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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS  
OF DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Report of the Special Rapporteur, on extrajudicial, summary or arbitrary  
executions,  
Asma Jahangir**

**Addendum  
Summary of cases transmitted to Governments and replies received\***

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\* The present document is being circulated in the languages of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions

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## **Introduction**

1. This addendum to the report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions describes 65 country situations and gives an account of actions undertaken by the Special Rapporteur from 2 December 2002 to 1 December 2003. It also contains in summary form the replies received from Governments to her communications, as well as observations of the Special Rapporteur where considered appropriate.
2. Owing to restrictions on the length of documents, the Special Rapporteur has been obliged to reduce details of communications sent and received. As a result, requests from Governments to publish their replies in their totality could not be acceded to.

## **SUMMARY OF CASES TRANSMITTED AND REPLIES RECEIVED**

### **Algeria**

#### **Communication reçue**

3. Dans une lettre datée du 4 décembre 2002, le Gouvernement algérien a répondu à un appel urgent conjoint envoyé par la Rapporteuse spéciale le 12 septembre 2002, conjointement avec la Représentante spéciale du Secrétaire général sur les défenseurs des droits de l'homme et le Rapporteur spécial sur l'indépendance des juges et des avocats, concernant le cas de **Ahmed Ali Khelili**. D'après le gouvernement, M. Khelili n'aurait pas cru bon de saisir la justice afin de porter à sa connaissance les faits allégués, l'empêchant ainsi de procéder à une enquête et de vérifier si les allégations étaient fondées ou non. D'après le gouvernement, selon la législation algérienne, un personne qui s'estime être victime d'agissements contraires à la loi a la faculté de déposer une plainte soit devant le Procureur de la République, soit directement par la voie de plainte avec constitution de partie civile, devant le Doyen des juges d'instruction, ce que M. Khelili n'aurait pas fait.

### **Angola**

#### **Communications sent**

4. On 4 June 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of Angola regarding the following individual cases relating to allegations of torture and other forms of ill-treatment in Cabinda Province:
5. **Vaba**, a young man from Mbamanga village, by the Chiloango River, was reportedly detained by soldiers from the Angolan Armed Forces (FAA) on 27 August 2002. Vaba was allegedly accused of spying for the Front for the Liberation of Cabinda Enclave (FLEC) and was reportedly beaten, tied to a stone and thrown into the river.

6. **João Rodrigues Lourenço**, a 53-year-old church worker, was reportedly brutally beaten on 22 November 2002 in Cochiloango, municipal district of Cacongo, by members of the military police, who were allegedly searching for information on the guerrilla movements in the area. His relatives reportedly found him dead three days later in a forest close to their village. The incident allegedly took place after FLEC guerillas ambushed an FAA vehicle.

7. On 23 July 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on violence against women, sent a communication to the Government of Angola in connection with the case of **Amélia Teco Luemba**, also known as **Arlete**, a 16-year-old woman from Cata-Chivava village, Necuto commune who was reportedly shot dead by an FAA soldier on 20 October 2002 as she was allegedly trying to escape being raped. Soldiers allegedly entered her house and took off her clothes, but she managed to escape half-naked outside, where she was reportedly killed.

### Argentina

#### Llamamientos urgentes

8. El 25 de febrero de 2003, la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, envió un llamamiento urgente en relación con la situación de la periodista **Carla Britos**, propietaria y directora del periódico mensual *La Tapa* en Guernica, provincia de Buenos Aires. Según las informaciones recibidas, la Sra. Britos continuaría siendo víctima de una serie de amenazas de muerte y actos de intimidación. La más reciente aconteció al atardecer del 14 de febrero de 2003, cuando Carla Britos habría sido violentamente abordada cerca de su casa por tres individuos no identificados que habrían amenazado con matar a ella y a su familia. Asimismo se informó de que Carla Britos habría denunciado las amenazas de muerte ante la Fiscalía de La Plata, provincia de Buenos Aires. Tales amenazas estarían relacionadas con artículos sobre casos de corrupción publicados en *La Tapa*. El periódico habría informado sobre casos de corrupción en el municipio de Presidente Perón en los que estaba implicado el ex intendente, actualmente miembro de alta graduación del Servicio de Inteligencia del Estado (SIDE).

9. El 18 de agosto de 2003 la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, envió un llamamiento urgente en relación con **Carla Britos**. De acuerdo con las informaciones recibidas, la Sra. Britos continuaría siendo víctima de actos de intimidación. Durante la medianoche del 13 de julio de 2003, mientras dormían, Carla Britos y su familia habrían oído un ruido en el exterior de la casa. Más tarde, sobre las tres de la madrugada, Carla Britos, su esposo y sus cuatros hijos se habrían despertado a consecuencia del humo que invadía sus dormitorios ya que la parte trasera de su casa de madera estaba ardiendo. Habrían conseguido apagar el fuego y alertaron a los policías, quienes permanecerían estacionados a unos 20 metros de la casa. Asimismo, se informó de que Carla Britos habría denunciado las amenazas de muerte ante la Fiscalía de La Plata, provincia de Buenos Aires. Existiría preocupación de que este ataque, al igual que los anteriores,

guarde relación con la publicación en *La Tapa* de artículos sobre casos de corrupción en el municipio de Presidente Perón en los que estaría implicado un ex intendente, actualmente miembro de alta graduación del SIDE.

10. El 24 de octubre de 2003, la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, envió un llamamiento urgente en relación con **Carla Britos**. De acuerdo con las informaciones recibidas, el 5 de octubre de 2003, la Sra. Britos habría sido forzada a ingresar a un vehículo por un hombre, quien presuntamente le habría apuntado con una pistola en la espalda. La Sra. Britos habría sido conducida al interior del mencionado vehículo junto con otros dos hombres, quienes la habrían amenazado advirtiéndole: “*en Guernica manda Rodríguez y se hace lo que Oscar Rodríguez dice[...]. cuándo lo van a entender...*”. Pocos instantes después, al momento de ser liberada, le habrían advertido: “*bájate, pero la próxima vez no volvés a casa*”. Asimismo se alega que, aparte de las medidas de protección policial con las que contaría la Sra. Britos, las autoridades no habrían ejercido acciones en contra de los responsables de tales amenazas.

11. El 6 de noviembre de 2003, la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente sobre la situación de **María Dolores Gómez**, defensora oficial en el Departamento judicial de San Isidro, provincia de Buenos Aires. Se informa de que el Relator Especial sobre la cuestión de la tortura y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos ya enviaron otra carta de fecha 11 de septiembre de 2002, también en relación con María Dolores Gómez, a la cual el Gobierno argentino contestó el 4 de octubre de 2002. Según las informaciones recibidas, María Dolores Gómez seguiría recibiendo amenazas de muerte las cuales guardarían relación con sus denuncias sobre casos de corrupción, tortura y malos tratos en los centros penitenciarios y comisarías de policía en la provincia de Buenos Aires. El 26 de octubre de 2003 el Juzgado de San Isidro habría sido evacuado tras una amenaza de bomba efectuada a través de una llamada anónima. En dicha llamada, se habría hecho mención a María Dolores Gómez y a **Fernando Maroto**, otro juez que habría sido igualmente amenazado por denuncias de abusos contra personas privadas de libertad. De acuerdo con la información recibida, las autoridades penitenciarias habrían atribuido la llamada telefónica a un preso que también habría denunciado varias veces violaciones de derechos humanos de detenidos. También se informó de que en repetidas ocasiones algunos presos habrían declarado ser obligados, bajo chantaje, a proferir amenazas contra María Dolores Gómez. La Comisión Interamericana de Derechos Humanos (CIDH) habría solicitado al Gobierno argentino medidas cautelares para proteger la vida y la integridad de María Dolores Gómez. Dicha solicitud de medidas cautelares se habría extendido hasta julio de 2003. Sin embargo, se alega que, a pesar de haberse tomado medidas de seguridad, no se han llevado a cabo investigaciones adecuadas, lo cual dificultaría acabar con las agresiones.

### **Comunicación enviada**

12. El 29 de septiembre de 2003, la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, envió una carta de alegación en relación con el caso de **Héctor Gustavo Agüero**, quien habría fallecido el 19 de junio de 2002 en la Unidad Sanitaria 22 del complejo penitenciario de Olmos, provincia de Buenos Aires. Según las informaciones, Héctor Gustavo Agüero fue detenido el mes de febrero de 2002 en la comisaría de Malvinas Argentinas de Tortuguitas, acusado de robo. A pesar de que habría sido declarado inimputable por la esquizofrenia que padecía, habría sido alojado en la comisaría en espera de un cupo en el hospital neuropsiquiátrico Melchor Romero. Después de 40 días de alojamiento en la comisaría, habría sido destinado al complejo de Olmos. Héctor Gustavo Agüero fue posteriormente transferido al hospital neuropsiquiátrico Melchor Romero, donde se alega que padeció malos tratos. Asimismo se informó de que el juez Quintana habría rechazado una acción de hábeas corpus interpuesta a favor de Héctor Gustavo Agüero porque habría considerado óptimo su estado. El juez Quintana habría sido reemplazado por el juez Sorondo, quien habría ordenado el traslado de Héctor a la Unidad Penitenciaria 22 de Olmos. Allí habrían señalado que “hacía cuatro días que no tomaba agua” y que “una sobredosis lo había dejado semimuerto”. Héctor Gustavo Agüero habría fallecido al día siguiente habiéndose afirmado como causa de su muerte una sobredosis de medicamentos suministrados en el hospital neuropsiquiátrico Melchor Romero.

### **Respuestas del Gobierno**

13. Mediante comunicación del 5 de agosto de 2003, el Gobierno de la Argentina proporcionó información suplementaria a su nota de fecha 4 de agosto de 2003 en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión, envió el 18 de agosto de 2003 relativo a la situación de **Carla Britos**. Según el Gobierno, las amenazas denunciadas estarían siendo objeto de dos investigaciones penales preparatorias, una de ellas respecto de las presuntas amenazas telefónicas realizadas durante los primeros días del mes de junio de 2002; la segunda vinculada con supuestas amenazas proferidas el mes de febrero de 2003, hechos que a su vez, fueron objeto del llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión, envió el 25 febrero de 2003. Al respecto, el Gobierno informó de que no ha sido posible identificar o individualizar a ningún sospechoso o responsable de tales amenazas y que la custodia policial respecto de la Sra. Britos y su familia continúa vigente tal como lo expresó mediante comunicación del 11 de marzo de 2003.

14. Con relación al llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión, envió el 18 de agosto de 2003 respecto al presunto atentado en contra de la Sra. Britos, ocurrido el 13 de junio de 2003, el Gobierno de la Argentina informó de que, de acuerdo con el sistema informático de la Fiscalía General de la Plata, no se habría tenido referencia de ningún hecho de incendio que hubiera afectado a la Sra. Britos. Posteriormente, mediante comunicación de 6 de agosto de 2003, el Gobierno de la Argentina proporcionó información adicional relativa a la solicitud de pericia efectuada al cuerpo de bomberos de la provincia de Buenos Aires. Finalmente, mediante comunicación de 18 de agosto de 2003, el

Gobierno informó de que se habría tratado de un principio de incendio de combustión incompleta el cual solo habría ocasionado daños leves. Con relación a la investigación de tales hechos, se informó de que, de acuerdo con los testimonios, no se logró evidenciar la existencia de una acción deliberada como origen del incendio.

15. Mediante comunicación del 9 de enero de 2003, el Gobierno de la Argentina proporcionó información en relación con el llamamiento urgente que la Relatora Especial envió el 4 de noviembre de 2002 en relación con las amenazas sufridas por **Gustavo Melmann**, su esposa **Laura Melmann**, hijos y otros familiares, **Yesica Mariela Alvarengo**, **Carlota del Valle Soria**, **Haydee Susana Lima**, así como miembros del poder judicial que participan en el juicio adelantado por el asesinato de Natalia Melmann. Según el Gobierno, de acuerdo con el informe de la unidad funcional de conflictos familiares y sociales, se han adelantado las investigaciones penales preliminares por el delito de amenazas contra las personas mencionadas. De acuerdo con dicho informe, de las diez investigaciones que se adelantan, seis se encontrarían en etapa de instrucción sin dictado de auto de meritos; dos habrían sido desestimadas y una habría sido acumulada por conexidad. Solo dentro de la causa que por el delito de amenazas y lesiones leves contra Gustavo Melmann se habría formulado citación al presunto responsable.

16. Mediante comunicación del 17 de diciembre de 2002, el Gobierno de la Argentina proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió el 24 de septiembre de 2002 en relación con el caso de **Estela Carlotto**. Según el Gobierno, se adelanta una investigación penal, la cual se encontraría en etapa de instrucción. Asimismo informó sobre la activación de los mecanismos de protección de conformidad con los procedimientos establecidos en la normativa internacional relativa a la defensa y promoción de los derechos humanos.

17. Mediante comunicación de 17 de diciembre de 2002, el Gobierno de la Argentina proporcionó información suplementaria en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió el 3 de octubre de 2002 en relación con los incidentes de violencia que tuvieron lugar en Avellaneda el 26 de julio. Según el Gobierno, se continúa con el análisis de los testimonios y de los elementos de prueba. En tal sentido no se descarta la posibilidad de vincular a nuevos efectivos policiales a la investigación. Con relación a las amenazas telefónicas en contra del abogado **Claudio Pandolfi**, el Gobierno informó de que, dada la gravedad de las acusaciones sobre el hecho de que las amenazas provenían del conmutador de una de las dependencias del Ministerio de Seguridad, el fiscal encargado del caso habría solicitado el listado completo de las llamadas efectuadas desde dicho Ministerio, el cual, luego de ser analizado, habría permitido establecer que ninguna llamada habría sido efectuada desde las referidas dependencias. También se informó de que, ante las intimidaciones y amenazas contra uno de los testigos, el fiscal habría incluido dentro del programa de protección tanto al testigo como a su familia.

18. Mediante comunicación del 15 de noviembre de 2003, el Gobierno de la Argentina proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, envió el 29 de septiembre de 2003 en relación con el caso de **Héctor Gustavo Agüero**, quien habría fallecido el 19 de junio de 2002 en la Unidad Sanitaria 22 del complejo penitenciario de Olmos, provincia de Buenos Aires. Según el Gobierno, el servicio penitenciario de la provincia de Buenos Aires habría iniciado una investigación administrativa en la que a su vez habrían intervenido el Ministerio de Justicia y Seguridad, el poder judicial de la provincia de Buenos Aires y la comisaría 4 de Malvinas. Asimismo, el Gobierno informó de que se habría ordenado la autopsia al cadáver con el fin de establecer los motivos clínicos del fallecimiento.

## Azerbaijan

### Urgent appeal

19. On 2 May 2003, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on human rights defenders, transmitted an urgent appeal to the Government of Azerbaijan regarding the situations of the following persons.

20. **Eldar Zeynalov**, Chief of the Human Rights Center of Azerbaijan (HRCA), and **Leyla Yunus**, Director of the Institute of Peace and Democracy, were reportedly the victims of a series of attacks resulting from an alleged defamation campaign. Fears were expressed that their lives could be in danger. On 22 April 2003, a former Baku City public official and current member of the leadership of the Musavat Party allegedly accused the two men on the television channel "ANS" of being "enemies of the people". Mr. Zeynalov's private home phone number was allegedly given and the audience asked to "take action". The following day, a group of 30 men, including members of AXCP-3 and the Organization for the Liberation of Karabakh (QAT), allegedly attacked the HRCA office and issued a written statement demanding that criminal proceedings be opened against Mr. Zeynalov on charges of "treason to the Motherland". It was further reported that on 24 April 2003, a bigger group, including members of Musavat and QAT, returned to the organization's office where they allegedly burnt a photograph of Mr. Zeylanov and threw chemicals around the premises. The police, reportedly present during these incidents, allegedly failed to take any action. On 25 April 2003, the HRCA premises were allegedly attacked once more, again in the presence of the police, by members of the ruling New Azerbaijan Party (YAP), who accused Mr. Zeynalov of being Armenian and demanded that he be exiled. On 28 April, the office of the Institute of Peace and Democracy and Mehdi Mehdiyev, Director of the Human Rights Resource Centre, who had spoken out against the previous incidents, were allegedly attacked. It was reported that, on 29 April 2003, security guards who had been hired by HRCA on 25 of April to protect the organization's premises allegedly failed to show up, explaining later that they had been "strongly advised" to terminate this service by the Ministry of the Interior and the Ministry of National Security. It was alleged that this wave of attacks, which occurred during the pre-electoral period, might have been part of a campaign to discredit Mr. Zeynalov's human rights work and that of his

organization by accusing him of being an ethnic Armenian origin and working against the interests of Azerbaijan.

### **Communication sent**

21. On 4 June 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of Azerbaijan in connection with the case of **Mailk Gulami oglu Ailyev**, a 35-year-old resident of Baku who was reportedly subjected to ill-treatment by a prosecutor (whose name is known to the Special Rapporteur) and other officers at the 19th Nasimi District police station on 28 May 2003. He was reportedly tortured in order to make him confess to a crime he claimed he had not committed. As a result of this treatment, his lungs were allegedly severely damaged, reportedly leading to his death on 12 January 2003, while imprisoned at labour reformatory No. 3.

### **Communication received**

22. On 16 September 2003, the Government of Azerbaijan responded to the letter regarding the case of **Mailk Gulami oglu Ailyev**. The Government reported that there had been an investigation by the Procurator-General's Office of the Republic of Azerbaijan in connection with that matter. On 28 May 1998, following an argument, Mr. Alyev committed premeditated murder, shooting dead Faik Agarz ogli Allakhverdiev. On 28 May 1998, the Nasimi District Procurator's Office, Baku, initiated criminal proceedings for offences under articles 95 and 220 of the Criminal Code of the Republic of Azerbaijan. On 5 September 1998, Mr. Alyev was arrested, charged and remanded in custody. During a search, he was found to be in possession of opium for which he was sentenced to 11 years' imprisonment. The Government explained that Mr. Alyev died on 12 January 2003 after he fell ill from pulmonary tuberculosis while serving his sentence in a strict-regime colony in the Azizbekov district of Baku. The Government finally stated that neither during the preliminary investigation nor in court was any complaint received from Mr. Alyev concerning the use against him of illegal methods of questioning and no evidence of such use was found during the attempt at verification made by the State.

## **Bangladesh**

### **Urgent appeals**

23. On 21 January 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal to the Government of Bangladesh concerning an "indemnity ordinance" for army personnel involved in a crackdown on crime in the country, a situation that had been the object of an urgent appeal on 30 October 2002. The Special Rapporteurs expressed concern that if the ordinance were to be approved by the Parliament on 26 January 2003, no soldier would be investigated or brought to justice for the deaths and alleged torture which were reported to have taken place during the crackdown. Indeed, the Joint Drive Indemnity Ordinance 2003, issued on 9 January 2003, gave immunity from prosecution to armed forces and government officials for their involvement in "any casualty, damage to life and property, violation of rights, physical or mental

damage” between 16 October and 9 January 2002. The crackdown on crime, known as “Operation Clean Heart”, started on 17 October 2002 in response to growing domestic and international concern about increasing lawlessness in Bangladesh. At least 40 people were reported to have died after arrest between 17 October and 9 January – the period covered by the ordinance.

24. On 4 June 2003, the Special Rapporteur sent an urgent appeal to the Government of Bangladesh with regard to the alleged governmental intentions to deploy paramilitary forces to combat a crime wave that had allegedly taken place during the preceding several months. In this context, the Dhaka police chief, Ashraful Huda, reportedly said that police had been directed to shoot on sight, in self-defence, or to protect the security of others. It was further alleged that the Cabinet Committee on Law and Order had proposed the establishment of a Rapid Action Battalion, which would include members of the armed forces, the police, and members of the Bangladesh Rifles and Ansars, as part of the Government’s anti-crime initiative. Fears were expressed that this new force would be granted excessive authority, which could lead to widespread abuse of power.

### **Communications received**

25. By letter dated 28 January 2003, the Government responded to a joint urgent appeal sent with the Special Rapporteur on torture on 30 October 2002 concerning Operation Clean Heart. The Government reported that the purpose of the drive was to recover illegal arms, stop extortion, apprehend known criminals and bring back a sense of security in public life. According to the Government, the Operation had been successful in improving the law and order situation and the incidence of violence and extortion has decreased considerably. All members of the law enforcement agencies involved in the Operation were under strict instructions not to harass innocent people. The Government further affirmed that the apprehension of a large number of persons belonging to the ruling political party also gave credence to the neutral and apolitical nature of the Operation. The withdrawal of armed forces had begun on 12 February 2003. Following the withdrawal of the army, rapid action teams with specially trained police personnel were formed in Dhaka and similar teams would be established in other cities.

26. By letter dated 24 July 2003, the Government responded to the urgent appeal sent by the Special Rapporteur on 4 June 2003. The Government reiterated that the purpose of Operation Clean Heart was to recover illegal arms, stop extortion, apprehend known criminals and bring back a sense of security in public life. The anti-crime drive should be seen in the context of the very real need felt in Bangladesh to improve the law and order situation, and to create conditions conducive to growth and development in an environment marked by peace, safety and security. The Government stated that the Operation had concluded on 9 January 2003 and had had considerable success in reducing violence and criminal activities and in restoring law and order and internal security in the country. The Operation had been conducted with absolute transparency and Bangladesh had a free press, a vibrant civil society and a strong opposition in the Parliament, factors that in themselves guaranteed accountability for the Government’s actions. The Rapid Action Battalion had been formed with specially trained police personnel under the existing Armed Police Battalions Ordinance, 1979 and was guided

strictly by the Code of Criminal Procedure. Finally, the Government reported that it had taken a number of initiatives for the promotion, protection and effective enjoyment of human rights by all citizens, including steps towards the establishment of a national human rights commission. It had also repealed the Public Safety (Special Provisions) Act, 2000 and took other steps which were described in an annex to the Government's reply.

## **Belgium**

### **Communication envoyée**

27. Le 29 juillet 2003, la Rapporteuse spéciale conjointement avec le Rapporteur Spécial sur la torture et le Rapporteur spécial sur les droits de l'homme des migrants, a envoyé au gouvernement belge une communication concernant le cas de **Xhevdet Ferri**, un immigrant clandestin et demandeur d'asile d'origine albanaise, qui serait décédé dans une cellule d'isolement du Centre de Détention de Steenokkerzeel le 12 octobre 2000. Une enquête pénale et administrative auraient été ouvertes immédiatement après son décès. L'autopsie réalisée le 14 octobre 2000 n'aurait cependant pas éclairci les causes de sa mort.

### **Communication reçue**

28. Le 6 Novembre 2003, le Gouvernement belge a répondu à la communication envoyée conjointement par la Rapporteuse Spéciale, le Rapporteur Spécial sur la torture et le Rapporteur spécial sur les droits de l'homme des migrants le 29 Juillet 2003. Selon le Gouvernement, **Xhevdet Ferri** a été découvert le 5 Octobre 2000 à Ostende alors qu'il se trouvait de manière illégale dans une remorque sur le point d'être embarquée. Il n'a pas introduit de demande d'asile et a été interné le même jour dans un Centre fermé pour illégaux en attendant d'être expulsé du Royaume. Le rapatriement vers son pays d'origine, l'Albanie, était apparemment prévu pour le 13 Octobre 2000. Transféré la veille au Centre de rapatriement 127 bis à Steenokkerzeel, il a tenté de s'évader le soir même. Il a été toutefois repris par la police alors qu'il gisait sur le sol et placé dans une cellule d'isolement. Selon le gouvernement, le personnel de sécurité du Centre a considéré que l'attitude de l'intéressé s'assimilait à une opposition passive suite à un défaut de communication. Apparemment, aucun élément n'aurait permis à ce personnel de conclure à une blessure de l'intéressé. Peu après, Ferri était pris d'un malaise et une ambulance a été immédiatement appelée. Une équipe du service mobile d'urgence sur les lieux et des efforts a tenté de le ranimer, en vain. Une enquête concernant les faits a été immédiatement ouverte par la police et le parquet. Selon le gouvernement, aucune plainte n'a été portée à la connaissance de l'Office des étrangers et une autopsie a été effectuée. Une enquête pénale est par ailleurs en cours. Selon les renseignements fournis par le gouvernement belge, certains agents de sécurité du Centre de rapatriement 127 bis et certains membres des services de police fédéraux ont fait l'objet d'un dossier à charge auprès du Tribunal de Première instance de Bruxelles. La chambre du Conseil devait rendre prochainement son ordonnance concernant le renvoi éventuel en correctionnelle.

## Bolivia

### Llamamientos urgentes

29. El 2 de abril de 2003 la Relatora Especial junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, el Relator Especial sobre la independencia de magistrados y abogados y el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, envió un llamamiento urgente en relación con **Cliver Rocha**, responsable de la Unidad Regional del Centro de Estudios Jurídicos e Investigación Social (CEJIS) en Riberalta y asesor de la Central Indígena de la Región Amazónica de Bolivia (CIRABO). Según la información recibida, en la tarde del 13 de marzo de 2003 el Sr. Rocha habría sido agredido en las puertas del Juzgado Agrario de Riberalta, cuando se retiraba de una audiencia pública en la que la familia Ribert Rejas disputaba las tierras de la comunidad La Esperanza, del pueblo indígena Tacana. El abogado Cliver Rocha habría sido perseguido a la salida del juzgado, golpeado en reiteradas oportunidades en la parte posterior de la cabeza y amenazado de muerte. Se teme que las amenazas y el hostigamiento en contra del Sr. Rocha y varios miembros del CEJIS y otros abogados podrían estar relacionados con el asesoramiento jurídico a los pueblos indígenas en los procesos de titulación de los territorios indígenas ancestrales. A pesar de las denuncias que habrían sido interpuestas ante de las autoridades competentes, no se tendría información sobre las medidas tomadas por las autoridades para sancionar a los responsables de estos actos.

30. El 7 de mayo de 2003, la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de **Cliver Rocha**. Según la información recibida, el 23 de abril de 2003 Cliver Rocha habría sido golpeado por dos individuos no identificados que le habrían seguido en una motocicleta cuando salió de su despacho. Mientras le golpeaban, los agresores le habrían repetido que abandonara la zona. Se teme que las amenazas y agresiones recibidas por Cliver Rocha y otros abogados del CEJIS que representan a las comunidades indígenas de los departamentos de Beni y Santa Cruz están relacionadas con sus actividades de asesoramiento jurídico a los indígenas. A pesar de las denuncias públicas de estas y otras agresiones sufridas por los abogados del CEJIS no se tiene conocimiento de la existencia de ninguna investigación sobre estas agresiones.

31. El 15 de octubre de 2003, la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión, el Relator Especial sobre la cuestión de la tortura, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, envió un llamamiento urgente en relación con informaciones según las cuales al menos 50 personas, tres de ellas soldados, habrían fallecido y centenares habrían resultado heridas durante el despliegue de acciones combinadas de la policía y el ejército con el fin de neutralizar manifestaciones y romper bloqueos impuestos por manifestantes en distintas partes del país desde el 20 de septiembre de 2003. En particular, 14

personas habrían muerto en la ciudad de La Paz el 13 de octubre. En el desarrollo de dichas operaciones, las fuerzas militares y policiales habrían hecho uso excesivo de la fuerza, con la supuesta utilización de armas de guerra y de grueso calibre, con el fin de repeler a los manifestantes. Se alega igualmente que varios manifestantes habrían sido detenidos. Asimismo, los Relatores Especiales habrían expresado su preocupación en torno a la posibilidad de que nuevos enfrentamientos puedan aumentar el número de víctimas entre la población civil en desarrollo de las movilizaciones populares que habrían de continuar hacia la ciudad de La Paz.

### **Comunicaciones enviadas**

32. El 29 de julio de 2003 la Relatora Especial envió una carta de alegación concerniente a la muerte de **cuatro personas** durante la represión por parte de la policía y el ejército contra protestas relativas al disfrute de los derechos económicos, sociales y culturales que tuvieron lugar en el departamento de Cochabamba entre el 13 y el 15 de enero de 2003. Según la información recibida, las fuerzas del orden hicieron un uso excesivo de la fuerza y utilizaron municiones vivas contra los manifestantes. **Escaldercio Orellana** habría fallecido como consecuencia del impacto de proyectil de arma de fuego el 16 de enero en la localidad de San Julián, departamento de Santa Cruz. **Tomasa Condori** habría fallecido en la localidad de Shinaota en circunstancias no esclarecidas. **Adrián Martínez**, trabajador minero de 48 años, habría fallecido como consecuencia del impacto de un proyectil de arma de fuego. El hecho habría ocurrido en la carretera La Paz–Oruro en el lugar denominado Cruce de Machacamarquita, el 19 de enero. **Iver Quispe**, de 21 años de edad, habría sido encontrado muerto en una carretera de Palo Blanco, Entre Ríos, el 19 de enero. Se alega que su cuerpo presentaba rasgos de tortura pero las fuerzas armadas habrían declarado que fue atropellado. **Willy Hinojosa**, de 23 años, habría muerto en Sinahota de un disparo de proyectil de arma de fuego en el abdomen el 14 de enero.

33. El 3 de septiembre de 2003, la Relatora Especial envió una carta de alegación en relación con las presuntas actuaciones ejercidas por parte de la policía y el ejército del departamento de Cochabamba, quienes habrían reprimido de manera violenta y desproporcionada las manifestaciones realizadas del 13 al 15 de enero de 2003 por parte de diferentes sectores de la sociedad (jubilados, cultivadores de coca, campesinos y estudiantes). En tal sentido, se ha informado de que en las regiones de Aguirre, Parotani, Chimore y Colomi varias personas habrían muerto y docenas de personas habrían sido heridas como consecuencia del uso de municiones vivas contra los manifestantes, entre los fallecidos se encontrarían: **Rómulo Gonzales Terán**, de 18 años, quien habría fallecido en la zona identificada como Cayarrani, Colomi, el 13 de enero, como consecuencia de una herida de bala en el tórax; **Félix Ibarra**, quien habría fallecido en la localidad de Aguirre, el 14 de enero, a consecuencia de un impacto de bala en el abdomen inferior, **Willy Hinojosa**, de 23 años, que habría fallecido en la localidad de Sinahota, el 14 de enero, a causa de un disparo de proyectil de arma de fuego en abdomen; **Victor Hinojosa**, de 35 años, que habría fallecido entre las localidades de Llavini y Parotani, el 14 de enero, a consecuencia de un disparo de arma de fuego. Finalmente se informó de que el 16 de enero de 2003, en la localidad de San

Julián, departamento de Santa Cruz, **Escaldercio Orellana** habría muerto como consecuencia de un impacto de proyectil de arma de fuego.

### **Respuesta del Gobierno**

34. Mediante comunicación del 24 de septiembre de 2003, el Gobierno de Bolivia proporcionó información en relación con los llamamientos urgentes que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, el Relator Especial sobre la independencia de magistrados y abogados y el Relator Especial sobre la situación de los derechos humanos y libertades fundamentales de los indígenas, enviaron el 2 de abril de 2003 y el 7 de mayo de 2003, en relación con las amenazas y agresiones contra el abogado **Cliver Rocha**. Según el Gobierno, de acuerdo con los informes de la policía provincial del Beni, una vez recibida la denuncia se habría dado traslado de su contenido al ministerio público. Asimismo informó de que extrañamente, el cuadernillo de la investigación (denuncia, declaración y certificado médico) no habría retornado a la policía provincial del Beni, razón por la cual se habría hecho necesario obtener nuevamente una declaración informativa policial con el fin de dar trámite a la investigación. Para tal fin, se habría citado al demandante para obtener una nueva declaración. Dicha petición no habría obtenido respuesta, hecho ante el cual se habría procedido al envío de las actuaciones al ministerio público, quien a su vez habría ampliado el plazo de término de la investigación por 10 días, después de los cuales, pese a la insistencia del encargado del caso, Cliver Rocha no habría proporcionado información argumentando como motivo principal una reacción negativa por parte de los indígenas a quien él patrocina.

## **Brazil**

### **Urgent appeals**

35. On 13 February 2003, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on human rights defenders, sent an urgent appeal to the Government of Brazil regarding the case of indigenous leader **Marcos Luidson de Araújo, his mother and other members of the Xucuru indigenous community**, after Marcos Luidson de Araújo was injured in an attack which left two other indigenous men dead. On 7 February, Mr. de Araújo, Adenilson Barbosa da Silva, Joséilton José dos Santos and a fourth person were allegedly traveling by truck in the municipality of Pesqueira in Pernambuco State, when several unidentified gunmen opened fire on the truck. Mr. da Silva and Mr. dos Santos were reportedly killed, Mr. de Araújo was injured and the fourth passenger was unhurt. The attack was allegedly instigated by local landowners in the context of a dispute over land rights with the Xucuru community. In addition, Mr. de Araújo's father, **Francisco de Assis Araújo**, a previous leader of the Xucuru, was reportedly killed by gunmen on 20 May 1998. The attack was allegedly planned by local landowners, perhaps with the assistance of a small dissident group from the Xucuru community who had threatened Marcos Luidson de Araújo in the past. He and his mother reportedly received numerous death threats over the previous three years, largely believed to be from local landowners. In October 2002 the Organization of American States (OAS) reportedly called on

the Brazilian authorities to protect Marcos Luidson de Araújo and his mother. According to the information received, no protection had been provided for the family.

36. On 25 June 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal regarding the safety of a minor known as **FC**, as well as **Fabio Junior Gonzaga da Silva** and **Josivan Antonio dos Santos** following the alleged abduction, torture and attempted killing of FC by military police on 5 April 2003. On that date, FC and his friend Fabio Junior were allegedly stopped in the street by two military policemen in the town of Gurupi, Tocantins State, who accused FC of having taken part in a robbery in December 2002. FC was reportedly taken to a wooded area on the edge of the town where police allegedly tortured him for several hours, reportedly to find out who had taken part in the robbery. On 3 May, FC was on his way to work when he was allegedly again abducted by three military policemen who reportedly told Josivan Antonio, who was with him, to go away. They drove FC towards the town of Natividade. Ten kilometres past Natividade, they stopped the car and took him to a wooded area where he was reportedly severely beaten on his back and head, which caused him to faint. He reportedly spent four days in hospital, in the state capital of Palmas. He reportedly filed a complaint against the police who had tortured him, with Josivan Antonio and Fabio Junior both testifying as eyewitnesses. As a result, five military policemen were reportedly arrested. Fears were expressed, however, that the lives of the three were at risk, especially since military policemen linked to those arrested were seen near FC's house acting in a suspicious manner.

#### **Communication sent**

37. On 29 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication regarding the case of **Denilson Bueno de Toledo**, aged 19, residing in Peruibe, Sao Paulo, who was reportedly arrested at the Texaco petrol station in Peruibe by civil policemen on 30 April 2003. He was reportedly handcuffed and beaten in the police vehicle and beaten again at police headquarters in Peruibe by someone called "Carioca". When he was taken to Peruibe Hospital a few hours later, he was allegedly already dead. A complaint was reportedly filed on his behalf with the relevant authorities.

### **Bulgaria**

#### **Communication sent**

38. On 29 July 2003, the Special Rapporteur and the Special Rapporteur on torture sent a communication to the Government of Bulgaria in connection with the case of **Mehmed Mumun**, a 46-year-old man also known as **Milutin Mironov**, who reportedly died on 11 January 2001 shortly after he was apprehended by the police in Sofia. He allegedly tried to avoid an identity check by police officers who had entered a restaurant in search of a murder suspect. Despite the fact that he was not reportedly the person the police were looking for, he was allegedly arrested and handcuffed, kicked all over his body after having been immobilized, and allegedly lost consciousness and died before he could receive any medical treatment. An autopsy reportedly established that he had suffered three fractured

ribs and that he had previously had a heart attack. An investigation into his death was reportedly launched.

### **Communication received**

39. On 24 November 2003, the Government of Bulgaria responded regarding the case of **Mehmed Mumun**, also known as Milotin Mironov. According to the Government, on 9 January 2001, officers from the Sofia Directorate of the Ministry of the Interior and the 6<sup>th</sup> police station carried out a specialized police operation to find and detain the perpetrators of a number of burglaries committed within their jurisdiction. In the course of an ID check in the Pavlovo Hotel, a patron refused to present the relevant documents and tried to hide. After he was found by the officers, he resisted arrest and had to be forcibly handcuffed. Soon after, he showed signs of bad health: his handcuffs were removed but he fainted in the restaurant and died shortly afterwards. The Sofia Directorate of the Ministry of the Interior investigated the incident. An autopsy was also carried out, which indicated that he had died of a heart attack. A driver's licence in the name of Milotin Mironov was found on the body of the deceased. A criminal case was initiated in connection with his death against two officers from the 6<sup>th</sup> police station for a criminal offence under article 124, paragraph 1, of the Penal Code in connection with article 20 of the Penal Code (murder due to negligence). On 5 March 2002, the Sofia Military Court issued acquitted the two officers. The Government stated that, following an appeal against the verdict, the case was returned for a hearing by a different panel. At the time of the communication, the penal procedure was still allegedly pending.

## **Cambodia**

### **Communications envoyées**

40. Le 31 juillet 2003, la Rapporteuse Spéciale a envoyé une communication au gouvernement cambodgien concernant les cas de **Mao Vuthey**, trente ans, qui serait mort suite à une blessure à la colonne vertébrale et **Sok Sovanara**, quarante-deux ans, qui aurait succombé à des blessures à la tête. Selon les informations reçues, les deux victimes auraient été blessées le 13 juin 2003 alors que la police anti-émeutes aurait tiré sur une foule d'ouvriers travaillant dans les entreprises Terratex Knitting et Grament Ltd dans le sud de Phnom Penh, alors que ceux-ci manifestaient au sujet de leurs salaires.

41. Le 13 octobre 2003, la Rapporteuse Spéciale et le Rapporteur Spécial sur la torture ont envoyé une communication concernant le cas de **Eath Oeurn** qui aurait été arrêté pour vol le 26 juillet 2001 dans le district de Ba Phnom dans la province de Prey Veng et serait décédé trois jours plus tard. Son corps aurait présenté de nombreux hématomes. À partir de photos qui lui auraient été transmises, un médecin légiste (dont le nom est connu des Rapporteurs) aurait conclu qu'il avait reçu des coups avec un objet non contondant au niveau de la tête, du tronc et des extrémités inférieures et que des blessures crâniennes seraient probablement la cause du décès. Il fut rapporté que le 25 février 2002, le Procureur de Prey Veng aurait mis deux policiers en accusation pour homicide volontaire mais que les accusés n'auraient pas été arrêtés.

## Chad

### Communication envoyée

42. Le 19 Novembre 2003, la Rapporteuse Spéciale a envoyé une allégation au gouvernement du Tchad concernant les exécutions, le 6 novembre 2003, de **Mahamat Adam Issa, Adouma Ali Ahmat, Abderamane Hamid Haroun et Moubarack Bakhit Abderamane**, condamnés à mort le 25 octobre 2003. Ils auraient été déclarés coupables par la Cour criminelle de N'Djaména du meurtre du parlementaire et homme d'affaire soudanais, Cheikh Ibn Oumar Idriss Youssouf, abattu dans la capitale N'Djaména le 25 septembre 2003. Selon les informations communiquées, Cheikh Ibn Oumar Idriss Youssouf, également directeur de la *Chad Petroleum Company*, était proche de certains membres de la famille du Président Idriss Déby qui aurait refusé d'octroyer la grâce présidentielle aux quatre hommes bien que la procédure d'appel limitée à laquelle ceux-ci pouvaient recourir n'était pas épuisée et que la Cour ne s'était pas encore prononcée sur leur recours en cassation. Selon les informations reçues, les dernières exécutions judiciaires au Tchad remonteraient à 1991, lorsque quatre personnes avaient été exécutées en public. Les raisons expliquant la reprise des exécutions ne seraient pas connues.

## China

### Urgent appeal

43. On 9 December 2002, the Special Rapporteur sent a communication to the Government of China regarding the cases of **Tenzin Deleg Rinpoche** (also known as **Ngawang Tashi** or **A An Zha Xi**), a Tibetan religious teacher, and his attendant, **Lobsang Dhondup** (also known as **Luo Rang Deng Zhu**). The two men were reportedly arrested on 7 April 2002 following a bombing incident in Chengdu, capital of Sichuan province, on 3 April 2002. Tenzin Deleg Rinpoche was reportedly held incommunicado for eight months, from the time of his arrest until the time of the trial. There were concerns that he may have been tortured or ill-treated in detention. On 2 December 2002, the Kardze (Ganzi) Intermediate People's Court in the Kardze Tibetan Autonomous Prefecture of Sichuan province allegedly sentenced Lobsang Dhondup to death for "inciting separatism", "causing explosions" and "illegal possession of guns and ammunition". His sentence was allegedly immediate, subject to appeal by 12 December 2002. Mr. Rinpoche reportedly received a death sentence with a two-year suspension for "causing explosions" and "inciting separatism". The evidence for these charges was reportedly uncorroborated and mainly comprised "separatist" leaflets calling for the independence of Tibet from China, which were reportedly found at the scene of the blast. The two men allegedly did not have access to a lawyer during the trial.

### Communication sent

44. On 4 June 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of China in connection with the following cases of Falun Gong practitioners.

45. **Shu Qunhua**, a 40-year-old resident of the third community of Banshan village in Suining city, Sichuan province, was reportedly arrested on 20 July 1999 and detained for two to three months. During her detention, she was allegedly subjected to severe ill-treatment. According to the information received, on 24 January 2000, the local police surrounded her apartment building. Several policemen, including the chief, reportedly rushed her fifth-floor apartment and tried to force her to turn over the Falun Gong materials she had in her possession. She allegedly threw the flyers out of the window, infuriating the police who then reportedly threw her out the window. She died instantly.

46. **Yu Lixin**, a woman from Dalian city, Liaoning province, was detained at the Dalian City Detention Centre because she allegedly practised Falun Gong. On 15 April 2001, she was reportedly forced to stand with her hands clasped behind her head while bending at a 90-degree angle while she was allegedly beaten, kicked and hit on the back of her neck with an electric baton. On the following day, she was taken to a room on the fifth floor, apparently to clean it. According to the information received, all the rooms in the detention centre had iron parapets enclosing the windows, except the room the one where she taken. Shortly after having been escorted to the room, she was allegedly seen falling from the window. She reportedly died as a result of the fall.

47. **Li Zetao**, a 24-year-old man from Shimo town, Jiangjin county, Chongqing city, Sanxia province, was reportedly sent to team No. 7 of Xishanping Labour Camp on 8 September 2000. Camp guards (whose names are known to the Special Rapporteurs) reportedly ordered other inmates to beat him in order to force him to renounce Falun Gong. On 29 May 2001, he was reportedly forced to carry human faeces to a dump site and when he was too tired to move, he was beaten with a pole and force-fed the faeces by the guards. He was also allegedly deprived of rest at night. It was alleged that guards folded a newspaper into a hat and put it on his head, tied his arms to a stick to form a straight line, hung a barrel full of urine on each of his arms and forced him to hold up the barrels for hours. At the same time, they allegedly poked him with a broom in the back. He was also reportedly punched and kicked and a knife was allegedly inserted in his anus. He was allegedly tortured to death on 30 May 2001.

48. **Li Changjun**, a 33-year-old Falun Gong practitioner, was reportedly detained on 16 May 2001 for downloading and printing related information from the Internet. Mr. Li had worked at the Wuhan Tax Bureau but was said to have lost his job for refusing to renounce his Falun Gong beliefs. He was reportedly detained many times previously for his Falun Gong activities. According to the information received, on 27 June 2001, the Wuhan police notified his family of his death. It is reported that when he died, his body was skeletal, his face and neck were black and blue, his fists were clenched, his face was distorted and his back looked as if it had been severely burned.

49. **Zhao Zichu**, a 51-year-old resident of Longping township, Wuxue city, was reportedly arrested by local police and sent to the Wuxue City No. 1 Detention Centre for having studied and practised Falun Gong. According to the information received, he was released in July 2001, when police saw him spitting up blood. He reportedly died shortly afterwards.

50. **Chen Qiulan**, a 47-year-old female Falun Gong practitioner, reportedly died in custody on 24 August 2001 at the Daqing City Detention Centre, Heilongjiang province. Although her death was publicly announced by the police to have been due to a heart attack, other sources allegedly reported that she died from having been severely beaten many times while in detention and denied medical treatment. She was allegedly arrested in July 2001 for posting information about Falun Gong on the Internet.

51. **Shen Deming**, a man from Xiantao city, Hubei province, was reportedly arrested while distributing Falun Dafa materials in Shenzhen city, where he was working temporarily. He was allegedly detained for six months in the Jiujiechun Detention Centre. It was reported that due to the severity of the ill-treatment he was subjected to, he suffered a mental breakdown and his health deteriorated. He reportedly died on 8 September 2002.

52. **Li Hongmin**, a 50-year-old female Falun Gong practitioner from Mudanjiang city, Heilongjiang province, was reportedly arrested by city police on the morning of 16 September 2002 and was allegedly beaten to death. It was reported that the police dropped her corpse from a building and then claimed that she committed. Her body was allegedly cremated on 19 September 2002. The police department allegedly threatened her family members not to make the case public.

53. **Wang Jingyi**, a 56-year-old man from Dong-xi-zhen-li village in Zhao township, Wafangdian city, Liaoning province, was reportedly arrested by police in February 2002 for producing Falun Gong materials. He was allegedly taken to Wafangdian City Detention Centre and in September 2002, he was sentenced to a five-year jail term. On 21 September 2002, 18 days after he was transferred to Huazi jail in Liaoyang city, Liaoning province, he was reportedly tortured to death. The details of his death were reportedly still under investigation at the time of the communication.

54. **Wei Ouyang**, a 32-year-old resident of Lanzhou city, was reportedly detained by three police officers from the Lanzhou city, Anling district police station National Security Squad on 16 October 2002 and sent on the following day to the Gansu province First Labour (Ping'antai) Camp to serve a one-year sentence. He allegedly died two days later. Before his death, he reportedly told his family that "criminals" beat his head severely. It was also alleged that there were needle marks on both of his wrists where an unknown drug was allegedly injected.

55. **Xiong Fengxia**, a 56-year-old woman from Gucheng town, Hebei province, reportedly died on 13 October 2002 while detained at the Liyuzhuang town detention centre. She was allegedly arrested on 1 October 2002 with some 18 other Falun Gong practitioners from Gucheng. At the detention centre, she was allegedly hung from the ceiling and beaten with rubber hoses, wooden clubs and other articles. During the night of 13 October 2002, she was allegedly force-fed until she died. Her family allegedly asked, unsuccessfully, for an autopsy report.

56. **Xing Xiuqin**, a 61-year-old resident of Beima village, Songlingdian town, Zhuozhou city, Hebei province, was forcibly taken away from home and sent to Songlingdian police station on 15 September 2002. She was reportedly handcuffed to a tree for three days and nights and subjected to other torture that left the lower half of her body paralyzed. On 16 November 2002, the police allegedly asked her relatives to pick her up and take her home, and she died the next morning. When her family members went to the town government to find out the reason for her death, the officials reportedly refused to meet with them. It was reported that because of her Falun Gong belief and activities, she had been under constant surveillance for the previous three years, her pension had been cut off, and she had been fined and arbitrarily detained many times.

57. **Huang Baochen**, a 65-year-old retired worker and Falun Gong practitioner from Yushu city, Jilin province, was reportedly interrogated and arrested at his home in July 2002 by four policemen from the Yushu City Public Security Bureau. He was allegedly transferred to the Weizigou Labour Camp in Changchun city, where other inmates were reportedly ordered to beat him and where he was refused food or water for days. It was reported that on 7 November 2002, the labour camp sent him home, accompanied by two policemen and a doctor. He was said to be unable to recognize anyone and his whole body was swollen. He was taken immediately to the hospital where he died 20 days later.

58. **Hu Hongyue**, a 45-year-old woman from Xindu town, Xindu county, Sichuan province, an employee of the Xindu County Oil Pump Factory and a Falun Gong practitioner, reportedly died in police custody on 15 November 2002. She had reportedly disappeared on 28 September 2002 along with another Falun Gong practitioner near Funanhe river in Chengdu city. In November 2002, her work unit allegedly received a notice from the Public Security saying that she had died. The policemen reportedly showed a picture of her body to her family and told them that she had "died from starvation". On 19 November 2002, her body was allegedly cremated by the police without the consent of her family. The details of her death were reportedly still under investigation at the time of the communication.

59. **Shi Hongjie**, a resident of Wubei town, Laixi city, Shandong province, was reportedly beaten to death by policemen on 28 November 2002, when some Falun Gong materials were allegedly found at his home.

60. **Jiang Rongzhen**, a 42-year-old female employee of the Cooking Element Emporium, Coal Engine Factory, Jixi city and a Falun Gong practitioner, was reportedly tortured to death on 20 November 2002 in the Ha'erbin Drug Rehabilitation Centre. The Centre allegedly claimed that she died of a heart attack. However, her body was reportedly covered with wounds and marks left by electric shocks. There were allegedly also holes on her forehead and back.

61. **Luo Zhixiang**, an engineer for the Guangdong Province Farming Construction Company and a Falun Gong practitioner, was reportedly forced to leave her home in 2000 because of continuous persecution by local police. On 29 November 2002, she and her husband, **Huang Guohua**, also a Falun Gong practitioner, were reportedly arrested in Haizhu district of Guangzhou city by "610

Office” policemen. They were allegedly detained in the Haizhu district detention centre and subjected to severe ill-treatment. Ms. Luo reportedly protested the torture by going on hunger strike and her health deteriorated. She was allegedly sent to hospital on 4 December 2002 where she reportedly died on the same day by falling from a building. The details of her death were still under investigation at the time of the communication.

62. **Wang Fengwei**, a 40-year-old female employee of the Drinking Water Company of Shen county, Liao city, Shangdong province, was reportedly fired because she was a Falun Gong practitioner. In July 1999, she was reportedly arrested on eight separate occasions in connection with her beliefs. On 14 January 2002 she was allegedly arrested by police from Yanggu county, Shandong province, and severely beaten before being sent to the Shen County detention centre where she was reportedly repeatedly beaten, as a result of which she allegedly died in November 2002.

63. **Ms. Hou**, a 40-year-old woman, was reportedly tortured to death at the Ping'antai Labour Camp in Gansu province on 29 November 2002. Her ribs and pelvis were allegedly severely fractured and she suffered from severe haemorrhaging. Shortly after her death, the police reportedly sent her body to be cremated.

64. **He Huajiang** was reportedly taken from his workplace by policemen from the Qingxin police substation of Ranghulu district in Daqing city on 16 September 2002. On 23 December 2002, he was allegedly sent to the Daqing Labour Camp, where he was reportedly tortured to death. According to reports, there were strangulation marks around his throat and other signs of torture. Mr. He's body was allegedly taken to a different location for cremation.

65. **Meng Guiying**, a 39-year-old woman from Manzhouli city, Inner Mongolia, reportedly died on 24 January 2003 from injuries sustained during force-feeding while in detention. She was allegedly arrested in June 2002 by police officers from the Manzhouli city police department and detained in a city detention centre for more than seven months, during which she was reportedly beaten and abused by police. A few days after she begun a hunger strike, she was allegedly force-fed. She was reportedly released on 20 January 2003, and family immediately took her to the Manzhouli city hospital where she reportedly died.

66. **Liu Jie**, a 37-year-old employee of the Shuangcheng City Beer Factory in Heilongjiang province and a Falun Gong practitioner, was reportedly tortured to death during the Chinese Spring Festival in 2003, for peacefully distributing greeting cards with the Chinese characters for “Truthfulness-Benevolence-Forbearance” on them. She was allegedly arrested on 6 February 2003 and taken to the Second Detention Centre in Shuangcheng city. On 17 February 2003, her family was reportedly informed of her death.

67. **Lan Hu**, a 31-year-old man from Jujiang city, Liangxi province, reportedly died on 9 February 2003 at Nanchang city prison. He was allegedly arrested in January 2002 and detained in Jiujiang city detention centre for nearly a year. He was reportedly sentenced in December 2002 to 11 years' detention to be

served at Nanchang city prison, where he was reportedly forced to work for up to 15 hours a day. On 9 February 2003 his family was allegedly informed of his death and went to the prison, where they reportedly found his body emaciated.

### **Communication received**

68. By letter dated 29 April 2003, the Government of China, replying to the communication of the Special Rapporteur dated 9 December 2002, stated that the allegations contained in that letter were contrary to the actual facts and that **Ngawang Tashi (Tenzin Deleg Rinpoche)** and **Lobsang Dhondup** had been tried in accordance with the law. The Government affirmed that in both cases the facts of the offences were clear, the evidence was ample and conclusive and, furthermore, both men had fully confessed to all the offences that they had committed. During the proceedings at first and second instance, the rights of the defendants to appeal were fully safeguarded and their lawyers acted in accordance with the law.

