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# Special appeals on behalf of human rights defenders in Latin America

## INTRODUCTION

In recognition of the important work of those people who work for human rights and social justice, the General Assembly of the United Nations (UN) adopted, on 9 December 1998, the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms* (Declaration on Human Rights Defenders).

The Declaration on Human Rights Defenders includes a series of principles which were conceived to ensure that States collaborate fully in the work of human rights defenders and to guarantee that the latter should be free to carry out their legitimate activities without hindrance.

Human rights defenders are all those men and women who are committed to realizing the ideals proclaimed in the Universal Declaration of Human Rights, that all people should be free from “fear and want”. Although there is a long tradition of repression against those that courageously defend human rights in Latin America, the human rights movement has grown, gaining in strength and confidence.

In all societies, no matter how democratic they appear, independent scrutiny by civil society makes an important contribution to ensuring that the States protect human rights and act within the parameters of the laws, treaties and the contracts agreed upon with that society. Indeed, the best safeguard for the human rights of all individuals is the opening up of the State to reasonable public scrutiny and the encouragement of the community to participate in these processes.

Even today, however, those struggling to improve the dignity and rights of others are often the first to be killed, abducted, threatened with death, detained and harassed, and in some cases forced to leave their community, even their country. During the period covered by this document, human rights defenders were victims of political killings in Brazil, Colombia, Guatemala and Honduras. In some cases in Haiti and Peru, the defenders managed to escape attempts on their lives.

The fate and whereabouts of many of Latin America's human rights defenders who “disappeared” at the beginning of the 90's or in previous years, still remain unknown. A large number of human rights defenders in the region dedicate their efforts to uncovering the fate of those who remain “disappeared”, by campaigning for truth, justice and reparation, and providing a unique and important historical record of past human rights violations.

Acts of violence and intimidation against members of human rights organizations are planned, ordered and carried out by members of the security forces, paramilitary groups, “death squads” or armed groups against those sometimes perceived as enemies of the State because of their efforts to raise awareness in their own country and abroad on the plight of their fellow citizens. Cases of deliberate and arbitrary killings by armed opposition groups have also been documented.

Disdain for human rights defenders and their work can manifest itself in defamatory accusations that defenders are involved in criminal or subversive activities, or that they are unpatriotic and undermine the image of the nation. In turn, defamation plays a key role in generating and condoning attacks against

human rights defenders as the perpetrators feel immune from prosecution and free to take justice into their own hands.

Harassment of human rights defenders can take many shapes and forms. In some countries there exists a range of legal and bureaucratic obstacles devised to restrain them from carrying out their activities and report on issues of human rights and social justice. Some obstacles may be deliberate attempts to block human rights initiatives, such as investigations into fabricated and politically motivated charges, detentions, raids or surveillance.

Paradoxically, the principle line of defence for human rights defenders, as with all individuals -- the law -- can also be a form of persecution, used by State officials at any level. The adverse effects of the legal system used against human rights defenders are exacerbated by some governments' inability or failure to take corrective action by ensuring redress and an effective remedy to those who have had their rights violated, or to ensure that those accused, justly or unjustly, of an offence are protected from abuse of the criminal process.

Human rights defenders in Latin America defend and promote a wide range of human rights where the State is negligent or acquiesces in human rights violations or is directly responsible for their commission. Human rights defenders, therefore, need to be protected when their work brings them into conflict with violators.

This circular, *Special appeals on behalf of human rights defenders in Latin America*, illustrates human rights violations committed against those that defend these rights in the region. It also shows how investigations into the crimes committed are often veiled in secrecy and plagued with irregularities, because those responsible attempt to cover up their crimes and pervert the course of justice. Impunity reigns.

The political will of governments in the region to make the principles of the Declaration on Human Rights Defenders both real and visible can be measured by the advances made in the cases included in this document, in the investigations into them as well as in the adequate protection given to human rights defenders.

Together with this document, Amnesty International is publishing the report *More protection, less persecution. Human rights defenders in Latin America* (AMR 01/02/99), which examines a series of human rights violations faced by human rights defenders in Latin America between 1996 and 1999. It includes an analysis of the various ways in which governments and State agents attempt to silence human rights defenders in order to conceal the truth about violations or to protect the agents responsible for them. The report concludes with a set of recommendations to Latin American governments and another set to the Organisation of American States (OAS) for the protection of human rights defenders in the region, insisting on the need to ensure the full implementation of the Declaration on Human Rights Defenders.

## **BOLIVIA: Members of the Permanent Assembly for Human Rights attacked and intimidated**

*The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*

(Declaration on Human Rights Defenders, Art. 12.2)



Waldo Albarracín with his wife. ©Private

The *Asamblea Permanente de Derechos Humanos* (APDH), Permanent Assembly for Human Rights, one of the principal non-governmental human rights organizations in Bolivia, have been attacked and intimidated during the last year. Although human rights defenders in Bolivia have enjoyed freedom to carry out their work since the country returned to civil rule in 1982, they continue to run risks because of their activities.

On 9 July 1998, members of the *Unidad Móvil de Patrullaje Rural*, Mobile Rural Patrol Unit, beat Hugo Ortiz, a catholic priest and president of the APDH in Caranavi, La Paz department, when he was going to a diocese meeting. It is believed that the attack was motivated by the work that he carries out in defence of the human rights of the region's inhabitants.

Two months earlier, Verónica Ramos and José Luis Mamani, members of the APDH in Cochabamba, were the targets of attacks by the authorities because of their work in documenting and raising awareness of the human rights violations in El Chapare<sup>1</sup>. The Minister of Government reportedly declared that with their work they were "instigating violence" in the area, and that they had photographs of them and that they were going to publish them.

In February 1998, Dr. Waldo Albarracín – President of the APDH –, and his family were victims of a new wave of death threats. These happened during the week in which the parliamentary sessions began to consider a report by the Chamber of Deputies into his abduction and torture in January 1997 at the hands of the Bolivian police. Although in April 1999 the Chamber of Deputies decided by a majority that the case should be passed over to the civil judiciary, no reports have been received that the judicial procedures against those involved have started. Nor have disciplinary measures been taken against the agents presumably responsible for the threats and attacks suffered by other members of the APDH, incidents which are still to be investigated.

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<sup>1</sup> The region of El Chapare, in the department of Cochabamba, has, in the last few years, been the scene of human rights violations, including extrajudicial executions and torture, against the peasant population in the context of police operations to eradicate the cultivation of coca leaves.

Amnesty International is concerned that the authorities have still not offered adequate guarantees to promote and protect human rights and those that defend them, as was asked by Bolivian non-governmental organizations in a conference held in La Paz on 15 May 1998.

#### RECOMMENDED ACTIONS:

- **Write to the Bolivian Authorities:**

- express concern for the attack on Father Hugo Ortiz in July 1998; the threats against Verónica Ramos and José Luis Mamani in May 1998 and against Waldo Albarracín and his family in February of the same year;

- ask the authorities to thoroughly investigate all those incidents and to bring those responsible to justice; ask that those agents allegedly responsible for the threats and attacks be suspended from their posts until the investigations are concluded;

- express satisfaction for the decision by the Chamber of Deputies in April 1999 that the civil judiciary should take charge of the investigation and the court case relating to the abduction and torture of Waldo Albarracín; ask that the authorities collaborate in carrying out the investigation, and that the results of this be made public;

- ask for effective safety measures to protect the members of the Permanent Assembly of Human Rights, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe the situation of human rights defenders in Bolivia, especially that of the members of APDH.

- **Give this case as much publicity as possible.**

#### APPEALS TO:

##### President of the Republic

Excmo. Mr.  
Gral. Hugo Banzer  
Palacio de Gobierno  
La Paz, Bolivia  
Fax: + 591 2 391216

##### Minister of Government

Mr. Guido Nayar  
Ministro de Gobierno  
Ministerio de Gobierno  
Av. Arce esq. Belisario Salinas  
La Paz, Bolivia  
Fax: + 591 2 371334

##### Minister of Justice

Dra. Ana María Cortez de Soriano  
Ministra de Justicia  
Palacio de Comunicaciones, piso 6  
Avda. Mariscal Santa Cruz  
La Paz, Bolivia  
Fax: +591 2 356530

#### COPIES OF YOUR APPEALS TO:

##### Non-governmental Organisation

Asamblea Permanente de Derechos Humanos  
Cajón Postal 9282  
La Paz, Bolivia  
Fax: + 591 2 327761 / 365148  
e-mail: apdhdb@ceibo.entelnet.bo

**BRAZIL: The killing of Francisco de Assis Araújo; intimidation of indigenous defenders**

*Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.*

(Declaration on Human Rights Defenders, Art.16)

The indigenous leader Francisco de Assis Araújo, “Chicão”, died after receiving five bullets in the head and back when a gunman shot him on 20 May 1998 in the Brazilian town of Pesqueira, Pernambuco State. Since then, the investigation into the killing has been interrupted on various occasions and the author of the crime remains unpunished. There is also concern about the lack of guarantees for the safety of witnesses and members of his family.



