery on October 26<sup>th</sup> of the mass grave of Yopougon, highlighting the human rights violations and the impunity of the aggressors. And this situation continued in December 2000 when numerous violent rapes and murders against political activists were reported, in January 2001 during the legislative elections which brought about attempted coups and other political protests, and in September 2002 when an armed rebellion occurred which ended in a de facto partition in the Ivory Coast.

MIDH investigated all these events and continued its vigilance of the Human Rights situation. The organization has gathered more than 1000 accounts directly from victims and witnesses as well as photographic documentation. This information gathering and constant criticism of the violations has created an unsafe situation for certain members of the organization. Currently, three members are in exile and several of those who have remained have been subjected to threats and intimidation, including myself.

This presentation highlights the attacks on our freedom because of our activities in the defense of human rights and also illustrates the measures we have taken to protect ourselves.

### **Incidents perpetrated against us**

In descending chronological order:

- September 27<sup>th</sup> 2005. During a debate on German radio, Mr Pascal Affi N'Guessan, president of the ruling FPI party (Ivorian Popular Front) reacted to an intervention by the president of MIDH by alleging that the organisation and its president were an 'offshoot of G7', a coalition of Ivorian opposition.

- July 2005. During search operations, members of the Ivorian Defence and Security Force fired a shot at the entrance of my home. According to a neighbour who witnessed the event, the people (who were wearing military fatigues) discussed whether or not to force the door but decided to do so 'later' and retreated.
- April 13<sup>th</sup> 2005. Meite Namory, my superior was abducted from outside his office at about 5 pm. His body was found the following day far from his car having been tortured and shot multiple times.
- March 2005. A second email is received with precise details on my home and car. Members of MIDH, accused of being foreigners or descendants of immigrants are threatened with murder.
- January 2005 (ongoing). An email is received by the organization. The authors accuse MIDH members of not caring about the lives of people living in the north of the Ivory Coast. They promise death to militants of the organization in revenge for the injustices done to people in the west of the country.
- January 10<sup>th</sup> 2005. The headquarters of MIDH is once again forcibly entered by a member of the overthrown political party accompanied by persons presenting themselves as policemen. They confiscated mobile phones and threatened staff. The president of MIDH notified the police station and the aggressors were caught. In fact, they were not policemen but only posing as such. Although scheduled to be brought to court the following morning, all detainees were inexplicably freed during the night.
- Mid November 2004. In the absence of the president, the headquarters of MIDH were forcibly entered by four individuals claiming to be legal representatives of the former president who is in exile. They stated that they had come to take over the offices. Having threatened those present, they promised to return the following day.
- November 2004. When the ceasefire was broken by government forces and anti-European violence at Abidjan, the Centre for the Promotion of Non-Violence and Democratic Culture (CNVD) was forcibly entered by two men in the uniform of the National Armed Forces of the Ivory Coast. Arriving on a motorbike and armed with Kalashnikovs, they got the guard to open the office in order to verify that there were no MIDH members present. The leader of Jeunes Patriotes (an organized and violent group that is close to the ruling party) denies the MIDH report on these events.
- October 2004. While participating in a conference in Nova Scotia, Canada on peace-making operations, I was summoned in the middle of the night by representatives of the Ivorian Defence and Security Forces (who were also attending the conference) and ordered to account for giving information on the human rights situation in the Ivory Coast.
- June 2004. Following a public declaration made by MIDH denouncing the serious human rights violations as well as the internal rivalries in the armed *Nouvelles Forces* movement which has resulted in several deaths, president Touré received several 'forceful' telephone calls questioning the content of the declaration and casting doubt on the investigative methods of the organization.

- April 2004. While caution is the order of the day for all members of MIDH, a representative of the UN's mission in the Ivory Coast organized an interview between an MIDH member and a French newspaper. Fear of publishing the article was so great that the newspaper did not go ahead with it.
- March 2004. After the release of an MIDH report on the serious human rights violations (about 200 deaths according to MIDH and 120 according to the UN) and a protest by the opposition party in Abidjan on March 24<sup>th</sup>, a military plot to assassinate me was revealed at the same time as attempts were being made by the authorities to establish contact with the exiled former president. Unexplained visits forced MIDH members to close the offices for several days and president Touré fled the country with the support of the French section of Amnesty International.
- May 2003. One of MIDH's investigating officers is forced into exile due to frequent threats after his participation in an Amnesty International enquiry in Abidjan.
- April 5<sup>th</sup> 2003. MIDH headquarters are attacked by two armed individuals in civil clothing. They vandalize the furniture and take documentation after threatening an administrative assistant with rape 'if only she were younger'.
- March 2003. The then Minister for Justice (currently the spokesperson for the President of the Republic) published a declaration accusing MIDH of being 'a branch of RDR (the opposition party)' and urging the international community not to give credence to the assertions made by our organization.
- February 2003. Following research on the 'death squads', the former vice-president is forced to flee the country following threats to himself and his family.
- January 2001. Following public condemnation of targeted assassinations and rapes committed during a political march of RDR (the opposition party), former MIDH president goes into exile.

### **Measures taken to improve the security situation**

Several successful steps have been taken to protect the members and assets of the organization:

- Documents and other material have been transferred from the headquarters of the organization and in periods of socio-political unrest where threats have been made, we have closed the headquarters.
- Abandonment of our homes in periods where public statements have been made condemning human rights violations that are currently happening.
- Prolonged stays abroad where direct threats have been made (like in April 2004).
- An introduction to our work practices given to the administrative authorities and the Defense and Security Forces in order to create mutual understanding and to alleviate the mistrust.
- The Constitution of a coalition of NGOs to avoid confrontation with the Authorities (Regroupement des Acteurs Ivoiriens des Droits Humains: RAIDH).
- Collaboration with the High Commissioner of Human Rights, FIDH, Amnesty International, International Courts of Justice, the UN mission in the Ivory Coast.

All of these have already intervened to protect our security mostly when urgent appeals have been made.

- Public criticisms have taken a more moderate form and more members have been involved in this so that that negative exposure is more evenly distributed and the President is not over-exposed.

## **Conclusion**

The events referred to in this report indicate that threats to the security and independence of Ivorian Human Rights defenders take different forms and implicate members of the Defense and Security Forces as well as violent civil groups (Jeunes Patriotes) and members of the ruling party as well as members of the opposition.

Bearing in mind these different sources of danger, the most unexpected problems have been the attempted infiltration of MIDH by the political opposition, both former members living abroad and the legal office on the ground, who are battling for legitimacy as well as the harmful role played by certain members of the United Nations mission in the Ivory Coast.

In any case, one of the most important challenges facing African Human Rights Defenders in the coming years will be autonomy which will be achieved through a minimum of well-trained staff and regular financial aid as well as by beginning to professionalize the work we do.

# **Appakutti Magimai**

## **India**



I am Appakutti Magimai. I hail from a poor Dalit family in Arakkonam, a small village in the Vellure District of Tamil Nadu, in South India. I am a Coordinator with the Tamil Nadu Dalit Women's Movement (TNDWM), a state forum which acts as a platform for Dalit women to address their rights. Being a Dalit woman, as well as a defender of the rights of Dalit women, I have faced several hardships and I have been harassed by police, politicians and members of the dominant caste. This testimony is a description of only one of the many tribulations that I underwent while upholding the rights of the Dalits.

Rangapuram is one of the small remote villages of the Tiruvallur district, in Tamil Nadu, where over 100 families live. The Dalits number only twenty-five families. Being landless, the Dalits have traditionally depended on the majority, non-Dalit caste for employment and for their survival. Taking advantage of this situation and the caste system, the non-Dalits make the Dalits to do menial jobs, while the non-Dalits treat them as untouchables and perpetrate atrocities against them. Their work is not adequately compensated, and they are paid very low wages. The Dalits have born these humiliations and sufferings in silence.

The village has a primary school, situated in a common place, to which the non-Dalits have easy access. The Dalit children have access to the school, the main road and the neighbourhood only through a pathway; that has been used by the Dalits for more than forty years.

The Society for Rural Education and Development (SRED) has motivated Dalits to organize themselves as one group. Enraged and infuriated by this movement, the non-Dalits have obstructed and closed the public pathway used by the Dalits, forcing them to walk extra miles in order to gain access to the services and the main road. For the little Dalit children it became extremely difficult, as they could not walk the long distance safely. Hence the children had to stay away from the school and their studies. The other caste people stopped employing Dalits in their fields, forcing women and elders to travel extra miles to find employment.

The Tamil Nadu Dalit Women's Movement (TNDWM) challenged this action. The officials were approached and they convened negotiation meetings with the other caste people and the Dalits. There were three such negotiations but they failed to open the pathway. Since the officials were supporting the non-Dalits, the TNDWM accused the officials of discrimination and denying justice to the Dalits.

Immediately the TNDWM formed a delegation under my leadership, consisting of seven members, eight Dalit women and five children and from the village. The delegation was to meet the President of India who was visiting the near by town Kancheepuram. On our way to Kancheepuram the police detained us. I and other women were stripped of our clothes in the presence of male police. We were made sit in front of everybody in the police station with only our inner garments on. The whole night we had no food, water or sleep.

I was severely beaten by the police. The male police officers ridiculed my body, shamed and humiliated me. I bore the suffering for the cause of the Dalit women.

Later, we approached the Human Rights Commission and the SC/ST Commission and pleaded for justice. Thanks to their intervention the inspector of police involved was temporarily suspended. The representative for the district was asked to pursue the issue of the pathway through Rangapuram village. As a result, the land where the pathway is has been acquired by the government and the process of building a new, permanent road is underway.

Though our struggle has borne fruit, but I cannot forget the price that I and other defenders had to pay.

# **Artur Sakunts**

## **Armenia**



To fully understand the human rights situation in Armenia it is not enough to merely present the facts and the incidents of human rights violations, which are widely documented by Amnesty International, Human Rights Watch and the Helsinki Federation for Human Rights. It is much more important to outline the general situation and context in which the human rights abuses take place.

There is no independent legal system in Armenia. Judges are appointed to carry out their duties under the leadership of Robert Kocharyan, the illegitimate President, whose election in 2003 was recognised as corrupt by international and local observers. Armenia is a country where corruption has infiltrated government structures at all levels, abuse of office is commonplace, and bribery is completely normal.

After Armenia entered the Council of Europe in 2001, it was expected that the human rights situation would improve. However national legislative changes, in accordance with minimal human rights standards, were only introduced half-heartedly, which led to them becoming discredited by European institutions and the general public. Considering the traditional Soviet-style government and the authoritative nature of its structures, there were already few guarantees against human rights abuse. The problem is not so much that human rights have been abused, but rather that there are no practical or legislative means to restore denied human rights. This has led to a widespread mistrust of the legal system, the public prosecutor's office and other authorities, which has contributed to a deeper feeling of apathy and insecurity among citizens.

Today, under the Soviet 'Code on Administrative Offences' it is possible to arrest 'undesirables', or opposition members. To date, there has been no investigation or conviction for the massacre of hundreds and thousands of citizens who were killed by police while taking part in peaceful demonstrations during April 2003 and 2004. The reports of journalists who witnessed these events have remained unheeded. Similarly, there has been no exposure of the criminal acts which brought about the death of well-known human rights activist and opposition member of parliament, Ashota Manucharyan. Our situation is similar to that of former Soviet states, where people enjoy a sort of artificial freedom, which is taken away once anyone tries to express an opinion that differs from that of the official position. This has also influenced on the practices of the SMI press agency. All forms of electronic media, operating at a national level are fully controlled by the authorities. Local independent operators have some freedom, until they broadcast something which affects the police, procurators or other local officials. Only

when people attempt to openly criticize the regime is the true state of the legal system in Armenia properly exposed.

A person can often become 'non-existent'. At the moment, there are legal proceedings taking place against three young servicemen (Araik Zalyan, Razmik Sarkisyan and Musa Serobyan) who have been accused of murdering two colleagues by the military prosecutor, Gagik Dzaangiryan. During the preliminary investigations, conflicting evidence was presented by investigators and military police, and threats were made to the defense lawyers, but the judge failed to take action or respond to the complaints. In addition to this affair, there also exists a letter from the Ministry for the Protection of Nagorno Karabakh to the military prosecutor of Armenia, requesting that criminal acts committed in the division of a certain commander not be exposed on the grounds that he is a 'National Hero'! Why were concerns not raised by the investigator or the judge or the commander in question? Moreover, witnesses have stated that the commander himself killed two servicemen, but who is interested in that? The reality is that the judge will simply carry out the orders of the military prosecutors.

This is a concrete example of the real human rights situation in Armenia, a country that is a member of the Council of Europe!

# Badri Khanal

## Nepal



I recall the years when democracy prevailed in my country, Nepal. It was an era when SARWANAM theater group traveled to every nook and corner of the country staging drama which advocated for democracy and human rights.

The Panchayat system of politics and single party autocratic rule was in place in Nepal. The King was the supreme leader, placed above the country's constitution, and he nominated his well wishers to run the state affairs. Political parties were banned and the authoritarian regime did not tolerate people expressing pro-democracy views. Under these circumstances, a small group of students from Tribhuvan University decided to use theater to raise awareness and advocate for democracy. Speaking in favour of human rights was designated a crime against the state and so the political activists worked 'underground'. To dodge punishment, the group emphasised that drama was a means of entertainment.

However, stage drama was expensive and limited to the urban elite. Recognising that its advocacy for democracy should reach the people at large, SARWANAM for the first time in Nepal started street theater. Thus, started SARWANAM's journey for democracy and human rights: a project which has reached the busy streets of Kathmandu, the muddy roads of remote villages and the open fields of rural Nepal.

But the journey was not an easy one. Before each daily production, SARWANAM had to send the script to the Zonal Chief Office. Despite the censorship, SARWANAM members were able to convey their messages through gestures and satirical expressions. When their activities were reported to local administration offices, problems began to arise and some actors were even imprisoned.

Ironically the actions of the authorities only served to raise morale and increase motivation amongst the actors. When the police detained actors, substitute actors stepped in. In 1986, irritated by SARWANAM's persistence, the authorities banned the group from appearing on state-owned Radio Nepal and Nepal Television.

Despite the State's resistance, SARWANAM continued staging drama and earned recognition from the highest echelons of the administrative and political leadership to the lowest sections of the society. In 1990, the Panchayat regime was overthrown by the Popular People's Movement, and a multiparty democracy was established. SARWANAM shifted its focus solely to human rights. Each year, a nationwide drama festival on human rights was organized together with Human Rights and Peace Society (HURPES) and

Amnesty International – Nepal. In 1999, when SARWANAM went on tour (staging shows in 40 of the 75 districts of Nepal), Maoists threatened to kill its actors, myself included. The Maoists accused SARWANAM of trying to give the wrong impression about their peaceful revolution. The death threats forced SARWANAM to abandon the tour.

There are several reasons to target and ban SARWANAM. In particular, the intelligentsia, civil society and general public recognize the important contribution of SARWANAM and the ability of its message to motivate others. Moreover, the government administration has always been unhappy with SARWANAM as it exposes the wrongdoings of the state machinery regarding human rights and democratic norms.

Since 1992, SARWANAM has staged almost twenty productions written by prominent human right activist, Mr Krishna Pahari. However, since the royal takeover on 1 February 2005, during which the king sacked the government and assumed power himself, SARWANAM has not been allowed to operate outside the capital city.

The royal government has passed a new decree to tighten and curb the functioning of NGOs. This move has threatened the very existence of several grassroots organizations. Similar restrictions by Maoists have prevented NGOs from running programmes and campaigns at the village level.

Despite ongoing threats and restrictions, SARWANAM is organizing a nationwide drama tour beginning November 2005. The tour will focus on raising morale among those affected by the recent conflict. We know there are threats from the Maoists. The totalitarian government is bound to be equally unhappy. This will be difficult journey. We know it. But still we have decided to go on tour, even if that means putting our lives at stake. We take pride in our efforts in favour of democracy and human rights. Let me add here, your good wishes and voices will give an additional boost to our endeavour. Your humane voices and support will create more noise than all the guns put together.