69. According to the Government, death sentences serve as a form of punishment but its ultimate worldwide abolition will be the inevitable consequence of historical development. However, the developments leading to the ultimate abolition of capital punishment must proceed in pace with the respective stages in the development of a society; each country should decide whether to retain or abolish the death sentence on the basis of its own actual circumstances and the aspirations of its people. The Government explained that while China still retained the death sentence as a punishment, the legal requirements for its application are extremely strict and in judicial practice, extreme care is taken in determining whether it is appropriate. Finally, it was brought to the Special Rapporteur's attention that Chinese law provides that criminals sentenced to may "receive a death sentence with a two-year reprieve", i.e. a criminal under sentence of death may have his sentence commuted to life imprisonment if he does not commit new intentional crimes within the period of the two-year reprieve. Furthermore, if the criminal had rendered outstanding service, he could have his sentence reduced to 15-20 years of imprisonment. This system had greatly limited the use of the death penalty. Reportedly, 99 per cent of criminals condemned to death had their sentences reduced to life or fixed-term imprisonment. Finally, the Government pointed out that in China, no person could be detained, arrested or placed in custody, or sentenced to death on religious grounds.

70. On 12 November 2003, the Government responded to a joint communication sent by the Special Rapporteur and the Special Rapporteur on torture on 4 June 2003, providing information on the following cases.

71. **Shen Deming** was detained by the public security authorities in August 2001 for disturbing public order and on suspicion of breaking the law, but was later released because of a psychological impairment. On 8 September 2001, he had a renewed attack of psychosis and committed suicide by jumping from an upper storey. The claim that he died in detention has absolutely no basis in fact.

72. **Xing Xiujin** died at home on 18 November 2002 of asthma and heart disease. The Government reported that the claim that she died as a result of

forcible detention and torture by the public security authorities was not in accordance with the facts.

73. **Shi Hongjie** was detained by the public security authorities in accordance with the law on 29 October 2001 on suspicion of lawbreaking. On 21 November 2001, he quarrelled with other suspected criminals in the same jail and was beaten unconscious. Efforts made at the hospital to save him were fruitless and he died the following day. The law enforcement authorities dealt as the law requires with those who beat Mr. Shi up and the jail personnel responsible were also punished. The claim that Mr. Shi was beaten to death by public security personnel is not in accordance with the facts.

74. **He Huajiang** was assigned to three years' re-education through labour (from 16 September 2002 to 15 September 2005) for taking part in Falun Gong activities and disrupting public order. He was sent to the Daqing re-education through labour facility on 23 December 2002. On the same evening, the guards on duty had to take him to the municipal hospital for treatment where he was diagnosed with acute heart disease. Efforts to save him were fruitless and he died that same night. The claims that his body bore scars due to torture and that he was taken away and cremated were sheer fabrication.

75. The Government further reported that there was no means of inquiring into the other cases mentioned in the communication since they insufficient details were supplied or the place of detention was not specified.

76. The Government finally wished to restate its position of principle as regards Falun Gong. According to the Government, Falun Gong is not a religion; it is an anti-social, anti-scientific, anti-humanitarian sect whose violent tendencies are becoming steadily more apparent. The Falun Gong leader, Li Hongzhi, proclaims that the world is coming to an end and that the sick should not take medicine. He also urges practitioners to "resist the inflexibility of life" and "find spiritual perfection". A number of Falun Gong adherents have become deluded by the heretical sect, disown their relatives and descend into moral degeneracy; incomplete figures indicate that, to date, practising Falun Gong has led over 1,700 people to their deaths. The Falun Gong organization has repeatedly damaged and destroyed television broadcasting facilities, attempted to derail trains and so forth. In pursuit of political ends, it has also on numerous occasions attacked satellite transmission equipment, disrupted the routine broadcasting of television programmes and normal use of satellite transmitters, and threatened the safety of radio facilities. At a crucial time during the first half of the year, while the Chinese Government was taking energetic measures to combat atypical pneumonia and striving to protect citizens' lives and health, from outside the country Li Hongzhi issued a *jing wen* (classic text) encouraging Falun Gong practitioners to engage in disruptive activities and proclaiming "this may increase *gong* and ward off SARS, otherwise it may be cleared away by Heaven". At this urging, it was alleged that Falun Gong practitioners did stage many disruptive activities, going as far as to try to spread the virus throughout the country. The Government also stated that sects are a common evil in today's world and that they do not only exist in developing countries, but also represent a danger in developed ones. According to the Government, all countries regard the question of domestic cults as a serious one

and are taking stern steps to contain and oppose them, and the action taken by the Chinese Government, in accordance with the law, against the criminal activities of the Falun Gong and its leaders is similar to that taken by any other country. The Government believes that initially, the vast majority of Falun Gong practitioners are unaware of the true nature of Li Hongzhi and the Falun Gong and they, too, become victims. The Government's consistent attitude towards such people is one of kindly assistance and patient persuasion while affording ample guarantees of their various rights. After kindly, patient persuasion, the great majority of the deluded victims shake off the psychological control of Falun Gong and resume normal lives. The law enforcement authorities naturally hold to account the small number of criminals who make use of the cult to harm people's lives, illegally amass wealth, steal State secrets and severely disrupt public order within society. In the course of trying such cases, they pay the utmost attention to guaranteeing the lawful rights of the individuals concerned. According to the Government, Li Hongzhi and his Falun Gong cult, together with a few others outside China with ulterior motives, noisily proclaim that the Chinese Government illegally detains Falun Gong members and tortures or persecutes them to death, but they are simply sowing public confusion and befuddling world opinion.

## Colombia

### Llamamientos urgentes

77. El 3 de febrero de 2003, la Relatora Especial envió un llamamiento urgente en relación con la seguridad de los civiles que viven en el municipio de El Castillo, departamento del Meta. Según las informaciones, paramilitares presuntamente respaldados por el ejército que actúan en el municipio y sus alrededores habrían cometido varios homicidios y habrían proferido amenazas de muerte. Estas amenazas han obligado a unas 50 familias a abandonar la zona. Según la información recibida, el ejército, aunque estaría presente en la zona, no habría emprendido ninguna acción contra los paramilitares. El 7 de enero de 2003 dos paramilitares habrían obligado a **Luis Eduardo Serna** a apearse del autobús en el que viajaba y lo habrían matado en la zona de La Bodega, municipio de El Castillo. También se informó de que, Luis Eduardo Serna previamente habría recibido amenazas de parte de grupos paramilitares. El 7 de enero, los paramilitares habrían matado también a tres hombres no identificados en la comunidad de La Cabaña, en el municipio de El Castillo. Sus cadáveres habrían sido abandonados en un parque de la capital del municipio, también llamada El Castillo. El 9 de enero, hacia las 14.00, unos paramilitares habrían matado a **Luis Sánchez**, campesino, en la comunidad de Caño Claro. Los paramilitares le habrían disparado en las piernas y luego le habrían apuñalado en el corazón y el cuello. Esa noche, unos hombres armados no identificados habrían entrado por la fuerza en su casa registrándola.

78. El 5 de febrero de 2003, la Relatora Especial envió un llamamiento urgente en relación con la seguridad de la comunidad de la ciudad de Barrancabermeja, departamento de Santander, tras el reciente homicidio de tres mujeres en la zona, supuestamente a manos de paramilitares presuntamente respaldados por el ejército. El 20 de enero de 2003, unos hombres habrían sacado por la fuerza a **Diocelina Sánchez Restrepo** de su casa en el barrio de Barranca y

la habrían introducido en un taxi. Más tarde, ese mismo día, el cadáver de esta mujer habría aparecido en el barrio de Las Granjas. Los paramilitares la habrían acusado de ser hermana de dos guerrilleros. También se informó de que el 20 de enero, **Gloria Muñoz López** habría muerto de un disparo, supuestamente realizado por un paramilitar que jugaba con su arma delante de la casa de la mujer y al que se le habría disparado accidentalmente el arma. El 21 de enero se habría descubierto el cadáver de **María del Carmen Cristancho Sánchez**, dueña de un comercio, en el barrio de Pozo Siete. Junto al cadáver había una nota que se le acusaría de ser colaboradora del frente 24 de la organización guerrillera Fuerzas Armadas Revolucionarias de Colombia (FARC). La Relatora Especial manifestó su preocupación por la impunidad frente a estos crímenes.

79. El 13 de febrero de 2003 la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de peligro en la que se encontrarían los **miembros de la organización no gubernamental de derechos humanos Comisión Intereclesial de Justicia y Paz**, hecho que también habría sido transmitido al Gobierno colombiano a través de los llamamientos urgentes de 11 de abril y 19 de agosto de 2002 por las mismas Relatora Especial y Representante Especial. Según las informaciones recibidas, el 2 de febrero de 2003, a las 20.20, un individuo no identificado habría amenazado por teléfono a los miembros de Justicia y Paz, diciendo: «Muerte a los guerrilleros de derechos, ya se lo dijimos». Asimismo el 25 de noviembre de 2002, se habría enviado una amenaza de muerte por escrito a **Danilo Rueda**, defensor de los derechos humanos. Según los informes, las amenazas procederían de paramilitares. También se informó de que las oficinas de Justicia y Paz en Bogotá habrían sido vigiladas por hombres armados no identificados entre el 15 y el 20 de diciembre.

80. Mediante comunicación de 8 de mayo de 2003, la Relatora Especial envió un llamamiento urgente sobre la situación de **Silvio Saúl Suárez Sandoval**, miembro del Partido Comunista de Colombia. Según las informaciones, desde la noche del 24 de abril de 2003 se desconocería su paradero y existirían temores por su seguridad. De acuerdo con las informaciones recibidas, el 24 de abril, a las 22.00, Silvio Saúl Suárez Sandoval habría salido de su local de apuestas en el poblado de El Tambo y El Bordo, municipio de Popayán, departamento del Cauca, y habría subido a su automóvil para dirigirse a su casa, en el barrio de Campamento, en ese mismo municipio. Se informó de que nunca habría llegado a su casa. Su familia habría informado de su «desaparición» al Cuerpo Técnico de Investigación (CTI) de la fiscalía. La mañana del 25 de abril, la policía habría encontrado el automóvil de Silvio Saúl Suárez Sandoval abandonado en el poblado de Santa Bárbara, a cuatro kilómetros del centro de Popayán. Dentro del vehículo la policía habría hallado una gorra y un brazalete de identificación de los que suelen llevar los miembros del Departamento Administrativo de Seguridad (DAS). El 25 de abril, la familia de Silvio Saúl Suárez Sandoval habría denunciado su «desaparición» ante el Grupo Especial Antisecuestro (GAULA) y ante la Unidad de Reacción Inmediata de la fiscalía general en Popayán. Según los informes, a mediados de diciembre de 2002, un hombre que se habría identificado como miembro del grupo Calima de la organización paramilitar presuntamente respaldada por el ejército Autodefensas Unidas de Colombia (AUC) habría telefonado a Silvio Saúl Suárez Sandoval a su despacho y le habría exigido el

pago de un millón de pesos colombianos (350 dólares de los EE. UU.) mensuales. Silvio Saúl Suárez Sandoval se habría negado, pero habría seguido recibiendo amenazas del grupo paramilitar. En una de esas amenazas, los paramilitares le dijeron que, si no pagaba, atacarían a su hijo, del que sabían que estudiaba en Bogotá. Silvio Saúl Suárez, por ser miembro del Partido Comunista de Colombia, habría sido acusado por los paramilitares de ser simpatizante y colaborador de la guerrilla.

81. El 4 de agosto de 2003, la Relatora Especial, junto con el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, envió un llamamiento urgente en relación con la situación de peligro en que se encontrarían las comunidades **indígenas y afrocolombianas** situadas en las aldeas ribereñas de los ríos Anchicayá, Raposo y Mallorquín, en el área rural del municipio de Buenaventura, departamento del Valle del Cauca. De acuerdo con las informaciones recibidas el 2 de julio de 2003, embarcaciones, presuntamente pertenecientes a grupos paramilitares, se habrían dirigido desde el municipio hasta la bahía de Buenaventura, a pesar de la fuerte militarización presente en dicha zona. De acuerdo con las informaciones, se presume que ese mismo grupo paramilitar habría sido el responsable del homicidio de **cuatro personas** en el barrio Dignidad de la ciudad de Buenaventura, ocurrido el 27 de junio de 2003; las personas asesinadas habrían sido acusadas de pertenecer a la guerrilla. Asimismo se informó que el 14 de julio, las autoridades habrían sido informadas sobre los movimientos de grupos paramilitares presuntamente apoyados por el ejército en dirección al río Anchicayá, no obstante tales informaciones, **6 personas** habrían sido asesinadas y otras 15 heridas durante una presunta incursión paramilitar en Zabaletas, municipio de Buenaventura. Según las informaciones, los paramilitares habrían superado el punto de inspección de la II Brigada de la Infantería de Marina en su recorrido hacia el municipio de Buenaventura. También se informó de que según testigos, al día siguiente a la ocurrencia de los hechos algunos de los individuos, identificados como responsables de la masacre de Zabaletas, habrían sido vistos en el punto permanente de inspección que los paramilitares habrían ubicado a la entrada del área. Asimismo se informó sobre la presencia de miembros del bloque pacífico de las AUC quienes, de acuerdo con las informaciones, habrían expresado que su misión es la de “limpiar” la parte baja del río Anchicayá cercano a la central hidroeléctrica ubicada en dicha región.

82. Mediante comunicación del 11 de agosto de 2003 la Relatora Especial envió un llamamiento urgente en relación con la situación de peligro en que se encontraría **Wilson David Higuita** así como otros miembros de la comunidad de Paz de San José de Apartadó, departamento de Antioquia. De acuerdo con las informaciones recibidas en febrero de 2003, Wilson David Higuita habría sido detenido por la XVII brigada acusado de ser colaborador de la guerrilla. Igualmente los días 5 y 6 de julio de 2003, los dirigentes de los grupos paramilitares presuntamente respaldados por el ejército habrían convocado unas reuniones con la población civil en las que habrían amenazado con matar a cinco dirigentes de la comunidad o a los activistas de derechos humanos que apoyaran a la guerrilla. Entre ellos se mencionó el nombre de Wilson David Higuita. Finalmente, el 3 de agosto presuntos paramilitares habrían interceptado a algunos niños y les habrían preguntado por el paradero de Wilson David Higuita.

83. El 25 de agosto de 2003, la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, envió un llamamiento urgente en relación con la situación de **Leonora Castaño**, presidenta de la Asociación Nacional de Mujeres Campesinas, Negras e Indígenas de Colombia (ANMUCIC), que estaría siendo objeto de amenazas de muerte, y otras dos mujeres miembros de ANMUCIC, **Nora Cecilia Velásquez y Blanca Nubia Díaz**. De acuerdo con las informaciones, el 13 de agosto de 2003, en el transcurso de una reunión, Leonora Castaño habría recibido una llamada telefónica de alguien que habría pretendido ser su novio y habría dicho que la esperaba después de su reunión. Se informa de que pudo verificar que esa llamada no fue realizada por su pareja. Ese mismo día, Leonora Castaño y otros miembros de ANMUCIC habrían sido seguidos por un hombre sin identificar cuando iban a participar en una reunión con la Comisión Colombiana de Juristas. El 19 de agosto se habría hallado un mensaje de amenaza de muerte a su familia en la oficina de ANMUCIC en Bogotá. El mensaje habría sido firmado por las AUC, un grupo armado presuntamente respaldado por las Fuerzas Armadas. Estas amenazas sucederían a la supuesta desaparición y tortura de otras dos mujeres miembros de ANMUCIC. En particular, Nora Cecilia Velásquez, líder de ANMUCIC en el departamento de Cundinamarca, cuyo caso fue considerado por el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas en sus llamamientos urgentes de 11 de agosto de 2003. De acuerdo con los informes recibidos, Nora Cecilia Velásquez habría sido retenida por fuerzas paramilitares durante tres días, desde el 21 de julio. Durante ese tiempo habría sido víctima de torturas o malos tratos físicos y psicológicos. Se alega que Nora Cecilia Velásquez fue repetidamente interrogada sobre los líderes de ANMUCIC, en especial, sobre Leonora Castaño. Se alega también que Blanca Nubia Díaz, activista de ANMUCIC en el departamento de La Guajira, habría sido desplazada a la fuerza a Bogotá, el 1.º de agosto. Allí habría sido retenida durante dos horas por fuerzas paramilitares e interrogada sobre los líderes de ANMUCIC. Se le habría enseñado una "lista negra" de personas amenazadas de muerte donde aparecerían los nombres de líderes de ANMUCIC, entre ellos, el de Leonora Castaño. A la luz de las alegaciones de torturas o malos tratos sufridos por otros miembros de ANMUCIC por su relación con Leonora Castaño, se han expresado temores por su integridad física y por la de otros miembros de ANMUCIC.

84. El 9 de septiembre de 2003 la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, envió un llamamiento urgente relativo a los habitantes de los barrios El Chico y Provivienda, en Barrancabermeja, así como respecto de algunos activistas de derechos humanos, sindicales y comunitarios de Barrancabermeja, particularmente **Jhon Jairo** (también conocido como **Yan**), **"Cocho"**, **Muccyney Jair España**, de 34 años, **José Ciro López**, **María Yaneth Mosquera Guerra**, **Erasmus Pedraza Álvarez**, **Álvaro Enrique Vergara Muñoz**, **José Armando Garzón Rueda**, la esposa de este último, **Julia Sierra**, y **Frenyi Daniel Jiménez**. Según informaciones, grupos paramilitares, presuntamente respaldados por el ejército, que actúan en la ciudad de Barrancabermeja habrían

publicado una “lista negra” con el nombre de 15 jóvenes de los barrios de El Chico y Provivienda y habrían secuestrado al menos a 8 personas. Dicha “lista negra” habría empezado a circular por la zona el mes de agosto y contendría nombres de jóvenes de los barrios mencionados a quienes se acusaría de tener vínculos con la guerrilla. Según las informaciones, el 27 de agosto, mientras se encontraba en su residencia con su familia, el activista comunitario José Armando Garzón Rueda habría sido sacado a la fuerza por dos paramilitares de las AUC, uno de los hombres habría amenazado con una pistola a la esposa de José Armando Garzón Rueda, Julia Sierra, miembro de la Organización Femenina Popular (OFP), una organización de mujeres que vendría siendo atacada sistemáticamente por paramilitares, presuntamente respaldados por el ejército, que actúan en la zona. Se alega que los dos hombres obligaron a José Armando Garzón Rueda a subir a un taxi y se lo llevaron. De acuerdo con los informes recibidos, los grupos paramilitares habrían acusado frecuentemente a los activistas comunitarios y sociales de ser colaboradores de la guerrilla. Asimismo, el 25 de agosto, Álvaro Enrique Vergara Muñoz habría sido secuestrado por paramilitares presuntamente respaldados por el ejército. El 24 de agosto, María Yaneth Mosquera Guerra también habría sido secuestrada en su lugar de trabajo en el barrio de Nuevas Minas de Paraíso, en Barrancabermeja, por miembros de las AUC. El mismo 24 de agosto, las AUC habrían secuestrado a Erasmo Pedraza Álvarez en su casa del barrio de Provivienda. El 22 de agosto José Ciro López habría sido secuestrado por las AUC en su casa del barrio de La Paz. El 18 de agosto, Jhon Jairo y otro hombre conocido como “Cocho” habrían sido secuestrados en sus casas del barrio de El Chico, en Barrancabermeja, por hombres armados que se habrían identificado como miembros de las AUC. Se desconocería el paradero de todas las personas antes mencionadas así como el de Muccyney Jair España desde el 21 de agosto. Se informa también de que el 24 de agosto cuatro miembros de las AUC habrían atacado a Frenyí Daniel Jiménez, profesor de baile y música, sacándolo a la fuerza de su casa, situada en el barrio de Primero de Mayo. Le habrían llevado al barrio de Miraflores, donde habría sido interrogado y acusado de estar relacionado con las fuerzas de guerrilla por realizar trabajos artísticos para sindicatos y organizaciones sociales de la ciudad. Más tarde le habrían dejado en libertad. En vista de las alegaciones de amenazas, secuestros y desapariciones de las personas antes indicadas, se han expresado serios temores por su integridad física.

85. El 6 de noviembre de 2003 la Relatora Especial, junto con el Relator especial sobre la promoción y protección del derecho a la libertad de opinión y expresión, envió un llamamiento urgente en relación con la seguridad de **Yaneth Montoya Martínez**, periodista del periódico regional *Vanguardia Liberal* en la ciudad de Barrancabermeja, departamento de Santander, quien habría recibido amenazas de muerte por parte de grupos paramilitares presuntamente respaldados por el ejército. De acuerdo con las informaciones recibidas, el 22 de octubre de 2003, la defensoría del pueblo de la región del Magdalena medio habría recibido una llamada telefónica de un hombre no identificado quien habría informado que el nombre de la Sra. Montoya estaría en una lista negra publicada por las AUC. Según los informes, las AUC habrían acusado a la periodista de ser informante de la guerrilla. El 24 de octubre, hacia las 17.00, Yaneth Montoya Martínez habría recibido una llamada telefónica en su residencia en la cual un individuo no identificado habría expresado: “Dígale a esa sapa que se cuide, que no dé papaya porque como sea la iban a matar”. Asimismo se informó de que

recientemente, el periódico *Vanguardia Liberal* habría recibido una queja según la cual, un artículo publicado por la Sra. Montoya sobre la vida en una zona de la ciudad presentaría una imagen negativa de Barrancabermeja.

### **Comunicaciones enviadas**

86. El 29 de julio de 2003 la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, envió una carta de alegación en relación con **Luis Fernando Preciado**, de 28 años, preso en la torre 1 de la penitenciaría de alta seguridad de Valledupar, quien habría sido golpeado por oficiales de dicho centro. Según las informaciones, el 6 de marzo de 2002, después de quejarse porque un comandante no le habría autorizado a realizar una llamada telefónica a su familia, cinco comandantes y cinco oficiales habrían penetrado en su celda. Le habrían tirado al suelo, atado sus manos y pies con cadenas y golpeado repetidamente. Luis Fernando Preciado habría empezado a vomitar sangre y fue trasladado a la enfermería varias veces. Según informaciones, habría fallecido en la madrugada del 8 de marzo de 2002. Una necropsia realizada este mismo día habría evidenciado lesiones traumáticas en diversas partes del cuerpo y habría sugerido que el detenido habría fallecido por “insuficiencia respiratoria aguda, tipo asfíxia mecánica debido a la invasión, compresión y desplazamiento por parte de los órganos intrabdominales hacia el tórax, a través de una hernia diafragmática preexistente y agudizada por traumatismo abdominal cerrado (mecanismo contundente)”.

87. El 3 de septiembre de 2003 la Relatora Especial envió unas alegaciones al Gobierno de Colombia relativas a los siguientes casos individuales.

88. El 28 de marzo de 2003, grupos paramilitares habrían realizado incursiones en la vereda Puerto Brasil, municipio de Viotá, departamento de Cundinamarca. Dichos grupos habrían intimidado a los habitantes e igualmente habrían anunciado que “iban a matar a los comunistas que encontraran”. Así mismo se informó de que estos grupos se habrían presentado como autodefensas campesinas del Casanare. A estos grupos se les señalaría como responsables de la muerte de **José Ananias Mora, Noelia García Aguirre**, también conocida como “**La Paisa**”, **Luis Alejandro Izquierdo Medina** y **Arturo Pedreros**.

89. Asimismo la Relatora Especial se refirió a las presuntas violaciones de los derechos humanos por parte de los grupos paramilitares que vendrían operando en la mencionada región.

90. El 14 de mayo de 2003 en la vereda Pueblo de Piedra, municipio de Viotá, al llegar a su casa, habría sido asesinado el campesino **José Ospacio Canceslado**, por hombres que se movilizaban en una camioneta los cuales le habrían disparado.

91. El día 4 de mayo de 2003, en la vereda Caño Negro Bojaba, jurisdicción del municipio de Saravena, departamento de Arauca, habría sido asesinado el joven **Alexis Riveros Contreras** cuando se disponía a recibir el turno de la celaduría en la trituradora de la empresa Cotransmateriales, donde trabajaba desde hacía más de un mes. Según las informaciones, Alexis Riveros habría sido detenido por una patrulla del ejército, la cual presuntamente se encontraría

acantonada en la mencionada trituradora desde la noche del 3 de mayo de 2003. Asimismo se informa de que le habrían obligado a ir hasta el casco urbano de Saravena para traerles gaseosas y empanadas. De acuerdo con las informaciones recibidas, se habrían oído gritos de auxilio de Alexis Riveros, quien habría suplicado que “por favor, no lo fueran a matar”. Segundos después se habrían oído unos disparos.

92. El 1.º de abril de 2003, en la vereda El Palmar del municipio de Viotá, habría sido encontrado con muestras de tortura el cadáver del joven **Wilson Duarte**, quien habría sido retenido el 30 de marzo. En la misma fecha habría sido retenido igualmente el joven **Hernando Mican**, cuyo cadáver con muestras de tortura habría sido encontrado el 7 de abril en la vereda del mismo nombre.

93. El 29 de abril de 2003, en la vereda la Ruidosa Magdalena del municipio de Viotá departamento de Cundinamarca, una patrulla del ejército, al parecer perteneciente al batallón Colombia, habría asesinado a los campesinos **Gonzalo Peña y José Gómez**. En el mismo sentido se informó de que los cuerpos habrían sido trasladados a la inspección de San Gabriel, donde habrían sido presentados a la comunidad como guerrilleros dados de baja en combate.

94. El 13 de mayo de 2003, en la población de Soacha, departamento de Cundinamarca, mientras esperaba a su familia en compañía de su hija de 8 años frente al conjunto cerrado Remansos de Quintanares, **Jairo Enrique Rivera Londoño**, presidente de la junta de acción comunal del barrio los Robles, habría sido abordado por un grupo de hombres fuertemente armados quienes le habrían esposado y maltratado. Posteriormente habrían encañonado a la niña y al vigilante del conjunto cerrado quien les habría conducido hasta el apartamento donde se encontraban otras personas de su familia. Una vez en el apartamento habrían irrumpido de manera violenta golpeando y encañonando a los menores y ultrajando a las mujeres que se encontraban allí. Los asaltantes se habrían identificado como funcionarios de la Fiscalía General de la Nación y de la Dirección Central de la Policía Judicial (DIJIN). Al solicitar las identificaciones correspondientes, los asaltantes habrían reaccionado de manera violenta, golpeando y amenazando a las mujeres y a los menores que se encontraban en el apartamento. Se informa de que al momento de salir del conjunto la esposa de Jairo Enrique Rivera Londoño habría preguntado al hombre que la llevaba encañonada por el paradero de su esposo a lo cual le habrían contestado “él allí está, camine [...] mi comandante lo lleva”. Debido a los gritos de auxilio de la esposa, los transeúntes se habrían aglomerado, hecho que habría permitido la fuga del hombre que la encañonaba. El 14 de mayo, Jairo Enrique Rivera Londoño habría sido encontrado asesinado en Villa Plástico, sector de la ciudadela sucre en Soacha.

95. El 20 de junio de 2003, un grupo compuesto de funcionarios del espacio público y de agentes de la policía de la ciudad de Pereira, departamento de Risaralda, habría adelantado un operativo durante el cual el vendedor ambulante **Jhon Alirio Carmona Bonilla** habría sido golpeado fuertemente en varias partes del cuerpo y luego conducido al interior de un camión. De acuerdo con las informaciones recibidas, los funcionarios habrían descargado varias carretas al interior del mismo vehículo. Como consecuencia de los golpes ocasionados por tal

acción, Jhon Alirio Carmona habría tenido que ser internado de urgencia en el hospital universitario de San Jorge donde se le habría dictaminado un trauma cervical severo. El 24 de julio a las 05.00, Jhon Alirio Carmona habría fallecido a consecuencia de las graves lesiones ocasionadas.

### **Respuestas del Gobierno**

96. En esta sección figuran las repuestas del Gobierno de Colombia a las comunicaciones transmitidas por la Relatora Especial.

97. Mediante comunicación del 25 de febrero de 2003, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, había enviado el 21 de junio de 2002 en relación con el atentado contra **Luis Enrique Imbachi**, presidente del Sindicato de Trabajadores de las Empresas Municipales de Cali (SINTRAEMCALI), ocurrido el 16 de junio de 2002. Según el Gobierno, de acuerdo con los testimonios de los escoltas asignados por el DAS, se habría tratado de un intento de hurto de la camioneta en la que el Sr. Imbachi se movilizaba por un sector altamente delincencial. Asimismo, informó de que una patrulla de reacción se habría desplazado al lugar sin que hubiese sido posible ubicar las motos que habrían intentado el ilícito. El Gobierno informó también de que el Sr. Imbachi contaría con un esquema de seguridad compuesto de una camioneta, dos guardaespaldas con armas automáticas, tres chalecos antibalas y una radio de comunicaciones. Finalmente se informó de que el Sr. Imbachi no habría denunciado los hechos ante la fiscalía.

98. Mediante comunicación del 25 de febrero de 2003, el Gobierno de Colombia proporcionó información relativa al llamamiento urgente que la Relatora Especial había enviado el 9 de septiembre de 2002 en relación con el presunto atentado contra SINTRAEMCALI. Según el Gobierno, de acuerdo con las investigaciones preliminares, el artefacto explosivo habría sido instalado y activado en la parte interior de la edificación ocasionando daños materiales. Asimismo, señala que la explosión se produjo en una instalación de las Empresas Municipales de Cali, en donde funciona el centro operativo de acueducto Navarro y no contra sedes de SINTRAEMCALI. El Gobierno también informó de que la fiscalía adelanta la investigación correspondiente por el delito de terrorismo y de que los miembros del sindicato contarían con medidas cautelares otorgadas por la Comisión Interamericana de Derechos Humanos desde junio de 2001. Con relación a la situación de peligro de **Alexander López Amaya**, el Gobierno informó de que el esquema de protección otorgado desde septiembre de 1999 habría sido complementado a través del programa de protección a líderes sindicales del Ministerio del Interior y que en la actualidad contaría con cuatro escoltas, cinco armas automáticas, cinco chalecos blindados, una radio de comunicación y tres camionetas de doble tracción, una de ellas blindada.

99. Mediante comunicación del 2 de abril de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegaciones que la Relatora Especial había enviado el 18 de septiembre de 2002 respecto al homicidio múltiple de **Jhon Jairo Navarrete Cortes, Duberney Miranda Cortes, Cecilia Cortes,**

**Erley González Calderón, Luis Alberto Fernández, Farid Juan Jaén Martínez (apodado “el Costeño”), José Ovidio Delgado Laverde, Yesid Aros Rubio, Pedro Argilio Urrego Velásquez, Hernán Miranda Cortes, Vicente Rodríguez, Aldubier Triana Espinosa y Marcelino Aguirre** ocurrido el 15 de septiembre de 2001 en el corregimiento de Frías, municipio de Falan, departamento del Tolima. Según el Gobierno, de acuerdo con la inspección realizada por la fiscalía y el CTI, el protocolo de la necropsia determinó como causa común de las muertes la pluralidad de lesiones por proyectil de arma de fuego. La investigación por parte de la fiscalía se inició de manera oficiosa y se encuentra en etapa previa. Asimismo informó de que durante el trámite de la investigación se habrían recibido testimonios de personas que estuvieron en el lugar de los hechos o que fueron enteradas de lo sucedido. El Gobierno también informó de que, aunque no se han identificado a los autores, se presume que el hecho fue ejecutado por las AUC. En cuanto a investigaciones de orden disciplinario, dentro de la investigación que se adelanta, no se menciona como partícipes de los hechos a miembros de organismos del Estado.

100. Mediante comunicación del 2 de abril de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegaciones que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de octubre de 2002 respecto del homicidio de **Diofanol Sierra Vargas**, ocurrido el 8 de abril de 2002 en la población de Barracabermeja. Según el Gobierno, de acuerdo con el protocolo de la necropsia, se estableció como causa de la muerte el shock neurogénico por laceraciones cerebrales ocasionadas por proyectil de arma de fuego. Asimismo informó de que no se habría presentado denuncia formal por los hechos, que la investigación penal se habría iniciado de oficio y que se encontraría en etapa preliminar. Hasta la fecha no habría sido posible identificar a los presuntos responsables del homicidio.

101. Mediante comunicación del 2 de abril de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de octubre de 2002 en relación con el homicidio de **Aury Sara Marrugo y Enrique Arellano Torres**. Según el Gobierno, aunque en la necropsia no se establece claramente la causa de las muertes, en cada cuerpo se habrían encontrado dos heridas por proyectiles de arma de fuego (entradas y salidas) de diferentes trayectorias situados en cara y cráneo. Los cadáveres no habrían evidenciado señales de tortura. El Gobierno informó de que una vez encontrados los cuerpos de las víctimas, el comandante del departamento de policía de Bolívar y el comandante del batallón de infantería de marina habrían presentado denuncia penal escrita contra las AUC. El Gobierno también informó de que la Procuraduría General adelanta investigaciones de índole disciplinaria contra algunos miembros de la policía de la ciudad de Cartagena por presunto incumplimiento de sus funciones. Asimismo, otra investigación a cargo de la jurisdicción penal militar con el objeto de determinar la presunta participación de miembros de la institución policial habría concluido con un auto inhibitorio. Finalmente el Gobierno informó de que en la actualidad se encuentra en curso una investigación criminal donde se habrían librado órdenes de captura por los cargos de homicidio en persona

protegida, secuestro extorsivo agravado y concierto para delinquir contra los máximos jefes de los grupos de autodefensa.

102. Mediante comunicación del 2 de abril de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de octubre de 2002 en relación con el homicidio de **Luis Antonio Castro Aguirre**, ocurrido el 5 de febrero de 2002 en la ciudad de Villavicencio, departamento del Meta. Según el Gobierno, de acuerdo con la necropsia practicada, el fallecimiento se produjo por shock hipovolémico debido a múltiples impactos por proyectil de arma de fuego de corto alcance. No se habría presentado denuncia. Hasta la fecha no se ha podido localizar a los presuntos testigos presenciales que pudieran contribuir a la identificación de los autores. No se conoce tampoco de otra acción judicial en curso por tales hechos y hasta la fecha no se ha logrado la identificación de los autores del homicidio.

103. Mediante comunicación del 2 de abril de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de octubre de 2002 en relación con el homicidio de **Oswaldo Moreno Ibagué**, ocurrido el 3 de septiembre de 2002 en la ciudad de Villavicencio, departamento del Meta. Según el Gobierno, de acuerdo con la necropsia, el fallecimiento se produjo por estallido encefálico por trauma craneoencefálico a causa de heridas por proyectil de arma de fuego. Aunque no se presentó denuncia penal en nombre de la víctima, la fiscalía general adelantó la correspondiente investigación preliminar por el delito de homicidio. Se desconoce la existencia de otras acciones judiciales. Aún no se ha identificado a los autores materiales o intelectuales de los hechos. La familia ha recurrido a los organismos correspondientes en procura del reestablecimiento del perjuicio recibido. Posteriormente, mediante comunicación del 28 de noviembre de 2003, el Gobierno de Colombia proporcionó información adicional según la cual ante la procuraduría delegada disciplinaria de derechos humanos cursa el estudio preliminar respecto de los mencionados hechos.

104. Mediante comunicación del 2 de abril de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de octubre de 2002 en relación con los homicidios de **Hernán de Jesús Ortiz Parra**, vicepresidente del Sindicato de Educadores Caldenses (EDUCAL) y a su vez secretario del Comité Permanente de los Derechos Humanos en el departamento de Caldas, y de **José Robeiro Pineda Galeano**, ex-miembro de la junta directiva del Sindicato de Trabajadores de la Electricidad de Colombia (SINTRAELECOL), ocurrido el 12 de abril de 2002 en la zona urbana del municipio de Aranzazu, departamento de Caldas. Según el Gobierno, una vez practicada la necropsia, se habría dado trámite a la investigación, la cual habría iniciado de oficio. No se tiene conocimiento de acción judicial o de otro tipo y no se ha logrado la identificación de ninguno de los autores aunque se hace referencia como posibles autores del

hecho a miembros de las AUC. Sin embargo aclara que no ha sido posible confirmar tal hipótesis.

105. Mediante comunicación del 9 de abril de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, había enviado el 2 de septiembre de 2002 en relación con los homicidios de **Jorge Heli Vega Quintero y Danilo Rueda Robles Jorge Heli Vega Quintero y Danilo Rueda Robles Bernulfo Hincapié Machin y otros; Ferney Trochez Labio y otros.**

106. Con relación a los homicidios de Jorge Heli Vega Quintero y Danilo Rueda Robles, ocurridos el 22 de diciembre de 2001 en desarrollo de una incursión por parte de las AUC en Angalia, vereda Buenos Aires, San Martín y la Paz del casco urbano del municipio de El Tarra, departamento de norte de Santander, el Gobierno informó de que, de acuerdo con los resultados de la necropsia, se estableció como causa de la muerte del Sr. Vega Quintero el choque neurogénico agudo originado en la severa lesión craneoencefálica producida por herida de proyectil de arma de fuego. El cadáver se habría encontrado en avanzado estado de putrefacción cadavérica y reducción esquelética. En el caso de Danilo Rueda Robles, la necropsia habría señalado el estado del cuerpo como totalmente descompuesto. Asimismo informó de que además de las denuncias presentadas respecto a estos casos, el comandante del batallón Comuneros habría dirigido al procurador departamental un oficio informando sobre la presunta incursión de las AUC en el mencionado municipio y la existencia de los combates entre dicho grupo y las FARC. Las investigaciones por estos hechos se encuentran en la fase previa y son adelantadas por la Fiscalía General de la Nación.

107. Con relación a los homicidios de Bernulfo Hincapié Machin y otros, Ferney Trochez Labio y otros, los días 19 y 23 de enero de 2002 en el municipio de la Pradera en los corregimientos de Remolino, la Diana, departamento del Valle, el Gobierno informó de que, de acuerdo con las necropsias, se habría establecido como causa común de las muertes de **Juan Carlos Ipia Labio, Herney Trochez, Diego Fernando Pinzón, Everardo de Jesús Álvarez, Jesús Releí Panche Dagua y Millar Montoya Giraldo** herida por proyectil de arma de fuego. El Gobierno también informó de que sobre tales hechos no se habría presentado denuncia. Sin embargo se adelanta una investigación penal a cargo de la fiscalía especializada de Cali. Finalmente, informó de que, de acuerdo con las pruebas recopiladas hasta el momento, se señala como autores de la masacre a las AUC.

108. Mediante comunicación del 25 de febrero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, había enviado el 3 de octubre de 2002 en relación con el homicidio de **Ángela Yesenia Briñez**, ocurrido el 11 de julio de 2002 en la carretera entre Rovira y Playa Rica. Según el Gobierno, de acuerdo con la necropsia la causa del fallecimiento fue shock neurogénico raquiomedular con fracturas de cráneo y columna vertebral por proyectil de arma de fuego. El Gobierno precisó que no se ha presentado ninguna denuncia. Asimismo se informó de que la investigación por tales hechos se encuentra en la etapa de pruebas habiéndose identificado como

autor a un miembro del frente 21 de las FARC que opera en la zona de Playa Rica y Roncesvalles, el cual fue declarado persona ausente. El proceso continúa en la fase de instrucción.

109. Mediante comunicación del 25 de febrero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de octubre de 2002 en relación con el homicidio de **Ana Ruby Urrego** ocurrido el 3 de octubre de 2001 en el corregimiento de San Juan, jurisdicción del municipio de Yotoco, departamento del Valle. Según el Gobierno, de acuerdo con el registro de defunción, se indicó como causa de la muerte atentado con arma de fuego. Asimismo informó de que no se habría presentado denuncia, por lo que el trámite de la investigación se habría iniciado de oficio. Tampoco se habría dado inicio a la etapa de instrucción por cuanto no existe medio probatorio que amerite la iniciación de la acción penal.

110. Mediante comunicaciones de 25 de febrero y 28 de noviembre de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de octubre de 2002 en relación con el homicidio de **Jorge Freite Romero**. Según el Gobierno, en la actualidad la investigación por tal hecho es adelantada por la Unidad de derechos humanos de la Fiscalía General de la Nación.

111. Mediante comunicación del 20 de febrero de 2003, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 18 de septiembre de 2002 con relación a las presuntas amenazas de que habrían sido objeto los **funcionarios de la Empresa de Energía de Arauca ENELAR**. Según el Gobierno, se habría presentado denuncia formal por estos hechos, la cual habría dado lugar a la investigación previa por el delito de amenazas, la cual se encontraría en etapa de práctica de pruebas. También informó de que se habría puesto en conocimiento de las autoridades de policía la situación de estos trabajadores con el fin de adoptar las medidas necesarias para solucionar la situación. En tal sentido, el Gobierno informó sobre la invitación por parte del comando de policía del departamento a todos los sindicalistas a conformar un frente de seguridad común ante los violentos para evitar la intimidación. Asimismo, se informó de que en la actualidad las instalaciones de la subestación de energía de Arauca ENELAR cuentan con servicio de vigilancia y la gerente de la misma entidad contaría con un servicio de escolta personal.

112. Mediante comunicación del 4 de febrero de 2003, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, había enviado el 29 de octubre de 2002 con relación a las amenazas de que habría sido objeto **Cristóbal Guamanga**, miembro del Sindicato de Pequeños y Medianos Agricultores del Cauca (SIMPEAGRIC). Según el Gobierno, el Ministerio del Interior solicitó a la

policía nacional que adoptara las medidas de seguridad pertinentes para salvaguardar la vida de los miembros del mencionado sindicato así como la realización de los respectivos estudios de nivel de riesgo y grado de amenaza por parte del DAS. Asimismo, informó de que se habría solicitado al Gobernador del departamento del Cauca que coordinase con los organismos de seguridad regionales las medidas de seguridad pertinentes. También informó de que la fiscalía y la procuraduría adelantarían las investigaciones correspondientes y el Ministerio del Interior, a través del programa de protección, habría entregado tres meses de ayuda humanitaria, tiquetes nacionales, apoyo de mudanza y medios de comunicación celular a miembros del sindicato. En relación con la investigación, la fiscalía general habría informado de que no se habría presentado denuncia por tales hechos pero que ha emprendido las diligencias para su respectiva judicialización.

113. Mediante comunicación del 4 de febrero de 2003, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, había enviado el 17 de julio de 2002 en relación con la presunta situación de inseguridad en la que se encontrarían **Ángela Muñoz Trujillo** y sus colegas del periódico *El Vocero* de Barrancabermeja. Según el Gobierno, el Comité de reglamentación y evaluación de riesgos del Programa de protección a periodistas y comunicadores Ministerio del Interior habría recomendado como medidas preventivas a la policía la realización de los estudios de nivel de riesgo y grado de amenaza, así como rondas policiales a la residencia de la periodista y a las instalaciones del periódico. Adicionalmente, el Gobierno informó de que habría tenido conocimiento de amenazas en contra de periodistas de diferentes periódicos de la ciudad de Barrancabermeja, especialmente contra **Ángela Muñoz Trujillo** y **Janeth Ojeda Baytter**, del periódico *La Noticia*, por lo que se habría dispuesto el inicio de una investigación preliminar.

114. Mediante comunicación del 4 de febrero de 2003, el Gobierno de Colombia proporcionó información en relación con llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias, había enviado el 21 de noviembre de 2002 sobre la situación de **Jacqueline Rojas**, coordinadora de la OFP en el municipio de Cantagallo, departamento de Bolívar. Según el Gobierno, se habrían adoptado medidas de seguridad tales como patrullajes periódicos a la sede de la OFP en Barrancabermeja, vigilancia permanente por parte de agentes de la policía nacional en la sede de la misma organización así como la revisión de la situación de seguridad de Jacqueline Rojas, con el fin de adoptar las medidas de seguridad pertinentes. Asimismo el Gobierno informó de que se habrían adelantado las investigaciones correspondientes respecto a las amenazas así como estudios de análisis de riesgo a los integrantes de la organización. En tal sentido el Gobierno informó de que la fiscalía general lleva a cabo una investigación con el fin de seguir impulsando los procesos e investigaciones por los hechos sucedidos en la región y emitir las órdenes de captura que se encuentran pendientes. La procuraduría general adelanta también un proceso preventivo, en el que se incluyen medidas de protección. Estas acciones

buscan lograr el reconocimiento del trabajo de la OFP y el respeto por la vida y por la labor que adelantan sus miembros, especialmente por parte de las autoridades locales y regionales. Finalmente, frente a la compleja situación de seguridad, el Gobierno informó de que algunos dirigentes habrían expresado no requerir esquemas de seguridad de ningún organismo del Estado, por cuanto las actividades que desarrollan son netamente de carácter civil y humanitario.

115. Mediante comunicación del 29 de enero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con los homicidios de **Rumualdo Rojas Isarama, Enrique Oqui Guarabata, y Rivera Viscuña Velásquez** ocurridos el 7 de septiembre de 2002 en el municipio de Quibdó, departamento de Chocó. Según el Gobierno, de acuerdo con los informes del instituto de medicina legal, se estableció la muerte violenta por arma de fuego. Las investigaciones se habrían iniciado de oficio por parte de la Fiscalía General de la Nación. Con relación al caso de Rumualdo Rojas Isarama, el Gobierno informó de que uno de los autores, presuntamente miembro de grupos de autodefensa, habría sido capturado el mismo día de los hechos y dentro del proceso penal correspondiente se habría proferido resolución de acusación en su contra. Con relación a los otros dos casos, el Gobierno informó de que no se ha logrado la identificación de los autores, y de que dichas investigaciones se encuentran en etapa de instrucción. Finalmente informó de que por razones de seguridad que limitan el desplazamiento del fiscal instructor, no se ha avanzado en la identificación de los autores.

116. Mediante comunicación del 29 de enero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con los homicidios de **Ines Blandon Paz y Eladio Blandon Paz**, ocurridos el 12 de septiembre de 2001 en la comunidad de Pueblo Nuevo. Según el Gobierno, de acuerdo con la denuncia presentada por uno de los familiares de las víctimas ante el Juzgado Promiscuo Municipal de Murindó, en el departamento de Antioquia, la causa de las muertes fue violenta. El Gobierno informó también de que la investigación se encuentra en etapa previa a cargo de la fiscalía delegada ante el juez penal del circuito especializado de Quibdó y las diligencias pertinentes no se han adelantado ante la imposibilidad del fiscal para desplazarse hasta el lugar de los hechos. Igualmente informó de que no se han identificado plenamente a los autores, pero en la denuncia se atribuye el homicidio a grupos paramilitares.

117. Mediante comunicación del 29 de enero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con el homicidio de **Osiel de Jesús Montoya de Atehortua**, ocurrido el 11 de abril de 2002 en la comunidad de San José de Apartadó. Según el Gobierno, en la necropsia se estableció como causa de la muerte traumas múltiples causados por proyectiles de arma de fuego. La investigación se inició de oficio y fue adelantada en su fase previa por la fiscalía seccional de Apartadó. Asimismo el Gobierno informó de que no se han identificado o individualizado a los autores del hecho.

118. Mediante comunicación del 29 de enero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con el homicidio de **Gonzalo Trejos García**. Según el Gobierno, de acuerdo con el protocolo de la necropsia, la causa de la muerte habría sido laceración encefálica por proyectiles de arma de fuego. Asimismo señaló que la investigación se habría iniciado de oficio y está siendo adelantada por la fiscalía seccional de Apartadó. El Gobierno también informó de que se habría logrado la identificación e individualización de uno de los presuntos autores materiales, por lo que dispuso orden de captura para indagatoria. La investigación se encuentra en etapa de investigación formal, no se ha otorgado compensación alguna.

119. Mediante comunicación del 29 de enero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con el homicidio de **Reynel de Jesús Alvarez**. El Gobierno informó de que se habría dado traslado de la investigación a la fiscalía de Apartadó.

120. Mediante comunicación del 2 de enero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con el homicidio de la fiscal **Yolanda Paternina Negrete**, ocurrido el 29 de agosto de 2001. Según el Gobierno, de acuerdo con el certificado de defunción, la causa de la muerte fue una laceración de tallo encefálico debido a herida de proyectil de arma de fuego. No se presentó denuncia; por lo cual la investigación fue iniciada de oficio por la dirección seccional de fiscalías de Sincelejo. Durante la etapa de instrucción habrían sido sindicados cinco individuos, cuatro de los cuales habrían sido objeto de medida de aseguramiento consistente en detención preventiva y actualmente se encontrarían reclusos en la Cárcel Nacional Modelo. Asimismo el Gobierno informó que los sindicados serían parte de un grupo de autodefensas de Sucre. La investigación se encuentra en etapa de instrucción sin vencimiento de términos. Se desconoce si la familia ha recibido alguna compensación.

121. Mediante comunicaciones del 17 de diciembre de 2002 y del 2 de enero de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con el homicidio de **Rafael Jaimes Torra** ocurrido el 21 de marzo de 2002 en la ciudad de Barrancabermeja departamento de Santander. Según el Gobierno, de acuerdo con el certificado de defunción, se trató de una muerte violenta por arma de fuego. No se habría presentado denuncia, por lo que la investigación preliminar se habría iniciado de oficio, encontrándose en la etapa de instrucción. Asimismo informó de que se habría identificado a dos presuntos responsables del homicidio, presuntamente integrantes de las AUC, contra quienes se profirió orden de captura. El Gobierno también informó de que no se posee información sobre participación de organismos estatales en la comisión de los hechos. No se tiene conocimiento de ninguna compensación a familiares.

122. Mediante comunicación del 19 de diciembre de 2002, el Gobierno de Colombia proporcionó información sobre los hechos descritos en la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión

de la tortura, había enviado el 2 de septiembre de 2002 en relación con los hechos ocurridos el 17 de enero de 2002, **en la vereda la Diana jurisdicción del municipio de Florida**, departamento del Valle. El Gobierno informó de que de acuerdo con la información del DAS, el 19 de enero de 2003 individuos fuertemente armados con brazaletes de las AUC, montaron dos retenes en la zona rural del municipio de Florida procediendo a pedir la documentación a las personas que transitaban por el lugar. Allí habrían asesinado a dos personas. Asimismo informó que el 23 de enero de 2002, habrían sido asesinados varios campesinos e indígenas cuyos cuerpos habrían sido abandonados en la zona. También se habría impedido el acceso a familiares y autoridades para que recogieran los cadáveres. El Gobierno informó que en los resultados de las necropsias practicadas por el instituto de medicina legal de Palmira, se indicaron como causas de las muertes disparos de arma de fuego que ocasionaron shock neurogénico. Igualmente informó de que no se habría presentado denuncia penal por tales homicidios. Con respecto a la investigación, el Gobierno informó de que ésta fue asumida de oficio por la fiscalía segunda de la unidad nacional de derechos humanos y posteriormente remitida a la fiscalía 10 especializada de Cali, donde se desarrolla la investigación previa. Finalmente informó que el DAS presentó denuncia de los hechos ante la Personería, la procuraduría del Valle y ante la defensoría del pueblo y que el batallón Codazzi presentó una denuncia por los mismos hechos contra las AUC. Se desconoce si se ha efectuado pago o compensación alguna a los familiares de las víctimas.

123. Mediante comunicación del 19 de diciembre de 2002, el Gobierno de Colombia proporcionó información sobre los hechos descritos en la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, había enviado el 2 de septiembre de 2002, hechos relacionados con la detención de **dos indígenas pertenecientes a la Comunidad de las Guacas**, afiliados a la Organización Regional Indígena del Valle del Cauca (ORIVAC), en el corregimiento de Líbano, municipio de Florida. El Gobierno informó de que en una reunión entre el comandante del departamento de policía y los indígenas que forman parte de ORIVAC, la policía Valle se comprometió a crear escuadrones móviles de carabineros y a efectuar patrullajes esporádicos dentro del perímetro que está bajo su control. Asimismo, informó de que la policía de Florida adelanta actividades de prevención mediante puestos de control a la salida y entrada de los corregimientos donde los indígenas tienen sus asentamientos. El Gobierno también informó de que el DAS continúa en la búsqueda de información de inteligencia con el fin de evitar que grupos irregulares impongan el terror en la región. En este sentido, el batallón Codazzi de Palmira ejerce patrullajes continuos con el fin de garantizar la tranquilidad en la zona y el batallón de ingenieros n.º 3 adelanta acciones en los principales municipios afectados por la presencia de grupos ilegales con el fin de disminuir la capacidad de lucha de los grupos al margen de la ley, capturar y judicializar a sus integrantes.

124. Mediante comunicación del 19 de diciembre de 2002, el Gobierno de Colombia proporcionó información sobre los hechos descritos en la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, envió el 2 de septiembre de 2002 en relación con los hechos ocurridos el 16 de enero de 2002 en el **instituto departamental de educación básica indígena comunitaria y complementaria IDEBIC**, corregimiento La

Diana, municipio de Florida, sur del departamento de Valle del Cauca. El Gobierno informó que la policía nacional habría impartido instrucciones al comando de policía Valle, con el fin de adoptar las medidas necesarias en coordinación con la fuerza pública y las autoridades civiles de la región. Asimismo informó de que de acuerdo con informes del Ministerio de Defensa, el batallón de ingenieros n.º 3 adelanta acciones en los principales municipios afectados por la presencia de grupos ilegales con el fin de disminuir la capacidad de lucha de los grupos al margen de la ley, capturar y judicializar a sus integrantes. La tercera brigada en coordinación con el CTI y la policía judicial ejerce operaciones de control militar en diferentes veredas del municipio de Florida con el fin de neutralizar la acción de los grupos irregulares.