Francisco de Assis Araújo, “Chicão”.  
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After the death of Francisco de Assis Araújo Federal Police agents moved to the area. The investigation was interrupted by them around the middle of 1998 alleging that they were not competent because the events happened outside an indigenous area. According to the Constitution of 1988, crimes against indigenous communities correspond to Federal jurisdiction and there was proof that linked the killing to conflicts about the ownership of indigenous lands. The local Civil Police in charge of the subsequent investigation did not produce an electronic photo-fit of the suspect despite three eye-witnesses describing the gunman, and apparently based its investigation around the killing being a crime of passion or an internal dispute of the indigenous Xucuru community. In September 1998 the investigation into the case was reportedly taken up again by the Federal Police. However, the superintendent of the Federal Police in Pernambuco declared in April 1999 that this had been interrupted again because of a lack of resources. The agent responsible for the investigation was transferred to São Paulo.

Francisco de Assis Araújo was a prominent human rights defender of the besieged indigenous population of Brazil. He especially defended the land ownership rights of the Xucuru, the indigenous group to which he belonged, whose ancestral lands in the state of Pernambuco, in the north-east of the country, are in the hands of large land-owners. As with other Xucuru indigenous defenders, Francisco de Assis Araújo had received death threats since 1989 on account of his activities in defence of the Xucuru, and as coordinator of the regional group of indigenous rights *Articulação dos Povos Indígenas do Nordeste, Minas Gerais e Espírito Santo* (APOINME), Articulation of the Indigenous Peoples of the Northeast, Minas Gerais and Espírito Santo.

Given the history of almost total impunity surrounding human rights violations against the indigenous groups in Brazil, the investigation of the killing of Francisco de Assis Araújo may not be concluded in an exhaustive and independent way, the case going unpunished.

**RECOMMENDED ACTIONS:**

- ***Write to the Brazilian Authorities:***

- express concern that the killing of Francisco de Assis Araújo, on 20 May 1998 in Pesqueira, Pernambuco State, appears to have been related to his legitimate activities in defence of the human rights of the indigenous Xucuru;

- ask for guarantees that the Federal Police resume the investigation into this killing thoroughly and independently and that those responsible are brought to justice;

- express concern for the history of almost total impunity surrounding human rights violations against indigenous groups and those that defend them;

- ask for effective safety measures to protect the defenders of indigenous human rights in Brazil, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- ***In contacts with your own government:***

- ask them to observe the progress in the investigation of this killing, as well as the situation of human rights defenders in Brazil.

- ***Give this case as much publicity as possible.***

**APPEALS TO:**Minister of Justice

V. E. Dr. Renan Calheiros  
Ministro da Justiça do Brasil  
Esplanada dos Ministérios, Bloco 23  
70064-900, Brasília, DF, Brasil  
Fax: +55 61 224 2448 / 322 6817

Superintendent of the Federal Police, Pernambuco

Superintendente de la Policía Federal  
Superintendência Regional da Polícia Federal em Pernambuco  
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Regional Attorney General, Pernambuco

Sônia Macieira  
Ministério Público Federal, Procuradoria Regional dos Direitos do Cidadão  
Avenida Dantas Barreto, 1090, Ed. São Miguel  
50020-000, Recife, PE, Brasil  
Fax: +55 81 224 2861

**COPIES OF YOUR APPEALS TO:**Non-governmental Organisation

CIMI - Pernambuco (Conselho Indigenista Missionário)  
Rua Treze de Maio, 288  
Santo Amaro  
50100-160, Recife, PE, Brasil

### **BRAZIL: The killing of Francisco Gilson Nogueira and threats against witnesses**

*... everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*

(Declaration on Human Rights Defenders, Art. 12.3)

In March 1999, the human rights defenders Roberto Monte and João Marques, witnesses in the official investigation into the killing of Francisco Gilson Nogueira de Carvalho and, like him, workers at the *Centro de Derechos Humanos y Memória Popular* (CDHMP), Centre for Human Rights and Collective Memory, in Rio Grande do Norte State, received several death threats soon after one of the other witnesses was killed on 3 March.

Francisco Gilson Nogueira de Carvalho, a lawyer at the CDHMP in Natal, the State capital of Rio Grande do Norte, died on 20 October 1996, after receiving 13 bullets, most of them to the head, when six men shot him on his doorstep. He had been collaborating with a special commission set up by the attorney general of Rio Grande do Norte state in May 1995 to investigate the activities of a death squad known as the *Meninos de Ouro* (Golden Boys), some of whom are policemen who apparently have the protection of the state authorities of Rio Grande do Norte. The squad is believed to be responsible for numerous killings and cases of torture, mainly in the poorest parts of Natal.

Nobody has been charged for the killing of Francisco Gilson Nogueira. The official investigation was suspended in 1997 due to lack of evidence. Antônio Lopes, a painter, decorator and transvestite known as “Carla”, continued to investigate politicians, businessmen and policemen and compiled information that suggested the implication of these in the killing of the human rights defender. The information that he provided caused the case to be reopened and charges were made against an officer of the Civil Police. On 3 March 1999 however, Antônio Lopes was also killed. The Federal Police opened an investigation into this new death.

Official measures to protect human rights defenders, including key witnesses of grave human rights violations, are rarely effective as they are exposed to death threats, intimidation and attacks by police, death squads and hired gunmen who act with the acquiescence of the authorities. The Human Rights Commission of the Chamber of Deputies of Brazil is currently investigating the activities of death squads in at least 9 out of 26 states in the country.

**RECOMMENDED ACTIONS:**

- **Write to the Brazilian Authorities:**

- express concern about the threats received in March 1999 by Roberto Monte and João Marques on account of their human rights work and because these threats allegedly came from people in public office;

- ask that these threats and the killing of Antônio Lopes “Carla”, on 3 March 1999, and the killing of Francisco Gilson Nogueira on 20 October 1996, be investigated thoroughly and impartially; ask that those responsible be brought to justice immediately;

- insist that all those implicated in the activities of the death squads are thoroughly investigated, that those responsible are brought to justice and that measures are introduced to bring an end to the activities of death squads;

- ask for effective safety measures to protect the members of the Centre for Human Rights and Collective Memory, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

ask them to observe the progress in the investigation into the killing of Francisco Gilson Nogueira and the situation of human rights defenders in Brazil.

*Give this case as much publicity as possible.*

**APPEALS TO:**Minister of Justice

Exmo. Sr. Ministro de Justiça do Brasil  
Dr. Renan Calheiros, Ministério da Justiça  
Esplanada dos Ministérios, Bloco 23  
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Governor, Rio Grande do Norte

Exmo. Sr. Governador do Estado do Rio Grande do Norte, Dr. Garibaldi Alves Filho  
Governadoria do Estado do Rio Grande do Norte  
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Public Security Secretary, Rio Grande do Norte

Exmo. Sr. Secretário de Segurança Pública do Rio Grande do Norte, General José Carlos Leite Filho  
Secretaria de Segurança Pública do Rio Grande do Norte, Praça Augusto Severo, 261 - Ribeira  
59012-380, Natal, RN, Brasil  
Fax: + 55 84 211 4866 / 221 2779

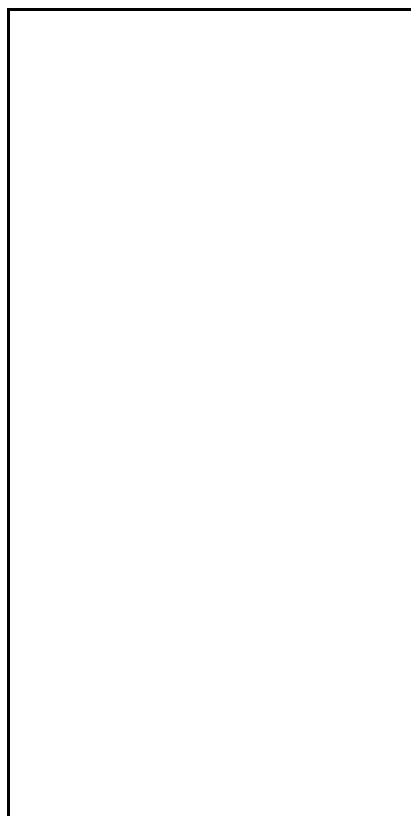
**COPIES OF YOUR APPEALS TO:**Non-governmental Organisation

Centro de Direitos Humanos e Memória Popular  
Rua Vigário Bartolomeu, 635,  
Ed. 21 de Março - SI 607  
59023-900, Natal, RN, Brasil

## COLOMBIA: Grave human rights violations against those who defend political prisoners

*In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.*

(Declaration on Human Rights Defenders, Art. 9.1)



Everardo de Jesús Puerta (*top*) y Julio Ernesto González.