# **Beatrice de Carrillo**

## **El Salvador**



The Human Rights Ombudsman's office in El Salvador was created in 1992 as part of the Peace Accords. After ten years of conflict, the creation of the office constituted an important step towards peace.

According to Article 194 of the Constitution, the mandate of the Ombudsman's office includes monitoring and reporting on the general situation, providing protection for victims and increasing the promotion of human rights.

During its first years in operation, the Office of the Ombudsman suffered from serious corruption and incompetence; a crisis which resulted in the dismissal of the former Ombudsman.

The institution's failure to protect and defend human rights was globally exposed.

With the election of the current incumbent a new phase of internal re-organization of the mandate of the Ombudsman has begun. With great public support and with the backing of nearly all parliamentarians, Dr Beatrice Alamanni de Carrillo was elected Ombudswoman in June 2001 and re-elected in 2004.

However, considering the visible deterioration of economic, social, cultural and individual rights in El Salvador, the Ombudswoman has encountered numerous difficulties in undertaking her duties, particularly by those who perceive her work as 'dangerous' or 'tiresome'.

Since 2001, a series of attacks of a particular nature have begun and are intensifying against the person of the Ombudswoman in particular, and against the institution of the Ombudsman in general.

The nature of these attacks and intimidations range from making attempts on the life of the Ombudswoman (in different situations), carrying out defamation campaigns in the media, blocking information about her work and placing significant limits on the institutional budget received by the Office, which is currently the lowest in the State.

Following the distribution of several reports highlighting issues of serious social concern, including those which allude to the possible return of death squads, the attacks against the Ombudswoman have worsened. A defamation campaign which criticises the institutional management of the Office is only one example of the way in which the honour of the Ombudswoman has been arbitrarily attacked.

On several occasions, some Parliament members, clearly acting under orders, have taken the extreme decision of calling for her dismissal. Fortunately, to date, other Parliamentarians have rejected this call.

It is important to note that, throughout the years, international attention and solidarity for the Office of the Ombudsman has been manifested in different ways. For instance, the recent visit of a high level UN Commission to El Salvador to study the situation further and to reiterate support for the Ombudswoman.

We finish this testimony, requesting human rights defenders to remain in solidarity and remain aware of their own safety in light of the serious attacks and intimidation of the Ombudswoman of El Salvador.

## **Bill Shaw**

### **Northern Ireland**



I feel something of a fraud standing before you having listened to the stories of struggle for the most basic human rights which are taking place around the world.

That said, I welcome the opportunity to give you a personal perspective on the situation in Northern Ireland and the work of human rights defenders like myself.

The ‘Troubles’, as they are often referred to, at least their current wave, began 40 years ago and were sparked off by a plea for human and civil rights from the ‘minority community’ in Northern Ireland – Catholics who felt disenfranchised and discriminated against. That plea - both dignified and restrained – fell on deaf ears until it became a ‘roar’ that could not be ignored.

A lot has changed in 40 years, but we continue to live with the legacy of ‘the war’, the ‘Troubles’, and violence still erupts periodically and sporadically and there are *still* concerns for human rights issues. The irony is that it is now the Protestant community, the ‘majority’ (but only just), who feel disenfranchised – it’s a complex situation!

One thing that is all too clear – Northern Ireland is a polarized, segregated and deeply sectarian society. Nowhere is that more evident than in that part of North Belfast where I live and work where there are a maze of so called ‘Peace Walls’, dividing Protestant and Catholic communities and keeping what is often seen as (and often is) ‘warring tribes’, apart.

The 174 Trust, a Christian community development organisation, is based in a suite of buildings formerly occupied by a Presbyterian congregation. It is in these old buildings that we have established an ‘oasis of calm’ at the very epicentre of the violence, located in the heart of ‘murder mile’ where something like twenty-five percent of all murders and ‘troubles’ related deaths occurred between 1970 – 1994.

As a Protestant cleric, a Presbyterian Minister, I have been the Director of this non-denominational project which works in a Catholic neighbourhood for more than seven years. We are presently catering for around 800 people every week, both Protestant and Catholic, by means of a whole range of activities and programmes which aim to meet all sorts of needs, from Alcoholics and Narcotics Anonymous, to Irish dancing and childcare. These needs are met on an inclusive ‘cross community’ basis where Protestant

and Catholics, who might not otherwise meet, come into contact and form friendships – ‘peace building’ one person at a time!

In all our activities, our stated aim is ‘Building Peace and Promoting Reconciliation’. Reminding *both* sides that ‘rights’, human and civil, always carry an attendant ‘responsibility’ (to respect the ‘rights’ of others) and we can only reasonably demand the former when we acknowledge the latter.

When that happens, and only when that happens, will we have a stable, peaceful, tolerant *and* inclusive society.

We’ve still some way to go, but the example of human rights defenders around the world, particularly those here today, inspires, informs *and* encourages ‘Peacemakers’ in Northern Ireland to press on towards that goal, and so on their behalf, ‘Thank You!’

# Fr. Brendan Forde

## Colombia



When I was in Central America there was a villager who said to us: When soldiers burned our village they said this is the law, so I thought the law meant the right of the army to kill us.

Anil's Ghost by Michael Ondaatje.

I live in Colombia and I am a member of a Franciscan itinerant community which accompanies the victims of violence and intimidation by different armed groups. For the past year I have lived with the Kogi indigenous people that inhabit the Sierra Nevada in the north of Colombia. The Kogi are profoundly spiritual. The Sierra where they live is the first creation of La Madre, the religious leader of the Kogi. The Sierra is the origin and centre of the rest of the world, and they the Kogi were created to protect it. In their hills live the 'Mothers and Fathers' of all existence, hence the harmony of the whole cosmos depends on the care and veneration they give to the Sierra. They are responsible for the whole world. They are our 'Older Brothers and Sisters' and only they have the wisdom to carry out this responsibility. They say when the last Kogi dies, the cosmos dies also. When the Spaniards arrived 500 hundred years ago they numbered 300,000 but now there are about 5,000 left.

Two years ago the armed groups invaded their mountain. The Farc, the left-wing guerrilla army, prevent the Kogi from going to their sacred places, where they listen to La Madre and discern what she wants them to do. Likewise, the AUC, the rightwing paramilitary group and the allies of the government army, control the foot of their mountain and stop food supplies reaching the community. They have killed six Kogi this year. When one of the Kogi protested to the leader of the paramilitaries he was told 'We have a right to kill Indians'. Ironically, the Kogi call us, the white people, 'the civilized'.

In this conference, it has been mentioned that women and children are particularly vulnerable to human rights abuse. I would like to put on record that in all my years, having lived in various countries and with different ethnic groups, I have never met a people who treat their children with such respect and gentleness. They never raise a hand or a voice to them and although they are very poor materially they are the happiest children I have ever met.

Colombia has good laws to protect the indigenous. The problem is they are not put into practice. Laws are very strange. They all depend where you are looking at them from.

When laws are promulgated in the stately buildings of the great cities they can appear very reasonable and just. When they arrive at the villages and mountains they are usually accompanied by machine guns and bayonets. Laws for the poor mean that the army has the right to take their lands and kill their people. A piece of paper written in some unknown city has more power than the existence and permanence of a people who have lived on their land for over a thousand years.

Recently there has been much talk of the Kyoto Treaty and the protection of the environment. Much money and time are spent on meetings. Here in Colombia the Kogi people sees this not as a task, but as the whole purpose of their lives. Their mission is to make sure they respect creation so that there is peace and harmony in the whole world. For them there is no material gain. They do this for all of us. And now we the 'civilized' are killing them.

I leave the last word to one of their leaders Jose Gabriel Alinako:

You the whitemen are destroying the earth which is our mother. You are destroying the lakes, the rivers and the trees. You are poisoning the air and killing the animals and now you are killing us. Who is going to defend our Mother? Who is going to defend us?

# Charm Tong

## Burma



I am Charm Tong. I was born in the Shan State, in northeastern Burma, where civil war and oppression by the Burmese military regime has been continuing for over half a century. I'm only one of hundreds of thousands of Shan refugees who have fled to Thailand. I have been living in a refugee community on the Thai-Burma border since I was six years old.

As a Shan refugee, I have witnessed and experienced the suffering of the Shan. I began working on human rights and advocating on behalf of Shan refugees when I was sixteen.

Since 1996, following a massive forced relocation program by the Burmese military regime, the rural areas of the central and southern Shan State have become completely depopulated. 300,000 villagers from 1,400 villages were forced from their homes at gunpoint. People found hiding were shot on sight, tortured or raped. Yet, the Shan villagers in exile in Thailand are not recognized as refugees by UNHCR and do not receive protection or support for their basic needs. Many have been forced to subsist as illegal migrant workers, with limited access to health care, education, and legal employment. Women are vulnerable to sex trafficking. All risk forced deportation or detention by the Thai authorities.

The military regime continues to build up its army in the ethnic communities of Burma, and the troops continue to commit widespread human rights violations against the ethnic peoples, including forced labour, land confiscation, extortion, extrajudicial killing, torture and rape. Political repression is also worsening. Earlier this year thirty Shan opposition leaders inside Burma were arrested. Those leaders included Hkun Htun Oo, chairman of the Shan Nationalities League for Democracy (SNLD) which won the highest number of seats in Shan State in the 1990 election. He remains in prison today. These arrests are a clear sign that the regime is becoming increasingly intolerant of any political dissent, and is ruling out any possibility of a peaceful negotiated settlement, not only with Daw Aung San Suu Kyi and her party, but also with the elected representatives of the ethnic peoples in Burma.

As a result of the lack of recognition of Shan refugees, and the general intolerance of Thai authorities towards Burmese activists, I have faced many limitations and threats in working to promote the education of youth from Shan State. I have been able to make

public appearances at international level, but I have often not been able to do this in Thailand, as I have to be careful not to anger the Thai authorities, who are worried about upsetting the Burmese military regime.

In March 1999, with other Shan refugee women, we founded a formal network, the Shan Women's Action Network (SWAN), to address the practical needs of Shan women and children, and to advocate for greater protection. Through action-oriented research-papers and reports, SWAN has been monitoring, documenting, exposing and advocating against ongoing systematic human rights violations by the Burmese military regime, including state-violence against women.

In 2002, SWAN and the Shan Human Rights Foundation released a report, 'Licence to Rape', which documented 173 incidents of sexual violence, involving 625 girls and women, committed by Burmese army troops in the Shan State, between 1996 and 2001. The report triggered an international outcry. At the same time, the Burmese state-run media began publicly denouncing the report and attacking the authors, accusing them of being terrorists and drug-traffickers.

Rumours were circulated and anonymous e-mails were sent to SWAN members stating that a price had been put on their heads, and a gunman hired to assassinate them.

Like the many other activist organisations from Burma based along the Thai-Burma border, SWAN has relied on tolerance from the Thai authorities to survive. The Thai authorities declared that the publicity generated by the report was 'obstructing relations between the Thai and Burmese governments'. The Thai authorities ordered SWAN to close in September 2003. Today, SWAN has been forced 'underground', and cannot operate openly. The SWAN centre has had to relocate several times. Staff keep a very low profile. SWAN members, many of whom lack legal status in Thailand, live in fear of raids by the Thai authorities, and of deportation back to Burma.

# **Chea Mony**

## **Cambodia**



In January, the killing of the trade union leader, Chea Vichea, stirred wide-spread public condemnation after the government initially failed to accept that the murder had been politically motivated. A few days after the killing, the authorities published a description of suspects, disregarding information received from eyewitnesses. Arrests followed, but human rights groups claimed that the real perpetrators were not targeted. Investigations by human rights groups have indicated that the suspects were subjected to torture and forced to confess to the crime. Relatives and villagers who claim the suspects' innocence have been threatened and forced into hiding. To date, the government has failed to prove the guilt of the suspects, and killings and attacks against trade union leaders continues.

Poor working conditions, low wages and benefits, unsecured tenure for work and redundancies, only serve to intensify the struggle of trade unions. Coupled with food shortages, drought, and gasoline prices; people have resorted to protests and demonstrations to call the government to action. However, since the riots against Thai embassy and businesses in January 2003, the authorities have imposed strict restrictions on the Cambodian people's right to peaceful demonstration. The government has denied almost all requests and it has resorted to violence to stop those who defied the 'no permit, no demonstration' policy. Many civilians have been reported injured following violent dispersals and forced arrests.

Civil and political rights have been persistently violated by law enforcement officers who abuse their authority. Many cases have been reported of police, military police and soldiers continuing to use torture, physical violence and threats against criminal suspects to force them to admit to crimes which they have not committed. Arrests without warrant, ill-treatment and detentions exceeding the legally allowed duration are common. In many of these cases, corrupt officers demand money from arrested persons in exchange for their release or for offering not to bring their case to court. Conversely, in other instances, police pay victims not to pursue their complaints in court.

Government bodies responsible for protecting and promoting human rights remain ineffective. The court system remains weak. The lack of independence, incompetent judges, and corruption, plus weak law enforcement and impunity, ensures that justice remains entirely denied, or at best, delayed. Laws which can be used against rights offenders have many loopholes and inconsistencies. Similarly, some provisions which protect defendant's rights are not applied. Desperate people who have lost faith in law enforcement and the justice system have resorted to mob killings and violence against

those who are caught red-handed committing criminal acts. In some cases, police officers are almost helpless to prevent the people from doing so.

Despite signing international human rights laws, the government has still generally failed to respect and protect the civil and political rights of the Cambodian people, and in particular, of human rights defenders who openly criticize. Incidents of violations, such as summary killings, physical assaults, unlawful arrests and detentions, torture and physical abuse of arrested persons, neglect of the rights of defendants, intimidation, unlawful destruction of properties, violent evictions and dispersals of demonstrators, continue to occur. Since the elections in 1993, there have been numerous incidents of human rights violations, especially in the run-up to local and national elections.

In 2003, Monk Sam Bunthorun, President of the Country Buddhist Meditation Center of Oudong and Om Rathsady, Senior Advisor with FUNCINPEC were both shot. In 2004, Lay Kong, Meas Ret and Nget Sokly, together with two other Sam Rainsy Party members, were killed. Similarly, Ros Sovannareth, trade union leader, and Prak Choeun, FUNCINPEC activist, were shot. In addition, Sam Srey Mom, Vice-president of FTUWKC, and other members and representatives were threatened. At several factories throughout the country, trade union leaders were assaulted and/or threatened.

Human rights groups have repeatedly produced recommendations to improve the situation of human rights in Cambodia. Apparently, these recommendations fall on deaf ears. Since 2004, FTUWKC has filed sixty complaints of serious violations by factory owners of labour laws and of various ILO conventions but no government action has been taken. Police continue to clash violently with peaceful strikes.

# Cliver Rocha

## Bolivia



CEJIS is a non-governmental organisation, founded in 1978, which aims to defend the human rights of indigenous communities with ties to the land and territory in the low-lying regions of Bolivia. In this region, society is defined by an elite who monopolise the economic and political power and control the land, to the detriment of the indigenous people.

Between 1998 and 2005, the amount of violent acts committed in order to hinder our work has increased. The acts include physical attacks, death threats against officials, detentions and kidnappings, raids on offices, damage to property and theft of equipment. Victims include Francisco Romero, Leonardo Tamburini, Tomás Véliz, Javier Aramayo, Cliver Rocha, Carlos Romero, Mónica Lijerón, Ignacio Franco, César Blanco, Mabel Herrera y Zulma Soto.

The processes of granting land titles and re-titling the Northern Amazonian indigenous territories have been met with open opposition, violence and hostility from farm owners (both rubber and nut producers), timber merchants, interest groups and ranchers. The state has shown negligence and indifference towards these activities.