125. Mediante comunicación del 28 de noviembre de 2002, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 13 de noviembre de 2001 con relación a los **hechos ocurridos el 20 de octubre de 2001 en las poblaciones del sur del departamento de Bolívar**. Según el Gobierno, la Dirección seccional de fiscalías encargó la correspondiente investigación penal a un fiscal delegado. El Gobierno también informó que se impartieron órdenes al comandante de la policía de Magangué para coordinar con las autoridades municipales y la fuerza pública las acciones necesarias con el fin de proteger los derechos fundamentales de los pobladores y evitar desplazamientos y asesinatos. Asimismo informó sobre la solicitud hecha al comandante del batallón n.º 4 del ejército para que con las autoridades municipales coordine la realización de patrullajes esporádicos a la zona, se preste asistencia humanitaria y realicen los consejos de seguridad necesarios.

126. Mediante comunicación del 28 de noviembre de 2002, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 18 de septiembre de 2002 relativo a la situación de **los trabajadores del sector eléctrico pertenecientes a la empresa de energía de Arauca ENELAR y afiliados al sindicato SINTRAELECOL**. Según el Gobierno, a través del Ministerio de Minas y Energía, se habrían coordinado, con los organismos competentes, los mecanismos de seguridad a fin de garantizar la seguridad de los trabajadores de la empresa y se habría solicitado al ejército nacional la adopción de mecanismos de seguridad para los trabajadores. En relación con los dirigentes sindicales, el DAS habría procedido a efectuar los respectivos estudios técnicos de nivel de riesgo, con el fin de recomendar las medidas de seguridad pertinentes. En tal sentido el Gobierno informó que se habría aprobado la asignación de un esquema de seguridad colectivo para los integrantes de la junta directiva de SINTRAELECOL, subdirectiva Arauca, el cual se encontraría pendiente de ser implementado. El Gobierno también informó de que las amenazas habrían sido puestas en conocimiento de la fiscalía general para su respectiva investigación. Con relación al caso del sindicalista **Rodrigo Alberto García Reina** (vicepresidente subdirectiva Arauca), se habrían otorgado tiquetes nacionales y un mes de ayuda humanitaria para salir de la zona de riesgo. Con relación al caso del sindicalista **Oscar Álvarez Leyva** (presidente de la subdirectiva Arauca), se habría aprobado la entrega de tiquetes nacionales para salir de la zona de riesgo. Con relación al caso de la sindicalista **Isabel Elvira López Ruiz** (dirigente subdirectiva Arauca), se habría recomendado la asignación

de un esquema de seguridad duro individual y como medida temporal se habría aprobado un apoyo de transporte terrestre, acompañamiento permanente por parte de la policía nacional y entrega de tiquetes nacionales para salir de la zona de riesgo. Con relación al caso del **sindicalista Edner Rolando Contreras García** (subdirectiva Arauca), se otorgaron tiquetes nacionales y un mes de ayuda humanitaria para salir de la zona de riesgo. Finalmente se informó que a solicitud de SINTRAELECOL nacional se habrían aprobado igualmente tiquetes nacionales para sacar de la zona de riesgo a **Dionisio Fonseca, Alexander Chacón, Álvaro Cárdenas, Alexis Zocadagui, Carlos Liber Borda, Fredy Moreno, Juan Bustos, Carlos Ramírez y José Lever Andulce, dirigentes sindicales y trabajadores de ENELAR.**

127. Mediante comunicación del 28 de noviembre de 2002, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 8 de agosto de 2002, respecto a la situación de los dirigentes y afiliados a la Asociación de Familiares de Detenidos y Desaparecidos (**ASFADES**). Según el Gobierno, la Unidad de derechos humanos de la Fiscalía General de la Nación adelanta la investigación preliminar en relación con las amenazas de que han sido objeto **Gloria Herney Galíndez y Janeth Bautista**. Igualmente se informó de que, de acuerdo con informe de la procuraduría delegada disciplinaria para la defensa de los derechos humanos, ASFADES cuenta con medidas provisionales decretadas por la Corte Interamericana de Derechos Humanos.

128. Mediante comunicación del 5 de diciembre de 2002, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente enviado por la Relatora Especial el 17 de septiembre de 1999 sobre los **hechos ocurridos el 19 de agosto de 1999 en la población de Moterraló y las comunidades vecinas de San Benito, Pajarito y Cupiagua, en el departamento de Casanare**. Según el Gobierno, de acuerdo con la providencia de la procuraduría delegada disciplinaria para la defensa de los derechos humanos en el fallo de única instancia y para todos los investigados, se estableció que el allanamiento y la retención arbitraria habrían sido ilegales. Con relación al daño a bienes e inmuebles, el juez argumentó que no se pudo demostrar ningún tipo de daño o detrimento causado por la tropa (ejército). Asimismo informó que se habrían impuesto sanciones a un teniente, un subteniente, dos sargentos segundos y dos soldados voluntarios. También informó que se habría ordenado el archivo definitivo de las diligencias por cuanto existiría un pronunciamiento previo y de fondo por parte del ejército nacional. Asimismo se informó que dicha decisión procedería el recurso de apelación ante la sala disciplinaria de la Procuraduría General de la Nación.

129. Mediante comunicación del 6 de noviembre de 2002, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, había enviado el 26 de julio de 2002 en relación con la situación de los miembros de la comunidad **de campesinos de la granja “La Galleta”**, en el municipio de Montebello, departamento de Antioquia. Según el Gobierno, de acuerdo con la información recibida de la Procuraduría General, la investigación por la muerte del

niño **Antonio Serno**, en la vereda de San Antonio del municipio de Montebello, se encuentra en etapa de indagación preliminar. Con relación a la investigación por la desaparición de **Jairo Hernando Sánchez**, se informó que se ha comisionado a la procuraduría regional de Antioquia para la práctica de pruebas. Asimismo se informó que la Fiscalía General de la Nación abrió investigación por los hechos ocurridos en la vereda San Antonio, la cual fue remitida a la fiscalía 18 especializada de Medellín. El Gobierno también proporcionó información relativa a las etapas en que se encontrarían las investigaciones en relación con los homicidios de **Mauricio Castañeda Villada** y **Arley Castañeda Villada** (etapa preliminar); **Enoc de Jesús Castañeda Villada** (etapa de pruebas por parte de la Unidad Investigativa de la policía judicial), **Abelardo de Jesús Ríos Villada** (etapa de investigación), **Héctor de Jesús Ayala Ríos** (etapa de pruebas), **Jairo López Cuervo** (etapa de pruebas), **Alejandro León Ospina** y **Oscar Orlando Valencia** (etapa de pruebas por parte de la Unidad Investigativa de la policía judicial). Finalmente, el Gobierno informó de que de acuerdo con informaciones del DAS, un grupo armado ilegal, presumiblemente de autodefensas, habría penetrado en las viviendas cercanas a la finca “La Galleta” donde retuvieron y dieron muerte a ocho campesinos de la región.

130. Mediante comunicación del 14 de noviembre de 2002, el Gobierno de Colombia proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 18 de septiembre de 2002 respecto de la situación de peligro en la cual se encontrarían **los trabajadores y sindicalistas de dos empresas regionales de electricidad y de energía del departamento de Arauca**. Según el Gobierno, la defensoría del pueblo habría oficiado la fiscalía, la policía, el DAS, el Ministerio del Interior y el Ministerio de Defensa con el fin de obtener protección y seguridad para las personas amenazadas, así como para garantizar el ejercicio de sus funciones. Asimismo informó de que la Fiscalía General de la Nación remitió la denuncia para su trámite a la dirección seccional de fiscalías de Cúcuta, y que el Ministerio de Defensa habría dado a trámite a la policía nacional quien impartió instrucciones para la adopción de las medidas de seguridad a que hubiere lugar. Igualmente el DAS seccional Arauca, habría realizado el estudio técnico de nivel de riesgo y grado de amenaza a los miembros del sindicato ENELAR Arauca y prestado asesoría en medidas preventivas de seguridad. El Gobierno también informó de que mediante un programa de seguridad público la policía, el ejército y el DAS ofrecen escolta personal a los grupos de trabajadores mientras se desplazan a su lugar de trabajo. Las instalaciones de la empresa y las residencias de los empleados contarían también con servicio de vigilancia.

131. El 20 de agosto de 2003, el Gobierno de Colombia proporcionó información en relación con la carta de alegaciones que la Relatora Especial había enviado el 12 de abril de 2003 en relación con los hechos ocurridos el 6 de abril de 2000 en los barrios El Triunfo y La Unión de la población de Tibú, Norte de Santander. Según el Gobierno, los fallecidos en la incursión realizada por las AUC son: en el barrio El Triunfo: **Luisa Beleño, Heliodoro Suárez, Luis López, Héctor Julio Casariego, Omar N.N., Fredy Sepúlveda, Evangelista Flores**; en el barrio La Unión: **Ramón Sánchez, Cesar Fernando Contreras, Víctor Manuel Peña, Fabio Sánchez, Martín Niño, José Laguado, Oviedo Gómez García, Pable Antonio Yepes Santiago, Jesús Martín Urbina Jaimés, Nelson**

**Carrascal Ascanio, José Hilario Santiago Sánchez, Ciro Gómez N., Manuel Carrascal, Trinidad Navarro de Rolon “la Mona”, Ramón María Sánchez, Cesar Contreras, Víctor Manuel Peña, Fabio Sánchez, Martín Niño, José Laguado Ovidio, Pablo Gómez, Yepes Jesús Urbina, Nelson Carrascal y otros.** Según el Gobierno, las víctimas habrían sido sacadas de sus casas y subidas en vehículos con rumbo desconocido. Con relación a la investigación, se habrían recibido los testimonios de personas que habrían reiterado los hechos. Igualmente se habría ordenado la identificación e individualización del comandante Cristian y del subcomandante Giovanni de las AUC, los cuales se habrían autoincriminado como responsables de los hechos. Asimismo el Gobierno informó de que a través del Ministerio de Defensa se han adoptado las medidas necesarias para garantizar los derechos fundamentales de la población. De acuerdo con la personería del municipio de El Tarra, no existe queja contra miembros de las fuerzas militares.

132. Mediante comunicación del 28 de noviembre de 2003, el Gobierno de Colombia proporcionó información adicional relativa al llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 11 de diciembre de 2001 en relación con la situación de los **miembros de la organización de derechos humanos corporación SEMBRAR**. Según el Gobierno, de acuerdo con la información del DAS, la organización no gubernamental SEMBRAR contaría para su seguridad con un esquema protectorio colectivo conformado por tres escoltas, tres pistolas calibre 9 mm., un arma de apoyo, tres chalecos antibalas, un vehículo blindado y una radio de comunicación. En la misma comunicación, el Gobierno proporcionó información complementaria relativa al llamamiento urgente que la Relatora Especial envió el 14 de mayo de 2002 respecto al atentado contra Gustavo Giraldo. Según el Gobierno, la investigación se encuentra en la etapa previa de averiguación sin que hasta el momento se haya individualizado a los partícipes.

133. Mediante comunicación del 28 de noviembre de 2003, el Gobierno de Colombia proporcionó información concerniente al llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, había enviado el 29 de julio de 2003 en relación con la situación de **Luis Fernando Preciado**. Según el Gobierno, se habrían adelantado las investigaciones penales disciplinarias en contra de los funcionarios del Instituto Nacional Penitenciario y Carcelario (INPEC). Dentro de la investigación disciplinaria se habría ordenado la indagación preliminar y posteriormente la investigación disciplinaria formal contra los funcionarios del INPEC. El conocimiento de este asunto habría sido asumido por la Procuraduría General de la Nación. Con relación a la investigación penal, el Gobierno informó que se habría decretado el cierre de la etapa de investigación, imponiendo medidas de aseguramiento sin beneficio de libertad provisional a cinco miembros del INPEC, como coautores del punible de homicidio preterintencional. Para hacer efectiva dicha medida se habría ordenado la suspensión y detención de los mismos.

134. Mediante comunicación del 28 de noviembre de 2003, el Gobierno de Colombia proporcionó información concerniente al llamamiento urgente que la Relatora Especial había enviado el 3 de febrero de 2003 en relación con los homicidios de **Luis Eduardo Serna y Luis Sánchez**. Según el Gobierno, el 7 de

enero de 2002, tropas del batallón 21 Vargas habrían sostenido contacto armado con integrantes de las AUC. Habrían resultado abatidos tres individuos sin identificar. En relación con el homicidio de Luis Eduardo Serna y Luis Sánchez, el Gobierno informó que la fiscalía habría dado inicio a las investigaciones preliminares los días 12 y 25 de febrero, respectivamente. Las investigaciones se encontrarían en entapa de pruebas.

135. Mediante comunicación del 8 de diciembre de 2003, el Gobierno de Colombia proporcionó información relativa a una carta enviada por la Relatora Especial el 3 de septiembre de 2003. Según el Gobierno, de acuerdo con la información suministrada por la Procuraduría General de la Nación, las investigaciones relativas a los casos de **José Ananias Mora, Noelia García Aguirre, Luis Alejandro Izquierdo Medina y Arturo Pedreros**, habrían sido remitidas por la delegada disciplinaria para la defensa de los derechos humanos a la Fiscalía General de la Nación. Con relación a los casos de **Gonzalo Peña y José Gómez**, el Gobierno informó que habrían sido remitidos a la Oficina de control interno del ejército. El caso de **Alexis Riveros Contreras** se encontraría en indagación preliminar ante la delegada disciplinaria para la defensa de los derechos humanos. Asimismo el Gobierno informó de que en el caso relativo a la muerte de **Wilson Duarte y Hernando Mican** la Procuraduría General de la Nación habría adelantado la investigación preliminar contra miembros del ejército nacional y las autodefensas. Igualmente, la Fiscalía General de la Nación habría iniciado la investigación preliminar por los delitos de homicidio, desaparición, amenazas, torturas, desplazamiento forzado y terrorismo, estableciendo como responsable al grupo ilegal denominado Autodefensas Campesinas del Casanare. El Gobierno también informó de que se encontrarían vigentes las medidas de aseguramiento contra cuatro personas, dentro de las cuales estarían incluidos un capitán y un cabo del ejército nacional. Con relación a los casos de **José Ospacio Cancelado y Jairo Enrique Rivera Londoño** el Gobierno no contaría con los registros correspondientes.

## Costa Rica

### Respuesta del Gobierno

136. Mediante comunicación del 6 de enero de 2003, el Gobierno de Costa Rica proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 25 de noviembre de 2002 en relación con las amenazas e intimidaciones de que habrían sido objeto los funcionarios de la organización no gubernamental **Casa Alianza**. Según el Gobierno, se impartieron órdenes para que oficiales de la policía especial de apoyo brinden acompañamiento a las personas amenazadas las 24 horas del día, incluidos los fines de semana, hasta fecha no definida.

## Côte d'Ivoire

### Communications envoyées

137. Le 17 septembre 2003, la Rapporteuse Spéciale, conjointement avec le Rapporteur Spécial sur la torture, a envoyé une communication au Gouvernement

de la Côte d'Ivoire concernant des informations reçues selon lesquelles **une soixantaine de gendarmes accompagnés d'une cinquantaine de leurs enfants et de quelques autres civils** auraient été arrêtés dans leur caserne à Bouaké par des éléments armés du Mouvement patriotique de Côte d'Ivoire (MPCI) le 6 octobre 2002. Ces personnes auraient été conduites à la prison du camp militaire du troisième bataillon d'infanterie où, pendant la soirée, des éléments armés du MPCI seraient entrés à plusieurs reprises dans la prison et y auraient tiré en rafales, tuant et blessant des dizaines de détenus. Il semblerait que les assaillants auraient fait, pour justifier leurs actes, explicitement référence au massacre de Yopougon du 26 octobre 2000, à la suite duquel une Commission d'enquête de l'ONU avait été nommée. Les survivants seraient restés deux jours avec les blessés et les cadavres en décomposition sans recevoir de nourriture. Selon les informations communiquées, certains survivants auraient été contraints de transporter les cadavres et de les enterrer dans des fosses collectives et une dizaine d'entre eux auraient été tués sur les lieux mêmes du charnier après qu'ils eurent enterré leurs camarades.

138. Le 23 octobre 2003, la Rapporteuse Spéciale, conjointement avec le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, a envoyé une communication au gouvernement de la Côte d'Ivoire concernant le cas de **Jean Hélène**, journaliste auprès de la station de Radio France Internationale (RFI) et correspondant de RFI en Côte d'Ivoire qui aurait été abattu le 21 octobre 2003. Il semblerait qu'il se trouvait près de la Direction générale de la police nationale (DGPN), afin d'interviewer des opposants politiques qui venaient d'être libérés après quelques jours de détention, lorsqu'un policier en faction devant la DGPN se serait approché de lui et lui aurait tiré une balle dans la tête. Il semblerait que ce dernier ait été arrêté et placé en détention.

### **Democratic Republic of the Congo**

#### **Appel urgent**

139. Le 22 mai 2003, la Rapporteuse spéciale, conjointement avec le Rapporteur Spécial de la Commission des Droits de l'Homme sur la situation des Droits de l'Homme en République Démocratique du Congo, a envoyé un appel urgent au gouvernement concernant la situation des enfants soldats condamnés à mort sur laquelle ils étaient intervenus précédemment par un appel urgent envoyé le 1er mai 2001. Selon l'information reçue, deux enfants soldats, **Jean Louis Basey** et **Diavanga Nkuyu**, condamnés à mort et incarcérés à Kinshasa depuis 2000, auraient été libérés le 10 mai 2003. Cette libération aurait eu lieu suite à l'amnistie présidentielle du 14 avril 2003 relatif à l'Accord global et inclusif signé à Prétoria. En revanche, aucune nouvelle information n'aurait été reçue par les Rapporteurs concernant les autres enfants soldats condamnés, **Mbumba Ilunga**, **Mwati Kabwe**, **Banga Djuna** et **Nanasi Kisala** qui par conséquent continuaient de courir le risque d'être exécutés.

#### **Communication envoyée**

140. Le 23 octobre 2003, la Rapporteuse Spéciale, conjointement avec la Représentante Spéciale du Secrétaire Général sur les défenseurs des droits de

l'homme, a envoyé une communication au Gouvernement de la République Démocratique du Congo concernant le cas de Maître **Charles Katambay**, membre du *Groupe du Sans Voix* (GSV), une organisation de défense des droits de l'homme dans le territoire d'Uvira, membre actif du barreau et d'une association de la défense des juges. Selon les informations reçues, le 25 mai 2003, un militaire du RCD-Goma lui aurait tiré dessus et l'aurait tué devant sa maison d'Uvira. D'après les informations reçues, il aurait été visé en raison de son travail en faveur des droits humains.

## Ecuador

### Llamamiento urgente

141. El 5 de noviembre de 2003 la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, envió al Gobierno del Ecuador un llamamiento urgente en relación con **Wilmer Lucio León Murillo**, quien habría sido detenido junto con otras tres personas el 21 de julio de 2003, por agentes de la policía cuando se desplazaban en coche por la ciudad de Quevedo. Según las informaciones, habrían sido detenidos sin ninguna orden, bajo sospecha de pertenecer a un conocido grupo armado. Estas personas habrían sido introducidas en un vehículo de la policía y conducidos con la cabeza cubierta a un paradero desconocido a las afueras de Quevedo. Allí, Wilmer Lucio León habría sido torturado y maltratado. Horas más tarde habría sido conducido a una comisaría de policía y seguidamente puesto en libertad por decisión del procurador quien habría declarado que no existían pruebas contra él y que su detención había sido ilegal. El 24 de julio, Wilmer Lucio León Murillo habría presentado denuncia por tortura y malos tratos a los que habría sido sometido durante su detención, hecho que habría dado lugar a una investigación contra los agentes implicados. Desde entonces, Wilmer Lucio León Murillo habría recibido, en varias ocasiones, amenazas de muerte. El 26 de octubre, uno de los agentes investigados habría avisado a un amigo de la víctima de que "le matarían y que nadie sabría nada". A la luz de estas amenazas, se han expresado temores por la vida y la integridad física de Wilmer Lucio León Murillo.

## Egypt

### Communication sent

142. On 4 June 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of Egypt in connection with the following individual cases.

143. **Hussain Mohamed Mursi** was reportedly found dead in Al Ramel police station in April 2001. He was allegedly arrested on 25 April 2001 by the Verdict Implementation Unit and kept in detention, although the prosecution authorities reportedly had ordered his release. According to the information received, he was beaten by police officers to compel him to confess to his involvement in a number of crimes.

144. **Nader Fath Alsyed** was reportedly beaten and stabbed to death by a police assistant at the Nasr City police station, Cairo, on 29 April 2001. According to the information received, he was assaulted by police guards after he allegedly refused to stand steady on a brick and threatened guards with a piece of sharp metal. A forensic report allegedly described injuries on his face, forehead, neck, chest, shoulder and back and wounds and cuts on his left thigh, but also allegedly indicated that the main cause of death was a stab wound on his thigh.

145. **Medhat Gaber Tadros** was reportedly arrested for robbery on 23 or 24 April 2001 by the intelligence division at Embaba police station. He was allegedly beaten and subjected to electric shocks and other forms of ill-treatment which reportedly caused his death. According to the information received, two police officers were charged with torture and the case referred to a criminal court on 12 May 2002.

146. **Ahmed Taha Hussein** was reportedly arrested on 29 October 2001 and taken to Qwesna police station. His house was allegedly searched without warrant and his brother was arrested on the same day. They were both kept for some hours in a police vehicle before they were reportedly released. However, on the following day an officer of the Qwesna police station reportedly informed Mr. Hussein's family of his death, but they were not allowed to attend his burial. On 13 January 2002, the victim's family lawyer filed a report with the prosecutor general stating the family's suspicions as to the reasons for his death, and lodged a second report with the Menufiya attorney general requesting an autopsy. A first forensic report was allegedly vague: it reportedly stated that there was signs of congestion in his scalp and white foam in his trachea, that his heart was in good condition and that there was an accumulation of dark urine in his bladder, and that there were no traces of poison or drugs. According to this report, his death was caused by a dormant illness difficult to determine by forensic medicine. The attorney general reportedly filed the report in March 2002. However, the victim's family and a local human rights organization submitted a complaint to the prosecutor general and the Minister of the Interior against the decision to file the report and the procedures taken by the police officers against the victim and his family.

### **Communication received**

147. On 3 October 2003, the Government of Egypt transmitted its response in connection with the following individual cases which were the object of allegations sent by the Special Rapporteur on 2 September 2002.

148. With regard to allegations concerning the death of **Sayid Qanawi Salim Ali** as a result of torture at El-Imbaba police station, the Government stated that, on 7 March 2000, while being served with a warrant, Ali tried to escape but fell from a great height. He was reportedly injured and taken to hospital for treatment, where he died. The facts surrounding the death were allegedly contained in Imbaba precinct administrative report No. 947/2000. The Department of Public Prosecutions reportedly undertook an investigation and the case was re-registered with a criminal registration number. At the time of the communication, the Department was still working on the investigation and had not yet taken a decision

on the matter. The Government submitted that there was no evidence to show that the man had been beaten as the allegations claimed.

149. Concerning the case of **Mohammed Samir Abu al-Wifa**, who reportedly died while in detention at Al-Qubba Park police station, the Government reported that he was on a register of criminals known for their tendency to impose their will on others. He was arrested in 2001 in order to put a stop to his dangerous criminal activities. His release was ordered on 8 January 2001. On 12 January 2001, formalities relating to his release were being carried out at Al-Qubba Park police station when he began to complain of shortness of breath. He died shortly afterwards. This was confirmed by some of his fellow prisoners in the same cell and the details of the incident were allegedly set forth in administrative report No. 399/2001. The Department of Public Prosecutions undertook an investigation after the family of the deceased accused the head of the investigation unit at the station of having beaten him and caused his death. The medical report on the examination of the deceased was signed by a forensic doctor on 1 November 2001 and the Department of Public Prosecutions ruled out foul play and discontinued the case. The Government submitted that there was no evidence to show that the man was beaten as the allegations claimed.

150. Finally, with regard to allegations relating to **Ahmad Hasan Ahmad**, who was reportedly beaten to death while in custody at the Qalyubiya State Intelligence Headquarters, the Government mentioned that Mr. Ahmad was a registered criminal with 11 previous convictions for a variety of crimes. On 28 February 2000, the Department of Public Prosecutions issued a warrant for his arrest. He was allegedly caught in flagrante delicto and found to be in possession of drugs and a knife. The Department decided to remand him in custody pending further investigations. On 2 March 2000, his fellow inmates reportedly stated that he was taken seriously ill and had gone into a coma. He was transferred to hospital for emergency treatment, where he died. According to the Government's response, the autopsy carried out by a forensic doctor indicated that the death was caused by swallowing a certain kind of insecticide. There were no signs of beating or torture on the body. The Department decided to file the case as a suicide. The Government reported that there was no evidence to show that the man was beaten as the allegations claimed.

## **El Salvador**

### **Llamamiento urgente**

151. El 27 de diciembre de 2002 la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de **Beatrice Alamanni de Carrillo**, procuradora para la defensa de los derechos humanos. De acuerdo con estas informaciones, desde el 16 diciembre de 2002, Beatrice Alamanni de Carrillo habría recibido amenazas de muerte anónimas. Las amenazas pueden estar relacionadas con su trabajo en el contexto de incidentes en la Penitenciaría Central La Esperanza.

## Respuestas del Gobierno

152. Mediante comunicación del 3 de febrero de 2003, el Gobierno de El Salvador proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 27 de diciembre de 2002, en relación con la seguridad de la procuradora para la defensa de los derechos humanos **Beatrice Alamanni de Carrillo**. Según el Gobierno, las medidas de protección con las que cuenta tanto la funcionaria como su familia continúan vigentes y habrían sido reforzadas en las oportunidades en que ella misma lo habría solicitado.

## Equatorial Guinea

### Comunicación enviada

153. El 4 de junio de 2003, la Relatora Especial junto con el Relator Especial sobre la cuestión de la tortura enviaron una carta de alegación en relación con la muerte de **Juan Asumu Sima**, de 80 años de edad, quien habría fallecido el 31 de agosto de 2002 en la cárcel de Black Beach, Malabo, presuntamente como consecuencia del trato al que habría sido sometido mientras estaba en detención en espera de juicio. Según las informaciones, Juan Asumu Sima habría sido arrestado en Bata o Mongomo entre mitad de marzo y mitad de abril de 2002. Tras su juicio, en el que habría sido sentenciado a seis años y ocho meses de cárcel por complicidad en el intento de golpe de Estado, habría sido transferido de Bata a Malabo. Durante el juicio, habría presentado numerosas lesiones y habría necesitado la ayuda de otros imputados para mantenerse de pie. La asistencia médica que habría solicitado durante el juicio le habría sido denegada. En la cárcel de Black Beach, Juan Asumu Sima habría sido mantenido en condiciones de hacinamiento e insalubridad, en las que, al igual los otros detenidos, habría tenido un acceso muy limitado a la comida y al agua y no habría recibido medicación para las heridas causadas por anteriores malos tratos.

## Gambia

### Communication sent

154. On 29 July 2003, the Special Rapporteur, jointly with the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on torture and the Special Representative of the Secretary-General on human rights defenders, sent a communication to the Government of the Gambia in connection with information received according to which at least **14 people were killed**, including **minors; Omar Barrow**, a journalist; and a Gambian Red Cross volunteer who was wearing a Red Cross insignia. Dozens of persons were also reportedly injured, some severely, by security forces which used excessive and indiscriminate force to break up demonstrations organized by the Gambian Students Union on 10 and 11 April 2000 in Banjul, Brikama and other towns. These demonstrations were allegedly held in protest against the death of **Ebrima Barry**, a student allegedly tortured to death by members of the Brikama Fire

Service, and the rape of a **13-year-old schoolgirl** by a police officer. Although a Governmental Commission of Inquiry allegedly confirmed that security forces officers were responsible for the casualties, government officials reportedly stated on 6 January 2001 that in the spirit of reconciliation, no one would be prosecuted. On the other hand, it was reported that officers suspected of the death of Ebrima Barry were arrested.

## Ghana

### Communication received

155. On 7 January 2003, the Government of Ghana sent a letter to the Special Rapporteur in response to a letter dated 9 August 2002 regarding the case of **Kweku Baako**. According to the information provided by the Government, the alleged threats were duly investigated by the competent authorities: the trial of Victor Smith, Special Assistant to the former President, began on 12 April 2002 and was still proceeding before a court of competent jurisdiction in Accra at the time the communication was sent. The Government further affirmed that, since the threats were issued, it had been providing security personnel to guard the person and property of Kweku Baako. The Government added that it would continue to take all necessary measures to protect the right to life and security of the person of each citizen, according to law, in the Ghanaian State.

## Guatemala

### Llamamientos urgentes

156. El 15 de agosto de 2003, la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de peligro en que se encontraría **Mario Estuardo Garrido Batres**, coordinador del proyecto reconciliación del Programa de Naciones Unidas para el Desarrollo y director de la Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces (ADIVINA), como consecuencia de una serie de amenazas de muerte que vendrían siendo dirigidas en su contra. Según informaciones, el 5 de agosto del 2003 a las 14.40., Mario Garrido habría recibido unas llamadas telefónicas anónimas amenazándole de muerte y diciéndole: “estás pendiente ya sabemos donde estás, estás ubicado, te vamos a matar, con mis amigos del SIC [Servicio de Investigación Criminal] y del estado mayor presidencial”. Las llamadas serían producto de una estrategia sistemática de intimidaciones y amenazas en contra de los activistas de derechos humanos que desarrollan sus actividades de asistencia legal a las víctimas en el municipio de Rabinal. Estas actividades involucrarían los trámites de denuncias de cementerios clandestinos frente al ministerio público, así como la coordinación de exhumaciones con la Fundación de Antropología Forense de Guatemala (FAFG). De acuerdo con las informaciones, el hecho habría sido denunciado ante la Auxiliatura Departamental del Procurador de los Derechos Humanos de Baja Verapaz y el ministerio público.

157. El 19 de agosto de 2003, la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la **FAFG** y sus miembros, en particular, **Jessika Marisela Osorio Galindo**, secretaria de la dirección de arqueología forense, quien habría recibido amenazas de muerte e intimidaciones. Según informaciones, el 29 de julio de 2003 se habría recibido una llamada intimidatoria en la recepción de las oficinas de la FAFG. Asimismo se informó que el 13 de julio, aproximadamente a las 14.15, mientras Jessika Osorio conducía un vehículo en compañía de su hermano **Oscar Estuardo Osorio Galindo**, fue amenazada por un hombre conduciendo un *pick-up* color rojo quien la habría seguido hasta su casa en donde también la habría insultado. Según la información recibida, sería la segunda vez que Jessika Osorio es objeto de hostigamiento. Hechos similares habrían ocurrido el 27 de junio. Otros miembros de la organización también habrían sido amenazados e intimidados, en particular **Omar Bertoni Girón**, antropólogo forense de la institución quien habría recibido un escrito anónimo el 13 de junio. El 1.º de mayo, el domicilio de **Leonel Estuardo Paiz Diez** habría sido vigilado por un desconocido. Finalmente el 29 de abril, **Fredy Peccerelli**, director ejecutivo de la FAFG, se habría percatado de un impacto de proyectil de arma de fuego en el portón de su residencia. Se teme que los ataques más recientes tengan relación con la actividad de derechos humanos de la FAFG, en particular su trabajo de excavación de los cementerios clandestinos que datan de los años 1982 y 1983, durante la presidencia del General Ríos Montt.

### Respuestas del Gobierno

158. Mediante comunicación del 18 de agosto 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 13 de mayo de 2002 en relación con las amenazas contra algunos miembros de la Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces Maya Achí (ADIVIMA). Según el Gobierno, en el curso de la investigación habría obtenido un informe detallado de las llamadas telefónicas recibidas en la sede de la asociación a pesar de lo cual no habría sido posible establecer la ocurrencia de algún hecho ilícito. Igualmente se habrían solicitado listas al Ministerio de Defensa con el fin de verificar si personas vinculadas a las Patrullas de Autodefensa Civil (PAC), durante la época del conflicto, pudieran ser las propietarias de las líneas telefónicas desde las cuales presuntamente se habrían efectuado las amenazas. Asimismo, se informó de que se habría llevado a cabo una revisión de las medidas de seguridad de las personas que se encuentran amenazadas.

159. Mediante comunicación del 13 de agosto de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 8 de noviembre de 2001 en relación con las amenazas contra **Francisco Javier Méndez Gámez**. Según el Gobierno, las medidas de seguridad solicitadas por el Sr. Méndez Gámez se mantuvieron hasta noviembre de 2002, fecha en que dejó de trabajar para la Procuraduría de derechos humanos. Asimismo, informó de que no se tiene información respecto de nuevos hostigamientos ni amenazas en su contra.

160. Mediante comunicación del 13 de agosto de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 22 de octubre de 2002 en relación con las amenazas contra **Carlos Mejía Paz**. Según el Gobierno, la fiscalía general adjunta de Ixchiguán adelanta una investigación por tales hechos. Asimismo, el Gobierno informó que las autoridades continuarían brindándole seguridad permanente.

161. Mediante comunicación del 13 de agosto de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 24 de octubre de 2002 en relación con el intento de asesinato de niños y jóvenes en el sitio denominado "**La Casona**". Según el Gobierno, se continúa a la espera de los resultados de las diligencias periciales practicadas. En cuanto a los testimonios informó que no se ha podido obtener resultados que permitan la individualización de los responsables del hecho.

162. Mediante comunicación del 13 de agosto de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 6 de marzo de 2002 respecto de las amenazas recibidas por miembros de la **FAFG** así como por miembros del **Centro de Antropología Forense y Ciencias Aplicadas (CAFCA)**. Según el Gobierno, tales amenazas son objeto de investigación por parte del Departamento de investigaciones criminológicas de la policía nacional civil. Asimismo informó de que en agosto de 2002 los antropólogos forenses habrían solicitado continuar con la seguridad perimetral en sus viviendas así como en las oficinas de FAFG y CAFCA, y suspender la seguridad personal por cuanto no se considerarían amenazados. Finalmente informó de que en la actualidad solo dos antropólogos contarían con seguridad personal.

163. Mediante comunicación del 13 de agosto de 2003, el Gobierno de Guatemala proporcionó información suplementaria a la comunicación de fecha 3 de febrero de 2003, en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 11 de marzo de 2002 respecto de las amenazas recibidas por el obispo **Álvaro Ramazinni** y el sacerdote **Juan José Aldaz Donamaría**. Según el Gobierno, dentro de la investigación se han analizado los testimonios de varias personas sin que haya sido posible lograr la individualización de los responsables. Asimismo se informó de que en ambos casos se continúa prestando vigilancia perimetral en los lugares en que los religiosos desarrollan sus actividades.

164. El 13 de agosto de 2003, el Gobierno de Guatemala proporcionó información en relación con la comunicación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con el homicidio de **José Benjamín Pérez González**. Según el Gobierno, mediante resolución de fecha 17 de octubre de 2002, el juez a cargo del caso habría decidido una solicitud de interrupción del procedimiento respecto de Cecilio Méndez Hernández, único detenido dentro de la investigación. Asimismo informó de que la investigación continúa con el fin de individualizar a los responsables del hecho.

165. Mediante comunicación del 13 de agosto de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 4 de julio de 2002 respecto de la situación de peligro en la que se encontrarían los **miembros del Comité de Unidad Campesina (CUC) y de la Asociación de la Comunidad de los Cerritos** a raíz de los homicidios de dos de sus habitantes el 25 de junio de 2002. Según el Gobierno, de acuerdo con las declaraciones de los familiares de las víctimas, los homicidios habrían sido atribuidos a la delincuencia común y no a los conflictos de invasión de tierras. Asimismo informó que el ministerio público continúa con las investigaciones que permitan lograr la captura de los responsables.

166. Mediante comunicación del 25 de marzo de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, había enviado el 17 de abril de 2002 en relación con las amenazas contra el periodista **David Herrera Quevedo**. Según el Gobierno, la investigación adelantada por la fiscalía especial de sindicalistas y periodistas no ha arrojado resultados que comprueben la veracidad de la denuncia. Asimismo informó que por medio de Interpol se está localizando en Ciudad de México al mencionado periodista.

167. Mediante comunicación del 6 de marzo de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 9 de julio de 2002 en relación con la situación de inseguridad en la que se encontrarían los miembros de la Asociación de Desarrollo Integral de Creek Zarco así como los trabajadores de la plantación bananera Lanquin II, a raíz del homicidio de **René Augusto Pérez Gutiérrez**. Según el Gobierno, en desarrollo de las investigaciones, el servicio de investigación criminal habría recibido testimonios de testigos, los cuales habrían permitido la individualización de Jorge Ponce y Mario Ponce como presuntos autores intelectuales del homicidio. Asimismo informó de que no se habrían encontrado indicios sobre participación de elementos de seguridad gubernamental respecto de los hechos investigados.

168. Mediante comunicación del 4 de febrero de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la situación de los derechos humanos y libertades fundamentales de los indígenas, había enviado el 28 de noviembre de 2002 en relación a la situación del líder indígena **Jorge Mocúa Caal**. Según el Gobierno, los hechos del 12 de noviembre de 2002 habrían sido originados por la desaparición y posterior homicidio de la menor **Dora Liliana Och Ché**. En tal sentido señaló que se habría tratado de una manifestación en el parque central del municipio del Estor, mediante la cual los vecinos del lugar habrían solicitado la presencia de Jorge Mocúa Caal, a quien habrían acusado de encubrir al presunto asesino de la menor asesinada. Asimismo, informó que Jorge Mocúa Caal y su familia son objeto de medidas de seguridad perimetral. En cuanto a la investigación penal, el Gobierno

informó que ésta no se habría iniciado en vista de que el afectado no presentó ninguna denuncia ante el ministerio público. Finalmente el Gobierno señaló que en ningún momento habría existido implicación de agentes de seguridad del Estado.

169. Mediante comunicación del 3 de febrero de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial había enviado el 8 de febrero de 2002 en relación con las amenazas de muerte contra **Ovidio Paz Bal**. Según el Gobierno, el 7 de noviembre de 2002 la Comisión Presidencial de los Derechos Humanos habría efectuado una visita con el fin de conocer la situación del Sr. Paz Bal, quien habría informado sobre la cesación de los hostigamientos. Asimismo el Gobierno informó que continúa prestando protección perimetral por parte de la policía nacional civil.

170. Mediante comunicación del 3 de febrero de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 3 de mayo de 2002 en relación con el homicidio de **Guillermo Ovalle de León**. Según el Gobierno, el 22 de agosto de 2002 el ministerio público habría presentado la acusación correspondiente contra las personas sindicadas, por lo que estaría a la espera para la audiencia ante el tribunal. Asimismo informó que un tercer sindicato habría sido puesto a disposición del tribunal de justicia. El Gobierno también informó que en coordinación con la oficina de atención a la víctima se habría procedido a brindar la atención a las personas afectadas en los hechos y que se continuaría prestando seguridad tanto a los testigos presenciales como a los miembros de la fundación Rigoberta Menchú Tum.

171. Mediante comunicación del 3 de febrero de 2003, el Gobierno de Guatemala proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 30 de abril de 2002 en relación con las amenazas de muerte contra el sacerdote **Rigoberto Pérez Garrido**. Según el Gobierno, se adelantaron las investigaciones correspondientes con el fin de individualizar los responsables de los hechos que ocasionaron el incendio del 21 de febrero de 2002. Con relación a las amenazas contra el sacerdote Rigoberto Pérez Garrido, el Gobierno informó que tales hechos no habrían sido puestos en conocimiento ante la instancia nacional encargada de la investigación penal.

## Guinea-Bissau

### Appel urgent

172. Le 20 mars 2003, la Rapporteuse Spéciale, conjointement avec le Rapporteur Spécial sur la torture, a envoyé un appel urgent au gouvernement de Guinée-Bissau concernant la situation des officiers militaires suivants.

173. Lieutenant **Serifo Baldé**, Major **Almane Alam Camará**, **Arafam Mané**, **Fode Mandjam**, **Queita Mané** et **Mamadú Turé**, qui auraient été détenus dans les camps militaires de Mansoa et de Cumeréau au secret et sans inculpation

depuis leur arrestation en novembre et décembre 2002. D'autres officiers dont les noms n'ont pas été rendus publics auraient également été détenus car ils auraient été soupçonnés d'avoir tenté de renverser le Gouvernement du Président Kumbalalá. De plus, **Mussá Cassamá**, un ancien Lieutenant proche du défunt Général Ansumane Mané, serait décédé en détention le 9 ou 10 mars 2003, son corps portant des signes apparents de tortures violentes. Aucune autopsie n'aurait néanmoins été pratiquée. Par ailleurs, des informations inquiétantes ont été reçues concernant l'état de santé de Serifo Baldé qui était dans le coma à l'hôpital de la base aérienne militaire. Au vue de leur détention au secret et de la mort en détention dans des circonstances suspectes de Mussá Cassamá, des craintes ont été exprimées quant au fait que les personnes mentionnées ci-dessus auraient continué à être soumises à des tortures et autres mauvais traitements et n'auraient pas bénéficié des soins médicaux appropriés.

## Guyana

### Communication sent

174. On 20 October 2003, the Special Rapporteur sent a communication to the Government of Guyana in connection with the case of **Yohance Douglas**, a 17-year-old who was reportedly shot dead on 1 March 2003 when a police patrol intercepted the vehicle in which he and four other young men were travelling, in the vicinity of Sheriff and Duncan Streets, Georgetown. The police allegedly opened fire on the youths and discharged a number of rounds in an indiscriminate manner, which reportedly resulted in the death of Douglas and injuries to others, and notably inflicting a grievous bodily injury to Ronson Grey, 18, who was reportedly shot in the jaw and consequently underwent an emergency operation.

## Haiti

### Appels urgents

175. Le 8 janvier 2003, la Rapporteuse Spéciale, conjointement avec le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression ainsi que la Représentante Spéciale du Secrétaire-Général sur les défenseurs des droits de l'homme, a envoyé un appel urgent au gouvernement haïtien concernant la situation de **Michèle Montas**, journaliste radio de renom. D'après les informations reçues, le 25 décembre 2002, deux hommes armés auraient tenté en vain de forcer l'entrée de son domicile à Port-au-Prince, tuant lors de l'attaque l'un de ses gardes du corps, **Maxime Séide**. Tout porte à croire que cette attaque pourrait avoir un lien avec l'assassinat de **Jean Dominique** en avril 2000, journaliste et époux de Michèle Montas. Cette dernière aurait d'ailleurs multiplié les démarches pour que les responsables du meurtre de son mari soient identifiés et traduits en justice en dépit des nombreuses menaces de mort dont elle aurait fait l'objet depuis lors. D'autres journalistes auraient reçu des menaces similaires, notamment après avoir enquêté sur des meurtres supposément commis par des forces de police.

176. Le 14 février 2003, la Rapporteuse Spéciale, conjointement avec le Rapporteur Spécial sur l'indépendance des juges et des avocats, a envoyé un appel

urgent au gouvernement d'Haïti relatif à **Pierre Josiard Agnant**, juge d'instruction et président de l'*Association Nationale des Magistrats Haïtiens* (ANAMAH). Selon l'information reçue, celui-ci aurait été arrêté au sein même du ministère de la justice le 10 février 2003, sur ordre du Ministre de la Justice, Calixte Delatour, qui lui aurait reproché d'avoir 'libéré trop vite Salim Barthrony', un individu accusé d'être impliqué dans un trafic illicite de stupéfiants, alors que l'accusation n'aurait semble-t-il pas pu fournir de preuves suffisantes pouvant conduire à un jugement de condamnation de ce dernier. Le juge Agnant aurait été immédiatement mis en disponibilité et placé en résidence surveillée à Santo.

177. Le 17 février 2003, la Rapporteuse Spéciale, conjointement avec la Représentante spéciale du Secrétaire Général sur les défenseurs des droits de l'homme, a envoyé un appel urgent au gouvernement haïtien relatif à **Marie Yolène Gilles**, coordinatrice du programme d'observation des droits de l'homme au sein de la *Coalition Nationale pour les droits des haïtiens*. Selon l'information reçue, M. Gilles aurait fait l'objet de menaces téléphoniques lui ordonnant de ne plus s'impliquer dans l'affaire 'Carrefour' relative au meurtre de trois hommes prétendument assassinés par des membres de la Police Nationale Haïtienne. Ces menaces sont survenues après le meurtre du policier Aspiller Constant, témoin clef dans l'affaire 'Carrefour'.

178. Le 18 février 2003, la Rapporteuse Spéciale a envoyé un appel urgent conjointement avec le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression concernant la situation de **Jean-Numa Goudu**, journaliste de *Radio Métropole* et rédacteur de *Haïti Press Network*. Selon l'information reçue, pendant la nuit du 14 février 2003 des inconnus auraient essayé de mettre le feu à son domicile en incendiant le véhicule stationné dans le garage. Le feu aurait été circonscrit grâce à l'intervention de voisins. Goudu aurait affirmé que la nuit du 14 février il ne se trouvait pas à la maison craignant pour sa vie suite aux menaces qu'il aurait reçues depuis quelque temps et en particulier pendant la journée du 14 février.

179. Le 8 mai 2003, la Rapporteuse Spéciale, conjointement avec le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression a envoyé un appel urgent relatif à la situation de **Lilianne Pierre-Paul**, journaliste, directrice de la programmation et présentatrice d'une émission d'information sur *Radio Kiskeya*. Le 30 avril 2003, elle aurait reçu à la rédaction de Radio Kiskeya un courrier contenant une cartouche de calibre 12 mm et une lettre exigeant, sous peine de mort, qu'elle lise chaque jour à l'antenne, jusqu'au 6 mai, une déclaration en faveur de la restitution par la France à Haïti de 21,7 milliards de dollars. La lettre aurait également menacé de s'en prendre aux ressortissants français. Au bas de la lettre auraient figuré les noms des organisations populaires 'Domi Nan Bwa', 'Cercueil', 'Bale Wouze', 'B\uf', 'Pilate' et 'Tête-ciel'. D'après les informations reçues, les trois premières seraient proches de Fanmi Lavalas, le parti du Président. De même, 'Domi Nan Bwa' aurait revendiqué en décembre 2001, l'assassinat à Petit-Goâve de Brignol Lindor, journaliste à la radio Echo 2000, après qu'il avait reçu des membres de l'opposition dans son émission. Lilianne Pierre-Paul aurait déjà été victime de menaces. En janvier 2001, Paul Raymond et René Civil, deux responsables d'organisations populaires proches de Jean-Bertrand Aristide, auraient appelé à la tuer, l'accusant de faire partie d'une liste attribuée à

l'opposition sur laquelle figurait, selon eux, des noms de personnalités souhaitant former un gouvernement parallèle. Radio Kiskeya aurait également reçu des menaces à plusieurs reprises.

### **Communication envoyée**

180. Le 30 septembre 2003, la Rapporteuse Spéciale, conjointement avec le Rapporteur Spécial sur la torture, a envoyé une allégation en relation avec des renseignements reçus selon lesquels **plusieurs détenus du Pénitencier National**, et en particulier **Max Ambroise**, auraient été passés à tabac par des gardiens le 15 novembre 2001. Il aurait reçu un coup de bâton à la tête qui aurait provoqué sa mort. Ce décès aurait immédiatement provoqué une émeute parmi les prisonniers, à laquelle les gardiens auraient répondu en utilisant des gaz lacrymogènes, des armes à feu et des coups de bâtons. Plusieurs détenus auraient été blessés et au moins cinq d'entre eux seraient décédés lors de cet incident. Lors d'une conférence de presse, le directeur de l'Administration pénitentiaire nationale (APENA) aurait affirmé qu'Ambroise aurait giflé un gardien et que des dispositions avaient été prises pour le placer en isolement. Cependant, comme il aurait eu des difficultés pour respirer, il aurait été conduit à l'infirmerie. Le croyant mort, les autres détenus auraient initié une émeute au cours de laquelle ils auraient essayé de s'évader. C'est alors que des agents pénitentiaires, des unités anti-émeutes, des agents de la Compagnie d'intervention et de maintien de l'ordre (CIMO) et de la Swat-Team seraient intervenus. Des tirs de gaz lacrymogènes et des coups de feu auraient suivi, au cours desquels Ambroise serait mort asphyxié. Les Rapporteurs spéciaux ont également été informés que bien qu'initialement prévu pour 800 personnes, le pénitencier national aurait accueilli plus de 2000 détenus, la plupart en détention préventive.

### **Communications reçues**

181. Par une lettre datée du 10 Janvier 2003, le Gouvernement haïtien a répondu à l'appel urgent envoyé par la Rapporteuse Spéciale le 8 Janvier 2003. Selon le Gouvernement, des personnalités du Gouvernement se sont rendues sur les lieux du drame immédiatement après qu'il se soit produit. La Direction Centrale de la Police Judiciaire aurait ouvert une enquête en vue d'appréhender les criminels pour les traduire en Justice. Le gouvernement a indiqué qu'au stade de l'enquête, il était prématuré d'établir un quelconque lien entre cette attaque et l'assassinat de **Jean Dominique** en avril 2000 et que toutes les pistes devaient être exploitées.

182. Dans le cas de **Michèle Montas**, le gouvernement a tenu à assurer que celle-ci continuait à exercer normalement sa profession et que le Gouvernement haïtien avait pris de nombreuses mesures pour protéger et garantir sa sécurité, parmi lesquelles le renforcement de la sécurité autour de la Station de Radio Haïti Inter.

183. Dans une lettre envoyée à la Rapporteuse Spéciale le 23 mai 2003, le Gouvernement de Haïti a répondu à la communication envoyée par la Rapporteuse Spéciale le 8 Mai 2003 concernant la situation de **Lilianne Pierre-Paul**. Selon le gouvernement, le 5 mai 2003, le Directeur général de la Police Nationale d'Haïti,

Jean-Claude Jean-Baptiste, s'est rendu à la station de radio. Suite à cette visite, une équipe aurait été chargée de renforcer la sécurité de la journaliste et de celle de la radio. Le gouvernement a ajouté qu'une enquête judiciaire était ouverte, ces agissements constituant des faits prévus et punis par le code pénal haïtien en ses articles 250 *et seq* aux fins d'identifier et sanctionner les auteurs. La Direction centrale de la police judiciaire (DCPJ) aurait ainsi auditionné deux citoyens et convoqué trois autres. Le Parquet du Tribunal Civil de Première instance de Port-au-Prince en aurait été informé.

## Honduras

### Llamamientos urgentes

184. El 22 de mayo de 2003, la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de los **miembros del Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares (CPTRT)**, una organización de derechos humanos que, además de llevar a cabo actividades de asistencia a las víctimas de tortura, investigaría y daría apoyo a investigaciones relacionadas con violaciones de los derechos humanos por parte de agentes de la policía. En particular, el CPTRT habría apoyado a **María Luisa Borjas**, antigua jefa de la Unidad de asuntos internos de la policía nacional, quien habría denunciado, en septiembre de 2002, la participación de miembros del Ministerio de Seguridad y de la policía nacional en la supuesta ejecución extrajudicial de al menos 20 jóvenes. Tras hacer públicas estas denuncias, María Luisa Borjas habría recibido amenazas de muerte por teléfono, su correo habría sido interceptado y, unos meses más tarde, habría sido destituida de su cargo. El CPTRT también estaría investigando las muertes que habrían ocurrido durante un motín en el centro penitenciario El Porvenir, departamento de La Ceiba, el 5 de abril de 2003. Se alega que en el curso de este incidente, supuestamente provocado por agentes de policía y guardianes de la prisión, unos 69 presos habrían fallecido. El 12 de mayo de 2003 por la mañana, las oficinas del CPTRT ubicadas en el barrio San Rafael de Tegucigalpa habrían sido saqueadas y documentos confidenciales y archivos informáticos habrían sido escudriñados. Los intrusos habrían dejado un par de zapatos encima de una mesa, acto que en Honduras, podría ser interpretado como una amenaza de muerte. Según la vicedirectora del CPTRT, el saqueo de las oficinas está relacionado con las actividades del centro y tendría por objetivo la búsqueda de información confidencial y la intimidación de sus miembros.

185. El 26 de mayo de 2003 la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de peligro en la que se encontrarían el sacerdote **José Andrés Tamayo**, así como los dirigentes comunitarios **Gilberto Flores** y **Orlando Nájera**. Según informaciones, el sacerdote José Andrés Tamayo habría sido amenazado de muerte a causa de su activismo en favor de la protección del medio ambiente en el departamento de Olancho, en el norte de Honduras. Según indican los informes, José Andrés Tamayo, sacerdote del municipio de Salamá, departamento de Olancho, habría

recibido advertencias para que abandone el país antes de finales de mayo. Asimismo se alega que en cuatro ocasiones distintas el 5 y 6 de mayo, el alcalde de Salamá habría declarado “el problema ambiental en Olancho solamente se va a resolver mandando a matar al padre Tamayo”. Según informaciones un grupo de hombres poderosos implicados en el negocio maderero estarían instigando las amenazas y advertencias contra el sacerdote. También se informó de que los dirigentes comunitarios Gilberto Flores y Orlando Nájera, quienes hacen campaña contra la construcción de una presa hidroeléctrica en el departamento de Olancho, habrían sido intimidados por policías y autoridades locales. Según los informes, algunos policías habrían realizado recientemente disparos al aire ante la casa de Orlando Nájera en la comunidad de Ocotál, municipio de Gualaco.