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On 30 January 1999, Everardo de Jesús Puerta and Julio Ernesto González, members of the *Comité de Solidaridad con los Presos Políticos* (CSPP), Committee of Solidarity with Political Prisoners, died when they were shot by two men and a woman after the latter, presumably paramilitaries, had stopped the bus in which the defenders were travelling from Medellín to Bogotá. Although the Colombian government denounced the extrajudicial executions and offered a reward to anyone who provided information on those responsible, to this day no progress has been made in identifying or arresting them. These deaths could go unpunished, as did the “disappearance” in 1990 of Alirio de Jesús Pedraza Becerra and the extrajudicial execution in 1995 of Javier Alberto Barriga Vergel, both lawyers for the CSPP.

Members of the CSPP, a respected human rights organization which provides legal aid to political prisoners and promotes civil and political rights, have been targets of other human rights violations at the hands of the security forces and their paramilitary allies.

Alirio de Jesús Pedraza Becerra, a lawyer and active member of the CSPP, “disappeared” on 4 July 1990 in Bogotá. According to reports, two of the eight men that took him away, who were dressed in civilian clothes and heavily armed, identified themselves to two policemen who were present at the abduction. Despite investigations that were initiated and the efforts of family members and colleagues to find him, the military and police authorities continued to deny that he had been arrested. The Colombian

authorities have failed to find out the whereabouts of Dr. Pedraza and bring those responsible to justice.

On 16 June 1995, the lawyer Alberto Barriga Vergel, member of the CSPP in Norte de Santander department, was killed in Cucutá City as he left his home. To this day, nobody has appeared before a court charged with this crime.

Other members of the CSPP have been arbitrarily arrested. On 24 October 1997, the Regional Attorney of Bogotá ordered the arrest of Yolanda Amaya Herrera, the office coordinator of the CSPP in Santander department, and of another three human rights defenders who were working for the internally displaced in that region. The four remain in detention awaiting trial, accused of “rebellion”, and their cases have lacked the due guarantees of impartiality.

Amnesty International considers that the members of the CSPP have been the object of human rights violations on account of their legitimate activities in defence of those rights. There is fear for the safety of all the members of the organization. Between only 1997 and 1998, 20 human rights defenders have died in Colombia at the hands of the security forces, its paramilitary allies or armed opposition groups. Faced with the lack of official protection, the CSPP closed its offices in February 1999.

#### RECOMMENDED ACTIONS:

- **Write to the Colombian Authorities:**

- ask for a thorough and impartial investigation into the extrajudicial execution on 30 January 1999, of Everardo de Jesús Puerta and Julio Ernesto González, members of the Committee of Solidarity with Political Prisoners, and that those responsible be brought to justice;

- ask for a thorough and impartial investigation to immediately determine the whereabouts of Alirio de Jesús Pedraza Becerra and the identity of those responsible for his "disappearance" on 4 July 1990, and thus to be able bring them to justice and put an end to the impunity which they have enjoyed for almost 9 years;

- ask that the extrajudicial execution of the CSPP lawyer, Javier Barriga Vergel, on 16 June 1995, be investigated thoroughly and that those responsible be brought to justice;

- ask that the safety and protection of all members of the CSPP be guaranteed so that they can continue to carry out their legitimate work in defence of human rights, in accordance with the recommendation of the United Nations High Commission for Human Rights which in April 1998 asked "that the Colombian Authorities make effective the recognition of the right of human rights defenders to carry out their activities without illegitimate interference or hindrance, and in conditions of full security of their life, integrity and their freedom." (E/CN.4/1998/16, para. 204);

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- ask for the dismantling of the paramilitary groups in Colombia, a necessary measure for defenders to cease being the target of attacks.

- **In contacts with your own government:**

- ask them to observe the progress in the investigations of the above-mentioned human rights violations, and in the protection of Colombian human rights defenders.

- **Give this case as much publicity as possible.**

#### APPEALS TO:

##### President of the Republic

Excmo. Sr. Andrés Pastrana  
 Presidente de la República  
 Palacio de Nariño  
 Carrera 8 No. 7-26, Santafé de Bogotá, Colombia  
 Fax: + 571 284 2186/289 3377/286 7434

##### Minister of the Interior

Dr. Néstor Humberto Martínez  
 Ministerio del Interior  
 Carrera 8, N.8-9, Piso 2, Santafé de Bogotá, Colombia  
 Fax: + 571 281 5884 / 286 6524 / 286 0405 / 286 0053

##### Attorney General

Dr. Alfonso Gómez Méndez  
 Fiscalía General de la Nación  
 Diagonal 22B 5201, Apartado Aéreo 29855  
 Santafé de Bogotá, Colombia  
 Fax: + 571 570 2022

#### COPIES OF YOUR APPEALS TO:

##### Non-governmental Organisation

Comité de Solidaridad con los Presos Políticos  
 Apartado Aéreo 22803  
 Santafé de Bogotá, Colombia

## **COLOMBIA: Constant persecution of human rights defenders in Trujillo**

*Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.*

(Declaration on Human Rights Defenders, Art. 12.1)

At the beginning of 1999, in the context of a wave of paramilitary violence, threats began again against members of the *Comisión Intercongregacional Justicia y Paz*, Inter-Congregational Commission of Justice and Peace, and the *Asociación de Familiares de Víctimas de Trujillo* (AFAVIT), Association of Relatives of the Victims of Trujillo, in Trujillo municipality, Valle del Cauca department.

More than 100 peasants from the Trujillo area “disappeared” or were extrajudicially executed by paramilitary groups and security forces between 1989 and 1990. AFAVIT, with the support of Justice and Peace, has worked tirelessly since then for justice to be done for the victims. After the case was presented to the Inter-American Commission on Human Rights of the Organisation of American States, the President of Colombia in 1995 publicly accepted that the government was responsible for the crimes in Trujillo. Despite that, nobody has been brought to justice and the remains of most of the “disappeared” have not been found. The witnesses, however, have suffered systematic persecution; some have been killed and others have had to leave the country.

Concern for the safety of members of Justice and Peace and AFAVIT grew at the beginning of 1999. On 18 January a man linked to paramilitary groups active in the area reportedly spied openly on the offices of AFAVIT and Justice and Peace, where two members of the latter, Carlos Ulloa and Stella Guerra, live. While he was there he said: “that pair of sons of bitches upstairs are guerrillas, the same is going to be done to them as was done to the others, eight years ago”, in a clear reference to the events in Trujillo.

Between 27 January and 4 February 1999, one member of AFAVIT received several telephone calls and notes threatening him and the two organizations: “For the eternal rest of the soul of Francisco Javier Trujillo and his friends at Justice and Peace”, signed “friends from above” on 27 January; “stop working with that woman, that s.o.b. from AFAVIT”, an anonymous voice threatened in February. Francisco Javier Trujillo and his wife were forced to flee Trujillo, but they carried on receiving threats at the catholic seminary on the outskirts of Bogotá where they were hiding, and on 28 February the couple had to seek refuge elsewhere. The next day, Father Guillermo Campuzano, director of the seminary, was also transferred after receiving a note from the national paramilitary organization *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Forces of Colombia, which said: “Death to guerrilla priests. Three days to live, son of a bitch”. On 4 March, someone tried to forcibly enter the seminary and threats continued to arrive there and at the provincial headquarters of the religious community in Bogotá.