In March-April 2003, the Riber Rejas family, which wanted to remove the indigenous Tacana people from their historical territory of Esperanza, attacked the lawyer, Cliver Rocha, on two occasions and threatened to kill him if he did not leave the city.

In January 2005, a group of thirty people from ASAGRI (Ranchers and Foresters Association) carried out a violent raid on our office, taking books and documents and burning them in the doorway. They also threatened all the officials present and left a message stating that they were looking for Cliver Rocha so they could burn him alive. The president of ASAGRI gave both oral and written statements claiming responsibility for the events, reiterating the threats and extending them to other human rights NGOs in the region.

These events were reported to the international community, the Bolivian state authorities, the Public Ministry and Bolivian magistrates.

The state has not guaranteed the life protection and safety of the CEJIS officials. Prosecutors and magistrates are openly biased and refuse to deliver a swift and proper justice. Instead, they prefer to allow the conspirators and actual perpetrators to go unpunished.

For this reason, faced with the imminent risk, the Inter-American Commission on Human Rights passed precautionary measures in March this year. Although this reputable and respected international body has granted protection measures, the conflict and threats have increased and the visibility of illegal groups and the openness of their declarations has also increased. Meanwhile, the state ignores and allows these events to happen.

If this tendency continues, it is predicted that the situation could result in new attacks and bloodshed, not only against CEJIS officials, but also against the indigenous people themselves who have also been threatened and attacked on several occasions.

# Donna Rumbrar

## West Papua



The year 1983 marked the beginning of the human rights movement in West Papua. It began with the murder of Arnold Clemens Ap, cultural observer and human rights defender. He was arrested on 11 November 1983 by Indonesian military and five months later, while still in custody, he died. The Kopassanda, the TNI special army, tortured him to death. Throughout the decade, there were several more cases which pushed people to establish human rights institutions including LBH Papua, Yayasan Pengembangan Masyarakat Desa (YPMD) (formerly known as Irja Disc), ELSHAM (Lembaga Studi dan Advokasi Hak Asasi Manusia), and Lembaga Pengkajian dan Pemberdayaan Perempuan dan Anak Papua (LP3AP); an organisation working on women and children. Since these movements were established, human rights defenders have faced intimidation and threats from national security officers, especially from the Kepolisian Negara Republik Indonesia (POLRI).

LP3AP works on advocacy. LP3AP is a partner of other national NGOs including the National Commission Of Women in Jakarta.

Standing before the Third Dublin Platform, I want to say that ‘When we Papuans, men and women alike, become human rights defenders we always face imminent death’. I would like to highlight several important cases in which Papuan women human rights defenders are arrested and subsequently die while in detention. LP3AP works on the issue of violence against women and offers assistance to the victims of domestic violence by partners and family member, as well as victims of institutionalised violence by the state. All activities carried out by LP3AP at a local, national or international level are monitored by police/military intelligence. Normally the intelligence officials ask NGOs to ignore women who claim to be victims of violence. Papuan police have interrogated several women defenders working at the NGO level. The most common charge is ‘Makar’, or ‘rebellion’ and is frequently leveled at women who call other women to action.

- Yohanis Bonay, lawyer and ELSHAM director, was arrested and interrogated by police. They accused him of slander towards the TNI during investigations into the kidnapping and killing of Theis H.Eluay, the leader of Presidium Papua.
- Fredy Sapary, ELSHAM member, was arrested. No explanation was given.

- Yan Ch. Warinusi, lawyer and LP3BH director (a partner organisation of ELSHAM), was threatened by the Commander of Sabara Police in Manokwari on 21 June 2001.
- John Rumbiak, ELSHAM supervisor, was tortured by police in Manokwari after recruiting human rights volunteers in the area.
- Hubertus Kwambre was the victim of death threats from members of the Kopassus after he offered to volunteer with ELSHAM.

A number of women human rights defenders have also been the victims of violations:

- Zandra Mambrasar and Ronald Tapilatu, both members of ELSHAM, were accused of slander towards the Indonesian Police while investigating cases of human rights violations by leading police officials.
- Paula Makabori, ELSHAM volunteer, was the victim of death threats after investigating of human rights violations in Timika. Today she lives in constant fear of the Badan Intelijen Indonesia (BIN) or the Indonesian intelligence.
- During the sixteen days of action campaign organised by the National Commission for Human Rights, human rights defenders were the victims of various acts of harassment and intimidation. In particular, police enquired about the proposed schedule, as well as about the organisers, speakers and participants at different events.
- Helene Marani, YPKM volunteer, was a victim of police violence who subsequently died in custody in Kopolresta Jayapura, in West Papua.

In West Papua, people are not aware that human rights defenders require protection. The work of defenders and the risks they face are not widely recognised. Most defenders work on human rights cases in the hope of improving the level of justice, democracy, law and human rights enjoyed by citizens in West Papua. More often than not, defenders fail to examine the dangers to their own human rights, including torture, arrests and intimidations. It must be acknowledged that the situation for human rights defenders in West Papua can find some parallels with Aceh, in both regions the perpetrators of violations against defenders are military, police, government, and/or civil officials. Under these circumstances, it is important to provide training for human rights defenders.

# **Etsri Clumson-Eklu**

## **Togo**



CLUMSON-EKLU Etsri Siméon is Vice-President of the Togolese League for Human Rights, LDTH, and is responsible for the coordination of activities in the area of defence and protection of the rights of the citizen. The LDTH is an organisation which is concerned with campaigning for the protection and defence of basic rights and freedoms.

Human rights defenders currently face a hostile political situation in Togo which has been under the rule of a Military Dictatorship for almost 40 years. This has been characterised by a continual disregard for human rights. They are subject to threats, harassments and death due their human rights work.

President of Front Line, Director of Front Line, Representative of the Irish Government, United Nations High Commissioner for Human Rights:

First of all, allow me to convey the best wishes of the brave members of the The Togolese League for Human Rights. The Togolese are pleased with the good relationship and solidarity which unites Front Line, the UN High Commissioner for Human Rights and the LTDH. More than ever, now is the time to strengthen this relationship due to the horrible, dramatic and inhuman transformation that has been taking place in Togo since February 5<sup>th</sup> 2005. I am speaking, of course, of the extreme violation of rights and the strategy of terror that have marred Togo since the run-up to the controversial presidential election of April 24<sup>th</sup> 2005.

These terrible transformations are the unfortunate consequences of the Togolese People's fight for freedom. Democracy, a legally constituted state and human rights exist only on paper in Togo.

Our report today will be concerned with presenting the LTDH; my country, Togo; and the difficult conditions in which Human Rights Defenders live and the risks that they and their families are exposed to.

### **Presentation of LTDH**

The Togolese League for Human Rights or the LTDH is a private, apolitical, non-profit organisation that was created on July 20<sup>th</sup> 1990 by a group of lawyers, university professors, doctors and other members of civil society. The League aims to contribute to

the creation of a legally constituted state in Togo via the promotion, protection and defence of Human Rights.

It is noteworthy that the LTDH is the first private Human Rights organisation in Togo after the National Human Rights Commission. In its ten years of existence, LTDH has not been swayed from its mission – promoting respect for Human Rights in Togo.

At this crucial point in the socio-political life of Togo, the LTDH clearly meets a need and should be understood as one of the privileged parties of action that are leading the Togolese people towards freedom. The LTDH has set up two bodies for the running of the organisation – a General Assembly and an Executive Board.

The General Assembly is the main body of the organisation and includes all members. From the General Assembly, the Executive Board is elected. The General Assembly meets once per year to discuss any issues related to the running of the organisation and to approve the Activity Reports and the Financial Reports of the Executive Board.

The Executive Board is the body which coordinates and manages the organisation. It formulates the budget of the LTDH and approves new members. The Board, which is composed of nine members elected for a three year tenure (the president's tenure is renewable once), meets on the first Tuesday of every month. For implementation of the LTDH policies, the Executive Board can create specialist working groups.

Today, the LTDH has almost 3,000 members and at least twelve branches in Togo.

Since its creation, the LTDH has led several campaigns for the promotion, protection and defence of Human Rights on a national and international scale.

- The LTDH has organised training seminars bringing together civil society and the security forces.
- The LTDH has also led activities to help the victims of human rights violations to protect themselves.
- The LTDH, working together with its partners, has made known its actions on an international scale.
- France's National Consultative Commission of Human Rights has awarded the LTDH its Human Rights prize.
- France has also awarded the Edit de Nantes award to the LTDH.
- The LTDH enjoys excellent relations with other human rights organisations both nationally and internationally.
- The LTDH chairs the Togolese Coalition of Defenders of Human Rights.
- The LTDH is affiliated with the Federation of International Leagues on Human Rights and the InterAfrican Union for Human Rights.
- On May 27<sup>th</sup> 2004, The LTDH published a report on the Human Rights situation in Togo between January 2003 and April 2004.

## **The Difficulties Experienced by Human Rights Defenders in Togo**

Defenders of Human Rights in Togo are in danger of intimidation, unfair dismissal, upheavals and death.

### **On the administrative front**

Refusal to issue a *récipissé* (receipt authorising an organisation) to associations that are not close to the government. The LTDH had been without *récipissé* since July 20<sup>th</sup> 1990.

A meeting between the President of Togo and a delegation of the Federation of International Leagues on Human Rights (FIDH) along with their privileged partner, the LTDH, was necessary to finally secure a receipt. The receipt just recently arrived on October 7<sup>th</sup> 2005.

Even though the President and Vice-President of the LTDH were representatives of the workers, they were made redundant and have not received any salary for thirty-eight months.

On May 13 2005, vice-president of the LTDH Mr. Clumson-Eklu Hihédéva Etsri Siméon was presenting his preliminary report on the serious human rights violations in Togo from February 5<sup>th</sup> to May 5<sup>th</sup> 2005 before, during and after the controversial presidential election of April 24<sup>th</sup> 2005. During the presentation, he was almost killed by militia led by the national delegate of JRPT, the youth section of the ruling party. As a result of the attack, the report was not published.

The cowardly violence perpetrated against Jean-Baptiste K.D. Ozilan (alias Dimas Dzikodo), editor of the newspaper *Forum de la Semaine*, on October 9<sup>th</sup> 2005 contributes to the climate of terror that is deliberately maintained to prevent journalists, defenders of human rights and democrats in general from working towards a legally constituted state in Togo.

Radio and television stations have been closed or destroyed; HAAC (the media regulatory body) has censored us, journalists have been harassed and have received death threats. Now, organised individuals who are truly anti-freedom have moved from threats to violence with the savage beating of Dimas Dzikodo at the entrance to his newspaper's HQ.

Thank you.

# **Eulalie Nibizi**

## **Burundi**



I became involved in labour rights in 1994 when my committee noted that teachers were the worst treated - in spite of their commitment to their work. As their representatives, our task was to negotiate a special status to increase their standing. The negotiations were so long and difficult that when my predecessor became involved in politics in 1996 and in 1998 an agreement had still not been signed with the government. We needed to continue to put the government under pressure to initiate dialogue.

Following a general strike on 20 October 1997, I was imprisoned with other members from the strike's organising committee. The teachers went back to work, as they were scared that severe steps would be taken against them. Many of them left and became involved in political movements that were less risky and more lucrative. The environment of war and poverty discouraged others, as there were few other sources of income available at this time. Hence, we had to wait until 2002 to resume the pressure, which then stopped after an agreement was signed on 4 July 2002. Eighty percent of this agreement was implemented in July 2005 after negotiations and several strikes including one in March 2003, as well as others from January-April 2004, and from 29 June -26 July 2005.

On 9 March 2004, I was imprisoned for the second time; an action which the government hoped would force the teachers who were on strike to go back to work. Local and international pressure, from the media, human rights leagues, educational institutions, and partner trade unions, was needed to help secure my release. I was released the next day.

The workers have many needs. First and foremost, we need decentralised democratic committees working for labour rights. For this to happen, significant persuasion is needed to convince members to participate in defending their rights, while at the same time minimising the risks of them receiving threats from the authorities or government officials. There is also a need to undertake a programme to raise awareness of labour issues and counteract the messages of brainwashing and demotivation presented by the government. Secondly, it is important to inform people of the relevant international laws and treaties. Amongst workers, it is important to form strong and mutually beneficial alliances to help guard against repression by the authorities or government officials. Defenders must show determination and courage when facing threats. Finally, the movement should gather independent financial support in order to sustain their struggle and to avoid dependence on influential powers.

When democracy is reduced, the government is able to threaten activists with losing jobs, which undermines their personal stability. The Minister has changed my job three times in five years - my safety is under threat. None of my family or friends can take such risks without any compensation.

Participating in the Third Dublin Platform has been an emotional experience for me. It has made it possible for me to appreciate different situations and people. It is a lesson from the school of solidarity and democracy.

# **Gégé Katana Bukuru**

## **Democratic Republic of Congo**



### **The Special Challenges Faced by Women Human Rights Defenders in the Democratic Republic of Congo**

#### **The Issues at Stake**

The terms of the United Nations Charter and of the 1948 Universal Declaration of Human Rights have always reaffirmed a belief in the promotion and protection of the fundamental rights and freedoms of the person, in the dignity and value of the human person as well as in equal rights for men and women.

To achieve this ideal, the Universal Declaration of Human Rights asserts the principle of non-discrimination and states that all human beings are born free and equal in rights and in dignity, and that each person can freely exercise all the rights and freedoms stated therein, without any distinction whatever, particularly of gender.

Therefore, the States participating in international agreements relating to human rights have an obligation to guarantee equal rights for men and women in the exercise of all economic, social, cultural, civil and political rights.

Nevertheless, despite this guarantee and the increased awareness of the importance of complying with and effectively enforcing all these international instruments relating to human rights, women defenders continue to suffer significant discrimination in our society. Now, all discrimination against the rights of women violates the principles of equality of rights and respect for human dignity.

Specifically, it is a hindrance to the participation of women defenders in the political, social, economic and cultural life of their country, in the same conditions as men.

Discrimination stands in the way of a growth in the well-being of society and of the family, and ultimately prevents women from using their full potential in the service of their country and of humanity.

## **The Various Forms of Discrimination and Restrictions Used Against Women Human Rights Defenders**

The various forms of discrimination used against women defenders of human rights have their origin in outdated prejudices relating to the nature of women, their role within the family and society, and the manipulation of traditions and religious beliefs to the detriment of women.

All these forms of discrimination are based on the idea of the inferiority or superiority of one sex or the other, or of stereotyped roles for men and women, while in reality they should complement each other.

Ultimately, these forms of discrimination are an attack on the dignity of women and are in breach of the principle of equal rights for men and women.

We can give the following examples of prejudice in the area of traditions and religion practices which harm women defenders of human rights :

- Women defenders demonised as hard, difficult, insufferable.
- Women do not have inheritance rights.
- Women do not have the right to vote and to stand for election on polling days.
- A woman defender may no longer use her husband's name.
- A woman may not go out alone or without prior permission from her husband.
- A woman may not give orders to men, or work.
- A woman is vulnerable without family support.
- The exclusion of women at certain levels of political peace negotiations (local, regional and national levels).
- The lack of respect for the rights of women in conflict situations.
- Illiteracy in women.
- The lack of genuine commitment to the peacemaking processes.
- The lack of conflict prevention mechanisms involving women at all levels.
- Women's lack of awareness on conflict resolution mechanisms.

It is clear that, faced with these prejudices, women defenders can become discouraged or adopt an extremist position.

But it would be preferable to seek a compromise solution. Faced with all these challenges, women defenders of human rights can only act freely by respecting or enforcing the principle of equal rights for men and women. Respecting this principle of equality between men and women will definitely facilitate the active participation of women in political, economic, social and cultural change in their country. In this way, women will be considered as key players, a vital element in conflict resolution and in the promotion of a lasting peace.