186. El 29 de julio de 2003, la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, envió un llamamiento urgente en relación con la situación de los activistas medioambientales **Gilberto Flores**, dirigente comunitario, y el sacerdote **Osmin Flores**, reconocido por sus esfuerzos para proteger el entorno natural en el departamento de Olancho. Según informaciones, ellos al igual que otros activistas medioambientales que trabajan en el mismo departamento habrían recibido amenazas de muerte. El caso de Gilberto Flores fue considerado por la Relatora Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos en un llamamiento urgente con fecha de 26 de mayo de 2003, en el cual se indicaba que habría sido intimidado por agentes de policía y autoridades locales en relación con su campaña contra la continuación de una presa hidroeléctrica en el departamento de Olancho. Según informaciones, el 20 de junio de 2003, el Ministerio de Seguridad habría retirado a Gilberto Flores la protección policial recomendada por la Comisión Interamericana de Derechos Humanos desde mayo de 2003. El 14 de julio, un grupo de hombres armados, quienes se encontraban en el interior de un vehículo desprovisto de matrícula y con vidrios polarizados, habrían apuntado sus armas contra Gilberto Flores cuando éste entraba en las oficinas de la Pastoral Social del municipio de Juticalpa. Se alega que la presencia de un menor les habría hecho desistir de la acción en aquel momento. Sin embargo, durante los dos días que siguieron al incidente, el mismo vehículo y otro de características similares habrían sido aparcados enfrente de las mismas oficinas. Por su parte, Osmin Flores habría sido víctima de varias amenazas. El 18 de julio, habría sido objeto de vigilancia por parte de un grupo de hombres armados quienes habrían aparcado su vehículo enfrente de su residencia. Al reportar los hechos, la policía habría argumentado que aunque el vehículo tenía un aspecto sospechoso no se podía detener a los ocupantes puesto que no habían hecho nada ilegal. De acuerdo con las informaciones recibidas, los nombres de Gilberto y Osmin Flores figurarían en una lista de personas amenazadas de muerte al parecer elaborada por propietarios de diversos aserraderos de la región. En esta lista figuraba también **Carlos Arturo Reyes**, un activista que trabajaba para la Pastoral Social en defensa del medio ambiente, que habría sido asesinado el 18 de junio en su residencia en el municipio de Rosario.

187. El 2 de septiembre de 2003, la Relatora Especial envió un llamamiento urgente en relación con la situación de **Elkyn Suárez Mejía**, miembro de la Comunidad Gay Sampedrana, quien habría recibido amenazas de muerte en las

que le habrían advertido de no declarar como testigo dentro del proceso contra dos policías acusados del homicidio de **Erick David Yáñez**, cometido el 15 de julio de 2003 en la población de San Pedro Sula en el norte de Honduras. De acuerdo con las informaciones recibidas, Elkyn Suárez Mejía habría presenciado el homicidio de Erick David Yáñez quien habría sido agredido por dos policías en el transcurso de una discusión, en medio de la cual, uno de ellos le habría disparado con su arma reglamentaria. Se informa también que después del inicio de las investigaciones llevadas a cabo por la fiscalía general, los dos policías habrían sido detenidos y acusados, uno por homicidio y otro por complicidad. Sin embargo, uno de los detenidos habría escapado a mediados del mes de agosto, hecho que a su vez hace temer por la seguridad de Elkyn Suárez Mejía. Finalmente se informó que el Tribunal de San Pedro Sula habría informado sobre el retiro de la protección policial asignada por la fiscalía general a Elkin Suárez.

188. El 8 de octubre de 2003, la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, el Relator Especial sobre la situación de los derechos humanos y la libertades fundamentales de los indígenas y el Relator Especial sobre la independencia de magistrados y abogados, envió un llamamiento urgente en relación con la situación de **Marcelino Miranda** y **Leonardo Miranda**, dirigentes indígenas del Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH). Según informaciones recibidas, el 8 de febrero de 2003 los hermanos Miranda habrían sido detenidos por agentes armados de la policía acusados de los delitos de usurpación de tierras, lesiones y homicidio. Marcelino Miranda habría sido acusado separadamente de los delitos de hurto de ganado mayor y daños mientras que Leonardo Miranda habría sido acusado de “atentado contra el Estado de Honduras”. Posteriormente varios de los cargos habrían sido retirados. Sin embargo ambos permanecerían recluidos en la prisión de Gracias, departamento de Lempira, bajo cargos de lesiones y asesinato. Allí presuntamente habrían sido torturados. Asimismo se informó que el 2 de junio de 2003, miembros del Departamento de asuntos internos de la policía habrían amenazado de muerte a Marcelino y Leonardo Miranda con el fin de que estos reconocieran los cargos en su contra. En relación con la situación de peligro respecto de **Marcelino Martínez Espinal**, abogado de los hermanos Miranda, se informó que el 22 de julio, personas no identificadas habrían adelantado averiguaciones respecto del abogado que incluirían detalles sobre su vehículo. El 18 de septiembre, el abogado Martínez Espinal habría reportado que un vehículo Toyota rojo le habría seguido en momentos en que se dirigía a efectuar una visita a los hermanos Miranda en la prisión de Gracias.

### **Comunicación enviada**

189. Mediante carta de alegación enviada al Gobierno de Honduras el 29 de julio de 2003, la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, se refirió al caso de **Hugo Ramón Sosa** y **Olban Salinas**, quienes presuntamente habrían sido interceptados el 7 de febrero de 2003 por soldados del elemento elite del ejército cuando se dirigían a su residencia en la comunidad de Dos Caminos, provincia de Villanueva, y conducidos hacia un lugar desconocido, presuntamente a la base militar local. Según las informaciones, al día siguiente, los

cuerpos de los dos jóvenes habrían sido encontrados con señales de tortura en el sitio denominado Calle de Tierra en Cerro Cascabel.

### **Respuestas del Gobierno**

190. Mediante comunicaciones de 3 de febrero y 28 de octubre de 2003, el Gobierno de Honduras proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 29 de julio de 2003 en relación con la situación de los activistas medioambientales **Gilberto Flores** y el sacerdote **Osmin Flores**, en el departamento de Olancho. Según el Gobierno, con base en las recomendaciones producidas durante las reuniones entre los representantes de los activistas y el Gobierno se habrían ofrecido medidas de seguridad personal para los dirigentes ambientalistas de acuerdo con una lista que ellos mismos proporcionarían. También informó que se habría conformado una comisión evaluadora sobre la situación forestal en Olancho.

191. Mediante comunicación del 27 de octubre de 2003, el Gobierno de Honduras proporcionó información en relación con la carta de alegación que la Relatora Especial había enviado el 2 de septiembre de 2003, concerniente a la situación de **Elkyn Suárez Mejía**. Según el Gobierno, la Dirección de investigación criminal de San Pedro Sula habría realizado las averiguaciones dentro del caso de la muerte de Eric David Yáñez, habiendo logrado identificar como responsables a los policías Jairo Mejía Castillo y Carlos Iván Contreras. Asimismo informó que el 20 de agosto de 2003 se habría ordenado tomar el testimonio de Elkyn Suárez, con el fin de incluirlo como prueba anticipada dentro del mencionado proceso. El Gobierno también informó de que debido a la fuga de uno de los imputados, en la audiencia inicial del juicio solo habría comparecido Jairo Mejía Castillo.

192. Mediante comunicación del 28 de octubre de 2003, el Gobierno de Honduras proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, había enviado en relación con el homicidio de **Hugo Ramón Sosa y Olban Salinas**. Según el Gobierno, la Dirección General de Investigación Criminal (DGIC) habría proporcionado información relativa al hallazgo de los cadáveres en la colonia Melgar, Dos Caminos, municipio de Villanueva, departamento de Cortes. Asimismo se informó de que, de acuerdo con la autopsia, los cuerpos habrían presentado heridas en el tórax producidas por arma de fuego. Con relación a la investigación, la unidad de investigación de muertes de menores habría iniciado de oficio la investigación. Hasta el momento no habría sido posible dar paso a la etapa judicial por cuanto no se cuenta con los medios de prueba que permitan la identificación o individualización de los autores, los cuales resultan necesarios para tal fin.

### **India**

#### **Urgent appeals**

193. On 10 March 2003, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, sent an urgent appeal to the Government of India in connection with the case of **Abdul Rehman Dar**, his daughters **Shazada** and **Shameema**, and other members of their family. In October 2002, Shazada and Shameema were allegedly returning to their home in Dangarpura village, Budgam district, when they were abducted by a group of men reportedly recognized as “renegades” (ex-members of armed opposition groups who now work with the security forces). Shameema was reportedly returned to her family after three days but the “renegades” visited the family home and threatened to shoot her father if he sought assistance from the police to secure the release of Shazada, who was reportedly held captive for three months and forced to live as the wife of one of the “renegades”, a 40-year-old man who was already married. She was held in his house and continually watched. In mid-February 2003, she reportedly escaped and returned home. On the night of 23 February the “renegade” who had held her captive allegedly came to the family home with two other men. All three were armed. They threatened to burn down the house, abduct the two girls again and harm Mr. Dar unless Shazada returned to them. Mr. Dar persuaded the men to let him have time to consider their demand, and they left. Mr. Dar and the two daughters immediately left their home and went to stay with friends; his wife and three younger children remained to look after the family’s land and cattle. It was reported that the family’s lawyer filed a petition in the Jammu and Kashmir High Court on 28 February 2003 seeking protection for the family, but that no hearing date had yet been set at the time the appeal was sent.

194. On 9 July 2003, the Special Rapporteur sent an urgent appeal to the Government of India regarding the case of **Zahira Sheikh** and her mother, **Sehruneesa Sheikh**, who allegedly testified against individuals accused of taking part in communal violence in Gujarat in February/March 2002 and who reportedly received death threats as a result. According to the information received, following an attack on a train in Godhra, Gujarat, on 27 February 2002 in which 59 Hindus were killed, the Muslim community was allegedly subjected to brutality and violence. More than 2,000 people were reportedly killed. It was also alleged that 14 people were killed at the Best Bakery in Baroda on 1 March 2003, some of whom were burned to death. According to reports, witnesses subsequently testified to the police, the National Human Rights Commission and human rights organizations that a mob of about 500 people attacked the bakery. Zahira and Sehruneesa Sheikh were allegedly forced to lie to the court when they said that they could not identify the assailants of the Best Bakery. They were allegedly harassed into retracting their statements and received death threats from powerful local individuals. According to the information received, almost half of the witnesses in the case retracted their statements during June 2003. Fears were expressed that similar threats could be made against other witnesses in other trials that were pending in Gujarat concerning communal violence. These witnesses did not reportedly benefit from any protection, despite the reported calls by the National Human Rights Commission that such protection be provided.

195. On 5 August 2003, the Special Rapporteur and the Special Rapporteur on torture sent a joint urgent appeal to the Government of India regarding the situation of **Ninthoujam Bobby**, also known as **Dhanajit**, a 30-year-old resident of Imphal West District, Manipur, and former member of the United National

Liberation Front (UNLF), an armed group demanding the independence of Manipur. His whereabouts were reportedly unknown since he was allegedly arrested without a warrant on 30 July 2003 by members of the 17<sup>th</sup> Battalion of the Assam Rifles stationed at Chingamathak, Singjamei, Imphal. In view of his alleged incommunicado detention at an undisclosed location, and allegations according to which he was beaten at the time of his arrest, fears were expressed that he was subjected to torture, other forms of ill-treatment, or to summary or extrajudicial execution.

196. On 11 August 2003, the Special Rapporteur and the Special Rapporteur on torture sent a joint urgent appeal to the Government of India regarding the situation of **Ashem Inaoba Singh, Oinam Dilip Singh and Ningthoujam Mangoljao**, alias Sanjeev, Chief of the Department of Communication and Publicity of the Revolutionary Peoples Front (RPF), who were reportedly arrested on 6 July 2003 by a team of Manipur Police commandos from the Lamphel area of Imphal city. After their arrest, Mr. Mangoljao was reportedly separated from the two other men. Inaoba and Dilip Singh were reportedly taken into police custody at Manipur Police Commando Barracks in Imphal. They were allegedly released on 7 July 2003 on personal release bond. They were reportedly told by the police that Mr. Mangoljao escaped from police custody. On 8 July 2003, the dead body of Mr. Mangoljao, reportedly bearing extensive bruises and wounds, was allegedly retrieved from the Nambul River near Irom Meijrao, about 10 km from the place of arrest. It was suspected that he had been subjected to torture and killed by the police. The police were reportedly looking for Inaoba and Dilip Singh in an alleged attempt to terrorize and silence them as they were allegedly witnesses to the arrest of Mr. Mangoljao.

197. On 15 September 2003, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on human rights defenders, sent an urgent appeal to the Government regarding information received relating to **Teesta Setalvad, Rais Khan Azeekhan Pathan and Suhel Tirmizi**, three activists who were reportedly harassed and intimidated for their efforts to protect witnesses to the massacres in Gujarat in 2002. As members of the civil society organization Citizens for Justice and Peace, they reportedly helped document and expose the participation of the police and other government officials during the anti-Muslim violence in Gujarat. It was reported that a Gujarat state court had acquitted 21 people accused of the killings after witnesses withdrew statements they had given to the police identifying the attackers. On 29 August 2003, Mr. Pathan was surrounded and physically threatened by a group of alleged Hindu nationalists while he escorted witnesses to an official inquiry into the massacres. Zahira Sheikh, a prime witness in the Best Bakery case, allegedly said on 11 July 2003 that she was forced to change her testimony as a result of threats against her during the trial (see above). Mr. Setalvad, Mr. Pathan and Mr. Tirmizi allegedly provided her with legal assistance and helped her move to a secure location in Mumbai. On 20 August 2003, they allegedly requested police protection from the secretary and director general of police of Gujarat and the police commissioner of Ahmedabad, but there had reportedly been no reply to that request at the time of the communication. According to information received, they also filed an application for protection with the Supreme Court of India on 1 September 2003.

## Communications sent

198. On 29 July 2003, the Special Rapporteur sent a communication to the Government of India concerning information received that, on 19 February 2003, the unarmed Adivasis communities in the Muthanga Wildlife Range, north Kerala, were reportedly attacked and fired on by the police and forest protection force. More than 1,000 Adivasis families had occupied part of the Muthanga Range Wildlife Sanctuary on 4 January 2003, allegedly in protest against the failure of the Kerala government to implement a commitment it had signed with the Adivasis on 16 October 2001. The police allegedly launched an attack on 19 February 2003 in order to chase the Adivasis from the area. **Fifteen Adivasis** and **1 policeman** were reportedly killed, while more than 50 civilian were seriously injured and many others were allegedly missing. The police and government officials were reported to have disposed of the bodies in the forest.

199. On 16 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government in connection with information on the following individual cases.

200. **Abdul Hamid Wani**, a 40-year-old resident of Bagi Methad, Chadoora, was reportedly arrested on 26 November 2002 by personnel from Nowgam police station. On 30 November 2002, he was allegedly taken to a medical facility in Srinagar. According to information received, the bones in his neck were broken as a result of the treatment he allegedly received while in custody at the police station, where he was reportedly beaten with iron rods. He reportedly died on 2 December 2002.

201. **Nadukaruppasami**, a 40-year-old resident of Thottipalayam village, Sengadi, Vellamadai Post, Coimbatore District, and member of the Hindu Vanniyar community, was reportedly arrested by five policemen of Perianayakkanpalayam on 4 December 2002. He was reportedly put into a jeep and beaten on his knees and back, then taken to a police station where he was allegedly beaten and chillies put in his eyes. Some hours later, his nephew, **Karuppasami**, was reportedly arrested by the police, who reportedly slapped him. It is alleged that when his uncle **Chinnakaruppasami**, Nadukaruppasami's brother, went to the police station to secure his nephew's release, he was beaten with lathis by three policemen and the Perianayakanpalayam Circle Inspector. The two brothers were reportedly handcuffed and taken to Sathyamangalam police station, where they were made to remove their clothes and kept handcuffed. Chinnakaruppasami was allegedly severely beaten when he refused to eat. On 5 December 2002, they were reportedly interrogated about a burglary. During the interrogation sessions, they were allegedly again beaten. Nadukaruppasami was reportedly hung from the ceiling. He allegedly died as a result of the treatment. The Special Rapporteur was informed that the two brothers might have been arrested in connection with complaints they had filed following threats allegedly received from policemen.

202. **Dhanapal Kaliyan**, a 42-year-old resident of Orathanadu Taluk, Thanjavur District, Tamil Nadu, was reportedly arrested on 27 July 2002 by four police officers from Thanjavur police station, where he was allegedly taken and

reportedly beaten severely and repeatedly, in particular with lathis. He was reportedly taken to a doctor on 30 July 2003 after being told not to report any ill-treatment, but then taken back to the police lock-up on the same day. His brother **Selvaraj** and his nephew **Kathir** were also reportedly arrested and beaten on 29 July 2002. On 2 August 2002, Dhanapal Kaliyan and Kathir were reportedly brought before a court and subsequently to Thanjavur sub ail. Kaliyan was allegedly transferred to Trichy central prison in a very poor condition on 5 August 2002. He reportedly died on 7 August 2002 as a result of the treatment received while in custody.

203. On 24 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, sent a communication to the Government of India in connection with the case of **Khemala**, a 35-year-old Adivasi man from Gumdiya Khurd village, Niwali Block, Budwani District, Madhya Pradesh, and member of Adivasi Mukti Sanghatana, Sendhawa, who was reportedly beaten to death in police custody on 14 June 2003. Upon arrest, he was allegedly handcuffed and severely beaten, as a result of which he started vomiting blood. His brother, **Sayba**, who was reportedly arrested with him, was allegedly kicked in the stomach by a police officer when he attempted to give Khemala some water in the police station. Khemala was reportedly taken to Budwani Government Hospital after he allegedly lost consciousness. He was allegedly already dead by the time he reached the hospital. Persons who were detained at the same police station and who reportedly witnessed the above-described treatment were allegedly ordered by police officers not to be seen in the vicinity for the following months. A complaint in connection with this case was reportedly filed with the National Human Rights Commission and with the local police station in June 2003.

#### **Communication received**

204. On 20 August 2003, in response to a communication sent by the Special Rapporteur on 31 August 2001, the Government of India transmitted information to the Special Rapporteur concerning the following individuals.

205. **Padum Sarna**. According to the Government, he was injured during an encounter between the members of ULFA and the police near the Kolongpar Railway Bridge, Senchowa. The Government affirmed that he was immediately shifted to Nagaon B.P. civil hospital for treatment, where he later died. In its reply, the Government also stated that a .32-calibre pistol and seven rounds of live ammunition were recovered from him. The death certificate indicated that the cause of death was shock and haemorrhage as a result of gunshot wounds. According to the communication received, the post-mortem report indicated that besides the gunshot injury his body bore minor injuries which might have been caused by falling or by his body having being dragged. The Government also affirmed that a police case was registered and that on completion of the investigation, a final form was submitted to the court in Nagaon. The court has since heard and disposed of the case.

206. **Khagen Barman and Madhab Barman.** The Government stated in its reply that Khagen Barman died after he was shot during an encounter with the police, the latter retaliating in self-defence. It was stated that a revolver, empty AK-47 ammunition cases and incriminating documents were recovered from the deceased. According to information sent by the Government, the autopsy report conducted at Guwahati Medical College Hospital indicated that his death was the result of rifle wounds and was homicidal in nature. A police case was registered and investigations carried out. The Government further reported that during the course of investigation, Madhab Barman was brought in for questioning and that he was sent to Hajo court to record his statement on 30 March 2000. According to information received, he was released by the police on that same date after making his statement and was living in his house in Singimari village.

207. **Sirajul Haque and Nazimuddin Ahmed.** In its response the Government stated that ULFA militants opened fire on police who retaliated in self-defence. It was also alleged that Mr. Ahmed sustained bullet wounds in this encounter. According to information received, the police found a .22-calibre revolver with live ammunitions and incriminating documents. Mr. Ahmed was rushed to Barpeta Civil Hospital for treatment, where the doctors declared him dead. The body was handed over to his family members after post mortem. According to the Government, investigations revealed that the ULFA group, under the leadership of Dibakar Lahakar, arrived at Kamalabari village along with Sirajul Haque at about 10 a.m. on 30 April 2000, planning to attack the former Chief Minister of Assam, Dr. Bhumidhar Barman, who was to address a public meeting on 2 May 2000. It was alleged that Mr. Haque sustained bullet wounds, causing his death, during the police encounter that occurred on 30 April 2000. On receiving the information, the police unit proceeded to the village and, with the help of the villagers, found the dead body of Mr. Haque near the site of the encounter. It was reported that the police also found empty AK-47 cartridges near the body. The police sent the body to Barpeta Civil Hospital for a post-mortem examination. The Government reported that meanwhile, on the basis of the written statement of Sadbul Ali, a case was registered and investigated by police at Sarthebari police station. According to information received, it was revealed during the investigations that the deceased had harboured ULFA activists and was also present with the group at the time of the encounter. It was finally stated that the post-mortem examinations of the two deceased gave the cause of death as shock and haemorrhage as a result of gunshot injuries.

208. **Prasanta Bahbaria.** In relation to this case, the Government of India affirmed that the victim sustained bullet wounds during an encounter between the police, who retaliated in self defence, and ULFA suspected militants. The police apprehended Prasanta Bahbaria, but his two ULFA associates managed to escape. According to information received, a .22-calibre revolver, live ammunitions and an ULFA magazine were recovered during a search. He was taken to hospital for treatment and subsequently released on 11 July 2000. Sub-Inspector Bolin Sonowal registered a case in this connection at Tingkhong police station. According to the Government, during the course of the investigation, police arrested other accused persons along with Mr. Bahbaria and transferred them to judicial custody. The police seized army camouflage clothes and magazines from the house of Md. Kholin. Other incriminating documents were recovered from the

house of another accused, Uttam Gogoi. At the time the communication was received, the case was under investigation.

209. **Binoy Das.** In its response to the Special Rapporteur, the Government affirmed that Binoy Das' father, Tapan Das, had registered a written complaint at the Bijni police station. During investigations, it was found that on 13 September 2000, Assistant Sub-Inspector (ASI) Bynoy Rava and some others had assaulted the victim and his father with sticks and by kicking them at Oxiguri market. It was also reported that the death certificate confirmed that Mr. Das's death was due to haemorrhage and shock as a result of intracardial bleeding. The Government further stated that the ASI was suspended and that departmental proceedings were initiated against him. The charges of gross negligence of duty and undisciplined conduct on the part of ASI Bynoy Rava were proven beyond all reasonable doubt. According to information received, further proceedings were delayed because ASI Rava and five other accused had evaded arrest. The Government reported that the case was being supervised by senior state police officers and all efforts were being made to bring the accused to justice.

210. **Fakon Das.** The Government indicated that a complaint was lodged by the truck owner, Pramlal Verma, on behalf of the victim at Pasihat police station, Arunachal Pradesh, and forwarded to the Jonai police station, where the case was registered. Investigations into the case as well as the medical report of the deceased truck driver indicated that his death was due to subdural haematoma consequent upon injury to the head. According to the Government, police Patrol of Joani police station were suspected of assaulting Fakon Das and causing the injuries that ultimately led to his death. It was reported that the responsible policemen were identified and suspended after preliminary enquiry and that departmental proceedings were taken against them. At the time the communication was received, the proceedings were still under way, as the involvement of the accused had not yet been fully established.

## Indonesia

### Urgent appeal

211. On 9 July 2003, the Special Rapporteur, jointly with the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on torture, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning information received regarding **Gustaf Ayomi, John Hilipok, Welmus Asso and Elias Asso** who were arrested on 7 July 2003 during a pro-independence demonstration in the town of Wamena, Jayawijaya District, Papua Province, by members of the police. The demonstration reportedly took place outside the local parliament building at which the Morning Star flag, symbol of support for Papuan independence, was raised. A police patrol arrived and tried to break up the demonstration. The police stated that they opened fire after the demonstrators attacked them. **Iyut Heselo** was allegedly killed during this incident. Welmus and Elias Asso were reportedly shot and taken to the local hospital. According to the information received, Gustaf Ayomi and John Hilipok were taken to the Wamena police camp where they were reportedly denied access

to lawyers, and their families were too frightened to visit them. In view of the incommunicado nature of their detention, fears were expressed that they may be at risk of torture or ill-treatment and that their lives could be in danger.

### **Communications sent**

212. On 4 June 2003, the Special Rapporteur and the Special Rapporteur on torture jointly sent allegations to the Government of Indonesia regarding the following individual cases.

213. **M. Hamzah A. Jalil** reportedly died as a result of the treatment he was subjected to by a detachment of the 100<sup>th</sup> Medan Air Defence on 2 January 1999 after he allegedly participated in a demonstration at the North Aceh Regency Office. According to the information received, he was hit with a rifle butt, repeatedly kicked, and stabbed with a traditional knife known as a *rencong*. His body reportedly bore signs of bruises.

214. **Muktar Pawang Id**, a 26-year-old man from Lhokseumawe, was reportedly arrested on 3 January 1999 and taken to the *Komite Nasional Pemuda Indonesia* (KNPI, the Indonesian National Youth Council) by a detachment of the 100th Medan Air Defence and police from the Mobile Brigade (Brimob) of North Aceh Police Headquarters. He was allegedly accused of being a member of the *Gerakan Aceh Merdeka* (GAM, the Free Aceh Movement) and to have participated in a rally at the North Aceh Regency Office. According to the information received, he was kicked and beaten to death.

215. On 29 July 2003, the Special Rapporteur sent an allegation to the Government of Indonesia regarding the following cases.

216. **Luther Hendrik Albert** was reportedly shot dead and his companion, **Elizabeth Margaret**, was reportedly shot in the knee after troops opened fire in the West Aceh. It was reported that the couple was travelling on tourist visad but had not registered with police.

217. On 21 May 2003, Indonesian soldiers reportedly dragged a group of men and boys out of their huts in the village of Mapa Mamplam. The soldiers allegedly lined the victims up and shot each one dead. Among those killed were **three boys**, aged 11, 13 and 14. The military immediately rejected this reports and established a team composed of two soldiers and two Indonesian journalists to verify the allegation. After the investigation, the military reportedly claimed that all the villagers, including the three boys, were spies for the Free Aceh Movement. The Special Rapporteur wished to draw the attention of the Government to the fact that even if that were true, this assumption did not justify the summary executions of the villagers.

218. On 21 May 2003, the Indonesian military was also reportedly responsible for the summary executions of **10 civilians** in Bieureun district: two in Pata Mamplam, two in Pulo Raboe and six in Cot Raboe, including two 12-year-old boys.

219. On 23 May 2003, **Tgk Radhi**, from Synyeu village, Indrapuri subdistrict, was reportedly arrested by Indonesian army troops in Pasar Lama Indrapuri and taken to an unknown destination. His body was reportedly found on 25 May 2003 in Indrapuri.

220. On 25 May 2003, government troops reportedly killed **three civilians** in Peusangan and **one civilian** in Bukit Sudan. In addition, on 23 and 24 May, **five men** were reportedly shot and killed by Indonesian soldiers in the village of Seunade.

### **Communication received**

221. On 7 August 2003, the Government of Indonesia sent its response to joint communication jointly sent on 9 July 2003 concerning the injuring and fatal shooting of **several people** at a pro-independence gathering in Wamena, Papua. According to the Government, at approximately 3 a.m. on 7 July 2003, Jayawijaya police were informed that a number of people had gathered inside the compound of the regency's legislative council, located at Jl. Yos Sudarso, Wamena, and were attempting to hoist separatist flags. It was reported that two police units were promptly dispatched to the area where they interrupted a ceremony involving several men armed with traditional weapons who were raising three New Melanesian flags to mark what they called the "New Melanesian" anniversary. The Government indicated that a number of other individuals were posted as lookouts and were gathered approximately 500 m away from the flagpoles.

222. According to the Government, efforts by the police to persuade the demonstrators to disperse failed and the latter instead gathered around the flagpoles in a show of defiance. Several policemen approached the group in order to persuade them to lower their flags peacefully. The Government further indicated that, after negotiating with the men, identified as **Welmus Asso, Gustaf Ayomi, Hery Asso, Jean Hesegen** and **Yut Heselo**, for about an hour, the latter became increasingly aggressive and eventually attacked their interlocutors using arrows and machetes, and forcing the police to fire three warning shots. In the ensuing melee, Yut Heselo, a 30-year-old man, was fatally wounded, while Hery and Wilhelmus Asso were injured and evacuated to a hospital in Wamena for treatment.

223. According to the Government, the Papuan police did not arrest the two persons named Elias Asso and John Hilipok mentioned in the Special Rapporteurs' communication, and it also denied that the number of detainees quoted in the letter was accurate. The Government maintained that, according to police records, the five men taken into custody in the wake of the incident were Hery and Wilhelmus Asso, Gustaf Ayomi, Jean Hesegen and Mayus Togostli, all from Wamena. They were questioned by the police regarding their involvement in the case and subsequently charged with violating articles 106 and 110 (offences against the State), as well as article 212 (attacking the security forces) of the Penal Code and Law 12/1951 (possession of firearms and sharp weapons). The Government argued that the detainees were not held incommunicado and that they were accompanied by a lawyer throughout the investigation process. It was also stated that, during their detention, none of the men suffered any form of torture or cruel, inhuman or degrading treatment.

224. The Government further indicated that on its behalf, the Coordinator Minister for Political and Security Affairs, Susilo Bambang Yudhoyono, ordered a thorough investigation in order to shed light on the incident. In this respect, the separatists in custody informed investigators that the flags were raised following an order issued by Matias Wenda, a leader of the rebel Free Papua Movement (OPM), in an attempt to foster dissent and incite people to violence. The Government underlined that, while accepting the right of the people to protest peacefully and to voice dissent, it cannot tolerate armed resistance, especially directed against government officials and employees. The Government ordered the security forces to act firmly against anyone breaking the law. It also repeatedly made it clear that secessionist activity such as flag-raising ceremonies would not be tolerated and that any offender would be dealt with firmly by the police, in accordance with the law. Finally, the Government reported that police intervention is fully justified in such cases and that the Jayawijaya police had acted according to procedure in the case.

### **Iran (Islamic Republic of)**

#### **Urgent appeals**

225. On 19 May 2003, the Special Rapporteur and the Special Rapporteur on torture sent a joint urgent appeal to the Government of the Islamic Republic of Iran in connection with information received regarding summary executions that allegedly occurred and were at risk of occurring after a riot started on 9 February 2003 in a prison in Esfahan. Two prisoners were reportedly killed and 10 others seriously injured during the riot. The rioters were demanding the release of those who were arrested on drug offences and kept in solitary confinement. Since that time a number of prisoners were reportedly executed although they had not been sentenced to the death penalty. **Seyed Mahmoud Mirsafian**, who was reportedly sentenced to 15 years of imprisonment and a fine for a drug-related offence, was allegedly executed on 4 May 2003. Officials reportedly informed his family that his brother, **Seyed Atta Naser Mirsafian**, who was in jail for the same offence, would be executed in the following days. Fears were expressed that he and other prisoners would be summarily executed in these circumstances.

226. On 26 May 2003, the Special Rapporteur sent an urgent appeal to the Government of Iran regarding the situation of **Mohammad Esmaelzadeh**, 35, who was reportedly facing imminent execution after his death sentence was allegedly upheld by the Supreme Court on 2 March 1999. Mr. **Esmaelzadeh** is reported to be an activist and supporter of the Kurdish Democratic Party of Iran and was arrested in Shaherviran, a city near Mahabad in the north-west of the country, on 8 August 1996. He was severely wounded at the time of his arrest and his left leg had to be amputated after he was denied medication and surgery. It is alleged that he was tortured and ill-treated during detention in Mahabad prison. Reports indicate that he was sentenced to death on various charges, including “armed struggle against the Islamic regime”, “membership of a proscribed party”, “participating in the killing of three local collaborators”, as well as “setting road construction machines on fire” and other security provisions, by Branch 1 of the Islamic Revolutionary Court, located in Mahabad. On 9 January 2003, he was

informed that his sentence was upheld by the Supreme Court and that he could be executed at any time.

227. On 30 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on violence against women, sent an urgent appeal to the Government of Iran regarding the situation of **Afsaneh Nouroozi**, who was at imminent risk of execution after a death sentence against her was reportedly upheld by the Supreme Court in August 2003. The Supreme Leader of Iran, Ayatollah Sayed Ali Khamenei, was reportedly the only authority able to grant her clemency at that stage. She was arrested in 1997 after she killed the Head of Police Intelligence in Kish, southern Iran. She allegedly acted in self-defence in order to protect herself from being raped after the high-ranking official entered her hotel room while her husband was away. At her trial, her lawyer cited article 61 of the Islamic Criminal Law which states: "If whilst defending one's life, honour, chastity, property or freedom against any immediate or imminent aggression, one makes an action which is an offence, provided that all of the following conditions are met, one will not be prosecuted and punished: (a) the defense is proportionate to the danger or aggression; (b) the action is not excessive; (c) calling the governmental forces is not possible immediately, or calling them is not effective in repelling the aggression or danger." According to reports, she was sentenced to death for the crime and held in Bandar Abbas prison in southern Iran, which is reportedly known for its poor conditions. In August 2003, her husband, Mostafa Jhangiri, complained under Article 90, a parliamentary commission where citizens' complaints and grievances are examined, in regard to the conditions in which she was detained.

### **Communications sent**

228. On 15 July 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on freedom of opinion and expression, sent a communication to the Government of Iran regarding information received concerning the reported death, on 11 July 2003, of journalist **Zahra Kazemi**, who allegedly suffered a stroke while in custody. The 54-year-old journalist, who had both Canadian and Iranian nationality, was reportedly arrested on 23 June 2003 while taking photos on the northern outskirts of Tehran on her way to Turkmenistan for a journalistic assignment. Her relatives affirmed that she was beaten into a coma by her interrogators. It is reported that her family unsuccessfully urged the Government to have a foreign doctor examine her. Moreover, they described her arrest as arbitrary and underlined the lack of suitable medical attention. On the other hand, Iranian officials allegedly said that Ms. Kazemi began to feel ill while under interrogation on 26 June 2003, and was immediately taken to Baghiatollah Azam hospital where she suffered a stroke. It was underlined that President Khatami personally ordered an investigation to determine the reasons for her sudden death and who was responsible.

229. On 29 July 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of Iran concerning the following individual cases.

230. **Mohsen Rostami**, a 32-year-old man from the Narmak district of Tehran, was reportedly arrested in Iranshar and detained at an unknown location and allegedly died on 17 November 2002, shortly after his release. It was believed that he had been tortured and administered a lethal injection by agents of the Iranian Ministry of Intelligence and Security (MOIS), who reportedly accused him of attempting to leave the country to join the opposition Peoples' Mojahedin Organization. An autopsy report from the coroner's office allegedly confirmed that the cause of death was a poisonous injection that resulted in fatal damage to the liver. His family was reportedly threatened by the MOIS in order to prevent them from speaking publicly about the case.

231. **Habibulla Tanhaiyan**, aged 41, was reportedly arrested on 11 December 2002 in Sanandaj. He had previously been arrested four times and charged with cooperating with the Democratic Party of Iranian Kurdistan. He was allegedly subjected to severe ill-treatment during these detentions. He was reportedly executed on 15 December 2002. His corpse, which bore signs of torture, was handed over to his family four days later.

232. On 20 October 2003, the Special Rapporteur sent a communication to the Government of Iran in connection with the case of **Mohammed Saadat Fath**, **Nader Ebrahimi**, **Ali Farsameh** and **Davoud Jafari**, four Iranian prisoners who were allegedly hanged in public at the same time in different locations in the city of Arak, in western Iran, on 30 January 2003. There were allegations of flawed legal procedures, including lack of transparency during the trial and appeals. As one of the prisoners was reportedly executed in front of the university's main entrance, it was also reported that these executions were carried out in order to frighten Arak University students who had allegedly been staging frequent demonstrations in the preceding months.

#### **Communication received**

233. On 23 October 2003, the Government of Iran transmitted its response to the joint urgent appeal of 30 September 2003 concerning the situation of **Afsaneh Nouroozi**. The Government stated that her death sentence was issued and later upheld by the Supreme Court but that the Head of the Judiciary ordered that the implementation of the sentence be postponed for further consideration of the case.

### **Iraq**

#### **Communication sent**

234. On 20 October 2003, the Special Rapporteur sent a communication to the relevant authorities in connection with the following individual cases.

235. **Sa'adi Suleiman Ibrahim al-'Ubaydi** was reportedly shot dead on 14 May 2003. On that morning, two United States armed vehicles allegedly crashed through the stone perimeter wall surrounding his home, located behind the courthouse in Ramadi, and reportedly drove right up to the door of the house. According to reports, unarmed and in his nightclothes, he rushed to the exterior door in the kitchen. Several soldiers allegedly forced their way in and beat him

with their rifle butts. He reportedly ran out of the house but was shot and allegedly died immediately.

236. **Ja'far Musa Hashem** was reportedly killed by United States soldiers in Baghdad on 18 June 2003 during a demonstration held outside the entrance of the Republican Palace. United States forces reportedly shot and killed at least two demonstrators. It was reported that there was no use of firearms by Iraqis during the demonstration but that the demonstrators were throwing stones.

237. **Mohammad al-Kubaisi**, a 12-year-old boy, was allegedly shot by United States forces in the Hay al-Jihad area of Baghdad on 26 June 2003. He was reportedly in charge of carrying the bedding up to the roof where his family slept during the summer. From 9:30 p.m. dozens of United States troops were carrying out search operations in the houses and, at around 10.30 p.m., Mohammad reportedly stopped on the stairs up to the roof to watch the soldiers. One soldier saw him from the house opposite and opened fire at him. According to information received, about 20 United States soldiers entered the house after the shooting in order to search it. They allegedly kicked Mohammad's mother aside as she held her son who was bleeding and did not offer medical treatment. Some neighbours reportedly tried to drive Mohammad to the hospital but they were stopped by soldiers who ordered them to go home since the curfew had started. Meanwhile, Mohammad al-Kubaisi bled to death.

238. **Merdan Muhammad 'Ali**, aged 74, was injured and his wife killed on 1 July 2003 when United States troops allegedly opened fire on his car in Jama' Kirkuk. At around 9 p.m. on that day, he was leaving his home in his car with his wife sitting in the passenger seat when he reportedly saw four United States military vehicles blocking the top of the road. When he was at a distance of about 50 m from the vehicles, he reportedly heard gunshots coming from behind his car. He allegedly stopped the car, heard shouting, and decided to take a left turn to get away from the apparent danger when soldiers reportedly opened fire on the car. According to information received, he was not aware of any warning shots having been fired. His right knee was allegedly fractured by a bullet while his wife was shot dead, hit by several bullets. Reports indicate that Merdan was visited by a United States military representative while in hospital and that the official allegedly apologized but made no reference to the possibility of an investigation.

239. **Radi Nu'ma** was reportedly arrested by the United Kingdom Royal Military Police on 8 May 2003 and died in custody that same day. On 10 May 2003, United Kingdom soldiers reportedly delivered a written note to the family's house stating that Mr. Nu'ma had suffered a heart attack while he was being questioned. He was taken to the military hospital, and the family should contact the hospital for further information. Allegedly unaware that he was dead, the family was told by the hospital that no person of that name was admitted, but they subsequently discovered his body in the morgue. The Royal Military Police reportedly delivered an unidentified corpse to the hospital on the evening of 8 May 2003, telling staff that the cause of death was a heart attack but failing to provide other information, such as the name of the deceased. It was later reported that the Royal Military Police Special Investigations Branch visited the hospital. According to information received, the Royal Military Police launched an

investigation into this case as the family of the deceased claim that Mr. Nu'ma died from ill-treatment and torture while in custody.

240. **Ala' Jassem**, a 22-year-old man, was reportedly killed when soldiers fired on detainees who were allegedly rioting on 13 June 2003 at Abu Ghraib Prison. According to reports, demonstrators were throwing bricks and poles at the soldiers. Ala' Jassem was allegedly in a tent when he was shot. Seven other detainees were reportedly wounded.

### **Communication received**

241. On 31 October 2002, the Government of Iraq sent a communication to the Special Rapporteur enclosing Iraqi Revolution Command Council resolution No. 225 dated 20 October 2002 concerning the general, comprehensive and final amnesty for Iraqi prisoners (civilian and military) inside and outside Iraq.

## **Israel**

### **Communications sent**

242. On 6 May 2003, the Special Rapporteur sent a communication to the Government of Israel regarding the following individual situations.

243. According to the information received, the Israeli Defence Forces (IDF) launched an operation in Jenin city as well as in the Jenin refugee camp which lasted from 3 to 18 April 2002. During these incursions, the following persons were reportedly killed.

244. **Mundher al-Hajj**, reportedly a member of a Palestinian armed group, was shot and injured on 3 April 2002. While lying on the ground and no longer armed, he was reportedly shot at in the back by a sniper. Medical staff allegedly made three attempts to rescue him, carrying white flags, but each time they were reportedly fired upon by the IDF. Hospital staff were able to reach him approximately two hours after he was first reported in need of medical help. By that time he was reportedly dead.

245. **Hani Abu Rumaila** was shot dead by IDF soldiers on 3 April 2002 as he was standing next to the gate of his house watching the soldiers. It was reported that **Fadwa Fathi 'Abdallah Jamal**, a 27-year-old nurse, left her house nearby accompanied by her sister in order to help Hani Abu Rumaila. Although she was wearing her uniform marked with the Red Crescent symbol, she was allegedly shot dead by IDF soldiers while her sister was struck by a bullet in her upper thigh.

246. **Imad Musharaka** was allegedly shot dead by IDF soldiers on 3 April 2002 as he was trying to bring assistance to Amr Zubeidi (a leading member of the Palestinian group the Al-Aqsa Martyr's Brigades), who had just been shot dead as he was emerging from a house. It was reported that Imad Musharaka was a civilian and that Amr Zubeidi was unarmed when the shooting took place. On the same day, Muhammad Hawashin was shot on his way to the hospital as he was allegedly accompanying Amr Zubeidi's mother to see her son's body.

247. **Ahmad Hamduni** was reportedly shot by IDF soldiers on 3 April 2002 in his neighbour's house where he had allegedly taken refuge.

248. **Afaf al-Desuqi** was reportedly killed on 5 April 2002 when an explosive was used on the door of her home as she went to open it. She had been called to open the door by her neighbour, who was reportedly used as a "human shield" by the IDF to lead the way to the house.

249. **'Abd al-Nasr Gharaib** was reportedly shot in his home on 5 April 2002. IDF soldiers allegedly asked Mr. Gharaib to come out of the house, but he was allegedly shot before he could do so. He reportedly received three bullets in the chest and one in the head.

250. **Jamal al-Sabbagh** was allegedly shot by the IDF after he was taken into their custody on 6 April 2002. According to the information received, at the time Jamal al-Sabbagh was shot, he was unarmed and posed no threat to the soldiers who detained him.

251. **'Abd al Karim Sa'asi** and **Wadah Shalabi** were reportedly shot dead by the IDF in an alleyway close to Mr. Sa'asi's home on 6 April 2002. The two men were reportedly neighbours and lived near the entrance to the Jenin refugee camp. At the time of the shooting, it was reported that they were unarmed.

252. **'Ali Muqasqas** was reportedly shot when he went out to get some water for his family on 6 April 2002. A neighbour, **Abu Khaled**, was reportedly shot in the chest by a sniper posted in a helicopter while trying to help him. Both men reportedly died shortly afterwards.

253. **Munir Wishahi** was allegedly shot by Israeli forces while escaping from his home after they reportedly threw a bomb in his house on 6 April 2002. It was reported that no Palestinian gunman was inside the house when the IDF troops began shelling it. **Mariam Wishahi**, Munir's mother, was reportedly wounded when a tank shell hit the kitchen, spraying her with shrapnel and causing a serious head wound. For the next day and a half, her husband, Issa Wishahi, desperately attempted to obtain medical assistance, but it was alleged that the Israeli soldiers repeatedly prevented ambulances from reaching their home; despite the fact the Wishahi home is located only a few hundred metres from Jenin's main hospital. Mariam Wishahi reportedly died of her wounds on 7 April 2002.

254. **Yusra Abu Khuri**, a 60-year-old mentally impaired woman, was allegedly shot in her apartment, located near the entrance to the refugee camp, on 6 April 2002. She reportedly had the habit of standing by the window, singing or sometimes shouting. She was allegedly fired upon in that position from a helicopter on that morning.

255. On 5 April 2002 a group of some 50 IDF soldiers allegedly entered the home of the **Mutahin family** and decided to remain in it for the night. According to the information received, the Mutahin family was locked in one room and was not allowed to move. The next morning, the IDF soldiers announced that civilians

had to leave the houses in the neighbourhood as they were planning to demolish some dwellings. The soldiers allegedly separated the men from the women and asked the men to take off their upper clothes and put their hands on their heads. **Nizar Mutahin** allegedly attempted to run away and was instantly shot down by the soldiers. Since the IDF had previously checked all the men in the house, it was unlikely that Nizar was armed at the time of the shooting. According to the information received, he was not involved in any Palestinian militant movement.

256. On 9 April 2002, Israeli bulldozers reportedly started demolishing the Saba'a's home while the family remained inside. The patriarch of the family, **Muhammad Abu Saba'a**, reportedly went outside to ask the bulldozer operator to stop the demolition since his family was still in the house. The man allegedly agreed and started to leave the area. Muhammad Abu Saba'a was reportedly shot dead by an Israeli soldier as he returned to his home.

257. **Jamal Fayed**, disabled from birth, was killed in his home in the Jurrat al-Dahab area of the Jenin camp, when the IDF began bulldozing his house, which collapsed on him on 10 April 2002. Jamal's mother and sister reportedly informed the IDF soldiers that Jamal was still inside. With the help of some neighbours, his mother reportedly tried to carry him but she had to abandon the house and her son when the IDF started bulldozing her house, although she allegedly yelled at the driver to stop.

258. **Nayef 'Abd al-Jaber** and **'Amid Fayed** were reportedly killed on 10 April 2002 by helicopter machine gun fire in the al-Marah area of Jenin city, just outside the Jenin refugee camp. According to the information received, none of the young men was a member of any armed group and there reportedly was no shooting from armed Palestinians at the time.

259. **Kamal Zghair**, a 57-year-old impoverished, wheelchair-bound invalid, was shot by Israeli soldiers and ran over by a tank as he was coming back from a visit to a friend of his on 10 April 2002. While crossing the road, a white flag was reportedly attached to his wheelchair.

260. **Faris Zaiban** was shot dead by IDF soldiers on 11 April 2002, in the al-Maslah neighborhood of Jenin city, outside the Jenin refugee camp. According to the information received, civilians in the city of Jenin were informed that the curfew would be lifted for a few hours, allowing them to replenish vital food and other supplies. Faris Zaiban, who went out to buy some groceries, was allegedly shot dead near the Ibrahim School.

261. In June 2002, the IDF launched another military operation in Jenin, allegedly killing the following persons.

262. According to the information received, on 21 June 2002 the IDF shot from a tank and killed two children, **Ahmad** (6) and **Jamil Yusuf Ghazawi** (12) who had gone out in order to buy some candy, as the IDF had just announced that the curfew had been lifted. Their brother **Tareq** was reportedly seriously wounded during the shooting, as was **Dr. Samer al-Ahmad** who was passing by in his car.

263. On the same day, **Sujud Fahmawi** was reportedly killed after she left her house believing that the curfew had been lifted.

264. According to the information received, on the evening of 21 June 2002, the IDF blew up an unoccupied house in the old city area of Jenin. The explosion also demolished an adjacent house, which contained eight members of the **al-Sa'adi family**, all of whom were trapped in the rubble. Two persons were allegedly seriously injured while a 12-year-old child, **Fares**, died. No warning was reportedly given to the family before the explosion, despite protests from a neighbour who was used during this military operation to check the adjacent house.

265. **Atiya Hassan Abu Irmalia** was allegedly killed on 5 April 2002 in Jenin by a single IDF gunshot wound to the head while he was reportedly in his home with his wife and three children and was not involved in fighting.

266. **Rachel Corrie**, a 23-year-old member of the International Solidarity Movement, was reportedly killed on 16 March 2003 while she participated in a demonstration with other activists against the demolition of a Palestinian building in the Rafah refugee camp. According to the information received, although she was wearing an orange fluorescent jacket clearly labelled "ISM" in order to alert the bulldozer drivers of her presence, she was allegedly hit by an armoured Israeli army bulldozer and reportedly died in hospital from her injuries.

267. According to information received, on 19 April 2003, Israeli soldiers opened fire on **Nazeeh Adel Dawazah**, a cameraman from Nablus city working for Palestine TV and Associated Press. He was allegedly killed instantly by a bullet to the head. The incident reportedly took place during an Israeli military incursion into the middle of Nablus city while Mr. Dawazah was filming a Palestinian child who was lying wounded on the ground near an Israeli tank. One of the soldiers inside the tank reportedly pointed his gun at Mr. Dawazah from a distance of just a few metres. The cameraman, who was wearing a jacket labelled "Press", reportedly clearly identified himself to the soldier as a member of the press. However, the soldier allegedly fired one shot at him and he died instantly.

268. On 29 July 2003, the Special Rapporteur sent a communication to the Government of Israel regarding information received stating that, on 10 June 2003, two Israeli Apache helicopters allegedly fired six missiles directly into the civilian car of **Dr. Abdul Aziz al-Rantisi**, a senior Hamas political leader, on Izzaddin Al Qassam Street in Gaza City, reportedly completely destroying the car. A 50-year-old woman, **Khadra Abu Hamada**, who was passing in the street, was killed. One of Dr. Rantisi's bodyguards, **Mustafa Salih**, was also killed, while 7-year-old Amal al-Jarushe sustained very critical wounds. In the car were Dr. Rantisi, aged 52, and his son, who were both reportedly injured. The attack reportedly took place during the rush hour in a densely populated area of the city. Medical personnel in Gaza allegedly confirmed that two people had died and 31 injured, 7 of whom were in critical condition at the hospital after the explosion.

269. On 18 September 2003, the Special Rapporteur and the Special Rapporteur on torture jointly sent a communication in connection with information received on the following individual cases.

270. **Muhammad Ahmad 'Amer** and his brother, **Husni Ahmad 'Amer** were reportedly taken into custody by the IDF on 7 April 2002 in the Jurrat al-Dahab area. Husni Ahmad 'Amer was reportedly subjected to severe beatings at the time of the arrest. Despite complaining of pain and asking for water, he was reportedly denied both medical assistance and water and was beaten again. The two brothers were subsequently taken to Bir Sa'adeh camp, where they were reportedly handcuffed with plastic ties, blindfolded and separated. Six hours later, they were allegedly taken in an armoured personnel carrier to Salem detention centre, where they were allegedly interrogated. In Salem, the condition of Husni Ahmad 'Amer reportedly became very serious and he was eventually taken away in an ambulance. Muhammad Ahmad 'Amer was reportedly released on the following morning but was not given any information about the whereabouts of his brother. It was reported that his family, as well as local human rights organizations, made repeated inquiries regarding Husni Ahmad 'Amer. They were allegedly told by the IDF that there was no record either of his detention or of his hospitalization. However, according to the information received, on 1 June 2002, the family was informed that his body was being held at the Abu Kabir Centre for Forensic Medicine. On 6 June 2002, the Israeli High Court, acting on a petition from the family, reportedly prevented any further examinations on the body. On 13 June 2002, Muhammad Ahmad 'Amer was allegedly called to Abu Kabir to identify the body. The family reportedly requested an independent forensic examination to determine the cause of death.

271. **Walid Mohammad Issa Amr**, a 34-year-old man from Doura, near Hebron, imprisoned since 12 December 2001, reportedly died in the Nafha prison in the Negev desert on 19 February 2003. It was reported that on 18 February 2003 he called his brother and told him of his worsening medical condition and that the prison administration was neglecting his requests for medical assistance.

272. On 20 October 2003, the Special Rapporteur sent a communication to the Government of Israel in connection with the following individual cases.

273. **Ayman Abu Zant, Mohammad Takruri** and **Firas Mabruka** were reportedly killed by Israeli troops on 16 February 2003 in Nablus during an operation to arrest Taysir Khaled, a member of the Democratic Front for the Liberation of Palestine (DFLP), as well as three of his associates. According to reports, Israeli troops accompanied by armoured personnel carriers attacked a Nablus building where the DFLP offices are located. The troops reportedly used megaphones to order Khaled and his associates to surrender, but allegedly opened fire on the crowd, killing the three men.

274. **Mohammad Murr**, a 28-year-old man resident of a village south of Hebron city, was reportedly a Hamas activist wanted by Israel. On 18 February 2003, Israeli Special Forces reportedly disguised as Arabs as well as regular Israeli troops allegedly entered the village and surrounded his home. He reportedly attempted to flee his home and the Special Forces opened fire on him several times. A soldier reportedly approached him and shot him dead. According to information received, he was not armed at the time of his death.