Members of Justice and Peace have been the object of threats and harassment in the past. On 13 May 1998, the military forces carried out a raid and search of the organization’s headquarters in Bogotá after the military intelligence service had published a report in which it alleged that Justice and Peace had information regarding an urban guerrilla network. In December, the National Attorney General ruled that the raid lacked any irregularity and closed the case.

Between only 1997 and 1998, more than 20 human rights defenders died in Colombia at the hands of the security forces, their paramilitary allies or armed opposition groups. Justice and Peace and AFAVIT have asked the government on several occasions to honour its obligations and commitments to ensure them protection – a previous agreement with those affected – and to dismantle the paramilitary groups in the region. The failure of the authorities to respond adequately and the repeated death threats given by local paramilitaries against its members, led both organizations to close their offices in Trujillo on 19 February 1999.

#### RECOMMENDED ACTIONS:

- **Write to the Colombian Authorities:**

- ask for a thorough and impartial investigation into the threats received by members of the Inter-Congregational Commission for Justice and Peace and the Association of Family Members of Victims of Trujillo (AFAVIT), and that those responsible be brought to justice;

- ask for the dismantling of the paramilitary groups in Colombia, a necessary measure in stopping attacks against defenders;

- ask that all those responsible for the mass human rights violations committed in Trujillo municipality be tried, and underline that this is an essential step towards preventing further human rights violations relating to these cases;

- ask that the safety and protection of all members of the Justice and Peace and AFAVIT be guaranteed so that they can continue to carry out their legitimate work in defence of human rights, in accordance with the recommendation of the United Nations High Commission for Human Rights which in April 1998 asked “that the Colombian Authorities make effective the recognition of the right of human rights defenders to carry out their activities without illegitimate interference or hindrance, and in conditions of full security of their life, integrity and their freedom.” (E/CN.4/1998/16, para. 204);

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights

protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe the progress in the investigations of the threats against members of Justice and Peace and AFAVIT, and in the protection of Colombian human rights defenders.

- **Give this case as much publicity as possible.**

#### APPEALS TO:

##### President of the Republic

Excmo. Sr. Andrés Pastrana  
 Presidente de la República  
 Palacio de Nariño  
 Carrera 8 No. 7-26, Santafé de Bogotá, Colombia  
 Fax: + 571 284 2186/289 3377/286 7434

##### Minister of the Interior

Dr. Néstor Humberto Martínez  
 Ministerio del Interior  
 Carrera 8, N.8-9, Piso 2,  
 Santafé de Bogotá, Colombia  
 Fax: + 571 281 5884 / 286 6524 / 286 0405

##### Attorney General

Dr. Alfonso Gómez Méndez  
 Fiscalía General de la Nación  
 Diagonal 22B 5201, Apartado Aéreo 29855  
 Santafé de Bogotá, Colombia  
 Fax: + 571 570 2022

#### COPIES OF YOUR APPEALS TO:

##### Non-governmental Organisation

Comisión Intercongregacional de Justicia y Paz  
 AA 31861  
 Santafé de Bogotá, Colombia

## **ECUADOR: Threats and house-breaking**

*Everyone has the right, individually and in association with others:*

*(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;*

*(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;*

(Declaration on Human Rights Defenders, Art. 12.1)

The *Asamblea Permanente de Derechos Humanos* (APDH), Permanent Assembly for Human Rights, a non-governmental human rights organization based in Quito, received a series of threatening telephone calls on 18 February 1999 which forced it to move offices. Some days later, the spokesperson for APDH, Alexis Ponce, had to leave the capital when he found out that his name was included on a death list.

The name of Alexis Ponce reportedly appeared on the list next to ten other prominent figures from Ecuador. One of them was the parliamentarian, Jaime Hurtado González from the opposition *Movimiento Popular Democrático* (Democratic Popular Movement), who died alongside two others from several shots on 17 February 1999, on the day before threats started against the APDH. The 11 allegedly formed part of a group of some 600 foreigners invited to a “peace dialogue” which was held in January in Colombia to deal with the internal conflict devastating that country.

Alexis Ponce returned briefly to Quito on 4 March to meet a National Police officer who apparently showed him a list of the Ecuadorians invited to the “peace dialogue” and who, according to the police, had become targets of the Colombian paramilitaries. Alexis Ponce, however, told the policeman that it was possible that those responsible for planning and carrying out the killing of Jaime Hurtado and his two companions were Ecuadorians.

After that meeting, for several days the friends who were looking after Alexis Ponce's house received anonymous threatening phone-calls. On 12 March, while they were absent, some unknown men entered the home, opened documents and files which contained human rights information, and stole a small safe which contained tape-recordings of information about the killing of Saúl Cañar Pauta, a prominent Ecuadorian trade unionist. According to Alexis Ponce, those who entered the house were looking for information on the killing of Jaime Hurtado.

The death threats to the APDH, Alexis Ponce and the other ten persons on the death list, as well as the killings of Jaime Hurtado and Saúl Cañar Pauta occurred in the context of an economic, social and political crisis in Ecuador. Although human rights defenders, like all citizens in Ecuador, are officially free to carry out their work, the recent threats against members of the APDH demonstrate the risks that they face on account of their legitimate activities.

**RECOMMENDED ACTIONS:**

- ***Write to the Ecuadorian Authorities:***

- express concern for the threats against the Permanent Assembly for Human Rights (APDH), and especially against its spokesperson, Alexis Ponce, since 18 February 1999, including the theft of information from his home on 12 March;

- ask the authorities to carry out an immediate and independent investigation into the death threats, and to make the findings public and bring those responsible to justice;

- ask that the safety and protection of Alexis Ponce and other members of the APDH be guaranteed in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- ***In contacts with your own government:***

- ask them to observe the situation of human rights defenders in Ecuador, especially that of the members of APDH.

- ***Give this case as much publicity as possible.***

**APPEALS TO:**Minister of Government and Police

Vladimiro Álvarez Grau  
Ministro de Gobierno y Policía  
Ministerio de Gobierno y Policía  
Espejo y Benalcázar  
Quito  
Ecuador  
Fax: + 593 2 580 067

Minister of Foreign Affairs

Embajador Dr. José Ayala Lasso  
Ministro de Relaciones Exteriores  
Ministerio de Relaciones Exteriores  
Av. 10 de Agosto y Carrión  
Quito  
Ecuador  
Fax: + 593 2 504 933 / 564 873

**COPIES OF YOUR APPEALS TO:**Non-governmental Organisation

Centro de Documentación en Derechos Humanos  
Av. 10 de Agosto 2655  
Edif. Tauro, Of. 802  
Quito, Ecuador

## **EL SALVADOR: The abduction of Miguel Montenegro**

*Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.*

(Declaration on Human Rights Defenders, Art. 2.1)

Miguel Montenegro, president of the *Comisión de Derechos Humanos de El Salvador* (CDHES), Commission on Human Rights of El Salvador, was abducted and held for two hours by several heavily-armed men on 26 April 1999 in the capital, San Salvador.

The abductors, who were travelling in two vehicles with tinted windows, captured Miguel Montenegro as he was driving his car through the capital and held him for two hours while driving around the city, until setting him free on the east side of San Salvador at 10.00 pm. During that time, they insulted him and threatened him with death. Then they warned him not to report the abduction, and said that they knew where he worked and where he lived, and that if he talked they would take reprisals on him and his family. They also stated that they had contacts in the police force.

During the last few months similar attacks have taken place in El Salvador. In March, the president of the *Centro para la Defensa del Consumidor* (Centre for the Defence of the Consumer), a group which works in defence of the under-privileged, was abducted in similar circumstances and was held for some 19 hours. Furthermore, the Human Rights Department of the Lutheran Church and other organizations have recently had their headquarters raided. Although human rights defenders are officially free to carry out their work, cases such as the abduction of Miguel Montenegro demonstrate the risks that they face on account of their legitimate activities.

The CDHES has been the target of attacks since 1978, when it was founded with the backing of the archbishop Óscar Romero – killed in 1980. Since then, several of its members have died violently or have “disappeared” on account of their legitimate activities.