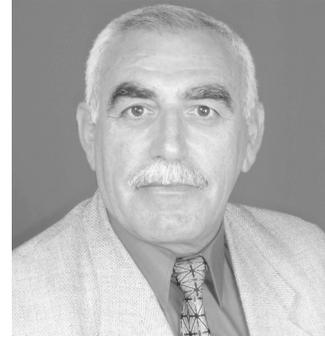
Women human rights defenders can only take an active part in the process of post-conflict reconstruction, disarmament activities, and action during armed conflicts, if they are given the opportunity to exercise, and indeed benefit from, their rights and liberties in public and private life, by being accepted as human beings with the same rights and dignity as men. Women defenders of human rights should be able to participate in the management of public affairs of the country so that they can make an active contribution to the post-war socio-economic development of the nation, and should associate themselves with all peace initiatives, as well as with other issues related to their political participation and their various responsibilities in the life of the community.

They should be involved in the peacemaking process and the development and establishment of a new legal framework.

### **Recommendations**

- In order to protect women defenders of human rights, political action and technical advice should continue.
- Our government and civil society should take appropriate measures against those who threaten and destabilise women defenders of human rights, and they should send a clear message that the work of women defenders of human rights is acceptable and should be rewarded.
- Women human rights defenders should improve their own strategies in terms of their security both at work and at home, and in their rejection of suspicion, divorce, and protection
- Women human rights defenders should work together and take communal action, should assess what actions that destabilise them, and exchange information.
- The numbers of women defenders of human rights should be increased.
- A fund-raising system should be established for organisations supporting women defenders of human rights.

## **Jaber Wishah** in absentia **Palestine**



In 1948, my family, like thousands of other Palestinian families, was forcibly driven out of their homes into exile. After the *nakba* (the disaster), my family lived in *al Bureij* refugee camp, in the middle of the Gaza Strip, where I was born. The miserable situation and collective suffering, was the first reality that my eyes and mind were opened to. Since that time, and following the occupation of the West Bank, Jerusalem and the Gaza Strip by Israel in 1967, I have witnessed many horrible events, struggled against various injustices, resisted the belligerent Israeli occupation, and defended my people and country.

For many years, while I was a lecturer in Physics, I participated in and led political and military resistance against the Israeli Occupying Forces in the Gaza Strip. For this reason, the Israeli authorities imprisoned me for fifteen years (exactly 5262 days, 5261 nights). During this time, they subjected me, and thousands of other Palestinian and Arab detainees, to horrific torture.

My comrades, it was during this time of crushing torture and severe violations of my rights, in the dark and rotten cells of interrogation centres when I made my decision to become a human rights defender. I recall some specific incidents – each one had a grave impact on me, on my thinking, and on my philosophy.

At midnight on 5 June 1985, two-dozen Israeli soldiers forcibly entered my house to arrest me at gunpoint. I insisted on giving farewell kisses to my two daughters, Fidaa (two years) and Hanin (four months) who was sleeping in her cradle. Her baby smell accompanied me during 15 years in prison and even after my release. How many victims, mothers, and fathers around the world have had this experience?!

The next time I was able to kiss and hug my daughter was five years later during a prison visit. I still remember how filled with fear I was the day of that visit. She had never touched me, never seen her father's face - except from behind the wire net that separated detainees and visitors. As my daughter came towards me, I wanted to throw her in the air but the ceiling of the room too low; to turn her round but the passage was too narrow; to lay down on my back and play with her but the place too crowded. Suddenly my daughter burst into tears. So as not to interrupt and spoil the visit of my comrades I, bitterly, let my daughter return to her mother on the other side of the screen. I spent the next two weeks wondering – what did I do to make her cry? Later, my wife told me that my daughter had cried because she never wanted her mother to be in prison like her father. It was at this

point that I realised - that when I had hugged her and turned away from the rest of my family she witnessed them through the same screen that she normally saw me through. At that point she began to cry because she thought that now her mother was in prison. It is not only the detainee who is in prison, but also his family, wife and children who are tortured by his absence.

Similarly, I recall the first opportunity in three months to see a delegate from the International Red Cross. I was, at the time, being subjected to the most horrific torture. In order to hide this from the Red Cross, I was also being moved from prison to prison. To this day, I remember the face, the smile, the warmth and the name of the Swiss delegate. When eventually I saw him and could explain to him what torture and events I had been subjected to. I realised then the importance of the role of human rights defenders like this man.

The final incident I want to recount today was extremely influential in my own personal process of moving away from political violence towards defending human rights. I was sick and badly needed treatment in the prison hospital. My hands, in accordance with Israeli security regulations, were handcuffed behind my back and my legs were shackled. The handcuffs were preventing the nurse from treating my condition properly. I remember the nurse and the doctor having a heated argument. The nurse was insisting the handcuffs be removed. The doctor was stating clearly that I was a terrorist and that I had to be handcuffed for security reasons. I will never forget the words of that nurse – ‘Yes, he is a terrorist but above all he is a human being, above all we must treat him like a human being.’

Dear Comrades, these three small events are a very narrow portion of the personal experiences which I have lived, and which many of you will have lived through. One final comment: I spent two thirds of my life trying to defend and liberate my homeland, unfortunately without success, and so it is worth spending the rest of my life defending human rights.

# Juliet Victor Mukasa

## Uganda



I am thirty years old and a Lesbian, Gay, Bisexual and Transgender Activist (LGBT) in Uganda. I am a lesbian and came out at a very young age. When it comes to lesbians and gays, Uganda is hell itself.

During my uncloseted life, I have faced a lot of challenges. I lost my family and friends when they realised that I was a lesbian. They threw me out and never want to have anything to do with me. My family requested me to stop using our family name because it embarrasses our dead father who was called Mukasa. To my family, my dead father is more valuable to them than me; who is still alive and well. This always makes me think that homosexuals are taken to be deader than the dead.

I have been beaten or physically thrown out of public places on more than ten occasions - just because I am a lesbian. I have been abused and insulted on streets, in restaurants, discoteques and bars

As a result of rumours that I am a lesbian, I have been evicted by landlords from houses several times and have been made homeless. On these occasions I often was forced to spend nights on the streets, in bars, in all sorts of places. In these places you meet men who want to teach you how to be straight and I have gone through a lot of ugly things trying to save myself from death. I have stayed almost in every area in Kampala because every time I have to move I seek a place where I am less known

I excelled at school and received high awards in my bank training. Although many of my classmates have secured stable jobs, I have often been fired because my colleagues or boss found out about my sexual orientation. I have been forced to lead a simple life just to survive.

A lot of ugly things have happened in my life as a lesbian and at some point in 2002 I said to myself, 'Enough is enough'. Life was really tough. Not only mine but that of my other gay and lesbian friends who were also being treated unjustly. It wasn't fair and so I decided to join the struggle for gay and lesbian liberation in Uganda. I went on radio stations, was quoted in newspapers and magazines. I began to speak out openly against the injustices and advocated for an end to them. I also met with policy makers and members of civil society. With the help of other activists, I have taken the gay and

lesbian community in Uganda to another level. We have opened doors.

However, my open involvement in this struggle further exposed me to this homophobic society and as a result the difficulties for me personally became even worse. The suffering I endure today because of my sexual orientation, has risen to another level because of my political activism.

On the 20th of July 2005, my house was raided, illegally searched and documents taken by a government representative in my village. For years these sorts of things have happened to gays and lesbians without anyone raising an eyebrow. But this time, I have vowed to sue this official. It is time to take action. By declaring that my rights were violated I want to make a larger statement about the rights of all gays, lesbians and human rights defenders to be able to carry out their work and live their lives without threat of invasion and intimidation.

Generally LGBT rights in Uganda are abused extensively while the so-called 'democratic' government strengthens the homophobia. The press gives this homophobia a voice, while the unjust laws stipulated in the Penal Code Act institutionalise it. In addition to these, there are religious teachings, cultural beliefs and hate campaigns supported in by political leaders.

We can only create change by working collectively and joining hands with civil society, allies in government and national and international advocacy networks. Through our activities, a day will come when LGBT people will no longer be seen as deader than the dead. Together we can break the chains of bondage.

# Krishna Pahadi

## Nepal



On 1 February 2005, King Gyanendra of Nepal dismissed the Government, assumed executive power, announced a state of emergency, and took direct control. Press and publication rights were immediately suspended along with freedom of opinion and expression as well as other human rights.

The royal military takeover was a pre-planned military operation. Armed personnel barged into newsrooms, TV and radio stations, and demanded that all work be stopped. Phone and internet lines were cut for several days, and mobile connections were suspended for several months. The intimidation of human rights defenders reached a climax.

Human Rights and Peace Society [HURPES], a national organization of fifty-six district committees and more than 4000 members, working for the protection and promotion of human rights, peace and democracy. HURPES opposed the royal takeover by issuing a statement and inviting civil society organisations to take part in a discussion on future strategy. HURPES decided to organise the first demonstration to protest against the royal takeover on 10 February in Kathmandu.

On 9 February, plain-clothes police officers came to the HURPES office and arrested me. I was detained for 145 days under the Public Security Act [PSA]. After completing ninety days, the authorities extended my detention period for another ninety days.

During the first week of my detention, we were not allowed to read any books, no writing materials were available and some other restrictions were imposed by the authorities.

Front Line wrote a letter to the King expressing concern about our detention. My case was raised by Amnesty International, the Irish and UK governments, the European Union and other international actors. These efforts put pressure on the authorities to change their behaviour and improve our conditions of detention.

I met with representatives from AI in prison, including Colm O'Chuanacháin, Secretary-General of AI's Irish Section. Front Line sent a representative, Roger Clark, but the authorities denied him access. AI adopted me as a Prisoner of Conscience and campaigned around the world for my release. I would like to thank again AI and Front Line for their remarkable contribution to the protection of human rights defenders in Nepal.

The state of emergency was lifted on 29 April 2005. I was finally released in the first week of July. Since my release, there has been speculation that I may be arrested again.

On 25 July, a protest demonstration was organized by the newly-established Citizens Movement for Democracy and Peace (CMDP). I was arrested again. Ironically, it was also the 25th time that I had been arrested for working in defense of human rights, peace, democracy and non-violence. I was released the next day.

The CMDP has since intensified its activities. It has organized numerous mass meetings in Kathmandu and other districts during which tens of thousands of people gathered to express their support for democracy. Frightened by this growing citizen's movement, the Government of Nepal - headed by the King - imposed prohibition orders in three locations. In other places, the security forces and local administration disturbed and dispersed crowds. Despite such obstacles, thousands of people gathered and journalists, doctors, lawyers, teachers, human rights defenders, and intellectuals have all become an integral part of the movement and offer great support.

I am involved in CMDP and address many mass meetings, which has led me to be so targeted by authorities. State-run newspapers have published a series of articles against defenders. A recent convention of chairs and vice-chairs of district development committees in the eastern region, passed resolutions which state that the growing activities of civil society is a threat to national existence and sovereignty. The vice-chair and ministers on the Council of Ministers openly criticized me. Recently the King accused foreign money of playing a role in unwanted activities in Kathmandu. Some newspapers interpreted the King's remarks as referring to political parties and civil society.

The Government introduced a new code of conduct for NGOs to try to intimidate them. Many ordinances have been introduced aiming to curb rights. The lack of the rule of law and the supremacy of the King are leading towards a difficult juncture where no one working for fundamental freedoms and human rights is safe.

But we must face the situation and continue our activities peacefully. Our dedication, devotion and determination is to bring peaceful change in Nepal, to secure the future of the next generation is our commitment.

# Leyla Yunusova

## Azerbaijan



There will be parliamentary elections in Azerbaijan on 6 November 2005. Since the collapse of the Soviet Union there have never been free and democratic elections in the republic – each election has been accompanied by falsification, police violence and numerous arrests of opposition supporters. The presidential elections in 2003 were accompanied by mass falsification and police interference in the electoral process. In the forty-eight hours after voting, 1500 people throughout the republic - mainly observers, members of the opposition election committees and their families - were detained for periods ranging between eight hours and fifteen days. Under torture, and with their relatives being held hostage, people were forced to sign false election reports. On 16 October 2003 in Baku, a demonstration against the falsification of election results was broken up by the police and the Special Forces. According to official reports, one person was beaten to death and two more were left severely disabled. In the period January-October 2004, 135 people were convicted by the Court of Grave Crimes for offences such as ‘resistance to the police’ and ‘public order offences’. Eighty-nine of them were provisionally sentenced to periods of between one and five years, and forty-six were sentenced to imprisonment for periods between three and seven years. (It is noteworthy that during the presidential elections of 1998 and the parliamentary elections of 2000 – twelve and thirty-two people respectively were tried.)

Human rights defenders in Azerbaijan have gathered evidence of violations of current legislation and of the international convention by representatives of the Ministry of Internal Affairs and the Office of the Public Prosecutor, including the torture of prisoners (breaking their fingers and ribs, beating them with sticks, threats of rape, including threats to their family members). As a result of the work of human rights defenders in Azerbaijan, in close cooperation with international organizations, above all the OSCE and the European Court, all forty-six of those sentenced to imprisonment in the aftermath of the elections were pardoned and released in May-June 2005. (However the other eighty-nine remain provisionally sentenced.) Seven opposition leaders were acquitted of their convictions and given the right to advance their candidature for election to the country’s parliament.

However, the 2005 election campaign once again witnessed the arrests of opposition representatives. Pirali Orudzhev, a member of the opposition party ‘Musavat’, was arrested on 12 June; Rovshan Bashrili, the leader of the youth opposition organization ‘Eni Fikur’, was arrested on 1 August; and Said Nuri and Ramin Tagiev, the deputy leaders of ‘Eni Fikur’, were arrested on 12 and 13 September respectively. The men were charged with ‘organizing a coup in Azerbaijan and receiving financial assistance and instruction on how to form military units while in Poland at an international conference organized by the European Democracy Institute’. Said Nuri, who suffers from

thalassemia, could not withstand the physical and psychological pressure, and was hospitalized and released from custody on 14 September. His place was taken by Ramin Tagiev. Taking into account the experience of previous elections, a wave of mass arrests can be predicted for the week before the next elections and the week after.

Arrests and convictions on political grounds are one of the methods used by authorities to suppress the opposition and civil society representatives. In 2001, when Azerbaijan joined the European Council (EC), human rights defenders sent a list of 716 political prisoners to the EC. As a result, one of Azerbaijan's obligations before the EC was to solve the problem of political prisoners. However, at the present time, eighty political prisoners remain imprisoned and, as the examples above illustrate, political trials are a reality.

In the media, especially on television, human rights defenders, including El'dar Zeinalov, Leila Yunus, and Arzu Abdullaeva, are accused of treason and of betraying national interests. Calls resound for human rights defenders to be tried (for treason), expelled from the country, and/or punished physically. In April 2003, the offices of the Centre for Human Rights Defenders (of which El'dar Zeinalov is the Director) and the Peace and Democracy Institute were attacked several times by crowds of 'indignant citizens'. In April 2005, after the murder of the journalist El'mir Guseinov on 2 March, information was distributed about imminent attacks on a range of well-known defenders, including the Director of the Peace and Democracy Institute.

# Magda Adly

## Egypt



I am a human rights defender and founding member of the El Nadim Center for the Rehabilitation of Victims of Violence, and the Egyptian Association against Torture. I joined a peaceful protest rally organized by the various Egyptian democracy groups on 25 May 2005: the same day as the referendum which asked Egyptians to make changes to the Constitution allowing them to choose their president from a list of more than one candidate. Drafted by the counselors of the ruling party, I believed the amendment was tailored to maintain Hosni Mubarak as life long 'elected' president for the country. I was sure that the rally would, as usual, be obstructed by the police and state security intelligence officers. My intention was to act as a monitor. I headed to the meeting point at 12 pm, but found no demonstration. Instead, there was a whole line of anti-riot police trucks and hundreds of anti-riot police surrounding a small group of demonstrators. I heard screams coming from the center of the gathering but could not identify from whom. Soon, five public transportation buses arrived at the scene carrying hundreds of young men, carrying the badges and banners of the ruling party. Suddenly, the soldiers were given orders to withdraw, leaving the small group of demonstrators face to face with the ruling party supporters. The supporters started chanting slogans in support of Mubarak, verbally abused the demonstrators using obscene language, and accused them of being spies. There were rumours that demonstrators were being taken one by one from the gathering to the nearby police station. While I was at the scene of the demonstration, I received an SOS call from two of colleagues saying they were being held by the police at a nearby pharmacy and needed help. When I arrived at the pharmacy with two other colleagues, we found its entrance blocked by high ranking police and other plain-clothes men, vigilantes, refused to let us enter. I protested and violence erupted. From behind me somebody hit me and pulled at my skirt trying to strip me of my clothes. I tried to hold my skirt, but he put his hand between my legs and touched me. I screamed and tried to push him away. Police officers standing around were watching and refused to help me. They assaulted my colleague and allowed her to be beaten by the vigilantes.