275. **Nasser Abu Sufiyyeh**, a 32-year-old man, was reportedly killed on 19 February 2003. According to reports, at around 6 a.m. he was heading to his workplace in the Jasmine quarter in Nablus old city with his father, who is over 70 years old. An Israeli jeep reportedly stopped them and, after checking their ID cards, detained and began beating his father. He was allegedly ordered at gunpoint by the soldier to leave the area without his father, which he did but, when he was at a distance of 40 m from the soldiers, one of them allegedly opened fire on him without any justification. He was reportedly shot three times in the back and died of severe internal bleeding.

276. **Mohammad al-Saber**, a 15-year-old boy was allegedly shot in the shoulder and killed while he was standing on the roof of an apartment building in the Ras al-Ein area. According to reports, at around 12:30 p.m. on 19 February 2003, an Israeli sniper shot him, allegedly from a higher position, killing him instantly.

## Jamaica

### Urgent appeal

277. On 22 May 2003, the Special Rapporteur sent a communication in connection with information regarding alleged police harassment and threats against the **community of Crawle** in Clarendon, Jamaica, following what appeared to be the extrajudicial execution of four persons on 7 May 2003. The police allegedly arrived that day in an unmarked white bus with tinted windows and drove past the house of the deceased. They reportedly returned a short time later and came to a sudden halt. The police then allegedly came out and began firing wildly at everybody in the yard. The police reportedly shot and killed **Kirk Gordon** and **Matthew James** before dragging their bodies into the yard. The officers reportedly went into the house where **Angela Richards, Lewena Thompson** and her 8-year-old daughter were hiding. The daughter was reportedly removed from her mother's arms and told to wait outside. Shots were reportedly heard, after which the police later removed four bodies from the house. All four were reportedly pronounced dead upon arrival at hospital. The police reportedly removed what appeared to be guns from the bus and placed them in the house. The Commissioner of Police, however, publicly denied that the guns were planted by the police officers. In a police statement, officers of the Crime Management Unit claimed to have gone to a house in Crawle to arrest wanted persons. Upon approaching the house, the police claim to have come under gunfire, which they returned. Since then, police officers reportedly constantly visited the community in unmarked vehicles in an effort to intimidate its inhabitants as several eyewitnesses to the killings reportedly stated that they were only willing to testify if their safety could be guaranteed.

### Communication received

278. By letter dated 7 July 2003, the Government of Jamaica transmitted its response to the communication sent on 22 May 2003 by the Special Rapporteur regarding **the incident at Crawle**. The Government reported that all police personnel involved in the operation were removed from frontline duties effective 8

May 2003. On 8 May 2003 teams from the Bureau of Special Investigations Office of Professional Responsibility and the Independent Police Public Complaints Authority began preliminary investigations into the incident and the allegations arising therefrom.

279. The Government further indicated that, consistent with its commitment to accountability and transparency, it sought and obtained international assistance to help in the investigations as follows: meetings were initiated by Jamaica with British Metropolitan Police Chief Sir John Stevens, representatives of the United States Federal Bureau of Investigation and the Royal Canadian Mounted Police. Arising out of these meetings, a team of overseas investigators visited the country to conduct investigations. Upon departing, they took with them evidence for forensic analysis. On the recommendation of the team of overseas investigators, a management committee, including a member of civil society, was appointed to supervise the investigations. Detectives from the Metropolitan Police Service and were assisting in the ballistics aspects of the investigation and that the United States Bureau of Alcohol, Tobacco, Firearms and Explosives was providing assistance in tracing the original owners of the guns that were found on the scene. Moreover, the Government indicated that British Pathologist Professor Derrick Pounder attended the autopsy as an independent observer. Upon completion of the investigations, detailed reports would be submitted to the competent authorities with responsibility for administrative and judicial review or trial. According to the Government, counselling was provided to all police personnel involved in the incident and the Victim Support Unit of the Ministry of Justice implemented a programme to assist children who were experiencing post-traumatic stress disorders as a result of the shooting. With regard to allegations of police harassment and intimidation of residents, the Government reported that investigations had found these to be unsubstantiated. It was further reported that no final statement could be made concerning the veracity of the allegations of torture, intimidation and harassment, among others, before the administrative and judicial processes had been exhausted.

## Kenya

### Communication sent

280. On 7 August 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of Kenya in connection with the following individual cases.

281. **John Gachungu Mwangi**, aged 50, reportedly died on 5 April 1999 in Thika police station, after he was arrested by the police for being in possession of *chang'aa*. An autopsy was reportedly performed on 13 April 1999 at the City Mortuary, Nairobi, according to which his death could be attributed to being struck on the head with a blunt instrument. In addition, there were reportedly indications that he was alive for some time following the injuries.

282. **Dismas Maina Muthogu**, aged 47, was reportedly arrested on 30 June 1999 and taken to Juja police station where, according to a police post-mortem report, he committed suicide by hanging on 1 July 1999. Another post-mortem

report received by the Special Rapporteurs suggested that the deceased was subjected to some degree of physical violence before his death.

283. **Peter Kariuki**, aged 31, reportedly died on 17 July 1999, two hours after he was reportedly arrested by police and taken to Karia police post. According to an autopsy conducted on 22 July 1999, there was significant bleeding into the soft tissue over the knees, wrist regions, ankle joints and elbows, a large haematoma in the left deltoid muscle and bleeding in the right shoulder joint, as well as bruising of the soft tissue around the manubrium sternum. The post-mortem report received by the Special Rapporteurs indicated that the cause of death could have been asphyxia due to mechanical neck compression.

284. **Kennedy Ouko Nyanoti**, aged 24, was reportedly admitted to Kenyatta National Hospital Intensive Care Unit on 19 July 1999 after he was allegedly assaulted by two prison warders at Hamit. He reportedly sustained a head injury and remained unconscious until he died on 27 July 1999. The Special Rapporteurs received a post-mortem report which confirmed these allegations.

## Kyrgyzstan

### Urgent appeal

285. On 8 May 2003, the Special Rapporteur and the Special Representative of the Secretary-General on human rights defenders jointly sent an urgent appeal to the Government of Kyrgyzstan in connection with the alleged harassment against the Kyrgyz Committee for Human Rights (KCHR) and its President, **Ramazan Dyrlydaev**. In March 2003 Mr. Dyrlydaev, who had left the country three months earlier after having allegedly received information that there might be an attempt to kill him, reportedly returned to Kyrgyzstan where he stayed with his brother, **Ibrahim Dyrlydaev**. On 26 March 2003, former KCHR employees, accompanied by unknown men in uniforms, allegedly entered the KCHR office and tried to take some computers and data. They were reportedly prevented from doing so by current KCHR staff members. From 29 March 2003 until 10 April 2003, after Mr. Dyrlydaev had left his brother's home, two men were allegedly noticed watching the house and trying to look inside. On 21 April 2003, officers from the State Department on Organized Economic Crime reportedly went to the home of **Vladimir Tihonov**, a KCHR staff member, to inquire about Ramazan Dyrlydaev's whereabouts. On the same day, Mr. Dyrlydaev was reportedly accused by former employees of financial misdoings. The information received alleged that the incidents mentioned above formed part of a pattern of harassment and intimidation against the KCHR and its president and could have been related to the human rights activities carried out by the organization.

### Communication received

286. By a letter dated 10 April 2003, the Government of Kyrgyzstan responded to the urgent appeal sent by the Special Rapporteur on 17 October 2002 concerning the case of Nadezdha Maslovets. According to the Government, on 30 May 2002 a military court sentenced **E. Boikov** and **D. Beishembiev** to four years' deprivation of liberty for the murder of S. Skoromnov, while K. Moldoshev

was acquitted. In the course of the investigation, Ms. Maslovets repeatedly asked for protection against threats and harassment by associates of the detained militia officers who sought to pressure her into withdrawing her testimony. The Government, however, affirmed that the Office of the Procurator-General carried out an independent investigation and found out that there was no threat to her life or health. The Government also reported that, given the difficult transitional period through which the country was passing at the time, the law enforcement agencies were faced with challenges that admitted no arbitrary action or lawlessness.

### **Libyan Arab Jamahiriya**

#### **Urgent appeal**

287. On 30 July 2003, the Special Rapporteur and the Special Rapporteur on torture sent an appeal to the Government of the Libyan Arab Jamahiriya in connection with the situation of seven Eritrean nationals, **Zacharias Michael Belay, Misghina Siyoum, Mesfin, Rezene, Yonas, Michael and Abel**, who were allegedly detained in Libya and were reported to be at imminent risk of being forcibly returned to Eritrea where they could face torture, secret and incommunicado detention, as well as possible extrajudicial execution. The men were reportedly military conscripts aged in their 20s who had deserted from the army because of the alleged indefinite extension of their military service. They reportedly escaped to the Sudan in 2002 and travelled to Libya, hoping to reach a country of asylum in Europe. On 11 August 2002, they were allegedly arrested by the Libyan authorities as they were attempting to cross the Mediterranean Sea. They were reportedly convicted of illegal entry and sentenced to three months' imprisonment. According to the information received, the punishment for deserters in Eritrea could be death, although it was also alleged that deserters were often detained and tortured, then forced to resume their military service. It is also alleged that between 30 September and 3 October 2002, about other 220 returned Eritrean, believed to have been mainly conscript army deserters and evaders, were allegedly held in incommunicado detention in Eritrea. In light of reports of allegations of torture and incommunicado detention of other deserters in Eritrea, fears were expressed that the seven men named above may be subjected to torture or other forms of ill-treatment if they were deported to Eritrea and that their lives could be in danger.

### **Malaysia**

#### **Communication sent**

288. On 30 July 2003, the Special Rapporteur and the Special Rapporteur on torture sent a communication to the Government of Malaysia in relation with the following cases.

289. **M. Ragupathy**, aged 22, was reportedly arrested in July 2002 on suspicion of robbery with nine other men when fleeing from an illegal gambling venue after a dispute with the owner. All were allegedly taken to Sepang police station and remanded in custody for 12 days, from 18 to 30 July 2002. Mr.

Ragupathy reportedly had had a prosthetic heart valve installed some years before, which was said to require an anticoagulant known as waffarin. It was alleged that due to the operation he had an eight-inch scar on his neck and chest. On 20 July 2002, he reportedly started complaining to police officers of chest pains and inability to sleep. His condition allegedly worsened, and he was not able to eat for three days and started vomiting. The Special Rapporteurs were informed that his repeated requests for medical attention were denied until 26 July 2002, when he was eventually taken to a clinic. Although he was given some medication, his condition reportedly deteriorated and he was taken by the police to Putrajaya hospital the next day. He was reportedly declared dead on 28 July 2002. According to the information received, the officer in charge of the Sepang district police denied any negligence on the part of the police.

290. **M. Uthayamaran**, aged 33, was reportedly arrested on 26 August 2002 and subsequently detained for 77 days in several police stations in Kuala Lumpur, Kuantan, Temerloh, Rawang, Ipoh and Kajang, where he allegedly died. According to a post-mortem report, the cause of his death was a heart-related disease. However, his wife reportedly lodged a complaint alleging that he had had no cardiovascular problems.

291. **Vivashanu Pillai**, aged 24, was reportedly found dead in a rubbish container in the Klang River, near Bangsar, on 4 August 2002. He was reportedly arrested by police on 1 August 2002 and detained at the Dang Wangi police station from where, according to the police, he allegedly escaped on the following day. Although his corpse was decomposed and bloated, a fellow detainee reportedly identified it due to a bruise on the right buttock and injuries on his wrists. While in detention he was allegedly beaten with cables while handcuffed. Concerns were expressed that he may have died in police custody before his body was thrown in the river. According to the information received, in September 2002, the Deputy Home Minister informed the Parliament that police investigations had revealed that the police were not responsible for any criminal behaviour.

### **Communication received**

292. On 27 November 2003, the Government of Malaysia responded to the communication sent by the Special Rapporteur and the Special Rapporteur on torture on 30 July 2003 concerning the deaths of the following individuals while in police custody.

293. **M. Ragupathy**, arrested on robbery charges, reportedly complained of breathing difficulties on 26 July 2002 while in a police lock-up. He was taken to the government clinic in Sepang, where he was given treatment and medication before returning to the lock-up. He again complained of breathing difficulties the next day and was again taken to the clinic. The clinic referred him to the Putrajaya Hospital where he was admitted into the Intensive Care Unit and pronounced dead at 2.45 a.m. on 28 July 2002. According to the Government, the autopsy revealed that he had died of congestive heart failure and a stenosed mitral valve.

294. **M. Uthayamaran** was taken from the Kajang lock-up to the Kajang Hospital when he complained of chest pains on 10 November 2002. The

Government reported that he was admitted to the emergency ward and pronounced dead, and that the cause of death was ischaemic heart disease.

295. **Vivashanu Pillai** had originally been remanded at Dang Wangi police station. On 2 August 2003, he managed to escape during a transfer to the Tun H.S. Lee police station and could not be found. The Government informed the Special Rapporteurs that the deceased was subsequently found in a dumpster in Bangsar and was identified by his parents and close relatives. The autopsy could not identify the cause of death.

296. The Government finally reported that in each of the three cases, and in any case involving death of prisoners or in police lock-ups, the police officer in charge would need to submit a formal report of the case. This report would then form the basis for the ensuing investigation into the deaths to determine if foul play had occurred, in which case the perpetrators would be punished to the full extent of the law. The Government of Malaysia informed the Special Rapporteur that it took a seriously view of the issue of deaths in custody and took the necessary steps to ensure that such occurrences were not commonplace. According to the Government, these deaths were not the result of any kind of physical torture or bodily harm caused by the authorities during detention. They were isolated cases and immediate medical attention was rendered whenever possible.

## México

### Llamamientos urgentes

297. El 20 de enero de 2003 la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión, envió un llamamiento urgente en relación con la situación de inseguridad del periodista **Ángel Mario Ksheratto Flores**, autor de una columna que se publica en el periódico *Cuarto Poder*, en la localidad de San Cristóbal de las Casas, Estado de Chiapas. Según los informes, este periodista habría recibido amenazas de muerte y se enfrentaría a cargos judiciales que podrían haberse formulado por motivos políticos. Según las informaciones, los días 26 y 28 de agosto de 2002, el diario *Cuarto Poder* habría publicado los resultados de una investigación realizada por Ángel Mario Ksheratto sobre presuntas irregularidades en el comité de construcción de escuelas. El 17 de diciembre del 2002, Ángel Mario Ksheratto habría denunciado haber recibido una llamada telefónica anónima en la que le decían: «pasa la mayor parte de tu tiempo con tus hijos porque para Navidad ya estarás en otro mundo». Ese mismo día, según indican los informes, un automóvil sin placas de matrícula habría seguido al periodista cuando se dirigía a las oficinas del diario. Posteriormente cuando regresaba a su casa, habría sido seguido por un camión conducido por unos individuos no identificados. El 29 de diciembre de 2002, según los informes, dos desconocidos en un automóvil habrían tomado fotografías de la casa donde viven los hijos del periodista. Además, el 9 de enero de 2003, Ángel Mario Ksheratto habría sido detenido por agentes de la Procuraduría General de Justicia del Estado (PGJE) a consecuencia de una denuncia por difamación presentada por un alto cargo del comité de construcción de escuelas de Chiapas en relación con los artículos publicados en agosto. Asimismo, la PGJE habría indicado que estaba investigando un robo de automóvil

con agravantes presuntamente cometido por Ángel Mario Ksheratto. El periodista habría sido liberado condicionalmente en espera de ser juzgado por el cargo de difamación. Aunque un tribunal federal habría ordenado temporalmente que las autoridades estatales no lo detengan, Ángel Mario Ksheratto seguiría bajo investigación en espera de procesamiento. Se teme que estos cargos tengan una motivación política.

298. El 14 de febrero de 2003 la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la independencia de magistrados y abogados, envió un llamamiento urgente en relación con la situación de inseguridad en la que se encontrarían **Blanca Guadalupe López, Víctor Javier García** y su esposa **Miriam García**, quienes habrían sido víctimas de una serie de amenazas y actos de intimidación. El 9 de noviembre de 2001 Víctor Javier García y **Gustavo González Meza**, esposo de Blanca Guadalupe, fueron detenidos por un grupo de personas enmascaradas no identificadas en Ciudad Juárez, Estado de Chihuahua. Según informes, habrían sido torturados hasta que confesaron el asesinato de ocho mujeres jóvenes en Ciudad Juárez. El 12 de noviembre de 2001, Gustavo González Meza y Víctor Javier García habrían sido acusados del asesinato y la violación de ocho mujeres. Desde que Gustavo González Meza y Víctor Javier García fueron detenidos, sus familiares habrían reivindicado reiteradamente su inocencia y habrían interpuesto una denuncia ante las autoridades del Estado por su detención y tortura, por tal motivo serían víctimas de una serie de amenazas. También se informó de que el 2 de febrero de 2002, Miriam García habría recibido un llamado anónimo diciéndole que “moriría si seguía diciendo lo que pensaba”. Asimismo, el 7 de febrero de 2003, dos personas habrían entrado por la fuerza a su casa cuando ella se disponía a asistir a una conferencia organizada por organizaciones no gubernamentales locales para protestar por las muertes y los secuestros de mujeres jóvenes en Ciudad Juárez y Chihuahua. Según los informes, hombres le habrían amenazado diciéndole: «Si te presentas al evento de la tarde, te mueres, porque eres tú o tu esposo, así que ya sabes». Por otro lado, se informa que las residencias de los familiares de los detenidos estarían vigiladas por desconocidos. En cuanto a **Mario Escobedo Anaya**, abogado de Gustavo González Meza, se informó que habría muerto por disparos a manos de la Policía Judicial del Estado. Según los informes oficiales, la policía habría actuado en defensa propia porque el abogado habría disparado primero. Según informes, esta versión se contradice con la de testigos que afirman que Mario Escobedo Anaya no disparó a la policía. Dichos acontecimientos se habrían producido a pesar de que la Comisión Interamericana de Derechos Humanos (CIDH) dictó medidas de protección para Miriam García, Blanca Guadalupe, y el abogado Sergio Dante en septiembre de 2002. Asimismo se informó que el 8 de febrero de 2003, uno de los detenidos, Gustavo González Meza, habría sido hallado muerto en su celda en la prisión de máxima seguridad de Chihuahua. Según los responsables de la prisión, murió como resultado de un coágulo sanguíneo tras haber sido operado de una hernia. Sin embargo, aún no se conocerían los resultados de la autopsia, y existiría preocupación de que su muerte haya sido resultado de las torturas a las que fue sometido tras su detención en 2001. Según informes, se teme por la seguridad del otro detenido, Víctor Javier García, puesto que habría recibido amenazas de muerte en prisión.

299. El 24 de julio de 2003, la Relatora Especial, junto con el Relator Especial sobre la independencia de magistrados y abogados, envió un llamamiento urgente respecto a la situación de peligro en la cual se encontrarían **David Meza** y **Jesús Argueta**. De acuerdo con las informaciones recibidas, tras ser detenido David Meza, habría sido torturado y obligado a firmar una confesión en la que se reconocía autor del asesinato de **Neyra Azucena Cervantes**. Al día siguiente se habría retractado de dicha confesión, afirmando que habría sido torturado y amenazado de muerte por agentes de policía. En cuanto a Jesús Argueta, se informó de que habría sido sometido a una presión psicológica indebida para hacerle confesar el asesinato. Además, se informó de que sus interrogadores le habrían amenazado con matarle si revelaba el trato que habría recibido bajo custodia.

300. El 30 de julio de 2003, la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, envió un llamamiento urgente en relación con la situación de **José Leobardo Reveles Morado**, periodista del diario *El financiero*. Según las informaciones, el 21 de junio de 2003, el Sr. Reveles habría denunciado ante la Procuraduría General de la República que había sido víctima de hostigamiento verbal, acoso físico, amenazas y seguimientos. Tales amenazas estarían relacionadas con reportajes publicados en el diario *El financiero*. Asimismo, el 30 de mayo de 2003 dicho diario habría publicado informaciones según las cuales varias personas que dijeron pertenecer a la Secretaría de seguridad pública federal habrían agredido al diputado Saúl Escobar al haberlo confundido con el Sr. Reveles Morado.

301. El 15 de agosto de 2003, la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la situación de los derechos humanos y la libertades fundamentales de los indígenas, envió un llamamiento urgente en relación con la muerte de **Griselda Tirado Evangelio**, abogada y activista defensora de los derechos de los indígenas en la región de la Sierra Norte en Puebla y miembro de la Organización Independiente de Totonaca. Según las informaciones, el día 11 de agosto 2003 un grupo de individuos no identificados habrían rodeado la casa de Griselda Tirado Evangelio intimidando y amenazando a varios de sus familiares, incluidos algunos menores de edad cuya integridad física se teme pueda estar en peligro. Asimismo se informó de que la familia habría expresado preocupación por la supuesta falta de agilidad en el proceso de investigación. Según las informaciones la Sra. Tirado Evangelio habría muerto como consecuencia de los disparos recibidos cuando se disponía a salir de su domicilio, su muerte estaría presuntamente relacionada con su trabajo como defensora de los derechos de los indígenas así como con su supuesta candidatura para las elecciones municipales.

### **Comunicaciones enviadas**

302. Mediante carta de alegación enviada al Gobierno de México el 7 de agosto de 2003, la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, se refirió al caso **Francisco Medellín Alberto**, quien habría fallecido el 28 de mayo de 2002, supuestamente tras haber sido sometido a malos tratos por

miembros de la policía de Monterrey, Nuevo León. Su cadáver habría presentado marcas de tortura, sus uñas habrían sido arrancadas y el cadáver habría presentado contusiones en la cabeza y otras partes del cuerpo.

303. Mediante carta de alegación enviada al Gobierno de México el 22 de agosto de 2003, la Relatora Especial se refirió al homicidio de **Carlos Sánchez López**. Según informaciones, el mes de marzo de 2003 en desarrollo de una manifestación de protesta contra el alcalde y las autoridades civiles del municipio de Unión Hidalgo en el Estado de Oaxaca, la policía habría abierto fuego contra varios de los manifestantes ocasionando la muerte del indígena zapoteca **Manuel Salinas Santiago** e hiriendo de gravedad a otros diez manifestantes, dos de los cuales presuntamente habrían fallecido a consecuencia de las lesiones provocadas. Asimismo se informó de que otras protestas, con el fin de presionar la investigación, captura y juzgamiento de los responsables de tales hechos, se habrían efectuado durante el mes de mayo de 2003. En dicha ocasión la policía habría procedido al arresto de **Carlos Manzo**, miembro del Consejo Ciudadano Unidalgense (CCU). El 17 de agosto, el diputado Carlos Sánchez López, quien actuaba en defensa de los miembros del CCU detenidos en desarrollo de tales manifestaciones, habría informado a su familia sobre su intención de reunirse con la comunidad indígena del municipio de Unión Hidalgo. Horas más tarde, su cuerpo habría sido encontrado en uno de los barrios de Juchitán, Oaxaca. Se presume que su muerte podría guardar relación con sus actividades de representación de miembros de las comunidades indígenas detenidos en desarrollo de actividades de protesta.

### **Respuestas del Gobierno**

304. Mediante comunicación del 8 de agosto de 2003, el Gobierno de México proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la independencia de magistrados y abogados, había enviado el 29 de julio de 2003 en relación con la situación de **David Meza**. Según el Gobierno, el mandamiento de detención de David Meza se habría efectuado dentro del término legal de 48 horas y durante la declaración ante el ministerio público. El indiciado habría contado con la asistencia de un abogado de oficio así como con la presencia de un representante de la comisión estatal de derechos humanos. También informó de que posteriormente habría sido puesto a disposición del juez sexto penal del distrito judicial de Morelos, el cual habría considerado que la declaración de tortura así como la prueba pericial no tendrían validez, por cuanto los certificados médicos, emitidos previamente al segundo dictamen, establecerían que el sindicato no presentaba huellas de violencia antes o después de la declaración ante el ministerio público. Con respecto a la situación jurídica del Sr. Meza, el Gobierno informó que en la actualidad el indiciado se encuentra detenido y su situación jurídica estaría por resolverse. Posteriormente mediante comunicación del 11 de noviembre de 2003, el Gobierno informó sobre la existencia de actas certificadas por juzgado que conoce la causa y de un video que contendría la filmación de la declaración judicial de David Meza. Dicho material probatorio corroboraría que esta persona no fue coaccionada ni física ni psicológicamente para rendir su declaración.

305. Mediante comunicación del 10 de marzo de 2003, el Gobierno de México proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, había enviado el 20 de enero de 2003 en relación con la situación de inseguridad en que se encontraría el periodista **Ángel Mario Ksheratto Flores**. Según el Gobierno, Ángel Mario Ksheratto habría obtenido libertad condicional mediante el pago de la fianza y la reparación de los daños. Sin embargo continuaría vinculado al proceso penal por los delitos de difamación y calumnia. Asimismo informó de que existirían otras investigaciones en curso, por el mismo delito y por robo de vehículo; ambas se encontrarían en proceso de integración.

306. Por carta del 5 de noviembre de 2003, le Gobierno de México proporcionó información en relación con la carta de alegación que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, había enviado el 5 de agosto de 2003 en relación con la muerte de **Francisco Medellín Alberto**. Según el Gobierno, se habría dado inicio a la averiguación previa contra los miembros de la policía ministerial del Estado Oscar Muñoz Salinas y Hugo Carlos Costilla Olvera como presuntos responsables de los delitos de abuso de autoridad y encubrimiento. Posteriormente la autoridad correspondiente habría ejercido acción penal contra Jorge Julio Estupiñán de la Rosa, Juan Manuel Gutiérrez Navarro, Sergio Martínez Acosta y Juan Cruz Rosales, por los delitos de abuso de autoridad, tortura y homicidio. Asimismo informó que se habría decretado auto formal de prisión en contra de las personas antes mencionadas. El Gobierno también informó de que la investigación se encuentra en etapa de instrucción y que la Procuraduría General de Justicia del Estado de Nuevo León habría brindado un apoyo económico a la concubina del Sr. Medellín Alberto.

307. El 14 de noviembre de 2003, el Gobierno de México proporcionó información relativa al llamamiento urgente que la Relatora Especial, junto con la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias y el Relator Especial sobre la cuestión de la tortura, había enviado el 14 de marzo de 2002 en relación con la situación de **Valentina Rosendo Cantú**. Según el Gobierno, en diciembre de 2002 la investigación adelantada por la Comisión Nacional de Derechos Humanos (CNDH) habría determinado no contar con pruebas determinantes que permitieran concluir que la víctima hubiera sido objeto de una agresión sexual por parte de elementos del ejército mexicano. Asimismo, el Gobierno informó de que la Procuraduría General de Justicia Militar también habría adelantado una investigación previa, dentro de la cual habría recibido las declaraciones del médico general y la trabajadora social del hospital de Ayutla de los Libres. Según tales testimonios, Valentina Rosendo Cantú nunca habría hecho referencia a golpes o violación por parte de ninguna persona. El Gobierno también informó que se habrían realizado diligencias de confrontación para el reconocimiento físico de 30 integrales de la base de operaciones Ríos, la cual se encontraba operando el 16 de febrero de 2002. Asimismo, 31 fotografías del personal militar que integraba la base de operaciones Hernández, habrían sido puestas a la vista de la víctima sin que se hubiese reconocido a ninguno de ellos como agresor. El Gobierno también informó que existirían ciertos testimonios de acuerdo con los cuales se pondría en duda la ocurrencia de los hechos. Finalmente el Gobierno informó que al no existir evidencias que corroboren los hechos objeto

de la denuncia, el agente del ministerio público se encuentra constitucional y legalmente impedido para ejercitar alguna acción penal.

308. Mediante comunicación del 10 de noviembre de 2003, el Gobierno de México proporcionó información en relación con la carta de alegación de fecha 22 de agosto de 2003 en la cual la Relatora Especial hizo referencia al homicidio de **Carlos Sánchez López**. Según el Gobierno, de acuerdo con la información proporcionada por los médicos legistas, se estableció como causa de la muerte: traumatismo craneoencefálico profundo con fracturas múltiples por contusión directa por disparo de arma de fuego. La investigación se habría iniciado de oficio por el ministerio público encontrándose sujetos a proceso penal, bajo auto formal de prisión, los particulares José Manuel Guerra Jiménez y Carlos Jiménez Santiago. Con relación a la muerte de **Manuel Salinas Santiago** se habrían identificado como responsables el director de seguridad pública municipal Víctor Gutiérrez Orozco, los comandantes de la policía municipal Sergio Cabrera Carrasco y Tomas Gutiérrez López y los policías municipales Marcos Cheves Ríos, Perfecto Ordaz Ruiz, Salvador López López, Jesús Sánchez Gómez, Ismael Peña Escobar, Arturo Santiago López y Aurelio Altamirano Amador. Los presuntos responsables se encontrarían a disposición del juez bajo auto formal de prisión.

309. Mediante comunicación del 11 noviembre de 2003, el Gobierno de México proporcionó información adicional concerniente al llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la cuestión de la tortura, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la independencia de magistrados y abogados, había enviado el 14 de febrero de 2003 en relación con la situación de **Gustavo González Meza**. Según el Gobierno, la causa de la muerte determinada en la autopsia fue: tromboembolia cardiopulmonar, coagulación intravascular diseminada y hemangiomas múltiples, los cuales habrían ocurrido después de la intervención quirúrgica efectuada con base en una valoración médica ordenada 15 días antes del fallecimiento por el jefe del servicio médico de la prisión del Cereso mediante la cual se habría detectado la existencia de una hernia inguinal. Asimismo, de acuerdo con el testimonio de varios internos, Gustavo González Meza habría manifestado su deseo de operar una hernia inguinal que padecía debido al dolor que la misma le generaba. Según el Gobierno, no se habrían apreciado huellas de violencia ni desorden en la celda del detenido al momento del hallazgo de su cuerpo.

310. Mediante comunicación del 18 de noviembre de 2003, el Gobierno de México proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 17 de octubre de 2002 en relación con la situación de **Pedro Raúl López Hernández**. Según el Gobierno, desde el 16 de enero de 2003 se habrían implementado las medidas de protección con el fin de garantizar la seguridad e integridad física del Sr. López Hernández, su domicilio y su familia. Asimismo se habría puesto a su disposición un vehículo blindado, que habría rehusado el propio Pedro Raúl López Hernández. Con relación a la presunta agresión de que hubiera sido víctima el día 10 de octubre de 2002, el Gobierno informó que de acuerdo con el informe presentado por los agentes que prestan el servicio de seguridad, el 10 octubre el Sr.

López Hernández no habría salido de su domicilio, por lo cual resultaría difícil que hubiera sido víctima de la agresión.

311. Mediante comunicación del 18 de noviembre de 2003, el Gobierno de México proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 24 de junio de 2002 relativo a las amenazas contra **Juan Arnaldo Meneses**. Según el Gobierno, de acuerdo con el testimonio que el propio Sr. Meneses había presentado a la Comisión de Derechos Humanos del Estado de México, se habría solicitado información al presidente municipal de La Paz y al director general de seguridad pública y tránsito para que informaran sobre los hechos motivo de la queja a fin de determinar si estos son atribuibles a funcionarios de dicha institución. Asimismo, se informó que la investigación por el delito de robo en interior de vehículo iniciada por la Procuraduría General del Estado de México se encuentra en averiguación previa.

312. Mediante comunicación del 17 de noviembre de 2003, el Gobierno de México proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, había enviado el 25 de marzo de 2002 relativo a las amenazas contra **Bárbara Zamora y Pilar Noriega**. Según el Gobierno, desde el 27 de noviembre de 2001, las medidas de protección para la abogada Zamora consistirían en una guardia exterior de su despacho. Asimismo, desde el 15 de mayo de 2002, se habría instalado un equipo de circuito cerrado a petición de la propia Sra. Zamora. Con relación a las investigaciones por el delito de amenazas, estas continuarían en la etapa de integración.

313. Mediante comunicaciones de 28 de octubre y 17 de noviembre de 2003, el Gobierno de México proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la independencia de magistrados y abogados, había enviado el 14 de febrero de 2003 en relación con la situación de inseguridad en la que se encontrarían **Blanca Guadalupe López, Víctor Javier García** y su esposa **Miriam García**. Según el Gobierno, la orden de detención contra Víctor Javier García habría sido proferida con base en todos los elementos de prueba recabados y ante la presunta intención del implicado de abandonar la ciudad. Una vez detenido, habría sido conducido a las instalaciones de la subprocuraduría de la zona norte ubicadas en la calle Barranco Azul, y al rendir su declaración sin coacción alguna y asistido por un defensor, habría admitido su responsabilidad. También se habría involucrado en los hechos a Gustavo González Mesa, quien posteriormente habría sido detenido y conducido a las instalaciones de la mencionada subprocuraduría. Según el Gobierno, el relato de los detenidos contendría peculiaridades del lugar de los hechos que solo podían saber quienes participaron en ellos, Por otra parte, durante la ampliación de las declaraciones ministeriales, los implicados habrían reiterado la participación en los delitos. Posteriormente, ante el tribunal, cuando tuvieron tiempo para reflexionar, habrían manifestado que habrían sido violentados, lo cual, según el Gobierno, estaría en

contradicción con los certificados de sanidad y fe ministerial sobre la inexistencia de lesiones. Igualmente, al dictar el auto formal de prisión, el juez instructor habría destacado que la violencia encontrada en los cuerpos de los indiciados no constituía la razón por la cual hubieran estampado sus firmas en las primeras declaraciones y habría corroborado que al momento de la detención no habrían existido las lesiones que posteriormente se habrían exhibido en la declaración preparatoria. Ante este hecho, el Gobierno no descartó que las lesiones hubiesen sido autoinfligidas, ya que por la levedad de las mismas no habrían sido la causa para confesar los hechos. Asimismo, el hecho de que las declaraciones sean idénticas y congruentes con los hechos objetivos del caso permitiría inferir la autoría material de los hechos. El Gobierno también informó de que el incidente de desvanecimiento de datos promovido por la defensa se habría resuelto decretando su improcedencia en virtud de que las conclusiones del aludido dictamen no eran necesariamente el único medio de prueba para el establecer la ocurrencia del delito. Asimismo, se informó de que las etapas de instrucción y defensa habrían sido agotadas y el ministerio público habría ofrecido pruebas tendientes a acreditar el pago de la reparación del daño. Con relación a la acción de amparo promovida por los detenidos, el Gobierno informó de que el tribunal federal habría revocado la resolución que lo concedía y habría procedido a negar el amparo y protección de la justicia federal, reiterando la demostración de su probable responsabilidad en la comisión de los delitos de violación agravada y homicidio. De esta manera, se habrían confirmado las actuaciones ministeriales y las practicadas ante el tribunal. Con relación a las medidas cautelares respecto de **Blanca Guadalupe López, Víctor Javier García y Myriam García**, el Gobierno informó de que a pesar de que dichas medidas habrían caducado el Gobierno continuaría con los rondines policíacos en el exterior de las direcciones de los beneficiarios a fin de salvaguardar su integridad física. Asimismo, se estaría gestionando el traslado de Víctor Javier García a un centro de readaptación en Ciudad Juárez, Estado de Chihuahua.

314. Mediante comunicaciones de 10 de marzo y 10 de noviembre de 2003, el Gobierno de México proporcionó información adicional en relación con la muerte de **Digna Ochoa y Plácido**. Según el Gobierno, la fiscalía especial para el caso habría desarrollado la investigación mediante indagatorias con el fin de establecer las circunstancias relacionadas con el homicidio mediante tres líneas de investigación: militares, Guerrero y entorno social, familiar y personal. Asimismo el Gobierno informó de que a través de declaraciones, diligencias ministeriales, intervenciones periciales e informes de policía judicial y de otras autoridades, se habría logrado determinar que ninguno de los integrantes de los batallones de infantería 19 y 40 del ejército mexicano estaría involucrados directa o indirectamente en alguna de las actividades desarrolladas por la abogada Digna Ochoa. La línea de investigación Guerrero habría permitido constatar que no existen razones o motivos para suponer que las actividades de la abogada Digna Ochoa afectaran aparentes intereses de caciques explotadores de madera en la sierra de Petatlán y Coyuca de Catalán. Con relación al entorno social, familiar y laboral, se concluyó que, del análisis de las circunstancias, no se desprende que alguno de sus familiares, personas que integraban su ámbito de amigos cercanos, compañeros de trabajo, parejas sentimentales o integrantes de la congregación religiosa a la que perteneció, hubiesen procurado o causado directa o indirectamente su muerte. Desde el punto de vista de su vinculación al instituto

Pro Juárez, su participación como abogada habría sido reducida de manera tal que no existiría evidencia objetiva de que su intervención jurídica hubiese propiciado o causado afectación de los intereses de alguna persona o autoridad relacionada, que permitiese establecer vinculación con su muerte. A lo anterior se adjuntó la renuncia de Digna Ochoa al instituto Pro Juárez el 31 de octubre de 2000, en medio de un presunto ambiente de tensión y desacuerdos primordialmente por su inconformidad de salir del país y por las supuestas dudas, por parte de algunos compañeros respecto del último incidente de amenaza. Otras informaciones recaudadas habrían permitido afirmar que el arma de fuego hallada en el lugar de los hechos habría pertenecido a la víctima y según los testimonios en torno a la presencia de personas desconocidas, ésta se encontraría justificada como un hecho ordinario y normal, pues se trata de un domicilio que cuenta con despachos de abogados, por lo que resultaría cotidiana la entrada y salida de personas desconocidas para los propios habitantes. Con relación a las amenazas, el conocimiento de las averiguaciones que se adelantan por parte de la Procuraduría General de Justicia continúan en curso, sin embargo las inspecciones habrían permitido determinar la probabilidad de que algunos de los escritos hallados o de los que se tiene conocimiento hubiesen sido creados por la propia Digna Ochoa. Finalmente el Gobierno informó que la decisión de la fiscal encargada del caso de no ejercer la acción penal al no demostrarse plenamente la existencia del delito de homicidio encontraría soporte en los análisis de peritos en materia de psicología y estudio psicodinámico de la personalidad. La mencionada resolución habría sido autorizada el 17 de septiembre de 2003 por parte del coordinador de agentes auxiliares del procurador.

## Myanmar

### Communication sent

315. On 29 July 2003, the Special Rapporteur sent a communication to the Government of Myanmar in connection with the following cases.

316. In April 2002, three villagers, **Suay Pee**, aged 46, **Zaai Lam**, aged 42 and **Kum-Ma**, aged 41, were reportedly arrested at their house in Wan Phui village, by a patrol of about 30 State Peace and Development Council (SPDC) troops stationed at Kho Lam village, who took them away. Their relatives reportedly found their bodies three days later at the bottom of a ravine in the deserted village of Ho Nam Pa Kaang. Their throats had been cut.

317. On 30 May 2003, **Daw Aung San Suu Kyi** and members of the National League for Democracy (NLD) were reportedly attacked by a group of 500 soldiers, police and prisoners from Mandalay Prison, who allegedly beat them and shot at them with catapults. Soldiers reportedly opened fire on the group, killing some **75 NLD members**. It was also reported that 200 people were injured, including Daw Aung San Suu Kyi herself, during the attack. The authorities have allegedly not clarified the whereabouts of more than 100 people missing after the attack; neither did they initiate a full and independent investigation into the incident. The Government also allegedly shut down most of the NLD offices all over the country in an attempt to prevent details of the incident from leaking out. At the

time of writing the communication, seven members of the NLD Central Executive Committee who were placed under house arrest after the incident reportedly remained in detention and Aung San Suu Kyi was reportedly still in “protective custody”.

318. On 3 June 2002, **Zaai Aw-Zae-Ya**, aged 26, from Kung Nyawng village, Murng-Nai township, was forcibly conscripted to serve as a guide by a patrol of about 60 SPDC troops from Infantry Battalion (IB) 246. **Zaai Aw-Zae-Ya** was reportedly shot twice in the head by a soldier who thought he must be working for the Shan resistance because he knew the routes in the area so well. His body was reportedly found near **Saai Khaao** village.

319. On 8 June 2002, a patrol of about 30 SPDC troops from Company No. 4 of Light Infantry Battalion (LIB) 514, led by commander Kyaw Hlaing, reportedly arrested 13 farmers - men and women - interrogated them and eventually shot 12 of them dead in Murng-Kerng township. The troops reportedly arrested the 13 farmers, tied them up and interrogated them about Shan soldiers in the area. Commander Kyaw Hlaing then allegedly singled out **Lung Maan Seng**, aged 60, told him to return home to warn the villagers not to support the Shan soldiers. The SPDC troops then reportedly shot dead the other 12 people.

320. On 14 June 2002, **Saang Weet**, aged 28, **Zaai Thun Suay**, aged 19, **Pi Phaw-Ka**, aged 49, and **Pi Zaai**, aged 44, all from Wan Lao village, Kun-Hing township, were returning home after work when they allegedly ran into a group of 16 SPDC troops from IB 246, led by commander San Win. The troops allegedly shot dead the four men and took away their buffaloes. The bodies were reportedly found by relatives who were too frightened to report the crime to the police.

321. On 16 June 2002, a farmer named **Lung Kam** was allegedly shot dead by SPDC troops at a location south of Murng-Nai. His cattle were allegedly found at the IB 248 military base.

322. On 20 June 2002, three farmers, **Lung Joi**, **Zaai Phae** and **Zaai Lu**, were working in their rice field when they were allegedly shot dead by an SPDC patrol from LIB 502 led by Commander Htun Myint.

323. On 21 June 2002, two villagers, **La-Pa**, aged 19, and **Ja-Her**, aged 21, from Ja-Nu village, Murng-Phyak township, were returning from their rice fields when they allegedly ran into a patrol of about 30 SPDC troops from Murng-Phyak-based LIB 329. The two men, but they were both reportedly gunned down by the troops and died instantly.

324. **Zaai Zan-Da**, from Paang Le Ke village, was allegedly forcibly conscripted to serve as a guide by a patrol of SDPC troops from IB249, led by Lt. Kyaw Lin. On 2 September 2002, he reportedly complained of a stomach ache and tried to relieve himself. According to the information received, the troops fired two shots at him from behind, killing him instantly.

325. On 3 October 2002, six villagers, **Zaai Wan**, **Zaai Mu Ling**, **Zaai Nya Na**, **Naang Nae**, **Naang Non** and **Naang Sing**, who were working in a sugar cane

plantation near Son Oi village were reportedly arrested by a patrol of some 50 SPDC troops from Co. 4 of IB 248, led by Captaine Myint Oo. They were reportedly detained for one night and subsequently beaten to death. Their bodies were allegedly found the following day. The bodies of the women were naked and bore clear signs of rape.

326. On 27 October 2002, two farmers, **Lung Wan** and **Zaai Khat Ti-Ya**, who were approaching a main road near Murng-Kerng allegedly ran into a patrol of some 15 SPDC troops from Co. 3 of LIB 514, led by Commander Aung Nyunt. It is reported that Commader Aung Nyunt shot at the farmers without warning. Lung Wan was allegedly killed instantly while Zaai Khat Ti-Ya was reportedly shot a second time by another soldier.

327. On 27 October 2002, a villager named **Lung Man** was robbed of a fish he had caught and beaten to death by SDPC troops from LIB 518, led by Sgt. Aung Soe, in Saai Phe village, Murng-Nai township.

328. On 1 November 2002, **Lung Paan**, from Nam Tawng village, was reportedly resting near his village on his way back from gathering grass in a meadow when a patrol of six SPDC troops from LIB 515, led by Cpl. Then Lwin, allegedly shot him dead. No one among the local villagers seemed to know why Lung Paan should have been shot by SPDC troops.

329. On 26 November 2002, two displaced villagers who were forcibly conscripted to work as labourers were allegedly beaten to death by SPDC troops from LIB 518 at a railway forced labour site in Murng-Nai township. In October 2002, SPDC military authorities of LIB 518 reportedly issued an order requiring villagers in Murng-Nai township to provide forced labour in building a section of railroad. On day in question, **Lung Zaw-Ti-Ka**, aged 47, was allegedly conscripted to work at the site. While Lung Zaw-Ti-Ka was resting, a soldier, Cpl. Myint Hpe from Co. 2, reportedly accused him of refusing to work and dragged him away. The soldier allegedly kicked Lung Zaw-Ti-Ka in the stomach. He then allegedly picked up a stick and beat him on the back of his neck, killing him instantly. It is reported that one of the villagers who was working nearby, **Pa Nyo**, aged 43, was so frightened by the gruesome sight that she fainted. The soldier reportedly beat her with the stick, accusing her of also trying to avoid work, killing her instantly.

330. On 30 November 2002, two farmers, **Lung Kan-Tha** and **Zaai Ku**, were allegedly arrested by SPDC troops from LIB 524 while they were returning from their farm on the bank of the Salween River. On 4 December 2002, their bodies were reportedly found floating at the river port of Huay Pa Lao village.

331. According to the information received, on 11 December 2002, **Naang Htun Nae**, aged 20, from Wan Pang village, Lai-Kha township, was allegedly raped and killed together with her 3-year-old son by an SPDC soldier, identified by a witness to the scene as Than Kyaw from Co.4 of IB 64. The dead bodies were allegedly found in a bush on the edge of a rice field. When village and community leaders in the area reported the incident to the military authorities, they were given 500 kyat and told to conduct a proper funeral for the dead. They were reportedly

told that it was not possible to file a complaint anywhere because no one really knew who the rapist and killer was.

332. On 21 December 2002, four displaced farmers, **Lung Mon**, **Zaai Nawt**, **Zaai Mu-Lin** and **Lung Wa-Lin**, who were staying overnight at a remote farm in Nam-Zarng township, were allegedly shot dead by a group of SPDC troops from IB 247.

333. On 28 December 2002, **Zaai Wan-Na**, **Non**, **Lung In-Ta** and **Naang Non Zing**, who had sought refuge in Thailand and were returning to home villages, were allegedly robbed, shot dead and dumped into the Salween River by SDPC troops from LIB 519, north of the Saa Laa village river crossing next to Murng-ton township.

### **Communication received**

334. By letters dated 5 November 2002, 20 December 2002, 13 January 2003, 24 February 2003 and 26 March 2003, the Government of Myanmar replied to a communication sent by the Special Rapporteur on 1 October 2002 relating to alleged incidents of sexual violence against women by members of the Myanmar armed forces in Shan State. According to the Government, the national intelligence bureau had carried out the necessary investigations into the allegations and found that they were false, fabricated and unfounded. The Government asserted that the allegations were deliberately aimed at tarnishing the image of the Myanmar armed forces by alleging that the Myanmar Government was using sexual violence as a weapon in Shan State. The Government informed the Special Rapporteur that the authorities were in the process of investigating the remaining allegations and would keep her informed of the developments in the matter.

## **Nepal**

### **Urgent appeals**

335. On 9 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health, sent an urgent appeal concerning the following cases.

336. **Manoj Lama**, aged 26, from Kavre district, Majhifeta Village Development Committee (VDC) ward No.1, temporarily residing at Boudha Kathmandu; **Abdesh Singh**, a 30-year-old Kabad labourer from Sarlahi district, Sudama VDC ward No. 4, temporarily residing at Gaurighat Kathmandu; and **Kumar Lama**, a 31-year-old permanent resident of Sarlahi district, Narayankhola VDC, ward No. 5, are allegedly held in incommunicado detention at the Hanumandhoka District Police Office, Kathmandu. Lawyers were reportedly blocked from meeting with the detainees, and it was reported that they were subjected to torture or other forms of ill-treatment and that their lives could be in danger.

337. On 21 November 2003, the Special Rapporteur sent an urgent appeal regarding **Raj Man Ghole**, a 28-year-old Assistant Sub-Inspector at the Police Headquarter of the Central Special Task Force in Base Camp, Samakhusi, Kathmandu. According to the information received, Mr. Ghole was severely tortured by four police inspectors on 3 October 2003. On 4 November 2003, he was subjected to threats of further torture by police personnel. On the same day, he reportedly filed a complaint under the Torture Compensation Act and informed the Centre for Victim of Torture that police were continuing to threaten him with death. Still on the same day, relatives who tried to visit him were denied access to the police station. They reportedly managed to speak with him over the phone on 13 November 2003. Mr. Ghole reportedly told them that he was not allowed to come out of the police station. Although it has been reported that he has not been subjected to further torture, concern has been expressed for his physical and mental integrity in view of his alleged incommunicado detention and in view of the threats he has allegedly been receiving since he filed a torture complaint.

## Nicaragua

### Respuestas del Gobierno

338. Mediante comunicación del 14 de enero de 2003, el Gobierno de Nicaragua proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la independencia de magistrados y abogados, había enviado el 7 de octubre de 2002 en relación con la situación de la juez **Juana Méndez Pérez**. Según el Gobierno, en el curso de las averiguaciones se habría logrado la individualización de uno de los presuntos autores de las amenazas. Asimismo el Gobierno informó que en la actualidad la juez Juana Méndez Pérez y su familia contarían con doce agentes policiales encargados de brindar protección permanente.

339. Mediante comunicación del 14 de enero de 2003, el Gobierno de Nicaragua proporcionó información en relación con la comunicación que la Relatora Especial había enviado el 18 de septiembre de 2002 en relación con el homicidio de **Francisco José García Valle**. Según el Gobierno, el hecho no habría sido denunciado directamente ante las autoridades policiales, razón por la cual la investigación se habría iniciado de oficio. En tal sentido se informó que **Maria Luisa Acosta** habría presentado posteriormente una denuncia ante el juez del caso. Asimismo informó que no se habría realizado autopsia. Sin embargo se habría efectuado un dictamen médico en el que se estableció como causa del fallecimiento la herida por arma de fuego en hemitorax izquierdo, shock hipovolémico producto de lesión de corazón, pulmón izquierdo y grandes vasos. También se informó de que las autoridades continúan investigando los hechos a través de un plan nacional de búsqueda con el fin de obtener la detención de Iván Arguello Rivera, único indiciado, contra quien se habría emitido auto de prisión. El proceso se encontraría en etapa de apelación ante el juzgado del distrito de Bluefields, que a su vez habría ordenado la interrupción del procedimiento en relación con Peter Martínez Fox, presunto propietario del arma homicida.

## Pakistan

### Urgent appeal

340. On 13 May 2003, the Special Rapporteur sent an urgent appeal to the Government of Pakistan regarding the alleged killing of a farmer in Okara. According to the information received, a group of Rangers shot at a crowd who was demonstrating against the Rangers' excessive use of force on previous occasions. During this incident, the Rangers reportedly shot and killed **Amir Ali** of Chak No. 5-A/4L at Okara. The Rangers allegedly also surrounded the tenants of the farm and there were grave fears of further violence that might result in further casualties.

### Communications sent

341. On 29 July 2003, the Special Rapporteur sent a communication to the Government of Pakistan in connection with the following cases.

342. On 4 November 2002, in the village of Keryal Kalan Naushera Vikran, some 40 km from Gujranwala, **Mohammed Asghar** was reportedly beaten with clubs and kicked by members of his family when he allegedly tore out some pages of the Koran and set them on fire while his daughter was reciting the holy book. The police, who were reportedly informed of the incident, arrived at the scene. One of the police officers, identified as Mudazer Iqbal Cheema, reportedly opened fire and shot Mohammed Asghar, who died on the spot. The police officer was allegedly arrested and detained at a police station, but reports indicate that he was subsequently released. Mr. Asghar's body was handed over to his relatives who reportedly refused it and threw it in a pit, in the presence of a large number of police. The relatives of the deceased reportedly stated that he deserved to die as he had committed a sin by burning the holy Koran; they allegedly pardoned the policeman and refused to file a case against him.

343. On 17 November 2002, two prisoners, namely **Khayali Khan** (30) and **Shahzad** (28), who were serving life sentences at the Kasur district jail, allegedly died as a result of severe torture. The two men, who had just been transferred from the Sahiwal Centre Jail to the Kasur district jail, were beaten to death upon arrival, allegedly for protesting their transfer. The Punjab prison authorities reportedly publicly declared that jail staff had misused their power and that seven officers had been suspended: four were allegedly taken into custody while the other three managed to escape. A murder case was allegedly registered against them.

344. On 12 December 2002, the Thatta police allegedly arrested **Farooq Balouch** at his house. According to the information received, he was tortured and set on fire by the police. He was reportedly transported to the hospital where he subsequently died.

345. On 13 December 2002, police officials raided the house of **Mohammed Saleem**, a rickshaw driver, and took him to the city police station in order to interrogate him about the murder of Chaudry Qadeer. He was allegedly brutally tortured to death. As his condition deteriorated, the police locked him up in a room,

where he died. Police officials reportedly plotted in order to present the killing as an encounter and unsuccessfully tried to bribe DSP Arifwala Circular Mohammed Aslam Malik as a result of which the murder came to light. The policemen were charged with murder. Although they were allegedly suspended, none of them was arrested or prosecuted.

346. On 27 December 2002, **Mohammed Iqbal** was passing through his village bazaar along with his friends when persons identified as Manzoor, Arif alias Makan, Safdar Ali and Shahbaz allegedly attacked and injured him, alleging that he had teased Manzoor's daughter. According to the information received, the attackers also bribed the police. As a result, Mr. Iqbal was reportedly taken to the police station in Okara and severely tortured by the police. He allegedly died the next morning while his brother was carrying him from the police station.