Following the 1992 peace agreements, which put an end to 12 years of armed internal conflict, it was hoped that those responsible for secret killings, torture and “disappearances”, all systematic during that period, would be brought to justice and the “death squads” and paramilitary groups would cease to exist. The resurgence of violence in 1993 led to the creation of the *Grupo Conjunto para la Investigación de Grupos Armados Ilegales con Motivación Política en El Salvador* (Joint Group for the Investigation of Politically-Motivated Illegal Armed Groups in El Salvador). This group concluded that the organised groups which carried out acts of political violence continued functioning, although their relation with State structures was less evident than in the past. It also formulated several recommendations for investigations to be undertaken and preventative measures to be taken, but these have yet to be put into practice. The CDHES has reported the existence of extermination groups or “death squads” and has asked that the Joint Group’s recommendations be applied.

**RECOMMENDED ACTIONS:**

- ***Write to the El Salvadorian Authorities:***

- express concern for the abduction, on 26 April 1999, of Miguel Montenegro, president of the Commission on Human Rights of El Salvador (CDHES), and the death threats against him and his family;

- ask the authorities to carry out an immediate, thorough and independent investigation into the death threats, and to bring those responsible to justice;

- ask the authorities to guarantee the safety of Miguel Montenegro and the other members of the CDHES in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- ***In contacts with your own government:***

- ask them to observe the situation of human rights defenders in El Salvador, especially that of the members of CDHES.

- ***Give this case as much publicity as possible.***

**APPEALS TO:**President of the Republic

S.E. Dr. Armando Calderón Sol  
 Presidente de la República de El Salvador  
 Avda. Los Diplomáticos, B° San Jacinto  
 San Salvador, El Salvador  
 Fax: + 503 281 0018  
 e-mail: presidente@casapres.gob.sv

Attorney General

Sr. Manuel Córdoba Castellanos  
 Fiscal General  
 Centro de Gobierno, 5° Piso  
 San Salvador, El Salvador  
 Fax: + 503 225 6171

Human Rights Procurator

Eduardo Peñate Polanco  
 Procurador para la Defensa de los Derechos Humanos  
 9ª Av. Norte y 5º Calle Poniente  
 Edificio AMSA N° 535  
 San Salvador, El Salvador  
 Fax:+ 503 271-2886

**COPIES OF YOUR APPEALS TO:**Non-governmental Organisation

Comisión de Derechos Humanos de El Salvador (CDHES)  
 Urbanización La Esperanza  
 Pasaje 1, N° 117  
 San Salvador, El Salvador

## **GUATEMALA: The killing of Bishop Juan José Gerardi Conadera**

*Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.*

(Declaration on Human Rights Defenders, Art.1)

The killing of the Guatemala's auxiliary bishop, Monsignor Juan José Gerardi Conadera, has still not been solved despite the government's commitment to carry out a thorough investigation and to bring those responsible to justice. The bishop was beaten to death about the head on 26 April 1998, two days after presiding over the national presentation of the REMHI report, produced by the Catholic church on the atrocities committed during more than 3 decades of civil conflict in Guatemala. The report, the result of 3 years' work and based on more than 55,000 reportings of human rights violations, concluded that the security forces were responsible for approximately 79 per cent of these violations. Bishop Gerardi had been one of the principal advocates of the project.

For months the authorities insisted that bishop Gerardi was the victim of a common crime or a crime of passion, and took no notice of requests from the *Oficina de Derechos Humanos del Arzobispado de Guatemala* (ODHA), Human Rights Office of the Archbishopric of Guatemala, which the bishop coordinated, other local non-governmental organizations and the former Public Prosecutor, Acisclo Valladares, to follow up the evidence which suggests that the crime was politically motivated. The Catholic church appointed Acisclo Valladares to examine the official investigation of the killing and, at the end of November 1998, he concluded that the bishop had probably been extrajudicially executed and that the priest Mario Orantes, held in custody since 22 July 1998 in connection with the case, was innocent. Both Mario Orantes' Defence and the Catholic church repeatedly questioned the impartiality of the attorney and the judge in charge of the case until, in January 1999, both were replaced. One month later, Henry Monroy, the new judge assigned to the case, released the priest. In March 1999, the new attorney in charge of the case finally announced that he would study the possibility that the killing was politically motivated.



Bishop Juan José Gerardi (*right*) and Ronalith Ochaeta during their visit to AI's International Secretariat in 1993. ©AI

Since bishop Gerardi's death, several people, including lawyers, witnesses and members of the Catholic church, have been the object of death threats and harassment for supporting the more likely theory that the killing was politically motivated.

The principle witness of the case, Diego Méndez Perussina, who in his testimony implicated several military personnel in the killing, had to leave Guatemala in February 1999 for security reasons. At the end of January he managed to escape from a vehicle in which a group of unknown men tried to abduct him on the eve of his testimony. Diego Méndez Perussina was working as a taxi-driver in the environs of the parochial house on the night of bishop Gerardi's killing.

In Guatemala City on 16 April 1999, three armed men forcibly entered the home of Ronalht Ochaeta, director of ODHA. They threatened a servant and pointed a pistol at Ochaeta's four-year-old son. They left after searching the house, and left a box resembling a bomb which contained a brick: apparently alluding to the block of cement used to beat the bishop to death almost exactly a year before. Other church figures and people connected either with the ODHA or the REMHI report, received death threats around that date. Helen Mack, director of the human rights organization Myrna Mack Foundation, apparently received a similar brick on the anniversary of bishop Gerardi's death.

Amnesty International continues to view with deep concern the defects and partiality of the official investigation into the killing of bishop Juan José Gerardi, as well as the lack of protection for possible witnesses, members of the ODHA and others connected with the case.

#### RECOMMENDED ACTIONS:

- **Write to the Guatemalan Authorities:**

- urge them to broaden their investigation into the killing of Juan José Gerardi on 23 April 1998, bearing in mind the conclusions of the Acisclo Valladares report, which states that the bishop was most probably extrajudicially executed, with the possible implication of active or retired military personnel;

- ask that all persons implicated in the killing be brought to justice regardless of the post that they occupy;

- urge the authorities to protect possible witnesses, members of the Human Rights Office of the Archbishopric of Guatemala (ODHA) and other persons connected with the case; to thoroughly investigate the threats and human rights violations committed against these persons and to bring those responsible to justice;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe the progress in the investigation into the killing of bishop Juan José Gerardi, and the situation of human rights defenders in Guatemala.

- **Give this case as much publicity as possible.**

#### APPEALS TO:

##### President of the Republic

S.E. Álvaro Arzú Irigoyen  
 Presidente de la República de Guatemala  
 Palacio Nacional, 6ª Calle y 7ª Avenida  
 Zona 1, Ciudad de Guatemala, GUATEMALA  
 Tel: + 502 221 4545  
 Fax: + 502 221 4537  
 e-mail: alvaroarzu@guate.net  
 alvaroarzu@guateconnect.com

##### Procurator General

Lic. Carlos García Regás  
 Procurador General de la Nación  
 Procuraduría General de la Nación  
 15ª Avenida 9-69, Zona 13, Ciudad de Guatemala,  
 GUATEMALA  
 Tel: + 502 331 1006  
 Fax: + 502 334 8465

#### COPIES OF YOUR APPEALS TO:

##### Non-governmental Organisation

Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHA)  
 6ª Calle 7-70, Apartado Postal 723  
 Zona 1, Guatemala, GUATEMALA  
 e-mail: ODHAGUA@pronet.net.gt  
<http://www.guateconnect.com.odhagua>

## HAITI: Attempt on the life of Pierre Espérance

*Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.*

(Declaration on Human Rights Defenders, Art. 7)

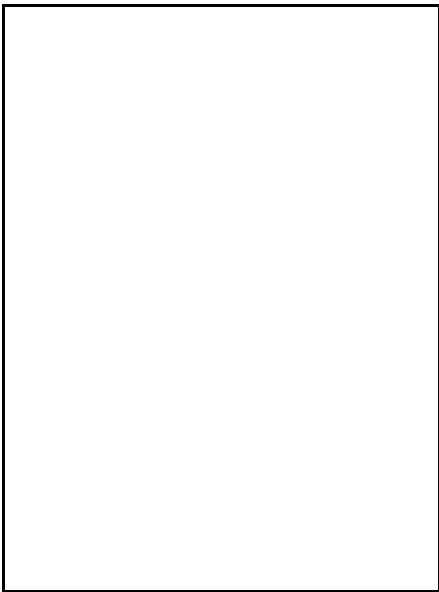
There are fears for the safety of the human rights defender Pierre Espérance, who was the victim of an attempt on his life in Port-au-Prince on 8 March 1999, when some gunmen fired at him. For some days afterwards he received several death threats.