From there, I went to the El Nadim Center to draft a statement and send it to various human rights organizations and the National Council for Human Rights. Before I had finished the statement, I received numerous phone calls from demonstrators at the press syndicate. They said that hundreds of vigilantes had attacked women protestors who sought refuge at the press syndicate. Tens of women demonstrators were dragged, beaten, molested and their clothes torn. The police failed to protect them and actually encouraged the vigilantes to attack them. We filed many complaints. We have the names of the perpetrators and pictures of what happened, but the prosecution has taken no action. The 25 May has become known as Black Wednesday, and has demonstrated the false nature of the so-called democratic reform in Egypt.

# Magodonga Mahlangu

## Zimbabwe



As human rights defenders we face enormous harassment and risk of arrest in Zimbabwe due to the oppressive laws that the government passes.

On 18 September 2004, I was arrested with 51 others 65km from Harare, after walking 375km in a protest walk against the NGO Bill. We were stopped and arrested by two truckloads of fully armed riot police. We were driven to Selous police station, where upon arrival, I was separated from the others and taken for interrogation. It was around 9am. There were about ten male plain-clothes police who took turns interrogating me. They threatened to deport me to South Africa because they said my name was not Zimbabwean enough, I was insulted and pushed against the wall.

At around 2pm, my lawyers arrived only to be denied access to me. At around 7pm, more police officers arrived. Three male officers searched me. My satchel was turned out, the lining was torn, and its contents were scattered all over the floor. My pockets were also turned out.

They made me sit on the floor while the interrogation continued. I was so tired that my head was spinning. I think the stress took its toll and I started bleeding even though my period was not due. It was unusually heavy, so within minutes I could feel the blood flowing between my thighs. I had absolutely nothing to use to stop the bleeding. I asked to go to the toilet and they refused. They told me they did not mind even if the blood flowed down my legs, that they are used to seeing real blood and if I were not careful there would be some. Fortunately, I was wearing a pair of black shorts under my long black tracksuit bottoms. I held the shorts tightly on both sides to try and stop it.

My lawyers were allowed access to me at around 10.30pm. I told them about the search, the threats and the need for the toilet and sanitary pads. The lawyer promised to bring pads and food the following morning.

I spent the night on the floor next to a dead, bloody, wild, animal - I was not sure whether the smell of blood was my own or the animal. The Inspector told me he was going to get drunk and beat me up, and he ordered me to get into a truck. The other officers stopped him. He pushed me to the floor and told me that he would make me disappear and no one would question him. Finally, he left.

I was told to try to sleep because very early in the morning the Presidential Guard was coming from Harare especially for me, and they meant business. At 6am they came, and I was taken to a room, where I sat on the floor facing them. The interrogation started and went on for hours. My voice became hoarser and hoarser, until eventually I became voiceless. I opened my mouth, and nothing came out. They shook me and threatened me, but they could not force me to speak.

In the afternoon I was driven to Chegutu Prison and I was relieved to be reunited with my colleagues in a tiny dirty cell. There were forty-three of us in a cell meant for eight people. The lawyers came and gave us food and pads. I had been waiting thirty hours. I was more relieved to have the pads than the food

I was detained for four days and three nights in blood stained clothes. I was not allowed to keep the pads in the cell. Everytime I wanted to change, I was escorted by male police officer armed with an AK47 rifle to the charge office 150m away to get the pads then proceed with the armed guard to the toilet.

Meanwhile, the police were searching my house. My fourteen-year old sister watched on helplessly. They told her that I had a death wish and very soon they would grant it to me. I went to court, charged under two sections of POSA; Section 24 for organizing the protest, which if convicted allowed for a minimum of two year in prison, and Section 19 for participating, which carried a minimum of three months.

# Marie Yolène Gilles

## Haiti



From Independence in 2004 until now, a minority has controlled the national economy. They employ elite groups of social and political personnel, as well as the National Security forces.

The environment is therefore ideal for new human rights organisations to succeed here. As Fr Joseph Wrezinsky, founder of the ATD Quartmonde Organisation stated, 'Whenever people have stagnated in misery, an abuse of their human rights has occurred. To unite and stand up against this is a beautiful and noble occupation'.

This idea finds fresh resonance in Haiti. According to a United Nations report on the index of human development in 2005, Haiti is listed as the poorest country in the Western Hemisphere. The UN report ranked Haiti as 153<sup>rd</sup> out of 177 of the world's poorest countries. In another poll conducted by Transparency International in 2004, Haiti ranked joint first out of 146 countries for corruption levels.

Corruption and poverty are rampant in Haiti. The number of citizens living below the poverty line rises daily. Forty-two percent of children below the age of five suffer stunted growth and easily avoided sicknesses, such as malnutrition or diarrhoea, kill between twenty-eight percent and twenty percent of infants from nought to five years of age.

Successive governments have done nothing to improve the living conditions of their people. As a method of managing their power, they use the armed forces - which are intended to protect the constitution and laws of the republic - to surround institutions and to neutralise their political opponents and anyone else that passes criticism on their governance.

In short, we are dealing with a country which has been worn down by political violence; marked by unaccountability, injustice and intolerance; and characterised by disrespect of the collective, and individual rights of others.

Therefore, those who are aware of this sinister situation, have become involved in groups to defend human rights. Their goal is to protect the rights of each and every citizen and create an identity distinct enough so as not to be mistaken for a political party.

To this end, for the last ten years, I have involved myself in the struggle for human rights. I currently work for the National Network for the Defence of Human Rights (RNDDH), as an Assistant Policy Coordinator. My responsibilities are to promote legal regulation

and the principles of good governance, to combat and condemn violence, to assist victims and to inform the public of their rights.

The work is not without many obstacles. Inevitably it is difficult for human rights workers to investigate and denounce abuses, when they are being carried out by the very same people who are meant to be protecting, respecting, promoting and supporting these rights. I myself have been the target of several death threats. In 2003, a bounty was placed on my head by government supporters who saw me as personally responsible for a report published by the NCHR (currently RNDDH) detailing how illegal armed forces were employed by the state. My name featured on a list of individuals to be beheaded. Throughout my career, unmarked vehicles with tinted glass have trailed me. They are familiar with the location of my home and the nature of my schedule. I have, on repeated occasions, seen parked cars and heard gunfire within close proximity of my home.

These difficulties, coupled with a fledgling career in journalism and punctuated by periods of incarceration and exile, only serve to reaffirm my conviction that I am doing my fair share as a citizen to help establish a society that will respect laws and principles, and help Haiti reach an important turning point.

# **Michel Shakodi**

## **Democratic Republic of Congo**



At Nyonga in August 2002, an area situated twenty-eight kilometres upstream from the Congo River, a massacre was organised by the Rassemblement Congolais pour la Démocratie (RCD) - Congo's armed resistance movement. The massacre was carried out on the orders of three officers: Lt Colonel Bernard Biamungu, Colonel Patrick Opia and Major Eric Bizimana. In Kindu, the capital of the province of Maniema, human rights organisations condemned this crime against humanity throughout the media. At that time, the town of Kindu did not have any telephone or internet network. When national and international opinion were alerted to the massacre, the Governor of the Maniema province, Mr Falay Selenge, invited all human right defenders in Kindu to his residence where he gave the following speech: 'We know what you are doing to badmouth the political-military movement of the RCD. Because of the twenty or fifty dollars that the 'Whites' offer you, you will allow yourselves to write anything you want about the so-called massacre. From now on, those who continue to write about the Nyonga massacre will deny it or they too will end up in a grave because we have had enough of your human rights'. For one week, all human right defenders did not spend a night at their homes for fear of being murdered. Our experience is that a human rights defender should know the dangerous moments in order to avoid being a target.

# **Dr Mudawi Ibrahim Adam**

## **Sudan**



When I see all these faces in this room, I say ‘yes there is hope’, but for this hope to materialize we have to pay sacrifices.

We in this room are privileged because there is someone keeping an eye on us, but there are thousands of people trying to protect the basic human right of others - but who are losing their own lives. Thanks for the eyes.

I am giving this testimony on behalf of my organization, Sudan Social Development Organization, SUDO, and myself.

I would like to thank Front Line for awarding me their inaugural award for a human rights defender at risk. Thank them for their support and unprecedented work they have done on my behalf. I would like to thank the Irish Government, The President and the people of Ireland for their support, encouragement and the assistance they have given to me, my family and SUDO. I would also like to register a word of thanks to our Irish partners, Trocaire and Concern, for their solidarity.

To understand the situation for human rights defenders in Sudan, I feel that it is extremely important to give a brief background of our history.

### **What is Sudan and Sudanese?**

In Arabic, the word ‘Sudan’ literally means ‘the blacks’. In ancient history, it was used to describe the land South of Egypt. In modern history, it is used to describe the inhabitants of Mali, Burkina Faso, Niger, Senegal, Chad (the French Sudan) and Anglo-Egyptian Sudan. Sudan’s political boundaries are the result of territory sharing between colonial powers during the twentieth century. The country is characterized by its multi-ethnic, multi-cultural and multi-religious population. There are more than 600 tribal groups living in the country. When the boundaries were being set, these groups were not consulted about whether or not they wanted to live together as one nation. There is no one nation, but a country of groups with diverse races, cultures and religions.

## **How It Is Ruled?**

The colonial powers established a centralized system of governance controlled by Khartoum. The system was inherited and preserved by those who came to power after the independence in 1956. The system allows for the majority of the population to be ruled by a minority which exploits the country's resources, controls the state apparatus and denies the majority the right to govern their wealth, to participate in society and to promote their distinct cultures and heritages. Despite promises to introduce the principles of decentralization, regionalism, federation and just redistribution of national power and wealth, the hegemony and domination of the minority has intensified. Culturally speaking, the traditions, cultures, and customs of the majority have been marginalized and the official identity presented has been based on a narrow-minded and exclusive vision. Socially and economically, the majority, especially in rural areas, suffers from poverty, ignorance, disease and deprivation, and experiences war, famine and epidemics. This situation has led to the emigration and displacement of people towards cities to dwell in miserable conditions. Misery has become the general feature of life in both urban and rural areas.

The following manifest the essence of this system of governance:

- The strict centralization ensures that the government of Khartoum has absolute power to decide on all crucial local and national issues. This situation compromises democracy and marginalizes and deprives the people in other regional areas and rural communities upon whom the burden of central decisions weighs heavily.
- The process of uneven development inherited from the colonial era has continued. Hence, although common to the whole nation, the phenomenon of economic collapse and the decline in standards of living is particularly evident in rural areas.
- The imposition of one single Sudanese identity based on the religious and ethnic superiority of Arabic and Islamic culture which ignores all other Sudanese cultures and aims, either peacefully or through coercion, to dislodge and exterminate them.
- The establishment of the religious state which has been accompanied by systemic ethnic and religious purging and mass annihilation. The religious state deprives people of their right to citizenship and creates a group of second class citizens. It also supports economic and social inequality and render the unity of the country impossible.

Due to these policies Sudan has never lived in peace since its independence, war even erupted in the south before the colonial troops left. The central government in Khartoum adopted the policy of divide and conquer and used local conflicts between the different groups to wage war on its opponents. The regular army has always fought by proxy using tribal militias. The more people voice their grievances and start demanding equality and justice, the more brutal the actions of the central government. In the south of Sudan, in a long war, 2 million people have been killed, 5 million have been displaced. The war in Darfur has killed over 300,000 persons, and displaced 2 million persons.

## **Emergence of SUDO**

Under these circumstances, fifty-four Sudanese men and women gathered and formed a national NGO, under the name of the Sudan Social Development Organization known as SUDO, to work towards the welfare of the Sudanese people.

SUDO Mission:

To contribute in the creation of a general human rights movement capable of defending itself and seeking a society free from all forms of human rights violations.

SUDO considers providing and availing of basic needs and services a **basic human right**, it adopts a rights-based approach in all its interventions. SUDO finds it impossible in societies like in Sudan to advocate for political rights without economic and social rights. Therefore, drilling a borehole or building a clinic or school is a good way to advocate for political and economic and social rights, as well as conducting simultaneous training and advocacy programs.

Given the conditions of the country, being ruled by a dictatorship and controlled by security, registering an NGO with such mission was on its own a challenge. Thanks to the efforts of different members who have used their diverse strength to bring SUDO to life.

From the first day of its registration SUDO started to work, and adopted an approach of going directly to the grass root community. Our volunteers suggested areas and sectors to work on. We considered the most deprived communities; IDPs (Internally Displaced Persons) on the outskirts of Khartoum, communities in conflict, marginalized and forgotten areas north, south, east and west.

## **SUDO's Testimony**

In this short testimony, I will give a brief description of SUDO's work in defense of human rights in the region of Darfur.

SUDO has been working in Darfur since it was formed in 2001. Although very young and vulnerable SUDO started advocacy work to raise awareness of the conflict in the region. As early as 2002, we approached diplomatic missions in the Sudan to inform them about abuses in the region, attacking villages, killing of civilians, burning houses, looting and destruction of property. SUDO reported the systematic trend of attacks, the systematic killing of individuals and the mass killings of certain tribal groups. SUDO reports were not listened to, not because they were discredited but because the political environment was not willing to accept what had been said. SUDO worked closely with Amnesty International to highlight the gravity of what was going in the region, in terms of human rights abuses. Although we managed to get out credible reports throughout the year 2002 and 2003, western governments were not willing to accept the fact that there is

yet another war going on in the Sudan. Western governments were at that time very involved in the peace process between the so-called South and North. One of the diplomats even told us 'Why Darfur now?' to which we replied 'It is not our choice, we have not invented it'.

Hundreds of Darfuris were arbitrarily detained, SUDO worked closely with Amnesty International in calling for their release and mobilizing local communities. Thanks to these efforts we managed to free many who were innocent, but with severe regret, many lost their lives under torture. Slowly the war started to gain a political dimension. By the end of 2002, a political/armed group known as Darfur Liberation Front DLF was formed, later transformed to Sudan Liberation Army/Movement SLA/M. The circumstances had changed. Instead of militias backed by government forces attacking villagers, the government army started to launch systematic attacks against civilians. The SLA has launched planned attacks against government army garrisons, and the government retaliated by using heavy bombardment, air raids against villages, concurrently used militias to attack these villages burn, loot, rape and kill.

SUDO and other international organizations started reporting these incidents to the public and to the Western missions in Khartoum, but still very little notice was taken. The government reacted by putting restrictions on INGO movement, confining them to the main cities in Darfur, Geneina, Fasher and Nyala. The government started to gather outlaws, free criminals, grant amnesty and recruit mercenaries to join the war campaign. As a national NGO, SUDO has not abided by the restriction of movement. SUDO staff and members have traveled to all areas of Darfur, to witness the misery of the fighting and the burden inflicted upon the civilians. Hundreds of thousands of women and children have been forced to leave their burned villages, their dead husbands, sons and fathers and to flee barefooted, for days and weeks. Without water and food, forced in camps at the outskirts of deserted towns, away from the eyes of the humanitarian organizations. Miserable and hungry, without shelter or clothes, people were subject to attacks from the government militias known as the Janjaweed. SUDO reported in one group, the death of a child every second day. By the end of 2003, the international community slowly started to take action, forced by the magnitude and gravity of the situation.