347. On 30 January 2003, a team of police officers from Gujranwala, including inspector Muhammad Zulfikar Khan, Muhammad Saleem, Muhammad Shafiq and Muhammad Yasin, allegedly raided the house of **Ghulam Sarwar** in order to interrogate him about an alleged offender named Liaquat. According to the information received, the policemen started abusing the household members and one of the policemen opened fire on **Farida Akhter**, Ghulam's wife, at the order of Muhammad Saleem. The police reportedly locked everybody in one room, while they transported Ms. Akhter to the hospital where she subsequently died. According to the police, her death was accidental and due to the malfunctioning of a gun.

348. On 31 January 2003, two young men accused of robbery, **Falak Sher** and **Ghulam Muhammad**, were reportedly detained at Nawankot and Jauharabad police stations respectively without any reason given for their arrest. They were reportedly kept in the lock-up for some time and allegedly died as a result of torture.

349. On 3 March 2003, Naeem Akhtar reported that an armed robbery had taken place at his residence. Three men allegedly stole cash and jewelry and managed to escape on a rickshaw. According to the information received, the police chased the thieves and caught them up at the "Orangi extension". They reportedly fired at the suspects, killing **Farman** and **Yousaf Raza** and injuring **Farzand Ali**. All three were transferred to the Abbasi Shaheed hospital for autopsy and treatment.

350. On 11 March 2003, three alleged thieves were caught by the police as they were leaving the house they had just robbed in Gulshan-e-Iqbal. According to police reports, an exchange of fire took place during which one of the thieves, namely **Waseem**, was killed. One of his accomplices, **Ishaq**, was arrested while the **Ibrahim** managed to escape. Nevertheless, other reports indicate that Waseem was not armed and that an encounter never took place. According to the same sources, Waseem was reportedly in police custody when he was shot dead by police officers.

351. According to the information received, **Liaqat Ali** was arrested for the alleged murder of Murtaza committed on 12 January 2003. He was reportedly

tortured to death by the police on 12 March 2003. His body was reportedly transported to the Aziz Bhatti hospital where the police allegedly explained that the deceased had died as a result of a concussion.

352. According to the information received, **Rehmat Masih** was reportedly arrested on 3 April 2003 by the Islampura police on charges of stealing files from the library. He was allegedly subjected to severe torture by police officer Rana Mohammed Ashraf. He was subsequently transferred to jail on 12 March 2003 where he died shortly afterwards. Demonstrators reportedly gathered at the Civil Secretariat to protest against the custodial killing of Rehmat Masih. **Bodi Masih**, who reportedly tried to climb on one of the gates of the Secretariat to join the protestors, was stopped by the police who hit him in the head with a baton. He was reportedly transported to a private clinic where he died.

353. On 25 August 2003, the Special Rapporteur sent a communication to the Government of Pakistan in connection with the following individual cases.

354. On 1 January 2002, in Sheikhpura, Mohammed Asad and Ashiq Ali allegedly shot dead **their sister** for having illicit relations with a man. During the shooting they also reportedly injured two other sisters. Although the incident was reported to the police, no action was taken against the accused.

355. **Safia**, a widow, reportedly came to live with her brother Walayat Ali after the death of her husband. Walayat allegedly suspected her moral character and strangled her on 8 January 2002 in Gujranwala. According to the information received, the case was reported to the police who recovered the body but no action was taken against the accused.

356. In Lahore, on 11 January 2002, **Jahangir Bibi** was reportedly killed by her brother, Sajid, allegedly because of her moral character. According to the information received, no action was taken against the killer.

357. On 12 January 2002, **Iffat Jabeen**, a schoolteacher, was reportedly shot dead by two unidentified persons while coming out of the District Education Office in Kot Shahab Din, Shahdara, Lahore. According to the information received, she had divorced her first husband and married the man of her choice against the wishes of her family. Her death was allegedly linked to the fact that she had divorced. The police reportedly launched an investigation.

358. On 12 January 2002, a man shot at his wife, **Bibi Amina**, and his stepbrother, **Wilayat Shah**, in Badbare, Peshawar. The accused had reportedly caught his brother with his wife in a compromising situation. A complaint was allegedly lodged by the accused's father with the Badbare police but no action was taken against him.

359. On 12 January 2002, **Arif alias Billa** was reportedly shot dead by his two brothers-in-law, Javed and Pervaiz, who were allegedly not satisfied at his marriage to their sister. The airport police allegedly said that Arif was sitting near Aqsa clinic in Bhattaiabad, Peshawar, when the alleged perpetrators opened fire on

him before escaping. The body was reportedly taken to the morgue by the police for an autopsy but they did not take any further action.

360. In Daska, on 15 January 2002, **Parveen**, mother of five, was allegedly clubbed to death by her husband Aashiq on suspicion of her having bad character. According to the information received, the incident was reported to the police, who took no action.

361. On 17 January 2002, in Lahore, Mukhtar reportedly killed his wife **Yasmin** with an axe because he was suspicious of her moral character. According to the information received, Mukhtar surrendered himself to the police, who allegedly only registered the case.

362. In Shahdad Kot, on 21 January 2002, **Ameeran**, 9, and her cousin, **Aziz Mohammed**, also 9, were reportedly shot dead by her father (the boy's uncle), Wali Mohammed Magsi, while they were playing in the courtyard, allegedly for karo-kari. It is reported that this is a traditional form of honour killing in which the karo – literally “black man” and the kari – “black woman” are engaged in an illicit relationship bringing dishonour to the family, the punishment for which is death. According to the information received, he kept the bodies in the courtyard for two days and sat beside them. He reportedly fled from the scene when the police arrived.

363. On 21 January 2002, in Shahdad Kot, it was reported that Abdul Hamed shot dead his wife “**R**” after seeing her in a compromising situation with her lover. According to the information received, the case was reported to the police but Hamed was not arrested.

364. Waqar-ul-Hassan reportedly shot dead his **sister** and her **lover** when he saw them in a compromising situation on 21 January 2002, in Sargodha. The incident was allegedly reported to the police, who took no action.

365. **Arbeli**, wife of Bashir Rajar, was reportedly shot dead by her maternal uncle, Sabzal Rajar, who accused her of being a kari. The incident reportedly took place in Vesti Jeevan Shah, near Dharki, Sukkur, on 23 January 2002. According to the information received, Mr. Rajar wanted to lodge a First Information Report against the uncle, but the police allegedly refused.

366. On 23 January 2002, **Rehana**, 15, was reportedly shot dead by her father Yaseen, in Bhindi village near Dharki, Sukkur. The father alleged that his daughter was a kari. According to the information received, the police took no action against the alleged killer.

367. On 25 January 2002, in Attar, Arshad reportedly killed his **sister** and **mother** in the name of honor. The accused allegedly said that his sister did not have a good moral character and his mother helped her in all that she did, so he had no choice but to kill them. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

368. In Larkana, on 26 January 2002, **Manthar** and **Anwari**, wife of Mazhar Jatoi, were reportedly killed by a number of armed persons, allegedly of the Jatoi tribe. According to the information received, they first killed Manthar in Yar Mohammed Lakhir village and later shot dead Anwari in Gul Hassan Jatoi village. It was alleged that the murder of these two persons could be a case of karo-kari. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

369. In Sukkur, on 23 February 2002, Wali Mohammed Khoso, along with accomplices, reportedly killed his 14-year-old daughter, **Parveen Khoso**, and **Abdul Razzaq Malik**, and escaped afterwards. It was reported that after the killing, hundreds of Malik tribesmen gathered and claimed that the death of Mr. Malik was due to a dispute they had with the Khosos over phutti (raw cotton) dealing. According to the information received, a large contingent of the police went to the area and dispersed the Malik tribesmen but did not take any action concerning the killings.

370. On 27 February 2002, **Tasleem Bibi** was reportedly killed in Lahore by her husband Bashir on suspicion that she had illicit relations with a man called Zaigham Abass. According to the information received, the incident was not reported to the police no action was taken against the alleged killer.

371. On 4 March 2002, in Okkara, **Irshad Bibi** was reportedly strangled and her body chopped into pieces by her brother Shahed Ali, who suspected that she had had an illicit relationship with someone. After the murder, the accused reportedly threw the pieces of his sister's body into a canal. Police allegedly registered a case on the complaint of Mohsin Ali, the victim's maternal grandfather. According to the information received, the police took no action against the alleged killer.

372. In Sargodha, on 4 March 2002, **Nazia** was reportedly killed by her maternal uncle. She had allegedly eloped with her lover a few months before but was brought back home. Her uncle, who was reportedly infuriated at her action, climbed into the house, entered Nazia's room and killed her. He reportedly fled the scene afterwards. According to information, the incident was reported to the police, who took no action.

373. On 4 March 2002, in Lahore, Mansha allegedly killed his daughter **Shamim** and injured her lover, **Nasir**, after he saw them together in a room. Nasir was reportedly admitted to the hospital. The incident was allegedly reported to the police who registered a case but, according to the information received, no arrest was made.

374. On 9 March 2002, Inayat Ali reportedly shot dead his **15-year-old niece** in Sheihupura. The girl allegedly had relations with Waris, a young man of the same village. She had reportedly eloped with him two days earlier. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

375. On 13 March 2002, in Sahiwal, Shahzad reportedly shot dead **his mother** on suspicion that she had had illicit relations with someone. According to information received, the case was registered by the Noor Shah police, but no action was taken.

376. In Lahore, on 13 March 2002, **Safia Bibi**, mother of six, was reportedly stabbed to death by her brother and nephew. According to the information received, the alleged murderers had admonished her many times for having illicit relations with Mithoo. The accused reportedly surrendered themselves to the police with the murder weapon but it is alleged that no action was taken against them.

377. In Mandi Faizabad, on 13 March 2002, **Hanifaan Bibi**, mother of four, was reportedly shot dead by Abdul Majid, her brother-in-law, on suspicion that she had had illicit relations with someone. The police reportedly registered the case on the complaint of the victim's husband but no action was taken.

378. On 16 March 2002, **Yasmin**, an 18-year-old girl, was reportedly stabbed to death in the servants' quarters by her uncle Mazhar in Defense area, Lahore. He allegedly killed her on suspicion that she had had illicit relations with a young man. Police allegedly registered the case, but no action was taken.

379. On 24 March 2002, in Lahore, **Azra Bibi** and **Gul Rehman** were reportedly killed by Aqil Mohammed Kahan, the husband of Azra Bibi, and three of his relatives, namely Siraj Khan, Mehmood Khan and Mehfooz Khan. Aqil Mohammed Khan had allegedly found his wife in a compromising situation with his nephew, Gul Rehman. He reportedly called his relatives over to his home where they tied up the two victims, who were allegedly naked and he chopped them to death. The police reportedly registered the case, but no subsequent action was taken.

380. On 29 March 2002, in Sheikhpura, **Bushra Bibi**, a newlywed, was reportedly shot dead by her brother, Mushtaq Ahmed, on suspicion that she had maintained illicit relations with her lover, Jahangir, even after getting married to someone else. According to the information received, the case was registered by Saddar Farooqabad police, but no action was taken against the alleged killer.

381. In Lahore, on 1 April 2002, **Tasleem Akhtar** and her alleged **lover** were reportedly shot dead by Riaz Ahmad, the brother of Akhtar. According to the information received, the Shahdara police had the bodies removed for post-mortem examination, but no action was taken.

382. In Pindi Bhattian, on 1 May 2002, **Bashiran Bibi**, a mother of four, was reportedly shot dead by her brother on suspicion of bad moral character. The incident was not reported to the police and no action was taken against the alleged killer.

383. On 3 May 2002, in Tibbi Hambogh village, Sheikhpura, Babar Hussain reportedly shot dead his **sister** on suspicion of bad moral character. The incident was reported to Bheki police, who took no action.

384. On 3 May 2002, in Bhalwal, it is reported that Rehmat Ali killed his **wife and daughter** with an axe on suspicion of bad moral character. According to the information received, he surrendered himself to the police. It is also reported that he said he objected to their spending so much time out of the house and had admonished them several times. According to the information received, he said that when he saw them getting ready to leave the house again, he killed them. No action was taken against the alleged killer.

385. On 8 May 2002, in Faisalabad, **Fouzia** was reportedly killed by her husband Amir Shahzad, after a dispute over suspicion of her having a bad character. Mr. Shahzad escaped after the murder. Allegedly, the incident was not reported to the police and no action was taken against the alleged killer.

386. In Pakpattan, on 13 May 2002, **Zahida** was reportedly killed by her brother, Arshad Ali, after she tried to elope with Liaqat Ali. The couple was allegedly summoned by the panchayat, the village council, before they got married. She was allegedly ordered to return to her parents but she protested saying that her death would be certain if she were sent back. According to information received, the panchayat refused to listen to her and handed her over to her family, who later killed her. The incident was not reported to the police and no action was taken against the alleged killers.

387. **Noora Bibi** was reportedly shot dead by three young brothers, Niamat, Salamat and Rehmat in Kasur, on 14 May 2002. According to information received, she was killed on suspicion that the sister of the accused, Mumtaz, was involved with the victim's son. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

388. On 17 May 2002, **Nasra**, a young divorced woman, was reportedly strangled to death by her brother, Tahir Javed, in the name of honor at Christian Park, Singhpura, Lahore. According to information received, she came back to live with her parents after divorcing Mohammed Mushtaq. In the early morning of the day of the incident, her brother reportedly found his neighbor, Atique, engaged in sexual intercourse with Nasra and killed her. Haji Riaz, the victim's father, reportedly informed the police that his son had escaped but allegedly no action was taken.

389. On 17 May 2002, in Lahore, **Irshad Bibi** alias Saima, a young divorced woman, was killed by her brother, Ashraf, who allegedly suspected her of having illicit relations with someone. The incident was not reported to the police and no action was taken against the alleged killer.

390. On 18 May 2002, in Chiniot, it was reported that **Razia** and her brother, **Mohammed Shafi**, were chopped to death by another brother and five accomplices. According to the information received, Sanaullah suspected Razia of having illicit relations with a man. Mohammed Shafi was reportedly killed because he tried to stop Sanaullah from killing their sister. The incident was not reported to the police and no action was taken against the alleged killer.

391. On 22 May 2002, in Kasur, **Shahida** was reportedly killed by Sultan Mehmood, her brother, who alleged that she had had illicit relations with Khadim Ali. The incident was not reported to the police and no action was taken against the alleged killer.

392. On 23 May 2002, in Lahore, **Sajida**, 35, and her two daughters **Gulshan** and **Naila**, were killed by Faqir, Sajida's father-in-law and Asif, Gulshan's husband, with an axe. According to information received, Gulshan, one month after her marriage to Arif, eloped with someone else. She reportedly returned to her mother afterwards and refused to go back to Arif. The case was allegedly reported to the police by Nawab, Sajida's husband, but the police allegedly refused to take the complaint, stating that witnesses described the three victims as having shady moral characters, and suggesting that Nawab should forgive his father and son-in-law.

393. On 28 May 2002, in Lahore, **Zaina Bibi**, mother of two, and **a man**, were reportedly murdered and their bodies were found together in a house. According to the information received, Mohammed Akram, the victim's husband informed the police that his brother and his wife's brother were responsible for the killings as they had suspected her of having illicit relations. Akram was allegedly suspected by the police of being an accomplice in the crime, as the children had been sent to their grandfather's house prior to the commitment of the crime. Allegedly, no action was taken.

394. On 29 May 2002, in Hafizabad, Anwar Taili reportedly killed death his wife, **Kaneez Bibi**, 40, and his 18-year-old daughter, **Tauqeer Fatima** with an axe. According to the information received, he had suspected his wife and daughter of having bad moral characters. He also reportedly tried to kill his youngest daughter, Naila, 13, but she allegedly escaped with severe injuries. The incident was not reported to the police and no action was taken against the alleged killer.

395. On 30 May 2002, in Dadu, **Kaneez Rukhsana**, 25, was strangled to death by her husband, Mohammed Ibrahim, who had suspected her of having illicit relations with another man. According to the information received, he managed to escape. The incident was allegedly reported to the police but no action was taken.

396. On 2 June 2002, in Mauza Kaku, **Okara** was reportedly killed by her husband, Iqbal, with an axe, for having eloped with her lover two months earlier. The woman had returned to her husband with the help of the village panchayat, who had convinced her to return a week before the incident. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

397. On 6 June 2002, in Phool Nagar, "**S**" was reportedly shot dead by her brother as she slept. According to the information received, she had eloped with her lover some time before but had come to visit her parents. The incident was not reported to the police and no action was taken against the alleged killer.

398. On 9 June 2002, in Pindi Bhattian, a **married woman** was reportedly shot dead by her brother, Zafar Iqbal, who allegedly suspected her of having illicit relations with someone. The incident was not reported to the police and no action was taken against the alleged killer.

399. On 10 June 2002, in Hamid Shah village, Taluka Daulatpur, 30 km from Nawasbshah, **Bibi Noor Bano** was reportedly shot dead by her brother, Mehmood Shah. He reportedly suspected her of having illicit relations with a young man. According to the information received, the incident was not reported to the police and no action was taken.

400. On 14 June 2002, in Khanpur village, Ferozewala, **Safia Bibi** was reportedly stabbed to death by Rafiq Ahmed, along with others. He had allegedly suspected the victim of having illicit relations with his father. The incident was not reported to the police and no action was taken against the alleged killer.

401. On 17 June 2002, in Joharabad, a **woman** was murdered by her brother, Manzoor Hussain, who allegedly suspected her of having illicit relations with someone. The police registered the case based on his father's complaint, but no action was taken.

402. On 18 June 2002, in Rahim Yar Khan, it was reported that Bashir, along with some armed men, shot dead his **wife**, as well as **Abdul Salam**. Bashir reportedly suspected the two victims of having had illicit relations. The incident was allegedly reported to the police and the family of Abdul Salam reportedly appealed for the immediate arrest of the murderers as they claimed that he had had no illicit relations and that he had been killed for other reasons. It was also reported that the family said that he was about to get married a few days later. However, it was alleged that no action has been taken.

403. On 26 June 2002, in Mahdi Dhaban Singh, it was reported that **Azra Bibi** was shot dead by her brother. Following a quarrel with her husband, she had allegedly nurtured relations with Ghulam Mustafa. When her brother reportedly heard about it he fatally shot her. According to the information received, the incident was not reported to the police and no action was taken.

404. On 24 May 2002, in Duniyapur, **Muqadas**, a 16-year-old girl, was reportedly electrocuted after being drugged with sleeping pills and tied to a wooden bed with iron chains. She was reportedly killed by members of the Rajput Toors, a large and allegedly powerful community. She was allegedly murdered for marrying outside her community without the consent of the elders. According to information received, the 'Toor Welfare Society' association had masterminded the murder as the community elders had reportedly collected 3 million rupees prior to the murder. It was also alleged that Rai Mohammed Younas, the Station House Officer, was bribed by the killers in order for him not to register a First Information Report. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

405. On 25 June 2002, in Lucky Marwat, **Shaheed Khan** and **Sumaira Bibi** were reportedly killed by members of their families in the name of honor, after

they discovered that they had married 12 years ago against the wishes of their families. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

406. On 26 June 2002, in Sahiwal, **Salima**, daughter of a farmer, Ghulam Mohammed, and her lover, **Yaseen**, were reportedly beheaded by Mr. Mohammed's nephews. According to the information received, Dera Rahim registered the case but no action was taken.

407. On 26 June 2002, **Shamim Bibi** was reportedly strangled by her maternal uncle in Jaranwala. She allegedly had nurtured illicit relations with a man while married and later had left her husband to stay with her uncle. It was reported that although her uncle had admonished her, she had allegedly maintained the illicit relation. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

408. On 18 July 2002, in Chicha Watni, **Patahni Bibi**, a 20-year-old woman, was killed by her brother with an axe for having illicit relations with someone. Four days before she was to be married, her brother allegedly saw her entering their house after seeing somebody he suspected she had a relationship with. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

409. On 29 July 2002, in Kahna, **Abdul Rahman**, an 18-year-old man, shot dead his mother for bad moral character. On the day of the incident, she reportedly secretly left the house and was allegedly seen by Rahman in a compromising situation with Ramazan. According to the information received, the incident was not reported to the police and no action was taken.

410. On 13 August 2002, in Lahore, **Fouzia** was shot dead by her brother, Yasir Iqbal. She had reportedly left home without her parents' permission and returned after four months to inquire about her mother's health. Her brother reportedly did not allow her to enter the house but she allegedly forced her way in. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

411. On 30 August 2002, in Jaranwala, **Hazroon Bibi** was reportedly killed by her brother, Sabir Ali, with an axe. He had alleged that she was having illicit relations with a man from the village. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

412. On 3 September 2002, in Mauza Kalra near Khairpur, Bahawalpur, **Nazira** was reportedly shot dead by her four brothers and nephews for allegedly having contracted a second marriage with Amin after the death of her first husband. According to the information received, although the case was registered with the police, it was alleged that no action was taken.

413. On 7 September 2002, in Baseerpur, **Khalida Bibi** was reportedly killed with an axe by her brother, Saleem, while she was asleep. Saleem reportedly

alleged that she had had illicit relations with Yaseen Mehr. The alleged murderer fled after the incident. The incident was not reported to the police and no action was taken against the alleged killer.

414. On 8 September 2002, in Faisalabad, **Nazia** was strangled by her husband, Nazir Ahmed, along with another person. Ahmed reportedly alleged that his wife had bad moral character. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

415. On 8 September 2002, in Faisalabad, **Kausar Bibi** was reportedly killed by two of her relatives, namely Ghulam Hussain and Nazeeran. She had allegedly eloped with her lover, Ashraf, four months before the incident and had reportedly been brought back home by the panchayat. The two men allegedly took her to the fields on a false pretext and killed her. According to the information received, police registered cases against the accused but it was alleged that no further action was taken against them.

416. In Lahore, on 11 September 2002, **Mumtaz Bibi** was reportedly shot dead by her husband, Imran, and two accomplices. On the same day, **Mehnaz Bibi** was reportedly strangled by her husband, Mohammed Hussein and his brothers, namely Jumma Khan and Daud Khan. According to the information received, the incidents were not reported to the police and no action was taken against the alleged killers.

417. On 11 September 2002, in Sharakot, Lahore, **Naheed**, a 24-year-old divorced woman was reportedly killed by her brother, Mujahid, with an axe, because he was allegedly suspicious of her moral character. While living with her parents, Naheed had reportedly nurtured illicit relations with a young man from the locality. On the day of the incident, Mujahid and his sister quarrelled about her behavior. According to the information received, the accused surrendered himself to the police and a case was registered against him. It was however alleged that no further action was taken against him.

418. On 13 September 2002, in Sheikhpura, Qadir Masih reportedly killed his wife, **Zarka Bibi**, for allegedly having illicit relations with someone. According to the information received, the incident was reported to the police, however no action was taken.

419. On 14 September 2002, in Lahore, **Mumtaz** was reportedly shot dead by her husband, Imran, for refusing to withdraw the case of divorce that she had previously filed. Imran reportedly used to subject his wife to ill-treatment. Mumtaz had left him to stay with her parents before filing for divorce. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

420. On 20 September 2002, in Sukkur, it was reported that three men, namely Sadoro, Shaban and Salam Samejo, shot dead **Hakim Salim** and **Ajaiban Samejo** on the alleged basis of karo-kari. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

421. On 22 September 2002, in Gujranwala, **Ruqayya Bibi** was reportedly stabbed to death by her brother, Nazeer Ahmed, who had allegedly suspected her moral character. According to the information received, the incident was reported to the police, however no action was taken against the alleged killer.

422. On 14 October 2002, in Nurkot, it was reported that Arshaf Ali shot dead his wife, **Perveen**, mother of five. He reportedly suspected his wife of having illicit relations with a man named Liaquat Ali. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

423. On 18 October 2002, in Dharki, Khan Mohammed reportedly killed his 12-year-old daughter, **Manzoora**, on the alleged basis of karo-kari. He was allegedly suspicious that the victim had had an objectionable relationship with an adult male in their village, therefore he cut her throat. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

424. On 21 October 2002, in Faisalabad, two brothers Abdul Hameed and AbdulRazzaq, reportedly shot their sister, **Yasmin Bibi**, and **Mohammad Yaseen**, dead, on suspicion that they had had an objectionable relationship. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

425. On 22 October 2002, in Lahore, it was reported that **Naseem Akhtar**, a 50-year-old woman, was killed by Adil alias Bagga. Her son reported that while they were walking on the street, Adil accompanied by an unidentified man intercepted them, accused the victim of having loose morals, and shot her. She was reportedly taken to the hospital but passed away soon after. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

426. On 23 October 2002, in KhanPur, **Khalida Bibi** was reportedly strangled by her brother, Allah Ditta, on the assumption that she had a "loose character". Reports indicate that he threw her body into a river. He reportedly later confessed to his crime. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

427. In Gulbahar, on 24 October 2002, **Nilam Bibi** and **Umar Zameen** were reportedly shot dead by Sultan and Jalal. The couple had allegedly fled and were about to get married. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

428. On 26 October 2002, in Lahore, it was reported that **Tariq**, a 20-year-old man was killed by a neighbor, Mansha, with an axe, over suspicion that he had had relations with his sister. On the day of the incident, Mansha had reportedly attacked Tariq with an axe and then escaped. Tariq reportedly sustained critical injuries and was taken to hospital where he died. The police reportedly registered a case but allegedly no action was taken.

429. On 28 October 2002, in Gulshan-e-Ravi Park, Lahore, Amin shot his wife, **Tahira**, dead and injured his nephew over suspicion that they had had illicit relations. Amin reportedly said that before he killed his wife they had confessed that they had had illicit relations. According to the information received, after the incident, he turned himself in to the police, who registered the case but allegedly took no action against him.

430. On 30 October 2002, in Swat, Rahim Bali reportedly killed his wife, **Mohammedia**, and her alleged lover, **Khalil Mohammed** when he learned about their relationship. Bali reportedly fled the scene after committing the crime. According to the information received, the incident was reported to Madayn police but they took no action against the alleged killer.

431. On 18 November 2002, **Mera** was reportedly killed by her husband, Partab Meghwar, with an axe on a charge of karo-kari, in Arbab Zakullah village near Kunri town, Mirpurkhas. According to the information received, the Kunir police registered the case based on a complaint made by Raju Meghwar, the victim's brother, but allegedly no action was taken.

432. On 2 November 2002, in Kasur, **Maloka Mashi** was reportedly shot dead by George Masih who suspected that he had had illicit relations with his sister. On the day of the incident, Mr. Mashi was reportedly on his way home when Mr. Masih, along with his accomplices, Marsha Masih and Safdar Masih, opened fire at him, killing him on the spot. According to the information received, the incident was reported to the Saddar Patoki police, who registered the case but took no action against the alleged killers.

433. On 5 November 2002, in Sargodha, Mohammed Iqbal, an expatriate from Kuwait, reportedly strangled his **wife and daughter** because he was suspicious of their moral character. According to the information received, after committing the crime, he appeared before Bhera police, who registered the case but allegedly took no further action against him.

434. On 8 November 2002, in Ashrafabad Samundri, Faisalabad, a married woman, **Sarwari** alias Billo, and her alleged lover, **Nadeem Masih**, were reportedly killed by Sarwari's husband, Zulfiqar Ansari. Mr. Ansari allegedly suspected his wife of having illicit relations with Mr. Masih, a Christian. The accused confronted her but she allegedly turned a deaf ear to his accusations. Just after morning prayers, Mr. Masih had reportedly entered Mr. Ansari's house and once Mr. Ansari had determined that the victims were in an objectionable condition, he killed them with an axe. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

435. On 11 November 2002, in Ludianwala, "**R**" of village 99 R.B, Jandiala, reportedly sustained injuries from an axe and was later strangled by her brother for nurturing illicit relations with Yousaf Dogar of the same village. On the day of the incident, R's family reportedly found her in Mohammed Yousaf's house in an objectionable condition. Her brother reportedly brought her home and killed her.

According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

436. On 17 November 2002, Haji Ghulam Ahmed Gadi, a newly elected member of the provincial assembly of Jhang, reportedly killed his **22-year-old daughter** who had just returned from Canada under the pretext of "honor killing" at Qadirpur police station. The victim allegedly had had illicit relations with a native boy and had planned to elope with him. According to the information received, the girl was buried after a post-mortem examination, which reportedly showed that she was killed by a bullet that had been mistakenly fired by her. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer, although the residents of the area had reportedly appealed for action against the killer through the media.

437. On 19 November 2002, in Gujranwala, Zulfiqar Ahmed reportedly shot dead his sister, **Farzana** and her alleged lover, **Hamid**, on suspicion that they had nurtured a relationship. On the day of the incident, they were reportedly sitting together when Mr. Ahmed approached them and killed them. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

438. On 21 November 2002, in Sheikhpura, it was reported that Asim, along with his accomplices, Sadaqat alias Saqi and Ameer alias Kaka, killed **Mohammed Javaid** for marrying his sister against his will. The accused reportedly fled the scene following the incident. According to the information received, Bhakhi police registered a case against Asim, Saqi and Kaka but allegedly no action was taken against them.

439. On 22 November 2002, in Sardogha, **Mohammed Nawaz** was reportedly killed with an axe by two brothers living in the same village, namely Tasawar and Munawar Abbas. They reportedly suspected Nawaz of having illicit relations with their sister. According to the information received, the case was reported to the Saddar police but allegedly no action was taken.

440. On 22 November 2002, in Jhang, **Sakina Bibi** was reportedly shot dead by her brother-in-law, Falk Sher. According to the information received she left her husband Mohammed Ishaq to elope with another man, Iftikhar. However, she was reportedly brought back to her village by the panchayat before she was killed. The police reportedly registered the case but took no action.

441. On 23 November 2002, in Jhang, two daughters of Bakhsh namely **Sajida Bibi** and **Imtiaz Bibi** were reportedly shot dead by a relative, Ghazanfar Abbas. Mr. Abbas allegedly suspected them of having helped his sister to elope with her lover. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

442. On 22 November 2002, **Pathani** and **Abdul Rahim** were reportedly killed in Mawali Shar village, Ghotki District, Sukkur, by three men, namely Ghulam Rasool, Naik Mohammed and Rasool Bux, on suspicion of karo-kari. Mr. Rasool was reportedly Pathani's husband. According to information received, the case

was registered by the police but no further action was taken against the alleged murderers.

443. On 25 November 2002, in Lahore, **Parveen Bibi**, a mother of two, was reportedly killed by her husband Shaukat Ali, who allegedly suspected that she had been having illicit relations with someone. On the day of the incident, the couple reportedly had been having an argument over the issue when Ali beat his wife and set her on fire. She was reportedly taken to the hospital where she died. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

444. On 28 November 2002, a 16-year-old girl, "A" was reportedly stabbed to death by her uncle in Eminabad because of her alleged bad moral character. She had reportedly eloped with her alleged lover a few days before the incident and when she returned home she could not give a satisfactory explanation for her absence. The uncle reportedly lost his temper and stabbed her with a knife, then fled. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

445. In Mandi Bahawaladin, on 5 December 2002, Mujahid Abbas reportedly killed **his sister-in-law**, daughter of Ameer Hassan Shah and wife of Zameer-ul-Hassan Shah, with an axe on suspicion that she was having illicit relations with someone. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

446. In Khokhar village near Dera Ismail Khan, on 9 December 2002, Rab Nawaz reportedly shot dead **his wife and her alleged lover**. Mr. Nawaz allegedly reported that on the day of the incident he was informed by his brother that his wife and her lover were in their house. He allegedly found them in an objectionable condition in the house and he reportedly killed them. The police reportedly registered the case but allegedly no action was taken.

447. On 10 December 2002, Mohammed Yousaf reportedly killed his wife, **Razia**, with a cleaver at Asif Colony, Baghbanpura, Lahore. He had reportedly suspected her of having illicit relations with an unidentified person. According to the information received, the accused surrendered to the police with the murder weapon. The police reportedly registered a case and had the body removed for post-mortem examination, but allegedly no action was taken against the killer.

448. On 10 December 2002, Eid day, in Malka Hans, Tawakal Ali reportedly killed his sister **Amina** and her alleged lover, **Ishfaq** with an axe. He reportedly later displayed their naked bodies in the street. According to the information received, Ali was informed by his fiancée of the alleged relation his sister had nurtured with Ishfaq. It was reported that the police registered the case but allegedly no action was taken against him.

449. On 11 December 2002, in Toba Tek Singh, **Safia Bibi** was reportedly clubbed to death by Ghulam Rasool, her husband, who was allegedly suspicious of her moral character. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

450. On 11 December 2002, in Malka Hans, Faisal Shahzad reportedly suspected that his sister, 15-year-old **Nazia**, and mother, **Nasim Satu**, had illicit relations with **Mian Mohammed Akhtar Maitla**. He reportedly opened fire on all three of them. Ms. Satu and Mr. Akhtar Maitla allegedly died on the spot while his sister died later in the hospital. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

451. On 13 December 2002, in Agani village, Larkana, **Shamshad Kehar** was reportedly fired at by her uncle, Manzoor Chandio, while she was dancing at a marriage ceremony. She had reportedly tried to escape after being injured but Chandio, Mushtaq, Sajjad and Shahmir followed her, beat her with sticks and stoned her to death in the village. According to the information received, the Chairman of the District Public Safety Commission, Niaz Ahmed Chandio, stated that he had received an anonymous tip regarding the murder, which was witnessed by a large number of villagers. The Station House Officer of Mahota police had allegedly concealed the crime upon accepting a bribe of 60,000 rupees. The district police officer reportedly ordered an investigation but no results were reported to the Special Rapporteur.

452. On 17 December 2002, in Sargodha, **Nazia** was reportedly shot dead by her brother, Nadim, and her husband, Zubair, on suspicion of her bad moral character. After the killing, the body was reportedly thrown into the bushes. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

453. On 18 December 2002, in Sheikhpura, "S" was reportedly killed by her brother, Sajid, of Ahmedabad with an axe because he suspected her of having a bad moral character. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

454. On 19 December 2002, in Sahiwal, Mohammed Ameen and Nasir reportedly killed their cousin **Samina** for allegedly being a kari. She had allegedly nurtured an illicit relationship with Mazhar. They reportedly lured her to a canal on a false pretext, killed her and chopped her body into pieces, which they then threw into the canal. According to the information received, the police registered a case based on the complaint of the deceased's father but no action was taken against the killers.

455. On 22 December 2002, in Larkana, Aashiq Ali Chadio reportedly killed his unmarried daughter, **Hajul Chandio**, along with **Saddar Chandio** on the pretext of karo-kari. According to the information received, the accused surrendered to the police, but the bodies were reportedly taken to the Chandka Medical College Hospital by the Waleed police. No further action was reported against him.

456. On 24 December 2002, in Faisalabad, Azmat Ali reportedly shot dead his wife, **Rehana**, who had allegedly refused to cooperate when Mr. Ali along with his cousin Nasir, had reportedly gone to her parents' home to bring her back to the matronial home. She had been staying with her parents after a dispute with her

husband. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

457. On 27 December 2002, in the village of Chuchak, Okara, **Mohammed Iqbal**, was beaten to death after allegedly making jokes about a young female neighbour, Shahida Perveen. She reportedly complained to her father, Manzoor Bhutta, after which the latter and three brothers, Abbaas, Safdar Ali and Shabaz, ambushed Mr. Iqbal as he passed. The victim allegedly suffered severe injuries from being beaten with sticks and was taken to hospital where he was reportedly pronounced dead soon afterwards. Chuchak police reportedly registered a case against the killers but allegedly no action was taken.

458. On 27 December 2002, **Hasina** and **Khamiso** were reportedly killed on the alleged pretext of karo-kari in Ghazi Khan Village, Larkana. The bodies of both victims were reportedly found on the doorstep of the house of Ali Mohammed Buriro, the husband of the deceased woman. According to the information received, the police registered the case but no action was taken.

459. On 27 December 2002, in Hafizabad, Ansar Ali reportedly shot dead his sister “**M**” on suspicion that she had illicit relations with someone. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

460. On 29 December 2002, in Thokar Niaz Beg area, Lahore, Aaqil Mohammed, an Afghan, along with his brothers and father, killed his 24-year-old wife, **Azra Bibi**, and nephew **Gul Rehman** with an axe when he allegedly saw them in an objectionable condition. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

461. On 13 January 2003, in Jhang, **Nasreen** and her third husband, **Ramzan**, were reportedly killed with an axe while sleeping, by Nasreen’s three sons who were allegedly unhappy with the marriage. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

462. On 14 January 2003, in Hijra Shah Muqeem, **Tahira Bibi**, mother of a two-month old girl, was reportedly shot dead by her brother because she had married Zafar, a man of her choice. According to the information received, **Bashir Ahmed**, Tahira’s father-in-law, also died in the shooting incident while his wife, Nur Shah Bibi and son, Zafar, were severely injured. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

463. On 14 January 2003, in Multan, a young mother of eight, **Zainab Bibi**, was reportedly killed by her husband, Munir Dashti, on the alleged suspicion that she had illicit relations with Mumtaz Dashti who lived about 1½ km away from their house. The next morning, Munir Dashti allegedly made an announcement that his wife had passed away. It was also reported that Mumtaz Dashti’s family had disappeared and that the accused was allegedly saying that he would kill

Mumtaz Dashti unless Dashti gave him one or more girls, or a big portion of his land. According to the information received, although the incident was reported to the police, no action was taken against the alleged killer.

464. On 17 January 2003, in Sargodha, a 12-year-old girl, **Asia Parveen**, was reportedly killed by her brother, Mohammed Iqbal, who had allegedly suspected her of having a loose moral character. He reportedly gave her a fatal blow with a pair of scissors. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

465. On 18 January 2003, in Gilgit, **Safina** and her husband **Fida Ali** were allegedly shot dead by her brother, Mohammed Ali. Ali was allegedly furious with his brother-in-law for marrying his sister despite her family's disapproval. According to the information received, he surrendered to the police and reportedly confessed to his crime, but allegedly no further action was taken against him.

466. On 27 January 2003, in Lahore, **Farzana** was reportedly strangled to death by her brother, Shahbaz, in the name of honor. According to the information received, she had married Qandeel Hussain Shah eight years ago but had been rumored to have had illicit relations with another man, Boota. She had reportedly run away with him but was forcibly returned by the panchayat. According to the information received, Shahbaz surrendered to the police but no further action against him was reported.

467. On 29 January 2003, in Chichawatni, Haji Mohammed Iqbal, an ex-councillor, reportedly shot dead his daughter, **Riffat Bano**, for having illicit relations with Ghulam Hussain. After running away a few months before the incident, she had allegedly been brought back home with the help of the panchayat. However, she had reportedly continued to meet secretly with her lover and allegedly threatened to run away again if they did not consent to her marriage with him. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

468. On 30 January 2003, in Dera Ismail Khan, Zafar Shah reportedly killed his mother, **Shamshad**, for allegedly wanting to contract a third marriage with Hashim despite her son's disapproval. He reportedly fled after the incident. According to the information received, the incident was reported to the police but allegedly no action was taken.

469. On 31 January 2003, in Faisalabad, **a girl** was reportedly shot dead by her brother, Ajmal, for allegedly refusing to marry the man her father, Jaffar Bhatti, had chosen for her. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

470. On 10 February 2003, in Ghotki, Ijaz reportedly killed his **22-year-old wife** as she slept and, according to the information received, alleged that she had had illicit relations with someone. He reportedly buried her body in a nearby graveyard without performing the last rites. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

471. On 15 February 2003, in Toba Tek Singh, Ataullah reportedly murdered his **sister** because he alleged that she had been having an illicit relationship with someone in Chak 339 J.B. She had allegedly eloped with him to Gujrat and reportedly her brother had forcefully brought her back two days before the incident. He reportedly attacked her and tortured her to death. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

472. On 17 February 2003, in Jaranwala, Mohammed Naveed reportedly shot dead his sister, **Asma**, for allegedly having nurtured illicit relations with Qamar Hussain, and eloping with him. She was reportedly married to Shafiq-ur-Rehman but, after a dispute, she reportedly went to stay with her parents. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

473. On 17 February 2003, in Larkana, Juman Khan, a police official, reportedly shot dead his 19-year-old wife, **Sohni**, and a 22-year-old boy, **Zahid Ali**, on the pretext of karo-kari, with a Kalashnikov rifle which belonged to the police. He allegedly fled after the incident, which was reported to the police. According to the information received, the accused has not been arrested.

474. On 17 February 2003, in Faisalabad, Fareed of Chak No. 109 G.B, reportedly shot **his sister** for having bad moral character. According to the information received, the police registered a case based on a complaint by the victim's father but, no action was taken against the alleged killer.

475. On 21 February 2003, in Kasur, Liaqat reportedly stabbed his sister, **Shahnaz**, to death, because he suspected her of having a bad moral character and she allegedly did not obey his request not to leave the house frequently. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

476. On 2 March 2003, in Gujranwala, Shaukat beat his sister, **Fauzia**, to death for attending a marriage ceremony held by his "rivals" in Kamoki. According to the information received, Shaukat had severed his relations with neighbour, Rafiq, over a particular issue yet his sister had reportedly attended a marriage ceremony at Rafiq's house. On her return, Shaukat reportedly thrashed her with a club as a result of which she died. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

477. On 14 March 2003, at Mauza Shah Bhola, in Gujrat, Mohammed Bashir reportedly strangled his sister, **Bushra Perveen**, on the alleged suspicion that she had a loose moral character. According to the information received, Saddar police registered a complaint but no further action was taken against the alleged killer.

478. On 22 March 2003, in Ghotki, Habib Ullah and three accomplices reportedly killed his mother, **Galan**, and 55-year-old cousin, **Toti**, on the alleged pretext of being karis. Habib Ullah reportedly fled after the incident. The police

allegedly registered a case but no further action was taken against the alleged killer.

479. On 22 March 2003, in Ghotki, Khadim Hussain Lashari reportedly opened fire on his 30-year-old wife, **Sakina**, and her alleged lover, **Ahmed Lashari** and injured them. Later, Khadim Lashari reportedly went to Ahmed Lashari's village along with his accomplices and opened fire. According to the information received, gunfire was exchanged between the parties as a result of which Khadim Lashari died while Ahmed Lashari was admitted to hospital in critical condition. According to the information received, not even by the hospital authorities reported the incident to the police and no action was taken against the alleged killers.

480. On 24 March 2003, in Sheikhpura, Asghar stabbed his sister, **Sadia Yasmin**, and his mother to death because Sadia Yasmin had allegedly nurtured illicit relations with Mohammed Khalid, a frequent visitor to her brother's house. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

481. On 1 April 2003, in Sargodha, Shabbir Gondal allegedly strangled to death his **daughter and her lover** when he saw them together. According to the information received, the police registered a case but have not arrested the accused.

482. On 4 April 2003, in Larkana, **Roshan Ali** and **Sozi** were killed by Saif Ullah and Gulzar on the alleged pretext of karo-kari. According to the information received, Ghulam Rasool and Ghulam Ullah registered two separate FIRs with the Drigh police stating that the double murder was the outcome of domestic dispute, and adding that a few days before, Saif Ullah had verbally clashed with the deceased. Police registered a case but no further action was reported against the alleged killer.

483. On 7 April 2003, in Lahore, 16-year-old "**M**" was reportedly killed by her brother, Bashir Ahmed, for allegedly developing illicit relations with a neighbour, Ashraf. Ahmed had allegedly listened to their conversation on the telephone and when Ashraf came to see her, he attacked them killing his sister on the spot while Ashraf managed to escape. The police registered a case based on the complaint of the deceased's father but no further action was reported against the alleged killer.

484. On 7 April 2003, in Jhang, Mohammed Riaz of Chak 264 saw his sisters, **Asia** and **Shazia**, with Ansar Abbas in the fields while on his way home. He reportedly stabbed them to death and Mr. Abbas managed to escape. Riaz reportedly fled after the killing. According to the information received, Saddar Jhang police registered the case but no further action was reported against the alleged killer.

485. On 11 April 2003, in Ferozewala, Mohammed Hussain allegedly saw his wife, **Nabila** and a neighbour, **Shahbaz Ahmed**, in an objectionable condition and opened fire at them. According to the information received, Nabila died on the spot while Ahmed was admitted to the hospital in critical condition. The police reportedly registered a case but no further action was reported against the killer.

486. On 14 April 2003, in Okara, Mohammed Nawaz of village 15 G.B reportedly killed his wife, **Shanaz Bibi**, on suspicion that she had a loose moral character. According to the information received, a week before the incident, Shahnaz Bibi had gone missing but returned home after three or four days at which time her husband had beat her with a club. She reportedly died from excessive bleeding. According to the information received, the Police registered a case but no further action was reported against the alleged killer.

487. On 15 April 2003, in Sialkot, **Shazia**, a divorced woman, was reportedly killed by her brother, Zafar Iqbal, for allegedly nurturing an illicit relation with someone. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

488. On 19 April 2003, in Sharaqpur, Nazeer Ahmed, shot dead his sister, **Abida**, and her alleged lover, **Munir Masih**, because they had allegedly maintained an illicit relation after Abida's marriage. Mr. Ahmed had reportedly thrown their bodies into the river Ravi. According to the information received, the police registered a case against Nazeer Ahmed but no further action was reported against the killer.

489. On 21 April 2003, in Peshawar, Zulfiqar reportedly shot dead his 20-year-old daughter, **Shahnaz**, and her alleged lover, **Mohammed Rafiq**, for having nurtured an illicit relation. After the incident, Zulfiqar reportedly fled. According to the information received, the incident was reported to the police but no further action was taken against the killer.

490. On 29 April 2003, in Chichawatni, Intiaz-ul-Hassan reportedly shot dead his sister, **Shahida Perveen**, who, according to the information received, had eloped with her lover but had been brought back home by the panchayat.

491. On 3 May 2003, in the jurisdiction of Jalalpur Jattan Saddar police, Gujrat, Mohammed Khan reportedly shot dead his daughter-in-law along with her two alleged lovers, **Ghulam Abbas** and **Ilyas**, over suspicion of bad moral character. Khan reportedly told the police that he had killed his daughter-in-law because he had found her in a compromising situation with two persons. Jalalpur Jattan Saddar police reportedly registered a case based on the complaint of Sharif, Ilyas's father, against four persons, including Mohammed Khan but no further action was taken against the alleged killer.

492. On 3 May 2003, in Sheikhpura, **Khawar Bibi** was reportedly shot dead by her uncle on the pretext that she had a loose moral character. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

493. On 6 May 2003, in Lahore, **Uzma** was strangled by her brother, Tanveer, who suspected her of having illicit relations with Alamdar. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

494. On 12 May 2003, Nasrullah Misrani, the son of a dacoit, Dosu Misrani, reportedly shot dead his wife, **Amina**, his seven-year-old son, **Saleem** and his wife's alleged lover, **Ghulam Hyder Misrani Jatoi**, on the pretext of karo-kari in the vicinity of Shah Belo forest, Sukkur. According to the information received, the police registered a case but no further action was taken against the alleged killer.

495. On 12 May 2003, in Okara, Mohammed Younas along with his accomplice, Mohammed Ali, reportedly shot dead his sister, **Khadija Bibi**, because he allegedly suspected she had a bad moral character. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

496. On 21 May 2003, in Sharaqpur, **Azra**, her daughter, **Naila** and their alleged lover, **Ahmed**, were strangled and their bodies thrown into the river Ravi by Azra's father, along with four accomplices. The police reportedly recovered the bodies but no further action was taken against the alleged murderer.

497. On 21 May 2003, in Lahore, Mohammed Boota reportedly stabbed his wife, **Irshad Bibi**, to death alleging that she had a loose moral character. However, it was reported that their children alleged that she was killed for refusing to transfer the house they owned to their father's name. According to the information received, the incident was not reported to the police and no action was taken against the alleged killer.

498. On 23 May 2003, in Sukkur, Naseer Ahmed Buriro reportedly killed his wife, **Abida** and **Didar Buriro**. The Khanpur police were reportedly investigating the case.

499. On 25 May 2003, in Mardan, two brothers, Babu and Khan Taj, reportedly shot dead their sister, **Shahida** and her husband, **Salim Khan**, after 10 years of their marriage for allegedly marrying against their will. The two alleged murderers reportedly fled after the incident. According to the information received, the incident was not reported to the police and no action was taken against the alleged killers.

500. On 30 May 2003, in Hafizabad, Saifullah reportedly killed his sister, **Nasreen Bibi**, with an axe for leaving her husband. According to the information received, Nasreen Bibi had gone to stay with her cousin in Faisalabad after a dispute with her husband, who had reported the matter to her brother, Saifullah. On the pretext of helping her get a divorce, Saifullah brought her back to her husband's house where he reportedly killed her.

501. On 20 October 2003, the Special Rapporteur sent a communication to the Government of Pakistan in connection with the following individual cases.

502. **Aslam Javaid**, a 26-year-old man, was allegedly arrested on 5 June 2003 after a Saddar police team raided his father's house. Police reportedly said that Aslam Javaid was wanted in a murder case by the Secretariat Police, Islamabad, in which he had allegedly shot his rival on 10 May 2003. Station House Officer

Sheikh Amir and his two subordinates had reportedly tortured the accused while interrogating him. Later, police officers and other people who had allegedly heard a gunshot, rushed to the investigation room and found him lying in a pool of blood. The Station House Officer allegedly immediately asked his subordinates to lock the doors and forced the visitors to leave the police station. An hour and a half later, the Station House Officer allegedly informed his superiors that the accused in a murder case had committed suicide in the lock-up. The Station House Officer however was reportedly unable to show how it would have been possible for the accused to carry a pistol into the lock-up when the police had carried out a thorough body search. The Station House Officer then reportedly explained that he and his staff had failed to fulfil procedural formalities during and after the arrest of the accused. The family of Aslam Javaid requested an investigation, which has not yet been ordered.

503. On 12 June 2003, police officers from the Kot Ladha police station, including Station House Officer Murtaza Khan, Assistant Sub-Inspector of police Munir and Assistant Sub-Inspector of police Yaqub, allegedly barged into the house of **Sharifan Bibi** in Gulranwala while the residents were asleep. The officers reportedly woke them by kicking them. They allegedly tortured her daughter, Talat, and dragged her out of the house causing her clothes to tear. Sharifan Bibi reportedly tried to rescue her daughter but was also tortured by the police and thrown into the courtyard of the house. The police reportedly took Talat away with them while Sharifan Bibi succumbed to her injuries received during the scuffle. The police reportedly released Talat later on condition that the family would not press charges against them.

504. **Akbar Ali** was allegedly tortured to death at Manawan police station, in the city of Lahore. After numerous attempts he reportedly got a job at the end of June 2003, at Mashallah Hotel, located at Bank Stop, G.T. Road, Manawan. A man named Riaz reportedly came to the hotel and had a fight with the owner, Mohammed Irshad, over a minor issue as a result of which Mr. Riaz was slightly injured. Mr. Riaz then reportedly left the hotel and approached Assistant Sub-Inspector Ishfaq of Manawan police station who immediately rushed to the hotel where he apprehended Mohammed Irshad, Akbar Ali, Ilyas Ali and Aashiq, who happened to be close relatives of Irshad. He reportedly took them to the Manawan police station and tortured them. It was reported that Akbar Ali died in a local hospital to which he had been taken on 2 July 2003, as a result of the injuries he had sustained. According to reports, the matter was meanwhile brought to the notice of Capital City Deputy Inspector General of Police, Khawaja Khalid Farooq, who asked Superintendent of Police Cantt to visit the place and pacify the angry mob who was chanting slogans against the Lahore Police in particular and the Punjab Police in general. Upon arriving at the location, Mr. Cantt reportedly assured the locals that a murder case would be registered against the responsible officials if the medical report showed that Akbar Ali had died owing to police torture. He allegedly further assured that even if the torture was not proven by the medical board the responsible police officials would be taken to task under Police Order 2002. The police reportedly had the body removed to the morgue for post-mortem examination, but it was alleged that the result remained unknown and that no police official was arrested.

505. **Azam Khan** was allegedly arrested on 15 July 2003, for using and selling hashish by Sub-Inspector Anwar of Baghbanpura police station, Lahore. He reportedly died in the lock-up the same night as a result of torture. His brother, Nazim Ali and his father, Khushal Khan, had gone to see him at the police station after receiving the news of his arrest but the police reportedly refused to let them enter. They reportedly however managed to see him from outside and observed him being brutally beaten by Sub-Inspector Anwar. It was also reported that the police threatened them and forced them to leave the police station. According to information received, the police denied the allegation and assured that action would be taken against those responsible if the post-mortem report indicated torture. It was however reported that the body was handed over to the relatives after post-mortem examination and no action was taken against any police official. The report of the post-mortem allegedly remained unknown.

### Communications received

506. On 4 August 2003, the Government of Pakistan responded to a communication sent by the Special Rapporteur on 21 August 2002 in connection with the case of **Rukhsana Bunyad**. The Government informed that her case was registered under FIR No. 358/2002, section PPC in City Police station Mianwali. According to the Government, Ms. Bunyad was released on bail while her case is pending trial in the court of law.