Pierre Espérance, director of the National Coalition for Haitian Rights – a human rights organization based in New York – was travelling in a car with a colleague when another vehicle pulled in front of them and stopped. A man got out and fired at them with a machine gun.

When Pierre Espérance tried to run away, the occupants of the vehicle followed him and shot at him again. The human rights defender was injured, and required hospital treatment. His companion escaped injury.

No one has claimed responsibility for the attack. The Director of the National Coalition for Haitian Rights stated in New York that “indications are that that this was a cold-blooded and premeditated attempt to murder a well-known human rights advocate.”

Pierre Espérance joined the National Coalition for Haitian Rights in 1991, a few weeks after the military coup d'état which brought down the democratic government of Jean-Bertrand Aristide. Since then he has worked for the victims of human rights violations, risking his life on several occasions in the process of documenting the abuses. In 1995, he became director of the organization's office in Haiti, and was recently elected treasurer of the *Plateforme des Organisations Haïtiennes des Droits de l'Homme*, Platform of Haitian Human Rights



Pierre Espérance, recovering from the attack of March 1999. ©AI

Groups). At the beginning of March, a series of leaflets circulated around Port-au-Prince; in them human rights groups, especially the Platform, were threatened.

Although human rights defenders are officially free to carry out their work, the recent threats against human rights organization and the attack on Pierre Espérance demonstrate the risks faced by them on account of their legitimate activities. The government should take measures to ensure the safety of all human rights defenders and investigate the violations against them, bringing those responsible to justice.

**RECOMMENDED ACTIONS:**

- **Write to the Haitian Authorities:**

- express concern for the attack on 8 March 1999, against Pierre Espérance, director of the National Coalition for

Haitian Rights, and the threats against other human rights defenders in Haiti;

- ask the authorities to carry out an immediate, thorough and independent investigation into both the attack and the threats, and to bring those responsible to justice;

- ask the authorities to guarantee the safety of Pierre Espérance and all human rights defenders in Haiti, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe the situation of human rights defenders in Haiti.

- **Give this case as much publicity as possible.**

**APPEALS TO:**President of the Republic

S.E. Monsieur René Préval  
Président de la République de Haiti  
Présidence de la République de Haiti  
Palais National, Champ de Mars  
Port-au-Prince, Haiti  
Fax: + 509 23-2530

Chief of Police

Monsieur Pierre Denizé  
Directeur général de la Police nationale d’Haïti  
Grand quartier général, 12 rue Oscar  
Port-au-Prince, Haiti  
Fax: + 509 45-73 74

Inspector General of Police (in charge of the investigation into police abuses)

Monsieur Luc Eucher Joseph  
Inspecteur général de la Police nationale d’Haïti  
rue Oscar Prolongée Pacot  
Port-au-Prince, Haiti  
Tel./fax: + 509 45-9256

**COPIES OF YOUR APPEALS TO:**Non-governmental Organisation

National Coalition for Haitian Rights  
275 Seventh Avenue, 25th Floor  
New York, NY 10001, USA  
Fax: + 1 212 337 0028

Non-governmental Organisation

Plateforme des Organisations Haïtiennes des Droits de l’Homme  
Casier Postal 19181  
Port-au-Prince,  
Haiti

**HONDURAS: Impunity for the extrajudicial execution of Ernesto Sandoval Bustillo**

... everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

(Declaration on Human Rights Defenders, Art. 9.2)

On 10 February 1998, Ernesto Sandoval Bustillo, regional coordinator of the non-governmental organization *Comité para la Defensa de los Derechos Humanos en Honduras* (CODEH), Committee for the Defence of Human Rights in Honduras, and former Justice of the Peace, died when he was shot by several unidentified men as he walked to the offices of the organization in Santa Rosa de Copán, Honduras.

Ernesto Sandoval Bustillo had reportedly received several death threats from *Los Justicieros de la noche* ("Avengers of the night"), a so-called "death squad" active in Santa Rosa de Copán. In a statement to the press on 26 December 1997, this group had accused human rights defenders of defending criminals and had listed 75 people who it intended to capture and execute. Despite appeals to the authorities from human rights organizations for those responsible to be identified and brought to justice, there were no reports of any investigation being initiated. Although in the case of Ernesto Sandoval Bustillo's death the *Dirección General de Investigación Criminal* (DGIC), Directorate of Criminal Investigation, did initiate an investigation, the case is still open and no one has been charged with the crime.

At the time that he was killed, Ernesto Sandoval Bustillo was investigating the killing of Cándido Amador Recinos on 12 April 1997, as well as other past crimes against human rights defenders by members of the Honduran security forces. Cándido Amador Recinos, a member of the Chortí indigenous group, was secretary general of the *Consejo General de Asesoramiento para el Desarrollo de Las Etnias Autóctonas de Honduras* (General Council of Assessment for the Development of Indigenous Groups in Honduras). Others who pressed for a full investigation into his death received death threats and some were killed. No proper investigation was completed and no one has yet been brought to justice for the killing.

Other members of CODEH were under surveillance around the time that Ernesto Sandoval Bustillo was killed, in an apparent attempt to limit the legitimate activities of the organization. In April 1998, the Head of the Honduran Armed Forces, General Mario Hung Pacheco, requested a court to order the arrest of Ramón Custodio, president of CODEH, reportedly accusing him of forging documents.

Amnesty International considers the death of Ernesto Sandoval Bustillo and the intimidation of human rights defenders in Honduras are directly related to their efforts to bring to light the grave human rights violations committed in the country and to press the authorities into bringing those responsible to justice. The slowness of the investigations or the lack of these indicates a lack of political will on the part of the authorities to afford proper protection to human rights defenders in Honduras.

#### RECOMMENDED ACTIONS:

- **Write to the Honduran Authorities:**

- ask for the immediate and substantial progress to be made in the investigation of the killing of Ernesto Sandoval Bustillo, that those responsible be brought to justice and that adequate redress be awarded;

- ask the authorities to guarantee the safety of members of the Committee for the Defence of Human Rights in Honduras (CODEH) and all human rights defenders in the country, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe progress in the investigation into the killing of Ernesto Sandoval Bustillo and the situation of human rights defenders in Honduras.

- **Give this case as much publicity as possible.**

#### APPEALS TO:

##### President of the Republic

Excmo. Sr. Carlos Roberto Flores  
 Presidente de la República de Honduras  
 Casa Presidencial, 6ª Avenida, 1ª Calle  
 Tegucigalpa, Honduras  
 Fax: + 504 356949

##### Director of the DIC

Dr. Wilfredo Alvarado  
 Director de la Dirección de Investigación Criminal (DIC)  
 7ª avenida, contigua Celocías Palermo  
 Comayagüela, Tegucigalpa, Honduras  
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##### Attorney General

Sr. Roy Edmundo Medina  
 Fiscal General  
 Fiscalía General de la República  
 Ministerio Público, Edificio Castillo Poujol  
 4º Avda., Colonia Palmira, Boulevard Morazán,  
 Tegucigalpa, Honduras  
 Fax: + 504 393687/394750

#### COPIES OF YOUR APPEALS TO:

##### Non-governmental Organisation

Comité para la Defensa de los Derechos Humanos en Honduras (CODEH)  
 Apartado Postal 3189, Tegucigalpa, Honduras  
 e-mail: codeh@ns.hondunet.net

## MEXICO: Intimidation and harassment of defenders working with prisoners

... everyone has the right, individually and in association with others, *inter alia*:

To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(Declaration on Human Rights Defenders, Art. 9.3 (a))



Consuelo Morales, director of CADHAC. ©AI

Amnesty International views with concern the repeated acts of intimidation and harassment on the part of the regional Mexican authorities against members of the *Ciudadanos en Apoyo a los Derechos Humanos, Asociación Civil* (CADHAC), Citizens for Human Rights, a human rights organization from Monterrey, in Nuevo León state.

In a recent case, during the last days of February 1999, CADHAC offices were put under constant surveillance: several men, some in the uniform of the *Policía Judicial del Estado* (PJE), State Judicial Police, stayed parked outside the organization's headquarters in two vans and followed its members away from the office on various occasions. Furthermore, threats were left on the headquarters' answer-machines and at the homes of some of the members, and their fax machines and e-mail systems were allegedly blocked.