In its effort to highlight the situation in Darfur, SUDO suffered a lot. Many of its members, volunteers and staff were arrested and/or tortured, but in spite of that continued to work. SUDO intervened to provide humanitarian assistance to people in need and managed to encourage many international organizations to become involved. Our staff has carried the risk on their shoulders. Under fire and bombardment, in Kaila, Mershing, Zalingei and many other places, they are on the front line. Young men and women, risking their own lives, opening a road for international assistance. SUDO staff has faced militias and talked to the tribes involved in the conflict. SUDO staff is still working and delivering services to people in need, despite the personal danger they face. Our staff regularly works in areas designated by UN security as unsafe.

Although there is an emergency, SUDO still upholds its protection mission and our field monitors offer assistance to victims of rape and other violations. Our protection officers assist UN agencies to deliver their duties. At camps and towns, they are training police and other law enforcement forces, in human rights, with the aim of encouraging their compliance with international human rights conventions.

### **A Short Personal Testimony**

After the government came to power in 1989, I was arrested and detained several times. In recent years, I have also been arrested, with other colleagues, in connection with our work on the Darfur conflict. I have been arrested three times since December 2003. The first was meant to intimidate me. On 24 December 2003, at 11pm, I was arrested from home by eight plain-clothes security members with Kalashnikovs. My house and my office were searched, and I was interrogated for two days at security offices and then transferred to a security detention centre in the general federal prison of Sudan called Kober. After being kept in that detention center for more than forty-five days, I went on hunger strike on 8 February. On 10 February I was transferred to the prosecutor of the crimes against the state and charged under nine articles of the Sudanese penal code, five of these charges carried the death penalty. I went on trial for about eight months, until the case was withdrawn by the prosecutor general, due to lack of evidence and national and international pressure. Again, on 24 January 2005, I was detained in my village with a friend and kept in solitary confinement at a ghost house called Abu Ghyreib for two months. I went on hunger strike for twelve days, after which, due to national and international pressure, I was transferred to the Prosecutor of the crimes against the state and charged with an attempt of suicide and then transferred to the hospital to be treated from the effect of the hunger strike. I lost ten kilograms during the hunger strike. I was released from the hospital, without the charge being dropped. On 8 May, just before boarding the plane to Dublin to receive Front Line first Inaugural Award I was detained again. My passport was confiscated and I was banned from traveling. I stayed three days at the security detention together with my friend and my driver, and I was then transferred to the prosecutor of the crimes against state under accusation of espionage and photographing military areas. I walked out from the prosecutor office ten days later without being stopped.

Still I ask, whether I deserve being awarded this prize, when I can recall individuals, paying their lives trying to protect their people's rights. Do I really deserve it?

## **Murabazi Namegabe**

### **Democratic Republic of Congo**



The situation for us, the human rights defenders of the Democratic Republic of Congo is currently critical, complex and precarious, especially in the south of the country. We work in a difficult environment still populated by ex-combatants - now servicemen and former warlords - now officials within the transition government. In addition, Congolese and foreign militias from Rwanda (FDLR/Interahamwe), Uganda and Burundi operate in Kivu and l'Ituri in the Eastern province. Hence, violations of people's social and economic rights continue under the transitional regime. Therefore, we must continue to work for the promotion, protection and defence of human rights of this oppressed population. Unfortunately, denouncing or reporting these violations incurs wrath from unknown sources.

We live with these threats and risks without knowing where they come from: the authorities or the militias? We are targets for threats, kidnappings, assassinations, (most recently, that of the human rights defender, Mr Pascal Kabulungulu, killed by men in military uniform, at his home in Bukavu, Sud-Kivu, in front of his wife and children, in July 2005), intimidations - both written and oral. We fear that these threats and risks are increasing with the approach of the elections in June 2006, which we want to make transparent, free and democratic, in the hope of having leaders who are elected by and therefore controlled by the people. We fear they are trying to silence human rights defenders and their contributions to these elections. Some of us are occasionally interrogated by the police, and arrested or arbitrarily detained in the course of our work. We live in fear of assassination at every moment (especially in the evenings and at night, when armed incidents between gangs erupt in the area). We are terrorised by terrible and criminal acts (against women and their children, against human rights defenders and against men) that we have been seen since the wars of 1998 up until the present day. In the face of these acts, many Congolese human rights defenders have sought exile abroad - but if we all leave, DRC will be dominated by barbarity.

Neither the Congolese government, nor the international community represented by the United Nations mission in DRC, MONUC, provide protection for human rights defenders in DRC. For the crimes committed against us, justice is limited to messages of condolence and/or promises to investigate that will never materialize, and if they did place, the results would never be made known by the Congolese leaders.

Despite this vulnerability, we - human rights defenders - who have remained here are not deterred; we are resolute and determined to continue to work for this just and noble cause: the protection of human rights. We try to unite against these many risks, threats and dangers, and in spite of the absence of government protection and the impunity it supports, we call incessantly on them to recognize their responsibilities to respect and protect the rights of citizens and of those who work to observe these basic duties of the Congolese leaders.

We thank those from around the world who have supported us, who exert pressure on our government to respect not only the human rights of the general population, but also of those who fight for human rights, and to fight against the impunity of those who attack human rights defenders. Their support gives us strength and courage. Together we think that one day DRC will be a country where human rights and human rights defenders will be the first priority of the leaders of this country.

# **Nebahat Akkoc**

## **Turkey**



### **What does KA-MER do?**

Founded in 1997 in Diyarbakir, together with the thirteen different branches in different cities, the women's centres work towards the KA-MER mission:

- To establish what exactly it is within the culture and traditions which are harmful to women and children.
- To establish the relationship between violence and traditional and cultural ideas (violence and killings under the guise of honour), while supporting victims or possible victims, i.e. women and children.
- Instead of going against human rights, to improve and apply global human rights norms as an appropriate alternative.
- To work towards the public appropriating and applying this developed alternative.

### **What difference is there in reasoning between the work of women's rights and those of basic human rights?**

There are different and difficult reasons behind the work of women's rights as opposed to those of basic human rights, because:

In the gender system, the verbal laws are more important than the written laws, these verbal laws are protecting, advancing and re-producing traditional values.

Those who practice and defend this gender system are also those who have created the laws and those who carry out the laws. They can be human rights defenders, as well as our fathers, our husbands, our brothers, our neighbors, our mothers, and those closest to us.

For these reasons, women's rights defenders, confidants and supporters are aware of this system and having lived through it, are questioning and changing everything. This improvement in awareness is difficult, but not impossible.

For many centuries, women and children have thought of these practices as acceptable and they have become a serious 'force of habit'. These practices have to be broken.

For these reasons, while working towards this, we have to keep in mind all the risks involved and improve our defense system. We must break all these habits. We must be able to come to a stage where we can oppose those who have created the law, those who practice it, civil public organizations, sometimes even our friends, our fathers, our loved ones.

### **What hardships does this organization face?**

Listed below are the hardships and dangers that women's rights defenders have to face on account of the afore-mentioned reasons:

- Exclusion, blame and portrayal in a bad light by other civil public organizations.
- Isolation by their families.
- Opposition by their closest friends.
- Attacks and threats by the relations of the children who were given support, and of the women who were victims or possible victims of violence and killings under the guise of honour.
- Dissuasion, close pursuit and deliberate control by authority figures.

# Noaldo Meireles

## Brazil



My name is Noaldo Meireles, I am a lawyer and legal advisor for the Pastoral Commission of the Earth (a pastoral group of the Catholic Church involved in social action), and for the past year I have been the President of the Human Rights Council of the State of Paraiba, Brazil.

The situation for human rights defenders in Brazil is very difficult. It is even worse than the situation for people working on the question of the land or people working in rural areas.

It is commonplace for defenders to lack access to information, to suffer harsh working conditions, as well as to be denied a suitable national protection program. Defenders are the victims of all kinds of threats and intimidations which put their lives and their families' lives in serious danger.

In Brazil, the human rights defender is seen as a 'bandit defender', like a convict who does not even have the right to be defended. This kind of preconceived discrimination can be noted everyday. Most frequently in the form of threats and intimidations which are often committed by civil servants or state officials and which can result in assault or death. Violations against human rights defenders hinder the work of the defender, and in extreme cases render their activities no longer viable.

As there is no official program to protect human rights defenders, defenders are forced to either risk their personal security or to join a witness protection, which requires defenders to give up their homes and/or jobs, as well as to accept protection from policemen (who may be untrustworthy or whose presence may be uncomfortable for defenders).

To ensure our security and our integrity, defenders take preventative measures such as ensuring that they are always accompanied by someone else or a group of people, do not go into some places, do not to take the bus, do not to take the same way home everyday, do not live in dangerous neighbourhoods, etc.

# Nursida

## Aceh



I am a graduate of Syiah Kuala University in Aceh and I have been a human rights defender with Orpad since 2001. Orpad is an organization which defends women's rights and supports peace for Aceh and a democratic solution to the Aceh conflict. Orpad has also stated that it rejects the call for general elections while Aceh is under marshal law.

The arbitrary nature of the arrests and abductions of pro-democracy activists and civilians who are labeled as GAM members was evidence by my own arrest on February 23. My abduction began with the arrest of Harlina, also an Orpad member. I was used by the police as a guide in their search for other Orpad members. The main purpose of my arrest was to discover the whereabouts of Ratna, another Orpad member and Muhsin, a leader of IMPEL (The Network of Ling Students). The police first ransacked Ratna's home and then went to Muhsin's rented house but could not find them. When the police could not find Muhsin they began beating the other people who lived at Muhsin's rented house. In order to obtain information, Harlina had already been interrogated by being slapped around and beaten with a length of wood. When Nova, another Orpad member, and I, were taken to the Lingke Brimob headquarters at 8am, I saw her and another man, Iwan, who was in a very poor state of health with his eyes bound with insulating tape. He appeared to have been beaten badly. I also saw three other prisoners. At 10pm I was interrogated by the commander, Tri Heriyanto, who asked about the whereabouts of Muhsin and Ratna, and my activities outside of my studies. According to the Brimob officers, Muhsin and Ratna were being sought because they had been accused of being members of GAM and Inong Bale, and because IMPEL had been assisting Central Aceh refugees in 2001 - although security forces had accused the refugees of being members of GAM. I was released and returned to my house at around 11pm. Although they released me, I was ordered to become a spy for the police and report on Muhsin and Ratna's whereabouts should I see them. I was given the commander's direct contact number to report if I knew where they were. I was also watched and each day my movements were monitored. I was threatened that if there was proof of my guilt my friends would be taken in for questioning.

The entire process of my arrest and the arrests of my friend in Central Aceh is ample proof of the brutality of the military in Aceh which have been given the authority to act in an arbitrary manner while marshal law is in force. As a member of Orpad who has seen directly the brutality of the police, I absolutely condemn what was done by the Lingke Brimob officers who must take responsibility the torture of Harlina and Iwan.

# **Oxana Alistratova**

## **Moldova**



On the morning of 17 June, at 10 am, Nikolai Nikolaevich Struchkov who works in the Ministry for State Security called me on my mobile phone (even though I had not given him my number), and invited me for a ‘chat’ at 11 am in the Ministry of State Security. The reason for summoning me was not given. He said that the meeting would not last longer than two hours. As the children were on their summer holidays, and there was nobody to look after my daughter Anastasia (who is ten years old), she and I set off to visit the Ministry of State Security (MGB). When I arrived at the Ministry of State Security, I was sent into an office. Struchkov came in shortly afterwards and the ‘chat’ began. He had a whole list of questions, which he insisted I answer. These included details of my place of residence and work, my organisation’s activities, my foreign contacts, my NGO partners, my funders and donors, my colleagues.

This whole chat-interrogation lasted for two hours. If I began asking questions, I got the following answer: ‘Here, you do not ask questions. You are asked questions’. During this time Struchkov noted down his own interpretation of what I said but he wrote the explanation in my name. When asked why he was writing all this, he answered: ‘It’s necessary. You will sign it’. I said that I would not be signing anything. At 1 pm, after I had gone out to the toilet and come back, another man was there in Struchkov’s place. He introduced himself as Maxim Nikolaevich Tarantina. He talked to me quite rudely, and began asking me strange questions: Why was I born on the same day as Putin? Does this not affect my way of looking at the world? And other questions like this. I began ignoring these questions, and then another man entered. He initially would not introduce himself, but after I insisted, he introduced himself as Dmitrii Anatol’evich Rudnev. He started shouting at me and he accused me of cooperating with the Information and Security Service (Moldovan State Security). At this point my daughter began crying, and after a short time Rudnev stopped shouting. He left the room about twenty minutes later, and Tarantina continued his interrogation. I insisted that they let me go, as they did not have the right to detain me without reason. At 1.45 pm, I told them that my daughter needed to eat something, and that I was thirsty. They answered that they were not worried. They persisted in asking me to sign the explanation that Struchkov had written. I refused to sign it. At about 2 pm, Tarantina refused to let me go out to the toilet, but after 15 minutes and when my daughter also began asking, he finally let us go out after I insisted. When I came back from the toilet I refused to go into the interrogation room. My daughter and I stayed in the corridor. When they began pushing me forcefully into the interrogation room, I sat on the floor and resisted Tarantina’s physical pressure. My

daughter began to cry. All this time Tarantina stayed with me and insisted that I go into the interrogation room and sign the explanation. He shouted at me and tried to take my notebook with telephone numbers. When Tarantina went away for a short time, I went over to the exit. The guard warned me that he would have to use force if we tried to leave. My daughter was with me all this time and she answered telephone calls, as I had been forbidden to use my mobile phone. There were constant threats that the mobile phone would be taken and smashed. I had to give the phone to my daughter and recite telephone numbers from memory, and she contacted people. All this time my daughter and I felt afraid and humiliated. When we were in the corridor, my daughter wanted to look out the window, but she was forbidden to do this. She was forbidden to lean on the windowsill, as the blinds could get damaged. When I was sitting on the floor, my daughter had to stand. We were refused water.

During the whole interrogation I was threatened that I would be detained until I signed the explanation. When my daughter heard these threats she cried and asked me to sign everything they asked me to. At about 4.15 pm, a man came into the building and called Tarantina into an office. They were there for about 5-7 minutes. After this, for about another 5 minutes, Tarantina demanded that I sign the explanation. After I categorically refused, he let me and my daughter go. He said that I had been detained because they wanted to discuss the threats of world terrorism with me.

The following events may not be connected with my detention, but they are suspicious. For three nights, from 23 to 26 June, I received anonymous telephone calls in the middle of the night. When I answered nobody spoke. I had to disconnect the telephone. On 27 June people I did not know came over to our fence. On 28 June, at 11 pm, two jars full of oil paint were thrown at the house. The front of the house was spoiled. Two obscene words were written in large letters on the metal gates. On 1 July, I bumped into Struchkov in the city and I asked him if he understood that his actions - and those of his colleagues - towards me and my daughter were unfair. He answered that they had all received an assignment and completed it, and they would summon me again if necessary. On the night of July 9 2004, another jar of liquid was thrown into our yard. A pungent smell of acetic acid and some kind of chemical alloy filled the yard, and there was a note attached that said 'Oxana you're a bitch, cure your syphilis'. There were several phone calls that night. Again, when I answered, nobody spoke. On the night of 23<sup>rd</sup>-24<sup>th</sup> July and 27<sup>th</sup>-28<sup>th</sup> July more jars of acetic acid were thrown into the yard. The authorities reacted reluctantly and rudely to a request that a policeman be sent to investigate what happened. Every event was simply recorded but nobody was charged. In the middle of October, in an off-the-record conversation, I reassured my colleague from Chisinau that the KGB had left me alone, and on that same night, a jar of chemicals flew into our yard.