507. By letter dated 4 August 2003, the Government of Pakistan replied to the urgent appeal sent on 27 June 2001 by the Special Rapporteur, jointly with the Special Rapporteur on torture, regarding **Rubina Khan**. According to the Government, Ms. Khan was sentenced to death by a Special Anti-Terrorism Court at Sargodha on the charge of murdering Aziz Begum. The Government further informed that she had exhausted all the legal remedies available and that her petition for mercy had been rejected by the President on 17 May 2001.

## Peru

### Llamamiento urgente

508. El 3 de junio de 2003 la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, envió un llamamiento urgente concerniente a los hechos ocurridos el 29 de mayo de 2003. Según informaciones, **Edy Quilca Cruzel**, de 22 años, habría muerto cuando soldados dispararon contra un grupo de estudiantes que manifestaba en la Universidad del Altiplano de Puno. Se alega que otros estudiantes habrían sido heridos durante el incidente, algunos de ellos por herida de bala. Asimismo se informó que el 28 de mayo, 18 manifestantes habrían resultado heridos durante la represión de una manifestación en Barranca, al norte de Lima. Se alega que la policía y los soldados habrían disparado contra varios de los manifestantes, hiriéndoles gravemente. El ejército también habría reprimido con fuerza otras protestas organizadas en Huancayo, Trujillo, Chiclayo y Arequipa, sin conocerse el número de personas heridas en dichos incidentes. Según las informaciones, a pesar del estado de emergencia decretado, numerosos grupos organizados, entre los cuales un frente cívico de Arequipa, habrían decidido seguir

convocando huelgas y protestas públicas. Se expresaron temores por la integridad física y la seguridad de las personas durante las protestas anunciadas.

### **Respuestas del Gobierno**

509. Mediante comunicación de 18 de febrero de 2003, el Gobierno del Perú proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con Relator Especial sobre la cuestión de la tortura, había enviado el 24 de septiembre de 2002 en relación con el caso de **Rolando Quispe Berrocal**. Según el Gobierno, la sala permanente de la Corte Suprema de Justicia habría dirimido el conflicto de competencia indicando que corresponde a la jurisdicción común, no a la justicia militar, determinar las circunstancias en que ocurrieron los hechos que generaron las lesiones a Rolando Quispe Berrocal y procesar judicialmente a los responsables.

510. Mediante comunicación del 5 de septiembre de 2003, el Gobierno del Perú proporcionó información en relación con el llamamiento urgente que la Relatora Especial, junto con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, había enviado el 3 de junio de 2003 con relación a la muerte de **Edy Jhony Quilca Cruzel**. Según el Gobierno, la fiscalía superior civil de Lima habría iniciado las investigaciones correspondientes por los delitos de homicidio calificado en la persona de Edy Jhony Quilca Cruzel, así como por los delitos de lesiones graves y lesiones leves en agravio a otros 29 estudiantes. Asimismo, el Gobierno informó que por los mismos hechos se adelanta la investigación correspondiente en el fuero militar.

## **Russian Federation**

### **Communication sent**

511. On 16 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of the Russian Federation regarding information received according to which **Saypudi Khuseynovich Bahaev**, a 32-year-old resident of Geldagana, Kurchaloevskiy Region, was reportedly arrested by armed forces of the Kurchaloy Commandatur at his home on 7 February 2003. Two days later, he was allegedly thrown out of a military vehicle near Kurchaloy. According to the information received, his arms were broken, his legs had frostbite and he had marks of severe beatings. It is reported that he had been detained at the Federal Security Service Office in Kurchaloy where he was allegedly hung from the ceiling by his hands and legs and beaten with tubes and other objects. It was also reported that he was kept in a cold room with a concrete floor without any heating. He reportedly died in a hospital on 12 February 2003 as a result of the treatment received.

## **Saudi Arabia**

### **Urgent appeals**

512. On 7 July 2003, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the

independence of judges and lawyers, sent an urgent appeal regarding the situation of **Sarah Dematera**, a citizen of the Philippines, who was condemned to death by a court judgement issued on 14 November 1993 for bludgeoning to death the wife of her employer, four days after starting her job as a domestic servant in Saudi Arabia. She was reportedly a witness to the killing and described the alleged perpetrator as an Arab male, who ordered her to move and cover the body, clean the murder weapon and wipe up the blood. She always insisted on her innocence. Her trial took place on 4 October 1993 in Islamic Court No. 39/4 and she was not reportedly assisted by a lawyer or an interpreter during these proceedings. She did not speak Arabic and had very limited fluency in English. It was also reported that Philippines consular officials did not have access to her during the proceedings. According to the information received, the Saudi Ministry of Foreign Affairs reported that the execution had been postponed until the minor children of the deceased reached the age of majority, when they could decide, along with other heirs, whether to request the execution of the accused. The family of the accused could accept monetary compensation in lieu of implementation of the death penalty. It was also reported that since 23 May 2003 the relatives of Ms. Dematera have not heard from her.

513. On 18 September 2003, the Special Rapporteur sent an urgent appeal to the Government of Saudi Arabia regarding the case of **Mas'ud bin Ali Muhammad bin Gimeshan al-Gahtani**, a 44-year-old Saudi national who could allegedly be executed at any time. He was reportedly arrested with 10 others in 1991 in connection with the murder of Musfir bin Ogaym al-Dawsari. The 10 were subsequently released, whereas he was reportedly convicted without legal representation at a secret trial and was only informed of his conviction for murder after he had spent eight years in prison. He allegedly appeared only once before the judge, when he was reportedly asked his name and what he knew about the murder. He reportedly told the judge that he was nowhere near the scene of the crime, which allegedly happened in the west of Riyadh, as he was sleeping in a house in the east of the city. According to information received, three other people could verify this but it was not known whether they were called as witnesses at his trial. According to information received, whether he would be executed or not depended on the decision of Musfir bin Ogaym al-Dawsari's children. Under Saudi Arabian law, they reportedly have the right to decide whether he should be pardoned, have to pay blood money in order to gain his freedom, or whether he should be executed. It was reported that the children can only make this decision when they have reached the age of majority and that it was not currently known when this would happen. He was reportedly held in Malaz prison in Riyadh, living under constant fear of execution.

#### **Communication received**

514. By letter dated 30 October 2003, the Permanent Mission of Saudi Arabia to the United Nations Office at Geneva provided the following information regarding the case of **Sara Dematera**. The Permanent Mission stated that the allegation had already been received from Amnesty International and information thereon had been submitted by the Permanent Mission in 1998 within the framework of the 1503 procedure. In light of that information, which concerned the grounds on which the judgement was based and the circumstances that might

have lead to commutation of Sara Dematera's sentence and her potential release, the Commission on Human Rights at its fifty-fifth session decided to discontinue consideration of the case. The Permanent Mission also added that it had on numerous occasions provided special rapporteurs with explanations of the procedures for enforcement of the death penalty. Accordingly, the Permanent Mission determined that the information already submitted should have been deemed sufficient.

515. On 29 October 2003, the Government of Saudi Arabia responded to an urgent appeal sent on 31 July 2002 by the Special Rapporteur in connection with the cases of **Alexander Mitchell**, a British national, and **William Sampson**, a Canadian national. Both were allegedly sentenced to death by a Saudi Arabian court. In its response, the Government pointed out that the men had both been released under the terms of a royal pardon.

### **Serbia and Montenegro**

#### **Communication sent**

516. On 29 July 2003 the Special Rapporteur and the Special Rapporteur on torture sent a communication to the Government of Serbia and Montenegro regarding the following individual cases.

517. **Nikola Maljkovic**, aged 30, **Dragan Ilic**, aged 46, and **Dragan Malesevic Tapi** were reportedly arrested in October 2002 on suspicion of having participated in the murder of a police general in June 2002 and the planning of other attacks on government and police officials. Nikola Maljkovic was reportedly arrested by the Belgrade police and security agents on 27 October 2002. On 30 October 2002, his lawyer stated that he was in a prison hospital with a broken hand, several broken ribs and bruises all over his body. The police reportedly provided no explanation for his alleged injuries. Dragan Ilic was allegedly beaten on 29 October 2002 by unknown persons after the investigating judge of the Belgrade Fifth Municipal Court ordered his release and before the police rearrested him in a Belgrade hospital. The police were not allegedly satisfied with the investigating judge's decision to release him, and it was believed that the police may have been involved in the attack on Mr. Ilic after his release. Dragan Malesevic Tapi was reportedly also arrested on 29 October 2002. He reportedly died in a police station on the same day. The police allegedly reported that he suffered a stroke. The preliminary results of the official autopsy allegedly suggest that Mr. Tapi died because of a sudden deterioration of a long-term heart and blood-vessel disease.

518. **Milan Jezdović**, aged 24, Milica Babin, aged 18, Radoje Tomovic, aged 25, Aleksandar Draskovic, aged 19, and five other individuals were reportedly arrested on 5 December 2002 on suspicion of dealing drugs. Upon arrest, they were all reportedly handcuffed, made to lie on the floor and allegedly beaten. Milica Babin was allegedly kicked and called a prostitute and a junkie. All nine were subsequently reportedly taken to the main Belgrade police station and individually interrogated. Plastic bags were reportedly placed over their heads with self-adhesive strips stuck around their necks, and self-adhesive strips were

also stuck around their legs to prevent them from struggling. Some of them were allegedly beaten, kicked and subjected to electric shocks. Some reported hearing Milan Jezdović screaming that he was unable to breathe because of the bag over his head. Six of the detainees, including Milica Babin, were reportedly released on 5 December due to lack of evidence. Radoje Tomovic and Aleksandar Draskovic were reportedly released the following night. Milan Jezdović allegedly died on 5 December 2002 at the police station. His family was reportedly allowed to remove his body on 6 December, and informed that a full autopsy report would not be available until four to six weeks later. A doctor hired by the family allegedly found three burn marks, consistent with those made by electric shocks, on his head and scars on his nose and forehead. An official autopsy reportedly found that Milan Jezdovic died of a heart attack which, according to official sources, occurred during interrogation. None of the nine people arrested was allegedly allowed access to a lawyer during their detention, despite their requests.

### **Communication received**

519. On 17 October 2003, the Government of Serbia and Montenegro transmitted its response to the Special Rapporteurs in connection with the case of **Dragan Malesevic, Nikola Maljkovic and Dragan Ilic.**

520. According to the Government, on 30 October 2002, the Ministry of Internal Affairs of the Republic of Serbia, Belgrade Police Department, carried out an on-site investigation into the death of **Dragan Malesevic.** According to its findings, Mr. Malesevic died in the evening hours of 29 October 2002 in room No. 24 of the Third Section of the Criminal Police Department in Belgrade where he had been taken for an interview. According to the Government, at about 10.50 p.m. he was taken ill and died before emergency assistance could be provided. On 6 November 2002, the District Public Prosecutor's Office of Belgrade received the results of the post-mortem examination performed by the Institute of Forensic Medicine. According to the preliminary conclusions, the victim died of natural causes as death occurred as a direct consequence of a sudden deterioration of an already existing serious and long-lasting arteriosclerosis of the heart and blood vessels. It was established that there were no injuries to hard and soft tissues caused by hard objects. Yet, the results of the chemical analysis and the patho-histological examination would be necessary for any final conclusions.

521. The Government reported that the Belgrade District Public Prosecutor's Office was informed that neither **Nikola Maljkovic** nor **Dragan Ilic** and their legal representatives pressed charges for maltreatment of their clients at the hands of the officers of the Ministry of Internal Affairs of the Republic of Serbia. The Government reported that any new facts, as well as the replies of the Ministry of Internal Affairs and the Ministry of Justice of the Republic of Serbia, which had also been contacted in respect of these cases, would be communicated to the Special Rapporteur as soon as they became available.

522. Finally, in response to the allegations regarding the case of **Milan Jezdović, Milica Babin, Radoje Tomovic, Aleksandar Draskovi, and five other individuals,** the Government stated that, having received the report of the On-Duty Unit of the Belgrade Police Department of the Ministry of Internal Affairs of

the Republic of Serbia, the autopsy report, photographic documentation and the inspection report of the cases, the District Public Prosecutor's Office of Belgrade filed an application with the investigating judge of the court to start an investigation into the case. The investigating judge requested the Institute of Forensic Medicine to provide its expertise on the circumstances surrounding the death of Milan Jezdovic. Meanwhile, the investigating judge was requested to obtain an internal control report from the Supervision Division of the Belgrade Police Department. Any new facts, as well as the replies of the Ministry of Internal Affairs and the Ministry of Justice, which had also been contacted in respect of these cases, would be communicated to the Special Rapporteur as soon as they became available.

## **Sierra Leone**

### **Communication received**

523. By letter dated 11 September 2003, the Government of Sierra Leone provided additional information concerning allegations surrounding the health of **Solomon Y.B. Rogers**, a senior member of the rebel RUF movement who had died in prison on 21 July 2001. The information provided by Dr. J.D. Sandy, Medical Officer in Charge, Pademba Road Prison, Freetown, indicates that the cause of Mr. Rogers's death was a cerebrovascular accident (stroke) due to severe hypertension.

## **Singapore**

### **Urgent appeal**

524. On 19 September 2003, the Special Rapporteur sent an urgent appeal to the Government of Singapore concerning the situation of **Vignes s/o Mourthi**, a 23-year-old Malaysian national who was reportedly at risk of imminent execution following the rejection of his appeal for clemency to the President of Singapore. On 12 September 2003, his lawyer allegedly lodged a motion for a retrial on the grounds that there had been a miscarriage of justice and that he had not received a fair trial. However, this motion was reportedly rejected. On 19 September 2003, his lawyer filed another application for a retrial with the High Court. This application was allegedly dismissed as well. Although it was reported that his lawyer intended to lodge an appeal against the decision of the High Court, Mr. Mourthi was said to face execution at any time. According to information received, he was arrested after being found in possession of a bag containing approximately 443 grams of heroin. At his trial he allegedly stated that he was asked by a family friend to carry the bag from Malaysia to Singapore where he travelled every day for work, and that he was unaware of the bag's contents. In August 2002, he was allegedly sentenced to death for drug trafficking and his sentence was confirmed in January 2003. A number of alleged irregularities during the trial proceedings were reported. The trial judge allegedly refused to adjourn the hearing to enable him to appoint a new lawyer, which he had requested as he felt that he was inadequately represented. His conviction was reportedly based largely on a written record, provided by the prosecution, of an incriminating conversation which allegedly took place between him and a plain-clothes police officer. He reportedly

denied that the alleged conversation had taken place. According to information received, the court deemed the evidence to be admissible despite the fact that no date was recorded on it and neither Mr. Mourthi nor his lawyer was aware of its existence before it was produced in court.

### **Communication received**

525. On 3 October 2003, the Government of Singapore transmitted its response to the Special Rapporteur's urgent appeal sent on 19 September 2003, regarding the death sentence of **Vignes s/o Mourthi**. The Government affirmed that the allegations of apparent irregularities during the trial were not true and that, according to the Record of Proceedings of trial, Vignes was given the opportunity to have a new counsel to represent him but that he chose to continue with his previous counsel. The Government reported that he was tried and convicted with all due process in accordance with the laws of Singapore. The Government further alleged that the contents of the conversation between Vignes and the plain-clothes officer were disclosed during the preliminary inquiry through the statement of the officer. The written record of the conversation, made by the officer, was tendered during the trial and properly admitted according to the rules of evidence. Vignes did not object to the admission of the statement and had ample opportunity to cross-examine the author of the document. The Government also stated that he appealed against his conviction to the Court of Appeal but that this appeal was dismissed after a hearing four months after his conviction. He subsequently made a petition for clemency to the President who, on the advice of the Cabinet, let the conviction stand. This decision was conveyed to Vignes nine months after the Court of Appeal dismissed his appeal. Vignes s/o Mourthi was executed on 26 September 2003. Finally, the Government of Singapore wanted to recall that in their view resolutions of the Economic and Social Council and the General Assembly and the Universal Declaration of Human Rights were not considered legally binding or international legal instruments. It also alleged that there was no international consensus on the abolition of the death penalty and that 63 countries, including Singapore, registered their disassociation from resolution 2003/67, in a joint letter dated 23 April 2003 to the Chairperson of the fifty-ninth Commission on Human Rights. They therefore rejected outright any suggestion that the death penalty be abolished. The Government informed the Special Rapporteur that it would continue to use the death penalty for such serious crimes as drug trafficking as provided for under their law

## **Sri Lanka**

### **Urgent appeals**

526. On 7 August 2003, the Special Rapporteur as well as the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent an urgent appeal to the Government of Sri Lanka regarding the case of **Lasantha Wickrematunga**, editor of the weekly *The Sunday Leader*. Reports indicated that on 27 July 2003, the Fisheries Minister, Mahinda Wijeskera, threatened Wickrematunga in front of several witnesses, including Water Management Minister Lakshman Seneviratne. The Minister's death threat followed the newspaper's publication of articles accusing him of corruption. It

was reported that Minister Wijeskera claimed that he had the Prime Minister's support in making the threat. Mr. Wickrematunga and *The Sunday Leader*, which often investigates corruption, have been the targets of frequent harassment and numerous libel suits since 1995.

527. On 30 October 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Representative of the Secretary-General on human rights defenders, sent an urgent appeal to the Government of Sri Lanka in connection with information received regarding **Chamila Bandara**, aged 17, and his family, whose case was included in an allegation letter sent by the Special Rapporteur on torture on 25 September 2003. Policemen threatened to kill Chamila Bandara who was allegedly on his way to Geneva, Switzerland, in connection with the current proceedings of the United Nations Human Rights Committee and with the support of human rights non-governmental organizations. According to the information received, in July 2003, Chamila Bandara was strung up by his thumbs and beaten by officers of the Ankumbura police station, Kandy, resulting in a permanent disability. Since he filed a complaint of torture, he has reportedly been forced into hiding. His mother also reportedly received death threats on 29 October 2003 from a group of police officers who intercepted her as she was going to the magistrate's court where her son's case was being heard.

528. On 6 November 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent an urgent appeal to the Government of Sri Lanka concerning **Hikkaduwa Liyanage Saundun Kumara**, aged 16. He reportedly went to Rathgama police station on 12 September 2003, as he had learned the police were looking for him. He was questioned for several hours about goods which were allegedly stolen from his employer. He was reportedly released and told to come back the following day. On 13 September 2003, the relatives of his employer took him back to the Rathgama police station and handed him over to a sub-inspector, whose name is known to the Special Rapporteur. Hikkaduwa Liyanage Saundun Kumara was reportedly severely tortured for three days. His mother was reportedly allowed to see him for the first time since his arrest on 17 September 2003. According to the information received, he could hardly walk, and he had a black eye, swollen feet and wounds on his elbows and knees. His mother's request for medical assistance for him was reportedly denied. Later that day, he was allegedly beaten and kicked again. He reportedly appeared before a court on 19 September 2003 and was sent to the Kithulampitiya Remand Home. He was transferred to the Karapitiya Teaching Hospital on 21 September 2003. Upon appearing before the Galle Magistrate's Court on 24 September 2003, he was released on bail and he and his family reportedly filed complaints with the National Human Rights Commission and the Supreme Court. The Supreme Court allegedly gave leave to proceed and ordered the National Police Commission to conduct a disciplinary inquiry into the case. Since then, he and his family have been receiving death threats from the alleged perpetrators. Officers alleged to have been involved in the events continue to serve at the same police station. Fears were expressed for the life and physical integrity of Hikkaduwa Liyanage Saundun Kumara and his family if no adequate measures are taken to ensure their safety.

### **Communication sent**

529. On 17 October 2003, the Special Rapporteur sent a communication to the Government of Sri Lanka regarding the following individual cases.

530. **T.A. Premachandra**, a 46-year-old man was reportedly shot and killed on 1 February 2003. He was allegedly driving his vehicle home from work with two companions in the back seat when two officers of the police traffic unit, Kalutara South, riding on a motorcycle, reportedly overtook the vehicle on the left and shot him in the head at close range with a T56 handgun, resulting in his death. He allegedly died instantly. His body was reportedly taken to the hospital and the two injured men were taken to the police station and arrested. Acting Superintendent of Police Jayantha Kulathilaka took charge of the case on the orders of Acting Magistrate Siri Perera. He headed the post-mortem investigation and, in an effort to justify the killing, he allegedly said that it was perfectly within the law to act as the police did. The two police officers allegedly responsible for the killing said that the driver was shot because of his refusal to stop the vehicle when ordered to do so. They also reportedly stated at the post-mortem investigation that they had fired at the tyre of the vehicle but because of the ruts on the road it went astray, and that they had no intention of killing anyone.

531. **Yoga Clement Benjamin**, a 47-year-old Catholic Tamil of Hillview Road, Pannila, Kalutara South in Sri Lanka was reportedly shot and killed by police officers of the Kalutara South Police on 26 February 2003. It is reported that until April 2002, he illicitly sold alcohol and was believed to have bribed police officers from the Kalutara South Police Station in order to have been able to continue his illegal activities. In addition, he had a farm with over 40 pigs and ran a vehicle repair shop in his garage. According to the information received, even after he had abandoned the sale of illicit alcohol the police did not stop claiming bribes from him. In June 2002, a policeman said to be known as Perera, unsuccessfully demanded a free supply of the product from Mr. Benjamin. After this incident, Mr. Benjamin reportedly decided to sell his farm. He then started receiving several death threats from the police and was also beaten. His wife and daughter repeatedly tried to file a complaint to the police authorities in February 2003. Mr. Benjamin subsequently got involved in a land dispute with a neighbour who reportedly lodged a complaint with the police. The police reportedly arrived at Mr. Benjamin's house, with the neighbour in a van. After the vehicles left the scene, his neighbour scolded him and coaxed him out of his house. Once he appeared, police personnel who were reportedly hiding in the neighbour's house emerged and fatally shot him while his son managed to escape the scene. The police claimed that they had fired in self-defence. However, it is reported that Mr. Benjamin was unarmed and never used a gun. According to information received, the officials from Kalutara South Police threatened to harm anyone who had any information about this incident.

### **Communications received**

532. On 16 December 2002, the Government of Sri Lanka responded to a communication sent by the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on violence against women,

regarding the case of **Sarathambal Saravanabavananthakurukkal** who was allegedly raped and murdered allegedly by members of the army. In its response, the Government stated that the Criminal Investigation Department of the Sri Lanka Police (CID) had conducted a comprehensive investigation into the alleged incident. The Government reported that the investigations conducted so far had not borne any fruit in terms of positively identifying the perpetrators of the crime. On 17 August 2002, the Attorney-General's Department advised CID that a criminal prosecution could not be launched and that there would be no need to conduct further investigations into this case. However, CID was further advised that if any new information on other material relating to the perpetration of this offence was received, investigations should be recommenced.

533. On 3 January 2003 the Government of Sri Lanka replied by letter to a joint appeal dated 13 September 2002 sent by the Special Rapporteur, along with the Special Rapporteur on torture, the Special Rapporteur on the independence of judges and lawyers and the Chairperson-Rapporteur of the working group on arbitrary detention, regarding the case of **Nandani Sriyalantha Herath**, who was arrested by the Wariyapola Police on 8 March 2002 and was tortured while in custody. This letter followed interim observations transmitted by the Government on 10 October 2002. The Government reported that on 21 June 2002, the CID ordered an investigation of the case. The police officers responsible were subsequently identified while Nandani Herath was examined by a judicial medical officer. The Attorney-General also instructed CID to conduct criminal investigations into the alleged threat to **Priyantha Gamage**, Ms. Herath's counsel, and the alleged assault of **Nishanta Kumara**, human rights activist, by the Wariyapola Police. The Government stated that the Attorney-General was considering the possibility of filing criminal charges against those responsible for the alleged torture of Herath.

534. On 1 December 2003, the Government of Sri Lanka responded to a communication sent jointly by the Special Rapporteur, the Special Rapporteur on torture and the Special Representative of the Secretary-General on human rights defenders on 30 October 2003, and regarding the case of **Chamila Bandara Jayaratna**, his cousin **Upali**, as well as **Bandula Padmakumara**, who were subjected to torture by police personnel attached to the Ankumbura Police Station after being taken into custody on suspicion of theft. The Government reported that the Special Investigation Unit (SIU), which is a specialized unit of the Sri Lanka Police established to investigate allegations of torture, had conducted an investigation into the allegation. The Government informed the Special Rapporteur that, after being released on bail, Jayaratne was admitted to the Kandy General Hospital on 31 July 2003 and received treatment for six days. The Judicial Medical Officer of Kandy Hospital who examined him allegedly reported to SIU that the patient had grievous injuries caused by a blunt weapon. Finally, the Government submitted that SIU had almost completed its investigations and that it would forward extracts of the investigation notes to the Attorney-General's Department for further action. The Government further indicated that, in the interim, upon a complaint received, an inquiry was conducted by the regional office of the National Human Rights Commission in Kandy where the incident took place. The inquiry officer's finding was that the complaint was unfounded. Subsequently, representations were made on behalf of the victim to the

Chairperson-Rapporteur and she ordered a fresh inquiry, which was in progress at the time of the communication.

535. On 4 December 2003, the Government of Sri Lanka responded to the communication jointly sent by the Special Rapporteur and the Special Rapporteur on torture on 2 September concerning the following individual cases.

536. **W A P Jayaratne**, reportedly died during interrogation by the military police. The Government's response indicated that Mahawela police conducted investigations into the incident based on information provided by Dr. Rajakaruna (female) of the Nalanda Hospital that a person wearing an army uniform and several others brought a body to Nalanda Hospital on 20 June 2001, without introducing themselves or disclosing any details as to the cause of death. The deceased was in army uniform and there were injuries to the body. Mahawela police duly reported the incident to Magistrate Paldeniya on 21 June 2001 and a post-mortem was conducted on his order. The Government reported that five army personnel who were on duty at the Koholanwala army camp on the day of the incident were subsequently arrested by police and made to appear before the Magistrate's Court. They were charged under case No. 15 519 at the Paldeniya Magistrate's Court and were later indicted in the High Court for murder.

537. **Kandaiyan Udayakumaran**, was reportedly taken into custody by the Navy on 28 February 2001 and whose body was taken to Mannar Hospital on 1 March 2001. SIU conducted investigations into the incident, and the Government reported that Udayakumaran had been taken into custody by the Navy to be questioned in connection with terrorist activities. He was taken to Mannar Hospital by navy personnel and pronounced dead upon arrival. Mannar police initiated investigations into the incident and a magisterial inquiry was held subsequently. The District Medical Officer of Mannar who conducted the post-mortem examination on the order of the Mannar Magistrate reported that death was caused by strangulation. The Magistrate accordingly returned a verdict of homicide and ordered the police to arrest the suspects and bring them before the Mannar Magistrate's Court. Sub-Lieutenant W R S Harischandra and sailor G A Sanjeeva Kumara, who had taken the victim into custody, were subsequently arrested and made to appear before the Magistrate's Court. They were later indicted in the Anuradhapura High Court and the case was still pending before the High Court at the time of the communication.

538. **Mullakandage Lasantha Jagath Kumara**, was reportedly arrested by Payagala police on 12 June 2000 and who died at Welikada prison on 20 June 2000 as a result of severe beatings. The Government reported that the Assistant Superintendent of Police for Kalutara had conducted an investigation into this incident. Mullakandage Lasantha Jagath Kumara was arrested by a police team led by Inspector Wickramaratne of Payagala police on 12 June 2000 and was detained illegally until 16 June 2000. He was beaten while in police custody. The Government reported that the Acting Superintendent forwarded an extract of the investigation notes to the Attorney-General's Department for advice. The latter decided to initiate criminal proceedings against Inspector Wickramaratne who subsequently appeared before the Kalutara Magistrate's Court. The case was pending at the time of the communication.

539. **Jayakodige Anura Wijesiri**, was allegedly beaten by Ingiriya police after being taken into custody on 10 January 2001 on suspicion of theft. After two days, he was found hanging inside a police cell. His father filed a complaint to the Attorney-General's Department on 21 November 2001, requesting that an investigation be conducted. The post-mortem report indicated that the cause of the death at the Ingiriya Police Station cell was suicide. Thus, the Attorney-General's Department decided not to take further action against anyone.

## Sudan

### Urgent appeals

540. On 7 April 2003, the Special Rapporteur, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on torture and the Special Rapporteur on the situation of human rights in the Sudan jointly sent an urgent appeal to the Government of the Sudan in connection with information received regarding scores of students reportedly detained after a wave of violent clashes between security forces and student demonstrators at a number of universities in the Sudan. Among the incidents reported, on 23 March students from the University of Khartoum held a meeting in protest against police killings and use of excessive force against fellow students during the demonstration which had taken place the day before. According to information received, this meeting was forcibly ended by police using tear gas. **Al-Amin Shams al-Din**, an engineering student suffering from asthma, reportedly died during the incident. It was reported that police claim he fell from a building, while students state that he was shot after other students lifted him up to avoid the tear gas which would have impaired his breathing. Fears were expressed that the force used on demonstrators was excessive enough to cause death or injury.

541. On 14 May 2003, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal to the Government of the Sudan regarding **Al-Taher Ahmad Hamdan**, a 15-year-old boy who was sentenced to death by a court in Nyala, South Darfur State. The young man, along with 25 other men were allegedly found guilty of killing 30 people and injuring a further 28 persons in a raid on the village of Singita, South Darfur on 31 December 2002. However, it was reported that evidence from prosecution witnesses was inconsistent; in addition, the persons who were arrested were allegedly held in incommunicado detention for more than two months.

542. On 12 June 2003, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on human rights defenders, sent an urgent appeal to the Government of the Sudan regarding the situation of **Tajulddin Banaga Mohammed Ahmed**, a witness reportedly testifying against the internal security forces in Sudan, who had allegedly received death threats. He was reportedly threatened by Sudanese security officers in recent days, and he was allegedly at risk of being killed because of his testimony in the trial of the persons accused of killing Ali Ahmed Al Bashir, his friend and business partner, who was

a Popular Congress party member allegedly murdered by members of the Sudanese security forces on 24 May 2001.

543. On 26 June 2003, the Special Rapporteur and the Special Rapporteur on torture sent an urgent appeal to the Government of the Sudan in connection with information received regarding **Abkr Mohammed Abdo Shain**, a 40-year-old member of the Zaghawa ethnic group, who was reportedly arrested on 18 June 2003 by military intelligence in Sarf Ommra, a village situated about 100 km east of Geneina, West Darfur State. He was allegedly brought to El-Fashir, North Darfur State, subsequent to his arrest, but was detained at an undisclosed location. The reasons for his arrest remain unknown. **Suleiman Mahmoud Nadi**, who was reportedly arrested along with him, was reportedly shot dead by military intelligence. In view of the alleged incommunicado detention of Abkr Mohammed Abdo Shain in an unknown place, and the allegations according to which the person who was arrested with him was killed, fears were expressed for his physical integrity.

544. On 3 July 2003, the Special Rapporteur and the Special Rapporteur on the independence of judges and lawyers sent an urgent appeal to the Government of the Sudan in connection with information received regarding **Tibin Abdel Rahman Isaag (m), Alhadi Abaker Hammad (m), Abaker Ahrran (m), Abader Adam Bakheet (m), Isaag Abaker (m), Saead Abdella Abaker (m), Mohamed Abdel Rahman Ibraheam (m), Easa Mohamed Adam (m) and Mohamed Abdella Yahya(m)**, who were reportedly sentenced to death by hanging, by a special court in the city of Kass, South Darfur State. Fears were expressed that the death penalty had been imposed following a judicial process that did not respect international standards for fair trials. All nine men were reportedly arrested on 13 November 2002 at the local market in Kass. They were allegedly accused of taking part in an attack on the village of Alibya, 30km west of Kass, which is populated by members of the Fur ethnic group. Seven people were reportedly killed and 10 injured, when a militia of between 150 and 300 men attacked the village in 2002. It was reported that no other alleged members of this militia were yet arrested. The nine men reportedly denied having taken part in the attack, and claimed they were in Kass on the day it occurred. Of the 18 prosecution witnesses who testified at the trial, none could allegedly confirm that the accused participated in the attack. After the trial, the men were transferred from a detention centre in Kass to the Nyala prison, in the capital of South Darfur State, where they were allegedly permitted visits from relatives.

#### **Communication sent**

545. On 29 July 2003, the Special Rapporteur sent an urgent appeal to the Government of the Sudan in connection with the cases of **Ramadan Ismail, Abu Nigel El Amin, Juma Mahamoud and Juma Omar**, all from the Nuba ethnic group, who were reportedly detained incommunicado by security forces in the town of Dongola, Northern Sudan, on 19 May 2003. They were reportedly arrested while attending a meeting at the house of **Awad Ibrahim**, a well-known activist. They were allegedly discussing the eventual repatriation of Nuba who were internally displaced during the civil war in the Sudan. According to the information received, the five men were taken to the headquarters of the security

forces in Dongola, where they were reportedly accused of being traitors. Later that day, Awad Ibrahim's body was reportedly taken to his family home by the security forces. It was believed that he had died as a result of the treatment to which he had been subjected while in detention.

### **Communications received**

546. On 3 July 2003, the Government of the Sudan replied to an urgent appeal sent by the Special Rapporteur jointly with the Special Rapporteur on the independence of judges and lawyers. In its letter, the Government explained that its position regarding the death penalty upholds international human rights standards which are incorporated in Sudanese Penal Law. Thus, the practice in Sudanese courts complies with the following requirements: "Elderly people over 70 years of age are not subject to any execution sentences; minors of less than 18 years of age are not subject to any execution or conscription in the armed forces; pregnant women are not subject to execution; women breastfeeding cannot be executed up to two years of breastfeeding".

547. On 26 August 2003, the Government of the Sudan sent a communication to the Special Rapporteur providing information about its efforts to reach a peaceful negotiated solution to the Southern Sudan conflict. The Government reaffirmed its dedication to restoring pluralism, to help strengthen democracy as well as the rule of law, and to the enhancement and protection of human rights. The Government informed the Special Rapporteur about the many steps undertaken in this context, especially since the last session of the Commission on Human Rights. Among those is a decision through a decree issued by the Governor of Southern Darfour to replace special courts with a court headed by a judge without military participation. The decree also provides that any verdict will be subject to appeal before the Appeal Court, the Supreme and Constitutional Court. Besides, the accused also has the right to counsel of his choice, who can address the court without any constraints whatsoever. The Government further stated that the Minister of Justice issued a decree related to the establishment of a Prosecuting Bureau for the Combating of Terrorism.

548. By letter dated 4 September 2003, the Government of the Sudan replied to an urgent appeal sent by the Special Rapporteur and the Special Representative of the Secretary-General on human rights defenders on 12 June 2003 concerning the case of **Tajulddin Banaga Mohamed Ahmed**. The Government affirmed that he was apprehended on 13 January 2003 in possession of an unlicensed revolver in violation of article 26 of the Weapons and Ammunition Act of the Sudan. The Government stated that proceedings were brought against him and he was sentenced to a fine and confiscation of the handgun on 31 May 2003. The Government stated that all criminal proceedings were expedited by the police and not the national security authority, as claimed by Mr. Ahmed, and that he could file a claim against the competent government authority for any violation of article 144 of the Sudan Penal Code, which he did not do. According to reports, the national security organ categorically denied that the defendant was subject to any kind of threat or intimidation. Regarding the case of **Ali Ahmed El Bashir**, the Government reported that he was charged with transferring public property to his personal ownership and that the security authority had seized the automobiles

stolen by him. The Government reported that the accused had died during that seizure and that the authorities acted immediately by waiving the immunity of the perpetrators, who were standing trial in a criminal court at the time the communication was received. The Government finally stated that the proceedings in this case were being carried out according to law and that 10 lawyers were representing the family of the deceased without any restrictions or constraints whatsoever.

549. The Government of the Sudan sent further information in connection with the communication sent by the Special Rapporteur on 14 May 2003. The Government reported that the juvenile **Ahmad Amar Adam Hamdan** was committed to a reformatory to serve a three-year term beginning on 26 April 2003. The Government further stated that the 23 other convicted persons were given death sentences after their appeals were dismissed by the Appeal Court. The Appeal Court's decisions, in both their cases and the case of Ahmad Amar Adam Hamdan, were published at the time the Government's response was sent.

550. On 14 October 2003, the Government of the Sudan responded to the letter sent by the Special Rapporteur on 29 July 2003 regarding the cases of **Ramadan Ismail, Abu Nigel El Amin, Juma Mahamoud** and **Juma Omar**. According to this response, the accused were arrested by the security committee of the Northern State following substantiated information that they were plotting to carry out acts of sabotage in Dongola town on 18 May 2003. The Government stated that the facts alleged in the summary of the case were not accurate and baseless, and inquiries carried out by competent Sudanese authorities categorically refuted them.

551. With regard to the case of **Awad Ibrahim**, the Government reported that, in the early morning of 19 May 2003, a security official from the above-mentioned committee reported that Mr. Ibrahim was sick. A doctor was called, who found that Mr. Ibrahim had died. The Office of the Attorney seized with the case and a police investigation and autopsy were carried out. The results clearly indicated that the cause of death was a heart attack, and that Mr. Ibrahim had been suffering from a heart condition. The autopsy showed that the deceased had not incurred any kind of injury relating to his detention. Mr. Ibrahim's family and relatives did not lodge any petition or complaint with the competent authorities, despite reassurances by the state governor and other high-ranking officials that the Government would investigate any complaint they might have. On 22 May 2003, the Attorney decided to close the case in accordance with the relevant articles of the 1991 Penal Code.

552. Regarding the three other detainees referred to in the communication, the Government informed the Special Rapporteur that their cases were still under investigation and judicial procedures, and that the appropriate authorities would keep the Special Rapporteurs informed about their conclusions in due course. The Government reported that the detainees were regularly visited by their families and they were given the right to lawyers. The Government indicated that it was prepared to meet the expense of these lawyers if the detainees so demanded. The Government finally stated that the competent authorities were prepared to respond to, and investigate, any kind of complaint or allegation of mistreatment on the part

of the detainees and would take legal measures against the perpetrators of such mistreatment.

553. On 27 October 2003, the Government of the Sudan transmitted its response to the letter sent by the Special Rapporteurs on 14 May 2003, in relation to the case of **Al-Taher Ahmad Hamdan**. The Government reported that the juvenile had not been sentenced to death since the Sudanese Constitution does not provide for the death penalty to juveniles, i.e. those under 18 years of age. On the contrary, the Government explained that he was sentenced to three years in a reformatory and that he was however granted the right to appeal that verdict. The Government finally informed that the other 23 detainees had been sentenced to death. All of them had lodged an appeal with the Court of Appeals, and they are currently being considered by the competent judicial authorities.

## Swaziland

### Communication sent

554. On 19 August 2003, the Special Rapporteur and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a communication to the Government of Swaziland in connection with information received concerning the break-up by security forces of the national strike launched on 13 August 2003 by labour federations to protest the governance record of King Mswati III. Approximately 5,000 demonstrators gathered in the capital, Mbabane, and 1,000 in the town of Manzini, and some demonstrators caused vandalism in the capital. The riot police reportedly responded with tear gas and prevented the demonstrators from reassembling by beating them with batons. **One unionist** allegedly died as a result of the beatings by the police. Furthermore, the police allegedly fired live rounds to prevent agricultural workers from meeting in the Tambankhulu stadium, and one of the demonstrators was reportedly admitted to Good Shepherd Hospital in Siteki with a gunshot wound.

## Sweden

### Communication sent

555. On 7 August 2003, the Special Rapporteur and the Special Rapporteur on torture sent a communication to the Government of Sweden in connection with the case of **Peter Anderson**, a 35-year-old suspected burglar, who reportedly died after he was arrested and restrained by four police officers in Örebro on 3 November 2000. It was alleged that the preliminary report of a post-mortem examination shows evidence of bruising on his face, arms, legs and body, as well as symptoms of death from asphyxia. After his arrest, he was reportedly laid face down on the ground with his hands handcuffed behind him. One police officer sat on the back of his head, another sat on his back, while two security guards allegedly held his legs. He then reportedly lost consciousness. He was taken to a hospital where he reportedly died shortly afterwards.

### **Communication received**

556. On 21 November 2003, the Government of Sweden responded to the communication jointly sent by the Special Rapporteur and the Special Rapporteur on torture on 7 August 2003 regarding the death of **Peter Anderson**. According to the Government, the police officers used force to carry out his arrest; this force included forcing the suspect to the ground and affixing the handcuffs. Anderson forcefully resisted being handcuffed. After a while, he relaxed and the officers started to unfasten the handcuffs. His lips had become blue, he had started to breathe heavily and his body had started to convulse. The officers called an ambulance and Anderson continued to have convulsions; he tried to break loose as he was being lifted into the ambulance and also upon arrival at the hospital. At this stage, the officers restrained him in an effort to end his struggling. His violent behavior continued as a doctor examined him, therefore medical staff were also forced to restrain him. A decision was taken to transfer him to another location within the hospital for further examination. A special bed was provided for him after officers and medical staff transferred him there. The Government explained that he had stopped breathing and had died during the transfer; a doctor confirmed the death at 7:40 a.m. On 3 November 2000, a complaint concerning his death was filed with the County Police Authority. The Government informed the Special Rapporteur that a further complaint was made by the deceased's brother concerning official misconduct and negligence causing death. An investigation was carried out. According to the post-mortem results, the cause of death could not clearly be established. Consequently, the prosecutor decided on 28 November 2001 not to pursue the investigation. No decision or judgement on criminal or disciplinary sanctions was taken against the police officers involved, as there was no basis for any disciplinary action. Finally, the Government of Sweden informed the Special Rapporteur that the Division for Police Issues and Public Order and Security did not agree that the death of Anderson could be described as an execution. All police officers involved in the apprehension were identified, and it was established that they had intervened within their scope of responsibility to maintain law and order under the chief constable's instructions.

## **Thailand**

### **Urgent appeal**

557. On 25 February 2003, the Special Rapporteur sent an urgent appeal to the Government of Thailand in connection with information received regarding reports of a significant number of deaths, allegedly amounting to more than 100, in connection with ongoing law enforcement operations by the Thai authorities aimed at cracking down on the country's drug trade. Further reports alleged excessive use of force by law enforcement and security officials engaged in these operations, which reportedly resulted in extrajudicial executions.

### **Communication received**

558. On 10 April 2003, the Government of Thailand responded to the Communication sent by the Special Rapporteur on 25 February 2003. The Government submitted that, in order to address the scourge of drugs in a

comprehensive manner, it mounted a massive integrated strategic campaign since 1 February 2003, which comprised three main pillars: prevention, treatment and rehabilitation, and suppression. Thousands of drug dealers were arrested, hundreds of thousands of them turned themselves in to the authorities, while hundreds of thousands of addicts turned themselves in for rehabilitation. In its response, the Government indicated that the high number of arrests and deaths which occurred during the police operations is not surprising. Many deaths occurred as a result of drug dealers trying to avoid being traced by the police, by killing those who could have given evidence against them. The Government reported that only a small number of killings occurred as a result of acts of self-defense by the police, or actually involved police officers as suspects. In discharging their duties, law enforcement officers were instructed to strictly observe the provisions of the Criminal Code which authorizes the use of lethal force only for self-defence. The Government stated that every unnatural death which occurred during the police operations would be thoroughly investigated in accordance with the law, without exception. The Government further indicated that any person who believes that he or his relatives were wrongly accused of having been involved in narcotic trade or whose relatives were killed during drug-related operations can appeal to the Department of Rights and Liberties Protection and the Department of Special Investigation of the Ministry of Justice, which were established as a result of the bureaucratic reform in 2002. Finally, the Government reported that on 28 February 2003, the Prime Minister appointed two committees to monitor the implementation of the operations and to ensure protection for witnesses in drug-related murder cases and those who turned themselves in to the authorities. Since then, a number of cases involving government officials have been brought under close scrutiny; there has been an investigation of the system of justice and a number of police officers have been arrested on charges of extrajudicial killing.

## Turkey

### Urgent appeal

559. On 22 May 2003, the Special Rapporteur and the Special Rapporteur on torture sent an urgent appeal to the Government of Turkey in relation with information received regarding **K. Ö.**, a woman of Kurdish origin, who was allegedly receiving death threats from police officers. According to the information received, she had reportedly been raped and tortured by police at her home in 1999 and was frequently threatened and intimidated since then, apparently in an attempt to prevent her from pursuing her case with the European Court of Human Rights (ECHR). On 23 April her home was reportedly raided by police. The police officers allegedly threatened her with death if she did not give up her case against the Turkish authorities with the ECHR. On 28 April, she visited the Adana branch of the Human Rights Association (IHD) to make a complaint about the raid. On her return home the same police officers reportedly forced her into a car at gunpoint, blindfolded her, and threatened her with death. When she told them that she would not give up her case, her assailants reportedly threw her from the car. Her lawyers made a complaint to the ECHR prosecutor. Her lawyers sent her case to the ECHR, as the Turkish courts had reportedly rejected all of K.Ö.'s attempts to press charges against the police officers. Fears

have been expressed that she may continue to be subjected to threats and harassment if no appropriate measures are taken to ensure her safety.

### **Communications received**

560. On 6 November 2002, the Government of Turkey transmitted its response to a communication sent by the Special Rapporteur, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers, on 22 May 2002, regarding the case of **Salih Yilar**. The Government stated that Salih Yilar had been taken into custody on 18 March 2002 on grounds of aiding and abetting the terrorist organization PKK. He was released on 21 March 2002. A decision of non-prosecution was given owing to a lack of evidence. According to reports, upon the receiving information on 14 May 2002 that there was a wounded man on the Silvan road, the security forces went to the area where they found a man with cuts on his left wrist and his abdomen. The man could not talk and did not possess an identification card. He was immediately taken to the Diyarbakir State Hospital. It was later established that the man was Salih Yilar. The Government reported that Salih Yilar allegedly stated that he attempted to commit suicide. The file was forwarded to the Public Prosecutor's Office. Mr. Yilar was neither taken into custody nor subjected to torture. However upon receiving his complaint alleging that he had been subjected to torture, an investigation was initiated in the course of which no evidence or witness was found. The Government of Turkey finally stated that the description of HADEP as "pro-Kurdish" was incorrect and misleading. The political parties in Turkey are not divided along ethnic lines. HADEP embraces democratic principles in its programme and activities, just like all other political parties in Turkey.

561. By letter dated 8 July 2003, the Government of Turkey responded to a joint communication sent on 22 May 2003, by the Special Rapporteur jointly with the Special Rapporteur on Torture, regarding the case of **K.Ö**. The State reported that she applied to the Provincial Security Directorate in Adana on 27 December 1999, alleging that two unidentified persons claiming to be police officers came to her house that day, asking questions about her daughter who was reportedly involved in armed activities of the PKK terrorist organization, and ill-treated and raped her. Upon her application, she was invited to the Anti-Terrorism Branch of the Provincial Security Directorate on 31 March 2000 to identify the alleged assailants, accompanied by her son, Tevfik, and her legal counsel. The Government explained that the request to initiate an official inquiry was rejected due to the lack of conclusive evidence supporting K.Ö's statements as well as the alleged inconsistencies in her declarations taken on different dates and the manner in which she identified the officer. Finally, with respect to her allegation of ill-treatment and rape on 27 December 1999, the Government stated that official medical reports did not corroborate her allegations.

## **Turkmenistan**

### **Urgent appeal**

562. On 5 June 2003, the Special Rapporteur and the Special Rapporteur on torture sent a joint urgent appeal to the Government of Turkmenistan in connection with the case of **Boris Shikhmuradov**, the former Minister for Foreign Affairs of Turkmenistan, who was reportedly arrested on 25 December 2002 and held in incommunicado detention in relation to the attempted assassination of President Saparmurad Niazov on 25 November 2002. Human rights organizations as well as representatives of the Organization for Security and Cooperation in Europe (OSCE) were reportedly prevented from visiting him. Since his arrest, reports indicate that he was given injections of psychotropic and paralytic drugs, as a result of which his health seriously deteriorated. Fears were expressed that the treatment he received could lead to his death if he did not receive prompt and effective medical assistance.

563. The Special Rapporteurs also drew the attention of the Government to information received regarding Mr. Shikhmuradov's brother, **Konstantin Shikhmuradov**, who was reportedly arrested in Ashgabat on 7 December 2002, allegedly for extortion and threats to life. He was reportedly sentenced to 14 years imprisonment for terrorist activities. At the time the communication was sent, he was allegedly held incommunicado with no access to his lawyer or relatives. In view of the incommunicado detention of Konstantin Shikhmuradov, fears were expressed for his physical and mental integrity.

564. On 28 November 2003, the Special Rapporteur sent an urgent appeal to the Government of Turkmenistan, jointly with the the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on torture and the Special Representative of the Secretary-General on human rights defenders, concerning **Saparmurat Ovezberdiev**, a correspondent for Radio Free Europe/Radio Liberty's Turkmen-language service in Ashgabat. According to information received, on 14 November 2003, two men believed to be secret service agents forcibly took him to an Ashgabat cemetery, where he was allegedly brutally beaten, threatened and dumped on the side of a road. The two men reportedly told him "We've had enough of you. We're going to get rid of you". Mr. Ovezberdiev had reportedly sustained head injuries in the incident. In addition, reports indicated that on 11 September 2003, he was arrested by National Security Ministry officers and detained for three days. He was allegedly drugged, manhandled and threatened with a 20-year prison sentence for being a "traitor to the homeland". These actions could be related to one of his radio programmes, "Open Microphone", in which listeners are given an opportunity to speak out when their rights are violated and to get in touch with legal experts and human rights organizations abroad. It was reported that National Security Ministry officials had called for the cancellation of the programmes on several occasions.

## Uganda

### Communication sent

565. On 17 September 2003, the Special Rapporteur and the Special Rapporteur on torture sent a communication to the Government of Uganda regarding the case of **Nsangi Murisdi**, a small businessman who was reportedly

killed while in custody at Uganda's Violent Crime Crack Unit (VCCU) on 14 June 2003. He was reportedly picked up by VCCU officers from his workplace in Owino Market in Kampala and taken to VCCU headquarters in Kireka. His relatives were allegedly denied access to him. On 18 June 2003, the family reportedly received news of his death in custody. The death certificate reportedly gave the causes of death as extensive loss of fluid and blood, severe bleeding in the brain and extensive burns on the buttocks. No action was allegedly taken to investigate his death.

## Ukraine

### Communication sent

566. On 30 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, sent a communication to the Government of Ukraine in connection with the following individual cases.

567. **Vladimir Fedorchenko**, aged 25, his wife **Zukhra Fedorchenko**, aged 21 and their six-year-old son **Jura Fedorchenko**, **Snezhana Fedorchenko**, aged 6, **Misha Fedorchenko**, aged 3, **Takhar Fedorchenko**, aged 15, and **Yury Fedorchenko**, aged 50, all members of the same Roma family. According to the information received, the family's home, located in the village of Malaya Kakhovka in the Poltava Province, was set alight in an arson attack on 28 October 2001. A senior police officer was allegedly involved in the incident. It was reported that Yury Fedorchenko was leaving his house at around 7:30 a.m. on 28 October 2001 when he encountered three men, one of them a police major (whose name is known to the Special Rapporteurs). The police major had reportedly visited the family home on a number of occasions for the purpose of extorting bribes from a family member because of her past alleged involvement in drug trafficking. The three men reportedly forced their way into the house. It was alleged that in doing so, they hit Yury Fedorchenko over the head with a heavy object. A man reportedly holding a canister with flammable material allegedly emptied its contents around the house and set it ablaze. As a result, three members of the Fedorchenko family allegedly died in hospital while Takhar and Yury Fedorchenko reportedly survived with burns to 70 and 40 per cent of their bodies, respectively. An investigation was reportedly initiated.

### Communication received

568. On 21 July 2003, the Government of Ukraine responded to an urgent appeal sent on 12 July 2002 by the Special Rapporteur jointly with the Special rapporteur on the promotion and protection of the right to freedom of opinion and expression concerning the case of **Viktor Vorotnikov**, editor-in-chief at the newspaper *Grani*, who was reportedly harassed and threatened by officer V.D. Sitar from the Council for National Security and Defence of Ukraine (CNSDU) after the publication on 14 June 2002 on the Internet issue of *Grani* of an article by journalist Sergej Romanovskogo entitled "Apocalypse Liberty". In its response, the Government gives great detail about the investigations carried out into Mr.

Vorotnikov's allegations. The Government stated that the results of the investigation show Mr. Vorotnikov's allegations that Sitar and other CNSDU officers abused their official positions, that there existed a real threat to his life, health and safety, that certain CNSDU officers committed criminal acts, and that the Ukrainian law enforcement bodies refused to react to his appeals, were all unfounded fictitious and untrue. Consequently, on 23 August 2002, Colonel V.A. Zhuravel, chief investigative officer of the Central Military Procurators' Department of the Office of the Procurator-General, decided not to proceed with a criminal case. All the persons concerned, including Mr. Vorotnikov, were advised of this decision, as well as of their right to appeal and the procedure for doing so.