On 23 February 1999, CADHAC had made a public statement on reports of torture at the *Centro de Readaptación Social de Apodaca* (CERESO de Apodaca), Centre for Social Re-adaptation, Apodaca – a prison in Monterrey – and how the organization's work had been hindered. The day before, more than 40 inmates had begun a hunger strike in protest at the torture and mistreatment. When members of CADHAC tried to visit the prison at the request of family members of the prisoners on strike, the prison staff denied them access.

CADHAC is a small human rights organization, made up mostly by women, and mainly dedicated to defending the rights of prisoners. Since 1996, it documented and uncovered the appalling confinement conditions at CERESO de Apodaca. In the past its members have been the object of harassment, incidents such as those described above, because of the work they do. In May 1998, the Vice-secretary of Security for Nuevo León publicly accused sister Consuelo Morales Elizondo, director of CADHAC, of making unfounded accusations regarding mistreatment of prisoners at CERESO de Apodaca, and threatened to file a complaint against her. At the end of November 1998, the organization's offices were put under constant surveillance by uniformed policemen and unidentified persons. On 17 November, Amnesty International had addressed the authorities of Nuevo León asking for the threats against CADHAC and the abuses committed at CERESO de Apodaca, to be investigated.

Amnesty International considers the obstacles faced by CADHAC represent an attempt on the part of the Mexican authorities to undermine its legitimacy and credibility. The harassment of its members seems to be an attempt to dissuade them from observing the human rights situation of Mexican prisoners and from asking for CADHAC's reports to be officially investigated.

**RECOMMENDED ACTIONS:**

- **Write to the Mexican Authorities:**

- express concern for the repeated acts of intimidation and harassment against the members of Citizens for Human Rights (CADHAC), especially against its director, Consuelo Morales Elizondo;

- ask for effective safety measures to protect members of CADHAC, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- ask the government to also act in accordance with the UN Resolution 1998/4 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, August 1998 in which it asks the Mexican authorities to “ensure full respect for the international instruments to which Mexico is party and ... attach the highest priority ... to promoting the action of human rights defenders and guaranteeing their safety;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe the situation of human rights defenders in Mexico and especially that of members of CADHAC.

- **Give this case as much publicity as possible.**

**APPEALS TO:**Minister of the Interior

Lic. Francisco Labastida Ochoa  
 Secretario de Gobernación, Secretaría de Gobernación  
 Bucareli 99, 1º, Col. Juárez C.P.06699, México DF,  
 MÉXICO  
 Fax: + 52 5 546 5350

Governor of Nuevo León

Lic. Fernando Canales Clariond  
 Gobernador de Nuevo León  
 Palacio de Gobierno del Estado de Nuevo León,  
 Monterrey, NL, MÉXICO  
 Fax: + 52 8 343 9873

President of the Congress of Nuevo León

Lic. Gerardo Garza Sada  
 Presidente del Congreso de Estado de Nuevo León  
 Matamoros y Zaragoza, zona centro  
 64000, Monterrey, NL, MÉXICO

**COPIES OF YOUR APPEALS TO:**Human Rights Committee of the Congress of NL

Dip. Lucilda Pérez Salazar  
 Presidenta del Comité de Derechos Humanos del  
 Congreso de Estado de Nuevo León  
 Matamoros y Zaragoza, zona centro  
 64000, Monterrey, NL, MÉXICO

Non-governmental Organisation

CADHAC, Padre Mier 617 PTE,  
 64000 Monterrey, NL, MÉXICO  
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 feliperod@yahoo.com

## MEXICO: Human rights defenders, victims of abuse by the judicial system

*Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms.*

(Declaration on Human Rights Defenders, Art. 8)

Indalecio Pérez Pascual has been the object of harassment by the authorities of the Mexican state of Tabasco since the middle of 1996. Since October of that year, he has been forced to seek refuge in other parts of the country due to a smear campaign followed by a murder charge against him, the investigation of which allegedly lacked any impartiality.

Indalecio Pérez Pascual, a 36 year-old member of the Chontal indigenous group, married with five children, was an activist with the *Comité de Derechos Humanos de Tabasco A.C. (CODEHUTAB)*, Tabasco Human Rights Committee, and member of the *Comité de Derechos Humanos Indígena de Macuspana* (Macuspana Indigenous Human Rights Committee), Tabasco municipality. As part of his work, he often filed complaints regarding serious cases of human rights violations in Tabasco state.



Indalecio Pérez Pascual con parte de su familia.

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On account of his activism, Indalecio Pérez Pascual has been the victim of abuse by the courts and the object of a smear campaign throughout the media by local political figures who linked him to the *Ejército Popular Revolucionario (EPR)*, Revolutionary Popular Army, an armed opposition group. Later, he was accused of killing a militant of the *Partido de la Revolución Democrática (PRD)*, Party of the Democratic Revolution, during a demonstration in July 1995. On 24 September 1996, the Villahermosa judge in the Tabasco state ordered his arrest, allegedly without first having examined in depth the Public Ministry's inquiry. Since then, Indalecio Pérez has tried in vain to use all legal recourses to prove his innocence.

The *Comisión Nacional de Derechos Humanos (CNDH)*, National Human Rights Commission, concluded on 31 August 1998 that the investigation carried out by the Public Ministry lacked impartiality by omitting certain procedures requested by Indalecio Pérez, by not considering testimonies offered by him and by accepting clearly fabricated testimonies against him. The Commission also pointed out that the investigating attorney committed serious deficiencies by delaying obtaining ballistic evidence and by not investigating other suspects thoroughly. The CNDH recommended that the Governor of Tabasco communicate its conclusions to the Attorney General's Office in Tabasco to determine whether it would dismiss the case against Indalecio Pérez. It also recommended that the actions of various officials at the Public Ministry of Macuspana and at the Attorney General's office in Tabasco be investigated, and if necessary to impose sanctions. The Tabasco State Authorities rejected the CNDH's recommendations.

Other incidents would indicate that Indalecio Pérez' case is not isolated and that there would seem to be a campaign of harassment against members of CODEHUTAB. The priest Francisco Goitia Prieto, president of the organization, was accused of murder following a traffic accident in November 1997 and was publicly discredited, while the brothers of the victim reported being pressured by members of the police to accuse the priest.

#### RECOMMENDED ACTIONS:

- **Write to the Mexican Authorities:**

- express concern for the harassment of Indalecio Pérez and other members of CODEHUTAB as a consequence of their work as defenders, and ask for guarantees to end the harassment and for their safety;

- ask that the criminal proceedings against Indalecio Pérez be reviewed and that the reported irregularities be impartially investigated, in accordance with the recommendations made by the CNDH in July 1998; ask for the results to be made public;

- ask for effective safety measures to protect members of CODEHUTAB, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to "guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights";

- ask the government to also act in accordance with the UN Resolution 1998/4 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, August 1998 in which it asks the Mexican authorities to "ensure full respect for the international instruments to which Mexico is party and ... attach the highest priority ... to promoting the action of human rights defenders and guaranteeing their safety;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental*

*Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe the situation of human rights defenders in Mexico and especially that of members of CODEHUTAB.

- **Give this case as much publicity as possible.**

#### APPEALS TO:

##### President of the Republic

Lic. Ernesto Zedillo Ponce de León  
 Presidente de la República  
 Residencia Oficial de los Pinos  
 México DF, México.  
 Fax: (+ 525) 515 5729

##### Governor of Tabasco

Lic. Roberto Madrazo Pintado, Gobernador de Tabasco  
 Palacio de Gobierno, Lerdo y Sáenz, C.P. 86009  
 Villahermosa  
 Estado de Tabasco, México.  
 Fax: (+52 93) 123347. gobtab@tabasco.gob.mx

##### Attorney General of Tabasco

Lic. Patricia Pedredo y Duarte  
 Procuradora de Tabasco  
 Procuraduría General de Justicia  
 Paseo Usumacintas/n esq. Ayuntamiento Villahermosa,  
 Estado de Tabasco, México.  
 Fax: (+52 93) 13 1499 / 2196 / 2080.