# **Rachlan Nashidik**

## **Indonesia**



It is well-known that the safety of Indonesian human rights defenders is in jeopardy, especially for defenders who live in the conflict zones of Aceh and Papua. Recently, not only defenders who live in conflict areas, but also those in cities such as Jakarta and Makassar, have received death threats.

The term ‘human rights defenders’ became popular in Indonesia when Munir, a prominent Indonesia human rights lawyer was killed on board a flight from Jakarta to the Netherlands on 7 September 2004. Both state officials and civil society assume that ‘human rights defenders’ are only NGO activists. The society still needs to understand that human rights defenders can be people who promote and protect human rights in a variety of peaceful ways. They can be teachers, doctors, journalists, priests, community leaders, peasants, laborers, indigenous people, etc.

Imparsial believes that the situation of human rights defenders in Indonesia has not changed since the situation under Suharto’s regime of New Order between 1965 and 1997. Under Suharto's regime, military and police actively oppressed human rights defenders. Under Susilo Bambang Yudhoyono’s regime the military and police continue to be active in oppressing human rights defenders, along with thugs and militias, known as ‘preman’, who are indirectly supervised by the military or the police.

Imparsial notified that in 2004, at least 165 Human Rights Defenders were the victims of abuse. The methods of abuse ranged from persecution, criminalization, torture, kidnap, and murder. The authorities always protect the perpetrators.

Throughout the transitional situation in Indonesia, Human Rights Defenders are still targets of abuse. Especially since Susilo Bambang Yudhoyono gained power, the power of the military which decreased during Wahid’s reign has rapidly strengthened.

The power of the military and intelligence authorities in Indonesia increased after the US declared war against terrorism. Several draconian laws such as the Terrorism Law, which allows police and intelligence authorities to arrest a person for seven days without a warrant, and the Law on the Indonesian Military, which gives the military a key role in politics, prevent Indonesian human rights defenders from doing their hard work to promote and protect human rights.

# Sezgin Tanrikulu

## Turkey



Last month, it was the twenty-fifth anniversary of the 12 September 1980 military coup in Turkey. The effects of this fascist coup, its traces and the grave problems it created are still visible in Turkey even twenty-five years later.

The Constitution which was promulgated under military rule is still in force today, although it has been amended in some aspects.

In terms of the daily lives of people, some extensions of the militarised politics are still effective today, including torture and ill-treatment, although the extent and scope of such practices have been narrowed. Some of the overwhelming effects of the military rule include the restriction on political parties and their dissolution, as well as restrictions on freedom of expression, assembly and organisation.

I would like to state some figures for the last 25 years, in order to give a clearer picture of what is happening in Turkey today.

Since 1980:

- 650000 people were detained, and systematically tortured
- 98000 people were tried in military courts, of which 7000 faced the death penalty
- 14 people died on hunger strikes and 171 people were killed under torture.
- 50 people were executed after being condemned to death.

The Kurdish conflict started in 1984; it became known by the military as a 'low intensity warfare' and remained the most important issue on Turkish agenda until 1999.

The following information may summarise what happened during this period:

A recent statement by the Ministry of Defence to the parliament indicates that, according to the official figures, 5,691 members of the security forces were killed during the conflict and 1,1830 of their members were wounded, including some who were permanently disabled. According to the same source, during the same period, 25,344 members of illegal organisations were killed, and 772 of their members were wounded. During the conflict, 8,868 of their members were arrested 'alive', and

2,500 of their members surrendered themselves. In the same period, 5,106 civilians were killed and 5,887 civilians were wounded. Another response by the Ministry of the Interior indicates that 811 villages and 2,469 settlements, a total number of 3,280 human settlements, were evacuated - only eleven of the provinces were in a state of emergency. (Others have argued that these figures are conservative) According to the same source, 60,000 persons were indicted before the courts, although the number convicted is not known.

According to the figures of Human Rights Foundation (HRFT), at least 3,664 persons were killed under conditions identified to be extra-judicial killings, 'mystery' political killings, forced disappearances or under the custody of security forces. The number of persons detained under the jurisdiction of the Diyarbakır State Security Court since it began in 2004 is 26,481, the number of persons indicted before the court is 30,504 – 10,477 of these cases were concluded, 3,880 were sentenced, (including the death penalty), 995 of those on trial were below the age of fifteen, 177 of these children were given prison sentences.

\* \* \*

Turkey has achieved major reforms since its submitting its candidature for EU membership at the Helsinki Summit of 1999, and the reform process has gained new momentum in the last two years. Since Turkey's candidature was deemed eligible, the government has passed important legislation, known as 'adjustment packages', in order to encourage pre-accession negotiations. Despite these developments, there are legitimate doubts about the whole process in the minds of many. The government's reforms are not only inadequate, but they also fail to be properly implemented.

Human rights activists in Turkey risk their lives struggling to achieve rights and freedoms for all. Human rights defenders have been central in constructing Turkey's weak democracy. For instance, the Human Rights Foundation, founded in 1990, has provided essential treatment and rehabilitation services for thousands of torture survivors, and has monitored and documented the human rights situation in Turkey.

Diyarbakır Bar Association and its members have been active in the struggle for human rights in the Kurdish populated region: a region which has undergone periods of martial law and has been under a state of emergency for most of the last century. The Bar Association is presently carrying out a project called, 'Justice for Everyone', which aims to give access to justice and judicial redress for various disadvantaged groups, including torture survivors, families of victims.

The democratisation process in Turkey has long been deadlocked by the Kurdish question. Today, not only have we failed to address past abuses and bring the perpetrators to justice, we also risk a resurgence of the violent conflict. Recent attempts at mass lynching in various parts of Turkey run the risk of escalating the violence between the

two communities, Turks and Kurds. While human rights activists remain committed to their activities, serious obstacles to peace continue to exist in the form of violent groups which seek to deny the Kurdish population the recognition and rights they deserve.

# Thirunavukharasa Sritharan

## Sri Lanka



A Tamil dissident fighting for democracy and human rights for the community is one of the most difficult and dangerous tasks in Sri Lanka today. More than 300 Tamils who oppose the Liberation Tigers of Tamil Eelam's (LTTE) aim of establishing a totalitarian state over the Tamils of Sri Lanka, have been killed. Ironically, many of these deaths occurred during the three years and six months of the Norwegian-brokered ceasefire and peace process. Neither the repeated protestations of the UN or of leading human rights organisations have stopped the LTTE killing or abduction of thousands of men, women and children. So what went wrong with the peace process?

1. Being a totalitarian organisation with much blood on its hands, the LTTE was ruthlessly repressive both within its own community, as well as in the general community at large. The bottomline for the LTTE, and the key to its survival, required peace-brokers to carve a separate state out of Sri Lanka in which the LTTE would assume full power. But internationally it had to show a different face, one which claimed to accept a political settlement, despite the fact that they spoilt every opportunity for a settlement and imposed several outbreaks of war on the Tamil people. Among its victims who have been killed by suicide bombers is the respected lawyer, Dr. Neelan Thiruchelvam, who was engaged in drawing up a federal constitution for Sri Lanka. Others who refused to submit to their ideals were also killed.
2. The Norwegian peace process, which commenced with a ceasefire in 2002, initially raised hopes, however, killings of political opponents and child abductions by the LTTE continued unchecked. The Norwegian-led Sri Lanka Monitoring Mission (SLMM), which was tasked with observing the ceasefire, proved ineffective. The most hopeful point of the whole process was the Oslo Summit of December 2002, at which both the LTTE and the government agreed to a federal settlement. However, shortly afterwards the LTTE intensified its killings of opponents, and in June 2003 refused to engage in negotiations with the government.
3. As is inherent in repressive organisations, which allowed no room for dissent, the LTTE split into the larger Northern wing led by Prabhakaran and an Eastern wing led by Karuna. Instead of using the split as an opportunity to constrain the LTTE and advance democratisation, the Norwegians manoeuvred towards eliminating the Karuna (Eastern) wing so as to preserve the status quo on which their peacemaking was based. The killings in turn became more vicious. From then onwards the credibility of the Norwegians declined sharply within Sri Lanka.

4. Killings and child conscription by the LTTE became uglier and were strongly condemned by organisations including Human Rights Watch and UNICEF, which raised the demand for more rigorous international monitoring to complement the SLMM.

We all want peace in Sri Lanka where all the people irrespective of religion or ethnicity can enjoy democracy and human rights. The first task in this direction is to revamp the peace process with a credible body which monitors human rights and which has the authority to check the LTTE and impose punitive measures on perpetrators. Surely there needs to be improved international awareness and a greater role for the international community in general. The credibility of the peace process in Sri Lanka has greatly diminished in the last year and a half and must not be allowed to deteriorate further.

# Trust Maanda

## Zimbabwe



A human rights defender is a person who individually or in association with others fights, for the protection and promotion of internationally recognized human rights and who as result of his work - generally but not necessarily - suffers reprisals. It is usually bad governments that are guilty of human rights abuses and it is because of this bad governance that these governments do not tolerate criticism of their bad human rights record. Unlike in football where defenders are at the back of the field, human rights defenders are on the front line standing between the victim and the abuser. Consequently, they frequently suffer reprisals by governments who dislike criticism. The abuse comes in different forms ranging from more evident to more subtle abuses.

In some cases defenders face physical assaults or threats of physical harm. For example, Arnold Tsunga, the Executive Director of the Zimbabwe Lawyers for Human Rights was assaulted by members of the Zimbabwe National Army after going to rescue his clients who were being held incommunicado by soldiers during the presidential elections of 2002. He was held at gunpoint and his captors cocked their guns and threatened him. Dr Lovemore Madhuku, the Chairman of the National Constitutional Assembly; a non-governmental organisation advocating for a new and people-driven constitution was assaulted by the police and other state agents, and left for dead. He regained consciousness in hospital. To date, none of his assailants have been arrested or prosecuted.

Judges of the High and Supreme courts who were progressive in the upholding of human rights or who gave judgments against the state or its affiliates have been threatened and/or intimidated into resigning. The current perception is that most of the judges that were appointed in place of these judges are government supporters. The recent court decisions in cases with a political or human rights perspective support this assertion.

For instance, defenders are falsely arrested and prosecuted, as was also the case with Dr Madhuku. He was arrested on several occasions, but has always been released without charge after the prosecution withdraws the charges or he is acquitted. Stanford Moyo and Wilbert Mapombere, respectively former President and Secretary of the Zimbabwe Law Society have also been arrested and tortured for speaking against human rights abuses, and released. This discourages prospective defenders who fear the consequences. This psychological pressure was brought to bear on the former Chief Justice of Zimbabwe who was asked to resign and advised that if he chose to remain on the bench his safety could not be guaranteed. He resigned.

Defenders also face challenges on the legislative front. There are numerous legal provisions which forbid defenders from doing certain work. For example, it is an offence for a defender to provide information on electoral law or related issues unless he/she meets certain requirements. Even in cases where he/she meets such requirements, the education materials are read and approved by a governmental body. As defenders play a vital role in opening the democratic space through education, restrictions imposed by the law places significant obstacles for defenders and their work.

The Public Order And Security Act (POSA) makes statements insulting the President an offence. As it is difficult not to criticize government policies without being accused of insulting the president, it is a dangerous situation for defenders who face imprisonment if found guilty. Although meetings of defenders are not defined as public meetings and regulated by POSA, it is difficult to hold a meeting without notifying the police who insist on being present. So there is always a threat of being spied on in the meetings because there is no privacy.

Some of the legislative threats come in the form of limiting the court' jurisdiction in certain cases. This has the effect of barring defenders from approaching the courts to seek remedies on behalf of victims of abuse. The recent constitutional amendment prohibited the courts from dealing with any issues pertaining to compulsory land acquisition. Therefore, those who wish to contest compulsory land acquisition have no recourse to the law. If the task of courts is to defend then their role has been taken away.

The recent constitutional amendment also poses a further challenge to defenders in that their travel from Zimbabwe may be barred by the state if the trip is deemed not to be in the interests of the nation. This provision is arbitrary and subject to wide interpretation. It is a method by which the government can bar defenders and political opponents from voicing their criticisms and dissent at international forums. Defenders who attempt to travel risk having their passports seized.

Another threat has been in the form of the NGO Bill which sought to outlaw NGOs unless they were registered. The registration process in the bill was so cumbersome that it would be almost impossible for any NGO which the government dislikes to register. Even after registering the state had given itself wide powers to revoke the registration. There was an outcry against the bill and the president did not sign it into law, but no one knows whether the bill will or will not be reintroduced.

I was threatened with physical harm after traveling with another lawyer to a place called Chimanimani to visit our clients who were reportedly being tortured at the local police station. When we arrived, the police officer in charge told us that we would not be given access to our clients as they were branded as terrorists as they were members of an opposition political party. When we tried to reason further with him a notorious member of the Central Intelligence Organisation (CIO) appeared - Joseph Mwale, who has been credited with dousing and burning to death in 2001 of Morgan Tsvangirai, the bodyguard and driver of the President of the main opposition political party. He drove us out of the police station at gunpoint, while police looked on.

Another challenge is manifest in the attitudes of certain judicial officers, especially in cases where the state is the abuser of human rights. The judicial officers can be hostile and abuse their power by finding ways of placing defenders in contempt of court. In my experience representing victims in court, judicial officers have attempted to belittle and intimidate me. It can also be frustrating to witness a client being found guilty because of his political affiliation and in the absence of any evidence. Similarly, when a judgement is made in favour of a client, at the moment of enforcement, often the state refuses to comply with the order. For example, a court ruled in favour of Roy Bennett and ordered those who were unlawfully occupying his land to vacate it. The perpetrators were state agents and so the order was ignored.

The police can also place obstacles in the way of defenders carrying out their legitimate work. In several cases, police deny that clients are being held in custody, which means that I have to travel from one police post to another. Even when police admit that clients are being held in custody they often refuse access to them. On several occasions, I have been forced to file a *habeas corpus*. Detainees are often presented or released after an extended stay in police custody, which means that evidence of torture has often disappeared.

# **Uthayakumar Ponnysamy**

## **Malaysia**



There seems to be an incorrect perception, especially among the international community, that Malaysia is on the road to becoming a developed nation and that 'all is well' as far as minority rights and human rights are concerned. Less attention is given to issues concerning discrimination, victimisation and fundamental rights violations against the ethnic minority Malaysian-Indian community in Malaysia. Malaysia is one of the few countries in the world where the affirmative action plan is almost exclusively for the benefit of the richer majority community and not for the poorer minorities

Ethnic minority Malaysian-Indians form about 8% of the population. They were brought to Malaysia by the British over 150 years ago. After gaining independence in 1957, this community became an underprivileged minority and a group of fourth class citizens.

### **Kg Medan Genocide**

The genocide against the innocent and unarmed people of Kg Medan in 2001 left over 100 killed and/or seriously injured. The Malaysian Human Rights Commission refused to hold an inquiry and the State refused to hold a Royal Commission of Inquiry. The courts and office of the Attorney General refused to hold inquests into the deaths - contrary to Article 5 of the Federal Constitution and section 339 of the criminal procedure code. Worse still, no proper compensation was awarded to the victims, although 112.5 billion RM was approved in the 2004 budget.

### **University Intake**

University intake for Indians declined from more than 10% in 1970 to 5.2% in 2003. In 2004 a meritocracy system was introduced, but it turned out to be 'meritocracy without merits'. Hundreds of poor ethnic minority Malaysian-Indian students were deprived of their right to education. Matriculation courses for entry into public universities are almost exclusively for the majority community.

### **Medical seats**

Medical seats for Malaysian-Indians in the University of Malaya were reduced by 98% from 16 seats in 2001 to only one seat in 2003. This in effect means that almost 1.8 million Indians compete for just one medical seat at this university. When increasing numbers of Indian students opted to study overseas, in June 2005, the state took steps to

curb this trend. The medical degrees from the Crimea state university were no longer recognized, although the reasons for this decision are questionable. The status of medical degrees from universities which accept significant levels of Malaysian-Indian students is also currently up for review.