## United States of America

### Urgent appeals

569. On 12 February 2003, the Special Rapporteur sent an urgent appeal to the Government of United States of America regarding the situation of **Louis Jones**, a former soldier, who was reportedly scheduled to be executed on 18 March 2003 for the murder and sexual assault of Tracie Joy McBride, a 19-year-old United States Army private, whom he had abducted from the Goodfellow Air Force Base in San Angelo, Texas, on 18 February 1995. Since the crime had begun on a United States military facility, it was prosecuted as a federal rather than a Texas district case. At the sentencing phase of the trial, the defence presented mitigating evidence, including that Mr. Jones was suffering from various mental problems, including possible post-traumatic stress disorder as a result of his experiences in the United States invasion of Grenada in 1983 and the 1990/91 Gulf war. Mr. Jones faced a death sentence or life imprisonment without the possibility of parole: indeed, owing to the kidnapping charge, under federal law he would never be released if the jury voted for imprisonment. However, the judge allegedly wrongly instructed the jury that it could vote for the death penalty, life without the possibility of release, or a lesser sentence in which case the judge would reportedly decide its length. It has been brought to the Special Rapporteur's attention that there had been confusion and coercion in the jury room. Indeed, the judge's instruction allegedly led some of the jurors to believe that if they could not reach a unanimous verdict on either the death penalty or life without parole, the judge would impose a lesser sentence. As none of the jurors was in favour of a lesser sentence, it is reported that the jury stood at 10 to 2 in favour of the death penalty. According to reports, when Louis Jones's death sentence was upheld by the United States Supreme Court in 1999, four of the nine Justices dissented, stating that the jury had been misinformed by the trial judge's instruction, and that there was at least a reasonable likelihood that that had tainted the jury's deliberations.

570. On 13 February 2003, the Special Rapporteur sent an urgent appeal to the Government of the United States regarding the case of **Amos King**, who was reportedly scheduled to be executed in Florida on 26 February 2003 for the murder of 68-year-old Natalie Brady, in March 1977. It has been brought to the Special Rapporteur's attention that Mr. King consistently maintained his innocence. Fire and police personnel reportedly found Ms. Brady's body at her house, which had

been set on fire. She had been raped and stabbed. A short while earlier, Mr. King, who was on a work release programme at a minimum security prison near the house, had allegedly got into an altercation with a staff member during which the latter was stabbed. He allegedly fled the facility, but turned himself in later that day. He was reportedly charged with the assault on the staff member (who had survived) and the murder of Natalie Brady. According to the information received, in 1984, the Eleventh Circuit Court of Appeals upheld the conviction against him, despite admitting that his lawyer had made a number of mistakes at the guilt stage of the 1977 trial. The Court allegedly also found that the circumstantial nature of the evidence might have allowed a “skilled attorney” to convince a jury that “the ultimate penalty should not be exacted, lest a mistake may have been made”. The Eleventh Circuit Court reportedly had indeed overturned the death sentence on the grounds that Mr. King’s lawyer had been ineffective at the sentencing phase. However, on receiving a new sentencing hearing, he was re-sentenced to death. Furthermore, it has been brought to the Special Rapporteur’s attention that the evidence against Amos King was not overwhelming. In addition, concerns have been expressed as to the competence of the medical examiner who provided key evidence at the trial. Indeed, she was allegedly forced to retire in 2000 after her work on several cases was discredited. About an hour before he was due to be executed on 2 December 2002, Mr. King was reportedly granted a reprieve by the Governor of Florida John “Jeb” Bush, to allow for further DNA testing on evidence from the crime. On 5 February 2003, the Governor lifted the stay, saying that the DNA testing had failed to provide any new evidence. However, the DNA testing was reportedly inconclusive, neither incriminating nor exonerating Amos King.

571. On 12 May 2003, the Special Rapporteur sent an urgent appeal to the Government of the United States regarding the case of **Percy Walton** who was scheduled to be executed in Virginia on 28 May 2003. He was reportedly sentenced to death in 1997 for the murders of an elderly couple, Elizabeth Hendrick, aged 81, and Jesse Hendrick, aged 80, and a 33-year-old man, Archie Moore, in Danville in November 1996. It has been brought to the Special Rapporteur’s attention that Mr. Walton, who was reportedly 18 years old at the time of the crime, has allegedly been suffering from schizophrenia since the age of 16 when he had begun to display dramatic changes in behaviour. In 1999, a psychiatrist, a neuropsychologist and a neurologist allegedly assessed his mental health in view of his appeals and confirmed his diagnosis as suffering from severe chronic schizophrenia at the time of the crime. Nevertheless, it is reported that the sentencing judge was not presented with any mental health evidence in mitigation by Mr. Walton’s state appointed lawyer.

572. On 20 May 2003, the Special Rapporteur sent an urgent appeal to the Government of the United States in connection with information received regarding the alleged establishment of new military rules. According to these rules, United States forces in Iraq allegedly had the authority to shoot looters on sight.

573. On 26 May 2003, the Special Rapporteur sent an urgent appeal to the Government of the United States regarding **Abu-Ali Abdur’Rahman** who was reportedly scheduled to be executed on 18 June 2003 for the 1986 murder of Patrick Daniels. It has been brought to the Special Rapporteur’s attention that Mr.

Rahman's trial lawyers failed to present compelling mitigating evidence. Indeed as a child, Mr. Rahman was reported to have suffered abuse at the hands of his father, a military policeman. Besides, the jurors were also allegedly left unaware that he had had a history of serious mental health problems, or that he had manifested symptoms of mental illness following his arrest two days after the crime, as he was diagnosed with post-traumatic stress disorder. Doubts have also been raised as to whether Abu-Ali Abdur'Rahman actually stabbed Patrick Daniels. Indeed, it is reported that the Davidson County prosecutor mainly relied on the testimony of Mr. Abdur'Rahman's co-defendant, Devade Miller, to persuade the jury that Mr. Abdur'Rahman had wielded the knife. It is reported that Devade Miller avoided the death penalty in exchange for his testimony and a guilty plea to second-degree murder, for which he was paroled after six years in prison. Lastly, although Abu-Ali Abdur'Rahman does not deny his involvement in the crime, he has consistently claimed that he cannot remember the stabbing itself, which is a possible sign of post-traumatic stress disorder blackout. It is also reported that forensic testing found no trace of blood on a long woollen coat he was wearing, despite the bloodiness of the crime scene.

574. On 11 July 2003, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions regarding **Darnell Williams** who, according to the information received, was to be executed by the State of Indiana on 1 August 2003. It is reported that he is seeking commutation of his death sentence, and is asking the Governor of Indiana for a reprieve for the purposes of DNA testing. Mr. Williams has, according to the information received, always maintained that, while he was involved in the crime, he was not present when the shooting occurred and that courts of appeal have agreed that his lawyers' performance on this issue was deficient but stated it did not affect the outcome of the trial. At trial, the prosecution presented the report of a serologist who had found three blood spots on Mr. Williams' shorts, however, defence lawyers did not hire their own experts to evaluate the blood spots so their cross-examination of this evidence was limited. Newly discovered information from the state serologist's notes now suggests that the blood may not have come from the victims. A DNA test on these blood spots could therefore support Mr. Williams' claim that he was not present at the shooting. Mr. Williams' appeal lawyers have sought to have the blood subjected to DNA testing and the trial prosecutor supports this request. In addition, there was reportedly a witness interviewed by the prosecution with exonerating evidence but Mr. Williams' defence lawyers did not review this evidence despite being aware of this interview tape and therefore this witness did not testify at the trial. According to the information received, appeals against Mr. Williams' death sentence on the grounds of his trial lawyers' failure to present the jury with evidence of his alleged limited mental competence have been unsuccessful.

575. On 30 October 2003, the Special Rapporteur sent an urgent appeal to the Government of the United States concerning the case of **James Willie Brown**, aged 55, for whom an urgent appeal was sent by the Special Rapporteur on 4 November 2002. According to the information received, he was scheduled for execution in Georgia on 4 November 2003 for the rape and murder of Brenda Watson in 1975. Mr. Brown is reported to have a long history of mental illness, including repeated diagnoses of schizophrenia. He reportedly entered the army but

was discharged two years later owing to his mental illness. He was arrested for the first time in 1968, but was deemed incompetent to stand trial because he allegedly lacked the mental capacity to fully understand the proceedings or assist in his defence and he was therefore transferred to a state mental facility. Between the time of his first arrest and his 1981 trial for the murder of Brenda Watson, he reportedly stayed in mental facilities during 70 per cent of the time, both on an involuntary and a voluntary basis.

576. On 7 November 2003, the Special Rapporteur transmitted an urgent appeal to the Government of the United States regarding the case of **Joseph Timothy Keel**, who was scheduled to be executed in North Carolina on 7 November 2003. He had been sentenced to death at a retrial in 1993 for the murder of his father-in-law, John Simmons, who had been shot on his farm in 1990. According to the information received, Mr. Keel suffered from mental impairment: his IQ was allegedly measured in the borderline mental retardation range. Besides, he was diagnosed with organic brain damage, possibly as a result of brain injuries. He also had a history of other mental problems, including auditory hallucinations, which required treatment with anti-psychotic medication. According to the information received, at the guilt phase of the trial, the defense lawyer did not present evidence of Mr. Keel's mental problems in support of a possible claim of diminished responsibility and a verdict of less than first-degree murder. However, at the sentencing phase, it was reported that the defence had presented some evidence of his low IQ and brain injuries but more evidence of his mental problems had reportedly emerged since the trial.

577. On 19 November 2003, the Special Rapporteur transmitted an urgent appeal to the Government of the United States regarding the death sentence of **Hung Thanh Le**, who was reportedly scheduled to be executed in Oklahoma on 6 January 2004. He was allegedly sentenced to death in September 1995 in Oklahoma County for the murder of Hai Hong Nguyen, on 12 November 1992. In a videotaped police interview, he allegedly admitted stabbing Mr. Nguyen, whom he had met in 1985 and with whom he had immigrated to the United States, claiming that he had only intended to rob him, but that the situation escalated. It was alleged that, despite Hung Thanh Le's limited command of English, the police made no effort to obtain an interpreter. As a result, Hung Thanh Le reportedly waived his right to have a lawyer present without fully being aware of what he was doing. In October 1993 pre-trial proceedings, during which he had an interpreter, Hung Thanh Le allegedly entered a guilty plea which the judge allowed him to withdraw a year later, on the grounds that, even with an interpreter, he had not understood the proceedings, including that he could be sentenced to death. According to the information received, since the trial, a psychologist concluded that, as a result of his life experiences, he was suffering from post-traumatic stress disorder at the time of the crime. It was also alleged that his trial was riddled with prosecutorial misconduct and that the prosecutor made inflammatory remarks. However, despite finding that the prosecution's arguments were "improper" and "irrelevant", the appeal courts allowed Hung Thanh Le's death sentence to stand.

578. On 27 November 2003, the Special Rapporteur sent an urgent appeal to the Government of the United States in connection with the case of **Charles**

**Singleton**, who was reportedly scheduled to be executed in Arkansas on 6 January 2004. He had allegedly been sentenced to death in 1979 for the murder of Mary Lou York. According to the information received, Mr. Singleton suffered from serious mental illness that, without treatment, was rising to the level of insanity. His mental condition had reportedly worsened in the years that he spent on death row, when he was diagnosed as suffering from schizophrenia. By the early 1990s, Mr. Singleton was reportedly taking anti-psychotic drugs on a regular basis and when he did not take the medication, or when he needed increased or different medication, his symptoms would allegedly worsen. When his illness had become severe, he was allegedly put on an involuntary medication regime. His psychotic symptoms had reportedly abated, allowing the State to set an execution date. According to the information received, his lawyers appealed on the basis that it was unconstitutional to restore his competency through forcible medication in order to make him competent to be executed. In October 2001, a three-judge panel of the United States Court of Appeals for the Eighth Circuit reportedly ruled that the death sentence should be commuted to life imprisonment. However this decision was overruled in February 2003 after a rehearing by the full court of the Eighth Circuit. On 6 October 2003, the United States Supreme Court allegedly dismissed Mr. Singleton's appeal, thereby allowing the Eighth Circuit's ruling to stand and the State to set an execution date.

### **Communications sent**

579. On 12 May 2003, the Special Rapporteur sent a communication to the Government of the United States concerning information received regarding incidents in the town of Fajullah, west of Baghdad, Iraq. A number of civilians were allegedly shot dead by United States military forces during demonstrations and the circumstances surrounding these reported incidents still remained unclear.

### **Communication received**

580. By letter dated 4 March 2003, the Government of the United States transmitted its response to a joint communication sent by the Special Rapporteur and by the Special Rapporteur on torture on 2 September 2002, requesting information on four cases of alleged restraint by law enforcement officials in the United States that resulted in death. Information has been sought about each case from the Special Litigation Section in the Civil Rights Division of the Department of Justice, which protects the constitutional and federal statutory rights of persons confined in certain institutions owned or operated by state and local governments. The Government further gave information on several sets of standards that have been promulgated in the United States which are intended to regulate the use of restraint chairs by law enforcement and correctional personnel. The Government also provided replies to the four cases raised by the Special Rapporteurs regarding the use of restraint chairs.

581. **Charles Agster.** According to press reports, when Charles Agster was uncooperative in police custody, he was placed in a restraint chair and he stopped breathing. He died three days later when his family requested that he be disconnected from a life-support machine. The Maricopa County Medical Examiner's Office declared the death an accident and found the cause of death to

be “positional asphyxia due to restraint and acute drug intoxication”. According to a report of the Associate Press on August 6, 2002, a lawsuit was filed on that date by Mr. Agster’s family against the Maricopa County Sheriff’s Office, for US\$ 20 million. According to the press report, the Maricopa County Sheriff denied the accusations and intends to contest the lawsuit. The Department of Justice has no record of any complaint or investigation into the matter of Charles Agster.

582. **Hazel Virginia Bayer.** Hazel Bayer died thirteen days after being found unconscious and not breathing in a restraint chair in the Johnson City, Tennessee Jail. She had been arrested for public intoxication. The Associated Press reported that pleadings filed by Johnson City in court noted that an autopsy report said Ms. Bayer most likely died from “multi-system failure due to brain anoxia/ischaemia due to mechanical obstruction”. The autopsy report deemed that placement in the restraint chair was a proximate cause of death. A wrongful death lawsuit for US\$ 5 million was filed against Johnson City, the police chief, jail superintendent and five other city employees in United States District Court last year. The Department of Justice has no record of any complaint or investigation into this matter.

583. **Kevin Coleman.** Kevin Coleman died while sitting in a restraint chair at the Wade Correctional Centre in Homer, Louisiana. The matter is currently under review by the Criminal Section of the Civil Rights Division of the Department of Justice.

584. **Albert Cothran.** On June 26, 2001, Albert Lee Cothran was found dead in a restraint chair in Columbia County Detention Centre, Florida, after he was placed in the chair due to sustained combative behavior. The Medical Examiner’s Report found that Mr. Cothran had suffered a heart attack while restrained in the chair. The Department of Justice has no record of any complaint or investigation into the matter.

## Uruguay

### Respuestas del Gobierno

585. Mediante comunicación de 20 de diciembre de 2002, el Gobierno de Uruguay proporcionó información en relación con el llamamiento urgente que la Relatora Especial junto con Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión y el Relator Especial sobre la independencia de magistrados y abogados envió el 23 de octubre de 2002 en relación al caso del periodista **Daniel Cancela** y los funcionarios **Pablo Eguren** y **Luisa Scelza**. Según el Gobierno, el ministerio del interior habría ofrecido custodia policial a las personas amenazadas, la cual habría sido rehusada por los mismos ciudadanos. Asimismo informó, que los afectados no habrían presentado denuncias respecto de las amenazas recibidas razón por la cual no hubo lugar a la apertura de ninguna investigación.

586. Mediante comunicación de 20 de diciembre de 2002, el Gobierno de Uruguay proporcionó información en relación con la alegación que la Relatora Especial envió el 18 de septiembre de 2002, respecto de los hechos ocurridos el mes de marzo de 2002 en el centro carcelario La Libertad. Según el Gobierno, la

ocurrencia del motín no habría estado precedida de protestas o reclamos que hubiesen permitido advertir de su ocurrencia. Según el Gobierno, los hechos ocurridos en el centro carcelario, no habrían tenido como motivación una protesta sino el propósito de destrucción definitiva del penal. Asimismo, informó que para el control del motín se habría recurrido a métodos disuasivos y de negociación, sin acudir al uso de la fuerza. Con relación a las muertes de varios de los internos, el Gobierno informó, que las hipótesis iniciales sobre el suicidio de los internos, habrían sido desvirtuadas por el órgano encargado de la investigación, el cual habría tipificado tales delitos como homicidios. En tal sentido informó que se habría logrado la individualización de algunos de los internos, presuntamente responsables de los homicidios. Finalmente el Gobierno informó, que de acuerdo con las investigaciones no se logró determinar la participación de agentes del Estado en la comisión de los hechos.

## Uzbekistan

### Urgent appeals

587. On 16 January 2003, the Special Rapporteur and the Special Rapporteur on torture sent an urgent appeal to the Government of Uzbekistan regarding the cases of **Azamat Uteev**, aged 21, **Ilkhom Karimov**, aged 22, and **Evgeny Gugin**, aged 22, who were reportedly in imminent danger of execution. Azamat Uteev was sentenced to death on 28 June 2002 by the Supreme Court of the Autonomous Republic of Karakalpakstan on murder charges. He was reportedly accused of killing a 15-year-old girl. He was allegedly tortured by police officers and officers from the Procurator's office in Nukus, as a result of which he reportedly signed a confession. He reportedly retracted his confession at the beginning of the hearing, stating that he was tortured to force him to confess. However, the court ignored his statement and did not open an investigation into the allegations. The Appeals Board of the Court allegedly turned down his appeal on 6 August. Ilkhom Karimov and Evgeny Gugin, from the town of Kokand in the Ferghana valley, were reportedly sentenced to death by the Tashkent City Court on 28 October 2002. They were accused of having robbed and killed a woman and a man at their apartment in the capital, Tashkent, in April 2002. Their appeals were reportedly turned down by the Appeals Board of the Court on 10 December. They were both reportedly severely beaten in pre-trial detention by law enforcement officers. According to the information received, Evgeny Gugin confessed to the crime because the police officers had threatened to kill his mother and younger brother. It has been brought to the Special Rapporteurs' attention that as all domestic appeals against their death sentences were reportedly turned down, their only hope would be for the President of Uzbekistan to grant them clemency.

588. On 11 June 2003, the Special Rapporteur, the Special Rapporteur on torture, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers jointly sent an urgent appeal to the Government of Uzbekistan in relation to the case of **Khamila Ismailova**, aged 56, who was reportedly severely beaten by unknown attackers in her home in Shurchi, Surkhandaria province, on 13 May 2003. As a result, she allegedly lost consciousness. Her husband, **Ergash Choriev**, who was allegedly also assaulted during this incident, reportedly died as a result of the

beatings. He allegedly worked as an auditor for the prosecutor's office and he had recently audited a government-owned enterprise. He reportedly had previously informed his wife and the chief prosecutor of Denau, Surkhandaria, that he was concerned for his safety. Fears were expressed that his murder might have been related to his work. Khamila Ismailova was taken to Shurchi City Hospital. Despite her poor condition, the police interrogated her for several hours at the hospital. She was reportedly taken from the hospital by two men on 14 May 2003, although the medical personnel had advised that she was too ill to be moved. Her relatives were reportedly not informed of her whereabouts for two days, during which time she was allegedly transferred to a hospital in Termez, where she was allegedly subjected to further interrogations by the police and officers from the Ministry of Internal Affairs. She was reportedly taken to Termez prison on 3 June 2003 and not allowed to see her lawyer until the following day and only in the presence of the prosecutor. She eventually signed a confession to the murder of her husband and the police reportedly claimed that her injuries were self-inflicted. On 9 June 2003, a new lawyer hired by the family was allegedly denied access to her by the Chief of the Investigation Department at the Surkhandaria province Prosecutor's office. Although according to domestic law, charges have to be brought against a person within 72 hours of his or her detention, the Prosecutor's office is believed to have indicated that it was not yet decided whether to bring charges against her. In view of the alleged incommunicado detention of Khamila Ismailova, fears were expressed for her physical and mental integrity.

589. On 13 June 2003, the Special Rapporteur and the Special Rapporteur on torture sent an urgent appeal to the Government of Uzbekistan regarding **Jamoliddin Karimov**, aged 26, who was reportedly sentenced to 18 years in prison for violating article 159 of the Uzbekistan Criminal Code (anti-constitutional activity). After the trial, Karimov was sent to Jaslyk prison colony 64/71 where he was severely tortured. It is reported that he has not had any access to medical treatment and this is seriously endangering his life.

590. On 25 June 2003, the Special Rapporteur, the Special Rapporteur on torture as well as the Special Representative of the Secretary-General on human rights defenders jointly sent an urgent appeal to the Government of Uzbekistan regarding **Iskander Khudoberganov**, who was allegedly at risk of being executed and **Dilobar Khudoberganova**, his sister, and active member of the human rights organization Mothers Against the Death Penalty and Torture in Uzbekistan who was allegedly subjected to harassment by the security forces. Iskander Khudoberganov's appeal against his death sentence was reportedly turned down by the Court of Appeals of the Supreme Court on 29 April 2003. The Human Rights Committee intervened in his case and requested the Government to stay his execution while the Committee considered the case. Since three other men on behalf of whom the Committee had made a similar request to the Government were reportedly executed in May 2003, fears were expressed that Mr. Khudoberganov could be executed as well. Concern was expressed that while in custody he was subjected to torture to force him to sign a confession. Moreover, reports indicate that Mr. Khudoberganov's family was allegedly being threatened with continued harassment from members of the Uzbek National Security Service (SNB) if the family did not stop their protest against his death sentence. Dilobar Khudoberganova was allegedly being followed by SNB agents, who have

allegedly slandered her publicly and attempted to prevent her from carrying out her human rights activities.

591. On 26 June 2003, the Special Rapporteur and the Special Rapporteur on torture jointly sent an urgent appeal to the Government of Uzbekistan regarding **Abror Isaev**, aged 19, **Nodirbek Karimov**, aged 22, and **Muzaffar Mirzaev**, aged 29, whose cases had already been brought to the attention of the Government of Uzbekistan in a joint urgent appeal sent on 13 May 2003. According to the information received, and in view of the recent executions of three persons whose cases were being examined by the Human Rights Committee, namely Azamat Uteev, Illkhom Babazhanov and Maksud Ismailov, fears have been expressed that the executions of **Abror Isaev**, **Nodirbek Karimov**, **Muzaffar Mirzaev** along with Evgeny Gugin, and Farid Nasibullin (whose cases are currently under the consideration of the Committee) could be imminent. It was alleged that Evgeny Gugin, Farid Nasibullin and Abror Isaev were beaten while in custody, in particular during the investigation that had led to their conviction. On the other hand, Muzaffar Mirzaev was believed to be mentally ill.

### **Communications received**

592. On 16 July 2003, the Government of Uzbekistan transmitted a response to communications sent by the Special Rapporteur dated 16 January 2003, 12 February 2003, and 25 and 26 June 2003, regarding the following individual cases.

593. **Iskandar Khudoberganov** was sentenced to death by the Tashkent City Court on 28 November 2002 for committing crimes defined under the Criminal Code as being “anti-constitutional activity”. The Government reported that, according to the sentence of the Court, he was found guilty for having participated as a mercenary in armed conflicts in the territory of a foreign country and in Uzbekistan, in order to seize power and overthrow the constitutional order of Uzbekistan. He also committed the premeditated murder of two police officers. The Government reported that he was found guilty based on the evidence of the case. On 24 February 2003 he reportedly submitted an appeal to the Clemency Commission of the Office of the President of Uzbekistan and, in accordance with the law, his execution was stayed until a decision could be made.

594. **Abror Isaev** and **Nordirbek Karimov** were sentenced to death by the Tashkent Provincial Court on 23 December 2002 for committing murder and robbery. The Government reported that the Tashkent Provincial Court of Appeals for Criminal Cases and the Supreme Court’s Panel of Judges on Criminal Cases partially revised the sentences in their deliberations on 19 February 2003 and 20 March 2003 accordingly, but punishment in the form of the death penalty was not changed. On 6 March 2003, Abror Isaev and Nordirbek Karimov submitted an appeal to the Clemency Commission and their executions were stayed until that appeal could be considered.

595. On 23 February 2003, **Farid Nasibulin** was sentenced to death for committing murder, robbery and drug-related crimes by the Tashkent Provincial Court and on 2 April 2003 the Tashkent Provincial Court of Appeals upheld that decision. On 15 April 2003, he submitted an appeal to the Clemency Commission

of the Office of the President of Uzbekistan and in accordance with the law, his sentence was suspended pending that decision.

596. On 26 September 2002, **Muzaffar Mirzaev** was sentenced to death for murder and robbery by the Tashkent City Court on Criminal Cases and on 29 October 2002 the Tashkent City Court of Appeal upheld the decision. The Government stated that he had been found guilty based on the evidence and punishment was based on the public danger he posed. The Government reported that the sentence was carried out.

597. **Azamat Uteev** was sentenced to death for murder and robbery by the Supreme Court of the Republic of Karakalpakstan on Criminal Cases on 28 June 2002. On 6 August 2002, the Supreme Court of Appeals of the Republic of Karakalpakstan upheld the decision. The Government reported that he had been found guilty on the basis of the evidence presented, and punishment was based on the threat he posed to public safety. The Government reported that the sentence was carried out.

598. **M. Ismailov** and **I. Babajanov** were sentenced to death for murder and robbery by the Supreme Court of the Republic of Karakalpakstan on Criminal Cases on 10 June 2002. This decision was upheld by the Supreme Court of Appeals of the Republic of Karakalpakstan on 16 July 2002. The Government responded that they were found guilty on the basis of evidence and their punishment was based on the possible threat they posed to public safety. The Government reported that the sentences were carried out.

599. By letter dated 21 July 2003, the Government of Uzbekistan responded to a joint letter sent on 13 June 2003 by the Special Rapporteur and the Special Rapporteur on torture, regarding the case of **Jamoliddin Karimov**. The Government reported that the personal file and medical chart of Karimov indicated that, while serving his sentence in the UYa-64/71 correctional facility, he fell while taking a shower on 10 August 2002, thereby damaging the soft tissue of the left supra- and subclavicular regions of his body. The Government reported that the incident was investigated by officials of the facility and, in the course of that investigation Karimov himself and his fellow inmates stated in their written explanations that the aforementioned injury was as a result of his fall in the shower room.

600. On 19 August 2003, the Government of Uzbekistan responded to a communication sent by the Special Rapporteur, jointly with the Special Rapporteur on torture, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers on 11 June 2003, regarding the case of **Khalima Ismailova**. The Government stated that on 13 May 2003 the Surhan-Darya provincial Procurator's office instituted criminal proceedings relating to this matter and that the case was being investigated at the time the communication was received on the basis of evidence of offences covered in article 97, part.2, paras. (c), (f), (h) and (o), article 25 and article 97, part. 2, paras. (a), (c), (f), (h) and (o) of the Criminal Code of Uzbekistan. The Government reported that in the course of the investigation, a number of different possible scenarios had been considered, including that

Ismailova was involved in the murder of her husband Ergash Choriev and on 3 June 2003, she was arrested as a suspect under article 221 of the Code of Criminal Procedure of the Republic of Uzbekistan and, in accordance with article 243 of the same Code, she was remanded in custody on 6 June 2003. She was released from custody on 16 June 2003, as there was insufficient evidence of her involvement in the offence in question. The Government affirmed that, from 3 June 2003, the date of her arrest, the investigative actions relating to her were conducted with the participation of I. Toshkulov, a lawyer from the town of Termiz, and since 9 June 2003, she was represented by M. Bozorov, a lawyer assigned by her family. The Government also reported that during the course of the investigation, she never once complained of the use of any unlawful investigative methods against her. The Government further reported that the allegations of Ms. Ismailova of being forced to sign a confession to the murder of Mr. Choriev while held in custody, were unfounded. According to information received, the investigation is ongoing and in the process all possible scenarios are being considered, including a possible connection between the murder and Mr. Choriev's official duties. The Office of the Procurator-General is monitoring the progress of the investigation.

## Venezuela

### Llamamientos urgentes

601. El 20 de mayo de 2003, la Relatora Especial junto con la Representante Especial del Secretario General para los defensores de los derechos humanos envió un llamamiento urgente en relación con la situación de inseguridad en la que se encontrarían **Enmary Cava** y sus familiares **Dinorah María Díaz Loreto, Jairo Alexis Díaz Loreto, Bladimir Díaz, Miguel Díaz Loreto** y **Alexandra Gualdron**. Según informaciones, el 10 de mayo de 2003, un desconocido habría disparado seis veces contra Enmary Cava en la localidad de Cagua, estado de Aragua. Enmary Cava permanecería hospitalizada en estado crítico, al igual que una amiga suya cuyo nombre no ha sido comunicado, quien habría recibido tres disparos. Estas amenazas podrían estar relacionadas con las amenazas de muerte que Enmary Cava y sus familiares Dinorah María Díaz Loreto, Jairo Alexis Díaz Loreto, Bladimir Díaz, Miguel Díaz Loreto y Alexandra Gualdron habrían recibido, por parte de presuntos agentes de la policía del estado de Aragua para que dejen de presionar a las autoridades locales para que lleven a cabo una investigación exhaustiva sobre el homicidio de **Robert Díaz Loreto y Antonio Díaz Loreto** y de su padre, **Octavio Ignacio Díaz**, muertos en circunstancias sospechosas presuntamente a manos de agentes de la policía estatal de Aragua el 6 de enero de 2003.

602. El 25 de agosto de 2003, la Relatora Especial junto con el Relator Especial sobre la tortura envió un llamamiento urgente en relación con **César Emilio Machado**. Quien según informaciones, habría sido sometido a una paliza a manos de la Policía Municipal de Girardot, Estado de Aragua, el 21 de diciembre de 2001. Se alega que desde esta agresión, habría seguido sufriendo amenazas e intimidaciones por parte de agentes de la Policía Municipal de Girardot, con la aparente intención de impedir que testifique contra sus presuntos agresores, los cuales continuarían activos. También se informó que el 9 de diciembre de 2002, día en que tendría que comparecer ante el tribunal para testificar contra la policía

municipal en una vista preliminar del caso, habría sido agredido. Como resultado de estas intimidaciones, habría cambiado de domicilio. El 28 de junio de 2003 él y un testigo clave en este caso, **Rush Alexander Valera**, habrían recibido una citación para comparecer en la vista preliminar del caso que debía celebrarse el 30 de junio de 2003. Este mismo día, Rush Alexander Valera habría sido víctima de disparos y habría muerto a manos de hombres no identificados cerca de su casa en Maracay, en el estado de Aragua. Se han expresado temores según los cuales esta muerte podría estar relacionada con su situación como testigo clave en el caso. Se alega que todavía no se habrían adoptado medidas para proteger a César Emilio Machado y a otros testigos del caso.

603. El 22 de octubre de 2003, la Relatora Especial junto con el Relator Especial sobre la tortura envió un llamamiento urgente en relación con el menor **Ives Pico Gutiérrez** y su familia. Según informaciones, **Carlos Miguel Pico Gutiérrez**, hermano de Ives, habría sido asesinado en circunstancias desconocidas el 12 de abril de 2003. Su cadáver habría sido llevado al hospital Pérez de León de Petare, presentando heridas por arma de fuego en el tórax, brazo derecho y región abdominal, así como contusiones y hematomas en diferentes partes del cuerpo. De acuerdo con los testimonios de algunos vecinos, Carlos Miguel había sido herido por una patrulla de policía. El 13 de octubre del 2003, ocho agentes de la Policía Municipal de Sucre habrían irrumpido, sin orden de allanamiento, en la casa de la familia Pico Gutiérrez. Los funcionarios habrían apuntado a Ives Pico Gutiérrez con un arma de fuego y le habrían arrestado y trasladado en una moto hasta el módulo de Polisucre, ubicado cerca de la Iglesia el Carmen, sector Matadero de Petare, donde habría permanecido durante media hora. De acuerdo con las informaciones, uno de los funcionarios habría hecho referencia a las acusaciones hechas por el menor en relación con la muerte de su hermano. Seguidamente le habría propinado golpes en el pecho y posteriormente le habría trasladado en un jeep hacia la sede de Polisucre, ubicada en el Coliseo. Según los informes, a mitad de camino, el Jeep se habría estacionado a un lado de la autopista, y el funcionario que el menor habría acusado de la muerte de su hermano habría subido en el vehículo profiriendo amenazas de muerte contra el menor y su madre. Asimismo se informó que durante su retención, el menor después de ser sometido a torturas habría sido trasladado a una oficina, donde habría recibido nuevas amenazas. Más tarde habría sido puesto en libertad.

### **Respuestas del Gobierno**

604. Mediante comunicación del 8 de abril de 2003, el Gobierno de Venezuela proporcionó información en relación con el llamamiento urgente que la Relatora Especial junto con el Relator Especial sobre la tortura envió el 14 de febrero de 2002, en relación con los homicidios de varios ciudadanos transexuales. Según el Gobierno, las investigaciones que se adelantan en el caso **José Luis Nieves** habrían permitido la individualización de dos funcionarios adscritos a la comandancia general del estado de Carabobo, contra quienes se habría solicitado la medida de privación preventiva de libertad y medida cautelar sustitutiva respectivamente. Asimismo informó que los fiscales investigadores habrían sido recusados por presunta enemistad manifiesta. Con relación al caso de **Jhonny José Paz**, la investigación que adelanta el cuerpo de investigaciones científicas de Las Acacias a cargo del ministerio público, no habría logrado la imputación de los

hechos a ningún responsable. Con relación al caso de **Rafael Ramón Milano Bastidas**, en desarrollo de la investigación que adelanta el ministerio público se habrían realizado inspecciones oculares y de recepción de testimonios con el fin de individualizar a los responsables del hecho. Finalmente en relación con el caso de **Maury Oviedo**, El Gobierno informó que la investigación está a cargo del ministerio público, el cual adelanta las indagaciones respectivas en desarrollo de las cuales habría oficiado a ONIDEX e INTERPOL con el objeto de obtener información sobre el movimiento migratorio de Maury Oviedo así como con el fin de lograr el total esclarecimiento de los hechos.

## Viet Nam

### Communications sent

605. On 6 May 2003, the Special Rapporteur sent a communication to the Government of Viet Nam regarding the cases of three imprisoned members of the United Montagnard Christian Church, namely **Y-Suon Mlo**, from Buon Kuang village, **Y-Het Nie Kdam** from Buon Ea Tieu in Daklak province, and **Y-Wan Ayun**, from Buon Gram village in Daklak province, who were allegedly executed by lethal injection on 29 October 2002 by the Vietnamese (Cong An) security police for taking part in peaceful demonstrations in February 2001. The security police allegedly tried to force a prison nurse to administer the injections. As the nurse allegedly refused, the Cong An police allegedly pushed her aside, and injected the drug into the three Christians. Within minutes, they reportedly experienced convulsions and died.

606. On 5 August 2003, the Special Rapporteur, the Special Rapporteur on torture and the Special Representative of the Secretary-General on human rights defenders sent a communication to the Government of Viet Nam regarding the case of **Y-Su Nie**, a Degar and member of the Montagnard Christian Church, from Buon Mbhao village, Mdrak district, Dak Lac, who had reportedly died on 31 January 2003, a few hours after having been released from custody. He had reportedly been held at Buonmathuot prison since 15 November 2002. His detention was allegedly related to his religion and to his activities as a land rights advocate. While in prison he was reportedly beaten and subjected to electric shocks. On 30 January 2003, he was allegedly handcuffed and injected with an unknown chemical substance, which it is feared was lethal. Prison authorities reportedly subsequently released him but warned him that he would die shortly. When he saw his family he allegedly told them that he was injected with poison while in detention. He reportedly died the next day. He was buried on 2 February 2003.

### Communications received

607. On 5 August 2003, the Government of Viet Nam transmitted its response to the communication sent by the Special Rapporteur on 6 May 2003, regarding the cases of the three Christians from the Montagnard Church, namely **Y-Suon Mlo**, **Y-Het Nie Kdam** and **Y-Wan Ayun**. The Government stated that the information transmitted in the letter was totally false and should be considered malicious slander made up by an irresponsible person. The Government reported

that there had never been any arbitrary execution by lethal injection in Viet Nam and that such cases were no more than a myth. The Government affirmed that, after having carried out a thorough investigation by relevant government authorities in Viet Nam, Y-Suon Mlo and Y Wan Ayun could not be identified. The Government therefore concluded that such two cases did not exist. Regarding the case of Y-Het Nie Kdam, the Government was allegedly able to gather information showing that he was arrested after having committed acts in violation of the law and he would be tried before a court of law. Normal legal proceedings were allegedly undertaken.

608. On 20 November 2003, the Government of Viet Nam responded to a communication jointly sent by the Special Rapporteur, the Special Rapporteur on torture and the Special Representative of the Secretary-General on the situation of human rights defenders. The Government reported that the allegations and information received by the Special Rapporteurs concerning **Y-Sue Nie** were completely false. It was affirmed that, by law in Viet Nam, no one can be arrested and detained for reasons based merely on religious grounds. Torture and any form of inhuman treatment and punishment are strictly forbidden. These are clearly stipulated in the Constitution as well as other relevant laws and are faithfully observed in practice. The Government finally recalled Article 71 of the 1992 Constitution of Viet Nam which states: "The citizen shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honor and dignity... It is strictly forbidden to use any form as harassment and coercion, torture, violation of individual honor and dignity, against a citizen". The Government reported that the Penal Code of Viet Nam has provisions for penalties against those who infringe upon the above-mentioned rights of any individual.

## Yemen

### Urgent appeals

609. On 10 March 2003, the Special Rapporteur and the Special Rapporteur on torture sent an urgent appeal to the Government of Yemen regarding the death sentence against **Nabil al-Mankali**, a Spanish national. According to information received, he was arrested on 18 August 1997 and charged with planning acts of sabotage and assassination in connection with a bombing incident in Aden in July 1997. He was reportedly charged along with 27 others, some of whom, including Mr. al-Mankali, were reportedly tortured to force them to confess. These confessions were reported to have been admitted as evidence in court.

610. On 15 September 2003, the Special Rapporteur sent a second urgent appeal also regarding the death sentence against **Nabil al-Mankali**, who was allegedly at risk of imminent execution after President Ali Abdullah Saleh allegedly ratified the death penalty against him on 11 September 2003. The Supreme Court had reportedly upheld the sentence against him in March 2003. It was reported however, that President Saleh still had the power to stop the execution from taking place.

### Communication sent

611. On 15 November 2002, the Special Rapporteur sent a communication to the Government of Yemen regarding information received which reported that **six men** were allegedly killed while travelling in a car on 3 November 2002, in Yemen, by a missile launched from a United States-controlled Predator drone aircraft. One of the persons in the car was allegedly suspected to be a senior figure of the Al-Quaida organization. The strike was reportedly carried out with the cooperation and approval of the Government of Yemen.

### **Communications received**

612. On 17 December 2002, the Government of Yemen replied to the letter sent by the Special Rapporteur on 15 November 2002, regarding the **six men** killed while travelling in a car on 3 November 2002 by a missile launched from a United States-controlled Predator drone aircraft. The Government reported that these persons were being sought by the judicial authorities on charges of involvement in terrorist activities, including in connection with the bomb attack against the United States destroyer *USS Cole* in the Port of Aden in October 2000 and against the French oil tanker *Limburg* in October 2002. The group had allegedly planned new acts of terrorism against oil, economic and strategic installations that would have adversely affected the international standing of Yemen, as well as its political and economic interests and external relations with other States. The Government stated that it had made every effort to bring these accused persons to justice and had promised them that they would not be harmed if they had come forward voluntarily to stand trial. The group however refused to comply and persisted in its resistance to, and evasion of, justice and in planning new acts of terrorism. The security forces in Yemen had instituted cooperation with the United States of America with a view to tracking the movements and whereabouts of this alleged terrorist group had been pursued on numerous occasions in a bid to bring it to justice. The Government stated that the group had always managed to escape until the date of the final manhunt which resulted in its members being killed. The Government finally wanted to reaffirm that these measures were taken in implementation of Security Council resolution 1373 concerning the suppression of terrorism, and in the context of security cooperation and coordination between Yemen and the United States. It concluded that by turning a blind eye to this group and allowing it to remain at large, the right to life of a large number of innocent people would have been violated, and national and international security and order would have been put at risk. The Government stated that the measure taken was the only option capable of stopping this group and preventing it from carrying out its terrorist plans.

613. On 17 October 2003, the Government of Yemen responded to the second urgent appeal sent on 15 September 2003 by the Special Rapporteur, in connection with the death sentence of **Nabil Al-Mankali**, which had been ratified by the President of Yemen. According to the Government's response, in 1997 the accused was summoned by the Attorney-General to appear before the Court of First Instance for case No. 7 in Sierah, in the Aden district. This court issued a death sentence verdict against him on 21 October 1998, after charging him with several crimes among which were his illegal communication with a foreign country in order to disturb security and general stability, and falsification of official stamps and symbols. In addition, he was charged with robbery and

possession of explosives with the alleged intention of blowing up infrastructure. He was also the alleged cause of several casualties and had a link with a group involved in vandalism, which was planning to commit further terrorist acts. The accused appealed the verdict at the Court of Appeals in the Aden district, which in turn supported the verdict of the Court of First Instance on 20 January 1999. Mr. Al-Mankali appealed this verdict at the Supreme Court, which issued on 2 February 2000 a verdict supporting the verdict of both the court of First Instance and that of the Court of Appeal. On 7 February 2000, these verdicts, supported by the prosecutor's report, were submitted to the President of Yemen, for ratification prior to execution. On 11 September 2003, the ratification of these verdicts by the President was issued. The Government concluded that, in accordance with what was cited so far, the verdicts issued were definitive judicial verdicts and consonant with all the legal rules and procedures contained in Yemeni jurisdiction, which reportedly took into consideration the international guarantees of those facing the death penalty. It was further stated that the accused's allegations that he had been subjected to torture in order to extract confessions from him, were groundless.

## **Zimbabwe**

### **Urgent appeal**

614. On 23 January 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture and the Special Representative of the Secretary-General on human rights defenders, sent an urgent appeal to the Government of Zimbabwe in connection with information received indicating that allegations were made in State media against the **Amani Trust**, suggesting that the organization had participated in violent attacks in Kuwadzana. Concerns were expressed that the Amani Trust offices could be the target of firebombing or other form of attack in the near future. According to the information received, the Amani Trust is a registered Zimbabwean NGO providing services for the rehabilitation of victims of human rights violations, particularly torture and institutional violence, and conducting human rights training and education programmes, principally within the health professions. It was allegedly part of the International Rehabilitation Council for Torture Victims.

### **Communications sent**

615. On 29 July 2003, the Special Rapporteur sent a communication to the Government of Zimbabwe regarding the following individual cases.

616. **Tonderai Machiridza** was allegedly arrested by armed police in Chitungwiza, a Harare suburb, along with three other supporters of the Movement for Democratic Change (MDC), namely **David Chipunza**, **John Mazhambe** and **Lisbon Mtandwa**, on 13 April 2003. The four men were reportedly accused of harassing a police officer during the two-day "stay-away" organized by MDC on 18 and 19 March 2003. They were allegedly taken to St. Mary's Police Station where they were reportedly beaten by police with truncheons and handcuffs and also kicked by policemen wearing boots. Tonderai Machiridza allegedly sustained severe head injuries: his head was reportedly swollen, and he had severe headaches and a bleeding nose. The three others were also reportedly badly

injured. Soon after the assault, it is reported that the police took the four to Chitungwiza General Hospital for treatment. Tonderai Machiridza and John Mazhambe were allegedly kept chained to their beds in hospital and held under police guard. After a court application, the High Court reportedly ruled that Tonderai Machiridza should be released on bail so that he could receive better medical treatment. According to the information received, he was moved to a clinic in Harare where he died from his injuries on 18 April 2003.

617. On 16 September 2003, the Special Rapporteur and the Special Rapporteur on torture jointly sent a communication to the Government of Zimbabwe in connection with information received that **Shepherd Ngundu**, a teacher from the rural area of Mount Darwin, was beaten to death on 5 February 2002 by suspected Zimbabwe African National Union Patriotic Front (ZANU-PF) supporters, one month before the presidential elections, allegedly for possessing a copy of the *Daily News*.

618. On 16 September 2003, the Special Rapporteur, jointly with the Special Rapporteur on torture, sent a communication to the Government of Zimbabwe regarding the following individual cases.

619. **David Stevens**, an opposition supporter and commercial farmer in Macheke, Mashonaland East Province who was reportedly abducted on 15 April 2000 from the police station in the town of Murehwa by "militia", who allegedly severely beat him before fatally shooting him at point-blank range.

620. **John Rutherford**, a commercial farmer, **his wife and one of their farm workers** were reportedly assaulted by members of ZANU-PF on 15 March 2002 in the presence of a constable (whose name is known to the Special Rapporteurs). They were reportedly accused of ordering the destruction of farm workers' housing on the farm and giving a cell phone to a worker to inform MDC about illegal settlers. As a result of the alleged attack, the farm worker reportedly died and John Rutherford was admitted to Marondera Hospital. His wife was allegedly forced to witness the aggression and threatened with death at gunpoint. Two suspects were allegedly arrested and seven more were being sought by the police in connection with this case.

621. **Tafireyinyika Gwaze**, an MDC polling agent was reportedly abducted on 12 March 2002 and taken to a camp run by ZANU-PF and Zimbabwe National Liberation War Veterans' Association (ZNLWVA) militia, where he was reportedly severely beaten overnight. He was allegedly released the following day, but died as a result of multiple injuries.

#### **Communications received**

622. On 30 January 2003, the Government of Zimbabwe responded to an urgent appeal sent by the Special Rapporteur jointly with the Special Rapporteur on torture and the Special Representative of the Secretary-General on human rights defenders. The Government informed the Special Rapporteurs that Amani Trust was not registered in Zimbabwe as a NGO, but as a Trust, and was not

entitled to any privileged treatment, emphasizing that, even if it was registered as a NGO, it would still not be entitled to any special treatment besides that which the law accords to all NGOs. The Government stated that the media was therefore free to make any allegations against Amani Trust or any other trust and Amani Trust was in turn free to counter those allegations in any manner it deemed fit. The Government expressed that it found it rather strange that the Special Procedures stated that they would come to the defence of Amani Trust when, according to the State, the Trust was perfectly placed to defend itself. It considered equally strange the request to take action against the planned firebombing “or other form of attack” on the Amani Trust offices. The Government stated that it was unable to take action against would-be, unknown assailants, based on information supplied by Special Rapporteurs and a Special Representative from outside Zimbabwe and suggested that it would be useful if the information would be made available to the police in Zimbabwe to enable the appropriate action to be taken. The Government reported that the police cannot act on the basis of rumours and that if the Special Rapporteurs and the Special Representative were in Zimbabwe, they would be obliged by law to make this information available to the police.

623. Further, the Government expressed concerns that there was no reference in the communication to the bombing of the ZANU-PF offices in Kuwadzana by suspected opposition supporters that led to the destruction of the offices and the death of a ZANU-PF supporter. The Government wondered whether that failure to refer to that incident was deliberate and an indication that the Special Rapporteurs and Special Representative considered only the lives of opposition supporters as worthy of protection and that only the safety of anti-government trusts and organizations was worth ensuring. The Government further noted that it was fully aware of, and fully respected, the applicable international principles whose negotiation and adoption it prides itself as having participated in.

624. The Government of Zimbabwe concluded by expressing, once again, its deep disquiet with the working methods of the Special Procedures, especially the manner in which the communications are sent to the State. It stated that the issue would be raised in the appropriate forums as a systemic issue that needs to be addressed urgently.

625. On 5 November 2003, the Government of Zimbabwe responded to the communication sent on 16 September 2003 by the Special Rapporteur jointly with the Special Rapporteur on torture regarding the following individual cases.

626. **Shepherd Ngundu.** The Government informed that on 5 February 2003, a misunderstanding arose between Ngundu and ten other people during which he was assaulted and left lying unconscious. A report was made to the Dotito police who attended the scene and since then four accused persons appeared in court to face charges of murder. The Government stated that those accused were Noah Nyaguse, Bernard Charamba, Felix Gavanji and Perence Nyamupira. The Government further reported that the case was pending at court awaiting trial and that the case was investigated under Dotito CR16/02/02.

627. **Tonderai Machiridza.** The Government stated that on 13 April 2003, two police officers went to Richard Machiridzy’s house in St. Mary’s, Chitungwiza,

intending to arrest him. They suspected him of having been involved in the burning of a bus that was carrying children to a local creche and the stoning of a Mhiripiri bus on 18 March 2003 during the mass action called by MDC. On arrival at the house, they found him in the company of three men. On seeing the police officers, he and his three accomplices started to attack the officers, who then called for help. The Government reported that eight members of the Neighbourhood Watch Committee arrived to give assistance. Upon attempting to arrest the accused a scuffle ensued; Tonderai Machiridza and David Chipunza were arrested, whereas the two other persons escaped. Tonderai Machiridza, who had been injured in the scuffle was then taken to Chitungwiza General Hospital and later to Avenues Clinic where he died on 18 April 2003. Finally, the Government stated that a "murder docket" was opened under St. Mary's CR 208/04/03 but that it was closed and a "sudden death docket" was opened as the post-mortem results allegedly revealed that death had been the result of tuberculosis.

628. **David Chipunza, John Mazhambe and Lisbon Mtandwa.** The Government reported that the police arrested David Chipunza in connection with the burning of a bus carrying pre-school children during the mass MDC protest of March 2003. When John Mazhambe, Lisbon Mtandwa and Tonderai Machiridza realized that their colleague was arrested, they attacked and assaulted the police officers. They managed to escape with David Chipunza who was still in handcuffs. The Government stated that the police followed and finally arrested the four men. The handcuffs were recovered. At the time of the communication, David Chipunza, John Mazhambe and Lisbon Mtandwa were facing charges of public violence, assault occasioning grievous bodily harm and resisting arrest. The docket was at St. Mary's Police station (St. Mary's CR 199/04/2003 refers) and the courts had issued a warrant for the arrest of the three men.

629. **David Stevens:** According to the Government, on 15 April 2000, during the land reform programme, Mr. Stevens, who was a farmer in Macheke, mobilized his farm workers and attacked people who had been settled on his farm. The settlers retaliated by attacking Mr. Stevens, who fled to Murewa. He was later found dead. The Government reported that six people were arrested in connection with the case and that following investigations three of them, Banda Katsamudanga, Douglas Chitekuteku and Muyengwa Munyuki, stood trial. At the time of the communication, the accused persons were out on bail and the "docket" was with the Attorney-General's office.

630. **John Rutherford.** The Government reported that Mr. Rutherford was a farmer at Oxford farm prior to the land redistribution programme. On 15 March 2002, there was a land dispute at the farm during which he and his worker, Darlington Zikamveka, were assaulted. Mr. Rutherford did not make a report of the incident to the Police about the alleged assault. Mr. Zikamveka died on 16 March 2002 on his way to Marondera Hospital. A "murder docket" was opened for him, and two people, Obediah Makawa and Wonder Garu, were arrested in connection with his murder. At the time of the communication, the "docket" was with the Attorney-General's office.

631. **Tafireyinyika Gwaze.** The Government stated that the police had no record of a murder case in the name of Gwaze. There was however a report of a Nhamo Gwaze who had died on 16 May 2002, in Murewa, after being assaulted during a dispute. It was reported that three people, James Mukombwe, Amos Mafi and Earnest Kanenungo, were arrested for the murder and that they were on bail pending trial at the High Court in Harare.

### **Palestinian Authority**

#### **Urgent appeal**

632. On 6 June 2003, the Special Rapporteur and the Special Rapporteur on the independence of judges and lawyers sent a joint urgent appeal to the Palestinian Authority in connection with information received regarding Sergeant **Rani Darwish Khalil Shaqqura**, a member of the Palestinian security services from Jabalya refugee camp in the Gaza Strip, who was reportedly sentenced to death by firing squad on 17 May 2003 by a special military court. It was reported that his death sentence had to be ratified by President Yasser Arafat, after which he could be executed at any time. According to the information received, Mr. Shaqqura, who was held in Gaza Central Prison, was found guilty of the murder on 15 April 2003 of another member of the Palestinian security services, Captain Hani 'Atiya al-Madhoun. The killing was allegedly the result of an ongoing feud between their families. The court proceedings allegedly failed to meet international standards for fair trial. Indeed, it appeared that there was no legal basis for convening a military court, since such courts usually hear cases of security service employees in connection with offences committed during, or as part of, their work, which was not the case in the present instance. Additional procedural irregularities were also reported: the charge sheet was not presented to the prosecutor until the court reconvened for the second time on 26 April, and did not bear the signature and stamp of the civilian general prosecutor who had carried out the investigation, making it invalid. The defence lawyer reportedly objected to these and other irregularities. Nevertheless, as the court overruled all the points he raised, the defence lawyer reportedly withdrew from the case in protest. Consequently, the court allegedly appointed two security officers to act as defence lawyers for Mr. Shaqqura. However, although they had law degrees, they were reportedly not registered with the Bar Association and did not practise law. They allegedly received the documents relating to the case only hours before the hearing and did not appear to be entirely familiar with the case. According to reports, no witnesses were called to testify on Shaqqura's behalf.

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