#### COPIES OF YOUR APPEALS TO:

##### Non-governmental Organization

Comité de Derechos Humanos de Tabasco, A.C.  
 C/ Andrés Sánchez Magallanes n°844-A, Centro  
 C.P. 86000 Villahermosa, Estado de Tabasco, México.  
 E-mail: codehutab@laneta.apc.org

### **PERU: Attempt on the life of a family member of a defender in Moyobamba**

*For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels ... to form, join and participate in non-governmental organizations, associations or groups;*

(Declaration on Human Rights Defenders, Art. 5 (b))

Lola Flores, member of the *Comité de Derechos Humanos de Moyobamba*, Moyobamba Human Rights Committee, received several death threats, and her husband, Esteban Ríos, was injured from shots on 13 March 1999.

The Moyobamba Human Rights Committee is a non-governmental human rights organization with its headquarters in Moyobamba, San Martín department. On 13 March, two men wearing balaclavas approached Esteban Ríos, asked him about his wife's work on the Committee and then beat him about the head with a stick. When Esteban Ríos tried to defend himself, they shot him twice. Due to the seriousness of his injuries, he had to be taken to hospital in the capital, Lima.

In February 1999, Lola Flores apparently took charge of the case of a man who had been ill-treated by a drunk policeman in Zoritor district, on the outskirts of Moyobamba. When Lola Flores went to the police station to report the incident, a policeman reportedly threatened to open fire on her, and bragged that "nothing would happen" if he did.

Members of the Moyobamba Human Rights Committee, and especially Lola Flores, have received death threats since 1998. During the last few years, many other human rights activists from all over the country have been the object of death threats. Amnesty International has repeatedly asked the Peruvian authorities to investigate those threats impartially and independently and that they guarantee that all human rights defenders can carry out their work without intimidation. However, the authorities do not seem to have taken effective measures to bring an end to these violations.

**RECOMMENDED ACTIONS:**

- ***Write to the Peruvian Authorities:***
  - express concern for the threats against Lola Flores and the attack on her husband, Esteban Ríos on 13 March 1999, as well as past threats against members of the Moyobamba Human Rights Committee;
  - ask the authorities to thoroughly investigate these acts of intimidation, make the findings public, and bring those responsible to justice;
  - ask for effective safety measures to protect members of the Moyobamba Human Rights Committee, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;
  - underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.
- ***In contacts with your own government:***
  - ask them to observe the situation of human rights defenders in Peru, and especially that of members of the Moyobamba Human Rights Committee.
- ***Give this case as much publicity as possible.***

**APPEALS TO:**

President of the Republic  
 Excmo. Sr. Alberto Fujimori  
 Presidente de la República del Perú  
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 Plaza Mayor  
 Lima 1, Perú  
 Fax: +511 426 6770

Minister of the Interior  
 Sr. D. José Villanueva Ruesta  
 Ministro del Interior  
 Ministerio del Interior  
 Plaza 30 de Agosto s/n  
 Urb. Córpac, San Isidro  
 Lima 27, Perú

**COPIES OF YOUR APPEALS TO:**

Non-governmental Organisation  
 Coordinadora Nacional de Derechos Humanos  
 Av. Tupac Amaru 2467  
 Lince, Lima 14  
 Perú

### **VENEZUELA: Arbitrary detention of Juan Bautista Moreno**

*Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.*

(Declaration on Human Rights Defenders, Art. 2.2)

The Venezuelan human rights defender Juan Bautista Moreno was arbitrarily arrested between 27 and 29 January 1999, and was held incommunicado until 1 February in the military headquarters in Guasdalito, Apure state, near the border with Colombia. Some of the other eight people arrested alongside him were tortured before being released.

Juan Bautista Moreno works in collaboration with the *Comité para la Defensa de los Derechos Humanos* (CODEHUM), Committee for the Defence of Human Rights, a non-governmental organization based in Guasdalito. He had previously received several death threats from the army, and had been arbitrarily arrested in October 1996, and again on 19 October 1998, when a group of soldiers took him from his home to the military headquarters in Guasdalito. On that occasion, he was held for eight hours, during which the colonel in command of military operations in the region accused him of belonging to a Colombian guerrilla group operating in Venezuela and threatened him with “disappearance”. Juan Bautista Moreno protested his innocence stating that he was only working to improve the living conditions of the local inhabitants, to which an officer replied: “[that] is precisely the problem”.

On 1 February 1999, Juan Bautista Moreno and the other persons detained with him were allowed to receive a visit from relatives and members of CODEHUM. However, during the visit they were prohibited from speaking to the detainees. During this period, none of them had access to proper legal representation. Juan Bautista Moreno was released on 25 February. In Venezuela, as in Brazil and Mexico, both national and international organizations have difficulty entering penitentiary centres. Although Amnesty International recognises that the State needs to control situations which could affect public or institutional security, the organization considers that these measures should not be applied at the expense of activities of independent observation by human rights groups.

Since 1995, the year in which certain constitutional safeguards were suspended in Apure and another three border states, the security forces have been able to make arrests and enter private property a court order, they have also limited freedom of movement. This has led to random human rights violations by the security forces, in a situation in which the victims have little opportunity for redress. Human rights defenders and political and community activists have suffered harassment, intimidation and arbitrary detentions. In February 1999, the new president Hugo Chávez Frías restored constitutional guarantees.

The detention of Juan Bautista Moreno seems to be aimed at intimidating the local population and to warn it not to file complaints about violations against human rights organizations committed by the Venezuelan army.

**RECOMMENDED ACTIONS:**

- **Write to the Venezuelan Authorities:**

- express concern for the arbitrary arrest of Juan Bautista Moreno in January 1999, and the alleged ill-treatment to which he was submitted in the days following;

- ask the authorities to thoroughly investigate the complaints of ill-treatment and past cases of intimidation and arbitrary arrest to which Juan Bautista Moreno has been subjected, to make the findings public, and to bring those responsible to justice;

- express satisfaction for the restoration of constitutional guarantees in February 1999, and ask for effective safety measures to protect Juan Bautista Moreno, in accordance with UN Resolution 1998/3 approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 20 August 1998. This resolution, as well as condemning extrajudicial executions and other violations committed against human rights defenders, urged States to “guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights”;

- underline the need for the authorities to recognize the legitimate work of human rights defenders, as recognized by the UN General Assembly in December 1998 when it adopted the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms*; ask that the principles of this Declaration be incorporated into work and systems for human rights protection, and urge that state agents at all levels be urged to act according to these principles.

- **In contacts with your own government:**

- ask them to observe the situation of human rights defenders in Venezuela.

- **Give this case as much publicity as possible.**

**APPEALS TO:**Minister of Defence

General de división (Ej.) Raúl Salazar Rodríguez  
 Ministro de Defensa Nacional  
 Ministerio de Defensa Nacional  
 Fuerte Tiuna, Conejo Blanco  
 El Valle  
 Caracas, Venezuela  
 Fax: +58 2 662 4078

Attorney General of the Republic

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 Fiscal General de la República  
 Manduca a Ferrenquín  
 La Candelaria  
 Caracas, Venezuela  
 Fax: +58 2 577 2144

President of the National Human Rights Commission

Dr. Alfredo Peña  
 Presidente de la Comisión Nacional de  
 Derechos Humanos  
 Palacio de Miraflores  
 Edificio Bicentenario, Nivel Plaza, Of. 206  
 Caracas, Venezuela  
 Fax: + 582 861 0793

**COPIES OF YOUR APPEALS TO:**Non-governmental Organisation

Comité Defensa Derechos Humanos (CODEHUM)  
 Oficina Expreso los Llanos, calle Cedeño N 59  
 Guasualito, Estado Apure  
 Venezuela

Non-governmental Organisation

Sres. Red de Apoyo por la Justicia y la Paz  
 Apartado Postal 455, Carmelitas  
 Caracas, 1010-A  
 Venezuela

## APPENDIX

### **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

*The General Assembly,*

*Reaffirming* the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

*Reaffirming also* the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

*Stressing* that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

*Acknowledging* the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

*Recognizing* the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

*Reiterating* that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

*Stressing* that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

*Recognizing* the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

*Declares:*

*Article 1*

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

*Article 2*

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

*Article 3*

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

*Article 4*

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

*Article 5*

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

*Article 6*

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

*Article 7*

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

*Article 8*

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

*Article 9*

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

#### *Article 10*

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

#### *Article 11*

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

#### *Article 12*

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto*

or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

#### *Article 13*

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

#### *Article 14*

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

#### *Article 15*

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

#### *Article 16*

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental

freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

*Article 17*

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

*Article 18*

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

*Article 19*

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

*Article 20*

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.