### **Tamil Schools**

80% of the 523 Tamil schools (ethnic minority Malaysian-Indian schools) are in dilapidated state with almost no sports, recreational, computer and library facilities, which are accorded to national schools. Although primary school education is compulsory by law, Tamil schools do not receive full government aid. About 95% of Tamil schools do not have kindergartens: 99% of national schools do.

### **Hindu Temple Demolishment**

In Malaysia, a temple is unlawfully demolished by the authorities every three weeks. There have been reported cases of policemen torching, throwing molotov cocktails or simply bulldozing temples.

### **Majoritarian Rule Through Civil Service**

Discrimination against Malaysian-Indians in employment in the civil service sectors is evident. Figures indicate that Indian participation in the civil service has reduced from about 40% in 1957 to about 2% in 2003. Of this 2%, the majority work in the clerical and industrial manual group. There is no equal opportunity for promotions.

### **No Business Licences/Opportunities**

Few or no business or commercial licences are given to Malaysian-Indians, and as a result only 1% of Indians participate in the country's economic wealth. Moreover, rumours indicate that this 1% is largely the result of the contributions of one state sponsored Indian millionaire.

### **Victimisation by Police**

Studies have revealed that Indians form about 60% of innocent people shot dead by the police, 60% of innocent people dying in police custody, and 60% of detainees in police lockups and detention centres.

### **No Effective Legal Aid**

Of those detained, almost 95% of them plead guilty when they may not necessarily be guilty. Most of the crimes they commit are poverty related. They cannot afford legal fees and there is no effective legal aid system.

### **Lowest Per Capita Income**

Studies have revealed that Indians have the lowest per capita income at 1000.00 RM per month. The national per capita income is estimated at 14,954 RM in the 2004 budget. Therefore, Indians are about 95% below the national average. In reality, many Indian families earn a meagre 450.00 RM per month

### **Abuse of Women and Children**

Everyday Indian women and children are victims of abuse. For instance, during an interrogation at Rawang police station, an Indian lady was ordered to perform oral sex on another detainee. Her husband and daughter were stripped naked before her. She was told that her eighteen year-old daughter would be raped

Another fourteen year-old boy was arrested from his house, and while in police custody, ordered to do 150 push ups. When he stopped after twenty he was kicked by police and his leg was broken.

### **Labour Class**

80% of ethnic Malaysian-Indians are laborers, Industrial Manual Group workers, office boys, security guards, public toilet cleaners, general workers, road sweepers, beggars, squatters, criminals, gangsters.

### **Ethnic Malaysian Indian Poor**

Indians form 60% of urban squatters and 41% of beggars. About 80% this community is in the poor or very poor bracket.

### **Poverty Among Estate Workers/Labourers**

54% of Malaysian-Indians work as plantation or urban underpaid laborers.

### **Pathetic Monthly Wages**

The state has placed a cap of 325.00 RM per month on the monthly salaries of plantation workers and of 350.00 RM per month for rubber tappers.

### **Poor Students**

200 million RM was allocated to assist poor students to continue with their education but it is estimated that hardly 1% of Indians actually benefit.

## **Emergence of a New Ethnic Malaysian Criminal Class**

Poverty and lack of opportunity leads to high Indian involvement in crime. There is a high incidence of slashings and killings among the Indian community.

## **Squatters**

The rapid development of large plantations has resulted in the displacement of plantation workers, who are then forced to become squatters. The squats are then in turn demolished to make way for more developments.

## **Orphans/Old Folks**

The majority of orphanages and old folks homes are filled with Indians - a clear indicator of poverty they suffer.

## **Skills Training**

Access to even the lowest-level skills training institutions are withheld from Indians, which leads to the majority remaining as unemployed or unskilled workers. Even at the NTS Arumugam Pillai Institute, which was built with the help of the South Indian Labour Fund, not one Malaysian-Indian student was admitted in the first round offers.

## **Uncaring Indian Professionals/Businessmen**

Indian professionals and businessmen do not care or ignore the real problems befalling on their community, perhaps in an attempt to appear as 'multi-racial' or 'non racist'

## **No Independent Media**

The print and electronic media gives little attention to the discrimination, victimisation and violations of human rights suffered by the Indian community. The media too plays to the majority and prefers to highlight 'majoritarian issues'.

## **Least Attention by the Opposition Parties, NGOs and Civil Society**

As the Indian community is politically, economically and internationally insignificant even the opposition parties, NGOs and civil society groups generally give them little attention.

## **Undocumented Ethnic Minority Malaysian Indians**

Despite forty-eight years of Independence, there are still thousands of Malaysian-Indians who remain undocumented without birth certificates, identity cards, marriage certificates. This in effect precludes and excludes them from even the official primary school structure, sectors of the formal job market and business community.

## **The Malaysian Human Rights Commission and the Royal Police Commission Refuse to Report the Truth**

The Malaysian Human Rights Commission and the Royal Police Commission have continuously refused to report even the most serious violations of human rights by the state against this community. For example, the Kg Medan genocide, of the killings of suspects, deaths in police custody and the holding at gunpoint of a human rights lawyer.

### **Independent Judiciary**

The majority of cases against the state which relate to violations against the Malaysian-Indians are dismissed without a hearing.

### **Independent Attorney General**

The attorney general has shown bias in many instances including, prosecuting lawyers for defending the rights of the Indian community, failing to initiate inquests into custodial deaths and avoiding prosecuting authorities

### **Government Bodies/Institutions not Independent**

Almost all government institutions and services are biased in favour of the government and have been known to have engaged in 'cover ups' against the people.

### **Highest Suicide Rate**

Indians have the highest suicide and divorce rates in the country.

### **No Funding for Non-Pro-Government NGOs**

No funding is granted to NGOs which are not pro-government.

### **Fear Factor**

This community as a result of years of oppression and suppression is riddled with fear. They are fearful to stand up for even the worst form of violations, victimisation, discrimination and human rights abuses perpetrated against them.

# Wenceslao Mansogo

## Equatorial Guinea



Equatorial Guinea is a small country in Central Africa. The actual population is approximately half a million inhabitants, however official census may reach one million. Independence from Spain was achieved in 1968. Since then the country has been under the control of totalitarian regimes. Francisco Macias was in power until 1979, and he was succeeded by his nephew, Teodor Obiang Nguema. Equatorial Guinea is the third largest oil producer in sub-Saharan Africa, nevertheless most of the population lives in absolute poverty. According to a recent UN report, 65% of the population live in conditions of extreme poverty. Therefore, most of the wealth generated from oil is concentrated in the hands of high-ranking government politicians. The country's main bilateral partners include, Spain, France and the United States of America.

The wide variety of non-state actors which are visible in other countries do not exist in Equatorial Guinea. The regime believes that an organised civil society would debilitate its power, and therefore suppresses it. There are no NGOs or associations outside the control of the state. Political parties are also forced to operate under state control. Convergencia para la Democracia Social - CPDS (Convergence for a Social Democracy) is the only legalised political opposition group in the country, and so it acts also as the only group that defends human rights in Equatorial Guinea. Its leaders and members suffer permanent repression.

Human rights defenders suffer every kind of violation in Equatorial Guinea:

**Killings:**

Avelino Abaha Elo, Alberto Nguema Ndong in December 2002;  
Reverend Father León Mba Ncogo on 1 January 2004.

**Arbitrary arrest, prison and torture:**

Virtually all the members of CPDS, external as well as national, have been victims.

**Intimidation:**

Human rights defenders and their families are frequently victims

**Impoverishment through unemployment:**

Leaders and members of CPDS are refused employment. They are automatically excluded from civil service jobs as well as from jobs in private enterprises which have close ties to the government, including oil companies.

**Social exclusion:**

Defenders are the victims of extraordinary taxes, inequality before the law, and administrative discriminations.

**Abusive evictions:**

Wenceslao Mansogo, Pío Miguel Obama, Andrés Esono, Angel Obama

**Recommendations for reducing the number of violations suffered by defenders:**

- Structure and organise UN surveillance, supervision and advice.
- Place sanctions on countries which violate rights, and make resources available to permit their adequate implementation.
- Establish a black list of the main human rights offenders in the violating countries, preventing them from travelling to democratic countries.
- Reinforce bilateral economic and political pressing measures.
- Favour surveillance and targeted pressure from the European Union.
- Determined and organised support and assistance for human rights organizations and civil society groups working in the offending countries.
- Immediate financial support to human rights defenders at serious risk.

I studied as an obstetrician gynaecologist in France, I came back to Equatorial Guinea in November 1994. In 1998, I was fired from my position as a head of department in Bata hospital because I did not toe the line. Since then, I have worked in my own private practice. As is the case with my colleagues, I am not allowed to practice in the public sector, even though there is a shortage of doctors. In June 1998, the military leader of the district of Kogo was planning to lay an ambush for me. I was warned by a friend and was able to avoid danger. Others were not so fortunate, and were seriously injured and five were hospitalised. In August 1998, I was arrested and spent one day in prison. I was not physically tortured. Since 1999, on several occasions, my family has suffered because of my activities in defense of human rights. In October 2001, the police evicted me from my apartment in Bata without warning or provocation. Apparently, the order came from a Minister who wanted to acquire the property, but of all the tenants in the block, I was the only one evicted. Since 2003, my application for a teacher's post in the Bata School of Medicine has been systematically rejected by the administration, despite the fact that applications from people with a university level lower than mine are accepted. On 20 July 2004, I was arrested because I turned out from my courtyard a woman who intended to build her house in it. I was accused of being opponent to the regime. I was imprisoned for a short time in the police station of Comandachina, Bata, but I was released by the Governor of the province after my case was forwarded to the court. On 8 November 2004, I was arrested in my surgery by officials from the state security service. I was accused of being involved in an imaginary coup d'état. I was released on bail. On 8 and 9 September 2005, I was summoned by the Parliament's Complaints Commission of Equatorial Guinea regarding the ownership of the courtyard. They tried to reverse previous court decisions declaring me to be the owner of the courtyard and tried to transfer of a part of the courtyard to a member of the party in the government. I told them I would not respect such a decision, even if it came from the Parliament.

# Yaser Ghazi Alawneh

## Palestine



Palestinian human rights defenders suffer many violations and work under unique conditions, due to the following:

- Several human rights defenders are confronted by many violations and obstacles from the Israeli side *prior* to the establishment of the Palestinian Authority (PA) in Gaza and the West Bank in 1994.
- Many Palestinian human rights defenders suffer attacks and violations from both Palestinian and Israeli sides.

In this paper, I will briefly examine some of the violations suffered by Palestinian human rights defenders working in defense of freedom and dignity. I will also describe some of my personal experience in this regard, since I was one of those who faced such violations.

### **Violations suffered at the hands of the Israelis**

Many defenders have suffered unjust detentions and arrests at the hands of Israeli military, for example, Daoud Dir'awi (lawyer and researcher at The Palestinian Independent Commission for Citizens' Rights), Ahmed Abu Haniyeh (researcher at the Center of Substitute Information) and Ziad Ihmeidan (researcher at al-Haq institution in Ramallah), as well as Sohail Khalaf (journalist).

Many defenders have been refused permission to travel by the Israeli military forces, and many of them have been unable to participate in regional and international conferences or training courses, such as Khalida Jarrar (director of Addameer; an institution which defends prisoners' rights, based in Ramallah), Zahi Jaradat (researcher at al-Haq), Amin Abu Wardeh (journalist), Omar Rahhal (director of the Center of Human Rights and Democratic Participation), and Basher Darahmah (journalist).

Many Palestinian human rights defenders have suffered beatings at the Israeli military checkpoints and at the West Bank checkpoints. Palestinian human rights defenders have been barred from entering Israel under the false pretext of security

## **Violations suffered at the hands of the Palestinian National Authority**

The Oslo Accords between the PLO and Israel signed on 13 September 1993 had a negative affect on Palestinian human rights defenders, in particular, and the Palestinian individual, in general. The Palestinian Authority came under increasing pressure from Israel and the international community to restore law and order. As a result, many violations were committed, for instance;

- The PA view human rights defenders as opponents and many have been jailed without legal court procedures because of their political opinions.
- The official organs of the PA deny access to information, black out information and do not allow the acquisition of information.
- The PA criminalizes human rights defenders. On one occasion, the authorities placed narcotics in the car of Dr Lyad As-Sarraj, the former general commissioner of the The Palestinian Independent Commission for Citizens' Rights.
- The PA prevent human rights defenders from carrying out their work, for example, visiting its prisons. For the last ten years, military intelligence has refused human rights organisations access to its detention centres.

I began defending human rights as a university student in 1996. My official work started with the commission in the year 2000. I have suffered three different kinds of violation and abuse.

### **Firstly: The Israeli Side**

Through my activities with the Palestinian Independent Commission for Citizen's Rights, since 2002, I have suffered more than forty violations by the Israeli military at Israeli checkpoints.

- On 14 January 2002, while I was at our Ramallah office, I received a telephone call from my family telling me about the unexpected death of my father. Immediately I travelled to Nablus, where my family live. On arrival at Hiwwara (south of Nablus) checkpoint, Israeli soldiers confiscated my personal and work identification, searched me, and detained me for two hours. Finally, despite telling them about my father's death, an officer in charge ordered me to return or threatened to arrest me. Accordingly, I was forced to walk through hilly roads for more than ninety minutes in order to see my deceased father for the last time.
- On 13 October 2003, I was deprived from travelling abroad for eighteen months. At that time, I was travelling to Spain via Jordan to participate and attend an international conference on human rights. But I was informed by Israeli intelligence personnel that I was not allowed travel for security reasons. Accordingly, I authorized a lawyer to challenge the decision. On 18 May 2004, the order was revoked.
- On several occasions, I suffered beatings and arrests at the hands of Israeli soldiers at the Israeli military checkpoints.

- On 16 February 2003, Israeli soldiers used me as a human shield during their operation in Nablus to arrest Tayseer Khalid (sixty-five years old), a PLO Executive Committee member. The army raided my office and I was beaten up by the commander of the operation.
- Israeli army refused to give me permission to participate in a symposium on globalization and Democracy held in Occupied Jerusalem, or permission to pass through Israeli checkpoints.

### **Secondly: The Palestinian Authority**

I was refused permission to visit some Palestinians detained at the authority's prisons due to my protest against conditions of prisoners and their treatment.

### **Thirdly: Citizens and Their Behavior**

Despite our work defending citizens and their complaints, they themselves accuse us of inefficiency. For instance, on 25 September 2005, a man entered in my office, carrying two pistols and petition paper, and shouting for us to help release his jailed brother, or he would take the law in his own hands to release his brother and free him from prison.

I hope this paper has exposed some of the injustices suffered by Palestinian human rights defenders. We are in urgent need of an active and strong international movement devoted to defending and protecting human rights defenders in the Israeli-occupied Palestinian territories and elsewhere.

# **Yvonne Artis**

## **Jamaica**



I am deeply honoured to be among so many people from all different walks of life, fighting for one cause; human rights.

In my country I have been a ‘front liner’ on many occasions. I have had to go ‘up front’ to represent the gay community in my country. This year alone three gay men have been violently killed. There has been no investigation into their murders, by the relevant authorities.

On July 11 of this year I went to rescue a young gay man from a Burger King restaurant in Kingston. On reaching the Burger King I had to push my way through a large crowd to get to the lad. On my way I was attacked by the mob, which shouted aggressively at me that I was a lesbian. I was pushed and pulled. The police arrived just in time. I was placed in a police car and the mob threw stones and bottles at it, trying to get to me, saying that I needed to be killed because I was helping a ‘battyman’ (homosexual). The police had to fire shots into the air to scare the crowd away from the car. One of the policemen was injured while helping me.

We, the gay community of Jamaica need support to help us in our struggle to decriminalize homosexuality in Jamaica.